



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

February 8, 2021

Mr. Austin Evers
American Oversight
1030 15th Street NW, Suite B255,
Washington, DC 20005
foia@americanoversight.org

Dear Mr. Evers:

This letter is in further response to your correspondence, dated October 9, 2020, to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on October 9, 2020 and have assigned to it tracking number DOC-CEN-2021-000051. We are responding under the FOIA to your request for:

All email communications (including emails, email attachments, complete email chains, and calendar invitations) (a) sent by the agency officials listed below (b) containing any of the specified key terms.

Specified agency officials:

- a. Director Stephen Dillingham
- b. Chief of Staff Christa Jones
- c. Ron Jarmin, Deputy Director and Chief Operating Officer
- d. Kevin Quinley, Director of Strategic Initiatives
- e. José Bautista, Senior Advisor
- f. Christopher Stanley, Chief of Congressional Affairs
- g. Nathaniel Cogley, Deputy Director of Policy
- h. Adam Korzeniewski, Senior Advisor to the Deputy Director
- i. Anyone acting as White House Liaison or White House Advisor

Specified key terms:

- a. Immigrant
- b. Immigrants
- c. Immigration
- d. Migrant
- e. Migrants
- f. Migration
- g. Alien
- h. Aliens

- i. Illegals
- j. Citizen
- k. Citizens
- l. Citizenship
- m. Non-citizen
- n. Non-citizens
- o. Noncitizen
- p. Noncitizens
- q. "14th Amendment"
- r. "Fourteenth Amendment"
- s. "Perverse incentives"
- t. "Apportionment base"
- u. POTUS
- v. McConnell
- w. "Majority Leader"
- x. "Stephen Miller"

In an effort to accommodate the agency and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified agency custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both an official's response to an email containing one of the specified key terms and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from July 14, 2020 to July 21, 2020.

Enclosed are 45 pages that are responsive to your request, with withholding determinations noted. We withhold portions in part, under FOIA Exemptions (b)(5) and (b)(6) (5 U.S.C. § 552(b)(5) and (b)(6)). FOIA Exemption (b)(5) exempts from disclosure information that, as here, is an attorney-client privilege, pre-decisional and deliberative in nature. FOIA Exemption (b)(6) exempts from disclosure information about individuals, the release of which would constitute a clearly unwarranted invasion of personal privacy.

Based on the above information, this constitutes a partial denial of your request. You have the right to appeal this partial denial of the FOIA request. An appeal must be received within 90 calendar days of the date of this response letter. Address your appeal to the following office:

**Assistant General Counsel for Employment, Litigation and Information
Room 5898-C
U.S. Department of Commerce,
14th and Constitution Avenue, N.W.
Washington, D.C. 20230**

An appeal may also be sent by e-mail to FOIAAppeals@doc.gov, or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the records requested should be made available and why the adverse determination was in error. The appeal letter, the envelope and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal."

The e-mail, FOIAonline, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, FOIAonline, or Office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

**Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail at ogis@nara.gov
telephone at 202-741-5770; toll free at 1 877-684-6448
facsimile at 202-741-5769**

Evers, DOC-CEN-2020-000051

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Please contact Deloris Reed by telephone at 301-763-2127 or by email at census.efoia@census.gov if you have any questions regarding your request.

Sincerely,

Vernon Curry

Vernon E. Curry, PMP, CIPP/G
Freedom of Information Act/Privacy Act Officer
Chief, Freedom of Information Act Office

Enclosures

Enclosure

From: Christa D Jones (CENSUS/DEPDIR FED)
Sent: Tue, 21 Jul 2020 17:47:59 +0000
To: Ali Mohammad Ahmad (CENSUS/ADCOM FED);Albert E Fontenot (CENSUS/ADDC FED);Ali Mohammad Ahmad (CENSUS/ADCOM FED);Benjamin J Page (CENSUS/CFO FED);Deborah Stempowski (CENSUS/ADDC FED);Enrique Lamas (CENSUS/DEPDIR FED);James T Christy (CENSUS/LA FED);Ron S Jarmin (CENSUS/DEPDIR FED);Steven Dillingham (CENSUS/DEPDIR FED);Kathleen M Styles (CENSUS/ADDC FED);Christopher J Stanley (CENSUS/OCIA FED)
Subject: Clean Version
Attachments: Memorandum on Excluding Illegal Aliens From the Apportionment Base.pdf, ATT00001.txt



PRESIDENTIAL MEMORANDA

Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census

IMMIGRATION

Issued on: July 21, 2020



MEMORANDUM FOR THE SECRETARY OF COMMERCE

SUBJECT: Excluding Illegal Aliens From the Apportionment
Base Following the 2020 Census

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. In order to apportion Representatives among the States, the Constitution requires the enumeration of the population of the United States every 10 years and grants the Congress the power and discretion to direct the manner in which this decennial census is conducted (U.S. Const. art. I, sec. 2, cl. 3). The Congress has charged the Secretary of Commerce (the Secretary) with directing the conduct of the decennial census in such form and content as the Secretary may determine (13 U.S.C. 141(a)). By the direction of the Congress, the Secretary then transmits to the President the report of his tabulation of total population for the apportionment of Representatives in the Congress (13 U.S.C. 141(b)). The President, by law, makes the final determination

regarding the “whole number of persons in each State,” which determines the number of Representatives to be apportioned to each State, and transmits these determinations and accompanying census data to the Congress (2 U.S.C. 2a(a)). The Congress has provided that it is “the President’s personal transmittal of the report to Congress” that “settles the apportionment” of Representatives among the States, and the President’s discretion to settle the apportionment is more than “ceremonial or ministerial” and is essential “to the integrity of the process” (*Franklin v. Massachusetts*, 505 U.S. 788, 799, and 800 (1992)).

