Exhibit 18

UNITED STATES DISTRICT COURT
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.	20-CV-5770 (JMF)
NEW YORK IMMIGRATION COALITION, et al., Plaintiffs, v. DONALD J. TRUMP, *in his official capacity as President of the United States*, et al., Defendants.	20-CV-5781 (JMF)

DECLARATION OF CESAR ESPINOSA

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

1. I am the Executive Director of FIEL Houston, Inc. ("FIEL"). I am over 18 years of age. I have personal knowledge of the facts stated in this declaration.

2. FIEL is a nonprofit membership organization based in Houston. FIEL's mission is to advocate for just laws for immigrants and their families, access to higher education for all people regardless of immigration status, and access to justice for the community. To do that, FIEL engages in four core programs: access to higher education, immigration legal services, civic engagement, and community outreach.

3. FIEL has more than 11,000 members who reside in Harris County and neighboring counties in the greater Houston metropolitan area. FIEL maintains a very active membership comprised of individuals and families who receive FIEL's services and those who volunteer in FIEL's programmatic work, including door-to-door canvassing, community outreach initiatives, direct actions, and public education.

4. In my capacity as Executive Director, I am responsible for managing the day-to-day operations of FIEL, overseeing FIEL's communications and media outreach, and developing FIEL's programmatic work, including public education and outreach efforts around the 2020 Decennial Census. As the founding director, I have been on staff at FIEL since May 2007.

5. FIEL members in Houston rely on a number of facilities and services the funding for which is allocated based on the data generated by Decennial Census. These facilities and services include parents with children enrolled in schools that receive funding under Title I of the Elementary and Secondary Education Act; families whose children benefit from insurance funded by the State Children's Health Insurance Program; drivers who use interstate highways and mass transit on a daily basis and thus depend on federal highway funds to perform their jobs; and people who rely on housing assistance through various funding provided under Section 8, among other Census-guided funding streams.

6. 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, FIEL has an ongoing commitment to promoting engagement in the Decennial Census among its members and constituents. In preparation for the 2010 Census, FIEL committed resources to educating immigrant communities on the importance of the Census. Since then, FIEL has been and remains committed to its Get Out the Count efforts and other Census education initiatives in part because FIEL understands that immigrants and communities of color have been consistently and routinely undercounted by the Census.

7. In the last couple of years leading to the 2020 Census, FIEL has conducted outreach and engagement work with immigrant communities in the greater Houston area to encourage Census participation. That work consists of educating constituents about the Decennial Census and its importance to the community—in particular, that the population count under the Census partially determines the level of governmental funding for programs and schools that our members rely on and the amount of political representation our members receive at the federal, state, and local levels. Specifically, we inform our members and the communities we serve that it is important to participate in the Census to ensure proper school funding and improve public education, topics about which our immigrant communities care deeply. Our education and outreach efforts also emphasize that the Census counts every resident of the United States, regardless of age, citizenship status, or ability to vote. This message is important because it affirms 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.

8. FIEL is also part of a coalition of organizations participating in Harris County's Complete Count Committee, a local, community-driven initiative designed to improve the completeness and accuracy of the 2020 Census count in Harris County. Prior to the COVID-19 pandemic, FIEL organized in-person forums and meetings for the public, as well as for canvassers and community leaders, aimed at educating Houston residents about the purpose and uses of the Census as well as the importance of responding to the Census. During the pandemic, FIEL continues to develop programs and outreach strategies that incorporate Census education and outreach efforts.

9. From our work in the community, we 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. This level of fear and distrust of government among immigrants and communities of color we serve has been exacerbated by the Trump Administration and its officials' hostility to these communities, such as their repeated attempts to rescind the Deferred Action for Childhood Arrivals ("DACA") program and their efforts to deny benefits to immigrants based on their perception of immigrants as public charges. Now, Houston immigrant communities' heightened fear of interacting with government workers has increased further due to the Administration's attempt to exclude undocumented immigrants from the apportionment base. The Memorandum's exclusion of undocumented immigrants creates an incremental obstacle to Census participation because it ties the fear and distrust of government that immigrant communities of color have directly to the Decennial Census count. By pursuing policies designed to dissuade or confuse individuals about Census participation, the Trump Administration has created significant challenges to the work of FIEL and its members who now have to overcome the community's fear and lack of

trust in the Census process by committing more personnel and time to public education and outreach about the Census.

10. Based on my experience as FIEL's Executive Director and through my regular contacts with our members, our organizing staff, our communications staff, and the media, 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") 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.

11. This fear and confusion is not unique to undocumented immigrants. Excluding undocumented immigrants from the apportionment base will deter Census participation among the broader immigrant community, including family and household members of undocumented immigrants who are actually citizens or non-citizens with legal status. 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.

12. Based on conversations with members of FIEL who come from mixed-status households, I know that both citizens and non-citizens with legal status have expressed concern that participating in the Census would 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. 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.

