

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. 19 Civ. 10197 (AKH)

**EXPERT DECLARATION OF MARK DOMS IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

I, Mark Doms, of Washington, DC, declare:

1. I am submitting this declaration in support of Plaintiffs’ Motion for Preliminary Injunction.
2. In my opinion, after extensively studying the changes the Census Bureau is proposing, and based on my senior management roles overseeing the Census Bureau, there is considerable risk that a number of the Bureau’s decisions for the 2020 Census will unreasonably exacerbate the undercount of racial and ethnic minorities compared to the Non-Hispanic White population. In particular, the differential undercount of Black and Hispanic individuals is likely to worsen by a further two percentage points in the 2020 Census from the disturbing and high differential undercounts in the 2010 Census unless immediate action is taken.

BACKGROUND

3. I am a Senior Fellow at the Centre for International Governance Innovation.
4. The Centre for International Governance Innovation is an independent, non-partisan think tank. The Centre’s research initiatives focus on governance of the global economy, global security and politics, and international law in collaboration with a range of strategic partners. The Centre has received support from the Government of Canada, the Government of Ontario, as well as founder Jim Balsillie. More information about the Centre can be obtained at its World Wide Web site, <https://www.cigionline.org>.

5. I received my B.A. in mathematics and economics from the University of Maryland Baltimore County, where I am an Outstanding Alumnus, and my Ph.D. in economics from the University of Wisconsin-Madison.
6. I have had direct, extensive experience with the Census Bureau, especially in planning the 2020 Census. I oversaw the Census Bureau while serving as acting Under Secretary for Economic Affairs from January 2012 to December 2012. The director of the Census Bureau reports to the Under Secretary for issues relating to Economic Affairs. In December 2012, the United States Senate voted to confirm me as Under Secretary for Economic Affairs, a position I held until September 2015. During this tenure, I worked closely with the Census Bureau in developing its plans for the 2020 Census, and worked extensively on communicating the 2020 Census plans to others in the administration and to Congress.
7. I have served in a variety of other roles in government. From September 2009 to December 2011, I served as Chief Economist of the Department of Commerce, a position that reports directly to the Under Secretary for Economic Affairs. Prior to that, I spent most of my career as an economist in the Federal Reserve System, working at the Board of Governors and the Federal Reserve Bank of San Francisco. Before that, I worked at the Census Bureau from 1988 to 1995 as an economist.
8. Since leaving the Department of Commerce, I worked as an economist for Nomura (Japan's largest investment bank). In addition to working as a Senior Fellow at Centre for International Governance Innovation, I also work as an independent consultant, working on a wide variety of public policy issues.
9. In this declaration, I will address several issues with the current Census funding allocation and operational decisions, including cuts to community partnership programs, reduction in regional field offices, cuts to the reliance on human resources, the use of a master address file (MAF), and reliance on administrative records.

CUTS TO COMMUNITY PARTNERSHIP PROGRAMS

10. One of the more important ways the Census Bureau advertises the census and encourages self-response is through the Integrated Partnership and Communications operation. Indeed, a pervasive theme throughout Census Bureau budget and planning documents for the 2020 Census is that this communication and outreach campaign is crucial for a high-quality census.¹ The Communications and Partnership programs include paid media advertising, a Census in Schools program for outreach to students in elementary and secondary schools, website development, social media communication, and partnerships with organizations in

¹ See Census Bureau, *2020 Census Partnership Plan* 1 (Mar. 2019) ("2020 Partnership Plan"), <https://www2.census.gov/programs-surveys/decennial/2020/partners/2020-partnership-plan.pdf>.

local communities.² An important and often repeated theme about community partnerships is that they form effective bridges into Hard-to-Count (HTC) communities. For example, interaction with Partnership Program staff was one of the strongest predictors of mail response rates for Black individuals in the 2010 Census.³

11. As a demonstration of the value the Census Bureau places on community partnerships, in 2010, the Census Bureau formed 257,000 community partnerships, and in 2020, the Census Bureau has set a goal of 300,000 partnerships. These community partners include schools, local governments, faith-based institutions, and other trusted voices within communities. The 2010 Census significantly ramped up the community outreach program from the 2000 and 1990 Censuses. According to the 2020 Partnership Plan, in 2010 partnership staff included 849 partnership specialists, 2,000 partnership assistants, 50 partnership coordinators, 12 graphic specialists, and 50 partnership clerks, for a total of 2,961 positions.⁴
12. According to the most recent Census Bureau estimates, the Bureau plans to hire only 1,630 partnership staff for the 2020 Census – just 55% of the staffing level of 2010. The proposed partnership staffing level comes despite the Bureau’s intention to increase the number of community partners from 257,000 to 300,000.⁵ This staffing reduction raises the risk that partnership staff will be overstretched and less effective due to a lack of resources.
13. The proposed funding for the 2020 Community Partnership Program is projected to decline by 15.2% from the 2010 level. However, accounting for general inflation, the decline is actually 29.0%.⁶ In 2000, the Bureau allocated \$142.9 million, or \$210.5 million adjusted for inflation for funding the Community Partnership Programs. In 2010, the funding was \$295.3 million, or \$352.6 million adjusted for inflation.⁷ In 2020, the Bureau has allocated \$250.3 million – more than \$100 million less.⁸

² A. Rupa Datta et al., National Opinion Research Center (NORC), *2010 Census Integrated Communications Program Evaluation (CICPE)*, 2010 Census Planning Memoranda Series, No. 167, at xi (Mar. 2012), https://census.gov/content/dam/Census/library/publications/2012/dec/2010_cpex_167.pdf.

