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17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

19 NATIONAL URBAN LEAGUE, et al.,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., et al.,

23 Defendants.

CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' RESPONSE TO COURT  
REQUEST DURING SEPTEMBER 22,  
2020 HEARING REGARDING  
HISTORICAL CENSUSES**

Date: TBD  
Time: TBD  
Place: Courtroom 8  
Judge: Hon. Lucy H. Koh

1 Pursuant to the Court’s direction, Plaintiffs respectfully submit further details regarding  
2 the historical censuses for which statutory deadlines were missed. Specifically, in four separate  
3 19<sup>th</sup> century censuses, the officials in charge—“assistants” charged with transmitting the count to  
4 “marshals” or “secretaries,” who in turn transmitted returns to the Secretary of State—failed to  
5 complete or transmit the count by statutory deadlines. In each of those instances, after one or  
6 more deadlines had passed without the enumeration having been completed, Congress ultimately  
7 extended *ex post* the applicable deadlines.

### 8 **1. 1810 Census**

9 By statute, assistants conducting the 1810 enumeration were required to transmit returns  
10 to marshals and secretaries by January 1, 1811. *See* Act of Apr. 12, 1810, ch. 23, § 1, 2 Stat.  
11 570, 570 (1810) (Exhibit A). And the marshals and secretaries, in turn, were required to transmit  
12 returns to the Secretary of State by March 1, 1811. *See* Act of Mar. 26, 1810, ch. 17, § 3, 2 Stat.  
13 564, 566 (1810) (Exhibit B).

14 The transmissions did not occur by the respective deadlines. Only on March 2, 1811—  
15 months after the first deadline had passed—did Congress act to extend each deadline, granting  
16 until June 3, 1811, for the assistants to transmit returns to marshals and secretaries, and granting  
17 until July 1, 1811, for marshals and secretaries to transmit returns to the Secretary of State. *See*  
18 Act of Mar. 2, 1811, ch. 34, 2 Stat. 658 (1811) (Exhibit C). This amounted to a four month  
19 extension for the ultimate transmission of returns to the Secretary of State.

### 20 **2. 1820 Census**

21 By statute, assistants conducting the 1820 enumeration were required to transmit returns  
22 to marshals by February 7, 1821, and marshals were required to transmit returns to the Secretary  
23 of State by April 1, 1821. *See* Act of Mar. 14, 1820, ch. 24, §§ 1, 3, 3 Stat. 548, 549-50 (1820)  
24 (Exhibit D). On March 3, 1821—after the first of those deadlines had been missed—Congress  
25 pushed back both deadlines to the exact same date, September 1, 1821. *See* Act of Mar. 3, 1821,  
26 ch. 49, 3 Stat. 643, 643 (1821) (Exhibit E). This amounted to a five month extension for the  
27 ultimate transmission of returns to the Secretary of State.

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1           **3. 1830 Census**

2           By statute, assistants conducting the 1830 enumeration were required to transmit returns  
3 to marshals by December 1, 1830, and marshals were required to transmit returns to the  
4 Secretary of State by February 1, 1831. *See* Act of Mar. 23, 1830, ch. 40, §§ 1-3, 4 Stat. 383,  
5 384-84 (1830) (Exhibit F). After both dates had been missed, on February 3, 1831 Congress  
6 granted an extension of both those dates—to June 1, 1831, and August 1, 1831, respectively. *See*  
7 Act of Feb. 3, 1831, ch. 17, § 1, 4 Stat. 439, 440 (1831) (Exhibit G).

8           **4. 1840 Census**

9           By statute, assistants conducting the 1840 enumeration were required to transmit returns  
10 to marshals by October 1, 1840, and marshals were required to transmit returns to the Secretary  
11 of State by December 1, 1840. *See* Act of Mar. 3, 1839, ch. 80, § 1-3, 5 Stat. 331, 333 (1839)  
12 (Exhibit H). On January 14, 1841—more than three month after the first of those two deadlines  
13 had passed—Congress extended both deadlines, to May 1, 1841, and June 1, 1841, respectively.  
14 *See* Act of Jan. 14, 1841, ch. 3, §1, 5 Stat. 411, 411 (1841) (Exhibit I). On September 1, 1841—  
15 several months after both of those amended deadlines had passed—Congress again extended the  
16 deadlines, to December 1, 1841, and January 1, 1842, respectively. *See* Act of Sept. 1, 1841, ch.  
17 15, §1, 5 Stat. 452, 452 (1841) (Exhibit J).

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Dated: September 22, 2020

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