The Constitution does not specifically define which persons must be included in the apportionment base. Although the Constitution requires the “persons in each State, excluding Indians not taxed,” to be enumerated in the census, that requirement has never been understood to include in the apportionment base every individual physically present within a State’s boundaries at the time of the census. Instead, the term “persons in each State” has been interpreted to mean that only the “inhabitants” of each State should be included. Determining which persons should be considered “inhabitants” for the purpose of apportionment requires the exercise of judgment. For example, aliens who are only temporarily in the United States, such as for business or tourism, and certain foreign diplomatic personnel are “persons” who have been excluded from the apportionment base in past censuses. Conversely, the Constitution also has never been understood to exclude every person who is not physically “in” a State at the time of the census. For example, overseas Federal personnel have, at various times, been included in and excluded from the populations of the States in which they maintained their homes of record. The discretion delegated to the executive branch to determine who qualifies as an “inhabitant” includes authority to exclude from the apportionment base aliens who are not in a lawful immigration status.

In Executive Order 13880 of July 11, 2019 (Collecting Information About Citizenship Status in Connection With the Decennial Census), I instructed executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country. As the Attorney

General and I explained at the time that order was signed, data on illegal aliens could be relevant for the purpose of conducting the apportionment, and we intended to examine that issue.

Sec. 2. Policy. For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States to exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*), to the maximum extent feasible and consistent with the discretion delegated to the executive branch. Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of Government. Affording congressional representation, and therefore formal political influence, to States on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles. Many of these aliens entered the country illegally in the first place. Increasing congressional representation based on the presence of aliens who are not in a lawful immigration status would also create perverse incentives encouraging violations of Federal law. States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress should not be rewarded with greater representation in the House of Representatives. Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State's entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.

I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law.

Sec. 3. Excluding Illegal Aliens from the Apportionment Base. In preparing his report to the President under section 141(b) of title 13, United States Code, the Secretary shall

take all appropriate action, consistent with the Constitution and other applicable law, to provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy set forth in section 2 of this memorandum.

The Secretary shall also include in that report information tabulated according to the methodology set forth in *Final 2020 Census Residence Criteria and Residence Situations*, 83 Fed. Reg. 5525 (Feb. 8, 2018).

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

From: Parisi, Elizabeth (Federal) <EParisi@doc.gov>
Sent: Tue, 14 Jul 2020 19:02:14 +0000
To: Christopher J Stanley (CENSUS/OCIA FED)
Cc: Cannon, Michael (Federal)
Subject: Deadline noon 7/17/2020 -- draft DOC responses to Senate QFRs from SWR FY201 Appropriations Hearing
Attachments: (b) (5)

Hi Chris,

Attached are comments/edits from OSP, OPSP, and OGC on draft DOC responses to Senate Questions for the Record from the Secretary's FY2021 Appropriation Hearing before the Senate CJS Subcommittee on March 5, 2020. Office of Budget handed the these over to my office to manage final clearance.

Please review and provide edits, as necessary, to the comments/questions on pages 23-24, 37, 38, 40, and 48. Please highlight any changes/additions you make.

Please send your edits by noon, Friday, July 17. Let me know if you have questions.

Thanks!
Elizabeth

Elizabeth B. Parisi
Office of the Assistant General Counsel
for Legislation and Regulation
Department of Commerce
202.482.4863
eparisi@doc.gov

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From: Dubas, Paul (b) (6) >
Sent: Tue, 21 Jul 2020 19:02:42 +0000
To: ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Julie Iriondo (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Stacy Gimbel Vidal (CENSUS/PIO FED); ADCOM Trust and Safety List; Kristee M Camilletti (CENSUS/ADCOM FED)
Cc: adavison (b) (6); Sam Huxley; Heimowitz, Mike; terry.nea (b) (6); meredith.katz (b) (6); lauren.williams (b) (6); alex.goss (b) (6); CLewitzke; Ellis, Monika; Ferrer, Alberto; Stevens, Ashley; Jack Benson; Hughes, Alex; Whelan, Sloane; Ariana Solis Gomez
Subject: ESO Monitoring: AL.com - Alabama AG applauds Trump move to exclude people in country illegally from census

[Alabama AG applauds Trump move to exclude people in country illegally from census](#)

AL.com – Mike Cason, July 21

Alabama Attorney General Steve Marshall today praised an executive order by President Trump that seeks to exclude people in the country illegally from being counted in the 2020 Census for purposes of congressional representation.

Marshall and U.S. Rep. Mo Brooks [filed a lawsuit](#) against the Census Bureau in 2018 to block counting people in the country illegally. They contended that counting those people would favor states with a higher proportion of residents without legal status and cost Alabama a seat in the U.S. House. The 10-year census is used to apportion congressional seats, which also determines the number of Electoral College votes.

"I applaud President Trump for taking decisive action today to protect the integrity of the Census by ensuring that only legal residents of the United States be counted," Marshall said in a press release. "When the states' Congressional seats and Electoral College votes are divided up, representation should be based on those people who reside in their states and this country lawfully. A contrary result would rob the State of Alabama and its legal residents of their rightful share of representation and undermine the rule of law. If people are in our country in violation of federal law, why should the states in which they reside benefit from such violations of federal law?"

Marshall's lawsuit [has opposition from Democratic officials](#) in 15 states and the District of Columbia who say the Constitution holds that all residents, regardless of immigration status, should be counted.

The Trump administration tried to add a citizenship question to the 2020 Census, but was blocked by the U.S. Supreme Court.

According to the Associated Press, Trump said in today's memorandum that "respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law."

The American Civil Liberties Union said it would challenge Trump's order in court. Dale Ho, Director of the ACLU's Voting Rights Project, who argued in the Supreme Court case over the citizenship question, issued a statement.