³ *Id.* at xxii.

⁴ 2020 Partnership Plan, *supra* note 1, at 20.

⁵ *Id.* at 3, 6.

⁶ The decline is based on the Congressional Budget Office’s (“CBO”) estimates of the GDP deflator for FY 2010 and FY 2020.

⁷ Census Bureau, *2010 Census Integrated Communications Program Regional Partnership Assessment Report 2* (July 2012), <https://www2.census.gov/programs-surveys/decennial/2010/program-management/5-review/cpex/2010-memo-217.pdf>.

⁸ Census Bureau, *2020 Decennial Life Cycle Cost Estimate Basis of Estimate*, at 0.1-15 (June 2019) (“2020 LCCE”).

14. To improve outreach to census respondents, the Bureau has proposed to spend more on general advertising; even that effort barely treads water. In 2010, the Bureau spent \$375 million on advertising, which amounts to \$447.8 million adjusted for inflation, and \$1.451 adjusted for inflation per person. In 2020, the Bureau has allocated \$480 million for advertising, which amounts to \$480 million adjusted for inflation, and \$1.450 adjusted for inflation per person.⁹ Although the dollar amount increases, after controlling for inflation and population growth, the advertising budget for 2020 is stagnant, nearly identical to the funding in 2010. When adjusted for inflation only and not population, the increase in spending from 2010 amounts to just 7%.
15. This increase in spending for advertisement will not compensate for the cuts in spending to other essential areas of the census, as depicted below in Figure 1.

Figure 1

| Changes in Census Spending By Category, Adjusting for Inflation and Population Growth (all figures in \$ millions) | | | | | |
|---|-------|------------------------|---------------------|---------|----------|
| | QAC | Community Partnerships | In Field Canvassing | NRFU | Total |
| 1. 2010 Spending | 35.6 | 295.3 | 440.0 | 1,589.4 | 2,360.3 |
| 2. Adjusted for inflation | 42.5 | 352.6 | 525.4 | 1,898.0 | 2,818.6 |
| 3. + Adjustment for population growth | 45.6 | 378.1 | 563.4 | 2,035.1 | 3,022.2 |
| 4. Proposed 2020 spending | 0 | 250.3 | 201.7 | 1,437.9 | 1,889.9 |
| 5. Difference between 2020 spending and 2010 spending adjusted for inflation (Line 4 - Line 2) | -42.5 | -102.3 | -323.7 | -460.1 | -928.7 |
| 6. Difference between 2020 spending and 2010 spending adjusted for inflation and population (Line 4 – Line 3) | -45.6 | -127.8 | -361.7 | -597.2 | -1,132.3 |

16. Therefore, the large, inexplicable drop in the funding for the Community Partnership Program is not offset by an increase in advertising. Although the Census Bureau has stated that the one of the primary goals of the community partnership program is to promote response rates in HTC communities with the goal of reducing the differential undercount, the Census Bureau is slashing its efforts in this area without meaningful offsets elsewhere. The cuts to partnership funding will therefore disproportionately affect minority communities. The Community Partnership Program is one of the few tools at this stage in the census process where increased resources could help reduce differential undercounts.

⁹ *Id.*

CUTTING RELIANCE ON HUMAN RESOURCES

17. In recent censuses, the word “enumerator” has been used to describe people who physically visit (or sometimes phone) housing units to assist with the enumeration. As the country’s population has grown, the number of enumerators has also increased. In more recent times, the Census Bureau has hired about a half a million enumerators for each census.¹⁰
18. The 2010 Census enlisted 516,709 enumerators, but it also hired 94,107 managers for those enumerators.¹¹ For 2010, this workforce was tasked with a caseload of canvassing 47.2 million housing units, 40.2% of all housing units.¹²
19. For the 2020 Census, the Census Bureau is planning a 32.6% drop in the Nonresponse Followup Operation (NRFU) workforce.¹³ The NRFU workforce are the employees who conduct in-field canvassing if an individual does not respond to the initial self-response forms. Based on other Census Bureau estimates, the Census Bureau is planning to reduce the number of supervisors at an even more aggressive rate than that for enumerators. Based on those outdated figures, the Census Bureau was planning a 26.2% reduction in NRFU enumerators and a 75.8% drop in the number of supervisors.¹⁴ Even if the exact numbers of enumerators and supervisors has shifted, the Census Bureau appears committed to sticking with a much higher enumerator/supervisor ratio than in previous censuses.¹⁵
20. However, it is not just the drop in the number of trained enumerators, but how much the Census Bureau believes they will be utilized. To better get at utilization, one metric is funding (the more NRFU enumerators work, the more they are paid). In terms of NRFU funding, the Census Bureau projects the NRFU operation to cost \$1,437.9 million in 2020, a

¹⁰ See Census Bureau, *1990 Census of Housing and Population: A History*, at 6-17, <https://www.census.gov/history/pdf/1990proceduralhistory.pdf>.

