

March 2, 2020

The Honorable Jesse M. Furman
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: NYIC Plaintiffs' Statement of Position re: Defendants' Newly Produced Materials
in *State of New York, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-2921 (JMF)

Dear Judge Furman,

Pursuant to the Court's January 2, 2020 Order (ECF No. 682), the NYIC Plaintiffs submit this summary regarding how Defendants' failure to produce materials during the course of the litigation affects the pending motion for sanctions. As detailed below, the recent productions strengthen the grounds for sanctions that were presented in ECF No. 635, and merit the following additional relief: (i) because the same lawyers (*i.e.*, Uthmeier, Davidson, and Deputy General Counsel Michael Walsh) who were responsible for developing and executing the false rationale for the citizenship question were also responsible for directing the Commerce Department's defense of this litigation, Defendants should provide a full explanation as to how such widespread production deficiencies occurred and who is responsible, and (ii) Walsh, Deputy Chief of Staff Earl Comstock, and Deputy Secretary Karen Dunn Kelley should all provide declarations regarding their actions and knowledge concerning the Defendants' efforts to comply with its duties to produce the Administrative Record and under the discovery rules.

The recent productions bear on the motion for sanctions due to the large volume of materials improperly withheld. Contrary to Defendants' statement that only "some relevant documents [that] may have fallen through the cracks" and their denial of "broad[] shortcomings in Defendants' search for or production of responsive materials," ECF No. 674, these new documents underscore that Defendants fell woefully short in complying with their obligations. Defendants have not explained their prior assertions that there was no basis to suggest significant deficiencies in their productions, *see, e.g.*, ECF Nos. 648, 667, 674, nor have they explained the apparent inaccuracies in the declarations submitted attesting to the completeness of the Administrative Record ("AR"), *see* ECF No. 635 Exs. 11-16, 26, 27.

Certain of the recently produced documents were highly relevant to the dispute and shed considerable light on issues of critical public importance, including the efforts of senior Commerce officials to monitor and potentially interfere in Census Bureau determinations in contravention of the APA. *See generally Tummino v. Torti*, 603 F.Supp.2d 519 (E.D.N.Y. 2009). While Plaintiffs cannot say these documents would have been outcome determinative (because Plaintiffs already prevailed), they certainly would have been material to how Plaintiffs litigated and tried this case. The balance of this letter addresses some of the more significant issues.

1. *The Sheer Magnitude of the Production Issues Warrants Sanctions*: Since the Court's January 2 Order, Defendants have produced or logged over 1,400 additional documents, 136 of which have been withheld in their entirety and 424 of which have been produced with some redactions. For context, the entire AR consisted of only 900 documents, and the entire

production from Commerce and Census (inclusive of the AR) was about 6,500 documents. The recently produced documents make up around 20% of the entire production. These major omissions are more than a few documents falling “through the cracks.”

The documents at issue include many documents that should have been produced as part of the AR or at least in response to the Court’s July 5, 2018 Order (ECF No. 199), *aff’d Dep’t of Commerce v. New York*, 139 S.Ct. 2551, 2574 (2019). Throughout this litigation, Plaintiffs continued to push Defendants about what appeared to be obvious deficiencies in their productions. Following Defendants’ production of the AR in July 2018, Plaintiffs filed a motion to compel on August 13, 2018, detailing “conspicuous omissions” including “notable omissions regarding Defendants’ communications with third parties.” ECF No. 237. In response, Defendants produced declarations from Uthmeier and a senior career Commerce litigation counsel attesting to the completeness of the production, and identifying the 22 custodians searched and the search terms used. ECF Nos. 253 & 254.

On August 31, 2018, Plaintiffs filed a follow-up motion to compel based on Defendants’ failure “to conduct reasonable searches designed to elicit information about partisan or discriminatory motive” and “to search all proper custodians.” ECF No. 293. To resolve this Motion, Defendants agreed to conduct supplemental searches to complete the AR (ECF No. 301), and the parties negotiated certain supplemental searches. *See* ECF No. 678 Exs. 1, 2 & 3. In spite of this agreement, Defendants’ recent productions confirm their discovery responses were still significantly incomplete. Based on Plaintiffs’ review, the overwhelming majority of the documents produced since the Court’s January 2 Order should have been produced as part of the AR; and the balance are responsive to discovery requests and should have been produced. In addition, Defendants are still withholding a substantial number of newly “discovered” documents without properly or timely identifying a basis to withhold them.

Defendants have still failed to adequately explain such widespread deficiencies and identify who bears responsibility. Given that the same lawyers who directed the Commerce Department’s defense of this litigation were also responsible for developing and executing the false rationale for the citizenship question (*i.e.*, Uthmeier, Walsh, and Davidson), answering these questions is important. In this regard, Davidson and Uthmeier made specific representations about the completeness of the Defendants’ productions. *See* ECF No. 654 at 6-9 & 654-1 Ex. 11 ¶ 14 & Ex. 26 ¶ 11. Defendants’ failure to produce these documents during the litigation speaks to their candor—a central issue in the sanctions request.

2. Defendants’ Failure to Produce the Census Bureau’s Comments on the March 26 Memo: Among the new materials produced are correspondence in which senior Commerce officials conducted their only solicitation of comments from the Census Bureau on Secretary Ross’ March 26 decisional memorandum. Commerce produced two cover emails (attached as Exs. 1-A&B), while continuing to withhold the underlying comments provided by the Census Bureau. *See* Exs. 2 (log of withheld Uthmier documents entry 25652) & 3 (log of withheld Jones documents entry 26481). These emails appear to reflect the only effort by Commerce officials to

solicit views of the Census Bureau on Ross's decisional memo, and reflect that Christa Jones transmitted the Census Bureau's comments to the Commerce Department. Ex. 1-A.¹

Plaintiffs did not know that such documents existed until the post-litigation production. During discovery, Defendants led Plaintiffs to believe that the Census Bureau comments on the draft no longer existed or were never memorialized in writing. At Dr. Abowd's August 15, 2018 deposition, he testified about that Commerce gave the Census Bureau one opportunity to review the decision memorandum, and that they conveyed their comments through Christa Jones. Ex. 4 (Abowd Dep. at 172-79). Dr. Abowd did not remember if there was a written document memorializing their feedback, nor did Dr. Jarmin during his deposition. *See id.*; Ex. 5 (Jarmin Dep. at 166-72). During Abowd's deposition, Plaintiffs noted on the record that the Census Bureau comments on the March 26 memo had not been produced and were not identified on Defendants' log and asked Defendants to produce the materials. *Id.* at 179. No such material was every provided to Plaintiffs.

The concealment of these documents made Plaintiffs' litigation and trial presentation more difficult.² These documents provide strong evidence of the "improper political influence" Commerce officials exercised over the process and the timing of these emails raises serious questions about whether Commerce actually or adequately considered the Census Bureau's comments prior to release of the Ross memo. In particular, the email indicates that the Census Bureau's comments were not solicited until the afternoon of March 26, and were received at 6:39 pm on March 26; this timing which raises questions as to whether Commerce actually accounted for and addressed the Census Bureau's views. The attachments to these two emails, COM_DIS00026481 and 25652, should be produced now.

3. *Uthmeier's Additional Production Deficiencies*: The 2020 productions and logs reflect at least five additional drafts of the March 26 memorandum involving Uthmeier, including the earliest known draft, which he sent to himself on March 16, 2018, and a subsequent draft he emailed to himself on March 23. Exs. 6-A&B & Ex. 2 (entries 25712 & 25708). Uthmeier also sent drafts to Comstock and Walsh on March 22, Ex. 6-C&D & Ex 2 (entries 25698 & 25710), and to Comstock and Dunn Kelley on March 24. Ex. 6-E & Ex. 2 (entry 26452). These documents are notable for at least two reasons.

First, the sanctions motion explained Uthmeier's role in developing the pretextual justification for the citizenship question – starting with his authorship of the August 11, 2017 memorandum and his interactions with Neuman and Gore. Throughout this litigation, Plaintiffs sought production of drafts of and documents related to Uthmeier's role in the process. *See, e.g.*, ECF No. 349. Had the extent of Uthmeier's role not only as the principal drafter of Secretary Ross' memorandum but also in sharing and soliciting comments from senior political Commerce

¹ The pending motion for sanctions includes a request that the documents Defendants have withheld reflecting Jones's involvement in the March 26 memorandum should be compelled based, among other things, on her long association with Dr. Hofeller. ECF No. 634 at 28-31 & Exs. 46-47.

² Plaintiffs would have certainly challenged Defendants' assertion of privileges concerning the Census Bureau comments, given that these documents (i) do not appear to qualify for privilege because they related to the preparation of a document that was intended for public dissemination and was not intended to be maintained in confidence, and (ii) under the balancing test, they would not have qualified for deliberative privilege because of their central importance to the case and they were generated after Secretary Ross had made his "final decision."

officials been known, this information would have strengthened Plaintiffs' argument for compelling disclosure of the other materials.

Second, the sanctions motion details the questions Plaintiffs raised concerning the completeness of Uthmeier's document production and his August 15, 2018, and August 2, 2019 declarations. ECF Nos. 88, 648-1 Ex. 11. Contrary to the assertions in these declarations, the recent productions contain additional Uthmeier materials that were not produced during the litigation. Ex. 2. Certain of these documents could have been of significant public interest in demonstrating how Commerce officials manipulated the process. As an example, Uthmeier drafted a "communications package" and talking points about the decision, Exs. 7-A & Ex. 2 (entry 25656)—work that appears related to information intended to be publicly disseminated, and accordingly was not intended to be maintained in confidence and cannot be withheld on basis of privilege. *See, e.g., United States v. Tellier*, 255 F.2d 441, 447 (2d Cir. 1958). New documents also suggest that Uthmeier may have had a greater role than previously realized in drafting the responses to the Q&A that the Census Bureau career staff purportedly drafted. *See, e.g., Ex. 7-B & Ex. 2* (entry 25705). Other documents concern Uthmeier's role at other critical points in the timeline, including those concerning his drafting of the August 11, 2017 memorandum concerning a rationale for the citizenship question, *e.g., Ex. 7-C & Ex. 2* (entry 26422), and his communications following the September [6,] 2017 "all hands" meeting, *see Ex. 7-D*. These documents demonstrate that Uthmeier's document productions were woefully incomplete, and his attestations to the contrary are demonstrably false. These documents all tend to establish the depth of the Commerce's influence over the Census Bureau's analysis. For the reasons cited in the sanctions motion and this letter, Plaintiffs are also seeking to compel production of these documents, and are submitting an updated schedule of Uthmeier's documents to replace Exhibit 42 to the sanctions motion. Ex. 11.

4. *The Recent Productions Raise Significant New Questions About the Conduct of Comstock, Walsh, and Dunn Kelley*: The new productions include materials from three individuals who continue to serve the Commerce Department in senior roles -- Comstock and Walsh and Dunn Kelley.³ The production deficiencies from these individuals remain unexplained. These are some examples of deficiencies in their productions.

a. Christa Jones sent the comments from the Census Bureaus about the March 26th memorandum to Walsh, Ex. 1-A, who in turn sent the document to Comstock, Uthmeier, and Dunn Kelley, Ex.1-B. Similarly, the recent productions reflect that Uthmeier also sent drafts of the March 26 memo to Comstock and Walsh on March 22, Exs. 6-C&D, and a draft to Comstock and Dunn Kelley on March 24. Ex. 6-E. Notably not one of these individuals -- Jones, Uthmeier, Walsh, Comstock, or Dunn Kelley -- produced or logged any of these documents in the litigation.

b. The recent productions include additional materials for Comstock, Dunn Kelley and Walsh, particularly around the development of the March 26 memorandum and the drafting of documents related to "Alternative D" (*see, e.g., PX-132 (AR9812)*), reflecting that senior Commerce appointees were closely monitoring and potentially editing critical Census Bureau

³ There are press reports that Comstock resigned today effective March 6. If accurate, he joins (i) Gore who resigned from DOJ on August 9, 2019 -- shortly before the sanctions reply brief (ECF No. 654) was filed and (ii) Davidson, who started a new job on August 12.

analysis evaluating the impact of adding a citizenship question. *See* Exs. 8-A&B. This, too, raises the specter of improper political interference.

Both Comstock and Dunn Kelley during their depositions recalled almost no details about their involvement in either of these documents. For example, Comstock was evasive in answering questions about the March 1 memorandum, contending that the version in the Administrative Record was a draft and failing to recall any substantive exchanges. Ex. 9. In response to a request from Plaintiffs that any other drafts of the memo be produced, Comstock and Walsh (who attended the deposition) allowed the Department of Justice attorney to represent that Defendants had “produced what we have”—a representation that is demonstrably false in light of the recent productions which show that Comstock received an unproduced draft of the March 1 memorandum on February 21. *Id.*; *see also* Ex. 10.

As noted in the sanctions reply, Comstock did not attest to the completeness of his or the Commerce Department’s production in his August 9 declaration, *see* ECF No. 648-1 Exs. 27 & 654-1, and neither Walsh nor Dunn Kelley have submitted declarations explaining the deficiencies in their productions. All three witnesses should explain why critical documents they received were not produced and explain the deficiencies in the Commerce productions.

5. Additional Relief Warranted Because of the Defendants’ Conduct: For the reasons discussed above, Defendants should fully explain who bears responsibility for these production deficiencies, including sworn statements from Comstock, Walsh, and Dunn Kelley. In addition, the public interest and transparency support compelling disclosure of documents previously withheld as privileged. *See* ECF No. 635-5 Exs. 42-49. The sanctions motion specifically focused on the roles of Jones and Uthmeier, and Defendants have now identified additional materials withheld from both of them, including materials about Jones’s role in drafting the March 26 decisional memorandum. *See* ECF No. 635 at 33, Ex. 46. Plaintiffs are submitting here updated schedules related to Uthmeier and Jones to replace those provides with the sanctions motion,(ECF 635-5 Exs. 42&46), as Exhibits 11 & 12.

In conducting its review, the Court should consider that none of the withheld documents were identified on a timely privilege log. Courts in this district regularly conclude that “the unjustified failure to list privileged documents on the required log of withheld documents in a timely and proper manner operates as a waiver of any applicable privilege.” *FG Hemisphere Assocs., L.L.C. v. Republique du Congo*, No. 01-CV-8700 (SAS) (HBP), 2005 WL 545218, at *6 (S.D.N.Y. Mar. 8, 2005); *see also S.E.C. v. Yorkville Advisors, LLC*, 300 F.R.D. 152, 167–68 (S.D.N.Y. 2014) (collecting cases). All of these documents should be produced unredacted.

It also bears emphasis that the documents at issue were produced based on search terms that Plaintiffs proposed in August 2018 and are not coextensive with the discovery that NYIC Plaintiffs requested in the pending motion for sanctions. At the time Plaintiffs suggested these terms, they did not know or understand Dr. Hofeller’s significance or the full extent of Neuman’s role in the genesis of the citizenship question, and accordingly, the search terms do not include terms designed to capture communications with or references to Hofeller, Oldham, their firm, or their clients. For reasons previously cited in the motion for sanctions, discovery in their role is warranted and should be authorized.

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER LLP
AMERICAN CIVIL LIBERTIES UNION

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49(c)(3).

Attorneys for *NYIC* Plaintiffs, 18-CV-5025

EXHIBIT 1-A

From: Christa Jones (CENSUS/ADEP FED) [Christa.D.Jones@census.gov]
Sent: 3/26/2018 6:39:12 PM
To: Ron S Jarmin (CENSUS/ADEP FED) [Ron.S.Jarmin@census.gov]; Walsh, Michael (Federal) [PII@doc.gov]
CC: Enrique Lamas (CENSUS/ADDP FED) [Enrique.Lamas@census.gov]
Subject: Re: DRAFT memo for your review
Attachments: DRAFT Census Decision Memo v3 3.26.18 CB.docx

From: Ron S Jarmin (CENSUS/ADEP FED)
Sent: Monday, March 26, 2018 1:24:01 PM
To: Walsh, Michael (Federal)
Cc: Enrique Lamas (CENSUS/ADDP FED); Christa Jones (CENSUS/ADEP FED)
Subject: Re: DRAFT memo for your review

Thanks Mike, we'll review straight away

Sent from my iPhone

On Mar 26, 2018, at 1:22 PM, Walsh, Michael (Federal) <PII@doc.gov> wrote:

PRIVILEGED AND CONFIDENTIAL
PREDECISIONAL DRAFT

Attached is a draft of the memo.

<DRAFT Census Decision Memo v3 3.26.18.docx>

EXHIBIT 1-B

From: Walsh, Michael (Federal) [PII]@doc.gov]
Sent: 3/26/2018 6:41:41 PM
To: Kelley, Karen (Federal) [PII]@doc.gov]; Comstock, Earl (Federal) [PII]@doc.gov]; Uthmeier, James (Federal) [JUthmeier@doc.gov]
Subject: comments received in attached
Attachments: DRAFT Census Decision Memo v3 3.26.18 CB.docx
Importance: High