"The Constitution requires that everyone in the U.S. be counted in the census," Ho said. "President Trump can't pick and choose. He tried to add a citizenship question to the census and lost in the Supreme Court. His latest attempt to weaponize the census for an attack on immigrant communities will be found unconstitutional. We'll see him in court, and win, again."

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From: Dubas, Paul <(b) (6) i) (6)>
Sent: Tue, 21 Jul 2020 18:41:27 +0000
To: ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Julie Iriondo (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Stacy Gimbel Vidal (CENSUS/PIO FED); ADCOM Trust and Safety List; Kristee M Camilletti (CENSUS/ADCOM FED)
Cc: adavison (b) (6); Sam Huxley; Heimowitz, Mike; terry.nea (b) (6); meredith.katz (b) (6); lauren.williams (b) (6); alex.goss (b) (6); CLewitzke; Ellis, Monika; Ferrer, Alberto; Stevens, Ashley; Jack Benson; Hughes, Alex; Whelan, Sloane; Ariana Solis Gomez
Subject: ESO Monitoring: CNN - Trump signs order targeting undocumented immigrants in the US census

[Trump signs order targeting undocumented immigrants in the US census](#)

CNN – Kevin Liptak, Maegan Vazquez and Ariane de Vogue, July 21

President Donald Trump signed a presidential memorandum on Tuesday that would exclude undocumented immigrants from being counted in congressional districts when district lines are redrawn next year.

The memorandum marks the Trump administration's latest effort to change the way US populations are counted and advance the President's immigration agenda, and like previous efforts is certain to end up in court.

"I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law," the executive order states.

Trump has long sought to use the US census as a way to advance his immigration priorities but the Supreme Court rejected an attempt to ask respondents if they are US citizens in 2019. The administration, however, is allowed to collect information on citizenship status by other means.

And like the attempt to add the question onto the census, the memorandum marks yet another effort that would likely impact the balance of power in states and the House of Representatives, which are based on total population.

The courts will likely have the final say. The Constitution says congressional representation is apportioned based on "the whole Number of free Persons," not only those who are American citizens.

"The legal problem is that the 14th Amendment says that representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons," said Joshua Geltzer of the Georgetown University Law Center.

"That means house seats are divvied up based on everyone present in the 50 states not just based on those lawfully present," he said.

In addition, Geltzer said, the Census doesn't currently ask whether someone is illegal. "Presumably the Trump administration will have to rely on a hodgepodge of other records to guess the population they intend to use for apportionment."

Michael Li, who serves as senior counsel for the Brennan Center's Democracy Program, questioned how the federal government would make the determination on whether someone is illegal.

"The Constitution requires counting everyone -- children, immigrants, everyone -- it doesn't have exclusions based on legal status," Li said.

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From: Goss, Alex (b) (6) (b) (6)
Sent: Tue, 21 Jul 2020 17:29:39 +0000
To: ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Naomi C Evangelista (CENSUS/PIO FED); Julie Iriando (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Kristee M Camilletti (CENSUS/ADCOM FED); Christine E Taylor (CENSUS/PIO FED)
Cc: adavison (b) (6); Sam Huxley; paul.dubas (b) (6); terry.nea (b) (b); meredith.katz (b) (6); Heimowitz, Mike; lauren.williams (b) (6); alex.goss (b) (b); Clewitzke; Ellis, Monika; Ferrer, Alberto; Hughes, Alex; Jack Benson; Stevens, Ashlei; Ariana Solis Gomez; Alcazar, Carlos; duren (b) (6)
Subject: ESO Monitoring: Los Angeles Times - Trump tries new move to restrict immigrants in census

[Trump tries new move to restrict immigrants in census](#)

Los Angeles Times [CA] – Chris Megerian and Sarah D. Wire, July 21

President Trump on Tuesday directed his administration to exclude immigrants who are in the country illegally when calculating congressional representation, a decision that critics describe as unconstitutional and will likely face a swift court challenge. “Respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base,” the president’s memo says.

The Constitution mandates an “actual Enumeration” every 10 years of “all persons” in the country, but the president has repeatedly tried to limit who is counted. He’s sided with nativist groups that have argued that the constitutional language was not intended to include people in the country without legal authorization.

Trump’s order comes months after the federal government began [conducting the 2020 census in March](#). Nearly two-thirds of households nationwide have already responded to the survey, which is a key tool for determining how federal funds are distributed and how many representatives are sent to Congress.

The administration attempted to include a question about citizenship on the census form, a move that was [ultimately rejected by the Supreme Court in 2019](#), with Chief Justice John G. Roberts Jr. ruling that Commerce Secretary Wilbur Ross had failed to honestly explain why he sought to change the census forms. Roberts called the stated reason — a need to have information to enforce the Voting Rights Act — “contrived.”

Democrats and other critics of the administration said the effort was an attempt to suppress census response rates in blue states with large immigrant communities, like California.

The state of Alabama, for example, has gone to court seeking to have unauthorized residents excluded from the Census count. Alabama officials argue that doing so would mean their state would keep an extra congressional district after the next Census that would otherwise go to a state with a large number of immigrant residents.

Experts and advocacy groups remain concerned that the publicity around Trump’s push for a citizenship question already has made millions of immigrants or mixed-status families reluctant to respond to the Census.

Advocacy groups that help facilitate the Census were caught off guard by news of Trump’s latest order.

The Trump administration has asked Congress to give it four additional months to complete the 2020 Census, blaming the COVID-19 pandemic and the need to delay in person outreach. At the end of July, Census takers are expected to begin knocking on doors of people who did not respond by mail, phone or online.

