



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW, Rm. 7256  
Washington, DC 20530

---

Tel: (202) 514-7823

VIA CM/ECF

May 11, 2021

Deborah S. Hunt  
Clerk of the Court  
United States Court of Appeals for the Sixth Circuit  
501 Potter Stewart U.S. Courthouse  
100 East Fifth Street  
Cincinnati, OH 45202

RE: *State of Ohio v. Raimondo*, No. 21-5304 (D.C. Cir.)  
**Oral argument scheduled May 12, 2021**

Dear Ms. Hunt:

Pursuant to the Court's order of May 10, 2021, please find attached the declaration of James Whitehorne, addressing the Court's request for an update detailing the Census Bureau's "progress and current projections for the release of the data."

Sincerely,

/s/ Mark B. Stern

Mark B. Stern  
Appellate Litigation Counsel  
Civil Division

Enclosure

cc: all counsel (via CM/ECF)

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

STATE OF OHIO

Plaintiff-Appellant

v.

GINA RAIMONDO, in her official capacity as Secretary of Commerce, *et al.*,

Defendants-Appellees.

Case No. 21-3294

**DECLARATION OF JAMES WHITEHORNE**

I, James Whitehorne, make the following Declaration pursuant to 28 U.S.C. § 1746, and state under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am the Chief of the Census Redistricting and Voting Rights Data Office (CRVRDO) at the U.S. Census Bureau. I have occupied this position since July, 2015. As Chief of CRVRDO, I am responsible for management of the Census Bureau's redistricting data program and for implementation of 13 U.S.C. Section 141c. I am knowledgeable about the Census Bureau's redistricting data program. The following statements are based upon my personal knowledge or on information supplied to me in the course of my professional responsibilities.

2. I am making this Declaration in response to the May 10, 2021 request to provide an update on 2020 Census processing progress as well as current projections for the release of data.

3. As of May 10, 2021, processing operations continue to be on track to meet all data release dates reported earlier this year. As part of that effort, we successfully released the 2020 Census Apportionment results on April 26, 2021 – four days ahead of the anticipated release date.

4. As stated in the earlier declarations of both Michael Thieme and James Whitehorne, the Census Bureau this year requires approximately five months from the

release of the apportionment data to complete production, to review the Census Edited File, the Microdata File, the Tab file, and to then ultimately produce the redistricting data by September 30, 2021.

5. However, since those declarations we have been working tirelessly to identify ways to speed up the delivery of redistricting data to the states, and we are happy to report that we will now be able to deliver our fully reviewed and privacy-protected redistricting data in a “legacy format” by August 16, 2021 – a full 45 days earlier than the anticipated date for our final deliveries.

6. We refer to this as the “legacy format” because it is essentially the same format in which the redistricting data were delivered to the states in the 2000 and 2010 census. The legacy format of the data was always part of the 2020 Census data products plan, and it contains all the P.L. 94-171 redistricting data. We had intended to release the legacy format data together with a “redistricting toolkit” as we did in the 2000 and 2010 censuses. That toolkit consists of DVDs/Flash drives with integrated browsing software as well as our data browsing webpage at [data.census.gov](http://data.census.gov). We have released the legacy format summary files alongside this toolkit because the legacy format files require additional handling to extract specific geographies and data into the familiar tables that data users expect. The legacy format summary files contain the same data that is provided in a different format in the DVDs and Flash drives that the Census Bureau will deliver to the legally required official recipients of that data by the end of September.

7. Since our announcement of the availability of the legacy format summary files by August 16, the Census Bureau has conducted several consultations that now lead us to believe that all states will have the technical capabilities to use them, should they so choose. These consultations included talks with several major redistricting software vendors (Caliper Corporation, ESRI, CityGate GIS, Election Data Services, and Polidata), with the staff of the National Conference of State Legislatures' redistricting and elections committee, with the non-profit redistricting organization Redistricting Data Hub, and individually with several states through direct briefings conducted by the Census Redistricting & Voting Rights Data Office.

8. To assist states and other data users, we have already provided a series of support tools to ease their use of the legacy format summary files. We are providing prototype data in the format in which they will be published. This prototype data can be used by states to familiarize themselves with the data's structure, to practice the steps required to use it correctly, and to build and test redistricting systems. To further help the states, we have already published the 2020 Census State Redistricting (P.L. 94-171) Summary File technical documentation alongside a Microsoft Access database shell, a user guide for that shell, table header documentation, and a commonly used geographic code lists. We are also working on import scripts for users of SAS software. All of these tools work with the prototype data and will work with the 2020 legacy format summary files.

9. In its efforts to stay on track to make these productions possible, the Census Bureau has to date successfully grappled with the unique problems resulting from the COVID-19 epidemic and the need to prioritize delivery of the constitutionally required census figures required for apportionment. The original plan for the 2020 Census called for performance of various operations in an integrated manner that would address the different but overlapping requirements of apportionment and redistricting data. For example, the initial processing of the Census Unedited File focused only population counts for apportionment and it was therefore necessary to subsequently create a second file format that enabled accurate processing for not only population counts, but also for the demographic characteristics required for redistricting. We have, as expected also encountered anomalies that require review and resolution. Although we are striving to produce redistricting data in advance of the announced dates, that continues to be a goal rather than an expectation. Despite the many challenges faced in the 2020 Census, the Census Bureau has thus far successfully executed a schedule designed to achieve the complete and accurate data that will guide the country for the next ten years. At all points, delivery of complete and accurate data has been our overriding priority. The Census Bureau is doing everything in its power to release the redistricting data as soon as possible. We have increased the number of staff working on processing operations to more than 100 Bureau employees, bringing in every possible qualified resource. They are working nonstop on processing the redistricting data, including working nights and

weekends. Based on my knowledge of decennial census data processing, there is nothing more that the Bureau could do to further expedite the release of the redistricting data.

10. I respectfully submit that the dedicated professional staff at the Census Bureau will continue to strive for expedient delivery of accurate data about the U.S. population and economy as we work through the final stages of processing the data.

11. I have read the foregoing and it is all true and correct.

DATED and SIGNED:

---

James Whitehorne

Chief, Census Redistricting and Voting Rights Data Office

United States Bureau of the Census