Exhibit 43

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.* Plaintiffs, v. DONALD J. TRUMP, in his official capacity as President of the United States, *et al.* Defendants.	Civil Action No. 1:20-cv-05770-JMF
NEW YORK IMMIGRATION COALITION, MAKE THE ROAD NEW YORK, CASA, AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE, ADC RESEARCH INSTITUTE, FIEL HOUSTON INC., and AHRI FOR JUSTICE Plaintiffs, v. DONALD J. TRUMP, in his official capacity as President of the United States, *et al.* Defendants.	Civil Action No. 1:20-cv-05781-JMF

DECLARATION OF JENNY SEON

Jenny Seon, pursuant to the provisions of 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am the Legal Service Director for Plaintiff Ahri for Justice ("Ahri"). I am a founding member of Ahri and have been on staff since December 2019. I am over 18 years of age. I have personal knowledge of the facts stated in this declaration.

2. Ahri is a nonprofit membership organization with offices in Los Angeles, California. Ahri is a fiscally sponsored project of Tides Advocacy, a 501(c)(4) nonprofit organization. Ahri's mission is to pave new pathways to justice through the power of community organizing, empowering youth, and creating radical change. Through community education, direct legal services, and civic engagement, Ahri seeks to provide individuals with the tools and skills necessary to be progressive agents of change in their communities and to improve the lives of individuals and communities in Southern California.

3. Ahri focuses on empowering low-income communities, immigrant communities, and communities of color. It currently has a staff of seven and spends a large majority of its time on civic engagement work, including substantial census-related outreach. As part of its work, it also provides legal services to these communities, with a focus on immigration and employment. It also has a hotline to address questions and community concerns, including regarding census participation, and receives approximately 320-350 calls per month. There was a surge in the number of calls that Ahri's hotline received following news of the July 21, 2020 Presidential Memorandum to the Secretary of Commerce on the subject of "Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census" ("Presidential Memorandum"). Community members called with concerns and confusion about the Presidential Memorandum and what it means for their households and the privacy and confidentiality of their Census responses.

4. Ahri has roughly 220 individual members, with most residing in Orange and Los Angeles Counties. Ahri's members include U.S. citizens, legal permanent residents, and individuals who do not have lawful immigration status. Members pay monthly dues to support Ahri's mission and volunteer for phone-banking and other campaigns.

5. In my capacity as a founding member and Legal Service Director of Ahri, I am responsible in part for community organizing and communications, including Ahri's education, outreach, and research efforts around the 2020 Decennial Census in the communities Ahri serves. Throughout my tenure with Ahri, I have been in regular contact with Ahri members to learn about their neighborhoods, their needs, and their concerns to inform communications, organizing, and civic engagement programs for Ahri. As a founding member, I have also familiarized myself with Ahri's internal records and processes; our staff and their responsibilities; and our programs and program areas.

6. Ahri has an ongoing commitment to promoting engagement in the 2020 Decennial Census among its members and constituents because a complete and accurate Census count is critical to ensuring that our members receive the government funding and full political representation to which they are entitled. Our members include parents with children enrolled in schools that receive funding under Title I of the Elementary and Secondary Education Act; drivers who use interstate highways and mass transit on a daily basis and thus depend on federal highway funds to perform their jobs; families that rely on food assistance programs; and people who rely on housing assistance through various funding provided under Section 8, among other Census-guided funding streams. Promoting Census response can help ensure that the programs, services, and facilities that our members rely upon are adequately funded.

7. I have been extensively and personally involved in the research, development, and implementation of Ahri's 2020 Census education and outreach programs. To develop programs that achieve Ahri's goals of encouraging greater Census participation in the communities we serve, I have researched and gained familiarity with the importance of data gathered from the Census in apportioning political representation and the allocation of some government funding sources. I

have researched the concerns of our members and the communities we serve around the Census for the purpose of developing effective Census communications directed at immigrant communities. I have also researched how the communities we serve would be impacted by an undercount toward the end of designing communications and organizing strategies that address those concerns and increase their civic engagement, and Census participation in particular.

