

# California Legislature

February 1, 2021

The Honorable Ronald Klain  
Chief of Staff  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. Klain:

We write today on a key issue affecting the 2020 U.S. Census. The Trump Administration efforts to manipulate the Census are well known to all of us. Thankfully President Biden has been able to halt the most obvious manipulation – the adjustment affecting non-citizens. However, there is still another adjustment developed by the Trump Administration that will affect the accuracy of the Census and the ability to ensure both fair representation of minority communities and fair distribution of federal resources.

The adjustment to Census data that remains a concern is referred to as “differential privacy.” It has been developed by the Census Bureau as part of its mandate to maintain the confidentiality of individual American residents, while at the same time producing accurate detailed data. The Census Bureau is required to balance these two goals -- which can be in conflict.

Differential privacy is a new system that the previous administration rushed to complete to avoid disclosing individuals’ identities. The intent was to serve the laudable privacy goal, but the system also has the effect of scattering minority voters, making it much more difficult to serve the goals of the Voting Rights Act.

The rush to implement differential privacy also negatively impacts the ability of states to implement their laws. For example, California requires Census data to be adjusted for persons incarcerated in state correctional facilities, using the data provided to the Census Bureau. However, if this data has been modified by the Bureau with limited transparency, California’s important electoral reform will be undermined. We include an enclosure describing this particular problem in the California setting in more detail, but the issue of this new adjustment’s impact is a national one.

In summary, using the differential privacy adjustment developed by the Trump Administration will enshrine an unnecessary inaccuracy in the 2020 Census data. Test runs have clearly demonstrated these flaws. Differential privacy as now envisioned will undercut the goals of the Voting Rights Act, potentially shift funds away from low-income communities of color, and make fair line drawing more challenging at both the state and local level.

We believe it is essential to allow the Census Bureau sufficient time to modify their current plans to use this new disclosure avoidance system, and further that the work of the Census Bureau should be carefully reviewed by those who have the confidence of the President to accomplish the goals we all share.

Respectfully,



TONI G. ATKINS  
Senate President pro Tempore  
39th Senate District



ANTHONY RENDON  
Speaker of the Assembly  
63<sup>rd</sup> Assembly District

Enclosure

cc: The Vice President, Kamala Harris  
Alex Padilla, United States Senator  
Dianne Feinstein, United States Senator