Census Bureau to Release Critical Data Sought by Selendy Gay Client

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The U.S. Census Bureau announced this week that it will release files sought through litigation by Selendy Gay and the Election Law Clinic at Harvard Law School on behalf of pro bono client Dr. Justin Phillips.

Dr. Phillips, a professor of political science at Columbia University, seeks access to currently undisclosed census data in order to evaluate possible bias in the 2020 census.

Scholars are concerned that the Census Bureau's current method of protecting individuals' privacy is inadvertently introducing biases into published census data by inflating the populations of more sparsely populated areas while shrinking dense—and typically more diverse—population centers. If communities' reported populations are being artificially reduced in the census, these communities will not receive an equitable share of political power and public resources.

In order to determine if this skew in data exists and if so, how large a bias it has created, Dr. Phillips submitted a Freedom of Information Act (FOIA) request in July 2022, seeking access to two files from 2010 and 2020 known as "noisy measurements files." The Census Bureau did not act on the request within its statutory deadline, leading Dr. Phillips to sue the Bureau. In December 2022, the Census Bureau denied the request, contending that the 2010 file had been deleted and the 2020 file was exempt from release under FOIA.

The Census Bureau then reversed course in January 2023, announcing it would recreate and publish the 2010 file, now due to be released on April 3. This week, the Census Bureau further announced that it will release the 2020 file, with a schedule for release still to be set.

Representing Dr. Phillips in this victory are partner Jordan Goldstein and associate Jeff Zalesin, along with co-counsel at the Election Law Clinic.

Attorneys

- Jordan A. Goldstein
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