8. Because the Decennial Census requires a direct inquiry of every household in the United States, Ahri has invested significant organizational resources in encouraging our members and the immigrant communities we serve to respond to the Census. This work includes, among other things, phone banking and digital organizing such as webinars and presentations over Zoom. To date, we have contacted over 4,000 people and have assisted many of them with filling out the Census questionnaire. Ahri has continued Census education and outreach during the pandemic and plans to continue encouraging and assisting people in filling out the questionnaire until the response period closes.

9. Our Census education and outreach efforts inform community members on how billions of Census-guided dollars are allocated for public services and how these funds go back into the community. We emphasize that all members of our communities, regardless of age, citizenship status, or ability to vote, count and must participate in the Census to receive the full funding and resources they need to thrive. We also emphasize the importance of a full Census count for determining political representation, including the number of representatives each state will have in Congress, the number of electors per state in the electoral college, and the boundaries and composition of districts at all levels of government, from local school boards and city councils to state legislatures and the House of Representatives. These messages are important because they affirm the humanity and dignity of all Americans and the responsibility that all Americans,

including undocumented Americans, bear for responding to the Census and ensuring that their home states and communities are allocated their fair share of political power and government funding. An example of one of our Census education and outreach documents is attached as Exhibit 1, and is also available at the following link: https://www.instagram.com/p/B-c2watlog1/. We have relied upon information provided by the United States Census Bureau and other government agencies in drafting this document and other materials.

10. Ahri has been and remains committed to Census education and outreach work among immigrants and communities of color because those groups have been undercounted. Based on my knowledge as a staff member at Ahri and an organizer in these communities, including on Census issues, I understand that one reason that immigrants and communities of color have been undercounted is a fear of contact with the government and distrust of government officials, particularly how they will use the data they collect. Households with immigrants are concerned that their information will be shared with immigration and law enforcement agencies.

11. Ahri has already faced a challenging environment for conducting outreach and encouraging immigrants of color to respond to the 2020 Census because of our members and constituents' heightened fear of interacting with government workers as a result of the Trump Administration's persistently hostile and discriminatory actions and attitudes towards immigrants of color and Asian-Americans. The racist and xenophobic acts that the Trump Administration has undertaken include the Administration improperly referring to the COVID-19 pandemic as the "kung flu" or the "Chinese virus" amid a surge in anti-Asian incidents and hate crimes; attempting to include a citizenship question on the Census; dramatically increasing interior enforcement raids in communities across the United States; proposing to end family-based immigration, which would disproportionately harm immigrants from Latin America and Asia; separating children from their

families at the border and keeping immigrant children in cages; threatening jurisdictions that enact undocumented immigrant sanctuary policies, such as Los Angeles, with the loss of federal funds; banning individuals from six majority Arab and/or Muslim countries from entering the United States; attempting to rescind the Deferred Action for Childhood Arrivals ("DACA") program, which allowed 800,000 individuals brought to this country as children to legally reside and work in the United States; rescinding Temporary Protected Status programs for individuals from El Salvador, Honduras, Nicaragua, Haiti, and Nepal; calling for an end to the diversity visa lottery; and referring to some undocumented immigrants as "animals."

12. Based on my experience as an Ahri staff member regularly in contact with our members, our organizing staff, our communications staff, and the media, the Presidential Memorandum is making our efforts to encourage Census participation more difficult. The Presidential Memorandum is sowing fear and confusion about the Census among the communities we serve. The fear and confusion are not unique to undocumented immigrants or non-citizens with documented legal status, but also to family and household members of non-citizens, who have expressed concern that participating in the Census will invade their privacy and expose their family, friends, and neighborhoods to profiling by the law enforcement agencies of an administration hostile to immigrants of color. Our members and constituents that have already responded to the Census have likewise expressed concern that they may have improperly responded to the Census because they included undocumented individuals in their response, and are confused about what to do and about whether there will be repercussions for responding to the Census.

13. The Administration's decision to exclude some non-citizens from the apportionment base directly and severely undermines our Census education and outreach materials and programming by contradicting its core messages and discouraging responses to the Census.