¹¹ Census Bureau, *2010 Census Nonresponse Followup Operations Assessment*, 2010 Census Planning Memoranda Series, No. 190, at 222 (Apr. 2012) (“2010 NRFU Assessment”), https://www.census.gov/content/dam/Census/library/publications/2012/dec/2010_cpex_190.pdf.

¹² *Id.* at 41.

¹³ See Ted Mellnik and Reuben Fischer-Baum, *What’s new for the 2020 Census?*, Wash. Post (Apr. 2, 2019), <https://www.washingtonpost.com/graphics/2019/national/census-2020-technology/>.

¹⁴ See *id.*; Census Bureau, *2020 Census Detailed Operational Plan for: 18. Nonresponse Followup Operation (NRFU)* 67 (July 2019) (“2020 NRFU Detailed Operational Plan”), <https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/planning-docs/NRFU-detailed-op-plan.html>.

¹⁵ See Transcript of the Deposition of Benjamin Taylor, Chief of the Decennial Budget Office, U.S. Census Bureau, at 72:14-73:2, 115:18-23 (July 12, 2019).

9.5% decrease from 2010.¹⁶ Adjusting for inflation, the drop in the NRFU budget is \$460 million, a **24.2% decrease**.

21. These planned, significant reductions are occurring despite the Census Bureau's anticipation of two forces that will significantly increase the demand for enumerators. First, recent estimates predict that the expected self-response rate for the 2020 Census will be lower than in past years, which makes the need for additional personnel important. By its own account, the Census Bureau's anticipated self-response rates are expected to fall by 3 percentage points in 2020 from 2010 (63.5% to 60.5%).¹⁷ And even this 60.5% anticipated self-response rate is much higher than the 56% self-response rate the Bureau's End-to-End test garnered.¹⁸
22. For HTC households, the self-response rate will likely be even lower. Racial and ethnic minority households are less likely to self-respond and correspondingly more likely to be included in the NRFU operation. Moreover, the Census Bureau's own testing has shown that self-response rates for the Black and Hispanic communities in particular will be considerably worse than the Bureau's expected overall average, both because those communities have historically been less likely to self-respond and also because they are specifically less likely to have the ability to respond to an internet-based census. A 2018 Census Report shows that 73% of Black households and 77% of Hispanic households have an internet subscription, compared to 84% of Non-Hispanic White households.¹⁹ Further, the Census Bureau's Presentation to the National Advisory Committee on May 2, 2019 reports that although the average self-response rate for the End-to-End Test was 56%, the response rate for Hispanic individuals was 43%, and the response for Black individuals was even lower at only 39%.²⁰ The report further notes that Black individuals who responded did so via the internet only 54% of the time, and Hispanic individuals who responded did so via the internet 59% of the time.²¹ Together, this means that only 21% of the Black population and 25% of the Hispanic population responded using the internet.
23. There is also considerable risk that the overall 2020 response rate will fall below 60.5%. The Census Bureau acknowledges this risk; indeed it is the first risk listed in its Operational

¹⁶ 2020 LCCE, *supra* note 8, at 0.1-6.

¹⁷ 2020 LCCE, *supra* note 8, at 49-50.

¹⁸ Albert E. Fontenot, Jr., Associate Director, Decennial Census Programs, *Update on the 2020 Census: Presentation to the National Advisory Committee* 3 (May 2019) ("Fontenot Presentation"), <https://www2.census.gov/cac/nac/meetings/2019-05/fontenot-update-on-2020-Census.pdf>.

¹⁹ Camille Ryan, Census Bureau, *Computer and internet use in the United States: 2016*, American Community Survey Reports, No. ACS-39, at 7 (Aug. 2018), <https://www.census.gov/content/dam/Census/library/publications/2018/acs/ACS-39.pdf>.

²⁰ Fontenot Presentation, *supra* note 18, at 3-4, 8.

²¹ *Id.* at 5, 9.

