



ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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From the Desk of City Attorney Zach Klein

I've always believed that there's much more that unites us than divides us as a society, especially when we work to find those common bonds and shared interests in pursuit of the greater good. With our country at such a critical crossroads, it is now more important than ever for us to look beyond our differences, to embrace our diversity, and to focus on the ideas, hopes, and aspirations that bind us together. It is up to us. We can either succumb to the malevolent forces that seek to inflame the divisions among us or we can rise above the virulent polarizations that are pulling us further apart to find common ground—a place where we can work together to achieve mutually shared goals.

There are some things that I'm sure most of us thought would remain immune from politicization, even in this era of hyper-partisanship:

- public health guidelines;
- the U.S. Postal Service, which has been a bedrock institution since 1775 when the Continental Congress appointed Benjamin Franklin the first Postmaster General;
- the Decennial Census that is enshrined in our Constitution; and
- the right to vote free and unfettered from any form of obstruction, which is the absolute foundation of democracy.

In this e-newsletter, you can read about the legal actions we're taking to help defend these institutions. We're helping lead a nationwide coalition of more than 30 local and tribal governments to counteract changes made to the U.S. Postal Service that seriously jeopardize our citizens' right to vote. Being able to safely and securely vote by mail is permitted in Ohio and is more critical than ever during the coronavirus pandemic, and we want to make sure citizens in Columbus, and all across our country, have their voices heard during this election.

We've also joined a large coalition of states, cities, counties, and the bipartisan U.S. Conference of Mayors to continue fighting to protect the integrity of the 2020 census. We've already [won](#) decisive legal battles in court, but the Trump administration continues to come up with new ways to manipulate the census. Their latest move cuts short the time frame for self-response questionnaires and door-to-door follow-ups, even as [reports](#) show that response rates are lagging in many parts of the country. Here in Columbus, having an accurate census count is critical in obtaining appropriate federal funding and accurate representation. We can't allow these efforts to deny the residents of Columbus and other communities across the nation the right—as required in the Constitution—to be counted.

Cutting the timeline is cutting people out.

September 2020



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Joining the Fight to Restore Postal Services

The City of Columbus recently joined Santa Clara County, California and the [Public Rights Project](#) in filing an *amicus curiae* brief on behalf of a nationwide coalition of 32 local and tribal governments opposing the recent U.S. Postal Service (USPS) changes that have slowed critically important mail delivery. The coalition is urging courts in Washington D.C. and Pennsylvania to block several well-publicized postal changes that are impeding the ability of localities to administer the November election and provide other core governmental services in the midst of the coronavirus pandemic.

Starting in July, the Trump-appointed U.S. Postmaster General, Louis DeJoy, began implementing a number of changes that have slowed down mail delivery and will make it harder for vulnerable populations, including seniors and communities of color, to vote by mail and receive essential services. COVID-19 has disproportionately impacted these communities, and due to the postal changes, they now face even greater hurdles in exercising their right to vote and receiving often life-saving services such as mail-delivered prescription drugs.

The coalition's brief highlights how the USPS changes and resulting mail delays directly interfere with local and tribal government plans to administer the November election, including by delaying the delivery and receipt of mail-in ballots and ballot requests—posing a particular risk that votes cast by members of the military overseas, as well as elderly and disabled voters mailing in their ballots, will not be received in time to be counted. As a result, many local and tribal governments must now revamp election plans and find the funds—with only two months before the election—to increase voting hours, secure additional polling locations, and/or add ballot drop boxes to ensure their constituents can safely and reliably exercise their right to vote.

The brief also details the ways that many local governments rely on the mail to provide their residents essential social services, such as mailing prescriptions and providing rental assistance. Delays in receiving these services are particularly high stakes for vulnerable communities, given the health and economic crisis across the nation.

The filing comes on the heels of other recent legal action taken by City Attorney Klein to try to help protect the rights of Columbus residents: last week, Columbus joined Cincinnati, Dayton, Akron, and officials in Summit and Montgomery counties in filing a brief requesting an injunction to stop the Ohio Secretary of State's directive that prohibits county boards of elections from having more than one drop box location per county for the election. The directive was issued in August, despite there being no state laws that prohibit the use of multiple drop boxes.



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Coalition Expands Efforts to Protect the Census

Last month, the City of Columbus joined a federal lawsuit to stop the Trump administration’s politicization of the census, and instead ensure that everyone residing in the U.S. is counted as the Constitution requires. Now, City Attorney Klein has teamed up with another large coalition in taking legal action against the administration’s latest attempts to impair the 2020 Decennial Census.



