

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA *ex rel.* :  
ANTI-DISCRIMINATION CENTER OF :  
METRO NEW YORK, INC., :

**ECF CASE**

Plaintiff/Relator, :

06 CV 2860 (DLC)

-v-

WESTCHESTER COUNTY, NEW YORK, :

Defendant. :

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**REPLY DECLARATION OF ANDREW A. BEVERIDGE**

ANDREW A. BEVERIDGE, pursuant to 28 U.S.C. §1746, declares that the following is true and correct:

1. I am Professor of Sociology at Queens College and the Graduate Center, City University of New York. My primary responsibilities at the college and Graduate Center are teaching statistics and research methods at the graduate and undergraduate level and conducting quantitative statistically based social research. Trained at Yale University, I have been employed in such a capacity since 1973, first at Columbia University until 1981 and since then at Queens College and the Graduate Center of CUNY.

2. My areas of expertise include demography, the statistical and quantitative analysis of social science data sets, most particularly including Census data, survey data and administrative records.

3. I have previously submitted two expert reports and a declaration in this case.

4. The County Executive’s statement that Westchester is not segregated in any way is false and misleading. Examining 2010 Census data with statistical methods that are standard

in the field of demography, it is plain that Westchester County continues to be highly segregated.

5. For 2010, the dissimilarity index based upon Census blocks for African Americans in relation to Whites is .730 (often described as 73.0). For Hispanics in relation to Whites, it was .607 (often described as 60.7). Both results reflect high levels of segregation.

6. The isolation index is another widely used measure of segregation. The isolation index gives the proportion of one's own group (*e.g.*, non-Hispanic black or non-Hispanic white) that live in the neighborhood (*e.g.*, Census tract or block) that is inhabited by the average member of the group. Here, too, results can theoretically vary from 0.0 to 1.0.

7. With respect to African Americans in relation to Whites, the isolation index based upon Census blocks was .650 (often described as 65.0), and the figure for Hispanics in relation to Whites was .595 (often described at 59.5). Both of these results reflect high levels of segregation.

8. The County Executive's statement that Westchester is highly diverse is also misleading.<sup>1</sup> An overall geographic area can have a large minority population, but it can be distributed in a way that reflects segregation. Thus, for example, Manhattan in 1960 had an African-American population of 23.4 percent. Yet no one would have used the term "diverse" to characterize what were profoundly segregated housing patterns. Another way to illuminate segregation is to look at the extent to which individual Census block groups are similar in racial and Hispanic composition to the composition of the County as a whole.

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<sup>1</sup> Likewise, attempts to speak of the growth of minority population that conflate African-Americans with Latinos are also misleading. There has been substantial growth in the overall percentage of Latinos (though the distribution of Latinos continues to reflect segregation), but the percentage of African-Americans has essentially remained flat when comparing 2010 with 2000.

9. When looking at populated Census block groups in the “eligible municipalities” under the Consent Decree, it turns out that 75.97 percent had African-American population of less than 3.0 percent. 53.71 percent of populated Census block groups had Hispanic population of less than 7.0 percent. And more than half of all populated Census block groups in eligible municipalities (51.24 percent) had *both* African-American population of less than 3.0 percent and Hispanic population of less than 7.0 percent. And this is in a County that has a 2010 single-race non-Hispanic African-American population of 13.3 percent and a 2010 Latino of any race population of 21.8 percent. Again, these data represent housing patterns that are significantly segregated.

10. Westchester complains that I “manipulated” data. There is nothing to back up this *ad hominem* attack, and the County provides no evidence or counter-estimate. It is, of course, entirely unremarkable that professional demographers *analyze* the information contained in Census Data.

11. In my previously submitted declaration, I estimated that there are still 25 municipalities in Westchester<sup>2</sup> with African-American<sup>3</sup> population of less than 3.0 percent when excluding estimated population in “group quarters.”

12. I am confident that, when Summary File 2 data are released by the Census Bureau, those data will confirm my findings about non-Hispanic, single-race, African-Americans. Indeed, Westchester itself has already confirmed my findings. In the table Westchester submitted as part of its quarterly report for the period ending June 30, 2011

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<sup>2</sup> Ardsley, Bedford, Briarcliff Manor, Bronxville, Buchanan, Croton-on-Hudson, Eastchester, Harrison, Hastings-on-Hudson, Irvington, Larchmont, Lewisboro, Mamaroneck Town, Mount Pleasant, New Castle, North Castle, North Salem, Pelham Manor, Pleasantville, Pound Ridge, Rye Brook, Rye City, Scarsdale, Somers, and Yorktown.

