Exhibit 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, et al., Plaintiffs, v. TRUMP, et al., Defendants.	20-CV-5770 (JMF) **DECLARATION OF MELISSA BIRD**

Pursuant to 28 U.S.C. § 1746(2), I, Melissa Bird, hereby declare as follows:

1. I am over the age of eighteen and have personal knowledge of all the facts stated herein.

2. I am the Executive Director of DC Census 2020, within the District of Columbia Office of Planning, and have been in that role since October 2018 and with the Office of Planning since 2005. As Executive Director, I am responsible for the citywide effort to engage residents with respect to the census and to promote greater participation in the 2020 Census, particularly in historically undercounted populations. The position of the Executive Director for the DC Census was created specifically to address lower participation rates among and the potential undercount of hard-to-count communities in the 2020 Census.

3. In my role as Executive Director, I coordinate the multiple engagement strategies needed to reach a citywide audience as well as specific hard-to-count populations, such as immigrants. To that end, I have helped to develop a multi-media outreach campaign; to coordinate efforts among Mayor Muriel Bowser's Complete Count Committee and the sixteen community-based organizations awarded DC census grant funding; and to establish partnerships

with over thirty additional leaders and organizations across both the public and private sectors. I also serve as the District's representative to both a regional census working group and a national coalition of census leaders working to ensure full participation and a complete count in the 2020 census.

4. Ensuring an accurate count of the District's diverse population through extensive outreach, particularly to historically undercounted immigrant and African American communities, is our highest priority. The District welcomes all newcomers from all over the world, and we want to make sure they are counted. At least 15% of District's population is foreign born. Most have citizenship or legal status, but some do not. We value all residents of Washington, DC, as part of what we call "DC Values." Our immigrant population, hailing from a tremendous range of countries and speaking over 40 languages, enrich the District in numerous ways—contributing to our work force, the vibrancy of the restaurant and cultural scene, and connecting the city with communities around the world.

5. The District had a challenging time with the 2010 Census. Our response rate to the initial questionnaires was lower than the national average, and we needed to reach a population where 40 different languages were spoken and 15% of which did not speak English at home. The District attempted to increase participation and reduce undercounting, appointing a complete count committee, running a media campaign, and training and mobilizing government agencies to communicate with constituents about the importance of being counted.

6. The District's population, which stood at fewer than 600,000 people during the 2010 census, now exceeds 700,000. Data from the American Community Survey, administered by the U.S. Census, indicates that the District's immigrant population is driving a large part of this population growth. The Latino population, in particular, has grown by 40% since 2010. The

U.S. Census continues to classify over 40% of the District's census tracts as "hard to count" due to a combination of demographic data and historic participation rates from 2010 and 2000. These tracts typically include greater percentages of immigrant or African American households. And from the beginning of our planning for the 2020 Census, immigrants were already voicing fears about participating in the census, believing that their personal census data, if collected, would negatively affect their immigration status. The Trump administration's proposal to add a citizenship question to the census further heightened immigrants' fear that personal data collected during the census would be shared with law enforcement agencies, such as U.S. Immigration and Customs Enforcement.

7. Since October 2018, when I started as Executive Director of DC Census 2020, we have adopted best practices from around the country to craft a campaign to promote census participation that would resonate with immigrant groups, African Americans, and other hard-to-count populations. We have drafted and used census campaign materials in English, Chinese, Korean, Vietnamese, Spanish, Amharic, French and Arabic. We have trained and mobilized "Census Ambassadors" to act as trusted messengers in their respective communities (with 800 such Census Ambassadors trained by March 2020), sharing the message that full participation in the census is critical to their communities and that participation is safe, easy, and confidential. We have engaged in outreach at places of trust within a community, such as at houses of worship, schools, and community-based healthcare clinics. And the District has awarded over $800,000 in grants to sixteen community-based organizations working to engage immigrant and African American households to bolster census participation.

8. Our census campaign slogan is "You Matter. Get Counted." We chose it not only because we believe that every resident, no matter where they are from or how they arrived in

Washington, DC, matters and deserves to be counted, but also because we understood this messaging to be effective in increasing rates of participation in the census.

9. The Presidential Memorandum issued on July 21, 2020 undermines our "You Matter. Get Counted" messaging, as it effectively states that some people—undocumented immigrants—do not count. Even though the District itself is not apportioned representation in Congress, the Presidential Memorandum creates confusion and mixed messaging about the need for immigrant participation in the census, to the likely detriment of the participation rates among the District's immigrant communities.

10. The Presidential Memorandum is especially damaging for two reasons. First, the COVID-19 pandemic has frustrated our efforts to bolster participation among hard-to-count immigrant groups. Our original outreach strategy included a significant amount of planned public events to promote participation. But due to the seriousness of the COVID-19 pandemic, Mayor Muriel Bowser declared a public health emergency and to reduce the spread of the virus issued orders modifying government operations and restricting public gatherings. As a result, the DC census team and partners canceled over 45 census community events, most scheduled in hard-to-count communities. Like other jurisdictions, we pivoted to virtual engagement as our primary source of outreach (with additional in-person engagement at locations providing essential services such as meal distribution). Virtual engagement, however, is of limited utility with respect to communities where there is limited access to technology, such as various immigrant communities in the District.

11. Second, it has been publicly reported that the Census Bureau is dramatically cutting short the time for Non-Response Follow-Up, moving the deadline from October 31, 2020 up to September 30, 2020. Prior to this announcement, we considered every single day between

now and October 31st to be critical to our outreach efforts with respect to promoting self-response. Our message includes "It's not too late to be counted!" and provides information on how to self- respond through October 31. Virtual census events are scheduled and still being planned through October 31st.

12. Historically undercounted populations, especially our immigrant communities, will be disproportionately impacted. From our hundreds of Census Ambassadors and partner organizations, we know that the level of distrust in the government is already high in our most historically undercounted communities. Challenges from the pandemic coupled with the Presidential Memorandum—and now potentially another change in the operations schedule—are creating confusion in messaging and undermining trust in the census process that is essential to bolstering voluntary participation in the census.

13. By undermining voluntary participation in the census among immigrants, the Presidential Memorandum harms the District by degrading the quality of the data by which it makes important policy decisions. A complete and accurate count of every resident in the District is critical to budgeting, prioritizing, and planning.

14. For example, age-specific census data is utilized in the core functions of long-range school planning. Knowing how many children in DC are under the age of five and where they live in the city enables effective long-range planning—from preschool seats all the way through high school—to ensure that public school resources will meet the demands of the student population. Accurate and complete data about where families with school-aged children live helps DC Public Schools prioritize and budget for long-range education facility planning and construction.

15. To take another example, the District regularly uses census data to determine

where to locate new transit facilities, such as bus stops, based on concentrations and movements of populations over time. As a government, it is important that we know with granularity who lives where in the District so that every agency can provide the right types of services, programming, facilities, and opportunities for every resident to thrive.

16. Moreover, while DC does not have voting representation in Congress, the District will use the 2020 Census data to redraw our legislative boundaries, known as Wards, and the more localized Advisory Neighborhood Commission boundaries. The eight Ward boundaries are updated every 10 years with census data to reflect population change and movement across the city. District law requires the city to be divided into eight wards of approximately equal population size.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 3rd day of August, 2020

Melissa Bird, AICP
DC Census 2020, Executive Director