The U.S. Census Bureau announced that it was reducing—by an entire month, from October 31 to September 30—the time in which self-response questionnaires will be accepted and door-to-door follow-ups by census enumerators will take place. The coalition filed a brief in *National Urban League v. Ross*, supporting the plaintiffs’ request for a nationwide stay or preliminary injunction to halt this so-called “Rush Plan.” The coalition argues that the expedited schedule will hamstring the bureau’s ongoing efforts to conduct the census and will impair the accuracy of its enumeration of the total population of each state.

In the brief—filed in the U.S. District Court for the Northern District of California—the coalition of 23 attorneys general, five cities, four counties, and the bipartisan U.S. Conference of Mayors argue that the census:

- determines the states’ political representation in Congress,
- provides critical data for states’ redistricting efforts, and
- affects hundreds of billions of dollars in federal funding to states and localities.

An inaccurate census will directly impair those interests, inflicting harms that will persist for the next decade.

The administration’s efforts to reduce the time for both self-responses of the questionnaire sent to every household across the country, as well as non-response follow-up operations for those who don’t respond, will inevitably harm the accuracy of the population count. The shorter time period also flies in the face of what the Census Bureau previously said itself was necessary to conduct an accurate count, as it alters the deadline that the bureau had adopted specifically to accommodate the unique difficulties posed by the coronavirus pandemic.

An undercount would severely impact Columbus and other cities with diverse populations. A district court previously found—in the litigation over the citizenship question—that even a small undercount would raise a “significant risk of an apportionment loss” to Ohio and other similar states. Such a loss would deprive these states of political power in Congress for a decade, hampering their efforts to serve their residents and deny them of the accurate representation to which they would otherwise be entitled. The undercount also would harm states since census data is used for redistricting state legislative seats as well.

Additionally, an undercount would effectively reduce the hundreds of billions of dollars of federal funding that are dependent on the decennial census population count. At least 18 federal programs distribute financial assistance based upon each state’s relative share of the total U.S. population. Numerous other programs distribute funds based off of census data as well.



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Combining Criminal Investigations, Civil Litigation

The City Attorney's office is on pace to exceed the number of drug-related nuisance cases filed in 2019 after taking legal action against two more crime-ridden properties earlier this month—bringing the total to 22 this year. The City Attorney's office filed 23 such cases in 2019.



City Attorney Klein filed complaints for injunctive relief in the Franklin County Environmental Court against [1442 Hildreth Avenue](#), a Mt. Vernon area property described in court documents as a location where drug dealers were known for selling crack cocaine and heroin “all day long” and “all night long,” and [199 Haldy Avenue](#), a west side property that was connected to a large drug bust in March when the Columbus Division of Police confiscated 35 pounds of methamphetamine, five pounds of heroin, and a huge stockpile of ammunition.

[1442 Hildreth Avenue](#)

On June 7, 2019, police received a call from the premises stating there was a person with a gun, and there were people screaming in the background. On September 15, 2019, officers responded to an accidental drug overdose. The victim was initially unresponsive, but was stabilized while being transported to the hospital.

On December 17, 2019, officers responded to a call of shots fired at the property after several men drove up to the house and at least one of them shot a gun soon after exiting the vehicle. On January 7, 2020, police officials once again sent a letter to the owner notifying her of the criminal activity occurring at the premises.

On May 31, 2020, police received a call about a person with a gun making threats over what was believed to be a drug deal. On August 4, 2020, narcotics detectives conducted an undercover purchase of “a dub”—or \$20-worth of crack cocaine—from the premises.

[199 Haldy Avenue](#)

This North Hilltop property came to the attention of the Columbus Division of Police after officers responded to the premises at least five times for drug overdoses between August and October 2018.

On February 23, 2020, Columbus police and paramedics were dispatched to the premises on another accidental overdose. The victim was treated for opioid use, administered Narcan, and transported to a nearby hospital.

On March 25, 2020, narcotics detectives executed a search warrant at the premises, obtaining evidence that led to the recovery of 35 pounds of methamphetamine, five pounds of heroin, a “large cache of ammunition,” and a “large amount of cash.”

On April 1, 2020, police received a call regarding a person with a gun at the premises. The caller stated an individual pulled a gun on him and was now inside the house. On August 6, 2020, officers were advised that a wanted felon, whom they had been trying to locate for several months, was at the premises. Police arrested the individual on active warrants for felony forgery and possession of criminal tools, as well as a parole violation related to a burglary.

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