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From: Goss, Alex <(b) (6) >
Sent: Tue, 21 Jul 2020 19:22:50 +0000
To: ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Naomi C Evangelista (CENSUS/PIO FED); Julie Iriando (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Kristee M Camilletti (CENSUS/ADCOM FED); Christine E Taylor (CENSUS/PIO FED)
Cc: adavison (b) (6); Sam Huxley; paul.dubas (b) (6); terry.nea (b) (6); meredith.katz (b) (6); Heimowitz, Mike; lauren (b) (6); alex.goss (b) (6); (b) (6) CLewitzke; Ellis, Monika; Ferrer, Alberto; Hughes, Alex; Jack Benson; Stevens, Ashlei
Subject: ESO Monitoring: The Epoch Times - Trump Orders Exclusion of Illegal Aliens From Congressional Apportionment After 2020 Census

[Trump Orders Exclusion of Illegal Aliens From Congressional Apportionment After 2020 Census](#)

The Epoch Times – Ivan Pentchoukov, July 21

President Donald Trump signed a memorandum on July 21 ordering the U.S. government to exclude illegal aliens from the calculations used to apportion congressional seats based on the population survey conducted during the 2020 [census](#).

After the Supreme Court rejected the White House's bid to add a citizenship question to the 2020 census, Trump ordered all federal agencies to share information with the Department of Commerce (DOC) so that it could make an appropriate determination on the number of citizens, non-citizens, and illegal aliens in the United States.

"Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of government," the memo states. "Affording congressional representation, and therefore formal political influence, to states on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles."

A number of states have enacted so-called sanctuary laws to shield illegal aliens from capture by federal authorities. The memo notes that states which thwart the enforcement of federal laws should not be rewarded with increased representation in Congress. According to the memo, one state has an estimated 2.2 million illegal aliens, who, if counted in the apportionment, would give the state two or three congressional seats.

The results of the decennial census are used to determine the apportionment of seats in the House of Representatives and the distribution of federal aid, among other matters. Once the DOC completes its apportionment calculations, the president transmits the final determination to Congress.

The president's memo cites a Supreme Court opinion which determined that it is "the President's personal transmittal of the report to Congress" that "settles the apportionment" of Representatives among the States, and the President's discretion to settle the apportionment is more than "ceremonial or ministerial" and is essential "to the integrity of the process."

"There used to be a time when you could proudly declare, 'I am a citizen of the United States.' But now, the radical left is trying to erase the existence of this concept and conceal the number of illegal aliens in our country," the president said in a statement. "This is all part of a broader left-wing effort to erode the rights of Americans citizens, and I will not stand for it."

The Constitution does not specify which people in a given state should be counted in the census. The memo notes that prior administrations have used discretion to determine who should be counted. For example, overseas military and federal personnel have at times been included or excluded from the apportionment base.

The memo is certain to face legal challenges. The American Civil Liberties Union (ACLU), a far-left advocacy group, vowed to challenge the policy in court. "His latest attempt to weaponize the census for an attack on immigrant communities WILL be found unconstitutional," ACLU wrote on [Twitter](#). "We'll see him in court—and win—again."

Trump's efforts to add the citizenship question had drawn fury and backlash from critics who alleged that it was intended to discourage participation in the survey, not only by people living in the country illegally but also by citizens who fear that participating would expose noncitizen family members to repercussions.

From: Dubas, Paul

Sent: Tuesday, July 21, 2020 1:07 PM

To: ADCOM Issues Working Group List <(b) (6)>; Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>; Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>; Lizannette Velez (CENSUS/ADCOM FED) <Lizannette.Velez@census.gov>; Puja Ohri (CENSUS/DCMD CTR) <puja.ohri@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>; ADCOM Trust and Safety List <(b) (6)>; Kristee.M.Camilletti@census.gov

Cc: Ann Davison <[\(b\) \(6\)](mailto:adavison@b(6))>; Sam Huxley <[\(b\) \(6\)](mailto:shuxley@b(6))>; Heimowitz, Mike <[\(b\) \(6\)](mailto:Mike.Heimowitz@b(6))>; Neal, Terry <[\(b\) \(6\)](mailto:Terry.Neal@b(6))>; Katz, Meredith <[\(b\) \(6\)](mailto:Meredith.Katz@b(6))>; Williams, Lauren <[\(b\) \(6\)](mailto:Lauren.Williams@b(6))>; Goss, Alex <[\(b\) \(6\)](mailto:Alex.Goss@b(6))>; CLewitzke <[\(b\) \(6\)](mailto:CLewitzke@b(6))>; Ellis, Monika <[\(b\) \(6\)](mailto:Monika.Ellis@b(6))>; Ferrer, Alberto <[\(b\) \(6\)](mailto:Alberto.Ferrer@b(6))>; Stevens, Ashlei <[\(b\) \(6\)](mailto:ashlei.stevens@b(6))>; Jack Benson <[\(b\) \(6\)](mailto:jack.benson@b(6))>; Hughes, Alex <[\(b\) \(6\)](mailto:Alex.Hughes@b(6))>; Whelan, Sloane <[\(b\) \(6\)](mailto:sloane.whelan@b(6))>; Ariana Solis Gomez <[\(b\) \(6\)](mailto:asolisgomez@b(6)).com>

Subject: ESO Monitoring: The Associated Press - Trump seeks to bar illegal aliens from reapportionment count

[Trump seeks to bar illegal aliens from reapportionment count](#)

The Associated Press – Staff Writer, July 21

President Donald Trump is expected to sign a memorandum Tuesday that seeks to bar people in the U.S. illegally from being counted in congressional reapportionment, according to two officials familiar with the plans.

The Supreme Court last year blocked the administration's effort to add a citizenship question to the census form, with a majority saying the administration's rationale for the citizenship question — to help enforce voting rights — appeared to be contrived.

