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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**STATE OF CALIFORNIA, by and through  
Attorney General Xavier Becerra,**

Plaintiff,

v.

**WILBUR L. ROSS, JR., in his official  
capacity as Secretary of the U.S. Department  
of Commerce; U.S. DEPARTMENT OF  
COMMERCE; RON JARMIN, in his official  
capacity as Acting Director of the U.S. Census  
Bureau; U.S. CENSUS BUREAU; DOES 1-  
100,**

Defendants.

3:18-cv-01865

**BRIEF OF CENTRAL VALLEY  
IMMIGRANT INTEGRATION  
COLLABORATIVE, UNITED FARM  
WORKER FOUNDATION,  
NATIONAL IMMIGRATION LAW  
CENTER, ET AL. AS *AMICI CURIAE*  
IN SUPPORT OF PLAINTIFFS**

Dept: 3  
Judge: The Honorable Richard G. Seeborg  
Trial Date: January 7, 2019  
Action Filed: March 26, 2018

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## INTRODUCTION

Amici Curiae submit this brief to present the Court with recently published (January 2019) research<sup>1</sup> addressing whether the inclusion of the Citizenship Question<sup>2</sup> on the 2020 Census will lead to an undercount of immigrant and Latino<sup>3</sup> populations in San Joaquin Valley region and the State of California as a whole. The issue in this case is whether Defendants’ decision to include the Citizenship Question on the 2020 Census violates the Administrative Procedures Act and Enumeration Clause of the Fourteenth Amendment. Whether the inclusion of a Citizenship Question will impact the undercount of discrete populations is central to both of these claims.

Since one out of four potential census respondents in the San Joaquin Valley are immigrants, concern about the consequences of a serious census undercount of immigrants in this region is very high. To understand how prevalent this concern will be, the San Joaquin Valley Heath Fund launched the San Joaquin Valley Census Research Project (“SJVCRP”) to provide data-based insights into the impact the Citizenship Question would have on immigrant household census response throughout the region. To determine this impact, the SJVCRP conducted interviews of first and second-generation Latino immigrants in the San Joaquin Valley region—

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<sup>1</sup> Exhibit A (Edward Kissam, Richard Mines, Cindy Quezada, Jo Ann Intili, and Gail Wadsworth, *Census Response Among San Joaquin Valley Latino 1<sup>st</sup> and 2<sup>nd</sup> Generation Immigrants: Findings from the San Joaquin Valley Survey and Implications for Census 2020*), [https://www.shfcenter.org/assets/SJVHF/SJVCRP\\_Survey\\_Findings\\_Report\\_011819\\_Web.pdf](https://www.shfcenter.org/assets/SJVHF/SJVCRP_Survey_Findings_Report_011819_Web.pdf) (last visited January 31, 2019) and Exhibit B (Edward Kissam, *A Cascade Model: How Latino Immigrants’ Lowered Response Will Lead to Differential Undercount in Census 2020*, available at [https://www.shfcenter.org/assets/SJVHF/SJVHF\\_Census\\_Cascade\\_Model\\_Report\\_012519\\_Web.pdf](https://www.shfcenter.org/assets/SJVHF/SJVHF_Census_Cascade_Model_Report_012519_Web.pdf) (last visited January 31, 2019).

<sup>2</sup> See ECF 12 ¶ 3.

<sup>3</sup> “Latina”, “Latino” and “Hispanic” are used interchangeably herein to refer to the group designated by the U.S. Census Bureau as “Hispanic.” Specifically, the interchangeable terms “Hispanic or Latino” refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.” Karen R. Humes, Nicholas A. Jones, & Roberto R. Ramirez, *Overview of Race and Hispanic Origin: 2010, 2010 Census Briefs*, 1, 2 (March 2011) <https://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf> (last visited January 31, 2019). The gender-neutral term “Latinx” is also used to refer to this population. See also generally, “Latinx”, *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/Latinx> (last visited January 31, 2019) (defining “Latinx” as a gender-neutral alternative to “Latino” or “Latina”).