<sup>3</sup> As elsewhere in this Declaration, “African-American” refers to non-Hispanic, single-race African-Americans.

(attached hereto as Exhibit A), the County delineates “black population without group quarters.” That breakdown necessarily involves “double counting” because it includes some African-Americans who are also Latino. Nevertheless, even with the overcount, Westchester shows that the identical 25 municipalities I identified have black population without group quarters of 3.0 percent or less (all less than 3.0 percent except for Buchanan, which the County rounds to be at 3.0 percent).

13. I have also conservatively identified the number of African-American and Latino households in New York City that would be financially eligible for Consent Decree housing at each of the three income levels relevant to the Consent Decree: 50, 65, and 80 percent of Westchester “area median income.” (AMI). I proceeded by identifying African-American and Latino households in New York City with household income from 50 to 80 percent of Westchester 2009 AMI.<sup>4</sup> Even by excluding some households that, as described in footnote 4 would be eligible, I find that 215,379 African-American and Latino households in New York City had income that would make them eligible for Consent Decree housing units.

14. In short, the number of African-American and Latino eligible households that could be reached by affirmative marketing in New York City far exceeds the number of African-American and Latino eligible households in either Westchester or in any other county adjoining Westchester.

15. Finally, Westchester’s claims about conflict-of-interest and about use of somehow proprietary data is entirely misconceived and unsupported. Not only did I complete my redistricting work for Westchester prior to doing the work involved with my May 30, 2011

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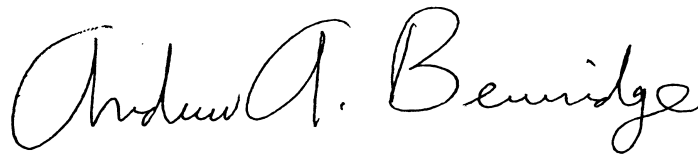
<sup>4</sup> Note that this method excludes households with household income less than 50 percent of AMI even though some of those households (e.g., those with household income of 40 or 45 percent of AMI) would be eligible for units where 50 percent of AMI represents the cap on income, not the floor.

declaration for ADC, I was and remain unaware of any ADC involvement in the Westchester redistricting process in any form.

16. More importantly, Westchester either does not understand or pretends not to understand that the basis of the statements I made in my earlier declaration was analysis of entirely public Census Bureau data accessed and reviewed completely independently of any work I did for the County.

17. As it happens, the work that I'm describing was and is able to be empirically confirmed (or rebutted). Westchester chose not to engage on the substance of my statements, and has not rebutted any of my findings, because those findings were, indeed, fact-based.

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief. Executed on September 14, 2011.

A handwritten signature in black ink that reads "Andrew A. Beveridge". The signature is written in a cursive style with a large initial "A".

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Andrew A. Beveridge, Ph.D.

# **EXHIBIT A**

Black and Hispanic Populations with Group Quarters Excluded, Westchester County, 2000-2010