Plan.²² Further, the 2020 Census Barriers, Attitudes and Motivators Study showed that the population harbors significant concerns over privacy, confidentiality, and fear of repercussions from filling out the census questionnaire, in addition to heightened distrust in government generally.²³ Falling response rates across a wide variety of surveys and survey methods have been well documented.²⁴ However, the Bureau has done little to mitigate this risk, especially in HTC communities such as those with large numbers of racial and ethnic minorities, where distrust of government and privacy concerns are particularly high.²⁵

24. The Census Bureau has also failed to provide a publicly available analysis of how it derived its 60.5% estimated response rate despite the unimpressive response rates in recent tests and trends of declining self-response. During the first two months of the 2018 End-to-End test, response rates remained considerably below 50%, rising only slightly over 50% about three months into the test.²⁶
25. The second force that will significantly increase the demand for enumerators is the increase in the number of housing units nationwide, which is set to rise by approximately 12.8 million for the 2020 Census—an increase of over 9%.²⁷ If the Census Bureau were to employ the same NRFU strategies in 2020 that they did in 2010, the projected NRFU caseload would increase by approximately 22% based on declining self-response rates and the increased number of housing units. Even with the changes intended to improve efficiencies—although without adequate testing it is not possible to conclude that such changes will actually do so—the Census Bureau estimated in December 2017 that the NRFU caseload would increase 16.8% from 2010.²⁸ The reduced number of supervisors will likely exacerbate this potential human resources gap.

²² See Census Bureau, *2020 Census Operational Plan, Version 4.0*, at 173 (Dec. 2018) (“2020 Operational Plan”), <http://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf>.

²³ See Census Bureau, *2020 Census Barriers, Attitudes, and Motivators Study Survey Report* (Jan. 2019) (“CBAMS Report”), <https://www.census.gov/programs-surveys/decennial-census/2020-census/planning-management/final-analysis/2020-report-cbams-study-survey.html>.

²⁴ For instance, the National Academies has undertaken a research program on this topic. See National Research Council, *Nonresponse in Social Science Surveys: A Research Agenda* (2013), <https://www.nap.edu/catalog/18293/nonresponse-in-social-science-surveys-a-research-agenda>.

²⁵ See CBAMS Report, *supra* note 23, at 39-44.

²⁶ See Census Bureau, *2018 End-to-End Census Test Update 25* (Aug. 2018), <https://www2.census.gov/programs-surveys/decennial/2020/program-management/pmr-materials/08-03-2018/pmr-update-testing-08-03-2018.pdf>.

²⁷ See 2020 LCCE, *supra* note 8, at 145.

²⁸ These calculations are based on the Bureau’s own data. See 2020 NRFU Detailed Operational Plan, *supra* note 14, at 67; 2010 NRFU Assessment, *supra* note 11, at 222.

26. By its own figures, the Census Bureau is planning to *reduce* its enumerator workforce by 32.6% while also anticipating that the underlying demand for NRFU resources will *increase* by 16.8% and perhaps by much more if response rates fall below expectations (which is highly likely as explained in the preceding paragraphs).

REDUCTION IN REGIONAL FIELD OFFICES AND ELIMINATION OF QUESTIONNAIRE ASSISTANCE CENTERS

27. Each census requires the establishment of a large number of field offices to manage thousands of staff, distribute materials, handle forms, conduct community outreach, and complete other tasks.
28. At the most basic level, the 2020 Census's plan to reduce headcount is illustrated by the drastic reduction in the number of field offices.
29. For the 2010 Census, the Census Bureau opened 12 Regional Census Centers (RCCs) and 495 Local Census Offices (LCOs), including one in Puerto Rico. Each congressional district contained at least one LCO (435), and a further 59 were opened to even the spread of work across offices.²⁹ By contrast, for the 2020 Census, the Census Bureau plans to cut the number of offices roughly in half: 6 RCCs and 248 smaller offices (for the 2020 Census, the Census Bureau changed the name of these smaller offices to Area Census Offices (ACOs)).³⁰
30. The reduction in field offices is stark, especially in light of a growing population: from 1990 to 2010, the size of the population served by a given field office increased modestly and in 2010 there was one office per 626,000 people.³¹ This is comparable to having one office for the population of a modestly large city such as Baltimore, MD (population of 621,000 in the 2010 Census) or Boston, MA (618,000). For the 2020 Census, the average projected population per census office will increase by 112% from 2010 to 1,331,000 people per census office.³² This is akin to having one office serve a city the size of San Diego (population of 1,307,402 in the 2010 Census).
31. Between 2016 and the end of 2017, the Census Bureau significantly increased their assumptions about the number of addresses to be visited, and the number of core

²⁹ See Office of the Inspector General, *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, at 1 (Apr. 2018) (“2020 Area Census Offices”), <https://www.oig.doc.gov/OIGPublications/OIG-18-018-A.PDF>.

³⁰ *Id.* at 1, 4.

³¹ This figure is based on the total U.S. population in 2010. See *Population Distribution and Change: 2000 to 2010* 1 (Mar. 2011), <https://www.oig.doc.gov/OIGPublications/OIG-18-018-A.PDF>.