1 throughout the eight counties of Kern, Fresno, Kings, Tulare, Madera, Merced, Stanislaus, and San  
2 Joaquin.

3 The results of this survey research demonstrate that inclusion of the proposed Citizenship  
4 Question will cause a significant decrease in the willingness of first and second-generation Latino  
5 immigrant households to respond to the 2020 Census, which will in turn invariably lead to a  
6 significant reduction in 2020 Census participation rates for these populations. Moreover, inclusion  
7 of the proposed Citizenship Question will undermine the effectiveness of the primary remedial  
8 mechanism utilized by the Census Bureau: follow-up visits by enumerators and proxy interviews  
9 by enumerators that attempt to account for non-responsive households. Ultimately, this research  
10 further confirms that, because the Citizenship Question will diminish the response rates of non-  
11 citizens and their citizen relatives, the San Joaquin Valley region, and California as a whole, will  
12 be dramatically impacted by a 2020 Census undercount resulting from the inclusion of the  
13 Citizenship Question.

14 **INTEREST OF AMICI CURIAE**

15 Amici are community organizations, philanthropic institutions, and service providers who  
16 are focused on ensuring that the all Californians—including those in the San Joaquin Valley—are  
17 able to live in fully represented, fully resourced, empowered, and healthy communities. Amicus  
18 Curiae are:

19 Blue Shield of California Foundation

20 The California Endowment

21 California Pan-Ethnic Health Network

22 California Rural Legal Assistance Foundation

23 California Wellness Foundation

24 Californians for Pesticide Reform

25 Central Valley Immigrant Integration Collaborative

26 Community Water Center

27 Grove Foundation

28 Immigrant Legal Resource Center

1 Jakara Movement

2 Latino Community Foundation

3 Leadership Counsel for Justice and Accountability

4 National Immigration Law Center

5 Radio Bilingüe

6 The Sierra Health Foundation

7 United Farm Workers Foundation

8 Westside Family Prevention Services Network

9 Differential undercount in the decennial census is a critical public policy concern. Any  
10 such undercount will lead to a misallocation of census-driven federal and state funding and  
11 inequitable political representation. Overcoming differential undercount of racial/ethnic minorities  
12 has been a challenge throughout the history of the U.S. Census. There has been widespread and  
13 well-justified alarm about the U.S. Department of Commerce’s plans to add a Citizenship Question  
14 to the decennial census, which will undoubtedly exacerbate this problem. In the ten months since  
15 the Secretary of Commerce announced his decision to add the proposed Citizenship Question,  
16 broad public consensus has underscored the grave concern that his decision would decrease Census  
17 2020 response rates among non-citizens more than among U.S.-born citizens.<sup>4</sup> Given the San  
18 Joaquin Valley region and California’s relatively high proportions of Latino and immigrant  
19 populations as compared to the rest of the Country, the San Joaquin Valley region and California  
20 will ultimately be disproportionately harmed by any resulting undercount of these populations.

21 Moreover, adding the proposed Citizenship Question will likely have more than simply  
22 fiscal implications. The transformation of the decennial census from a civic ritual of affirmation—  
23 securing an accurate picture of the U.S., a “mirror of America”—into an exercise in government-  
24 sponsored efforts to diminish the importance of immigrants and blur our vision of a diverse  
25 American nation, will take a severe toll on civic life. The damage wrought by efforts to add the

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28 <sup>4</sup> See e.g. Michael Wines, “Critics Say Questions About Citizenship Could Wreck Chances  
for an Accurate Census”, *New York Times*, Jan. 2, 2018,  
<https://www.nytimes.com/2018/01/02/us/census-citizenship-status-immigrants.html>.

