UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

COMMON CAUSE, CITY OF ATLANTA, CITY OF DAYTON, CITY OF PATERSON, CITY OF PORTLAND, CENTER FOR CIVIC POLICY, MASA, NEW JERSEY CITIZEN ACTION, NEW MEXICO ASIAN FAMILY CENTER, NM COMUNIDADES EN ACCIÓN Y DE FE, PARTNERSHIP FOR THE ADVANCEMENT OF NEW AMERICANS, ROBERTO AGUIRRE, SHEILA AGUIRRE, PAULA AGUIRRE, ANDREA M. ALEXANDER, ANGELO ANCHETA, CYNTHIA DAI, SIMON FISCHER-BAUM, STAN FORBES, CONNIE GALAMBOS MALLOY, RAQUEL MORSY, NORMA MOTE, DEBRA DE OLIVEIRA, LILBERT ROY ONTAI, SARA PAVON, COLEEN P. STEVENS PORCHER, JEANNE ELLEN RAYA, JONATHAN ALLAN REISS, JOSANNA SMITH, THAD SMITH, INGE SPUNGEN, IRENE STERLING, DENNIS VROEGINDEWEY, SUSAN N. WILSON, and MYRNA YOUNG,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States,

UNITED STATES DEPARTMENT OF COMMERCE, and

WILBUR L. ROSS, JR., in his official capacity as Secretary of Commerce,

BUREAU OF THE CENSUS, an agency within the United States Department of Commerce,
4600 Silver Hill Road, Washington, DC 20233

and

STEVEN DILLINGHAM, in his official capacity as Director of the Bureau of the Census,
4600 Silver Hill Road, Washington, DC 20233,

Defendants.

No. 1:20-cv-02023-CRC

DECLARATION OF KAREN HOBERT FLYNN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, AN EXPEDITED TRIAL

Pursuant to 28 U.S.C. § 1746(2), I, Karen Hobert Flynn, hereby declare:

1. I am the national president of Common Cause. I manage all staff, including our redistricting and representation policy team. In that capacity, I raise funds, determine the allocation of resources, and approve our advocacy strategy for ensuring that the decennial census is accurate and provides equal representation for all people living in the United States.
2. Common Cause is a nonprofit organization organized and existing under the laws of the District of Columbia, with its principal place of business in the District of Columbia.
3. Common Cause is a nonpartisan democracy organization with over 1.2 million members, 22 state offices, and a presence in all 50 states. It has members who are voters or who are eligible to vote in all 50 states and in every congressional district.
4. Since its founding by John Gardner 50 years ago, Common Cause has been dedicated to making government at all levels more representative, open, and responsive to the interests of ordinary people—including undocumented immigrants, and people that live in communities with high numbers of undocumented immigrants.
5. Common Cause's mission is to create open, honest, and accountable government that serves the public interest; promote equal rights, opportunity, and representation for all; and empower all people to make their voices heard in the political process.
6. Because the census is a cornerstone of our democratic system, ensuring a fair and accurate census that counts all Americans is pivotal to Common Cause's mission. To that end, Common Cause has conducted public education about the importance of responding

to the census and encouraged its members to lobby their representatives for a fair, accurate, and fully funded count.

7. By discouraging immigrants (both documented and undocumented) from responding to the census, and by seeking to exclude undocumented immigrants from the apportionment base, the Memorandum directly impairs and undermines Common Cause's organizational mission of ensuring equal representation for all. It also requires Common Cause to divert its limited resources from projects and priorities that it would otherwise pursue to counter the adverse effect of the Memorandum on its mission to ensure a fair and accurate census.

8. Specifically, Common Cause has increased its efforts to promote census participation among communities that are likely to be adversely affected by the Memorandum, including urban and immigrant communities.

9. Through my work with Common Cause, I have developed knowledge and familiarity with voting rights issues, including the relationship between the census and congressional apportionment, as well as other issues flowing from the undercount of specific communities.

10. Certain areas within the United States—such as Houston and Los Angeles—are home to a large number of undocumented immigrants, as compared to the rest of the United States.

11. Because of this concentration in the population of undocumented immigrants, certain states—specifically, California, Texas, Florida, New York, and New Jersey—are likely to lose a congressional representative if undocumented immigrants are excluded from the population for purposes of congressional apportionment.

12. If a state loses a congressional representative, it will lose an elector. As a result, the votes of voters in that state will hold less weight over the Electoral College and the selection of

the President and Vice President than they would if undocumented immigrants were counted for purposes of congressional apportionment.

13. In addition, if a state loses a congressional representative, there would be fewer elected officials responding to and advocating for the needs of that state. The congressional representatives for that state would have a greater volume of constituents, and would be less able to respond to individual constituents' concerns. The state would also likely lose some funding because it would have fewer advocates involved in the legislative process.

14. Because Common Cause has members who are voters or who are eligible to vote in all 50 states, including California, Texas, Florida, New York, and New Jersey, it has some members that will lose a congressional representative because of the exclusion of undocumented immigrants from the apportionment calculations.

15. Common Cause's goal in this litigation is to promote equal rights, opportunity, and representation for all, by ensuring that the census population data and congressional apportionment reflects the actual distribution of population across the United States.

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

DATED: August 18, 2020

By: Karen Hobert Flynn

Karen Hobert Flynn