³² This figure is based on the total projected U.S. population in 2020. See *Projections of the Size and Composition of the U.S. Population: 2014 to 2060* 2 (Mar. 2015).

enumerators.³³ Indeed, the Census Bureau increased their assumptions about the number of core enumerators by 48% and the number of visits by 39%, but the Census Bureau chose to keep the number of offices the same, vastly increasing the operational responsibility per office.³⁴ The Census Bureau has no practical experience in dealing with such a phenomenal increase in average office expanse, introducing considerable risk that the more limited number of field offices will not be able to adequately cope with their increased responsibility and to be able to deal with unexpected challenges.

32. The field offices also play a critical role in helping to organize the large workforce of employees necessary for numerous aspects of the census process. While the 2020 Census will drastically reduce the size of the workforce for various roles, as discussed below, the reduction in the number of offices is greater (proportionately) than that in workforce size, implying that the number of employees per office will increase significantly. This raises concerns about whether the offices will be able to sufficiently supervise a larger number of employees.
33. Given the cuts to outreach, field staff, and field offices, it is all the more important during the 2020 Census to provide resources for households that are excluded from the MAF and likely to be missed during NRFU. In 2010, households that did not receive a questionnaire could complete a census form at one of 29,157 staffed Questionnaire Assistance Centers (QACs) or 9,670 unstaffed Be Counted (BC) sites.³⁵ The Census Bureau spent \$35.6 million, or \$45.6 million adjusted for inflation and population growth, on QACs in 2010.³⁶
34. As depicted in Figure 1 above, funding for QACs has been completely eliminated from the 2020 Census.³⁷ This decision is likely to be significant, given that 760,748 people were added to the 2010 Census count through questionnaires submitted from QAC and BC sites.³⁸ Assuming that QACs in 2020 would have produced a similar increase, the elimination of these sites could result in the loss of the self-response of more than one million individuals in HTC communities.
35. For the 2020 Census, the Census Bureau has proposed to implement a “Mobile Response Initiative” in place of physical QACs, despite the fact that mobile questionnaire assistance

³³ The Department of Commerce’s Office of the Inspector General (“OIG”) uses the concept of “core enumerators,” which they define as “field staff who are expected to still be working 3 weeks into the operation.” See 2020 Area Census Offices, *supra* note 29, at 4-5.

³⁴ *Id.* at 5.

³⁵ Census Bureau, *2010 Census Be Counted and Questionnaire Assistance Centers Assessment*, 2010 Census Planning Memorandum, No. 194, at xiii (May 2012) (“2010 QAC Assessment”), <https://www2.census.gov/programs-surveys/decennial/2010/program-management/5-review/cpex/2010-memo-194.pdf>.

³⁶ *Id.*

³⁷ See also *2020 Operational Plan*, *supra* note 22.

³⁸ 2010 QAC Assessment, *supra* note 35, at xiii.

has never before been used or tested.³⁹ This mobile initiative is unlikely to be effective. QACs have a regular presence and accessible hours, and an environment conducive to assuring individuals that the information they provide is confidential.⁴⁰ In contrast, the Bureau plans for mobile units to be located at temporary events, such as markets or festivals, where individuals are much less likely to encounter them at all.

CUTS TO IN-FIELD MASTER ADDRESS FILE (MAF) CANVASSING

36. For the 2020 Census, decisions were made in the early years (that is, before 2015) that the Census Bureau should leverage technology to reduce costs. Numerous fundamental changes from prior years made to the census design resulted from that decision to rely more heavily on technology. Many of those design changes enact drastic departures from practices that have become the norm in the modern-day census. This includes a major shift from in-field to in-office canvassing in creating the MAF.
37. For the 2020 Census, in-field canvassing is a target for funding cuts. In the past, the Census Bureau has collected census information largely by sending employees home-to-home to collect information. For the 2020 Census, instead of sending more than 100,000 temporary employees, called “listers,” out on America’s streets, as the Bureau has done in the past, the approach is to drastically reduce reliance on in-field canvassing.
38. The Bureau will use technology and satellite imagery to update the MAF databases, all of which will occur “in-office” instead of “in-field.” While the Census Bureau allocated \$390,000,000 in 2000 and \$444,000,000 for in-field MAF canvassing in 2010, it has allocated only \$201,748,000 in 2020, cutting funding by over 50% from 2010.⁴¹
39. The databases used for in-office address updating includes data drawn from the Post Office, administrative records, private vendors, and satellite imagers. The basic approach for the 2020 Census is for the Census Bureau to update the MAF continuously through time by using these databases instead of deploying a huge, one-time workforce to walk every block.⁴²
40. Utilizing technology and outside databases could, in theory, produce a MAF more accurate than in-field operations. However, after cancelled testing, the Census Bureau increased its

³⁹ NALEO Education Fund, *The Community Speaks: A Report of the National Latino Commission on Census 2020* 17 (May 2019), https://d3n8a8pro7vhmx.cloudfront.net/naleo/pages/1489/attachments/original/1558496505/1.TheCommunitySpeaks-Report_1.pdf. See also House Committee Report accompanying the Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2020, H. Rep. 116-101 (June 3, 2019). The House has proposed adding \$100 million in funding for this initiative.

