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**Attorney General Steve Marshall and Congressman Robert Aderholt
File Suit Against Federal Government for Illegally
Manipulating and Delaying Census Data**

*Case Challenges the Decision by the U.S. Department of Commerce to Implement a
New Statistical Method Designed to Inject Error into Decennial Census Data
That Is Critical to Congressional Redistricting*

(MONTGOMERY) – Alabama Attorney General Steve Marshall, U.S. Representative Robert Aderholt (R-AL-04), and two other Alabama voters filed suit against the U.S. Department of Commerce over its decisions to manipulate census data that will affect congressional and state legislative redistricting, and delay delivery of census data the States need to complete redistricting.

In their lawsuit filed Wednesday in the U.S. District Court for the Middle District of Alabama, Attorney General Marshall and Congressman Aderholt challenged the U.S. Department of Commerce and the Census Bureau for purposefully manipulating and delaying mandated census numbers due to the implementation of a controversial new statistical method known as “differential privacy.” This statistical method is deliberately designed to inject error into the decennial census data, essentially scrambling the numbers. As a result, and for the first time ever, States will not know if the population numbers the Census Bureau delivers for any given neighborhood, town, or county are accurate.

“Every ten years the U.S. Census Bureau is required by law to report the results of the census count to Congress and the States so that \$1.5 trillion in federal funding can be fairly allocated and legislative districts can be fairly redrawn,” said Attorney General Marshall. “The Census Bureau is already late in reporting mandated apportionment data from the 2020 census and has declared it will also violate the statutory deadline for delivering redistricting data to the States. But on top of that, it appears part of the reason for delay is the Bureau’s attempt to use a novel confidential algorithm to manipulate the counts that allocate tremendous amounts of money and political power.

“The reason the Framers required an actual enumeration of the population every ten years, rather than estimates by purported experts, was to avoid the risk that census results could be manipulated for improper purposes. Whatever the Bureau’s motives, this bureaucratic experiment will force Alabama and other states to redistrict with intentionally flawed data. The States has a right to accurate data, and I am gravely



concerned over the chaos the Census Bureau's action will impose on Alabama's proper drawing of congressional districts in time for the 2022 elections. I join with Alabama Congressman Robert Aderholt in filing this lawsuit to restore accuracy and transparency to the census process."

"I am pleased to join with Attorney General Steve Marshall in fighting this unconstitutional practice by the United States Census Bureau," said Congressman Aderholt. "The Census is only carried out once every ten years and is vital for redistricting, federal allocation of tax dollars and for many other public and private uses. Therefore, it is critical that the numbers be as accurate as possible and not be simply generated by computer algorithms and guesswork."

As the lawsuit states:

"Census Bureau officials have suggested that the privacy requirements of 13 U.S.C. § 9 require the use of differential privacy to protect the personal information of census respondents. But that's not true. The Census Bureau has not shown that other disclosure avoidance methods would not satisfy the privacy requirements of § 9 while also meeting the Secretary's statutory obligation to deliver true—and usable—population tabulations to the States. Indeed, the privacy safeguards the Census Bureau used for the 2010 decennial census and redistricting data appear to have worked extremely well. There have been no reports that anyone outside the Bureau has gained access to the responses of a particular identified person from the released 2010 data. While the Bureau is free to build on its past privacy successes, it cannot do so by providing States false tabulations of population."

"Not only does the Bureau intend to produce false redistricting numbers; it intends to produce numbers half a year behind schedule. Congress required the Bureau to engage in a five-year collaborative process with the States to ensure delivery of redistricting data by no later than March 31, 2021 ... Alabama upheld its end of the deal, but the Bureau has decided—unilaterally—that it will instead submit data to the States by September 30, 2021. The Bureau has no authority to grant itself this sizeable extension and deprive Alabama of information to which it is entitled. That is especially so because the Bureau's delay imposes substantial costs on Alabama as the State seeks to meet its constitutional obligations and run its 2022 statewide elections effectively and in accordance with State law."

A copy of the State of Alabama's lawsuit is [linked here](#).