Opponents are likely to challenge the memorandum.

The officials spoke on condition of anonymity because they weren't authorized to speak publicly about the memo.

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From: Dubas, Paul (b) (6)
Sent: Tue, 21 Jul 2020 17:45:27 +0000
To: ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Julie Iriondo (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Stacy Gimbel Vidal (CENSUS/PIO FED); ADCOM Trust and Safety List; Kristee M Camilletti (CENSUS/ADCOM FED)
Cc: adavison (b) (6); Sam Huxley; Heimowitz, Mike; terry.nea (b) (6); meredith.katz (b) (6); lauren.williams (b) (6); alex.goss (b) (6); CLewitzke; Ellis, Monika; Ferrer, Alberto; Stevens, Ashlei; Jack Benson; Hughes, Alex; Whelan, Sloane; Ariana Solis Gomez
Subject: RE: ESO Monitoring: The Associated Press - Trump seeks to bar illegal aliens from reapportionment count

Updated AP:

[Trump excluding those in US illegally from reapportionment](#)

The Associated Press – Jill Colvin and Kevin Freking, July 21

President Donald Trump signed a memorandum Tuesday that seeks to bar people in the U.S. illegally from being counted in congressional reapportionment, a move that drew immediate criticism from Democratic officials.

The Supreme Court blocked the administration's effort to add a citizenship question to the 2020 census form, with a majority saying the administration's rationale for the citizenship question — to help enforce voting rights — appeared to be contrived.

Trump said in the memorandum that he had determined that "respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law."

The presidential memorandum is expected to draw legal challenges.

"There is no end to Donald Trump's anti-immigrant agenda," said Tom Perez, chairman of the Democratic National Committee. First, he tried to put a citizenship question on the census but got blocked by the Supreme Court. Now he's back at it with an unconstitutional order that has no purpose other than to silence and disempower Latino voices and communities of color."

The Census Bureau said last month that more than 90 million households had already responded to the 2020 Census with the majority doing it online. People can still respond on their own online, over the phone or by mail — all without having to meet a census taker. Only this week, door-knockers started heading out to households in six areas whose residents hadn't yet answered the questionnaire.

Opponents of the citizenship question said it would discourage participation by immigrants and residents who are in the country illegally, resulting in inaccurate figures for a count that determines the distribution of some \$675 billion in federal spending and how many congressional districts each state gets.

Trump's efforts to add the citizenship question had drawn fury and backlash from critics who alleged that it was intended to discourage participation in the survey, not only by people living in the country illegally but also by citizens who fear that participating would expose noncitizen family members to repercussions.

From: Dubas, Paul
Sent: Tuesday, July 21, 2020 1:07 PM
To: ADCOM Issues Working Group List <(b) (6)>; Virginia Hyer (CENSUS/PIO FED) <virginia.hyer@census.gov>; Christine E Taylor (CENSUS/PIO FED) <christine.e.taylor@census.gov>; Julie Iriondo (CENSUS/PIO FED) <julie.iriondo@census.gov>; Lizannette Velez (CENSUS/ADCOM FED) <Lizannette.Velez@census.gov>; Puja Ohri (CENSUS/DCMD CTR) <puja.ohri@census.gov>; Stacy Gimbel Vidal (CENSUS/PIO FED) <Stacy.Gimbel.Vidal@census.gov>; ADCOM Trust and Safety List <adcom.trust.and.safety.list@census.gov>; Kristee.M.Camilletti@census.gov
Cc: Ann Davison <adavison (b) (6)>; Sam Huxley <shuxley@ (b) (6)>; Heimowitz, Mike <Mike.Heimowitz (b) (6)>; AMERIC (b) (6); Neal, Terry <Terry.Nea (b) (6)>; Katz, Meredith <Meredith.Katz (b) (6)>; Williams, Lauren <Lauren.Williams (b) (6)>; Goss, Alex <Alex.Goss (b) (6)>; CLewitzke <CLewitzke (b) (6)>; Ellis, Monika <Monika.Ellis (b) (6)>; Ferrer, Alberto <Alberto.Ferrer (b) (6)>; Stevens, Ashlei <ashlei.stevens (b) (6)>

From: Goss, Alex <(b) (6) >
Sent: Tue, 21 Jul 2020 19:04:01 +0000
To: paul.dubas (b) (6); ADCOM Issues Working Group List; Virginia Hyer (CENSUS/PIO FED); Christine E Taylor (CENSUS/PIO FED); Julie Iriondo (CENSUS/PIO FED); Lizannette Velez (CENSUS/ADCOM FED); Puja Ohri (CENSUS/DCMD CTR); Stacy Gimbel Vidal (CENSUS/PIO FED); ADCOM Trust and Safety List; Kristee M Camilletti (CENSUS/ADCOM FED)
Cc: adavison (b) (6); Sam Huxley; Heimowitz, Mike; terry.nea (b) (6); meredith.katz (b) (6); lauren.williams (b) (6); CLewitzke; Ellis, Monika; Ferrer, Alberto; Stevens, Ashlei; Jack Benson; Hughes, Alex; Whelan, Sloane; Ariana Solis Gomez
Subject: RE: ESO Monitoring: USA Today - Trump tells census workers not to count undocumented people; analysts say that's illegal

Updated Story:

President Donald Trump signed a memorandum Tuesday claiming that undocumented migrants should not be counted in the census for purposes of deciding how many members of Congress are apportioned to each state – though the practical impact of the president's expected move is uncertain at best.

"Respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law," Trump said in the brief document.

The memo, which the White House presaged for months, will almost certainly draw legal challenges just as an earlier effort by Trump to add a citizenship question to the 2020 census prompted a court battle that went to the Supreme Court, an effort the president lost.