EXHIBIT 2

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00024409	COM_DIS00024409	COM_DIS00024409	COM_DIS00024410	Uthmeier, James (Federal)	Walsh, Michael (Federal)			Fwd: draft for your review.msg	3/26/2018 9:27		Redacted	PII; DPP	Deliberations regarding comments to the draft decision memo.
COM_DIS00024410	COM_DIS00024410	COM_DIS00024409	COM_DIS00024410					DRAFT Census Decision Memo 3.25.18 cdi.docx			Withheld in Full	ACP; WP; DPP	Draft decision memo
COM_DIS00024507	COM_DIS00024507			Rockas, James (Federal) ; Smith, William (Federal) ; Price, Ollice (Federal) ; OSY-ATD- Protection ; Murnane, Barbara (Federal) ; Schufreider, Jim (Federal) ; Elouaradia, Lesley ; McNeill, Valerie ; Dubik, Rick (Federal) ; Guido, John (Federal) ; Alexander, Brooke (Federal) ; Teramoto, Wendy (Federal) ; Branstad, Eric (Federal) ; Comstock, Earl (Federal) ; Herbst, Ellen (Federal) ; Andberg, Jennifer (Federal) ; Norton, Barbara ; Emergency Operations Center ; Abrajano, Todd ; Kiefaber, Clay (Federal) ; Uthmeier, James (Federal) ; Rzendzian, Kelly (Federal) ; McClelland, Michelle (Federal) ; Burgess, Michael (Federal) ; OSY-ATD-Protection	Beaumont, Dina			Updated Schedules.msg	3/14/2017 19:55		Redacted	PII	
COM_DIS00024508	COM_DIS00024508			Rockas, James (Federal) ; Smith, William (Federal) ; Price, Ollice (Federal) ; OSY-ATD- Protection ; Murnane, Barbara (Federal) ; Schufreider, Jim (Federal) ; Elouaradia, Lesley ; McNeill, Valerie ; Dubik, Rick (Federal) ; Guido, John (Federal) ; Alexander, Brooke (Federal) ; witeramoto (witeramoto@gmail.com); Branstad, Eric (Federal) ; Comstock, Earl (Federal) ; Herbst, Ellen (Federal) ; Burgess, Michael (Federal) ; ExecSecBriefingBook ; McClelland, Michelle (Federal) ; Rzendzian, Kelly (Federal) ; Uthmeier, James (Federal) ; Kiefaber, Clay (Federal) ; Abrajano, Todd ; Emergency Operations Center ; Norton, Barbara ; Andberg, Jennifer (Federal) ; dinabeau@aol.com	Beaumont, Dina			UPDATED SCHEDULES.msg	3/13/2017 19:42		Redacted	PII	
COM_DIS00024509	COM_DIS00024509			Kelley, Karen (Federal) ; Comstock, Earl (Federal) ; Uthmeier, James (Federal)	Walsh, Michael (Federal)			comments received in attached.msg	3/26/2018 14:41		Redacted	PII	
COM_DIS00024510	COM_DIS00024510			Rockas, James (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal)	Uthmeier, James (Federal)			Draft Q&As Updated.msg	3/26/2018 19:50		Redacted	PII	
COM_DIS00024512	COM_DIS00024512			Uthmeier, James (Federal)	Rockas, James (Federal)			FW: Final Cleared FAQs, Release, TPs on Census.msg	3/28/2018 11:22		Redacted	PII	
COM_DIS00024513	COM_DIS00024514			McClelland, Michelle O (Federal) ; Keller, Catherine (Federal) ; Davidson, Peter (Federal) ; Walsh, Michael (Federal) ; Uthmeier, James (Federal) ; Didiuk, Lauren (Federal) ; Maggi, David (Federal)	Murnane, Barbara (Federal)			FW: Supplemental Materials delivered for Today 3.23.18 Delivered 3.23.18.msg	3/23/2018 15:24		Redacted	PII	
COM_DIS00024515	COM_DIS00024516			Uthmeier, James (Federal)	Walsh, Michael (Federal)			Fwd: Citizenship Question on the 2020 Census.msg	3/21/2018 19:55		Redacted	PII	
COM_DIS00024517	COM_DIS00024519			Kelley, Karen (Federal) ; Uthmeier, James (Federal)	Freitas, Jessica (Federal Employee)			Re: Memo: Census Questions Around the World.msg	2/7/2018 7:10		Redacted	ACP; DPP; WP; PII	Email between Undersecretary and agency counsel regarding advisory memo
COM_DIS00024521	COM_DIS00024521			Comstock, Earl (Federal)	JUthmeier@doc.gov			Draft DOC Decision Memo.msg	3/22/2018 19:32		Redacted	ACP; DPP; WP; PII	Discussion relating advice of agency counsel concerning drafting process
COM_DIS00024522	COM_DIS00024523			Lenihan, Brian (Federal)	JUthmeier@doc.gov			Fwd: Memo: Census Questions Around the World.msg	2/5/2018 17:30		Redacted	ACP; DPP; WP; PII	Communication between agency counsel and Undersecretary concerning ongoing drafting of requested advisory memorandum
COM_DIS00024524	COM_DIS00024524			Comstock, Earl (Federal)	JUthmeier@doc.gov			Fwd: Questions for Draft Census Memo 1-30-2018 v2.msg	1/30/2018 17:49		Redacted	PII	
COM_DIS00024526	COM_DIS00024526			Comstock, Earl (Federal)	Uthmeier, James (Federal)			Draft DOC Decision Memo.msg	3/22/2018 19:32		Redacted	ACP; DPP; WP; PII	Discussion with agency counsel regarding drafting of decision memorandum

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COM_DIS00024528	COM_DIS00024528			Comstock, Earl (Federal)	Uthmeier, James (Federal)			Fwd: Questions for Draft Census Memo 1-30-2018 v2.msg	1/30/2018 17:50		Redacted	PII	
COM_DIS00024529	COM_DIS00024529			Comstock, Earl (Federal)	Uthmeier, James (Federal)	Shambon, Leonard (Federal)		Fwd: Census Timeline.msg	8/11/2017 18:34		Redacted	ACP; DPP; WP; PII	Discussion of advisory memorandum from agency counsel
COM_DIS00024535	COM_DIS00024535			Comstock, Earl (Federal)	Uthmeier, James (Federal)	Walsh, Michael (Federal) ; Semsar, Joseph (Federal)		updated version.msg	3/26/2018 11:52		Redacted	PII	
COM_DIS00024540	COM_DIS00024540			Walsh, Michael (Federal) ; Uthmeier, James (Federal)	Park-Su, Sahra (Federal)	Comstock, Earl (Federal)		Fwd: Meng, Serrano, Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	
COM_DIS00024559	COM_DIS00024559			Willard, Aaron (Federal) ; Park-Su, Sahra (Federal) ; Davidson, Peter (Federal) ; Langdon, David (Federal)	Uthmeier, James (Federal)	Comstock, Earl (Federal)		questions re: draft census memo.msg	1/30/2018 7:51		Redacted	ACP; DPP; WP; PII	Discussion of internal questions for draft decision memorandum
COM_DIS00024560	COM_DIS00024560			Langdon, David (Federal) ; Murnane, Barbara (Federal) ; Uthmeier, James (Federal) ; Keller, Catherine (Federal)	Nelson, Camille (Federal)	Williams, Allaire (Federal) ; Young, Matilda (Federal) ; Broome, Cynthia (Federal) ; Comstock, Earl (Federal)		Clearance Request (Immediate Attention) 18-059095.msg	1/25/2018 13:53		Redacted	PII	
COM_DIS00024571	COM_DIS00024572			Comstock, Earl (Federal)	Uthmeier, James (Federal)			Re: Census paper.msg	8/11/2017 10:18		Redacted	ACP; DPP; WP; PII	Description of draft internal attorney memorandum
COM_DIS00024574	COM_DIS00024579			Walsh, Michael (Federal) ; Uthmeier, James (Federal) ; Kelley, Karen (Federal)	Comstock, Earl (Federal)			Re: proposed insert on response rate.msg	3/25/2018 10:06		Redacted	ACP; DPP; WP; PII	Internal discussions revising draft decision memorandum
COM_DIS00024581	COM_DIS00024582			Glover, Rebecca (Federal) ; Rateike, Bradley A. EOP/WHO ; Keller, Catherine B. EOP/WHO ; Ditto, Jessica E. EOP/WHO ; Walters, Lindsay E. EOP/WHO ; Doty, George E. EOP/WHO ; Donaldson, Annie M. EOP/WHO	Davis, May M. EOP/WHO	Manning, Kevin (Federal) ; Rockas, James (Federal) ; Comstock, Earl (Federal) ; Teramoto, Wendy (Federal) ; Uthmeier, James (Federal) ; Freitas, Jessica (Federal) ; Walsh, Michael (Federal)		RE: DRAFT Comms Packet for Census Administrative Record Submission to Court .msg	6/8/2018 16:32		Redacted	DPP; PII	Discussion of non-final draft of potential public statement regarding litigation
COM_DIS00024583	COM_DIS00024583			Rateike, Bradley A. EOP/WHO ; Davis, May M. EOP/WHO ; Keller, Catherine B. EOP/WHO ; Ditto, Jessica E. EOP/WHO ; Walters, Lindsay E. EOP/WHO	Glover, Rebecca (Federal)	Manning, Kevin (Federal) ; Rockas, James (Federal) ; Comstock, Earl (Federal) ; Teramoto, Wendy (Federal) ; Uthmeier, James (Federal) ; Freitas, Jessica (Federal) ; Walsh, Michael (Federal)		DRAFT Comms Packet for Census Administrative Record Submission to Court .msg	6/8/2018 16:25		Redacted	DPP; PII	Discussion of non-final draft of potential public statement regarding litigation
COM_DIS00024588	COM_DIS00024588			Kelley, Karen (Federal)	Kevin Quinley (CENSUS/DEPDIR FED)	AWillard@doc.gov; Park-Su, Sahra (Federal) ; Uthmeier, James (Federal) ; afoye-mcfadden@doc.gov; jmason@doc.gov ; JRockas@doc.gov (CENSUS/ OTHER); Albert E Fontenot (CENSUS/ADDC FED) ; Ron S Jarmin (CENSUS/ADEP FED) ; Phani-Kumar Atri Kalluri (CENSUS/DITD FED) ; Enrique Lamas (CENSUS/ADDP FED) ; Langdon, David (Federal) ; BLenihan@doc.gov; Manning, Kevin (Federal) ; McClelland, Michelle (Federal) ; bmurnane@doc.gov; Platt, Mike (Federal) ; Robinson, Barry (Federal) ; Kevin Smith (CENSUS/ADITCIO FED) ; Michael T Thieme (CENSUS/CAD FED) ; James B Treat (CENSUS/ADDC FED) ; Burton H Reist (CENSUS/ADDC FED) ; Alan Lang (CENSUS/OCIA FED) ; Comstock, Earl (Federal) ; Stephen L Buckner (CENSUS/ADCOM FED)		Agenda for January 11 Steering Committee.msg	1/10/2018 17:36		Redacted	PII	
COM_DIS00024598	COM_DIS00024599			Creech, Melissa L ; Hyson, Beverly (Federal) ; Baker, Jonathan (Federal) ; Cannon, Michael (Federal) ; Davidson, Hillary (Federal) ; Bartels, Joe (Federal) ; Park-Su, Sahra (Federal) ; Langdon, David (Federal) ; O'Connor, Kasey (Federal) ; Jones, Christa D ; Reist, Burton H ; 'cms@census.gov'; 'boc.correspondence.quality.assurance@census.gov'; Bachman, Robin J	Lucas, Jennifer (Federal)	(Federal) ; Uthmeier, James (Federal) ; McClelland, Michelle O (Federal) ; Taylor, Kim (Federal) ; Price, Alicia (Federal) ; VanHanswyk, Beth (Federal) ; Grossman, Beth (Federal) ; OGC-Leg ; Platt, Mike (Federal) ; Branson, Ross (Federal) ; Kluttz, Lawson (Federal) ; Young, Henry (Federal) ; Teague, Anne (Federal) ; Dewhirst, David (Federal) ; Kelley, Karen (Federal)		DEADLINE: 1:00 PM TODAY, Tuesday, June 26: LRM [RD-115-267] JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 11:41		Redacted	ACP; DPP; WP; PII	Email to various Commerce counsel and other staff discussing draft responses to QFRs from Congress relating to census questionnaire

