

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CENTER FOR POPULAR DEMOCRACY
ACTION, *et al.*,

Plaintiffs,

v.

BUREAU OF THE CENSUS, *et al.*,

Defendants.

Case No. 19 Civ. 10917 (AKH)

SUPPLEMENTAL DECLARATION OF PATRICK J. CANTWELL

I, Patrick J. Cantwell, make the following Declaration pursuant to 28 U.S.C. § 1746, and state that under penalty of perjury the following is true and correct to the best of my knowledge and belief:

1. This declaration supplements my Declaration of February 11, 2020, in this case. Like my prior declaration, the following statements are based on my personal knowledge and information supplied to me in the course of my professional duties. I write to provide further context on the projected response rate for the 2020 Census in light of Plaintiffs' reference on reply to additional documents touching on issues that Plaintiffs had not addressed in their preliminary-injunction motion.

2. In my prior declaration I stated that the 60.5% self-response projection reflected in the Census Bureau's life-cycle cost estimate (LCCE) was robust and reflected years of research and testing. I explained that various factors went into the projections, including self-response rates from prior censuses, differential self-response rates by mode (including internet) from the American Community Survey, general trends of response to surveys conducted by the Federal Government, considerations on the integrated partnership and communications campaign, and other demographic and socio-economic data. I further explained that, given inherent uncertainty and variability on response behavior, the

Census Bureau constructed a range around its self-response rate projections (55.5% to 65.5%), and that, consistent with our observations from past censuses, self-response rates in 2020 should be higher than those associated with mid-decade census tests.

3. I re-confirm those statements. I write further to make clear that, in addition, our predicted self-response rate already takes into account any potential respondent concerns relating to cybersecurity, citizenship, generalized distrust of government, or any other reason for nonresponse.

4. To begin, one should realize that predicting rates of self-response in the census (before the census has taken place) is not like predicting response in a monthly household survey, where new data can be constantly observed, recorded, and analyzed. For example, in the Current Population Survey, sponsored by the Bureau of Labor Statistics and conducted by the Census Bureau to measure the U.S. labor force, one can measure the response rate each month, and track the rates over a period of years. This allows one to analyze possible trends over time. Further, by studying the results for a specific month (such as August) over a number of years in the series, one can incorporate seasonal or other effects (such as being away on vacation), and devise a better estimate for that month (August) and other months. By contrast, the decennial census occurs only once every ten years. Although we can—and do—monitor response rates in surveys, people's attitudes, conditions in society, and countless other factors, our database of final census response rates is limited to a handful of cases—that is, recent decennial censuses.

5. While the Census Bureau incorporated various elements into its 2020 self-response projection, by far the best predictor of self-response at the national level is the self-response rates in prior censuses. The national self-response rates at the start of the nonresponse follow-up operation (NRFU) have been relatively consistent since 1990. The self-response rate in the 1990 Census was 65.0%; it was 64.3% in the 2000 Census; and it was 63.5% in the 2010 Census.

6. The projected self-response rate for the 2020 Census is 60.5% nationally. Because this is the first Census with a widely available internet response option, among other changes, the actual rate could be higher or lower (and as mentioned above, as well as in my prior declaration and my colleagues' declarations in this case, the Census Bureau has for that reason planned within a range of potential response rates, with 60.5% in the middle). But because we have seen response rates to surveys trend slightly downward over time, we want to prepare for any potential budgetary and logistical implications rather than overestimate the census response rate. Neither we nor Plaintiffs' experts have solid, comparable evidence to suggest that the internet response option will greatly affect the self-response rate—except that responses will be received earlier.


7. The 2019 Census Test, which used a mail contact strategy similar to what will be used during the 2020 Census, provides no evidence that even events that may appear to loom large to some commentators will have the major impact on self-response that Plaintiffs suggest. Specifically, this test failed to demonstrate a statistically significant effect of the inclusion (or not) of a citizenship question on the general population's self-response rate. Further, it questioned the effect of seemingly important news events on self-response rates. The Census Bureau and the citizenship question were very much in the news in June and July 2019, largely in connection with a June 27, 2019 Supreme Court ruling and a July 11, 2019 Executive Order. Yet despite the news cycle, we saw no noticeable impacts on the daily self-response rates. Rather, daily response rates in the 2019 Census Test displayed the pattern we have seen in prior censuses and tests. That is, we saw, high initial self-response as people receive their invitations, followed by modest spikes with subsequent mailings, and a general decline in the volume of daily self-responses over time.

8. As I noted in my previous declaration, history has consistently shown us that the self-response rate is almost always higher during the census itself than in an intercensal test, making those

tests, at best, a lower bound for the anticipated response rate. This is because (1) many responders are aware of the census and its importance, and so give it more regard than they might other surveys; and (2) the census itself is accompanied by the integrated communications program, which is designed to increase awareness about the census and maximize self-response rates. In contrast, none of the mid-decade census tests conducted since 2010 included any wide-scale advertising, partnership events and promotions, or other communications efforts that will be a central part of the 2020 Census.¹

9. Looking back to the prior decade, one can compare the self-response rates for the 2010 Census Dress Rehearsal, conducted in 2008, to those of the 2010 Census. The self-response rate for San Joaquin County increased from 45.3% in the Dress Rehearsal to 66.5% in the 2010 Census. The rate in North Carolina, the other site, rose from 44.9% to 62.1%. In each of the nine counties within the North Carolina site, the self-response rate increased from the Dress Rehearsal to the census.

Executed on this 10th day of March, 2020.



Patrick J. Cantwell
Chief, Decennial Statistical Studies Division
Bureau of the Census

¹ There was some advertising in Savannah, Georgia during the 2015 Census Test, but it was at a far smaller scale than will be deployed in the 2020 Census.