Trump backed down from adding the citizenship question last year.

The memo does not say how the U.S. Census Bureau can distinguish citizens from non-citizens for the purposes of apportionment since counters are prohibited from asking a citizenship question. Apportionment is the process of deciding how many members of the House of Representatives members each state will receive based on that state's population.

Elizabeth Wydra, president of the Constitutional Accountability Center, said Trump's demand is "blatantly unconstitutional" because it amounts to not counting undocumented people in the census at all.

"The federal government has a constitutional obligation to count all people living in the United States," she said, "whether they are citizens or noncitizens, whether they were born in the United States or in a distant part of the world."

Legal analysts said Trump's effort to essentially discount immigrants in the country illegally for purposes of reapportionment is already a dead letter, citing [a Supreme Court decision from last year](#) blocking the president's attempts to add a citizenship question to the census.

"The Constitution says count 'persons' not citizens," tweeted Joyce Alene, a law professor at the University of Michigan. "His unconstitutional EO today, directing a count of only citizens is red meat for his base & an effort to distract from Covid & his other disasters."

In a written statement issued by the White House, Trump said his memo reflects "a better understanding of the Constitution."

In a more political vein, Trump – who trails Democratic challenger Joe Biden in numerous pre-election polls – said "the radical left" is trying to "conceal the number of illegal aliens in our country." He also claimed "a broader left-wing effort to erode the rights of Americans citizens, and I will not stand for it."

Census takers are prohibited from asking respondents whether or not they are U.S. citizens; it is hard to know how they can determine whether respondents are in the country illegally.

Joshua Geltzer, executive director of the Institute for Constitutional Advocacy and Protection, tweeted that the language of the Constitution, federal statutes, and Supreme Court precedent "makes Trump's position outrageous."

Census takers are prohibited from asking respondents whether or not they are U.S. citizens; it is hard to know how they can determine whether they are in the country illegally.

Joshua Geltzer, executive director of the Institute for Constitutional Advocacy and Protection, tweeted that the language of the Constitution, federal statutes, and Supreme Court precedent "makes Trump's position outrageous."

The American Civil Liberties Union said the "the Constitution requires that the Census count EVERYONE in the United States," tweeted: "Reminder, we won at the Supreme Court last year against the administration's last anti-immigrant Census scheme. If Trump issues this unconstitutional order, we'll win again."

Trump has served notice that he will make immigration a major issue in his re-election campaign, just as he did during his first run in 2016. Opponents said Trump is demonizing Hispanic migrants, and people of color in general, in a base appeal to white workers.

The coming legal battle echoes the one inspired by Trump's failed attempt last year to add a citizenship question to the census.

In June of 2019, the Supreme Court ruled against the citizenship question, saying the Trump administration's reasons for wanting to include it in the census appeared to "have been contrived."

Trump said he thought about ordering the question anyway, but decided against. Instead, he ordered government agencies to obtain citizenship data by reviewing existing databases and documents.

"We are not backing down on our effort to determine the citizenship status of the United States population," Trump said a year ago.

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From: Christopher J Stanley (CENSUS/OCIA FED)
Sent: Tue, 21 Jul 2020 18:00:35 +0000
To: Burton H Reist (CENSUS/ADCOM FED)
Subject: Fw: Clean Version
Attachments: Memorandum on Excluding Illegal Aliens From the Apportionment Base.pdf

I'm listening to CIG. Here it is.

From: Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>

Sent: Tuesday, July 21, 2020 1:47 PM

To: Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>; Enrique Lamas (CENSUS/DEPDIR FED) <Enrique.Lamas@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Steven Dillingham (CENSUS/DEPDIR FED) <steven.dillingham@census.gov>; Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>

Subject: Clean Version

From: Christopher J Stanley (CENSUS/OCIA FED)
Sent: Tue, 21 Jul 2020 17:53:00 +0000
To: Alan Lang (CENSUS/OCIA FED); Stuart P Durst Jr (CENSUS/OCIA FED); Van R Lawrence (CENSUS/OCIA FED); Bina K Saafi (CENSUS/OCIA FED)
Subject: FYI - today's memo
Attachments: Memorandum on Excluding Illegal Aliens From the Apportionment Base.pdf

It is attached. It's been reported in the press, and someone at Census HQ got the PDF that I am sharing.

(b) (5)
(b) (6)

As always, thank you for your work.

From: Christopher J Stanley (CENSUS/OCIA FED)
Sent: Thu, 16 Jul 2020 00:32:56 +0000
To: Parisi, Elizabeth (Federal)
Cc: Cannon, Michael (Federal)
Subject: Re: Deadline noon 7/17/2020 -- draft DOC responses to Senate QFRs from SWR FY201 Appropriations Hearing
Attachments: FY 2021 DOC Senate QFRs__OPSP+OSP + CS (Census).docx

I think I address everything either with edits or with comments to explain. Please let me know if you need anything else.

Chris Stanley, Chief
Office of Congressional and Intergovernmental Affairs
U.S. Census Bureau
O: 301-763-4276 | M: (b) (6)
[census.gov](https://www.census.gov) | [@uscensusbureau](https://twitter.com/uscensusbureau)
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From: Parisi, Elizabeth (Federal) <EParisi@doc.gov>
Sent: Tuesday, July 14, 2020 3:02 PM
To: Christopher J Stanley (CENSUS/OCIA FED) <christopher.j.stanley@census.gov>
Cc: Cannon, Michael (Federal) <MCannon@doc.gov>
Subject: Deadline noon 7/17/2020 -- draft DOC responses to Senate QFRs from SWR FY201 Appropriations Hearing

Hi Chris,

Attached are comments/edits from OSP, OPSP, and OGC on draft DOC responses to Senate Questions for the Record from the Secretary's FY2021 Appropriation Hearing before the Senate CJS Subcommittee on March 5, 2020. Office of Budget handed the these over to my office to manage final clearance.

