

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CENTER FOR POPULAR DEMOCRACY  
ACTION and CITY OF NEWBURGH,

*Plaintiffs,*

v.

BUREAU OF THE CENSUS, *et al.*,

*Defendants.*

**Case No. 1:19-cv-10917**

Hon. Alvin K. Hellerstein

**DECLARATION OF MICHAEL J. WISHNIE IN SUPPORT OF  
PLAINTIFFS' MOTION FOR EMERGENCY RELIEF**

I, Michael J. Wishnie, hereby declare:

1. I am a clinical professor and supervising attorney in the Yale Law School Peter Gruber Rule of Law Clinic, which represents Plaintiffs Center for Popular Democracy Action and the City of Newburgh in this action. I submit this declaration based on my personal knowledge, information, and belief.

2. A true and correct copy of excerpts of the House Committee Report accompanying the Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2020, H. Rep. 116-101 (June 3, 2019), is attached as Exhibit 1.

3. A true and correct copy of excerpts of the Further Continuing Appropriations Act, 2020, Pub. L. No. 116-69, is attached as Exhibit 2.

4. A true and correct copy of the Explanatory Statement of the Consolidated Appropriations Act, 2020, H.R. 1158, 116th Cong., Division B (2019), is attached as Exhibit 3.

5. A true and correct copy of excerpts of the Census Bureau's Fiscal Year 2020 budget request, *Budget: Fiscal Year 2020* (Mar. 2019), is attached as Exhibit 4.

6. A true and correct copy of excerpts of the Census Bureau document, *Projections of the Size and Composition of the U.S. Population: 2014 to 2060* (Mar. 2015), is attached as Exhibit 5.

7. A true and correct copy of the Census Bureau's *2020 Decennial Census Life-cycle Cost Estimate Basis of Estimate* (June 2019), is attached as Exhibit 6.

8. A true and correct copy of excerpts of the Census Bureau's study, *2010 Census Nonresponse Followup Operations Assessment* (Apr. 2012), is attached as Exhibit 7.

9. A true and correct copy of excerpts of the transcript of the deposition of Benjamin Taylor, Chief of the Decennial Budget Office, U.S. Census Bureau (July 12, 2019), is attached as Exhibit 8.

10. A true and correct copy of excerpts of the May 2, 2019 presentation *Update on the 2020 Census* by Albert E. Fontenot, Jr., Associate Director Decennial Census Programs, is attached as Exhibit 9.

11. A true and correct copy of excerpts of the GAO report, *2020 Census: Continued Management Attention Needed to Address Challenges and Risks with Developing, Testing, and Securing IT Systems*, GAO-18-655 (Aug. 2018), is attached as Exhibit 10.

12. A true and correct copy of the Department of Commerce Office of the Inspector General's ("OIG") report, *2020 Census: The Number and Location of Area Census Offices May Not Reflect NRFU Workload Demands and Will Not Result in Projected Cost Savings*, No. 18-018-A (Apr. 2018), is attached as Exhibit 11.

13. A true and correct copy of the Department of Commerce OIG's report, *2020 Census: Issues Observed During the 2018 End-to-End Census Test's Address Canvassing Indicate Risk to Address List Quality*, No. OIG-19-008-A (Feb. 2019), is attached as Exhibit 12.

14. A true and correct copy of excerpts of the GAO report, *2020 Census: Bureau Is Taking Steps to Address Limitations of Administrative Records*, GAO-17-664 (July 2017), available at <https://www.gao.gov/assets/690/686099.pdf>, is attached as Exhibit 13.

15. A true and correct copy of a map showing hard-to-count areas in Orange County, NY, *Hard to Count Census Tracts in Orange County, New York*, CUNY Mapping Service, Center for Urban Research, CUNY Graduate Center, available at [https://www.censushardtocountmaps2020.us/img/mappdfs/CountyMaps/CountyHTC\\_36071.pdf](https://www.censushardtocountmaps2020.us/img/mappdfs/CountyMaps/CountyHTC_36071.pdf), is attached as Exhibit 14.

16. A true and correct copy of the Census Bureau report, *2010 Census Participation Rates*, Census Explorer, available at <https://www.census.gov/censusexplorer/2010ratemap.html>, is attached as Exhibit 15.

17. A true and correct copy of the Census Bureau report, *Presence and Types of Internet Subscriptions in Household*, American Community Survey, available at <https://data.census.gov/cedsci/table?q=B28002&g=&table=B28002&tid=ACSDT5Y2018.B28002&lastDisplayedRow=12>, is attached as Exhibit 16.

18. A true and correct copy of excerpts of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Pub. L. No. 105-119, is attached as Exhibit 17.

19. A true and correct copy of excerpts of the report by A Rupa Datta et al., *2010 Census Integrated Communications Program Evaluation* (“CIPCE”), Census Planning Memoranda Series, No. 167 (Mar. 13, 2012), available at [https://census.gov/content/dam/Census/library/publications/2012/dec/2010\\_cpex\\_167.pdf](https://census.gov/content/dam/Census/library/publications/2012/dec/2010_cpex_167.pdf), is attached as Exhibit 18.

20. A true and correct copy of excerpts of the GAO report, *2020 Census: Actions Needed to Address Challenges to Enumerating Hard-to-Count Groups*, GAO-18-599, available at <https://www.gao.gov/assets/700/693766.pdf>, is attached as Exhibit 19.

21. A true and correct copy of the press release issued by the office of U.S. House Rep. Sean Maloney regarding census resources for the City of Newburgh, *Maloney, Schumer & Gillibrand Launch Push to Maximize 2020 Census Participation; Officials Stress an Accurate Census Count is Critical to Resources for City of Newburgh* (May 1, 2019), available at <https://seanmaloney.house.gov/media-center/press-releases/maloney-schumer-gillibrand-launch-push-to-maximize-2020-census>, is attached as Exhibit 20.

22. A true and correct copy of excerpts of the 2019 Consolidated Appropriations Act, Pub. L. No. 116-6, is attached as Exhibit 21.

23. A true and correct copy of excerpts of the Conference Report accompanying the 2019 Consolidated Appropriations Act, H. Rep. 116-9 (Feb. 13, 2019), is attached as Exhibit 22.

24. A true and correct copy of the Census Bureau press release, *2020 Census In-Field Address Canvassing Operation Ends* (Oct. 21, 2019), available at <https://www.census.gov/newsroom/press-releases/2019/2020-adcan-ends.html>, is attached as Exhibit 23.

25. A true and correct copy of the Census Bureau press release, *2020 Census Starts in Toksook Bay, Alaska* (Jan. 21, 2020), available at <https://www.census.gov/newsroom/press-releases/2020/2020-starts-alaska.html>, is attached as Exhibit 24.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31<sup>st</sup> day of January 2020 in New Haven, Connecticut.

/s/ Michael J. Wishnie

Michael J. Wishnie