

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 CENTER FOR POPULAR DEMOCRACY ACTION
IN SUPPORT OF PLAINTIFFS' MOTION FOR EMERGENCY RELIEF**

I, Ana Maria Archila, hereby declare:

1. I am the Co-Executive Director of Center for Popular Democracy Action ("CPD Action"). The facts stated herein are true and correct based on my personal knowledge and my review of documents and records maintained by CPD Action.

CPD Action Background

2. CPD Action is a § 501(c)(4) non-profit that works to "expand the voice and power of workers, communities of color, and immigrants on issues of economic and racial justice."

3. CPD Action was founded in 2012 to build and maintain a coalition of progressive groups including organizing alliances, community groups, and unions in order to pursue campaigns that promote pro-worker and pro-immigrant outcomes and to pursue causes that further racial and economic justice. Many of these campaigns are directly related to issues of democracy, including promoting an accurate census count and encouraging voter registration.

4. CPD Action has several hundred individual members and twelve affiliates nationwide. Individual members sign a membership card and make an annual financial

contribution or vote in CPD Action's annual policy survey. Affiliates sign a resolution agreeing to affiliate with and contribute dues to CPD Action. Together, CPD Action's affiliates have more than 147,000 members.

Harms to CPD Action Members and Affiliates

5. Brooklyn, where CPD Action and four of its New York-based partners are headquartered, is the hardest-to-count area in New York State, with over 80 percent of the borough's residents living in hard-to-count neighborhoods.¹ The borough is home to half of the 500 census tracts in New York State that are most at risk of an undercount.²

6. The differential undercount of Hispanic American, African American, and immigrant residents and other hard-to-count populations will injure CPD Action members in states, congressional districts, and state legislative districts across the country, by depriving them of federal funding and political power.

7. Each year, the federal government provides state and local governments with financial assistance (in the form of grants, loans, and loan insurance) on the basis of information collected in or derived from the most recent decennial census. In FY 2017, approximately \$1.5 trillion in federal funds were distributed this way.³

8. Census data are used in several ways to determine the flow of federal funds. Data may be used to determine the eligibility of a certain area for a certain type of aid, to allocate funds among eligible recipients in different areas, to determine which potential recipients should

1 Census 2020: It's Time to #MakeBrooklynCount, Brooklyn Community Foundation, <https://www.brooklyncommunityfoundation.org/census-2020-its-time-makebrooklyncount>.

2 At-Risk Community Index, Rockefeller Institute of Government, <https://rockinst.org/nycounts/at-risk-community-index/>.

3 Andrew Reamer, Comprehensive Accounting of Census-Guided Federal Spending (FY 2017), GW Institute of Public Policy, <https://gwipp.gwu.edu/sites/g/files/zaxdzs2181/f/downloads/Counting%20for%20Dollars%202020%20Brief%207A%20-%20Comprehensive%20Accounting.pdf>.

receive priority in the distribution of limited funds, or to determine interest rates for federal loan programs.

9. Certain federal programs provide aid directly to local governments based on data derived from the decennial census. For instance, the allocation of Community Development Block Grants (CDBG) to cities and urban counties is based in part on the relevant area's population.

10. New York City receives CDBG funds, including for Brooklyn, where CPD Action and several of its members and affiliates are located.⁴ CPD Action members are among the beneficiaries of these funds.

11. For certain other federal programs, the federal government provides funding to states based on data collected in the decennial census, and that funding is in turn provided to localities. For instance, the Supplemental Nutrition Program for Women, Infants, and Children ("WIC") distributes grants to states based in part on census-derived population data. Local agencies then receive WIC funding from the states based in part on the share of their population that meets the relevant income qualifications—a figure that is also derived in part from census population data.

12. In 2018, New York State received \$445.5 million in WIC program funding.⁵ CPD Action members are among the recipients and beneficiaries of these funds.

13. As the above demonstrates, CPD Action members and affiliates face actual and imminent injuries as a result of an undercount in the 2020 Census.

Harms to CPD Action

⁴ Community Development Block Grant Eligibility, NYC Department of City Planning, <https://www1.nyc.gov/site/planning/data-maps/community-development-block-grant.page>.

⁵ WIC Program Grant Levels by Fiscal Year, US Department of Agriculture, Food and Nutrition Service, <https://www.fns.usda.gov/wic/wic-program-grant-levels-fy>.

14. CPD Action has had to divert resources from other pressing concerns in order to address Defendants' inadequate preparations for the 2020 Census as part of its Democracy Program.

15. CPD Action has devoted additional staff time to its efforts to encourage participation in the 2020 Census, has begun providing census-related trainings to its membership units across the country, and has established new census-related partnerships with outside organizations.

16. CPD Action has expended at least \$100,000 to cover personnel and operating costs associated with its 2020 Census Program, especially to raise the funds needed to cover its full census operation.

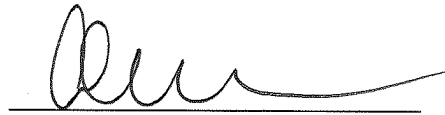
17. These resources were diverted away from other CPD Action activities due to concerns that the Bureau's design choices for the 2020 Census would exacerbate the differential undercount of communities of color and other vulnerable communities, harming CPD Action members and affiliates. This diversion adversely affects activities and operations CPD Action would otherwise fund with these resources and places an additional burden on CPD Action.

18. In light of Defendants' drastic reductions from previous cycles in preparation and resources needed to conduct a fair and accurate census, CPD Action has instituted a more thorough effort to promote awareness of and participation in the 2020 Census and is developing plans to address unprecedented challenges associated with the 2020 Census due to Defendants' reduced in-field presence.

19. As the above demonstrates, CPD Action faces actual and imminent injuries as a result of an undercount in the 2020 Census.

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

Executed this 31st day of January 2020 in Brooklyn, New York.

A handwritten signature in black ink, consisting of a large capital 'A' followed by several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Ana Maria Archila