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Attorneys for Plaintiffs

CITY OF SAN JOSE and BLACK ALLIANCE FOR JUST
IMMIGRATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CITY OF SAN JOSE, a municipal
corporation; and BLACK ALLIANCE FOR
JUST IMMIGRATION, a California
nonprofit corporation,

Plaintiffs,

vs.

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.

3:18-cv-02279-RS

**TRIAL AFFIDAVIT OF JEFF
RUSTER**

Ctrm: 3
Judge: The Honorable Richard G.
Seeborg
Trial Date: January 7, 2019
Complaint Filed: April 17, 2018

1 I, Jeff Ruster, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the below
2 is true and correct:

3 1. I am the Assistant Director in the Office of Economic Development of the City of San
4 Jose. I submit this declaration in support of Plaintiff San Jose's motion for summary judgment in
5 the above-referenced matter. I make this declaration to supplement my earlier declaration dated
6 October 30, 2018.

7 2. I have been in my current position for approximately 5 years.

8 3. As part of my official duties, I am overseeing the preparations the City of San Jose is
9 taking for the 2020 Decennial Census, including participation in the Census Bureau's Complete
10 Count Committee program. The national Complete Count Committee program consists of
11 volunteer committees established by tribal, state, and local governments and community leaders
12 or organizations to increase awareness and motivate residents to respond to the 2020 Census.

13 4. I have served as a conduit between the City of San Jose and external stakeholders to
14 coordinate efforts to develop and implement a plan for maximizing participation in the 2020
15 Census.

16 5. The City of San Jose's preparations include outreach programs designed to encourage
17 so-called hard-to-count populations to participate in the 2020 Decennial Census.

18 6. These preparations have also included the Local Update of the Census Area programs
19 with the goal of identifying so-called "low visibility housing" – including garages, sheds, and
20 trailers.

21 7. The Local Update of the Census Area programs has included public meetings,
22 community outreach sessions, and identification of low visibility housing units.

23 8. I assisted in the preparations for the local Complete Count Committee meeting in
24 September of 2018 with over 100 representatives from a number of community-based,
25 educational, government, and private sector organizations to discuss the City of San Jose's and
26 Santa Clara County's outreach efforts for the 2020 Decennial Census. A true and accurate copy
27 of a document I received at the Complete Count Committee meeting, as prepared by the County
28 of Santa Clara is attached hereto as **Exhibit A** and number stamped SJBAJI00011-SJBAJI00026.

1 **9.** Many of these representatives shared concerns at this meeting and at other forums
2 that hard-to-count populations, including non-citizens, would not respond to the 2020 Census if it
3 includes a citizenship question.

4 **10.** I participated in numerous planning meetings to prepare for the 2020 Census with
5 internal and external stakeholders during which attendees expressed concerns regarding the
6 addition of the citizenship question. During many meetings, time and staff resources which could
7 have been used to plan for maximizing participation in the 2020 Census have been diverted from
8 planning efforts to discuss the addition of the citizenship question and the impact the citizenship
9 question will have on hard-to-reach populations in the City of San Jose.

10 **11.** In partnership with the County of Santa Clara and other organizations, the City of San
11 Jose is currently developing outreach programs designed to encourage hard-to-count populations
12 to respond to the 2020 Census, including those populations affected by the addition of the
13 citizenship question.

14 **12.** These outreach programs will require the City of San Jose to divert funds and use
15 additional sources of City funding not currently designated for census-related outreach.

16 **13.** To date, the City of San Jose has allocated approximately \$300,000 preparing for the
17 2020 Decennial Census.

18 **14.** The City of San Jose has hired a full-time consultant to coordinate its efforts to
19 maximize participation in the 2020 Census. This consultant will have limited time and staff
20 resources to facilitate participation in the 2020 Census, and will likely be required to divert some
21 of that time and resources to address the effect of the addition of the citizenship question on hard-
22 to-count populations.

23 **15.** The City of San Jose expects to allocate at least an additional \$300,000 in preparing
24 and implementing outreach strategies for the 2020 Decennial Census.

25 **16.** If the 2020 Decennial Census includes a citizenship question, some of the time and
26 money that has been allocated to plan and implement outreach strategies for the 2020 Decennial
27 Census will necessarily be diverted to outreach specifically aimed at increasing participation
28

1 among groups more likely to resist responding because of the inclusion of a citizenship question
2 to address fears and privacy concerns directly related to the addition of the citizenship question.

3 17. These funds will be diverted and used to encourage participation among groups likely
4 to be affected by the citizenship question before the 2020 Decennial Census takes place in order
5 to provide public education regarding privacy concerns related to the citizenship question.

6 18. The inclusion of a citizenship question on the 2020 Census will therefore require the
7 City of San Jose to expend funds prior to the date the Census is conducted, regardless of the
8 ultimate impact of the question itself.

9 19. If the citizenship question were removed from the 2020 Census, the City of San Jose
10 would not have to spend additional time or effort to specifically mitigate the impact of the
11 inclusion of the citizenship question on the 2020 Census, and could redirect those staff resources
12 to other uses, including encouraging participation in the 2020 Census in the population as a
13 whole.

14
15 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
16 and correct:

17 December 19 2018

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19 Jeff Ruster
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