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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, *et al.,* Plaintiffs, v. WILBUR L. ROSS, JR., *et al.*, Defendants.	Civil Action No. 3:18-cv-01865-RS **DECLARATION OF CAROL FEDERIGHI IN SUPPORT OF DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT** Date: December 7, 2018 Time: 10:00 a.m. Judge: Honorable Richard Seeborg Dept.: 3

I, Carol Federighi, declare as follows:

1. I am an attorney at the United States Department of Justice, counsel for Defendants in the above-captioned litigation. I submit this declaration in support of Defendants' reply in support of their motion for summary judgment.
2. Attached as **Exhibit A** is a true and accurate copy of selections from the November 14, 2018, trial testimony of Dr. John Abowd, chief scientist of the Census Bureau, in the matter *New York v. U.S. Dep't of Commerce*, 18-cv-2921 (S.D.N.Y.).

I declare under penalty of perjury that the foregoing is true and correct.

November 26, 2018
Washington, D.C.

/s/ Carol Federighi
Carol Federighi

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----------x
STATES OF NEW YORK, COLORADO, CONNECTICUT, DELAWARE, ILLINOIS, IOWA, MARYLAND, MINNESOTA, NEW JERSEY, NEW MEXICO, NORTH CAROLINA, OREGON, RHODE ISLAND, VERMONT, and WASHINGTON, *et al.*,

Plaintiffs,

v. 18 Civ. 2921 (JMF)

UNITED STATES DEPARTMENT OF COMMERCE, *et al.*,

Trial

Defendants.

----------x

NEW YORK IMMIGRATION COALITION,*et al.*,

Consolidated Plaintiffs,

v. 18 Civ. 5025 (JMF)

UNITED STATES DEPARTMENT OF COMMERCE, *et al.*,

Defendants.
----------x

New York, N.Y.
November 14, 2018
9:00 a.m.

Before:

HON. JESSE M. FURMAN,

District Judge

populations.

Q. Then lastly, Dr. Hillygus says that depending on modeling assumptions, Brown, et al. estimates range from 5.1 to 11.9.

Do you agree with that?

A. I think I just expressed how that would properly be done with the analysis that the ranges from 5.1 percentage points to 5.8 percentage points.

Q. We can take this down.

One last point on self-response before we turn to NRFU.

Do you recall Dr. Barreto's testimony regarding his survey he ran?

A. Yes, I do.

Q. What is your opinion of his survey?

A. So Dr. Barreto ran a public opinion survey of a telephone interview form sample from a combination of telephone lists used for that purpose and asked questions about intentions to do -- basically intentions to take the 2020 census in various forms.

He randomized which questions were asked to certain populations or certain sub samples. He didn't randomize the order in which the experiment was conducted. He drew conclusions about the relationship between the reported intentions to do something in a single survey to various operations in the 2020 census.

I disagree with most of those conclusions primarily

because the asking someone about their intention to do something and actually measuring what they do in a field experiment is very different.

Just because something is randomized doesn't make it a salient, randomized controlled trial. You are trying to randomize the treatment that you actually want to implement. In this case, the relevant randomization is over whether or not there is a citizenship question in the census form when you're asked to take it.

The other reason that I disagree with Dr. Barreto's conclusions is that he had a 29 percent response rate, and that is perfectly respectable for public opinion polling. In fact, the CBAMS survey that we discussed earlier had a 31 percent response rate. But the Census Bureau, when it used the CBAMS result, used them to inform marketing and partnership decisions, not to make an inference about what would happen on the 2020 census, certainly not to make an inference about which sizes of households might be more or less inclined to go to proxy.

You have to be a lot more careful about the survey design if you want to do those household or population comparisons. In particular, you have to make sure the weights are correct so, in his analysis, the average household size is bigger for the whole population, is bigger than the estimate from the current population survey substantially bigger, so that means

he didn't control his weights to any objective population totals, which is also perfectly fine for opinion polls. But not if you're then going to subsequently make an inference about the difference in the households sizes from two different sub populations, and particularly if you're not going to make an inference about one of those sub populations based on a very small sub sample of your survey data in the first place.

When you do that, not only do you have to get the weights right, you have to get the margins of error right. I'm not able to determine whether he made any corrections to the clustering that the various telephone lists that he used to draw the sample would have induced. I think the margins of error are seriously understated if that wasn't done.

So basically you can use that survey to say exactly the same thing that I've been saying since January 19. The presence of a citizenship question on the 2020 census is likely to depress self-response rates, and the people who are not likely to self-respond are going to be more difficult to follow up.

I don't think those points are in contention, and Dr. Barreto's survey provides additional evidence for them. It doesn't in any way explain how the NRFU component would be related to the survey component. It is all about intentions.

Q. Just one more question, Dr. Abowd, on Dr. Barreto's survey. We'll talk about his NRFU component in a moment.