14. First, by excluding undocumented people from the apportionment count, the Presidential Memorandum creates confusion by contradicting one of the key messaging about the Census that Ahri highlights in its education and outreach programming: political representation. Because the President has said that the Census responses of some non-citizens will not be used for Congressional apportionment, some people may now neglect or decline to fill out the Census because of its diminished importance. The Presidential Memorandum dilutes the efficacy of our existing materials and programming, which will require Ahri to divert resources from other programmatic areas to conduct additional education and outreach to get the same number of people to respond to the Census questionnaire. By contradicting the message that filling out the Census is important to Congressional apportionment, people in the communities we serve will discount the value of our current education and outreach materials or programs, requiring us to make new materials or conduct new outreach that address the Presidential Memorandum. This includes training staff and volunteers on how to address these concerns, editing our hotline and phone banking scripts, sending emails and mailers to members about the Presidential Memorandum, and updating our website. Ahri staff members have also had to divert time from other activities to respond to inquiries from Korean-language media about this issue to assure people that everyone, regardless of their immigration status, should fill out the Census questionnaire and that every person will be counted for apportionment purposes.

15. Second, by excluding undocumented people from the apportionment count, the Presidential Memorandum dehumanizes and marginalizes undocumented residents by excluding

them from the category of "persons" required by the Constitution to be included in the apportionment count. Furthermore, the exclusion of undocumented immigrants from the apportionment base in the Presidential Memorandum indicates efforts by the Administration to identify where undocumented immigrants live and their numbers in order to exclude them from the Census. By undermining our messaging about the purpose of the Census and further marginalizing and confusing immigrants who are already among the population most often overlooked by the Census, the Presidential Memorandum makes it less likely that the immigrant communities and communities of color we serve will be responsive to our Census education and outreach efforts.

16. Third, Ahri has received an uptick in questions from the public concerning the privacy and confidentiality of responses to the Census questionnaire since the Presidential Memorandum. Members of the community we serve are concerned that the Presidential Memorandum's exclusion of people "not in lawful immigration status" from the Census base count indicates that the Administration will use information from the Census to attempt to identify undocumented immigrants for deportation or other adverse consequences. Ahri is planning to conduct more education and outreach than we would have otherwise to address those concerns and to assure people that they can respond to the Census without fear of immigration enforcement consequences for themselves or their families.

17. Ahri will be forced to expend more resources than initially anticipated to try to reduce the negative effect of the Presidential Memorandum on Census response rates in the immigrant communities of color it serves. Ahri expects that it will need to interact with its constituents more times than previously planned to try to convince them to participate in the 2020 census. Ahri's target is to contact at least 10,000 individual households, and it expects that it will

now need to spend more resources to reach the same number of people and that ultimately it will be less successful in convincing its constituents to participate in the 2020 Census due in large part to the Administration's decision to exclude undocumented immigrants from the apportionment base. Ahri's funding is based in part on meeting our target, and Ahri will thus also have to divert resources away from other priorities and program areas to meet this target and avoid losing this funding. Ahri will have to increase staff time and spending devoted its Census education and outreach efforts by approximately 15 percent over current levels to address the Presidential Memorandum.

18. Because of the need to increase the time and money spent on Census outreach due to the fear and/or confusion generated by the Presidential Memorandum, Ahri will need to divert resources from other areas critical to its mission including civic engagement, community organizing, youth programs, and legal services. In particular, Ahri will have to divert staff time away from our advocacy and outreach campaigns on DACA, ethnic studies, education funding, voter education and outreach, housing insecurity related to the COVID-19 pandemic, and raising money for a COVID-19 community assistance fund, critical programmatic areas right now during the COVID-19 and ahead of an important general election. I have personally spent at least 35 hours on Census-related work that I otherwise would have spent on other areas of work, including direct legal services, to develop, coordinate, and implement our additional education and outreach efforts.

19. Ahri puts significant resources in Census education and outreach work because our members and the immigrant communities we serve face significant negative consequences in the event of an undercount. Ahri members reside in Orange and Los Angeles Counties, the populations of which include immigrant communities of color that far exceed national averages.

An undercount of those populations will deprive Ahri members of political influence and Census-guided funding to which they would be entitled by a more accurate count.