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00024609	COM_DIS00024609			Uthmeier, James (Federal)	SPark-Su@doc.gov	O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Walsh, Michael (Federal)		Fwd: Media Tracker on Potential Census Question.msg	3/23/2018 16:10		Redacted	PII	
COM_DIS00024610	COM_DIS00024610			Walsh, Michael (Federal) ; Uthmeier, James (Federal)	SPark-Su@doc.gov	Comstock, Earl (Federal)		Fwd: Meng, Serrano, Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	
COM_DIS00024611	COM_DIS00024611			Uthmeier, James (Federal) ; Langdon, David (Federal) ; Teague, Anne (Federal) ; Park-Su, Sahra (Federal)	VanHanswyk, Beth (Federal)	Davidson, Peter (Federal) ; Walsh, Michael (Federal) ; Grossman, Beth (Federal) ; Dewhirst, David (Federal) ; McClelland, Michelle O (Federal) ; Platt, Mike (Federal) ; Branson, Ross (Federal) ; Lenihan, Brian (Federal) ; Lucas, Jennifer (Federal) ; Comstock, Earl (Federal)		For Review: DOC edits to JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 13:42		Redacted	ACP; DPP; WP; PII	Email amongst agency counsel and DOC staff discussing edits to draft responses to QFRs
COM_DIS00024612	COM_DIS00024612			Grossman, Beth (Federal) ; VanHanswyk, Beth (Federal) ; Platt, Mike (Federal) ; Branson, Ross (Federal) ; Park-Su, Sahra (Federal) ; Young, Henry (Federal) ; Langdon, David (Federal) ; Rockas, James (Federal) ; Lenihan, Brian (Federal) ; Uthmeier, James (Federal) ; Schnettler, Erin (Federal)	Phelps, Michael (Federal)	Casias, Lisa (Federal) ; Comstock, Earl (Federal) ; Mills, Natasha (Federal) ; Monroe, Justin (Federal) ; Anderson, Michael (Federal) ; Wilde, Rachael R (Federal) ; Mihlfried, Michael (Federal) ; Phelps, Michael (Federal)		FY2019 House CJS Appropriations Hearing Questions for the Record (QFRs).msg	6/14/2018 10:56		Redacted	PII	
COM_DIS00024615	COM_DIS00024615			Rockas, James (Federal) ; Semsar, Joseph (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Park-Su, Sahra (Federal) ; Lenihan, Brian (Federal)	Uthmeier, James (Federal)			Final Draft Q&As.msg	3/26/2018 21:18		Redacted	PII	
COM_DIS00024626	COM_DIS00024626			Uthmeier, James (Federal)	Park-Su, Sahra (Federal)	O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Walsh, Michael (Federal)		Fwd: Media Tracker on Potential Census Question.msg	3/23/2018 16:10		Redacted	PII	
COM_DIS00024627	COM_DIS00024627			Walsh, Michael (Federal) ; Uthmeier, James (Federal)	Park-Su, Sahra (Federal)	Comstock, Earl (Federal)		Fwd: Meng, Serrano, Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	
COM_DIS00024631	COM_DIS00024631			Jones, Christa D ; Semsar, Joseph (Federal) ; O'Connor, Kasey (Federal)	Park-Su, Sahra (Federal)	Platt, Mike (Federal) ; Walsh, Michael (Federal) ; Uthmeier, James (Federal)		Stakeholder List.msg	3/5/2018 18:01		Redacted	PII	
COM_DIS00024632	COM_DIS00024632			Kasey O'Connor ; Lenihan, Brian (Federal) ; Platt, Mike (Federal) ; Walsh, Michael (Federal) ; Uthmeier, James (Federal) ; Lamas, Enrique ; Jarmin, Ron S ; Jones, Christa D ; Semsar, Joseph (Federal)	Park-Su, Sahra (Federal)			RE: Stakeholder List.msg	2/26/2018 11:00		Redacted	PII	
COM_DIS00024417	COM_DIS00024418			Lenihan, Brian (Federal)	Uthmeier, James (Federal)			Fwd: Memo: Census Questions Around the World.msg	2/5/2018 17:30		Redacted	ACP; DPP; WP; PII	Description of attorney WP - requested advisory memorandum
COM_DIS00024419	COM_DIS00024422			Lenihan, Brian (Federal)	Uthmeier, James (Federal)			Fwd: Q/As on Citizenship.msg	2/5/2018 15:54		Redacted	PII	
COM_DIS00024425	COM_DIS00024427			Rockas, James (Federal) ; Hernandez, Israel (Federal) ; Platt, Mike (Federal) ; Kelley, Karen (Federal) ; Comstock, Earl (Federal) ; Reist, Burton H ; Burgess, Michael (Federal) ; Rankin, Alex (Federal) ; Herbst, Ellen (Federal)	Mason, Jacque (Federal)	Willard, Aaron (Federal) ; Manning, Kevin (Federal) ; Quinley, Kevin (Federal) ; Lamas, Enrique ; Jarmin, Ron S ; Park-Su, Sahra ; Davidson, Peter (Federal) ; Lenihan, Brian (Federal) ; Keller, Catherine (Federal) ; Uthmeier, James (Federal) ; Holmes, Colin (Federal) ; McClelland, Michelle (Federal) ; VanHanswyk, Beth (Federal) ; Grossman, Beth (Federal) ; Davidson, Hillary (Federal) ; Langdon, David (Federal) ; Keefe Singer, Jenilee (Federal)		RE: Here is the FINAL Q and A .msg	10/10/2017 17:25		Redacted	DPP; PII	Internal comments on draft Congressional testimony
COM_DIS00024488	COM_DIS00024489			Uthmeier, James (Federal)	Walsh, Michael (Federal)			FW: Alternatives Analysis.msg	3/26/2018 11:45		Redacted	PII	
COM_DIS00024494	COM_DIS00024495			Uthmeier, James (Federal)	Walsh, Michael (Federal)			Fwd: Citizenship Question on the 2020 Census.msg	3/21/2018 19:55		Redacted	PII	
COM_DIS00024704	COM_DIS00024705	COM_DIS00024704	COM_DIS00024707	Lenihan Brian (Federal)	Uthmeier James (Federal)			Fwd: Memo: Census Questions Around the World.msg	2/5/2018 17:30		Redacted	ACP;DPP; WP;PII	Description of attorney WP - requested advisory memorandum
COM_DIS00024706	COM_DIS00024706	COM_DIS00024704	COM_DIS00024707				Freitas Jessica (Federal Employee)	International Census Data Memo - 530pm Update.docx		2/5/2018 17:20	WIF	ACP;DPP; WP	Draft legal memo reveals DOC's DPP and attorney WP regarding reinstating the citizenship question.
COM DIS00024708	COM DIS00024711	COM DIS00024708	COM DIS00024734	Lenihan Brian (Federal)	Uthmeier James (Federal)			Fwd: Q/As on Citizenship.msg	2/5/2018 15:54		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00024768	COM_DIS00024770	COM_DIS00024768	COM_DIS00024778	Rockas James (Federal); Hernandez Israel (Federal); Platt Mike (Federal); Kelley Karen (Federal); Comstock Earl (Federal); Reist Burton H; Burgess Michael (Federal); Rankin Alex (Federal); Herbst Ellen (Federal)	Mason Jacque (Federal)	Willard Aaron (Federal); Manning Kevin (Federal); Quinley Kevin (Federal); Lamas Enrique; Jarmin Ron S; Park-Su Sahra; Davidson Peter (Federal); Lenihan Brian (Federal); Keller Catherine (Federal); Uthmeier James (Federal); Holmes Colin (Federal); McClelland Michelle (Federal); VanHanswyk Beth (Federal); Grossman Beth (Federal); Davidson Hillary (Federal); Langdon David (Federal); Keefe Singer Jenilee (Federal)		RE: Here is the FINAL Q and A.msg	10/10/2017 17:25		Redacted	DPP;PII	Internal comments on draft Congressional testimony
COM_DIS00025308	COM_DIS00025309	COM_DIS00025308	COM_DIS00025327	Uthmeier James (Federal)	Walsh Michael (Federal)			FW: Alternatives Analysis.msg	3/26/2018 11:45		Redacted	PII	
COM_DIS00025329	COM_DIS00025329	COM_DIS00025328	COM_DIS00025329				O'Connor Kasey (Federal)	draft summaries.docx		3/23/2018 19:41	WIF	ACP;DPP; WP	Draft post-call summary memoranda
COM_DIS00025393	COM_DIS00025394	COM_DIS00025393	COM_DIS00025403	Uthmeier James (Federal)	Walsh Michael (Federal)			Fwd: Citizenship Question on the 2020 Census.msg	3/21/2018 19:55		Redacted	PII	
COM_DIS00025639	COM_DIS00025639	COM_DIS00025639	COM_DIS00025644	Rockas James (Federal); Smith William (Federal); Price Ollice (Federal); OSY- ATD-Protection; Murnane Barbara (Federal); Schufreider Jim (Federal); Elouaradia Lesley; McNeill Valerie; Dubik Rick (Federal); Guido John (Federal); Alexander Brooke (Federal); Teramoto Wendy (Federal); Branstad Eric (Federal); Comstock Earl (Federal); Herbst Ellen (Federal); Andberg Jennifer (Federal); Norton Barbara; Emergency Operations Center; Abrajano Todd; Kiefaber Clay (Federal); Uthmeier James (Federal); Rzendzian Kelly (Federal); McClelland Michelle (Federal); Burgess Michael (Federal); OSY-ATD-Protection	Beaumont Dina			Updated Schedules.msg	3/14/2017 19:55		Redacted	PII	
COM_DIS00025643	COM_DIS00025644	COM_DIS00025639	COM_DIS00025644				Beaumont Dina	THE SCHEDULE OF SECRETARYROSS - Wednesday MARCH 15 2017.pdf		3/14/2017 19:39	Redacted	DPP	Nonresponsive entries in draft of Secretary's schedule for March 15 2017
COM_DIS00025645	COM_DIS00025645	COM_DIS00025645	COM_DIS00025650	Rockas James (Federal); Smith William (Federal); Price Ollice (Federal); OSY- ATD-Protection; Murnane Barbara (Federal); Schufreider Jim (Federal); Elouaradia Lesley; McNeill Valerie; Dubik Rick (Federal); Guido John (Federal); Alexander Brooke (Federal); [Wendy Teramoto]@gmail.com); Branstad Eric (Federal); Comstock Earl (Federal); Herbst Ellen (Federal); Burgess Michael (Federal); ExecSecBriefingBook; McClelland Michelle (Federal); Rzendzian Kelly (Federal); Uthmeier James (Federal); Kiefaber Clay (Federal); Abrajano Todd; Emergency Operations Center; Norton Barbara; Andberg Jennifer (Federal); [Dina Beaumont] @aol.com	Beaumont Dina			UPDATED SCHEDULES.msg	3/13/2017 19:42		Redacted	PII	
COM_DIS00025648	COM_DIS00025648	COM_DIS00025645	COM_DIS00025650				Beaumont Dina	THE SCHEDULE OF SECRETARYROSS - Wednesday MARCH 15 2017.pdf		3/13/2017 19:32	WIF	DPP	Draft of Secretary's schedule for March 15 2017
COM_DIS00025651	COM_DIS00025651	COM_DIS00025651	COM_DIS00025652	Kelley Karen (Federal); Comstock Earl (Federal); Uthmeier James (Federal)	Walsh Michael (Federal)			comments received in attached.msg	3/26/2018 14:41		Redacted	PII	
COM_DIS00025652	COM_DIS00025652	COM_DIS00025651	COM_DIS00025652				Comstock Earl (Federal)	DRAFT Census Decision Memo v3 3.26.18 CB.docx		3/26/2018 14:36	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00025653	COM_DIS00025653	COM_DIS00025653	COM_DIS00025654	Rockas James (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal)	Uthmeier James (Federal)			Draft Q&As Updated.msg	3/26/2018 19:50		Redacted	PII	
COM_DIS00025654	COM_DIS00025654	COM_DIS00025653	COM_DIS00025654				Leach Macie (Federal)	2.5 Census Draft Q&A Packet.docx		3/26/2018 19:48	WIF	ACP;WP	Attorney edits to draft FAQs regarding reinstatement of citizenship question
COM_DIS00025656	COM_DIS00025656	COM_DIS00025655	COM_DIS00025656				Leach Macie (Federal)	Census Draft Talking Points.docx		3/26/2018 8:49	WIF	ACP;WP	Attorney's draft of talking points regarding reinstatement of a citizenship question
COM_DIS00025657	COM_DIS00025657	COM_DIS00025657	COM_DIS00025665	Uthmeier James (Federal)	Rockas James (Federal)			FW: Final Cleared FAQs Release TPs on Census.msg	3/28/2018 11:22		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00025666	COM_DIS00025667	COM_DIS00025666	COM_DIS00025679	McClelland Michelle O (Federal); Keller Catherine (Federal); Davidson Peter (Federal); Walsh Michael (Federal); Uthmeier James (Federal); Didiuk Lauren (Federal); Maggi David (Federal)	Murnane Barbara (Federal)			FW: Supplemental Materials delivered for Today 3.23.18 Delivered 3.23.18.msg	3/23/2018 15:24		Redacted	PII	
COM_DIS00025669	COM_DIS00025670	COM_DIS00025666	COM_DIS00025679				O'Connor Kasey (Federal)	SWR Call - Groves 3-23-18.docx		3/22/2018 19:00	Redacted	PII	
COM_DIS00025671	COM_DIS00025672	COM_DIS00025666	COM_DIS00025679				O'Connor Kasey (Federal)	SWR Call - Habermann 3-23-18.docx		3/22/2018 15:34	Redacted	PII	
COM_DIS00025675	COM_DIS00025676	COM_DIS00025666	COM_DIS00025679				O'Connor Kasey (Federal)	SWR Call - Kay Cole James 3-23-18.docx		3/22/2018 19:34	Redacted	PII	
COM_DIS00025678	COM_DIS00025678	COM_DIS00025666	COM_DIS00025679				O'Connor Kasey (Federal)	SWR Call - Neilsen 3-23-18.docx		3/22/2018 15:24	Redacted	PII	
COM_DIS00025679	COM_DIS00025679	COM_DIS00025666	COM_DIS00025679				O'Connor Kasey (Federal)	SWR Call - Pelosi 3-23-18.docx		3/22/2018 19:28	Redacted	PII	
COM_DIS00025680	COM_DIS00025681	COM_DIS00025680	COM_DIS00025690	Uthmeier James (Federal)	Walsh Michael (Federal)			Fwd: Citizenship Question on the 2020 Census.msg	3/21/2018 19:55		Redacted	PII	
COM_DIS00025691	COM_DIS00025693	COM_DIS00025691	COM_DIS00025694	Kelley Karen (Federal); Uthmeier James (Federal)	Freitas Jessica (Federal Employee)			Re: Memo: Census Questions Around the World.msg	2/7/2018 7:10		Redacted	ACP;DPP; WP;PII	Email between Undersecretary and agency counsel regarding advisory memo
COM_DIS00025694	COM_DIS00025694	COM_DIS00025691	COM_DIS00025694				Freitas Jessica (Federal Employee)	International Censuses - Combined 2.7.18.docx		2/7/2018 7:06	WIF	ACP;DPP; WP	Attorney-drafted advisory memo on international census practices
COM_DIS00025696	COM_DIS00025696	COM_DIS00025695	COM_DIS00025696				Uthmeier James (Federal)	Questions for Draft Census Memo 1-30-2018 v2.docx		1/30/2018 16:41	WIF	ACP;DPP; WP	Comments and questions questions on draft January Census memo
COM_DIS00025697	COM_DIS00025697	COM_DIS00025697	COM_DIS00025699	Comstock Earl (Federal)	JUthmeier@doc.gov			Draft DOC Decision Memo.msg	3/22/2018 19:32		Redacted	ACP;DPP; WP;PII	Discussion relating advice of agency counsel concerning drafting process
COM_DIS00025698	COM_DIS00025698	COM_DIS00025697	COM_DIS00025699				Uthmeier James (Federal)	Census decision memo draft 3.22.18.docx		3/22/2018 18:00	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00025700	COM_DIS00025701	COM_DIS00025700	COM_DIS00025703	Lenihan Brian (Federal)	Uthmeier James (Federal)			Fwd: Memo: Census Questions Around the World.msg	2/5/2018 17:30		Redacted	ACP;DPP; WP;PII	Communication between agency counsel and Undersecretary concerning ongoing drafting of requested advisory memorandum
COM_DIS00025702	COM_DIS00025702	COM_DIS00025700	COM_DIS00025703				Freitas Jessica (Federal Employee)	International Census Data Memo - 530pm Update.docx		2/5/2018 17:20	WIF	ACP;DPP; WP	Attorney-drafted advisory memorandum on international census practices
COM_DIS00025704	COM_DIS00025704	COM_DIS00025704	COM_DIS00025706	Comstock Earl (Federal)	Uthmeier James (Federal)			Fwd: Questions for Draft Census Memo 1-30-2018 v2.msg	1/30/2018 17:49		Redacted	PII	
COM_DIS00025705	COM_DIS00025705	COM_DIS00025704	COM_DIS00025706				Uthmeier James (Federal)	Questions for Draft Census Memo 1-30-2018 v2.docx		1/30/2018 16:41	WIF	ACP;DPP; WP	Draft comments and questions on draft January Census memo
COM_DIS00025708	COM_DIS00025708	COM_DIS00025707	COM_DIS00025708				Uthmeier James (Federal)	Census decision memo draft 3.23.18.docx		3/23/2018 16:16	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00025709	COM_DIS00025709	COM_DIS00025709	COM_DIS00025711	Comstock Earl (Federal)	Uthmeier James (Federal)			Draft DOC Decision Memo.msg	3/22/2018 19:32		Redacted	ACP;DPP; WP;PII	Discussion with agency counsel regarding drafting of decision memorandum
COM_DIS00025710	COM_DIS00025710	COM_DIS00025709	COM_DIS00025711				Uthmeier James (Federal)	Census decision memo draft 3.22.18.docx		3/22/2018 18:00	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00025713	COM_DIS00025713	COM_DIS00025712	COM_DIS00025713				Uthmeier James (Federal)	Census decision memo.docx		3/15/2018 8:38	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00025714	COM_DIS00025714	COM_DIS00025714	COM_DIS00025716	Comstock Earl (Federal)	Uthmeier James (Federal)			Fwd: Questions for Draft Census Memo 1-30-2018 v2.msg	1/30/2018 17:50		Redacted	PII	
COM_DIS00025715	COM_DIS00025715	COM_DIS00025714	COM_DIS00025716				Uthmeier James (Federal)	Questions for Draft Census Memo 1-30-2018 v2.docx		1/30/2018 16:41	WIF	ACP;DPP; WP	Draft comments and questions on draft January Census memo
COM_DIS00025717	COM_DIS00025717	COM_DIS00025717	COM_DIS00025719	Comstock Earl (Federal)	Uthmeier James (Federal)	Shambon Leonard (Federal)		Fwd: Census Timeline.msg	8/11/2017 18:34		Redacted	ACP;DPP; WP;PII	Discussion of advisory memorandum from agency counsel
COM_DIS00025718	COM_DIS00025718	COM_DIS00025717	COM_DIS00025719				Shambon Leonard (Federal)	Census category chronology August 11 2017.docx		8/11/2017 18:13	WIF	ACP;DPP; WP	Draft attorney-created document on Census history
COM_DIS00026034	COM_DIS00026034	COM_DIS00026034	COM_DIS00026035	Comstock Earl (Federal)	Uthmeier James (Federal)	Walsh Michael (Federal); Semsar Joseph (Federal)		updated version.msg	3/26/2018 11:52		Redacted	PII	
COM_DIS00026035	COM_DIS00026035	COM_DIS00026034	COM_DIS00026035				Comstock Earl (Federal)	DRAFT Census Decision Memo 3.26.18.docx		3/26/2018 11:51	WIF	ACP;DPP; WP	Draft decision memorandum
COM_DIS00026060	COM_DIS00026060	COM_DIS00026060	COM_DIS00026062	Walsh Michael (Federal); Uthmeier James (Federal)	Park-Su Sahra (Federal)	Comstock Earl (Federal)		Fwd: Meng Serrano Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM DIS00026349	COM DIS00026349	COM DIS00026348	COM DIS00026350				Uthmeier James (Federal)	Questions for Draft Census Memo 1-30-2018 v2.docx		1/30/2018 16:41	WIF	ACP;DPP; WP	Draft comments and questions on draft January Census memo
COM_DIS00026351	COM_DIS00026351	COM_DIS00026351	COM_DIS00026352	Willard Aaron (Federal); Park-Su Sahra (Federal); Davidson Peter (Federal); Langdon David (Federal)	Uthmeier James (Federal)	Comstock Earl (Federal)		questions re: draft census memo.msg	1/30/2018 7:51		Redacted	ACP;DPP; WP;PII	Discussion of internal questions for draft decision memorandum
COM_DIS00026352	COM_DIS00026352	COM_DIS00026351	COM_DIS00026352				Uthmeier James (Federal)	Questions for Draft Census Memo.docx		1/30/2018 6:39	WIF	ACP;DPP; WP	Draft questions on January Census memorandum
COM DIS00026353	COM DIS00026353	COM DIS00026353	COM DIS00026359	Langdon David (Federal); Murnane Barbara (Federal); Uthmeier James (Federal); Keller Catherine (Federal)	Nelson Camille (Federal)	Williams Allaire (Federal); Young Matilda (Federal); Broome Cynthia (Federal); Comstock Earl (Federal)		Clearance Request (Immediate Attention) 18-059095.msg	1/25/2018 13:53		Redacted	PII	
COM DIS00026420	COM DIS00026421	COM DIS00026420	COM DIS00026422		Comstock Earl (Federal)	Uthmeier James (Federal)		Re: Census paper.msg	8/11/2017 10:18		Redacted	ACP;DPP; WP;PII	Description of draft internal attorney memorandum
COM_DIS00026422	COM_DIS00026422	COM_DIS00026420	COM_DIS00026422				Austin Schnell	Census Memo Aug 11 2017.docx		8/11/2017 7:17	WIF	ACP;DPP; WP	Draft legal memo discussing citizenship question and the census
COM_DIS00026446	COM_DIS00026451	COM_DIS00026446	COM_DIS00026452	Walsh Michael (Federal); Uthmeier James (Federal); Kelley Karen (Federal)	Comstock Earl (Federal)			Re: proposed insert on response rate.msg	3/25/2018 10:06		Redacted	ACP;DPP; WP;PII	Internal discussions revising draft decision memorandum
COM_DIS00026452	COM_DIS00026452	COM_DIS00026446	COM_DIS00026452				Comstock Earl (Federal)	Outline for Census Decision Memo v4.docx		3/25/2018 9:15	WIF	ACP;DPP; WP	Draft of citizenship question decision memorandum
COM DIS00026456	COM DIS00026457	COM DIS00026456	COM DIS00026465	Glover Rebecca (Federal); Rateike Bradley A. EOP/WHO; Keller CatherineB. EOP/WHO; Ditto Jessica E. EOP/WHO; Walters Lindsay E. EOP/WHO; Doty George E. EOP/WHO;Donaldson Annie M. EOP/WHO	Davis May M. EOP/WHO	Manning Kevin (Federal); Rockas James (Federal); Comstock Earl (Federal); Teramoto Wendy (Federal); Uthmeier James (Federal); Freitas Jessica (Federal); Walsh Michael (Federal)		RE: DRAFT Comms Packet for Census Administrative Record Submission to Court .msg	6/8/2018 16:32		Redacted	DPP;PII	Discussion of non-final draft of potential public statement regarding litigation
COM DIS00026466	COM DIS00026466	COM DIS00026466	COM DIS00026474	Rateike Bradley A. EOP/WHO; Davis May M. EOP/WHO; Keller Catherine B. EOP/WHO; Ditto Jessica E. EOP/WHO; Walters Lindsay E. EOP/WHO	Glover Rebecca (Federal)	Manning Kevin (Federal); Rockas James (Federal); Comstock Earl (Federal); Teramoto Wendy (Federal); Uthmeier James (Federal); Freitas Jessica (Federal); Walsh Michael (Federal)		DRAFT Comms Packet for Census Administrative Record Submission to Court .msg	6/8/2018 16:25		Redacted	DPP;PII	Discussion of non-final draft of potential public statement regarding litigation
COM DIS00026482	COM DIS00026482	COM DIS00026482	COM DIS00026483	Kelley Karen (Federal)	Kevin Quinley (CENSUS/DEPDIR FED)	AWillard@doc.gov; Park-Su Sahra (Federal); Uthmeier James (Federal); afoye-mcfadden@doc.gov; jmason@doc.gov; JRockas@doc.gov (CENSUS/ OTHER); Albert E Fontenot (CENSUS/ADDC FED); Ron S Jarmin (CENSUS/ADEP FED);Phani-Kumar Atri Kalluri (CENSUS/DITD FED); Enrique Lamas (CENSUS/ADDP FED);Langdon David (Federal); BLenihan@doc.gov; Manning Kevin (Federal); McClelland Michelle (Federal); bmurnane @doc.gov; Platt Mike (Federal); Robinson Barry (Federal); Kevin Smith (CENSUS/ADITCIO FED);Michael T Thieme (CENSUS/CAD FED); James B Treat (CENSUS/ADDC FED); Burton HReist (CENSUS/ ADDC FED); Alan Lang (CENSUS/OCIA FED);Comstock Earl (Federal); Stephen L Buckner(CENSUS/ADCOM FED)		Agenda for January 11 Steering Committee.msg	1/10/2018 17:36		Redacted	PII	
COM_DIS00026545	COM_DIS00026546	COM_DIS00026545	COM_DIS00026547	Creech Melissa L; Hyson Beverly (Federal); Baker Jonathan (Federal); Cannon Michael (Federal); Davidson Hillary (Federal); Bartels Joe (Federal); Park-Su Sahra (Federal); Langdon David (Federal); O'Connor Kasey (Federal); Jones Christa D; Reist Burton H; 'cms@census.gov'; 'boc.correspondence.quality.assurance @census.gov'; Bachman Robin J	Lucas Jennifer (Federal)	Walsh Michael (Federal); Lenihan Brian (Federal); Uthmeier James (Federal); McClelland Michelle O (Federal); Taylor Kim (Federal); Price Alicia (Federal); VanHanswyk Beth (Federal); Grossman Beth (Federal); OGC- Leg; Platt Mike (Federal); Branson Ross (Federal); Kluttz Lawson (Federa); Young Henry (Federal); Teague Anne (Federal); Dewhirst David (Federal); Kelley Karen (Federal)		DEADLINE: 1:00 PM TODAYTuesday June 26: LRM [RD-115- 267] JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 11:41		Redacted	ACP;DPP; WP;PII	Email to various Commerce counsel and other staff discussing draft responses to QFRs from Congress relating to census questionnaire
COM_DIS00026547	COM_DIS00026547	COM_DIS00026545	COM_DIS00026547				Taylor Velma (OLA)	QFR responses.CRT. 2020 Census. 6.25.2018.docx		6/25/2018 17:07	WIF	ACP;DPP; WP	DOJ draft response to questions submitted by the Committee on Oversight and Government Reform regarding the citizenship question on the 2020 census.
COM_DIS00026605	COM_DIS00026605	COM_DIS00026605	COM_DIS00026707	Uthmeier James (Federal)	SPark-Su@doc.gov	O'Connor Kasey (Federal); Semsar Joseph (Federal); Walsh Michael (Federal)		Fwd: Media Tracker on Potential Census Question.msg	3/23/2018 16:10		Redacted	PII	
COM DIS00026708	COM DIS00026708	COM DIS00026708	COM DIS00026710	Walsh Michael (Federal); Uthmeier James (Federal)	SPark-Su@doc.gov	Comstock Earl (Federal)		Fwd: Meng Serrano Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00026711	COM_DIS00026711	COM_DIS00026711	COM_DIS00026712	Uthmeier James (Federal); Langdon David (Federal); Teague Anne (Federal); Park-Su Sahra (Federal)	VanHanswyk Beth (Federal)	Davidson Peter (Federal); Walsh Michael (Federal); Grossman Beth (Federal); Dewhirst David (Federal); McClelland Michelle O (Federal); Platt Mike (Federal); Branson Ross (Federal); Lenihan Brian (Federal); Lucas Jennifer (Federal); Comstock Earl (Federal)		For Review: DOC edits to JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 13:42		Redacted	ACP;DPP; WP;PII	Email amongst agency counsel and DOC staff discussing edits to draft responses to QFRs
COM_DIS00026712	COM_DIS00026712	COM_DIS00026711	COM_DIS00026712				Taylor Velma (OLA)	QFR responses.CRT. 2020Census. 6.25.2018 DOCcomments.docx		6/26/2018 13:29	WIF	ACP;DPP; WP	DOC counsel's comments on DOJ draft response to questions submitted by the Committee on Oversight and Government Reform regarding the citizenship question on the 2020 census.
COM_DIS00026713	COM_DIS00026713	COM_DIS00026713	COM_DIS00026714	Grossman Beth (Federal); VanHanswyk Beth (Federal); Platt Mike (Federal); Branson Ross (Federal); Park-Su Sahra (Federal); Young Henry (Federal); Langdon David (Federal); Rockas James (Federal); Lenihan Brian (Federal); Uthmeier James (Federal); Schnettler Erin (Federal)	Phelps Michael (Federal)	Casias Lisa (Federal); Comstock Earl (Federal); Mills Natasha (Federal); Monroe Justin (Federal); Anderson Michael (Federal); Wilde Rachael R (Federal); Mihlfried Michael (Federal); Phelps Michael (Federal)		FY2019 House CISAppropriations Hearing Questions for the Record (QFRs).msg	6/14/2018 10:56		Redacted	PII	
COM_DIS00026714	COM_DIS00026714	COM_DIS00026713	COM_DIS00026714				MDS	QFRs for Executive Staff Review.docx		6/6/2018 15:36	WIF	DPP	Draft of QFR responses which is part of the agency's DPP in determining how to respond and predecisional because it is a draft.
COM_DIS00026729	COM_DIS00026729	COM_DIS00026729	COM_DIS00026730	Rockas James (Federal); Semsar Joseph (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal); Park-Su Sahra (Federal); Lenihan Brian (Federal)	Uthmeier James (Federal)			Final Draft Q&As.msg	3/26/2018 21:18		Redacted	PII	
COM_DIS00026730	COM_DIS00026730	COM_DIS00026729	COM_DIS00026730				Leach Macie (Federal)	Final Census Draft Q&A Packet.docx		3/26/2018 21:16	WIF	ACP;WP	Attorney edits to draft FAQs regarding reinstatement of citizenship question
COM_DIS00026954	COM_DIS00026954	COM_DIS00026954	COM_DIS00027056	Uthmeier James (Federal)	Park-Su Sahra (Federal)	O'Connor Kasey (Federal); Semsar Joseph (Federal); Walsh Michael (Federal)		Fwd: Media Tracker on Potential Census Question.msg	3/23/2018 16:10		Redacted	PII	
COM_DIS00027057	COM_DIS00027057	COM_DIS00027057	COM_DIS00027059	Walsh Michael (Federal); Uthmeier James (Federal)	Park-Su Sahra (Federal)	Comstock Earl (Federal)		Fwd: Meng Serrano Maloney Letter to Secretary Ross re 2020 Decennial Census.msg	3/20/2018 22:04		Redacted	PII	
COM_DIS00027113	COM_DIS00027113	COM_DIS00027113	COM_DIS00027117	Jones Christa D; Semsar Joseph (Federal); O'Connor Kasey (Federal)	Park-Su Sahra (Federal)	Platt Mike (Federal); Walsh Michael (Federal); Uthmeier James (Federal)		Stakeholder List.msg	3/5/2018 18:01		Redacted	PII	
COM_DIS00027114	COM_DIS00027117	COM_DIS00027113	COM_DIS00027117				Park-Su Sahra	List_Calendar (3.5.18)1.docx		3/5/2018 18:01	Redacted	PII	
COM_DIS00027118	COM_DIS00027118	COM_DIS00027118	COM_DIS00027120	Kasey O'Connor; Lenihan Brian (Federal); Platt Mike (Federal); Walsh Michael (Federal); Uthmeier James (Federal); Lamas Enrique; Jarmin Ron S; Jones Christa D; Semsar Joseph (Federal)	Park-Su Sahra (Federal)			RE: Stakeholder List.msg	2/26/2018 11:00		Redacted	PII	
COM_DIS00027119	COM_DIS00027120	COM_DIS00027118	COM_DIS00027120				Jennifer Shopkorn (CENSUS/ADCOM FED)	2.26.18_Stakeholders List (Draft).docx		2/26/2018 10:45	Redacted	PII	
COM_DIS00027269	COM_DIS00027271	COM_DIS00027269	COM_DIS00027299	Park-Su, Sahra	Uthmeier, James (Federal)			FW: Census Matter Follow-Up.msg	9/11/2017 18:38		Redacted	ACP; DPP	Recommendations, legal advice, and deliberations regarding how to proceed regarding potentially reinstating the citizenship question.
COM_DIS00027443	COM_DIS00027444	COM_DIS00027443	COM_DIS00027486	O'Connor, Kasey (Federal); MASTERSON, JOHN T (Federal); PINCUS, ROGER (Federal); JEST, JOE (Federal); WOODARD, ROCHELLE (Federal); COLE, TERANDA (Federal); 'bisexecsec@bis.doc.gov'; Bachman, Robin J; 'cms@census.gov'; Hyson, Beverly (Federal); BOC Correspondence Quality Assurance (CENSUS); McNeill, Valerie; Elouaradia, Lesley; Phillips, Tracy; Sigmon, Andrew; Leeman, Jonathan; 'odus@trade.gov'; Clearances, OCCIC; Leg Affairs - NOAA Service Account; Bullock, Velna (Federal); Gustafson, Kristen (Federal); Dillen, Jeff (Federal)	Sudhakar, Anand (Federal)	Grossman, Beth (Federal); VanHanswyk, Beth (Federal); OGC-Leg; Schnettler, Erin (Federal); Langdon, David (Federal); Teague, Anne (Federal); McClelland, Michelle O (Federal); Young, Henry (Federal); Branson, Ross (Federal); Uthmeier, James (Federal); Park-Su, Sahra (Federal); Platt, Mike (Federal); Kluttz, Lawson (Federal); Phelps, Michael (Federal); Mihlfried, Michael (Federal); Waller, Michelle (Federal); Anderson, Michael (Federal); Hanson, Eric (Federal); Bookbinder, Min (Federal Employee); McClintick, David B (Federal); Mills, Natasha (Federal); Siegel, Matthew (Federal); Humphries, Anthony (Federal); Blyden, Traci (Federal); Wilde, Rachael R (Federal)		TASKER: Bureaus' Responses to Secretary's QFRs Required by 12:00 on Wednesday, July 18.msg	7/3/2018 15:33		Redacted	DPP	Material reflecting the division of assignments and topic relevant to the Department's deliberations concerning QFR responses.