1 proposed Citizenship Question to Census 2020 will negatively impact a wide range of immigrant  
2 integration initiatives. The State of California itself, through legislative and regulatory action,  
3 along with a multitude of public institutions in California and the San Joaquin Valley, have worked  
4 for decades to effectively integrate immigrants into community life. A 2020 Census with the  
5 proposed Citizenship Question—widely recognized as a proxy for an inquiry into immigration  
6 status—will only serve to undermine the decades of work that public institutions throughout  
7 California have invested in this mission, accelerating rapid growth in government distrust and  
8 disengagement, and will only further foment community disappointment and anger regarding anti-  
9 immigrant policies.

## 10 ARGUMENT

### 11 I. The SJVCRP Research Demonstrates that the Proposed Citizenship Question 12 Will Cause a Significant Undercount of Immigrant and Latino Populations in the 13 San Joaquin Valley Region and Throughout California

14 The findings of the SJVCRP research builds upon a growing body of research to improve  
15 understanding of how the proposed Citizenship Question may impact California’s San Joaquin  
16 Valley. The findings from survey data collected from Latino immigrants and their social networks  
17 in eight (8) San Joaquin Valley counties show that adding the proposed Citizenship Question to  
18 the 2020 Census is expected to have a major impact in suppressing the 2020 Census response  
19 among San Joaquin Valley Latino immigrants. This will lead to a differential undercount of Latino  
20 households in the San Joaquin Valley and a subsequent decrease in the census-based estimates of  
21 the overall population in the region, ultimately leading to disparities in political representation and  
22 allocation of government sourced program funding.

#### 23 A. SJVCRP Research Design

24 The SJVCRP research contributes to the existing research on potential non-responsiveness  
25 to the 2020 Census by looking into the willingness of different sub-populations of Latino  
26 immigrants to respond to a 2020 Census with the proposed Citizenship Question. The SJVCRP  
27 research also makes a unique contribution to the prior research on the proposed Citizenship  
28 Question’s impact, in that the methodology consisted of interviews with immigrant community  
members via face-to-face discussion with interviewers who are mostly immigrants like

1 themselves. Moreover, the discussions took place in the real-world street-level environment of  
2 day-to-day life in local communities.<sup>5</sup>

3 The interviews were conducted in the San Joaquin Valley region. This area has a population  
4 slightly more than 4.2 million persons, about 900,000 of whom are foreign-born. Ex. A at 10. The  
5 region's population is projected to grow to about 4.6 million by 2020. *Id.* Slightly more than half  
6 (52%) of the San Joaquin Valley's entire population is of Hispanic origin and about seven out of  
7 ten foreign-born residents in the region are of Mexican or Central American origin. *Id.* Latino  
8 immigrants are less likely to have naturalized than immigrants of other national origin, so they  
9 make up more than eight out of ten (84%) of the region's non-citizen population that is 18 years  
10 of age or older. *Id.* About 20% of the region's overall adult population 18 years of age and older  
11 are adult Latino foreign-born, *i.e.*, first-generation immigrants. *Id.* Another 15% of the region's  
12 adult Hispanic population 18 years of age or older are the U.S. born adult children of foreign-born  
13 Latinos, *i.e.*, second-generation immigrants. *Id.* In terms of immigration and citizenship status, the  
14 SJVCRP estimates that about two out of five in the adult foreign-born Latino population (about  
15 8.5% of the region's entire adult population 18 years of age or older) are undocumented Latino  
16 immigrants, while slightly less than a third of the foreign-born Latino adults (5.3% of the overall  
17 adult population in the region) are legal residents. *Id.* at 11.

18 The SJVCRP conducted interviews with 414 Latino survey respondents in 104 venues in  
19 31 communities in the San Joaquin Valley region. These respondents lived in households in 66  
20 San Joaquin Valley cities and towns throughout the region, and sampling at places where  
21 immigrants and people in immigrant social networks congregate was designed to assure  
22 geographic and sociological diversity in the sample, as well as to assure inclusion of respondents  
23 who might be living in hidden or unconventional housing. About one-third of respondents reside  
24 in urban neighborhoods in major cities such as Bakersfield, Visalia, Fresno, Merced, Modesto, and  
25 Stockton. The remaining majority of respondents live in medium-size towns such as Porterville,  
26

---

27 <sup>5</sup> Thus, this research model complements the studies performed by Plaintiffs' expert Dr.  
28 Matt Barreto, who examined propensity to respond to a 2020 Census with the proposed Citizenship  
Question in a telephone survey, with a different research methodology.