20. One of the many Ahri members who will suffer injury due to the Presidential Memorandum and the effects of this policy on Census response rates is Julie Kim. I have known Ms. Kim for over 10 years. I know Ms. Kim is a U.S. citizen and a resident of Anaheim, California, and that she works as a high school guidance counselor in Orange County, California. I know that Ms. Kim is a commuter and thus depends on federal highway funds. As a resident of California, Ms. Kim will also lose political power because of California's loss of at least one seat in the House of Representatives and the loss of a presidential elector due to the Memorandum's exclusion of undocumented immigrants from the apportionment count.

21. Another Ahri member who will suffer injury due to the exclusion of undocumented immigrants from the apportionment base and the effects of this policy on Census response rates is Simon Lee. I have known Mr. Lee for eight years. Mr. Lee is a resident of Los Angeles, California, where he works for an accounting firm. As a resident of California, he will also lose political power because of California's loss of at least one seat in the House of Representatives and the loss of a presidential elector. Mr. Lee is entitled to remain and work lawfully in the United States through the DACA Program. He is entitled to be counted in the ongoing 2020 Decennial Census and included in the apportionment base along with all other residents of California, regardless of immigration status.

22. Unfortunately, Ahri will have less time than anticipated to address the fear and confusion caused by the Presidential Memorandum among the immigrant communities that we serve. The actual counting period of the Census is only a few months, but the consequences of the Census in terms of political power and funding allocation will last for a decade. At the time the

Presidential Memorandum was published on July 21, there were 102 days remaining in the non-response follow-up period, which was then scheduled to end on October 31. However, on July 31, the Census Bureau abruptly accelerated the end of non-response follow-up to September 30. With only 57 days left in the headcount, every single day remaining is a critical opportunity for Ahri to conduct further Census outreach. Ahri will have to accelerate its remaining Census education and outreach efforts to address the Presidential Memorandum's negative effect on Census responses.

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

Dated: August 5, 2020, in Los Angeles, California

Jenny Seon

EXHIBIT 1

What is the 2020 Census

AHRI

- A questionnaire that gathers the head count of every person living in the United States and its territories.
- Only conducted once every decade!

How to participate:

1. Online (RECOMMENDED)
   - Go to "my2020census.gov" and hit the begin questionnaire button
   - Insert 12 digit ID number if you have it.
     - If not, click "If you do not have a Census ID, click here."
2. Phone Response
   - Visit https://2020census.gov/en/ways-to-respond/responding-by-phone.html for different languages
   - English: 844-330-2020, Korean: 844-392-2020, Spanish: 844-468-2020
3. Mail (paper questionnaire)

2020 CENSUS

WHY IS IT IMPORTANT:

Federal Apportionment

- The process of dividing the 435 seats in the U.S. House of Reps among the 50 states
- Division of seats -- based on state population gathered from census data.
- Each state is entitled to at least one seat

Redistricting

- the process by which census data is used to redraw the lines and boundaries of electoral districts within a state.
- affects districts at all levels of government — from local school boards and city councils to state legislatures and the U.S. House of Representatives.

Federal Funding

- Informs the decision on how billions of dollars are allocated annually for critical public services
  - Roads, schools, emergency responses, hospitals and healthcare clinics, housing, etc.
- Less participation, less funding!

Less than 40% of OC have participated in the 2020 Census.

FAQ

1. I lived in my dorm/in-campus housing, do I fill out my home address or that address?	When responding to the 2020 Census, college students should be counted where they live and sleep most of the time as of April 1, 2020. For most students, that means in their college town, not back home with their parents.
2. Do I report everyone in the household? Will I get in trouble for having "extra" people live with me?	Please report everyone in your household! We want everyone to be counted. You will not get in trouble for including everyone in your home. You're protected under Title 13. Your private information is never published. What you fill out is confidential.
3. I don't want to fill out the Census. Will I be fined if I don't fill it out?	Fill out the Census for political power and funding for your community! You're required by law to fill out the Census or else you may be fined.
4. Does the Census ask about my immigration status? Can I fill it out if I am undocumented?	The 2020 Census does NOT ask about immigration status. Please still fill in the Census regardless of status! Your information is protected under Title 13.
5. Who fills it it out the Census for each household? Do we all fill it out?	Only the head of household fills out the Census! That person is expected to count everyone in their home

any more questions? Email us at **organizing@ah-ri.org** or send us a message through FB or Instagram