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00027493	COM_DIS00027494	COM_DIS00027493	COM_DIS00027500	Robinson, Barry (Federal); Bachman, Robin J; Reist, Burton H; 'cms@census.gov'; Hyson, Beverly (Federal); 'boc.correspondence.quality.assurance@census.gov'; Brown, Milton; Dixon, Lee; Smith, Kathy; Wasilewski, Jim; Clearances, OCCIC; Elouaradia, Lesley; Leeman, Jonathan; McNeill, Valerie; ODUS@trade.gov; Sigmon, Andrew; Cottilli, Eugene; Rarog, Robert; WOODARD, ROCHELLE (Federal); PINCUS, ROGER (Federal); Twanna Smith; Bullock, Velna (Federal); Hayes, Chris (Federal); Laura Morton	VanHanswyk, Beth (Federal)	Uthmeier, James (Federal); Branson, Ross (Federal); Burston, Jocelyn (Federal); Davidson, Michael (Federal); Grossman, Beth (Federal); Young, Henry (Federal); Humphries, Anthony (Federal); Holecko, Joe; O'Connor, Kasey (Federal); Langdon, David (Federal); Lenihan, Brian (Federal); Mason, Jacques (Federal); McClelland, Michelle O (Federal); Meroney, Bart; OGC- Leg; Park-Su, Sahra (Federal); Phillips, Tracy; Platt, Mike (Federal); Teague, Anne (Federal); Wilde, Rachael R (Federal); bisexecsec@bis.doc.gov; Hill, Daniel; MASTERSON, JOHN T (Federal); Mortimer, Kirsten; Bookbinder, Min (Federal Employee); Hanson, Eric (Federal); McClintick, David B (Federal); Mills, Natasha (Federal); Siegel, Matthew (Federal)		Questions for the Record (Minority) from Secretary Ross' 3/14 Infrastructure hearing .msg	5/2/2018 12:06		Redacted	DPP	Division of response process to SCST Q&As reflecting agency deliberations
COM_DIS00027495	COM_DIS00027500	COM_DIS00027493	COM_DIS00027500				Stadius, Stephen (Commerce)	Minority QFRs to Secretary Ross bureau assignments.docx		5/2/2018 11:52	Redacted	DPP	Division of response process to SCST Q&As reflecting agency deliberations

EXHIBIT 3

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00024370	COM_DIS00024374	COM_DIS00024370	COM_DIS00024374	Victoria Velkoff (CENSUS/ACSO FED) ; Enrique Lamas (CENSUS/ADDP FED) ; Ron S Jarmin (CENSUS/ADEP FED)	Christa Jones (CENSUS/ADEP FED)	Melissa L Creech (CENSUS/PCO FED)		Re: Suggested revision to explanatory language to accompany citizenship question.msg	3/23/2018 14:14		Redacted	ACP; WP	Request for legal review and legal advice regarding proposed language for use on a census website.
COM_DIS00024375	COM_DIS00024375	COM_DIS00024375	COM_DIS00024377	Joe Semsar	Christa.D.Jones@censu s.gov			Fwd: Directors: Groves.msg	3/22/2018 18:57		Redacted	PII	
COM_DIS00024376	COM_DIS00024377	COM_DIS00024375	COM_DIS00024377					Call Template - Groves.docx			Redacted	PII	
COM_DIS00024378	COM_DIS00024379	COM_DIS00024378	COM_DIS00024379	Walsh, Michael (Federal)	Christa Jones (CENSUS/ADEP FED)			Re: Administrative Records Updates.msg	3/20/2018 9:17		Redacted	ACP; PII; WP; DPP	Deliberations with counsel regarding documents referenced in preceding email.
COM_DIS00024387	COM_DIS00024387	COM_DIS00024387	COM_DIS00024388	Christa Jones (CENSUS/ADEP FED)	Walsh, Michael (Federal)			draft for your review.msg	3/25/2018 12:09		Redacted	PII; DPP	Deliberative discussion of draft decision memo.
COM_DIS00024388	COM_DIS00024388	COM_DIS00024387	COM_DIS00024388					DRAFT Census Decision Memo 3.25.18.docx			Withheld in Full	ACP; WP; DPP	Draft decision memo
COM_DIS00024389	COM_DIS00024390	COM_DIS00024389	COM_DIS00024390	Sahra Park-Su	Ron S Jarmin (CENSUS/ADEP FED)	Christa Jones (CENSUS/ADEP FED)		Fwd: Meeting request from Secretary Ross.msg	3/14/2018 18:35		Redacted	PII	
COM_DIS00024393	COM_DIS00024393	COM_DIS00024393	COM_DIS00024394	Walsh, Michael (Federal)	Christa Jones (CENSUS/ADEP FED)			Re: draft for your review.msg	3/26/2018 9:21		Redacted	DPP	Deliberations regarding comments to the draft decision memo.
COM_DIS00024394	COM_DIS00024394	COM_DIS00024393	COM_DIS00024394					DRAFT Census Decision Memo 3.25.18 cdj.docx			Withheld in Full	ACP; WP; DPP	draft decision memo
COM_DIS00024396	COM_DIS00024397	COM_DIS00024395	COM_DIS00024397					Call Template - Habermann.docx			Redacted	PII	
COM_DIS00024401	COM_DIS00024402	COM_DIS00024400	COM_DIS00024402					Call Template - Murdock.docx			Redacted	PII	
COM_DIS00024404	COM_DIS00024405	COM_DIS00024403	COM_DIS00024405					Call Template - James.docx			Redacted	PII	
COM_DIS00024407	COM_DIS00024408	COM_DIS00024406	COM_DIS00024408					Call Template - Kitague.docx			Redacted	PII	
COM_DIS00024586	COM_DIS00024586			Michael Walsh	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Proof: Page 7.msg	3/28/2018 8:24		Redacted	PII	
COM_DIS00024587	COM_DIS00024587			Ron S Jarmin (CENSUS/ADEP FED) ; Walsh, Michael (Federal)	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Re: DRAFT memo for your review.msg	3/26/2018 14:39		Redacted	PII	
COM_DIS00024595	COM_DIS00024595			Kasey O'Connor ; Sahra Park-Su	Christa Jones (CENSUS/ADEP FED)	Walsh, Michael (Federal)		Vargas Template.msg	3/10/2018 7:36		Redacted	PII	
COM_DIS00024597	COM_DIS00024597			Kelley, Karen (Federal) ; Jones, Christa D ; Platt, Mike (Federal) ; Lenihan, Brian (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Park-Su, Sahra (Federal)	Berrios, Nelly (Federal) - on behalf of - Kelley, Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM_DIS00024598	COM_DIS00024599			Creech, Melissa L ; Hyson, Beverly (Federal) ; Baker, Jonathan (Federal) ; Cannon, Michael (Federal) ; Davidson, Hillary (Federal) ; Bartels, Joe (Federal) ; Park-Su, Sahra (Federal) ; Langdon, David (Federal) ; O'Connor, Kasey (Federal) ; Jones, Christa D ; Reist, Burton H ; 'cms@census.gov'; 'boc.correspondence.quality.assurance@census. gov'; Bachman, Robin J	Lucas, Jennifer (Federal)	(Federal) ; Uthmeier, James (Federal) ; McClelland, Michelle O (Federal) ; Taylor, Kim (Federal) ; Price, Alicia (Federal) ; VanHanswyk, Beth (Federal) ; Grossman, Beth (Federal) ; OGC- Leg ; Platt, Mike (Federal) ; Branson, Ross (Federal) ; Kluttz, Lawson (Federal) ; Young, Henry (Federal) ; Teague, Anne (Federal) ; Dewhirst, David (Federal) ; Kelley, Karen (Federal)		DEADLINE: 1:00 PM TODAY, Tuesday, June 26: LRM [RD-115-267] JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 11:41		Redacted	ACP; DPP; WP; PII	Email to various Commerce counsel and other staff discussing draft responses to QFRs from Congress relating to census questionnaire
COM_DIS00024613	COM_DIS00024614			Jones, Christa D	Moulder, Pamela (Federal)	Rockas, James (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Park-Su, Sahra (Federal) ; Stanley, Christopher J ; Walsh, Michael (Federal)		RE: Census Correspondence .msg	4/17/2018 18:54		Redacted	ACP; DPP; WP; PII	Email with agency counsel discussing draft responses to stakeholders
COM_DIS00024620	COM_DIS00024620			O'Connor, Kasey (Federal) ; Park-Su, Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh, Michael (Federal)		Camarota Template.msg	3/10/2018 7:38		Redacted	PII	
COM_DIS00024621	COM_DIS00024621			O'Connor, Kasey (Federal) ; Park-Su, Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh, Michael (Federal)		Gupta Template.msg	3/10/2018 7:37		Redacted	PII	
COM_DIS00024622	COM_DIS00024622			O'Connor, Kasey (Federal) ; Park-Su, Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh, Michael (Federal)		Vargas Template.msg	3/10/2018 7:36		Redacted	PII	
COM_DIS00024623	COM_DIS00024623			Jones, Christa D ; Platt, Mike (Federal) ; Lenihan, Brian (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Park-Su, Sahra (Federal)	Berrios, Nelly (Federal) - on behalf of - Kelley, Karen (Federal)			Stakeholders Discussion.msg	3/1/2018 7:55		Redacted	PII	

