

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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RANDY SMITH, as next friend of  
MALIK TREVON SMITH, a minor, et al.

*Plaintiffs*

v.

JON HUSTED

*Defendant.*

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}  
} Case No. 2:16-cv-212  
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} Judge Smith  
}  
}  
}

**DECLARATION OF BENJAMIN LIEBOWITZ IN SUPPORT OF PLAINTIFFS’  
MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

I, Benjamin Liebowitz, hereby declare:

1. I am an attorney at the Firm of Garvey Schubert Barer, attorneys for plaintiffs in this action. Except as otherwise stated herein, I am fully familiar with the facts and circumstances set forth herein.

2. I provide this declaration in support of Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction (the “Motion”).

3. To determine the demographic data set forth in the Motion, I employed CensusViewer, commercially available web-based database software that allows its users to search data from the 2010 United States Census.

4. The CensusViewer website ([censusviewer.com/f-a-q](http://censusviewer.com/f-a-q)) states, in relevant part:

“CensusViewer is an online application that gives you access to the Census 2010 and 2000 “Summary File 1” data from the U.S. Census Bureau. . .”

5. “Summary File 1” is available directly from the United States Census Bureau ([https://www.census.gov/mp/www/cat/decennial\\_census\\_2010/summary\\_file\\_1\\_1.html](https://www.census.gov/mp/www/cat/decennial_census_2010/summary_file_1_1.html)); however, the raw data is not intelligible without the use of interpolative software.

5. Using CensusViewer for the State of Ohio I selected search criteria which provided Census 2010 Data broken down by race and age group.

6. For the age cohort “15-17” I selected the demographic categories “Black Or African American,” “White Alone,” and “Latino.” For this age cohort, CensusViewer reports that a combined 19.36%<sup>1</sup> of Ohio’s population is African-American or Latino and 79.22% is Caucasian. When the Latino population is deducted from the portion of the population reported as Caucasian, persons of non-Latino or Hispanic Caucasian ancestry represent 74.31% of Ohio’s population for the 15-17 year old age cohort.

7. I repeated this process for the 18-19 year old, 25-29 year old, and 50-69 year old age cohorts.

- A. The data for the 18-19 year old age cohort indicates that a combined 19.49% of Ohio’s population for that age cohort is African-American or Latino and 80.25% is Caucasian. When the Latino population is deducted from the portion of the population reported as Caucasian, persons of non-Latino or Hispanic Caucasian ancestry represent 75.91% of Ohio’s population for the 18-19 year old age cohort.
- B. The data for the 25-29 year old age cohort indicates that a combined 17.49% of Ohio’s population for that age cohort is African-American or Latino and 80.25% is

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<sup>1</sup> I rounded all percentage figures to the nearest hundredth percent.

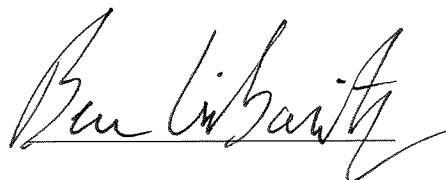
Caucasian. When the Latino population is deducted from the portion of the population reported as Caucasian, persons of non-Latino or Hispanic Caucasian ancestry represent 75.91% of Ohio's population for the 25-29 year old age cohort.

- C. The data for the 50-69 year old age cohort indicates that a combined 11.62% of Ohio's population for that age cohort is African-American or Latino and 87.20% is Caucasian. When the Latino population is deducted from the portion of the population reported as Caucasian, persons of non-Latino or Hispanic Caucasian ancestry represent 85.77% of Ohio's population for the 50-69 year old age cohort.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 10, 2016.

BENJAMIN LIEBOWITZ

A handwritten signature in black ink, appearing to read "Ben Liebowitz", written over a horizontal line.