1 Selma, Orange Cove, Madera, Merced, in small rural communities such as Dinuba, Huron,  
2 Kettleman City, Woodlake, Firebaugh, and remote rural unincorporated areas such as Cantua  
3 Creek in Fresno County, Stratford in Tulare County, and Stevinson in Merced County.

4 The survey respondents are sociologically and demographically representative of the San  
5 Joaquin Valley population of foreign-born Latino immigrants and their social networks—most  
6 importantly with respect to legal status/citizenship. Overall, more than one-third (37%) of the all  
7 the survey respondents are undocumented and more than one-quarter (27%) are legal residents.  
8 One-quarter (24%) are U.S.-born citizens (second-generation children of immigrants), and 12%  
9 are naturalized citizens.

10 A central question for the SJVCRP research was the proportion of Latino immigrants and  
11 U.S.-born adult children of immigrants (second-generation) willing to respond to the 2020  
12 Census—without and with the proposed Citizenship Question, either through self-response or  
13 through an interview with an enumerator. The SJVCRP research compared willingness to respond  
14 without or with the proposed Citizenship Question as a quantitative indicator of the impact of  
15 adding the proposed Citizenship Question.

16 **B. Inclusion of the Proposed Citizenship Question Will Significantly Reduce First**  
17 **and Second-Generation Latinos' Willingness to Respond to the 2020 Census**

18 SJVCRP interviewees were asked, as a baseline, what their willingness to respond to the  
19 census would be without the proposed Citizenship Question. The vast majority (84%) of survey  
20 respondents said they were willing to answer the census without the proposed Citizenship  
21 Question, while 10% said “maybe”, and 6% said they would not answer the census. Ex. A at 14-  
22 15. Subsequently, after securing responses about “baseline” willingness to respond to the census  
23 without a proposed Citizenship Question, interviewers asked the survey respondents about their  
24 willingness to participate in the Census if it were to include the proposed Citizenship Question.  
25 Adding the proposed Citizenship Question greatly decreases overall willingness to respond to the  
26 census, dropping the willingness to respond rate by nearly half, to 46%, for all respondents. *Id.* at  
27 14.  
28

<b>Willingness to Self-Respond to the Census or Enumerator Interview With and Without the Citizenship Question by Demographic Subgroup</b>		
<b><i>Willingness to Respond</i></b>	<b><i>Willing to Respond to Census <u>without</u> the CQ</i></b>	<b><i>Willing to Respond to Census <u>with</u> the CQ</i></b>
Undocumented (N=147)	80%	25%
Legal Residents (N=108)	85%	63%
Naturalized Citizens (N=44)	89%	70%
U.S.-Born Citizens-Second-Generation (N=97)	89%	49%

One major finding was that the impact of the proposed Citizenship Question was not confined to non-citizens. Second-generation Latino immigrants, U.S.-born citizens, were also much less willing to answer the census if it were to include the proposed Citizenship Question, than the naturalized citizens. *Id.* at 15.<sup>6</sup>

Accordingly, adding the proposed Citizenship Question would irrevocably undermine the accuracy and reliability of census data in Latino immigrant communities. As is further explained in Section I.C., the resulting non-response rate among undocumented Latino immigrants would undoubtedly reduce the numbers enumerated and would likely result in a significant undercount of the Latino population in the San Joaquin Valley by at least 11.7%, a gross margin of error that will severely skew census data on race/ethnicity and result in a misrepresentation of the demographic profile of the population in the region. Ex. A at 4, 24, 25.

<sup>6</sup> Indeed, 34% of Latino U.S.-born citizens and 16% of Latino naturalized citizens respondents were “pushed” from outright willingness or potential willingness to definitive unwillingness to respond to the census due to the addition of the proposed Citizenship Question. Ex. A at 16. These findings further reinforce Dr. Barreto’s findings that increased levels of non-response will extend to citizen households, particularly Latino-citizen households. ECF. 140 ¶ 337.