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COM_DIS00024624	COM_DIS00024624			Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Jones, Christa D	Park-Su, Sahra (Federal)			Fwd: Letter to SWR from U.S. Commission on Civil Rights .msg	4/27/2018 14:43		Redacted	PII	
COM_DIS00024630	COM_DIS00024630			Berrios, Nelly (Federal) ; Moulder, Pamela (Federal)	Park-Su, Sahra (Federal)	Walsh, Michael (Federal) ; Lenihan, Brian (Federal) ; O'Connor, Kasey (Federal) ; Platt, Mike (Federal) ; Semsar, Joseph (Federal) ; Jones, Christa D		FW: Vargas Template.msg	3/12/2018 10:36		Redacted	PII	
COM_DIS00024631	COM_DIS00024631			Jones, Christa D ; Semsar, Joseph (Federal) ; O'Connor, Kasey (Federal)	Park-Su, Sahra (Federal)	Platt, Mike (Federal) ; Walsh, Michael (Federal) ; Uthmeier, James (Federal)		Stakeholder List.msg	3/5/2018 18:01		Redacted	PII	
COM_DIS00024632	COM_DIS00024632			Kasey O'Connor ; Lenihan, Brian (Federal) ; Platt, Mike (Federal) ; Walsh, Michael (Federal) ; Uthmeier, James (Federal) ; Lamas, Enrique ; Jarmin, Ron S ; Jones, Christa D ; Semsar, Joseph (Federal)	Park-Su, Sahra (Federal)			RE: Stakeholder List.msg	2/26/2018 11:00		Redacted	PII	
COM_DIS00024464	COM_DIS00024464			Ron S Jarmin (CENSUS/ADEP FED) ; Walsh, Michael (Federal)	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Re: DRAFT memo for your review.msg	3/26/2018 14:39		Redacted	PII	
COM_DIS00024492	COM_DIS00024492			Kelley, Karen (Federal) ; Jones, Christa D ; Platt, Mike (Federal) ; Lenihan, Brian (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Park-Su, Sahra (Federal)	Kelley, Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM_DIS00024496	COM_DIS00024496			Kelley, Karen (Federal) ; Jones, Christa D ; Platt, Mike (Federal) ; Lenihan, Brian (Federal) ; Walsh, Michael (Federal) ; O'Connor, Kasey (Federal) ; Semsar, Joseph (Federal) ; Park-Su, Sahra (Federal)	Kelley, Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM_DIS00024702	COM_DIS00024703	COM_DIS00024685	COM_DIS00024703				O'Connor Kasey (Federal)	Call - Vargas.docx		3/12/2018 9:42	Redacted	PII	
COM_DIS00025076	COM_DIS00025076	COM_DIS00025076	COM_DIS00025077	Ron S Jarmin (CENSUS/ADEP FED);Walsh Michael (Federal)	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Re: DRAFT memo for your review.msg	3/26/2018 14:39		Redacted	PII	
COM_DIS00025077	COM_DIS00025077	COM_DIS00025076	COM_DIS00025077				Comstock Earl (Federal)	DRAFT Census Decision Memo v3 3.26.18 CB.docx		3/26/2018 14:36	WIF	ACP;DPP; WVP	Draft decision memo
COM DIS00025157	COM DIS00025158	COM DIS00025153	COM DIS00025158				O'Connor Kasey (Federal)	Call Template - Neuman.docx		3/12/2018 20:51	Redacted	PII	
COM_DIS00025167	COM_DIS00025168	COM_DIS00025159	COM_DIS00025168				O'Connor Kasey (Federal)	Call Template - Camarota.docx		3/10/2018 7:05	Redacted	PII	
COM DIS00025173	COM DIS00025178	COM DIS00025169	COM DIS00025192					Attach 2 Gupta Lttr.pdf		2/22/2018 15:19	Redacted	PII	
COM_DIS00025191	COM_DIS00025192	COM_DIS00025169	COM_DIS00025192				O'Connor Kasey (Federal)	Call Template - Gupta.docx		3/10/2018 6:43	Redacted	PII	
COM DIS00025206	COM DIS00025207	COM DIS00025193	COM DIS00025207				O'Connor Kasey (Federal)	Call Template - Vargas.docx		3/8/2018 9:28	Redacted	PII	
COM_DIS00025294	COM_DIS00025294	COM_DIS00025292	COM_DIS00025294				Reist Burton H (CENSUS/ADDC FED)	HOGR_10-12-17 Hearing_QFRs OMB combined comments.docx		3/15/2018 12:51	WIF	DPP	Draft responses to QFRs for HOGR hearing
COM_DIS00025296	COM_DIS00025303	COM_DIS00025295	COM_DIS00025303					18-059733 New Clearance Package.pdf		3/8/2018 12:08	Redacted	DPP	Draft letter proposed to Secretary with option to approve or disapprove
COM_DIS00025349	COM_DIS00025349	COM_DIS00025349	COM_DIS00025356	Kelley Karen (Federal); Jones Christa D; Platt Mike (Federal); Lenihan Brian (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Park-Su Sahra (Federal)	Kelley Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM DIS00025355	COM DIS00025356	COM DIS00025349	COM DIS00025356				JenniferShopkorn (CENSUS/ADCOM FED)	3.1.18_ Stakeholders List (Draft).docx		3/1/2018 7:50	Redacted	PII	
COM_DIS00025404	COM_DIS00025404	COM_DIS00025404	COM_DIS00025411	Kelley Karen (Federal); Jones Christa D; Platt Mike (Federal); Lenihan Brian (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Park-Su Sahra (Federal)	Kelley Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM DIS00025410	COM DIS00025411	COM DIS00025404	COM DIS00025411				Jennifer Shopkorn (CENSUS/ADCOM FED)	3.1.18_ Stakeholders List (Draft).docx		3/1/2018 7:50	Redacted	PII	
COM_DIS00026477	COM_DIS00026477	COM_DIS00026477	COM_DIS00026479	Michael Walsh	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Proof: Page 7.msg	3/28/2018 8:24		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM DIS00026478	COM DIS00026478	COM DIS00026477	COM DIS00026479				U.S. Census Bureau	Questions Planned for the 2020 Census and ACS-page 7 two fn.pdf		3/28/2018 7:58	WIF	DPP	Draft proof of question for planned 2020 Census and ACS revealing DOC's internal consideration of contents prior to finalization.
COM DIS00026479	COM DIS00026479	COM DIS00026477	COM DIS00026479				U.S. Census Bureau	Questions Planned for the 2020 Census and ACS-1 page 7-one fn.pdf		3/28/2018 7:43	WIF	DPP	Draft proof of question for planned 2020 Census and ACS revealing DOC's internal consideration of contents prior to finalization.
COM_DIS00026480	COM_DIS00026480	COM_DIS00026480	COM_DIS00026481	Ron S Jarmin (CENSUS/ADEP FED);Walsh Michael (Federal)	Christa Jones (CENSUS/ADEP FED)	Enrique Lamas (CENSUS/ADDP FED)		Re: DRAFT memo for your review.msg	3/26/2018 14:39		Redacted	PII	
COM DIS00026481	COM DIS00026481	COM DIS00026480	COM DIS00026481				Comstock Earl (Federal)	DRAFT Census Decision Memo v3 3.26.18 CB.docx		3/26/2018 14:36	WIF	ACP;DPP	Draft decision memo on reinstatement of citizenship question
COM_DIS00026514	COM_DIS00026514	COM_DIS00026514	COM_DIS00026532	Kasey O'Connor; Sahra Park-Su	Christa Jones (CENSUS/ADEP FED)	Walsh Michael (Federal)		Vargas Template.msg	3/10/2018 7:36		Redacted	PII	
COM_DIS00026531	COM_DIS00026532	COM_DIS00026514	COM_DIS00026532				O'Connor Kasey (Federal)	Call Template - Vargas.docx		3/8/2018 9:28	Redacted	PII	
COM_DIS00026537	COM_DIS00026537	COM_DIS00026537	COM_DIS00026544	Kelley Karen (Federal); Jones Christa D; Platt Mike (Federal); Lenihan Brian (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Park-Su Sahra (Federal)	Berrios Nelly (Federal) - on behalf of - Kelley Karen (Federal)			Stakeholders Discussion.msg	2/28/2018 13:53		Redacted	PII	
COM DIS00026543	COM DIS00026544	COM DIS00026537	COM DIS00026544				Jennifer Shopkorn (CENSUS/ADCOM FED)	3.1.18_ Stakeholders List (Draft).docx		3/1/2018 7:50	Redacted	PII	
COM_DIS00026545	COM_DIS00026546	COM_DIS00026545	COM_DIS00026547	Creech Melissa L; Hyson Beverly (Federal); Baker Jonathan (Federal); Cannon Michael (Federal); Davidson Hillary (Federal); Bartels Joe (Federal); Park-Su Sahra (Federal); Langdon David (Federal); O'Connor Kasey (Federal); Jones Christa D; Reist Burton H; 'cms@census.gov'; 'boc.correspondence.quality.assurance @census.gov'; Bachman Robin J	Lucas Jennifer (Federal)	Walsh Michael (Federal); Lenihan Brian (Federal); Uthmeier James (Federal); McClelland Michelle O (Federal); Taylor Kim (Federal); Price Alicia (Federal); VanHanswyk Beth (Federal); Grossman Beth (Federal); OGC- Leg; Platt Mike (Federal); Branson Ross (Federal); Kluttz Lawson (Federa); Young Henry (Federal); Teague Anne (Federal); Dewhirst David (Federal); Kelley Karen (Federal)		DEADLINE: 1:00 PM TODAYTuesday June 26: LRM [RD-115- 267] JUSTICE Questions for the Record on the 2020 Census.msg	6/26/2018 11:41		Redacted	ACP;DPP; WP;PII	Email to various Commerce counsel and other staff discussing draft responses to QFRs from Congress relating to census questionnaire
COM_DIS00026547	COM_DIS00026547	COM_DIS00026545	COM_DIS00026547				Taylor Velma (OLA)	QFR responses.CRT. 2020 Census. 6.25.2018.docx		6/25/2018 17:07	WIF	ACP;DPP; WP	DOJ draft response to questions submitted by the Committee on Oversight and Government Reform regarding the citizenship question on the 2020 census.
COM DIS00026715	COM DIS00026716	COM DIS00026715	COM DIS00026728	Jones Christa D	Moulder Pamela (Federal)	Rockas James (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Park-Su Sahra (Federa); Stanley Christopher J; Walsh Michael (Federal)		RE: Census Correspondence.msg	4/17/2018 18:54		Redacted	ACP;DPP; WP;PII	Email with agency counsel discussing draft responses to stakeholders
COM_DIS00026882	COM_DIS00026882	COM_DIS00026882	COM_DIS00026891	O'Connor Kasey (Federal); Park-Su Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh Michael (Federal)		Camarota Template.msg	3/10/2018 7:38		Redacted	PII	
COM DIS00026890	COM DIS00026891	COM DIS00026882	COM DIS00026891				O'Connor Kasey (Federal)	Call Template - Camarota.docx		3/10/2018 7:05	Redacted	PII	
COM DIS00026892	COM DIS00026892	COM DIS00026892	COM DIS00026915	O'Connor Kasey (Federal); Park-Su Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh Michael (Federal)		Gupta Template.msg	3/10/2018 7:37		Redacted	PII	
COM DIS00026896	COM DIS00026901	COM DIS00026892	COM DIS00026915					Attach 2 Gupta Lttr..pdf		2/22/2018 15:19	Redacted	PII	
COM DIS00026914	COM DIS00026915	COM DIS00026892	COM DIS00026915				O'Connor Kasey (Federal)	Call Template - Gupta.docx		3/10/2018 6:43	Redacted	PII	
COM_DIS00026916	COM_DIS00026916	COM_DIS00026916	COM_DIS00026934	O'Connor Kasey (Federal); Park-Su Sahra (Federal)	Christa Jones (CENSUS/ADEP FED)	Walsh Michael (Federal)		Vargas Template.msg	3/10/2018 7:36		Redacted	PII	
COM_DIS00026933	COM_DIS00026934	COM_DIS00026916	COM_DIS00026934				O'Connor Kasey (Federal)	Call Template - Vargas.docx		3/8/2018 9:28	Redacted	PII	
COM DIS00026935	COM DIS00026935	COM DIS00026935	COM DIS00026942	Jones Christa D; Platt Mike (Federal); Lenihan Brian (Federal); Walsh Michael (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Park-Su Sahra (Federal)	Berrios Nelly (Federal) - on behalf of - Kelley Karen (Federal)			Stakeholders Discussion.msg	3/1/2018 7:55		Redacted	PII	
COM_DIS00026941	COM_DIS00026942	COM_DIS00026935	COM_DIS00026942				Jennifer Shopkorn (CENSUS/ADCOM FED)	3.1.18_ Stakeholders List (Draft).docx		3/1/2018 7:50	Redacted	PII	
COM DIS00026943	COM DIS00026943	COM DIS00026943	COM DIS00026950	Walsh Michael (Federal); O'Connor Kasey (Federal); Semsar Joseph (Federal); Jones Christa D	Park-Su Sahra (Federal)			Fwd: Letter to SWR from U.S. Commission on Civil Rights .msg	4/27/2018 14:43		Redacted	PII	

Production::Begin Bates	Production::End Bates	Production::Begin Attachment	Production::End Attachment	To	From	CC	Author	File Name	Date Sent	Date Created	Redaction	Privilege	Privilege Description
COM_DIS00027094	COM_DIS00027094	COM_DIS00027094	COM_DIS00027112	Berrios Nelly (Federal); Moulder Pamela (Federal)	Park-Su Sahra (Federal)	Walsh Michael (Federal); Lenihan Brian (Federal); O'Connor Kasey (Federal); Platt Mike (Federal); Semsar Joseph (Federal); Jones Christa D		FW: Vargas Template.msg	3/12/2018 10:36		Redacted	PII	
COM_DIS00027111	COM_DIS00027112	COM_DIS00027094	COM_DIS00027112				O'Connor Kasey (Federal)	Call - Vargas.docx		3/12/2018 9:42	Redacted	PII	
COM_DIS00027113	COM_DIS00027113	COM_DIS00027113	COM_DIS00027117	Jones Christa D; Semsar Joseph (Federal); O'Connor Kasey (Federal)	Park-Su Sahra (Federal)	Platt Mike (Federal); Walsh Michael (Federal); Uthmeier James (Federal)		Stakeholder List.msg	3/5/2018 18:01		Redacted	PII	
COM_DIS00027114	COM_DIS00027117	COM_DIS00027113	COM_DIS00027117				Park-Su Sahra	List_Calendar (3.5.18)1.docx		3/5/2018 18:01	Redacted	PII	
COM_DIS00027118	COM_DIS00027118	COM_DIS00027118	COM_DIS00027120	Kasey O'Connor; Lenihan Brian (Federal); Platt Mike (Federal); Walsh Michael (Federal); Uthmeier James (Federal); Lamas Enrique; Jarmin Ron S; Jones Christa D; Semsar Joseph (Federal)	Park-Su Sahra (Federal)			RE: Stakeholder List.msg	2/26/2018 11:00		Redacted	PII	
COM DIS00027119	COM DIS00027120	COM DIS00027118	COM DIS00027120				Jennifer Shopkorn (CENSUS/ADCOM FED)	2.26.18_Stakeholders List (Draft).docx		2/26/2018 10:45	Redacted	PII	
COM_DIS00027368	COM_DIS00027368	COM_DIS00027368	COM_DIS00027373	Christa Jones (CENSUS/ADEP FED); Enrique Lamas (CENSUS/ADDP FED); Karen Kelley; Sahra Park-Su	Ron S Jarmin (CENSUS/ADEP FED)			option D.msg	2/23/2018 12:00		Redacted	PII	
COM_DIS00027399	COM_DIS00027399	COM_DIS00027399	COM_DIS00027404	Jones, Christa D; Lamas, Enrique; Kelley, Karen (Federal); Park-Su, Sahra (Federal)	Ron S Jarmin (CENSUS/ADEP FED)			option D.msg	2/23/2018 12:00		Redacted	PII	
COM_DIS00027414	COM_DIS00027414	COM_DIS00027414	COM_DIS00027417	Jones, Christa D	SPark-Su@doc.gov			Fwd: Citizenship Question Letter to Ross from Indian Affairs Witnesses- FINAL.PDF.msg	3/21/2018 13:51		Redacted	PII	
COM_DIS00027487	COM_DIS00027487	COM_DIS00027487	COM_DIS00027490	Lenihan, Brian (Federal); Moulder, Pamela (Federal); Berrios, Nelly (Federal); Casias, Lisa (Federal); Lattimer, Rick (Federal); Park-Su, Sahra (Federal); Semsar, Joseph (Federal); Quinley, Kevin	Sally M Obenski (CENSUS/DEPDIR FED)	Jones, Christa D; Jarmin, Ron S; Lamas, Enrique; Wood, Montgomery F; Banks, Shana J; Becker Medina, Erika H		TX of Secretary's Report .msg	5/10/2018 10:25		Redacted	PII	
COM_DIS00027489	COM_DIS00027489	COM_DIS00027487	COM_DIS00027490				Montgomery Wood (CENSUS/ADDC FED)	Week of 2018.05.07 Census Weekly Memo.docx		5/3/2018 9:02	WIF	DPP	General report to Secretary to advise for decisions on a variety of Census programs
COM_DIS00027491	COM_DIS00027491	COM_DIS00027491	COM_DIS00027492	Reist, Burton H	Langdon, David (Federal)	Park-Su, Sahra (Federal); Jones, Christa D		2020 Census 60-day notice comments and edits.msg	5/9/2018 12:10		Redacted	ACP; DPP; PII	Comments on draft PRA notice concerning 2020 Census reflecting discussion with counsel
COM_DIS00027492	COM_DIS00027492	COM_DIS00027491	COM_DIS00027492				smith056	2020Censuspresubmissionnotice_final draft_newcontent_DL.doc		5/7/2018 10:29	WIF	DPP	Draft Federal Register notice.
COM_DIS00027510	COM_DIS00027519	COM_DIS00027508	COM_DIS00027537				ochen001	2020 Census Steering Committee FOIA Report 2018.04.09.docx		4/9/2018 10:20	Redacted	DPP; PII	Notes reflecting ongoing FOIA response process
COM_DIS00027535	COM_DIS00027536	COM_DIS00027508	COM_DIS00027537				Nicole Y Thomas-Hawkins (CENSUS/OCIA FED)	Copy of Decennial Correspondence 04092018.xlsx		1/25/2018 9:35	Redacted	DPP	Columns reflecting non-final Commerce process to respond to correspondence
COM_DIS00027540	COM_DIS00027541	COM_DIS00027540	COM_DIS00027559	Moulder, Pamela (Federal); Park-Su, Sahra (Federal); Jones, Christa D; Reist, Burton H	Tara Tadlock (CENSUS/OCIA FED)	O'Connor, Kasey (Federal); Rankin, Alex (Federal); Semsar, Joseph (Federal); Thomas- Hawkins, Nicole Y		Re: Citizenship Letters.msg	3/23/2018 16:26		Redacted	PII	
COM_DIS00027542	COM_DIS00027559	COM_DIS00027540	COM_DIS00027559				Nicole Y Thomas-Hawkins (CENSUS/OCIA FED)	Citizenship letters - All.xlsx		1/25/2018 9:35	Redacted	DPP	Columns reflecting response process to correspondence

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,

vs. Case No. 1:18-CF-05025-JMF

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,
Defendants.

Washington, D.C.

Wednesday, August 15, 2018

Deposition of:

DR. JOHN ABOWD

called for oral examination by counsel for
Plaintiffs, pursuant to notice, at the office of
Arnold & Porter, 601 Massachusetts Avenue NW,
Washington, D.C., before KAREN LYNN JORGENSEN,
RPR, CSR, CCR of Capital Reporting Company,
beginning at 9:08 a.m., when were present on
behalf of the respective parties:

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(Exhibits retained by reporter for next deposition.)

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11

ALSO PRESENT: Herman Habermann

12 VIDEOGRAPHER: Solomon Francis
13
14
15
16
17
18
19
20
21
22

1 original memo using the word burden and us
2 pointing out that the word burden had a very
3 technical meaning in the survey world that wasn't
4 supported by his statements. So he changed to
5 imposition -- this is my recollection -- so in any
6 event, I don't know what the technical definition
7 of the imposition is.

8 If I translate it to burden, then I don't
9 agree with either -- either sentence. So I think
10 the Secretary was trying to express an overall
11 judgment about the consequences of the questions
12 for these two subpopulations, but I can't go any
13 further than that in interpreting his words for
14 you.

15 Q Were the comments that you and your
16 colleagues provided on this memo, was that done in
17 writing?

18 A There were no email correspondences.
19 There was no one on the phone, that I recall. The
20 answers were -- the suggestions were communicated
21 back by Ron and Christa. I think primarily by
22 Christa Jones. I don't know what -- what she used

1 to do that.

2 Q And who else participated with you in --
3 among the census team in providing the comments?

4 A So in the room or on the phone,
5 Enrique Lamas, Ron Jarmin, Christa Jones, myself.
6 I believe that Al Fontenot, F-O-N-T-E-N-O-T, the
7 associate director for the 2020 census was there
8 all day or most of the day. And Tori Velkoff was
9 on the phone and sometimes in the room. I think
10 she was usually in the room. And our various
11 staff members we called if we needed a
12 clarification on a statistic that we had not
13 previously supplied the Secretary.

14 Q And were you discussing this directly
15 with anybody from Commerce --

16 A No.

17 Q -- or was it --

18 A Sorry.

19 Q -- Christa was the intermediary?

20 A To the best of my knowledge, Christa was
21 the intermediary.

22 Q Just on the observations about census

1 confidentiality-protected totals.

2 Q And would that be down to the block
3 level?

4 A The tables can be tabulated down to the
5 block level and the protections go all the way
6 down to the block level, yes.

7 MR. FREEDMAN: Why don't -- we've been
8 going about an hour 10. Why don't we take a
9 break.

10 VIDEOGRAPHER: The time is 4 -- 2:30 p.m.
11 This completes Media Unit Number 3. We're off the
12 record.

13 (Off the record.)

14 VIDEOGRAPHER: The time is 2:45 p.m.
15 This begins Media Unit Number 4. We are on the
16 record.

17 Counsel, please proceed.

18 BY MR. FREEDMAN:

19 Q Dr. Abowd, for the March 26th meeting, do
20 you have -- were you actually given a physical
21 copy of the draft memos?

22 A I was not, no.

1 Q How were you able to review the memo?

2 A There was a physical copy in the room.

3 Q Do you know who retained that?

4 A I do not.

5 Q Was -- was there any markup, like
6 handwritten markup of that memo?

7 A I think so, yes. I don't specifically
8 remember.

9 Q Did you personally take any notes during
10 that session?

11 A I did not.

12 Q Did you observe anybody else in the room
13 taking notes?

14 A No.

15 MR. FREEDMAN: Counsel, we'll follow up,
16 but we have not found drafts of the final memo in
17 the record. It's conceivable that they're on the
18 privilege log and we just need to understand what
19 they are, but if there are any nonprivileged
20 versions, we need your help.

21 MR. GARDNER: I understand. We can talk
22 about it.

EXHIBIT 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,

vs. Case No. 1:18-CF-05025-JMF

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

Defendants.

Washington, D.C.

Monday, August 20, 2018

Deposition of:

DR. RON JARMIN

called for oral examination by counsel for
Plaintiffs, pursuant to notice, at the office of
Arnold & Porter, 601 Massachusetts Avenue NW,
Washington, D.C., before KAREN LYNN JORGENSEN,
RPR, CSR, CCR of Capital Reporting Company,
beginning at 9:03 a.m., when were present on
behalf of the respective parties:

Veritext Legal Solutions

Mid-Atlantic Region

1250 Eye Street NW - Suite 350

Washington, D.C. 20005

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	Plaintiffs'	Exhibit 36	Email	385
	Plaintiffs'	Exhibit 37	Email	389
	Plaintiffs'	Exhibit 38	Email	401

1 (Exhibits retained by reporter for other
depositions in this matter.)