Please review and provide edits, as necessary, to the comments/questions on pages 23-24, 37, 38, 40, and 48. Please highlight any changes/additions you make.

Please send your edits by noon, Friday, July 17. Let me know if you have questions.

Thanks!
Elizabeth

Elizabeth B. Parisi
Office of the Assistant General Counsel
for Legislation and Regulation
Department of Commerce
202.482.4863
eparisi@doc.gov

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Sent: Tue, 21 Jul 2020 15:17:25 -0700
To: Kevin Quinley (CENSUS/ADCOM FED)
Subject: Google Alert - "census bureau"

Google Alerts

"census bureau"

As-it-happens update · July 21, 2020

NEWS

[Without Authority To Do So, Trump Wants To Change Who The Census Counts](#)

OPB News

With the national census self-response rate at just over 62%, the White House announcement threatens to derail the **Census Bureau's** efforts to finish ...



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[Why Democrats and civil rights groups say Trump's latest census order could harm Texas](#)

Corpus Christi Caller-Times

A **Census Bureau** spokesman said the agency will begin making follow-up inquiries Aug. 11 to Texas households that did not respond to the initial ...



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[Trump orders Census not to count undocumented immigrants for awarding congressional seats](#)

CBS News

President Trump issued a directive Tuesday instructing the U.S. **Census Bureau** to not count undocumented immigrants for purposes of apportioning ...



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[The IRC responds to US Administration's Executive Order to exclude undocumented immigrants ...](#)

International Rescue Committee

... partnering with community leaders to promote response; developing materials in languages not covered by the **Census Bureau**; including Census ...



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[Low-wage Work Is Linked to Spread of COVID-19, Study Finds](#)

UC Merced University News

The study of data from California's 58 counties and the U.S. **Census Bureau** found a strong

COMM-CB-20-2508-A-000022

relationship between low-wage work and COVID-19 ...



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Trump tries to keep undocumented immigrants from being counted in census

KMVU Fox 26 Medford

It does not distinguish between citizens and non-citizens. The **Census Bureau** says as of July 16th 62% of U.S. households have completed their form.



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Trump Is Going to Get Barbecued By Whatever Judge Winds Up Ruling on This Nonsense

Esquire.com

He doesn't have the power, constitutionally. The Supreme Court already said the whole idea was bogus. The **census bureau's** own website says ...



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WEB

2020 Census Paid Temporary Workers

Census Bureau

The data tables include national totals for all 50 states and the District of Columbia by **Census Bureau** regional geography. A weekly number of paid ...



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Subject: July 21, 2020 Memorandum On Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census
Attachments: July-21-2020-Memorandum-On-Excluding-Illegal.pdf

From: Kathleen M Styles (CENSUS/ADDC FED)
Sent: Tue, 21 Jul 2020 17:13:08 +0000
To: Albert E Fontenot (CENSUS/ADDC FED); Ron S Jarmin (CENSUS/DEPDIR FED); Christa D Jones (CENSUS/DEPDIR FED); Benjamin J Page (CENSUS/CFO FED); Ali Mohammad Ahmad (CENSUS/ADCOM FED); Timothy P Olson (CENSUS/ADFO FED); James T Christy (CENSUS/LA FED); Deborah Stempowski (CENSUS/ADDC FED)
Subject: Re: July 21, 2020 Memorandum On Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census
Attachments: July-21-2020-Memorandum-On-Excluding-Illegal.pdf

Here it is in PDF.

Kathleen M. Styles
Chief, Decennial Communications and Stakeholder Relationships
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From: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>
Sent: Tuesday, July 21, 2020 1:12 PM
To: Ron S Jarmin (CENSUS/DEPDIR FED) <Ron.S.Jarmin@census.gov>; Christa D Jones (CENSUS/DEPDIR FED) <Christa.D.Jones@census.gov>; Benjamin J Page (CENSUS/CFO FED) <benjamin.j.page@census.gov>; Ali Mohammad Ahmad (CENSUS/ADCOM FED) <ali.m.ahmad@census.gov>; Timothy P Olson (CENSUS/ADFO FED) <Timothy.P.Olson@census.gov>; James T Christy (CENSUS/LA FED) <James.T.Christy@census.gov>; Kathleen M Styles (CENSUS/ADDC FED) <kathleen.m.styles@census.gov>; Deborah Stempowski (CENSUS/ADDC FED) <Deborah.M.Stempowski@census.gov>
Subject: Fw: July 21, 2020 Memorandum On Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census

FYI



Albert E. Fontenot, Jr.

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From: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>
Sent: Tuesday, July 21, 2020 1:09 PM
To: Albert E Fontenot (CENSUS/ADDC FED) <Albert.E.Fontenot@census.gov>
Subject: July 21, 2020 Memorandum On Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census

<https://www.documentcloud.org/documents/6999106-July-21-2020-Memorandum-On-Excluding-Illegal.html>

Al
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United States Department of Commerce
Bureau of the Census
Office (b) (6)

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Office 301-763-4668

Cell (b) (6)

Sent from my iPhone

Hansi Wang

From: White House Press Office <info@mail.whitehouse.gov>
Sent: Tuesday, July 21, 2020 1:04 PM
To: Hansi Wang
Subject: Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census



Office of the Press Secretary

FOR IMMEDIATE RELEASE

July 21, 2020

July 21, 2020

MEMORANDUM FOR THE SECRETARY OF COMMERCE

SUBJECT: Excluding Illegal Aliens From the Apportionment
Base Following the 2020 Census