1  
2 **C. Inclusion of the Proposed Citizenship Question Will Lead to a Significant**  
3 **Undercount of Latino Populations in the San Joaquin Valley Region and**  
4 **throughout California**

5 The San Joaquin Valley region, despite its broad distribution among major urban centers,  
6 medium-size communities, and small rural towns, will have a total population of about 4.6 million  
7 people in 2020, making it much larger than many major urban areas such as Chicago, Illinois or  
8 Houston, Texas, and comparable in population to the City of Los Angeles. Thus, differential  
9 undercount in the San Joaquin Valley needs to be understood not only as a regional concern but,  
10 also, as an issue of statewide and national concern. The SJVCRP survey results show that adding  
11 the proposed Citizenship Question to Census 2020 is likely to have a major impact in suppressing  
12 census response among San Joaquin Valley Latino immigrants and their social networks, which  
13 comprise more than one-third of the region’s total population.

14 The compromised willingness to respond to Census 2020, in combination with other factors  
15 such as omission of low-visibility housing units from the Census Bureau’s address list, language  
16 and literacy barriers, and lack of internet access for online response, will create a “cascade” of  
17 errors that will almost certainly result in severe differential undercount of Latino households in the  
18 San Joaquin Valley and therefore decrease the census-based estimates of the overall population in  
19 the region. Ex. B at 16-24.<sup>7</sup> The SJVCRP, by providing key information on the numbers and

20 <sup>7</sup> These estimates utilized a “cascade” model of census undercount developed to understand  
21 how dramatically increased levels of non-response among certain populations in certain  
22 community contexts would be transformed into differential undercount. Census non-response does  
23 not immediately translate into undercount, in part because the Census Bureau has traditionally  
24 worked hard to implement a methodological strategy designed to compensate for survey non-  
25 response during the non-response follow-up (“NRFU”) process. Nonetheless, the research  
26 literature demonstrates that census data quality is continuously eroded in communities where there  
27 are high levels of non-response among some sub-populations, despite the Census Bureau’s best  
28 efforts to secure complete enumeration. This is because, when confronted with high levels of  
household non-response, the Census Bureau is forced to rely on additional operational and  
statistical procedures—most notably, proxy interviews, recourse to administrative records, and,  
finally, imputation, to generate published tabulations of raw census data. Each of these efforts,  
while partially compensating for non-response, introduces errors into the eventual tabulations of  
census data that provide the official basis for apportionment and for allocation of federal funding.  
For a full discussion of the cascade model utilized in the SJVCRP research and reports *see*  
*generally* Exhibit B.

1 characteristics of households not likely to respond, provides an empirical basis for determining the  
 2 severity of the undercount and how much it will skew the demographic and socioeconomic profile  
 3 of San Joaquin Valley communities. By the conservative estimations of this modeling, the  
 4 aggregate undercount of first and second-generation Latinos in the San Joaquin Valley will be  
 5 11.7%. This will lead to an overall 4.1% undercount of the population of the San Joaquin Valley  
 6 in the 2020 Census. Ex. A at 24.

7 **Cascade Model Estimate of San Joaquin Valley Undercount in Latino Immigrant Networks**

8 9 10	<b>San Joaquin Valley Latino Sub-Population as Defined by Status</b>	<b>Undercount for Sub-Populations</b>	<b>Impact on Overall San Joaquin Valley Census Count</b>
11	Non-citizens-Undocumented	21.1%	-1.8%
12	Non-citizens-Legal Residents	7.5%	-0.4%
13	Foreign-born-Naturalized Citizens	5.9%	-0.4%
14	U.S.-born -Second-Generation	10.3%	-1.5%
15			
16	<b>Aggregate Impact- Undercount of First and Second-Generation Latinos</b>	<b>11.7%</b>	<b>-4.1%</b>