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A P P E A R A N C E S

On behalf of New York Immigration
Coalition, CASA De Maryland, American-Arab
Anti-Discrimination Committee, ADC Research
Institute and Make the Road New York:

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caroline.kelly@arnoldporter.com
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On behalf of New York Immigration Coalition:

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On behalf of Kravitz Plaintiffs:

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On behalf of Los Angeles Unified School District:

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1 On behalf of County of Los Angeles:

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6 San Francisco, California 94111
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8 david.holtzman@hklaw.com

9 On behalf of Lupe Plaintiffs:

10 Denise Hulett, Esquire (Telephonically)
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18 asenteno@maldef.org
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On behalf of City of San Jose & Black Alliance for
Just Immigration:

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acase@manatt.com

1 On behalf of City of San Jose & Black Alliance for
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5
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erosenberg@lawyerscommittee.org
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11 On behalf of State of California:

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1 On behalf of State of New York:

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13 On behalf of Defendants:

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38 (301) 763-9844
39 miles.f.ryan.iii@census.gov

1 ALSO PRESENT: Herman Habermann
 Katherine Wallman

2
 VIDEOGRAPHER: Solomon Francis

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1 Q So Karen told you that a citizenship
2 question -- the Secretary had decided that the
3 citizenship question would be added?

4 A That we were going to use Alternative D.

5 Q What else did Karen tell you?

6 A I think that was about it.

7 Q Did you respond to Karen in any way?

8 A I would imagine -- you know, got it,
9 we'll go with -- you know, I don't recall exactly
10 what my response was.

11 Q Do you remember generally what your
12 response was?

13 A Our main response was we knew what we
14 needed to do to get the questions out. That was
15 driving everything at that time.

16 Q Getting the questions to Congress?

17 A It was -- it was a little frantic right
18 at the end there.

19 Q When did you first see Secretary Ross's
20 decision memo?

21 A That's probably when Karen sent me
22 the -- the news.

1 Q Did she email you the decision memo?

2 A I don't recall.

3 Q Do you know if you saw the decision memo
4 before it was finalized?

5 A I think we had a quick turnaround on
6 something about Option D.

7 Q Did you ask --

8 A But that was -- that was, you
9 know -- everything was hurried at that stage.

10 Q We'll talk about that in just a moment.

11 Did you ask Ms. Dunn Kelley why the
12 Census Bureau's recommendations were overruled?

13 A I did not.

14 Q Did she tell you?

15 A She -- well, we were all in the meeting
16 where the Secretary had expressed some interest in
17 the -- in the hybrid solution, and that's what he
18 chose. And so it was, essentially, the Secretary
19 decided to go with the hybrid solution.

20 Q Is it fair to say, though, that census
21 never had -- apart from the memos that were
22 sent --

1 A Right.

2 Q -- that Census never had substantive
3 conversations with anyone at Commerce about
4 Option D?

5 A No. I mean, I'm not sure what you mean
6 by substantive. Be more specific.

7 Q Other than the memos that were sent from
8 Census to Commerce about Option D, did anyone from
9 Census have any conversations about the
10 Census Bureau's analysis of Option D?

11 A Not that I'm aware of, so.

12 Q And would you have been aware if there
13 were conversations?

14 A I think I would have been aware, yes.

15 Q So let's talk about what you just
16 mentioned with the quick turnaround on Option D.
17 What happened?

18 MS. BAILEY: Objection. Vague.

19 THE WITNESS: So I don't know what you
20 mean by what happened -- what happened.

21 BY MS. GOLDSTEIN:

22 Q Sure.

1 So we were talking about seeing a draft
2 of the decision memo, correct?

3 A Yes.

4 Q When did you first see a draft of the
5 decision memo?

6 A I don't recall exactly when, but, I mean,
7 it was -- we had an opportunity to make sure that
8 it was technically correct.

9 Q Who is we?

10 A The Census Bureau.

11 Q And what do you mean by technically
12 correct?

13 A That, you know, there wasn't any
14 information about Census Bureau, you know,
15 operations, costs, you know, that sort of stuff
16 that wasn't accurate.

17 Q So what was this opportunity that you had
18 to make sure that the memo was technically
19 correct?

20 MS. BAILEY: Objection. Vague.

21 THE WITNESS: It was that.

22 BY MS. GOLDSTEIN:

1 Q So --

2 A So we were allowed to review it to make
3 sure there was nothing from our standpoint that
4 was inaccurate.

5 Q How did you review it?

6 A So -- by comparing it to previous -- I
7 mean, it summarized various things that we had
8 said before.

9 Q Did you have a hard copy? Were you in a
10 room with people? Was that emailed around?
11 That's what I'm trying to understand.

12 A Yeah. I -- I -- I don't recall exactly
13 how it was sent around. So, you know -- and I
14 don't think there was any major changes.

15 Q From the Census Bureau?

16 A Right. Right.

17 Q Do you remember anyone else from the
18 Census Bureau who was involved in this review to
19 make sure it's technically correct?

20 A It just would have been the technical
21 team.

22 Q The folks that we talked about before?

1 A Yeah.

2 Q Led by Dr. Abowd?

3 A Yeah.

4 Q Did you discuss any of the changes that
5 were proposed to the memo?

6 A I don't recall any major discussions
7 about that.

8 Q Do you recall what any of the changes
9 were?

10 A I don't.

11 Q Is there anything that would help you
12 remember?

13 A Seeing the two versions, but I -- other
14 than that, I don't recall.

15 Q Other than this process where the
16 Census Bureau checked to make sure that the
17 decision memo was technically correct, did the
18 Census Bureau have any input into that decision
19 memo?

20 A No.

21 Q How long did the process of the
22 Census Bureau making sure that the decision memo

1 was technically correct take in terms of time?

2 A I don't recall, but I would imagine -- I
3 think it was a relatively short period of time.

4 Q Are we talking days? Are we talking
5 hours?

6 A You know, not days. So -- I mean, I
7 don't recall like, you know, what time of day it
8 came in or -- it was -- it was quick.

9 Q Within the course of a day?

10 A I -- I don't recall exactly.

11 Q I'm showing you what has previously been
12 marked as Exhibit 12 Abowd to the deposition.

13 Do you recognize this document?

14 A Yes. This is the Secretary's decision
15 memo.

16 Q Dated March 26, 2018, correct?

17 A Uh-huh.

18 Q I need a yes or a no. I'm sorry.

19 A Yes.

20 Q And it is Bates stamped 1313 to 1320. Is
21 this a version of what you reviewed to make sure
22 that it was technically correct?

EXHIBIT 6-A

From: Uthmeier, James (Federal) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A958CB55921544F58C573600E973E87F-JAMES UTHME]
Sent: 3/16/2018 2:22:39 PM
To: Uthmeier, James (Federal) [JUthmeier@doc.gov]
Attachments: Census decision memo.docx

EXHIBIT 6-B

From: Uthmeier, James (Federal) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A958CB55921544F58C573600E973E87F-JAMES UTHME]
Sent: 3/23/2018 8:16:46 PM
To: Uthmeier, James (Federal) [JUthmeier@doc.gov]
Subject: updated draft
Attachments: Census decision memo draft 3.23.18.docx

EXHIBIT 6-C

From: JUthmeier@doc.gov [JUthmeier@doc.gov]
Sent: 3/22/2018 11:32:52 PM
To: Comstock, Earl (Federal) ([REDACTED] PII)@doc.gov
Subject: Draft DOC Decision Memo
Attachments: Census decision memo draft 3.22.18.docx; ATT00001.htm

Current draft. Mike has reviewed and likes where we are at [REDACTED] ACP/AWP/Deliberative
[REDACTED] ACP/AWP/Deliberative [REDACTED] I'll be cleaning up typos, sentence structure, etc.
tomorrow.

EXHIBIT 6-D

From: Uthmeier, James (Federal) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A958CB55921544F58C573600E973E87F-JAMES UTHME]
Sent: 3/22/2018 11:32:54 PM
To: Comstock, Earl (Federal) [PII]@doc.gov]
Subject: Draft DOC Decision Memo
Attachments: Census decision memo draft 3.22.18.docx; ATT00001.htm

Current draft. ACP/AWP/Deliberative

ACP/AWP/Deliberative

EXHIBIT 6-E

From: Comstock, Earl (Federal) [REDACTED]@doc.gov]
Sent: 3/25/2018 2:06:49 PM
To: Walsh, Michael (Federal) [REDACTED]@doc.gov]; Uthmeier, James (Federal) [JUthmeier@doc.gov]; Kelley, Karen (Federal) [REDACTED]@doc.gov]
Subject: Re: proposed insert on response rate
Attachments: Outline for Census Decision Memo v4.docx

Thanks James and Mike. Attached are my suggested edits. Earl

From: "Walsh, Michael (Federal)" [REDACTED]@doc.gov>
Date: Sunday, March 25, 2018 at 9:41 AM
To: "Uthmeier, James (Federal)" <JUthmeier@doc.gov>, Karen Dunn Kelley [REDACTED]@doc.gov>, "Comstock, Earl (Federal)" [REDACTED]@doc.gov>
Subject: Re: proposed insert on response rate

PRIVILEGED AND CONFIDENTIAL

ACP/AWP/Deliberative

From: Uthmeier, James (Federal)
Sent: Sunday, March 25, 2018 9:35:46 AM
To: Walsh, Michael (Federal); Kelley, Karen (Federal); Comstock, Earl (Federal)
Subject: Re: proposed insert on response rate

ACP/AWP/Deliberative

From: Walsh, Michael (Federal)
Sent: Sunday, March 25, 2018 8:39:38 AM
To: Kelley, Karen (Federal); Comstock, Earl (Federal); Uthmeier, James (Federal)
Subject: Re: proposed insert on response rate

Me, too.

On Mar 25, 2018, at 8:38 AM, Kelley, Karen (Federal) [PII] <PII@doc.gov> wrote:

I will as well

From: Comstock, Earl (Federal)
Sent: Sunday, March 25, 2018 8:35:55 AM
To: Uthmeier, James (Federal)
Cc: Walsh, Michael (Federal); Kelley, Karen (Federal)
Subject: Re: proposed insert on response rate

Thanks James. Will review shortly and get back to you. Earl

Sent from my iPhone

On Mar 25, 2018, at 8:25 AM, Uthmeier, James (Federal) <JUthmeier@doc.gov> wrote:

ACP/AWP/Deliberative

James

From: Uthmeier, James (Federal)
Sent: Saturday, March 24, 2018 6:49:47 PM
To: Comstock, Earl (Federal)
Cc: Walsh, Michael (Federal); Kelley, Karen (Federal)
Subject: Re: proposed insert on response rate

Sounds good, will do.

On Mar 24, 2018, at 5:50 PM, Comstock, Earl (Federal) [PII] <PII@doc.gov> wrote:

ACP/AWP/Deliberative

Earl

From: "Walsh, Michael (Federal)" <[REDACTED]@doc.gov>
Date: Saturday, March 24, 2018 at 5:27 PM
To: Karen Dunn Kelley <[REDACTED]@doc.gov>, "Uthmeier, James (Federal)" <JUthmeier@doc.gov>
Cc: "Comstock, Earl (Federal)" <[REDACTED]@doc.gov>
Subject: Re: proposed insert on response rate

PRIVILEGED AND CONFIDENTIAL
PREDECISIONAL DRAFT

ACP/AWP/Deliberative

From: Kelley, Karen (Federal)
Sent: Saturday, March 24, 2018 5:13:24 PM
To: Uthmeier, James (Federal)
Cc: Comstock, Earl (Federal); Walsh, Michael (Federal)
Subject: Re: proposed insert on response rate

Thanks all

Sent from my iPhone

On Mar 24, 2018, at 5:09 PM, Uthmeier, James (Federal) <JUthmeier@doc.gov> wrote:

ACP/AWP/Deliberative

Sent from my iPhone

On Mar 24, 2018, at 4:47 PM, Comstock, Earl (Federal) <[REDACTED]@doc.gov> wrote:

ACP/AWP/Deliberative

Earl

Sent from my iPhone

On Mar 24, 2018, at 4:24 PM, Walsh, Michael (Federal) <[REDACTED]@doc.gov> wrote:

ACP/AWP/Deliberative

From: Uthmeier, James (Federal)
Sent: Saturday, March 24, 2018 4:08:48 PM
To: Kelley, Karen (Federal)
Cc: Comstock, Earl (Federal); Walsh, Michael (Federal)
Subject: Re: proposed insert on response rate

Earl-

ACP/AWP/Deliberative

Let me know what you think.

James

On Mar 24, 2018, at 3:52 PM, Kelley, Karen (Federal) <PII @doc.gov> wrote:

Hi All

ACP/AWP/Deliberative

Kdk

Sent from my iPhone

On Mar 24, 2018, at 3:01 PM, Comstock, Earl (Federal) <PII @doc.gov> wrote:

Thanks Mike.

ACP/AWP/Deliberative

ACP/AWP/Deliberative Earl

From: "Walsh, Michael (Federal)" <PII @doc.gov>
Date: Saturday, March 24, 2018 at 2:54 PM
To: "Comstock, Earl (Federal)" <PII @doc.gov>, "Uthmeier, James (Federal)" <JUthmeier@doc.gov>, Karen Dunn Kelley <PII @doc.gov>
Subject: Re: proposed insert on response rate

PRIVILEGED AND CONFIDENTIAL
PREDECISIONAL

Thanks, Earl. I am on board with this approach. I'm happy to discuss if helpful.

From: Comstock, Earl (Federal)
Sent: Saturday, March 24, 2018 2:25:01 PM
To: Walsh, Michael (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)
Subject: Re: proposed insert on response rate

PRIVILEGED AND CONFIDENTIAL

Hi everyone. **ACP/AWP/Deliberative**

ACP/AWP/Deliberative

Thanks. Earl

From: "Walsh, Michael (Federal)" <PII@doc.gov>
Date: Saturday, March 24, 2018 at 12:26 PM
To: "Comstock, Earl (Federal)" <PII@doc.gov>, "Uthmeier, James (Federal)" <JUthmeier@doc.gov>, Karen Dunn Kelley <PII@doc.gov>
Subject: proposed insert on response rate

PRIVILEGED AND PREDECISIONAL

ACP/AWP/Deliberative

ACP/AWP/Deliberative Census is having a call at 12:45 to discuss this and other outstanding questions.

ACP/AWP/Deliberative

ACP/AWP/Deliberative

EXHIBIT 7-A

From: Uthmeier, James (Federal) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A958CB55921544F58C573600E973E87F-JAMES UTHME]
Sent: 3/26/2018 3:59:45 PM
To: Uthmeier, James (Federal) [JUthmeier@doc.gov]
Attachments: Census Draft Talking Points.docx

James W. Uthmeier
U.S. Department of Commerce
Office of the Secretary

EXHIBIT 7-B

From: JUthmeier@doc.gov [JUthmeier@doc.gov]
Sent: 1/30/2018 10:49:59 PM
To: Comstock, Earl (Federal) [REDACTED PII]@doc.gov
Subject: Fwd: Questions for Draft Census Memo 1-30-2018 v2
Attachments: Questions for Draft Census Memo 1-30-2018 v2.docx; ATT00001.htm

In case you don't have this yet. Current version.

Sent from my iPhone

Begin forwarded message:

From: "Langdon, David (Federal)" <DLangdon@doc.gov>
Date: January 30, 2018 at 5:19:20 PM EST
To: "Uthmeier, James (Federal)" <JUthmeier@doc.gov>
Subject: Questions for Draft Census Memo 1-30-2018 v2

James,

Here are some suggested edits to the questions.

Dave

EXHIBIT 7-C

From: Uthmeier, James (Federal) [JUthmeier@doc.gov]
Sent: 8/11/2017 2:18:56 PM
To: Comstock, Earl (Federal) ([REDACTED]@doc.gov)
Subject: Re: Census paper
Attachments: Census Memo Aug 11 2017.docx

Made a couple small edits for clarity. Also, I have not yet sent this to Peter. Just let me know if you want me to loop him in-- I think he is heading out pretty early today, and I'm tied up 11-1, but maybe we can walk through with him early next week.

From: Uthmeier, James (Federal)
Sent: Friday, August 11, 2017 9:55:52 AM
To: Comstock, Earl (Federal)
Subject: Re: Census paper

Earl-

A draft, predecisional and privileged memo is attached.

ACP/AWP/Deliberative

ACP/AWP/Deliberative

I will keep working to clean it up and am happy to incorporate any edits. I am out of the office for some MBDA and infrastructure meetings but can be reached on my cell. I'll be able to talk today other than 11-1. Will be working over the next hour to clean this up a bit.

If you want to provide some handwritten comments, you can deliver to Barb (OGC secretary) and she will get them to me quickly.

ACP/AWP/Deliberative

Best,
James

From: Comstock, Earl (Federal)
Sent: Friday, August 11, 2017 8:11:41 AM
To: Uthmeier, James (Federal)
Subject: Re: Census paper

Great. Thanks! Earl

Sent from my iPhone

> On Aug 11, 2017, at 7:45 AM, Uthmeier, James (Federal) <JUthmeier@doc.gov> wrote:
>
> Earl-

>
> Finishing this up this morning and will have a memo to you by 930.
>
> James
>
> Sent from my iPhone

EXHIBIT 7-D

From: Uthmeier, James (Federal) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A958CB55921544F58C573600E973E87F-JAMES UTHME]
Sent: 9/11/2017 10:38:18 PM
To: Park-Su, Sahra [SPark-Su@doc.gov]
Subject: FW: Census Matter Follow-Up
Attachments: nihms-497406.pdf; ATT00001.htm

Sahra-

Here is the attached from last week. Apologies, I will make sure to keep you in the loop on this stuff.

James

From: Uthmeier, James (Federal)
Sent: Friday, September 08, 2017 6:07 PM
To: Comstock, Earl (Federal) <PII@doc.gov>; Davidson, Peter (Federal) <PDavidson@doc.gov>
Cc: Teramoto, Wendy (Federal) <WTeramoto@doc.gov>
Subject: Re: Census Matter Follow-Up

Earl-

Here is an update on our efforts:



ACP/Deliberative

ACP/Deliberative

Have a nice weekend,

James

From: Comstock, Earl (Federal)
Sent: Thursday, September 07, 2017 6:13 PM
To: Davidson, Peter (Federal) <PDavidson@doc.gov>; Uthmeier, James (Federal) <JUthmeier@doc.gov>
Cc: Teramoto, Wendy (Federal) <WTeramoto@doc.gov>
Subject: Re: Census Matter Follow-Up

I suggest setting up a call for tomorrow. The Secretary is asking for progress on this. Earl

From: "Davidson, Peter (Federal)" <PDavidson@doc.gov>
Date: Thursday, September 7, 2017 at 5:30 PM
To: "Uthmeier, James (Federal)" <JUthmeier@doc.gov>, "Comstock, Earl (Federal)" <f PII @doc.gov>
Cc: Wendy Teramoto <WTeramoto@doc.gov>
Subject: RE: Census Matter Follow-Up

ACP/Deliberative

From: Uthmeier, James (Federal)
Sent: Thursday, September 07, 2017 4:58 PM
To: Comstock, Earl (Federal) <f PII @doc.gov>
Cc: Davidson, Peter (Federal) <PDavidson@doc.gov>
Subject: Re: Census Matter Follow-Up

Hi Earl-

Deliberative

ACP/Deliberative

I'll also spend more time looking at

ACP/Deliberative

James

On Sep 7, 2017, at 4:53 PM, Comstock, Earl (Federal) <[REDACTED] PII [REDACTED]@doc.gov> wrote:

Hi Peter and James –

As I discussed with James a little while ago, the Secretary would like an update on progress since the discussion yesterday regarding the citizenship question.

If we could get a short email or memo today that would be great.

Thanks. Earl

EXHIBIT 8-A

From: Walsh, Michael (Federal)
Sent: Monday, March 26, 2018 11:45 AM
To: Uthmeier, James (Federal)
Subject: FW: Alternatives Analysis
Attachments: Alt C vs Alt D Summary.pdf; 20180215-MEMORANDUM-ALTERNATIVE D DRAFT.pdf; 20180118-MEMORANDUM-DOJ RESPONSE VERSION 2.6 (DRAFT).pdf

From: Christa Jones (CENSUS/ADEP FED) [mailto:Christa.D.Jones@census.gov]
Sent: Monday, March 19, 2018 1:59 PM
To: Walsh, Michael (Federal) [PII]@doc.gov>
Subject: Alternatives Analysis

Mike,

These are the last version of the options paper and the explanation of the graphic.