13. For example, different members of the community we serve have expressed to me their confusion about our messaging that the Census should count every person regardless of immigration status based on the Administration's efforts to not count undocumented immigrants. In some instances, members of the community have questioned our credibility as a result of the negative messaging from the Administration about who should count for the Census. Further, even in my own mixed-status family, family members have questioned me on whether they should participate in the Census as a result of their fears that the Government could probe into the undocumented individuals in my extended family.

14. The Administration's decision to exclude some non-citizens from the apportionment base directly and severely undermines our Census education and outreach efforts by contradicting our core messages and discouraging Census response. FIEL 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. FIEL's increased investment in Census education, research, and outreach, has

been driven in part by concerns about the Census expressed by our members and the immigrant communities we serve. Because of the information we have received concerning the heightened fear and suspicion among our members and the communities we serve created by the Administration's Presidential Memorandum, FIEL has recently had to refocus its programming and commit additional resources to its Census work. FIEL will be forced to expend more resources than initially anticipated to try to reduce the negative effect of the Administration's policies on the response rate in the immigrant communities of color it serves. FIEL expects that it will need to interact with its constituents multiple times to answer questions and try to convince them to participate in the 2020 Census.

15. FIEL expects that for the remainder of the Census outreach period it will 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 to the Administration's efforts to exclude undocumented immigrants from the Census apportionment base. Unfortunately, FIEL will have less time than anticipated to address the fear and confusion caused by the Presidential Memorandum among the immigrant communities that we serve. 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 55 days left in the headcount, every single day remaining is a critical opportunity for FIEL to conduct further Census outreach. FIEL will have to accelerate its remaining Census education and outreach efforts to address the Presidential Memorandum's negative effect on Census responses.

FIEL anticipates having to divert approximately $5,000 from other mission critical programs and services to 2020 Census education and outreach as a result of the Presidential Memorandum.

16. To date, FIEL has set up both in-person forums and online forums to educate the community about the Census. We have also made an effort to include language about the Census in all of our online communications and media appearances. FIEL's active membership has also spent over 750 personnel hours in the last year and a half developing outreach strategies and researching the impact of an undercount towards the purpose of informing our members and the public about the 2020 Decennial Census. We have also spent in-kind resources, including printing material in-house and allocating air time from our virtual studio, to explain the Census further. FIEL will have to increase staff time and spending devoted to its Census education and outreach efforts by approximately 40% percent over current levels to address the Presidential Memorandum.

17. Because of this need to increase the time and money spent on Census outreach, FIEL will need to divert resources from other areas critical to its mission, including education, civic engagement, and community organizing on other issues. FIEL has already diverted resources from other areas in order to address concerns from its constituents stemming from the Presidential Memorandum. For example, staff time and other resources devoted to FIEL's Get Out the Count efforts and DACA advocacy will be diverted to communications to combat fear and disinformation resulting from the Presidential Memorandum. Moreover, FIEL has already, and will continue to, divert resources from its other organizational priorities, including its work on access to education for students, to address these concerns about decreased Census participation within immigrant communities.

18. Beyond the increased fear FIEL members face due to the Trump Administration's attack on undocumented individuals, these members also face significant negative consequences in the event of an undercount. FIEL members reside in Houston, the population of which includes some of the largest immigrant communities of color in the state. An undercount of those populations will deprive FIEL members and the communities it serves of political influence and Census-guided funding to which they would be entitled by a more accurate count. Our members have communicated concerns to me that the exclusion of undocumented immigrants from the apportionment base will result in a significant underfunding of resources for all immigrant communities in Houston.

19. One of the many FIEL members who will suffer injury due to the exclusion of undocumented immigrants from the apportionment base is Deyanira Palacios. Ms. Palacios is a lawful permanent resident and a resident of Montgomery County, Texas. Because Ms. Palacios resides in Texas, she will lose political power because of Texas' loss of at least one seat in the House of Representatives.

20. Another FIEL member who will suffer injury due to the exclusion of undocumented immigrants from the apportionment base is Karen Ramos. Ms. Ramos is a resident of Harris County, Texas, where she works as a realtor. Because Ms. Ramos resides in Texas, she will lose political power because of Texas' loss of at least one seat in the House of Representatives. Ms. Ramos is entitled to remain and work lawfully in the United States through the DACA program. She is entitled to be counted in the ongoing 2020 Decennial Census along with all other residents of Texas, regardless of their immigration status.

21. While the Presidential Memorandum is deterring Census participation and burdening our outreach efforts, potentially leaving little time to proactively engage on the Census with the communities we serve, getting relief from a court to clarify the fear and confusion sowed by the Administration will allow us to do meaningful outreach to our constituents. Every single day available for us to carry our message to the community that everyone will count in the Census would be helpful to our outreach efforts.

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

Dated: Houston, Texas

August 6, 2020

Cesar Espinosa