17  
 18 The resulting patterns and extent of the undercount can be expected to create significant  
 19 disparities in allocation of federal (and state) census-driven program funding.<sup>8</sup> The projected level  
 20 of 11.7% undercount among immigrant Latinos and their social networks reaches a level that some

21  
 22  
 23  
 24 <sup>8</sup> The differential undercount of the immigrant Latino population would also seriously skew  
 25 the racial/ethnic profile of the San Joaquin Valley region and, consequently, undermine the  
 26 reliability of detailed demographic and socioeconomic data collected in the American Community  
 27 Survey (“ACS”) over the post-censal decade from 2021-2030, causing a ripple effect in the margin  
 28 of error, further degrading and calling into question the accuracy of citizen voting age tabulations,  
 due to unreliable tabulations of responses to the Citizenship Question, the underrepresentation of  
 the Latino population as a whole, and serious uncertainties about the age profile of the population.  
 Ex. A at 26; *see also discussion infra* (“a projected level of 11.7% undercount among immigrant  
 Latinos and their social networks reaches a level that some experts would consider to be indicative  
 of a ‘failed’ census.”).

1 experts would consider to be indicative of a “failed” census.<sup>9</sup> With a decennial census undercount  
 2 of close to 188,000 Latino immigrant persons in the San Joaquin Valley region alone—the fiscal  
 3 impact will result in a significant loss of at least \$198 million dollars per year in federal funding  
 4 for the region—a total of almost \$2 billion over the post-censal decade from 2021-2030. Ex. A at  
 5 25.

6 Extrapolated to California at large , the impact of the proposed Citizenship Question on  
 7 first and second-generation Latinos would cause an aggregate undercount of 900,000 to 1.3 million  
 8 Californians. Ex. B at 21. At this level of undercount, California would be very likely to lose at  
 9 least one Congressional seat from Hispanic/Latino immigrant undercount alone, and even more if  
 10 one considers the balance of “hard to count”<sup>10</sup> U.S.-born and foreign-born persons in California.  
 11

12 <sup>9</sup> These findings are generally consistent with the findings of Plaintiffs’ experts, Dr.  
 13 Matthew Barreto and Dr. Bernard Fraga. Dr. Barreto found that the Citizenship Question will  
 14 reduce self-response, particularly of immigrants and Latinos. ECF. 140 ¶ 330. Dr. Barreto  
 15 conducted a nationwide survey and concluded that the Citizenship Question would create a  
 16 response drop-off of between 7.1 and 9.7 percent nationally and between 12.3 and 18 percent in  
 17 the State of California, the biggest drop-off among all states. *Id.* Plaintiffs’ expert Dr. Bernard  
 18 Fraga estimated that, based on Dr. Barreto’s survey results, the Citizenship Question would cause  
 19 12.51% of Californians not to be reported in the census self-response, and that this would be the  
 largest proportional undercount of any state. ECF. 140 ¶ at 343. Given that the extrapolations  
 provided in SJVCRP’s publications only pertain to first and second-generation *Latino* immigrants,  
 the SJVCRP research indicates that if the percentage of nonresponse amongst Latino first and  
 second-generation immigrants projected in the San Joaquin Valley remains consistent throughout  
 the State, the total undercount in California will at the very least meet Dr. Fraga’s estimations.