Thanks,

Christa

From: Ron S Jarmin (CENSUS/ADEP FED)
Sent: Thursday, March 1, 2018 11:32 AM
To: Karen Kelley; Comstock, Earl (Federal); Walsh, Michael (Federal)
Cc: Enrique Lamas (CENSUS/ADDP FED); Christa Jones (CENSUS/ADEP FED); John Maron Abowd (CENSUS/ADRM FED); jsemsar@doc.gov
Subject: DOJ request items

Karen, Earl and Mike

Here are the original two documents plus the brief summary of alt c vs alt D.

Let me know if you have any questions.

Ron Jarmin, PhD.

Associate Director for Economic Programs, and
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
Office 301.763.1858, Ron.S.Jarmin@census.gov
census.gov Connect with us on [Social Media](#)

Summary Analysis of the Key Differences Between Alternative C and Alternative D

This short note describes the Census Bureau's current assumptions about two alternatives to address the need for block level data on citizen voting age populations. The goal is to measure the citizenship status of all people enumerated in the 2020 Decennial Census. Both alternatives utilize administrative data on the citizenship status of individuals, however one option, Alternative D, proposes to also include the current American Community Survey (ACS) question on citizenship status on the 2020 Decennial Census short form.

In both alternatives described here, the methodology requires linking 2020 census response data and administrative records. However, as illustrated both alternatives would also need to assign/impute citizenship for a portion of the population. The Census Bureau will have to assign citizenship in cases of questionnaire non-response and item non-response. Additionally, it is important to note, that even when a self-response is available it is not always possible to link response data with administrative records data. Poor data quality (e.g., name and age) and nonresponse or incomplete 2020 Census responses mean that we will not have a direct measure of citizenship status for all residents enumerated in 2020. The Census Bureau will need to employ an imputation model for these cases.

One of the key differences between the two alternatives described below is the number of cases requiring imputation. The other key difference is the impact of errors in the citizenship status reported on the 2020 Census.

In the most recent version of the 2020 Decennial Life Cycle Cost Estimate, the Census Bureau projects counting 330 million residents in 2020. Figure 1 summarizes how citizenship status will be measured under Alternative C that does not employ a citizenship question on the 2020 Census. Figure 2 summarizes how this will be done using both administrative records and a 2020 citizenship question under Alternative D.

Alternative C is a simplified process for assigning citizenship through direct linkage and modelling, without including the question on the 2020 Census. The Census Bureau will link the responses for the 330 million census records to administrative records that contain information on the citizenship status of individuals. The Census Bureau expects to successfully link and observe this status for approximately 295 million people. The Census Bureau would need to impute this status for approximately 35 million people under Alternative C whose 2020 responses cannot be linked to administrative data. Although the Census Bureau has fully developed and tested the imputation model, it has high confidence that an accurate model can be developed and deployed for this purpose. Further, we will most likely never possess a fully adequate truth deck to benchmark it to.

Measuring citizenship status is slightly more complex under Alternative D where all U.S. households will be given the opportunity to provide the citizenship status of each household member. Based on response data for the ACS citizenship and other response data research, we know that not all households that respond to the 2020 Census will answer this question, leaving the question blank or with otherwise invalid responses. Additionally, Alternative D, must also account for those households that do not respond at all or will have proxy responses. Due to these reasons, we estimate that we will get 2020 citizenship status responses for approximately 294.6 million people, a slightly higher estimate

than Alternative C. For the 35.4 million people without a 2020 citizenship response, the Census Bureau will employ the same methodology as in Alternative C, linking the 2020 Census responses to the administrative records. The Census Bureau estimates that it will be able to link these cases to administrative records where we observe citizenship status for approximately 21.5 million people. For the remaining 13.8 million will be imputed through a model as described above. Thus, there will be a need for imputing many cases across either alternative.

The Census Bureau will link the 294.6 million records from the 2020 Census with the administrative records. This will be done both for potential quality assurance purposes and to improve the quality of future modeling uses. Based on the current research from the ACS, the Census Bureau expects to successfully link approximately 272.5 million of these cases. Of these, 263 million will have citizenship statuses that agree across the 2020 response and administrative record. The Census Bureau estimates there will be 9.5 million cases where there is disagreement across the two sources. Historic Census Bureau practice is to use self-reported data in these situations. However, the Census Bureau now knows from linking ACS responses on citizenship to administrative data that nearly one third of noncitizens in the administrative data respond to the questionnaire indicating they are citizens, indicating that this practice should be revisited in the case of measuring citizenship. Finally, for those 22.2 million cases that do not link to administrative records (non-linkage occurs for the same data quality reasons discussed above), the Census Bureau will use the observed 2020 responses. Again, Census Bureau expect some quality issues with these responses. Namely, the Census Bureau estimates that just under 500 thousand noncitizens will respond as citizens.

The relative quality of Alternative C versus Alternative D will depend on the relative importance of the errors in administrative data, response data, and imputations. To be slightly more but not fully precise consider the following description of errors under both alternatives. First note that all possible measurement methods will have errors. Under Alternative C, there will be error in the administrative records, but we believe these to be relatively limited due to the procedure following by SSA, USCIS and State. In both Alternative, the modeled cases will be subject to prediction error. Prediction error occur when the model returns the incorrect status of a case. As there are more modeled cases in Alternative C, prediction error will be a bigger issue there. Alternative D has an additional source of error, response error. This is where 2020 respondent give the incorrect status. Statisticians often hope these error are random and cancel out. However, we know from prior research that citizenship status responses are systematically biased for a subset of noncitizens. Response error is only an issue in alternative D. Unfortunately, the Census Bureau cannot quantify the relative magnitude of the errors across the alternatives at this time.

Figure 1

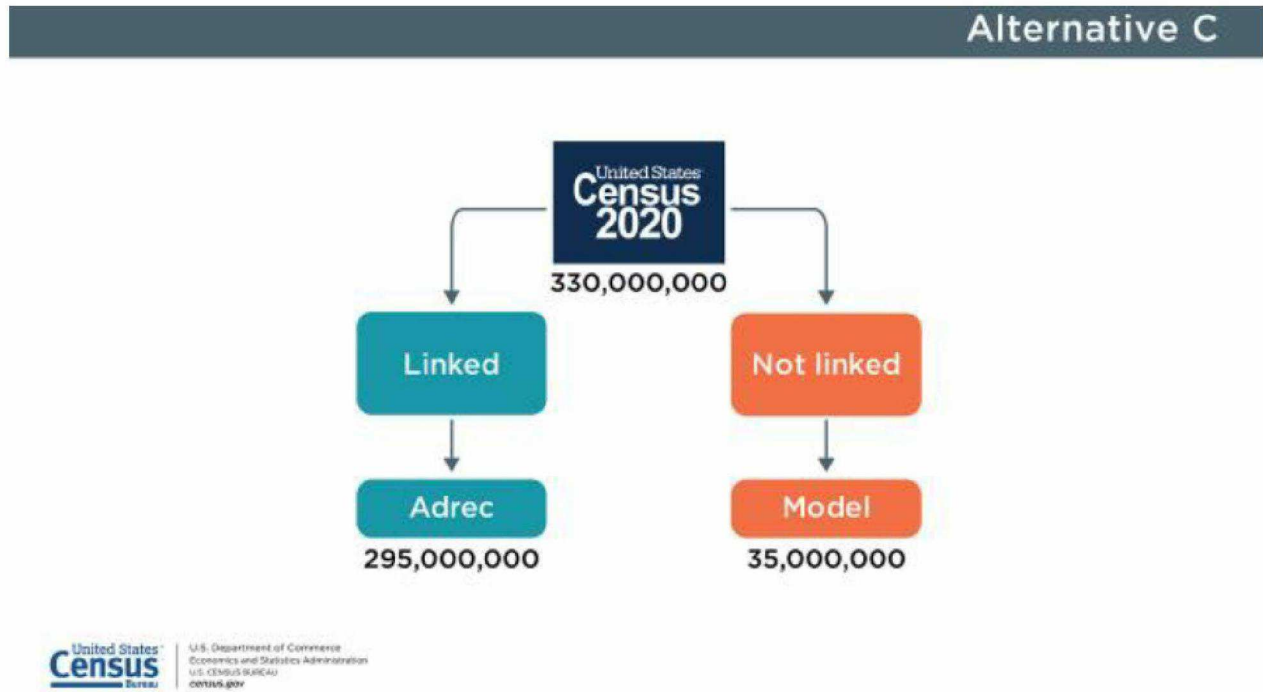


Figure 2

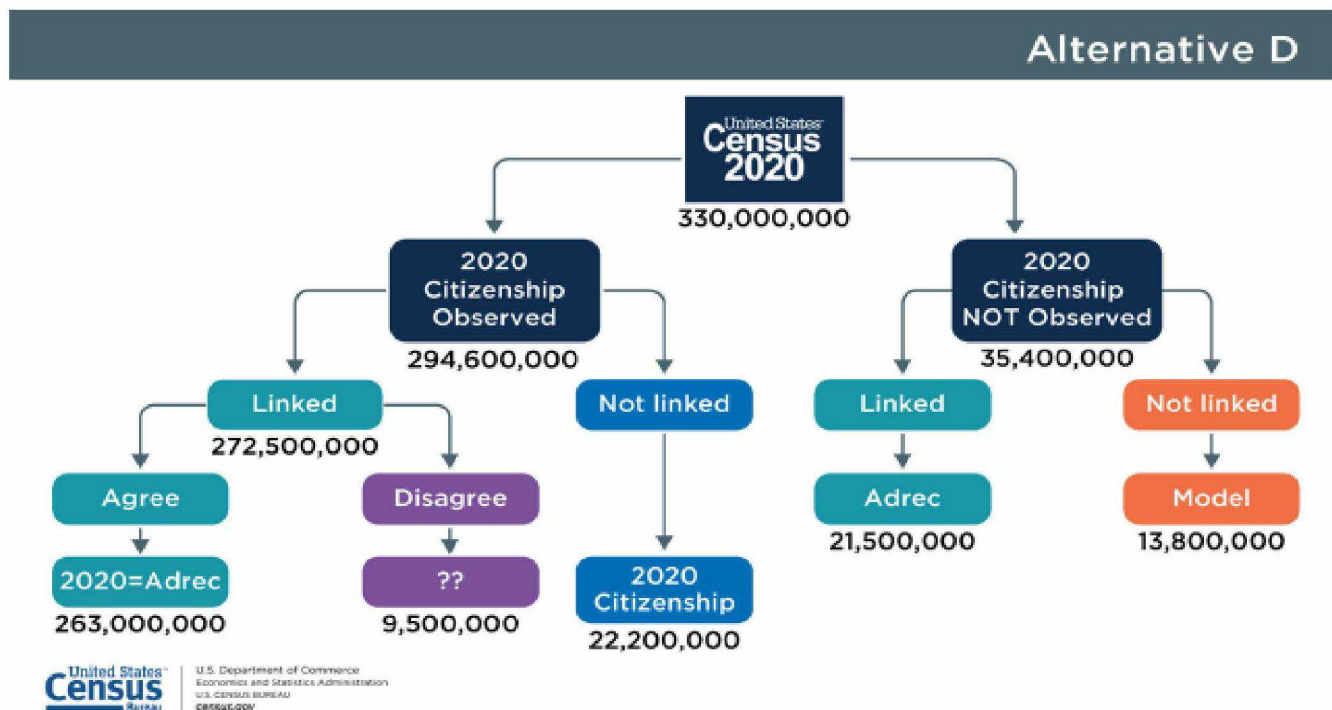


EXHIBIT 8-B

From: Kelley, Karen (Federal) [REDACTED] PII
[REDACTED] PII
Sent: 2/21/2018 12:16:22 AM
To: Comstock, Earl (Federal) [REDACTED] PII @doc.gov]
Subject: FW: Latest versions of draft Alternative D and MOU Status memos
Attachments: 20180215-MEMORANDUM-ALTERNATIVE D DRAFT V1.0.docx; 20180215-MEMORANDUM-STATUS OF MOUs DRAFT V3.0.docx

Earl

Hear is the latest

kdk

From: Ron S Jarmin (CENSUS/ADEP FED) [mailto:Ron.S.Jarmin@census.gov]
Sent: Tuesday, February 20, 2018 5:36 PM
To: Kelley, Karen (Federal) <[REDACTED] PII @doc.gov>
Cc: Lamas, Enrique <enrique.lamas@census.gov>
Subject: Fw: Latest versions of draft Alternative D and MOU Status memos

Karen,

Here's an updated MOU doc plus a draft of alt D. Let's discuss in the morning.

Ron Jarmin, PhD.

Associate Director for Economic Programs, and
Performing the Non-Exclusive Functions and Duties of the Director
U.S. Census Bureau
Office 301.763.1858, Ron.S.Jarmin@census.gov
census.gov Connect with us on [Social Media](#)

From: John Maron Abowd (CENSUS/ADRM FED)
Sent: Tuesday, February 20, 2018 5:33 PM
To: Ron S Jarmin (CENSUS/ADEP FED); Enrique Lamas (CENSUS/ADDP FED)
Cc: Christa Jones (CENSUS/ADEP FED)
Subject: Latest versions of draft Alternative D and MOU Status memos

If you make changes before conveying, please copy me (or send under separate cover).

Thanks,

John M. Abowd, PhD
Associate Director and Chief Scientist

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UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001

[DATE \@ "MMMM d, yyyy"]

MEMORANDUM FOR: Wilbur L. Ross, Jr.
Secretary of Commerce

Through: Karen Dunn Kelley
Performing the Non-Exclusive Functions and Duties of the Deputy
Secretary

Ron S. Jarmin
Performing the Non-Exclusive Functions and Duties of the Director

Enrique Lamas
Performing the Non-Exclusive Functions and Duties of the Deputy
Director

From: John M. Abowd
Chief Scientist and Associate Director for Research and Methodology

Subject: Preliminary analysis of Alternative D (Combined Alternatives B and C)

See attached.

Approved: _____ Date: _____
John M. Abowd, Chief Scientist
and Associate Director for Research and Methodology

Preliminary Analysis of Alternative D

At the Secretary's request we performed a preliminary analysis of combining Alternative B (asking the citizenship question of every household on the 2020 Census) and Alternative C (do not ask the question, link reliable administrative data on citizenship status instead) in the January 19, 2018 draft memo to the Department of Commerce into a new Alternative D. Here we discuss Alternative D, the weaknesses in Alternative C on its own, whether and how survey data could address these weaknesses, implications of including a citizenship question for using administrative data, and methodological challenges.

Description of Alternative D: Administrative data from the Social Security Administration (SSA), Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services (USCIS), and the State Department would be used to create a comprehensive statistical reference list of current U.S. citizens. Nevertheless, there will be some persons for whom no administrative data are available. To obtain citizenship information for this sub-population, a citizenship question would be added to the 2020 Census questionnaire. The combined administrative record and 2020 Census data would be used to produce baseline citizenship statistics by 2021. Any U.S. citizens appearing in administrative data after the version created for the 2020 Census would be added to the comprehensive statistical reference list. There would be no plan to include a citizenship question on future Decennial Censuses or American Community Surveys. The comprehensive statistical reference list, built from administrative records and augmented by the 2020 Census answers would be used instead. The comprehensive statistical reference list would be kept current, gradually replacing almost all respondent-provided data with verified citizenship status data.

What are the weaknesses in Alternative C?

In the 2017 Numident (the latest available), 6.6 million persons born outside the U.S. have blank citizenship among those born in 1920 or later with no year of death. The evidence suggests that citizenship is not missing at random. Of those with missing citizenship in the Numident, a much higher share appears to be U.S. citizens than compared to those for whom citizenship data are not missing. Nevertheless, some of the blanks may be noncitizens, and it would thus be useful to have other sources for them.

A second question about the Numident citizenship variable is how complete and timely its updates are for naturalizations. Naturalized citizens are instructed to immediately apply for a new SSN card. Those who wish to work have an incentive to do so quickly, since having an SSN card with U.S. citizenship will make it easier to pass the E-Verify process when applying for a job, and it will make them eligible for government programs. But we do not know what fraction of naturalized citizens actually notify the SSA, and how soon after being naturalized they do so.

A third potential weakness of Numident citizenship is that some people are not required to have a Social Security Number (SSN), whether they are a U.S. citizen or not. It would also be useful to have a data source on citizenship that did not depend on the SSN application and tracking process inside SSA. This is why we proposed the MOU with the USCIS for naturalizations, and why we have now begun pursuing an MOU with the State Department for data on all citizens with passports.

IRS Individual Taxpayer Identification Numbers (ITIN) partially fill the gap in Numident coverage of noncitizen U.S. residents. However, not all noncitizen residents without SSNs apply for ITINs. Only those making IRS tax filings apply for ITINs. Once again, it would be useful to have a data source that did not depend on the ITIN process. The USCIS and State Department MOUs would provide an alternative source in this context as well.

U.S. Citizenship and Immigration Services (USCIS) data on naturalizations, lawful permanent residents, and I-539 non-immigrant visa extensions can partially address the weaknesses of the Numident. The USCIS data provide up-to-date information since 2001 (and possibly back to 1988, but with incomplete records prior to 2001). This will fill gaps for naturalized citizens, lawful permanent residents, and persons with extended visa applications without SSNs, as well as naturalized citizens who did not inform SSA about their naturalization. The data do not cover naturalizations occurring before 1988, as well as not covering and some between 1988-2000. USCIS data do not always cover children under 18 at the time a parent became a naturalized U.S. citizen. Such children automatically become U.S. citizens under the Child Citizenship Act of 2000. The USCIS receives notification of some, but not all, of these child naturalizations. Others inform the U.S. government of their U.S. citizenship status by applying for U.S. passports, which are less expensive than the application to notify the USCIS. USCIS visa applications list people's children, but those data may not be in electronic form.

U.S. passport data, available from the State Department, can help plug the gaps for child naturalizations, blanks on the Numident, and out-of-date citizenship information on the Numident for persons naturalized prior to 2001. Since U.S. citizens are not required to have a passport, however, these data will also have gaps in coverage.

Remaining citizenship data gaps in Alternative C include the following categories:

1. U.S. citizens from birth with no SSN or U.S. passport. They will not be processed by the production record linkage system used for the 2020 Census because their personally identifiable information won't find a matching Protected Identification Key (PIK) in the Person Validation System (PVS).
2. U.S. citizens from birth born outside the U.S., who do not have a U.S. passport, and either applied for an SSN prior to 1974 and were 18 or older, or applied before the age of 18 prior to 1978. These people will be found in PVS, but none of the administrative sources discussed above will reliably generate a U.S. citizenship variable.
3. U.S. citizens who were naturalized prior to 2001 and did not inform SSA of their naturalization because they originally applied for an SSN after they were naturalized, and it was prior to when citizenship verification was required for those born outside the U.S. (1974). These people already had an SSN when they were naturalized and they didn't inform SSA about the naturalization, or they didn't apply for an SSN. The former group have inaccurate data on the Numident. The latter group will not be found in PVS.
4. U.S. citizens who were automatically naturalized if they were under the age of 18 when their parents became naturalized in 2000 or later, and did not inform USCIS or receive a U.S. passport. Note that such persons would not be able to get an SSN with U.S. citizenship on the card without either a U.S. passport or a certificate from USCIS. These people will also not be found in the PVS.

