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CITY OF SAN JOSE and BLACK ALLIANCE FOR JUST IMMIGRATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

CITY OF SAN JOSE, a municipal corporation; and BLACK ALLIANCE FOR JUST IMMIGRATION, a California nonprofit corporation, Plaintiffs, vs.	3:18-cv-02279-RS **DECLARATION OF OPAL TOMETI** Assigned to the Honorable Richard G. Seeborg

WILBUR L. ROSS, JR., in his official capacity as Secretary of the U.S. Department of Commerce; U.S. DEPARTMENT OF COMMERCE; RON JARMIN, in his official capacity as Acting Director of the U.S. Census Bureau; U.S. CENSUS BUREAU,

Defendants.

DECLARATION OF OPAL TOMETI

I, Opal Tometi, declare as follows:

1. I am the Executive Director of the Black Alliance for Just Immigration ("BAJI"). I have been in my current position for approximately six years. I have personal knowledge of the facts set forth below and if called upon to testify, I could and would do so competently as follows:

2. BAJI is a California nonprofit corporation with offices in Oakland, California; Los Angeles, California; and New York, New York.

3. BAJI was founded in April 2006 in response to the mobilization of immigrant communities and their supporters against repressive immigration bills that were pending before the United States Congress at the time.

4. BAJI currently has approximately 1200 members who are predominantly Black immigrants, refugees, and/or African Americans. Though its membership is nationwide, BAJI's members are concentrated in Oakland, California and other parts of the California Bay Area, including San Jose; Los Angeles, California; New York, New York; Miami, Florida; Atlanta, Georgia; and Washington, D.C.

5. BAJI receives funding from individual donors.

6. Propelled by the belief that a thriving multiracial democracy requires racial, social, and economic justice for all, BAJI's core mission is to educate and engage African American and

Black immigrant communities to organize and advocate for racial, social and economic justice for themselves and other underrepresented communities.

7. BAJI fulfills its mission through various means, including, but not limited to, dialogues, presentations, workshops, publications, technical assistance, and trainings.

8. BAJI also builds coalitions and initiates campaigns to advance racial justice, and, at the local and regional levels, provides its partner organizations with relevant training and technical assistance to promote culture shifts necessary to secure equal rights for underrepresented minority communities.

9. BAJI's mission is harmed because the addition of the citizenship question to the 2020 Decennial Census creates a legitimate risk of a heightened undercount of immigrant populations. The impact of such an undercount, including a dilution of political power and a loss of federal funding, on the very immigrant communities that BAJI serves impedes its mission to advance these communities' access to racial, social, and economic justice.

10. Additionally, because BAJI's members are typically concentrated in immigrant-rich metropolitan regions, the impact of an undercount will be disproportionately felt in these discrete locations.

11. BAJI has heard from several of its members who are concerned about the inclusion of a citizenship question on the 2020 Decennial Census. Many have expressed reluctance about participating in the 2020 Decennial Census because of the addition of this question. The fears of BAJI's members about responding to a citizenship question have been further heightened by the current political environment, including a perceived increase in relentless anti-immigrant rhetoric. Several more are apprehensive about the effects of the question, such as a decline in their political representation and, with that, a decrease of critical federal funding. BAJI's members are

concerned that such an impact can exacerbate the inequality experienced by their communities which have already been historically underrepresented.

12. BAJI has also taken steps to divert some of its essential and limited resources—including time and money—from other important matters that BAJI ordinarily would have been addressing to respond to the addition of the citizenship question to the 2020 Decennial Census and to counteract the harmful effects of the question.

13. These outreach and mitigation efforts will divert, and already have diverted, time and money that would otherwise be spent on BAJI's core mission.

14. To ensure that BAJI's members are properly counted in the 2020 Decennial Census, BAJI will also be compelled to conduct additional outreach to these communities to encourage them to participate in the 2020 Census questionnaire. BAJI has determined that such outreach will require the expenditure of additional resources, such as money, staff time, and operational expenses, including, but not limited to, materials, computers, telephones, and other office equipment.

15. The inclusion of a citizenship question on the 2020 Decennial Census will therefore require BAJI to divert its limited and essential resources prior to the date the Census is conducted, regardless of the ultimate impact of the question itself.

16. Because these resources will be diverted and used to encourage participation among groups likely to be affected by the citizenship question before the 2020 Decennial Census takes place, including Black immigrants and other historically underrepresented minority groups, these resources will be expended regardless of whether the Census Bureau's Non-Response Follow Up ("NRFU") procedures ultimately correct any initial undercount.

17. As a result of an anticipated undercount of Black immigrants and other historically underrepresented communities that BAJI serves, BAJI will have to further divert resources to

investigate the scope of the harm of the undercount on its members and core mission. BAJI will also have to divert its resources to combat any resulting reduction in political representation, loss of federal funding, and other harmful effects suffered by the communities it serves.

18. BAJI has begun to prepare for these harmful effects by engaging partner organizations and donors in conversations about census outreach, preparing strategies to engage Black immigrant communities in the Census, and soliciting potential funding for census outreach and education.

19. The aforementioned impact of the addition of a citizenship question to the 2020 Decennial Census, and BAJI's diversion of its resources to address the same, has impaired BAJI's ability to carry out its mission to fostering racial, economic, and social equality for Black immigrants and other historically underrepresented communities.

20. To date, BAJI has expended many hours of additional staff time and related financial resources to field phone calls, provide updates, and answer questions from its constituents, and other community members, about the addition of a citizenship question to the 2020 Decennial Census. Given the nature of the census taking process, BAJI is reserving the majority of the expenditure it will use to address the addition of the citizenship question – resources that will likely be diverted from its other essential services – for its efforts to bolster census participation among its members and other underrepresented minority communities who are fearful about responding to the citizenship question. Accordingly, BAJI expects to allocate at least an additional $200,000 in the next two (2) years to addressing the addition of a citizenship question to the 2020 Decennial Census and attempting to mitigate its harmful effects.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on November 2, 2018 in Los Angeles, California.

OPAL TOMETI