20 <sup>10</sup> “A census tract is considered hard-to-count [“HTC”] if its self-response rate in the  
 21 2010 decennial census was 73% or less”, *i.e.*, if its mail-return rate for self-responses are in the  
 22 bottom 20% of 2010 mail return rates, the tract has no mail return rates, or a low statistical  
 23 response score. *HTC 2020: Mapping Hard to Count (HTC) Communities for a Fair and Accurate*  
 24 *2020 Census*, “What is the ‘hard to count’ population and why does it matter?” (hereinafter,  
 25 “*HTC 2020*”), <https://www.censushardtocompmaps2020.us> (last visited January 31, 2019)  
 26 (emphasis in original). “Historically, the census has undercounted young children, people of  
 27 color, rural residents, & low-income households at higher rates than other population groups.”  
 28 *Id.*; Terri Ann Lowenthal, *Race and Ethnicity in the 2020 Census: Improving Data to Capture*  
*a Multiethnic America* (Leadership Conference Education Fund, Asian Americans Advancing  
 Justice, and NALEO Educational Fund, November 2014) at 17,  
<http://civilrightsdocs.info/pdf/reports/Census-Report-2014-WEB.pdf> (noting same). Groups  
 “with low self-response rates in prior censuses or census tests [also] include ‘linguistically  
 isolated’ households; frequent movers; foreign born residents; [and] households below the  
 poverty line”, among others. *HTC 2020*. Moreover, “people who distrust government  
 authorities and/or have been or could be targets of law enforcement or heightened surveillance  
 may be less likely to respond to the census.” *Id.* For the 2020 Census, the HTC analysis would

1 Ex. B at 21. The corresponding fiscal losses would likely range from \$970 million to \$1.5 billion  
 2 per year during the decade from 2021-2030, unless there were to be provisions for statistical  
 3 adjustment for the purpose of allocating federal funding. *Id.*

4 **II. The SJVCRP Research Demonstrates that Inclusion of the Proposed Citizenship**  
 5 **Question Will Frustrate Census Bureau Efforts to Mitigate Non-Responsiveness**

6 While the factors likely to lead to the significant undercount estimated by the SJVCRP are  
 7 the result of numerous factors,<sup>11</sup> the research demonstrates that one major issue impacting the  
 8 ability to address the potential undercount is that the inclusion of the proposed Citizenship  
 9 Question carries dramatic impacts on the NRFU process to count the population that declines to  
 10 self-respond. Specifically, if a household fails to self-respond to the census, after continued non-  
 11 response to several reminders, an enumerator is asked to visit the non-responding household. When  
 12 an enumerator tries to contact a non-responding household but fails to convince the householder  
 13 to participate in an interview, the enumerator is instructed to attempt a “proxy interview” with a  
 14 neighbor. The SJVCRP research demonstrates that the inclusion of the proposed Citizenship  
 15 Question significantly raises already-high levels of non-response to enumerators’ visits among  
 16 these populations and decreases the accuracy and efficacy of Census Bureau efforts to enumerate  
 17 the non-responding households by increasing “proxy interviews” about the household which could  
 18 not be contacted or which refused.<sup>12</sup>

19  
 20  
 21 also include households without internet access. *See id.* Approximately 25% of California’s  
 22 current population, an estimated 9,741,425 people, live in HTC census tracts. *HTC 2020*  
 23 *California*, <https://www.censushardtocountmaps2020.us/img/mappdfs/California.pdf> (last  
 24 visited January 31, 2019).

25 <sup>11</sup> Eventual census accuracy, with or without the proposed Citizenship Question, will rest  
 26 in part on the Census Bureau’s ability to effectively collaborate with concerned community groups  
 27 in designing and implementing initiatives to overcome the chronic barriers to census participation.  
 28 As the SJVCRP research shows, the inclusion of the proposed Citizenship Question substantially  
 increases the difficulty the Bureau will have in mitigating these long-standing barriers to a full  
 enumeration. Ex. B at 23.

<sup>12</sup> Accordingly, the SJVCRP research corroborates Plaintiffs’ experts’ findings that the  
 sensitivity of the proposed Citizenship Question will not only lead to higher failure to self-  
 respond rates, but will also increase the likelihood that these same households will fail to respond  
 to follow-up contacts. ECF. 140 ¶ at 351.

1                   **A. Inclusion of the Proposed Citizenship Question Decreased First and Second-**  
 2                   **Generation Latinos’ Willingness to Respond to an Enumerator Who Came to**  
 3                   **the Door**

4                   SJVCRP survey respondents who had said they were not willing to self-respond to the  
 5 census were asked if they would respond to an enumerator who came to the door. If contacted by  
 6 an enumerator in the course of a census without the proposed Citizenship Question, slightly more  
 7 than one out of four who were not inclined to self-respond (29%) said they would be willing to  
 8 talk with the enumerator and slightly more said they might perhaps answer the door and the  
 9 questions. Overall, slightly more than half were inclined to answer an enumerator’s questions (*i.e.*,  
 10 the “yes” and the “maybe” responses). Ex. A at 18.