⁴⁰ *Id.*

⁴¹ See 2020 LCCE, *supra* note 8, at 01-5.

⁴² See Census Bureau, *Budget Estimates: Fiscal Year 2015* at CEN-128 (Mar. 2014) (“2015 Budget Estimates”), <http://www.osec.doc.gov/bmi/budget/FY15CJ/CensusFY2015CJFinal.pdf>.

estimate of the percentage of households that will need to be covered in-field because in-field canvassing has been found to reduce MAF errors.⁴³ The superior accuracy of in-field canvassing was shown in a review by the Office of the Inspector General (“OIG”), which found that the address canvassing portion of the 2018 End-to-End Test had significant issues and inaccuracies—61% of the 433 locations tested showed significant differences between the in-office and in-field results.⁴⁴ Census Bureau documents explicitly discuss a cost-quality trade-off, indicating that the Bureau is knowingly sacrificing quality to cap costs.⁴⁵

41. In past years, in-field canvassers visited nearly all living quarters to vet their inclusion on the MAF. The 2020 Census will reduce the number of living quarters visited based on the decision to use the data mentioned above. However, the Bureau’s estimates for the share of living quarters that will need to be canvassed in field has continued to rise, suggesting that in-office address canvassing may be less effective than expected. The December 31, 2015 Census Bureau publication, “2020 Census Detailed Operational Plan for the Address Canvassing Operation” stated that under its plan “[a]t most twenty-five percent of the living quarters will be canvassed in the field.”⁴⁶ In the “2020 Census Detailed Operational Plan for Address Canvassing Operation,” which was released on May 9, 2018, that estimate was increased to “approximately 30 percent.”⁴⁷ According to the Census Bureau, the final percentage of living quarters canvassed settled on 35%.⁴⁸
42. In terms of personnel and funding, the Census Bureau estimates that in-field address canvassing will cost \$201.7 million according to the June 2019 Life Cycle Cost Estimates.⁴⁹ When the Census Bureau released its FY 2015 budget request, they stated that for field engineering relating to address canvassing, the “[Estimated savings range from \$50 million

⁴³ Government Accountability Office, *2020 Census: The Address Canvassing Test Revealed Cost and Schedule Risks and May Not Inform Future Planning as Intended*, No. OIG-17-024-A, at 11 (May 2017), <https://www.oig.doc.gov/OIGPublications/OIG-17-024-A.pdf>.

⁴⁴ OIG, *2020 Census: Issues Observed During the 2018 End-to-End Census Test's Address Canvassing Operation Indicate Risk to Address List Quality*, No. OIG-19-008-A, at 3 (Feb. 2019), <https://www.oversight.gov/sites/default/files/oig-reports/archive/17803//OIG-19-008-A.pdf>.

⁴⁵ *2020 Operational Plan*, *supra* note 22, at 1, 185.

⁴⁶ Census Bureau, *2020 Census Detailed Operational Plan for the Address Canvassing Operation 7* (Dec. 2015), <https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/address-canvassing-plan.pdf>.

⁴⁷ Census Bureau, *2020 Census Detailed Operational Plan for: 8. Address Canvassing Operation 32* (May 2018), https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/ADC_detailed_operational_plan_v2.0.pdf.

⁴⁸ See Steven Dillingham, *Address Canvassing Operation Begins*, Census Bureau (Aug. 19, 2019), https://www.census.gov/newsroom/blogs/director/2019/08/address_canvassing.html.

⁴⁹ 2020 LCCE, *supra* note 8, at 0.1-5.

to \$590 million].”⁵⁰ However, these savings may not be fully realized, as the Census Bureau has since revised the portion of in-field address canvassing from 25% to 35%.⁵¹ It has been reported that the Census Bureau will hire approximately 50,000 listers to canvass the 35% of housing units, about 1/3 of the number used in the 2010 Census.⁵²

43. **Despite the Census Bureau’s announcement that it canvassed 35% of addresses in field, it remains unclear how that figure was determined and what trade-offs between costs and quality have been made.** For instance, the Census Bureau has not released the expected error rates in the remaining 65% of housing units that will not be canvassed in the field. According to the “Quality Analysis” section of the Operational Plan, the Census Bureau states, “an analysis of the impact on the quality of the census results is required to ensure that innovations designed to reduce cost do not have an unacceptable impact on quality.”⁵³ However, nowhere is “unacceptable impact on quality” defined. Further, although the “Quality Analysis” section discusses the basic approach to measuring cost/quality tradeoffs, the results from the simulations are not presented to the public.⁵⁴
44. To reiterate, the Census Bureau acknowledges that quality will be reduced by relying on new techniques, such as in-office canvassing, that are prone to errors. What is especially problematic is the lack of information released by the Census Bureau about how these errors are distributed across different communities. Inaccuracies in the MAF are likely to exacerbate the differential undercount of racial and ethnic minorities, who are more likely to live in complex housing units that are not in the MAF.⁵⁵ Given the persistent differential undercounts of these individuals, the Census Bureau is inviting an unjustified risk that in-office canvassing will exacerbate these undercounts in HTC communities, when the Bureau should instead simply increase the size of the in-field address canvassing operation and reduce such risk.