5. Lawful permanent residents (LPR) who received that status prior to 2001 and either do not have an SSN or applied for an SSN prior to when citizenship verification was required for those born outside the U.S. (1974). The former group will not be found in PVS. The latter group has inaccurate data in Numident.
6. Noncitizen, non-LPR, residents who do not have an SSN or ITIN and who did not apply for a visa extension. These persons will not be found in PVS.
7. Persons with citizenship information in administrative data, but the administrative and decennial census data cannot be linked due to missing or discrepant PII.

Can survey data address the gaps in Alternative C?

One might think that survey data could help fill the above gaps, either when their person record is not linked in the PVS, and thus they have no PIK, or when they have a PIK but the administrative data lack up-to-date citizenship information. Persons in Category 6, however, have a strong incentive to provide an incorrect answer, if they answer at all. A significant, but unknown, fraction of persons without PIKs are in Category 6. Distinguishing these people from the other categories of persons without PIKs is an inexact science because there is no feasible method of independently verifying their non-citizen status. Our comparison of ACS and Numident citizenship data suggests that a large fraction of LPRs provide incorrect survey responses. This suggests that survey-collected citizenship data may not be reliable for many of the people falling in the gaps in administrative data. This calls into question their ability to improve upon Alternative C.

With Alternative C, and no direct survey response, the Census Bureau's edit and imputation procedures would make an allocation based primarily on the high-quality administrative data. In the presence of a survey response, but without any linked administrative data for that person, the edit would only be triggered by blank citizenship. A survey response of "citizen" would be accepted as valid. There is no scientifically defensible method for rejecting a survey response in the absence of alternative data for that respondent.

How might inclusion of a citizenship question on the questionnaire affect the measurement of citizenship with administrative data? Absent an in-house administrative data census, measuring citizenship with administrative data requires that persons in the Decennial Census be linked to the administrative data at the person level. The PVS system engineered into the 2020 Census does this using a very reliable technology. However, inclusion of a citizenship question on the 2020 Census questionnaire is very likely to reduce the self-response rate, pushing more households into Nonresponse Followup (NRFU). Not only will this likely lead to more incorrect enumerations, but it is also expected to increase the number of persons who cannot be linked to the administrative data because the NRFU PII is lower quality than the self-response data. In the 2010 Decennial Census, the percentage of NRFU persons who could be linked to administrative data rate was 81.6 percent, compared to 96.7 percent for mail responses. Those refusing to self-respond due to the citizenship question are particularly likely to refuse to respond in NRFU as well, resulting in a proxy response. The NRFU linkage rates were far lower for proxy responses than self-responses (33.8 percent vs. 93.0 percent, respectively).

Although persons in Category 6 will not be linked regardless of response mode, it is common for households to include persons with a variety of citizenship statuses. If the whole household does not self-

respond to protect the members in Category 6, the record linkage problem will be further aggravated. Thus, not only are citizenship survey data of suspect quality for persons in the gaps for Alternative C, collecting these survey data would reduce the quality of the administrative records when used in Alternative D by lowering the record linkage rate for persons with administrative citizenship data.

What methodological challenges are involved when combining these sources?

Using the 2020 Census data only to fill in gaps for persons without administrative data on citizenship would raise questions about why 100 percent of respondents are being burdened by a citizenship question to obtain information for the two percent of respondents where it is missing.

Including a citizenship question in the 2020 Census does not solve the problem of incomplete person linkages when producing citizenship statistics after 2020. Both the 2020 decennial record and the record with the person's future location would need to be found in PVS to be used for future statistics.

In sum, Alternative D would result in poorer quality citizenship data than Alternative C. It would still have all the negative cost and quality implications of Alternative B outlined in the draft January 19, 2018 memo to the Department of Commerce.

DRAFT Pre-decisional

EXHIBIT 9

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----
4 NEW YORK IMMIGRATION COALITION, ET AL.,

5 Plaintiffs,

6 vs. Case No. 1:18-CF-05025-JMF

7 UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

8 Defendants.
9 -----

10 Washington, D.C.

11 Thursday, August 30, 2018

12 Deposition of:

13 EARL COMSTOCK

14 called for oral examination by counsel for
15 Plaintiffs, pursuant to notice, at the office of
16 Arnold & Porter, 601 Massachusetts Avenue NW,
17 Washington, D.C., before KAREN LYNN JORGENSEN,
18 RPR, CSR, CCR of Capital Reporting Company,
19 beginning at 9:08 a.m., when were present on
20 behalf of the respective parties:
21
22

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(Exhibits attached to transcript.)

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VIDEOGRAPHER: Dan Reidy

1 conclusions that we understood.

2 Q When you say earlier, it's the statement
3 as of the January 19th memo, you don't disagree
4 with that?

5 A Again, I'm not contesting they provided
6 this investigation.

7 Q Focus on timing. You said this was an
8 early statement and you don't think it was
9 reflective of their final conclusions.

10 My question is: You're not saying it
11 doesn't reflect their position as of January 19th,
12 are you?

13 A I am saying, again, that I think you're
14 taking a single statement out of context and
15 trying to represent it has the position of the
16 Bureau as conclusive, and I'm saying I disagree
17 with that statement.

18 Q Let me show you -- let's mark this as
19 Exhibit 29.

20 (Plaintiffs' Exhibit 29, Memo, was
21 marked.)

22 BY MR. GERSCH:

1 Q You see what's been marked as Comstock
2 Exhibit 29, it is a March 1, 2018 memo from
3 Dr. Abowd for Secretary Ross, Bates stamp first
4 Page 001308.

5 Do you have that in front of you?

6 A I do.

7 Q Have you seen this document before?

8 A I believe I've seen this document.

9 Q Okay. And this document relates to an
10 Alternative D, right?

11 A Correct. But I'll note, again, it's
12 marked draft, and I'm just mystified as to why we
13 keep getting draft documents as opposed to finals.
14 Certainly draft documents don't normally come to
15 us.

16 MR. WALSH: Counsel, would it be possible
17 to hand out --

18 MR. GERSCH: Oh, I'm sorry.

19 MR. WALSH: Thanks.

20 BY MR. GERSCH:

21 Q This is about Alternative D; is that
22 right?

1 A That's correct. But I'm still asking a
2 question, why am I getting a draft version of this
3 instead of a final?

4 Q I don't get to testify. All I can do is
5 ask the questions.

6 And Alternative D was the idea of
7 Secretary Ross, that perhaps you could combine
8 Alternative B, which is asking the citizenship
9 question of every household in the decennial
10 census, and Alternative C, which was don't ask the
11 question but use administration data to figure out
12 citizenship status, correct?

13 A Correct.

14 Q And at the back of this memo, the last
15 sentence says, "In sum, Alternative D would result
16 in poorer quality citizenship data than
17 Alternative C. It would still have all the
18 negative cost and quality implications of
19 Alternative B outlined in the draft January 19th
20 memo to the Department of Commerce."

21 You saw this at the time, right?

22 A Again, I can't say that this was the

1 document I saw, because I did not see something
2 marked draft pre-decisional V10.

3 Q You think you saw a version of it that
4 didn't have draft on it?

5 A I have no idea. But we don't typically
6 see documents that say draft.

7 Q I'll represent that we've never seen a
8 version of either of these documents that aren't
9 marked draft. If there is one -- if there are
10 versions, I would like them right now.

11 MR. GARDNER: I represent we've produced
12 what we have.

13 BY MR. GERSCH:

14 Q Regardless of the format, you became
15 acquainted with the views of Census that
16 Alternative B would result in poorer quality
17 citizenship data than Alternative C and still have
18 all the cost and quality implications of
19 Alternative B outlined in the draft January 19th
20 memo to the Department of Commerce; you became
21 acquainted with that conclusion of theirs, right?

22 A I did.

1 Q Okay. By the way, you'll notice it
2 says -- this refers to the January 19th memo as
3 being a draft.

4 A Okay. Like I said --

5 Q Do you see that?

6 A I see it. That it says that, yes.
7 Perhaps that is what they provided to us. I don't
8 know. We produced whatever is in the record, so
9 if this is what's in the record -- as long as I'm
10 being given the final version, then okay.

11 Q All right. You're not saying that the
12 Census Bureau took back the conclusion reflected
13 in this last paragraph that I've read you from
14 Exhibit 29, are you?

15 A Again, I think there was iterative
16 exchange in which the conclusions of the
17 Census Bureau to staff and some of their
18 assertions did not hold up under
19 cross-examination.

20 Q Whether you think they held up or not, my
21 question to you is: Did the Census Bureau ever
22 take back the conclusion that's in the last

1 paragraph of this March 1 memo?

2 A You'd have to ask them.

3 Q In your presence, did they say any such
4 thing?

5 A I didn't ask them to take it back.

6 Q I'm not asking whether you asked them.
7 I'm asking -- withdrawn.

8 There were other people in the meeting
9 besides you, right?

10 A There were a series of meetings, so --

11 Q How many meetings did you have about this
12 memo, this March 1 memo?

13 A I couldn't tell you.

14 Q About?

15 A Might have met once or twice. I really
16 couldn't tell you.

17 Q And who did you remember being there
18 besides Dr. Abowd and Dr. Jarmin?

19 A Again, I don't know if it was
20 specifically on this memo or this presentation or
21 whether they sent it to us. There were multiple
22 meetings on the question. Who was at each

1 meeting, I couldn't tell you.

2 Q I think it would be fair to say there
3 were multiple meetings about Census Bureau's
4 analysis of the citizenship question, right?

5 A Yes.

6 Q Okay. And what's your best recollection
7 of how many meetings there were?

8 A I don't know. Two or three.

9 Q And if this memo is dated March 1 and the
10 decisional memo is dated March 26th. What's your
11 best recollection about when the last -- the last
12 meeting was, the last of these two or three
13 meetings?

14 A Probably somewhere in the vicinity of
15 March 20th.

16 Q Okay. And my question simply to you is,
17 sir: Did the Census Bureau people ever say we're
18 taking it back, you've convinced us, we don't
19 agree with the conclusion we put forth in the last
20 paragraph?

21 A No.

22 Q And did you ever have -- withdrawn.

EXHIBIT 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, ET AL.,

Plaintiffs,

vs. Case No. 1:18-CF-05025-JMF

UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

Defendants.

Washington, D.C.

Tuesday, August 28, 2018

Deposition of:

KAREN DUNN KELLEY

called for oral examination by counsel for
Plaintiffs, pursuant to notice, at the office of
Arnold & Porter, 601 Massachusetts Avenue NW,
Washington, D.C., before KAREN LYNN JORGENSEN,
RPR, CSR, CCR of Capital Reporting Company,
beginning at 9:04 a.m., when were present on
behalf of the respective parties:

Veritext Legal Solutions

Mid-Atlantic Region

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1 (Plaintiffs' Exhibit 27, March 1, 2018
2 memorandum, was marked.)

3 BY MR. GROSSI:

4 Q I'm sorry. Five pages before the
5 questions begin, up through 9816.

6 Okay. Okay. On this exhibit, is it the
7 same type of format at the beginning that shows
8 that the views of Dr. Abowd and then Director
9 Jarmin, Assistant Director Lamas, and then you,
10 you were sending this up to Secretary Ross,
11 correct?

12 MR. GARDNER: Objection.
13 Mischaracterizes the document.

14 BY MR. GROSSI:

15 Q Let me ask, you sent this document to
16 Secretary Ross, correct?

17 A It went from -- through Dr. Abowd,
18 Dr. Lamas, Dr. Jarmin to the Secretary.

19 Q And according to Dr. Jarmin, you had
20 reviewed this memorandum before it was sent to
21 Secretary Ross. Is that your recollection, also?

22 A Yes.

1 Q And what's going on here on March 1, 2018
2 is that by now, someone has come up with the idea
3 of an Alternative D, which would, in a sense,
4 combine the old Alternatives B and C, in that a
5 census -- the census would contain a citizenship
6 question, but in addition, they would use the
7 administrative data to link up to answer needs of
8 Department of Justice and other people, correct?

9 A Correct.

10 Q Who came up with that Alternative D
11 first?

12 A I honestly do not remember. I'll tell
13 you we were in a meeting. We were talking about
14 all the different facts. And, again, it was an
15 iterative, evolving process, as I said. The
16 questions were being reviewed. We were
17 talk- -- and -- and somebody said, why don't we
18 look at the combination of B and C and see what
19 that would do.

20 Because one of the things that we
21 determined as we looked at it, that there was no
22 baseline. So you really didn't have a baseline.

1 So if you did this, you would create that baseline
2 and then the administrative records,
3 which -- which we are going to be using much more
4 in the census than in other censuses prior, we
5 could then have a baseline in to which use -- use
6 that going forward.

7 Q D wasn't proposed by anybody at the
8 Census Bureau, correct? It was someone else,
9 right?

10 MR. GARDNER: Objection to form.

11 THE WITNESS: I -- yeah. You're asking
12 me who proposed the question. I don't remember
13 who was sitting around -- we were sitting around a
14 table, in a group. I remember discussing the
15 baseline, and the Census Bureau clearly agreed
16 that there was a lack of issue -- there was a lack
17 of a baseline, and that this would -- that that
18 was, as well as others, a -- a flaw, if you will,
19 in Option C. And I don't know who said it.

20 It was one of those things where -- and,
21 again, I don't want to sound simpleton, but, you
22 know, when a whole group of people are sitting in

1 a room and trying to work through a problem the
2 best they can, and these people are throwing out
3 suggestions, what about this, what about this,
4 what about this question and then it came up.

5 BY MR. GROSSI:

6 Q Then it was decided that the experts in
7 the Census Bureau would analyze that in detail,
8 correct?

9 A Absolutely. Yes.

10 Q And that's the product --

11 A The product that --

12 Q -- that's here?

13 A That product --

14 Q And what they concluded on Page 9816 --
15 and I'm not going to go through all the reasons
16 they set forth -- is they say in their last
17 paragraph, "In sum, Alternative D would result in
18 poor quality citizenship data than does
19 Alternative C" -- the old Alternative C. They
20 concluded that, correct?

21 A Yes. It says that right on Page 9816.

22 Q And they've never taken that back,

1 correct?

2 MR. GARDNER: Objection. No foundation.
3 Calls for speculation.

4 THE WITNESS: I -- not that I -- not that
5 I know of.

6 BY MR. GROSSI:

7 Q They further say that, "Alternative D
8 would have all the negative cost and quality
9 implications of Alternative B outlined in the
10 draft January 19th memo to the Department of
11 Commerce."

12 Correct?

13 A Correct.

14 Q So Alternative D was not going to solve
15 any of those problems in adding the census --
16 citizenship question, correct, according to the
17 experts at the Census?

18 A Certainly from Dr. Abowd's comments here.
19 But it -- it did not still -- and we discussed it
20 at length, addressed the baseline situation.

21 Q There were no subsequent memoranda like
22 this from the Census Bureau up the chain to

1 Secretary Ross concerning this issue of whether or
2 not to add a citizenship question, correct?

3 MR. GARDNER: Objection. Form.

4 THE WITNESS: Okay. And I want to be
5 very clear on this, and I want people to
6 understand what I'm saying.

7 When we discussed this memo -- and I
8 think many people, not all, would say this is
9 reasonably complicated -- we tried to look at what
10 was a schematic that we could make this easier to
11 understand, and, therefore, later, a schematic was
12 produced that was -- I don't want to say added to
13 this -- but complimented this. So I don't want to
14 say nothing -- you're saying to me, was anything
15 created from this document? I don't want to
16 play -- I don't want to get in a nomenclature
17 issue with you. I want to be very honest with
18 this group that, yes, there was a schematic that
19 was produced to help understand what this looked
20 like.

21 BY MR. GROSSI:

22 Q And I appreciate the answer.

1 The schematic addition or iteration did
2 not change the conclusion that we just talked
3 about of the Census Bureau, that Alternative D was
4 not preferable to C, and, in fact, had all of the
5 problems of B adding to the question, correct?

6 A In Dr. Abowd's memo, yes. That is
7 correct.

8 Q And there is no subsequent
9 Census-authored memorandum?

10 A Not that I am aware of.

11 Q On this issue?

12 A Not that I'm aware of.

13 Q And I'm going to ask in a moment, but I
14 want to clarify one thing.

15 (Plaintiffs' Exhibit 28, Final decision,
16 was marked.)

17 BY MR. GROSSI:

18 Q Exhibit 28 is what I believe you've
19 referred to as the final decision of
20 Secretary Ross. Can you confirm that that's what
21 you had in mind when we talked about it?

22 A Yes. Yes.

EXHIBIT 11**UPDATED SANCTIONS MOTION EXHIBIT 42****(Blue ---Only DPP Asserted, Green ----ACP Asserted; Black--DPP and ACP Asserted)**

Category	Document Numbers
Documents and communications related to the August Uthmeier legal memorandum	<u>Previously requested:</u> AR 11296, 11298, 11301, 11302, 11303, 11306, 11307, 11309, 11311, 11312, 11314, 11331, 11342, 11343, 11346, 11347, 11349, 11350, 11352, 11355, 11362 , 11363, 12464.COM_DIS00017409, 17410, 17411, 17501, 17502, 17618, 17619, 17620, 17621, 18591, 18592, 18594 <u>New requests:</u> COM_DIS00026420, 26422
Documents and communications prior to the September 6, 2017 Department of Commerce meeting (“All Hands” meeting) regarding the citizenship question,	<u>Previously requested:</u> AR 2424
Documents and communications following to the September 6, 2017 Department of Commerce meeting (“All Hands” meeting) regarding the citizenship question through the DOJ request letter	<u>Previously requested:</u> AR 2034 , 2395, 2459, 2484, 11300; COM_DIS00014666, 16564, 17398, 17402, 17405, 17407, 17468, 17499, 17554, 17585, 18546, 18873, 19464, 19468, 19687, 19691, 20141 <u>New request:</u> COM_DIS00027269
Documents and communications related to Uthmeier’s involvement in formulating and responding to the late January/February 2018 questions (Q&A)	<u>New request:</u> COM_DIS 00024425 , 24768 , 25705
Documents and communications related to Uthmeier’s role in drafting the March 26 memorandum	<u>New request:</u> COM_DIS 00024409 , 24410, 24521, 24526, 24574, 25652, 25656, 25697, 25698, 25708, 25709, 25710, 25712, 26446, 26452, 26481

EXHIBIT 12**UPDATED SANCTIONS MOTION EXHIBIT 46****(Blue ---Only DPP Asserted, Green ----ACP Asserted; Black--DPP and ACP Asserted)**

Category	Document Numbers
Christa Jones' involvement in drafting the Ross Decisional Memorandum	<p><u>Previously requested:</u> AR 1479, 1766, 2726, 2765, 2869, 2681, 2690, 2877, 2894, 2916, 4075, 4085, 4088, 4135, 5577, 5605, 5608, 5783, 5788, 5798, 5804, 5809, 5813, 5818, 5822, 5836, 5840, 5844, 5847, 5850, 5853, 5856, 5859, 5862, 5865, 7371, 11282</p> <p>COM_DIS19994, 19997, 20014, 20017, 20018, 20020, 20023, 20083, 20093, 20094, 20095, 20096, 20097, 20098, 20099, 20127, 20137, 20138, 20139, 20140, 20142, 20143, 20144, 20154,</p> <p>Nov. 25, 2019 Supplement Log Items 1, 1A, 2, 8, 8A, 11, 11A.</p> <p><u>New request:</u> COM_DIS00024370, 24387, 24388, 24393, 24394, 25077, 26481</p>
Christa Jones' efforts to secure administrative records	<p><u>Previously requested:</u> AR 1858, 1859, 3495, 3496, 3498, 3499, 3501, 3573, 3589, 9326, 9327, 9328, 9374, 9380, 9721, 9723, 9736</p> <p>Nov. 25, 2019 Supplement Log Items 4, 5, 5A</p>