Municipality	2000										2010										
	Total Pop	Black alone	Hispanic of any race	Group Quarter Pop	Group Quarters Black	Group Quarters Hispanic	Black Population without Group Quarters	Hispanic Population without Group Quarters	Total pop	Black alone	Hispanic of any race	Group Quarter Pop	Group Quarters Black	Group Quarters Hispanic	Black Population without Group Quarters	Hispanic Population without Group Quarters					
Ardley	4,452	105	288	8	8	0	2	105	2.4%	286	6.4%	4,269	65	182	37	5	7	60	1.4%	175	4.1%
Bedford	17,335	937	2,104	1,229	612	181	181	325	1.9%	1,923	11.1%	18,133	1,291	1,372	1,973	889	332	402	2.2%	1,040	5.7%
Briarcliff Manor	7,867	265	414	682	129	113	113	136	1.7%	301	3.8%	7,696	133	241	783	30	51	103	1.3%	190	2.5%
Bronxville	6,323	89	276	235	47	40	40	42	0.7%	236	3.7%	6,543	75	192	278	41	25	34	0.5%	167	2.6%
Buchanan	2,230	69	357	12	1	1	1	68	3.0%	356	16.0%	2,189	15	76	12	0	0	15	0.7%	76	3.5%
Cortlandt	31,292	1,926	4,046	1,248	98	41	41	1,828	5.8%	4,005	12.8%	28,672	1,608	2,163	1,053	181	82	1,427	5.0%	2,081	7.3%
Croton-on-Hudson	8,070	234	921	197	19	19	5	215	2.7%	916	11.4%	7,606	142	527	201	3	0	139	1.8%	527	6.9%
Dobbs Ferry	10,875	788	1,141	980	333	176	176	455	4.2%	965	8.9%	10,622	784	744	956	399	161	385	3.6%	583	5.5%
Eastchester	19,554	252	1,275	19	1	2	2	251	1.3%	1,273	6.5%	18,564	175	661	5	0	0	175	0.9%	661	3.6%
Harrison	27,472	673	3,202	4,285	419	656	419	2,546	9.3%	2,546	9.3%	24,154	345	1,618	1,286	176	189	169	0.7%	1,429	5.9%
Hastings-on-Hudson	7,849	362	710	401	149	77	77	213	2.7%	633	8.1%	7,648	180	344	11	1	0	179	2.3%	344	4.5%
Irvington	6,420	122	400	65	43	26	26	79	1.2%	374	5.8%	6,631	96	251	79	55	16	41	0.6%	235	3.5%
Larchmont	5,864	86	367	9	1	0	0	85	1.4%	367	6.3%	6,485	44	291	47	4	0	40	0.6%	291	4.5%
Lewisboro	12,411	160	552	32	4	1	1	156	1.3%	551	4.4%	12,324	147	306	46	2	0	145	1.2%	306	2.5%
Mamaroneck	11,977	234	805	29	6	6	6	228	1.9%	799	6.7%	11,141	208	501	27	7	0	201	1.8%	501	4.5%
Mount Pleasant	26,176	1,484	1,972	2,736	1,224	492	492	260	1.0%	1,480	5.7%	26,151	1,493	1,369	3,140	1,331	452	162	0.6%	917	3.5%
New Castle	17,569	283	710	188	22	13	13	261	1.5%	697	4.0%	17,491	240	487	93	23	20	217	1.2%	467	2.7%
North Castle	11,841	185	906	6	0	4	4	185	1.6%	902	7.6%	10,849	191	449	124	65	23	126	1.2%	426	3.9%
North Salem	5,104	63	382	253	9	6	6	54	1.1%	376	7.4%	5,173	39	189	240	2	3	37	0.7%	186	3.6%
Ossining (town)	5,406	221	639	566	20	19	20	201	3.7%	620	11.5%	5,514	234	394	623	37	19	197	3.6%	375	6.8%
Pelham	6,910	657	847	10	0	0	0	657	9.5%	847	12.3%	6,400	426	461	8	0	0	426	6.7%	461	7.2%
Pelham Manor	5,486	114	396	25	3	13	13	111	2.0%	383	7.0%	5,466	116	253	9	1	0	115	2.1%	253	4.6%
Pleasantville	7,019	296	824	346	214	100	100	82	1.2%	724	10.3%	7,172	208	528	288	165	81	43	0.6%	447	6.2%
Pound Ridge	5,104	68	233	20	6	2	2	62	1.2%	231	4.5%	4,726	57	116	26	5	0	52	1.1%	116	2.5%
Rye (city)	15,720	234	1,014	140	18	31	31	216	1.4%	983	6.3%	14,955	190	718	5	0	1	190	1.3%	717	4.8%
Rye Brook	9,347	144	1,034	116	4	3	3	140	1.5%	1,031	11.0%	8,602	89	468	121	3	3	86	1.0%	465	5.4%
Scarsdale	17,166	260	671	26	3	1	257	152	1.5%	670	3.9%	17,823	271	467	19	0	3	271	1.5%	464	2.6%
Somers	20,434	318	1,010	530	126	69	69	192	0.9%	941	4.6%	18,346	313	543	506	137	62	176	1.0%	481	2.6%
Tarrytown	11,277	876	2,260	855	148	118	118	728	6.5%	2,142	19.0%	11,090	781	1,793	514	91	115	690	6.2%	1,678	15.1%
Tuckahoe	6,486	714	784	17	4	0	0	710	10.9%	784	12.1%	6,211	628	549	14	1	0	627	10.1%	549	8.8%
Yorktown	36,081	1,191	3,376	587	141	98	98	1,050	2.9%	3,278	9.1%	36,318	1,103	2,112	768	242	93	861	2.4%	2,019	5.6%

Source: 2000 and 2010 Census, Summary File 1