RELIANCE ON ADMINISTRATIVE RECORDS

45. For the 2020 Census, the Bureau will, for the first time, rely on administrative records—those records maintained by administrative agencies, such as the U.S. Postal Service, Internal

⁵⁰ 2015 Budget Estimates, *supra* note 42, at CEN-128.

⁵¹ See Steven Dillingham, *supra* note 48.

⁵² See Ted Mellnik and Reuben Fischer-Baum, *supra* note 13.

⁵³ See 2020 Operational Plan, *supra* note 22, at 179.

⁵⁴ See *id.* at 185.

⁵⁵ See generally Edward Kissam, WKF Giving Fund, *A Summary Review of Research Relevant to Housing Units Missing from the Census Bureau’s Master Address File (MAF)* (Oct. 2016), <http://www.wkfamilyfund.org/docs/>; Manuel de la Puente, *Why are People Missed or Erroneously Enumerated in the Census: A Summary of Findings from Ethnographic Research*, in Proceedings of the 1993 Research Conference on Undercounted Ethnic Populations 29 (1993).

Revenue Service, or the Social Security Administration—in the NRFU operation. In previous censuses, in-field enumerators visited the home of every non-responding household at least six times.⁵⁶ In 2020, administrative records will be used to classify a non-responding household as occupied, vacant, or nonexistent, thereby removing it from the NRFU workload.

46. The Census Bureau recognizes that this new procedure will be less effective for counting HTC households. Administrative records “generally tend to over-represent white and economically-advantaged populations in comparison to how other groups appear in the records.”⁵⁷ Accordingly, the lack of administrative records for racial and ethnic minorities could increase the likelihood that occupied Non-White households get mistakenly classified as vacant. Indeed, census research using administrative records predicted a higher frequency of vacant households than shown in 2010 for areas with a high concentration of Black households.⁵⁸ It is unsurprising, then, that research has suggested that, “[g]iven the unevenness in which groups are represented in the Administrative Records . . . they could increase some of the undercount differentials in the 2020 Census. There is no doubt that using administrative records instead of repeated visits to non-responding households will save money, but it not clear yet that it will not compromise quality.”⁵⁹
47. Consistent with the systematic underrepresentation of minority groups in administrative records, Urban Institute projections of the differential undercount in 2020—even assuming that the 2020 Census proceeds as planned by the Census Bureau’s operational plans—find an undercount of Black individuals of 3.24% (a differential undercount of 3.54%) and an undercount of Hispanic individuals of 2.84% (a differential undercount of 3.14%).⁶⁰

CONCLUSION

48. In my opinion, after studying the changes the Census Bureau is proposing, and based on my senior management roles overseeing the Census Bureau, the proposed changes will very likely reduce the quality of the 2020 Census. In particular, the census has long undercounted racial and ethnic minority communities, and several of the proposed changes will likely worsen the undercount, without additional resources devoted to mitigating that impact.

⁵⁶ 2020 NRFU Detailed Operational Plan, *supra* note 14, at 9.

⁵⁷ Government Accountability Office, *2020 Census: Bureau Is Taking Steps to Address Limitations of Administrative Records*, No. GAO-17-664, at 5 (July 2017), <https://www.gao.gov/assets/690/686099.pdf>.

⁵⁸ *Id.* at 6.

⁵⁹ William P. O’Hare, *Getting Ready for the 2020 Census*, in *Differential Undercounts in the U.S. Census* 149, 158 (Feb. 2019).

⁶⁰ Urban Institute, *Assessing Miscounts in the 2020 Census* 15 (June 2019), <https://www.urban.org/research/publication/assessing-miscounts-2020-census>.

49. The effects of the Census Bureau's decisions are cumulative and often difficult to quantify precisely given available data, but the following quantifiable estimates, detailed further above, are the basis for my conservative estimate that the differential undercount of Black individuals is likely to worsen by *at least* two percentage points:

- a. A predicted reduction in Black self-response associated with a reduction in the funding and staffing of the partnership program of 7-11 percentage points.⁶¹
- b. The elimination of Questionnaire Assistance Centers/Be Counted forms could result in the loss of the self-response of more than one million individuals in HTC communities, including Black and Hispanic communities.
- c. An attitudinal gap between Black and White respondents showing Black respondents were 14 percentage points more likely than White respondents to be Extremely/Very concerned that the Census Bureau will not keep answers to the 2020 Census confidential and 19 percentage points more likely to be Very/Extremely concerned that their answers to the 2020 Census would be used against them.⁶² There are similar gaps in attitudes about the use of administrative records and in concerns about cybersecurity. A study conducted after the Census Bureau decided not to include the citizenship question on the census found still-heightened confidentiality concerns among racial and ethnic minorities.⁶³
- d. Although the 2020 Census will not include a citizenship question—which the Census Bureau predicted would decrease the self-response of non-citizen households by 8 percentage points—the controversy and rhetoric is nonetheless