11                   However, with the proposed Citizenship Question added, those willing to respond to an  
 12 enumerator who contacted them because their household had not previously self-responded  
 13 declined sharply—from 29% down to 4%. Moreover, the proportion of respondents who said they  
 14 would not talk to the enumerator at the door almost doubled—to 84%. The proportion of  
 15 respondents who said they were uncertain as to whether they would respond to an enumerator visit  
 16 decreased sharply—from 30% to 12%—if the proposed Citizenship Question (“CQ”) were to be  
 17 added (with the “maybe” responses pushed toward “no” responses). *Id.*

18                   **Proportions of Latino Immigrants Not Inclined To Self-Respond Who Would Respond to a**  
 19                   **Follow-Up Visit by an Enumerator**

<b>Would Respond to Enumerator</b>	<i>Census 2020 without the CQ</i> (N=69)	<i>Census 2020 including the CQ</i> (N=170)
Yes	29%	4%
No	43%	84%
Maybe	30%	12%

25                   The SJVCRP research clearly found that the proposed Citizenship Question has a clear  
 26 negative impact on this mode of response as well as on initial willingness to self-respond. Thus,  
 27 based on these responses regarding willingness to talk with enumerators, these NRFU efforts will  
 28 likely fail to improve the already-low response rates.

1 **B. Inclusion of the Proposed Citizenship Question Decreased First and Second-**  
2 **Generation Latinos’ Willingness to Respond to Enumerator Requests for**  
3 **Proxy Interviews**

4 Similar to the survey results related to attempts by enumerators to directly visit the household,  
5 the SJVCRP research shows extraordinarily low willingness to respond to enumerator requests for  
6 proxy interviews when the Citizenship Question is included. Even without the proposed  
7 Citizenship Question, only 19% of the Latino survey respondents were willing to participate in a  
8 proxy interview to provide information about their neighbors. Adding the proposed Citizenship  
9 Question significantly decreased this minimal willingness to provide any information about one’s  
10 neighbors. With the proposed Citizenship Question, only 8% of the respondents said they would  
11 provide an enumerator with information about a neighboring household. Ex. A at 19. Thus, based  
12 on these responses regarding willingness to talk with enumerators, these NRFU efforts will likely  
13 fail to improve the already-low response rates.

14 **CONCLUSION**

15 The survey conducted by the SJVCRP complements and corroborates the findings made  
16 by Plaintiffs’ experts, demonstrating the dramatic negative impact of the proposed Citizenship  
17 Question on undocumented and mixed-status households’ willingness to respond to the 2020  
18 Census, as well as the remarkable impact dampening second-generation Latino immigrants’  
19 willingness to participate in the census at all. The SJVCRP research further demonstrates that the  
20 introduction of the proposed Citizenship Question will undoubtedly lead to a dramatic undercount  
21 of these populations that is not likely to be remedied by enumerator interviews. The result will  
22 lead to a statistically significant gross undercount of immigrant and Latino populations in the San  
23 Joaquin Valley region and the State of California, initiating a cascade of “proxy” mechanisms  
24 riddled with tabulation errors, further undermining census data accuracy and reliability, grossly  
25 skewing the demographic and sociological profile of the San Joaquin Valley region and the State  
26 of California as a whole, over the next decade. The result risks inaccurate apportionment, potential  
27 loss of Congressional representation, the loss of an estimated \$970 million to \$1.5 billion in federal  
28 funding for the entire population of California over the next decade—and, perhaps most  
significantly, an irreversible loss of public trust in the U.S. Census Bureau and in public



1 institutions—state, local, and federal—to adequately serve and remain responsive to the needs of  
2 the entire population.

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Respectfully submitted,

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