⁶¹ See A. Rupa Datta et al., *supra* note 2. Estimates based on partnership budget and staff plans for 2020 Census as of July 2019. Among Black respondents to the NORC study, 45.2% mailed back their census form before April 18, the start of NRFU operations, compared to 67.1% of White respondents. 74.6% of Black respondents were enumerated through self-response or an enumerator. (I base my analysis on this number since partnership contacts could also increase cooperation with enumerators, and the NORC analysis was based on the measure of exposure in Wave 3—the third of three nationally-representative household surveys conducted between October 2009 and August 2010.) In Wave 1, just 17% of Black respondents reported partnership exposure and that increased to 58% by Wave 3. Based on the estimated effect in Table ES-8 and exposure rates reported in Table 4-3, the NORC results suggest individuals that were exposed to the Partnership Program in 2010 were 26 percentage points more likely to cooperate with the census. Projecting the estimates from the NORC study to the estimated Black population in 2010 implies that only 47.2% of the Black population would have been enumerated through self-response or an enumerator if not for the Partnership Program activities.

⁶² CBAMS Report, *supra* note 23, at 39-40, 44.

⁶³ Quadrant Strategies, *Article 1 Census Findings – Press Release Memo* 14, <https://censusproject.files.wordpress.com/2019/11/article-1-census-findings-press-release-memo.pdf>.

likely to impact the cooperation of non-citizen, Hispanic, and other Non-White households.⁶⁴

- e. An expectation that the predicted differential self-response between White individuals and Non-White individuals will translate into a differential undercount because NRFU operations historically have never been able to fully mitigate differential self-response rates. And, as summarized in *Kravitz v. United States Department of Commerce*, the data patterns suggest that a ten-percentage point drop in self-response rates is associated with an approximate two-percentage point increase in the undercount.⁶⁵
 - f. The Urban Institute's projection that Black individuals will have an undercount of 3.24% and Hispanic individuals will have an undercount of 2.84% even if the citizenship question is not included.⁶⁶ Former Census Director John Thompson further says that these estimates "may be a little bit on the conservative side" and concludes that "[i]t could be as bad as 1990. It could be worse."⁶⁷
 - g. Finally, the less quantifiable, but clearly disparate effects of other funding, design, and resource decisions, such as the use of internet self-response, in-office canvassing, and administrative records, coupled with key resource cuts to field staff, field offices, and outreach.
50. Although some of the decisions the Census Bureau has taken cannot be reversed at this late stage, it remains possible and prudent to immediately seek increased resources, or spend a portion of the contingency funds now held in reserve, for:
- Ramping up community outreach programs, programs that have been essential in increasing response rates in hard-to-count communities. The current plan is to inexplicably reduce spending in this area by 29% since the 2010 Census in inflation adjusted terms.
 - Massively increase the advertising campaign, where funding is currently projected to be the same in 2020 as in 2010 in inflation adjusted, per capita terms. With falling response rates, slashed funding in the community partnership program, and a host of other changes that will differentially disadvantage racial and ethnic minority communities, a massive

⁶⁴ Brown et al., *Predicting the Effect of Adding a Citizenship Question to the 2020 Census*, 56 *Demography* 1173, 1192 (2019).

⁶⁵ 366 F. Supp. 3d 681, 720 (D. Md. 2019).

⁶⁶ See Urban Institute, *supra* note 60, at 15.

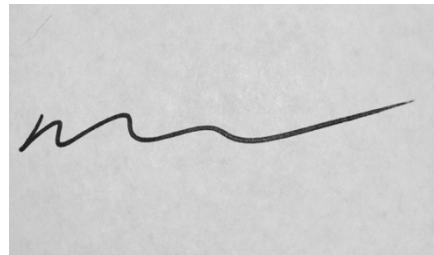
⁶⁷ Hansi Lo Wang, *Census Could Lead to the Worst Undercount of Black, Latinx People in 30 Years*, NPR (June 4, 2019), <https://www.npr.org/2019/06/04/728034176/2020-census-could-lead-to-worst-undercount-of-black-latinx-people-in-30-years>.

increase in advertising would help alleviate the differential undercount for hard-to-count communities.

- Prepare for a much larger nonresponse follow-up workforce, especially in light of the considerable risk that response rates may fall well below the Census Bureau's 60.5% estimate, an estimate that has not been publicly shown to be well founded.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of January, 2020

A handwritten signature in black ink, appearing to read 'Mark Doms', is written on a light gray background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dr. Mark Doms