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Background. In order to apportion Representatives among the States, the Constitution requires the enumeration of the population of the United States every 10 years

and grants the Congress the power and discretion to direct the manner in which this decennial census is conducted (U.S. Const. art. I, sec. 2, cl. 3). The Congress has charged the Secretary of Commerce (the Secretary) with directing the conduct of the decennial census in such form and content as the Secretary may determine (13 U.S.C. 141(a)). By the direction of the Congress, the Secretary then transmits to the President the report of his tabulation of total population for the apportionment of Representatives in the Congress (13 U.S.C. 141(b)). The President, by law, makes the final determination regarding the "whole number of persons in each State," which determines the number of Representatives to be apportioned to each State, and transmits these determinations and accompanying census data to the Congress (2 U.S.C. 2a(a)). The Congress has provided that it is "the President's personal transmittal of the report to Congress" that "settles the apportionment" of Representatives among the States, and the President's discretion to settle the apportionment is more than "ceremonial or ministerial" and is essential "to the integrity of the process" (*Franklin v. Massachusetts*, 505 U.S. 788, 799, and 800 (1992)).

The Constitution does not specifically define which persons must be included in the apportionment base. Although the Constitution requires the "persons in each State, excluding Indians not taxed," to be enumerated in the census, that requirement has never been understood to include in the apportionment base every individual physically present within a State's boundaries at the time of the census. Instead, the term "persons in each State" has been interpreted to mean that only the "inhabitants" of each State should be included. Determining which persons should be considered "inhabitants" for the purpose of apportionment requires the exercise of judgment. For example, aliens who are only temporarily in the United States, such as for business or tourism, and certain foreign diplomatic personnel are "persons" who have been excluded from the apportionment base in

past censuses. Conversely, the Constitution also has never been understood to exclude every person who is not physically "in" a State at the time of the census. For example, overseas Federal personnel have, at various times, been included in and excluded from the populations of the States in which they maintained their homes of record. The discretion delegated to the executive branch to determine who qualifies as an "inhabitant" includes authority to exclude from the apportionment base aliens who are not in a lawful immigration status.

In Executive Order 13880 of July 11, 2019 (Collecting Information About Citizenship Status in Connection With the Decennial Census), I instructed executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country. As the Attorney General and I explained at the time that order was signed, data on illegal aliens could be relevant for the purpose of conducting the apportionment, and we intended to examine that issue.

Sec. 2. Policy. For the purpose of the reapportionment of Representatives following the 2020 census, it is the policy of the United States to exclude from the apportionment base aliens who are not in a lawful immigration status under the Immigration and Nationality Act, as amended (8 U.S.C. 1101 *et seq.*), to the maximum extent feasible and consistent with the discretion delegated to the executive branch. Excluding these illegal aliens from the apportionment base is more consonant with the principles of representative democracy underpinning our system of Government. Affording congressional representation, and therefore formal political influence, to States on account of the presence within their borders of aliens who have not followed the steps to secure a lawful immigration status under our laws undermines those principles. Many of these aliens entered the

country illegally in the first place. Increasing congressional representation based on the presence of aliens who are not in a lawful immigration status would also create perverse incentives encouraging violations of Federal law. States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress should not be rewarded with greater representation in the House of Representatives. Current estimates suggest that one State is home to more than 2.2 million illegal aliens, constituting more than 6 percent of the State's entire population. Including these illegal aliens in the population of the State for the purpose of apportionment could result in the allocation of two or three more congressional seats than would otherwise be allocated.

I have accordingly determined that respect for the law and protection of the integrity of the democratic process warrant the exclusion of illegal aliens from the apportionment base, to the extent feasible and to the maximum extent of the President's discretion under the law.

Sec. 3. Excluding Illegal Aliens from the Apportionment Base. In preparing his report to the President under section 141(b) of title 13, United States Code, the Secretary shall take all appropriate action, consistent with the Constitution and other applicable law, to provide information permitting the President, to the extent practicable, to exercise the President's discretion to carry out the policy set forth in section 2 of this memorandum. The Secretary shall also include in that report information tabulated according to the methodology set forth in *Final 2020 Census Residence Criteria and Residence Situations*, 83 Fed. Reg. 5525 (Feb. 8, 2018).

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

###

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From: Public Policy Law360 <news-q2@law360.com>
Sent: Tue, 14 Jul 2020 08:16:37 +0000 (UTC)
To: Ron S Jarmin (CENSUS/DEPDIR FED)
Subject: [MARKETING] The Sharpest Dissents From The Supreme Court Term



Tuesday, July 14, 2020

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SUPREME COURT REVIEW

Feature

The Sharpest Dissents From The Supreme Court Term

The majority of this term's dissents came from the court's right-leaning justices, and many of their sharpest critiques stemmed from suits over Trump administration policies. Here, Law360 looks at some of the fieriest.

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Feature

The Chattiest Justice Of The Term Is ...

One justice again stood out as the chattiest member of the Supreme Court this term. But that jurist's talk was tempered when the coronavirus pandemic forced the court to close its doors and conduct remote oral arguments, which were livestreamed for the first time in history.

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Feature

The Funniest Moments Of The Supreme Court's Term

Justice Stephen Breyer conjured up a baffling hypothetical involving a Roman emperor, Chief Justice John Roberts stepped up his game on popular slang, and a toilet flushed loudly as a Latham & Watkins lawyer discussed constitutional rights. Here, Law360 highlights the most mirthful moments from this past term's U.S. Supreme Court arguments.

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TOP NEWS

Texas Justices Say GOP Can't Force Houston Convention

The Texas Supreme Court said Monday that the Texas Republican Party can't "simply commandeer" Houston's convention center to host its biennial convention, which the city canceled due to the rise of COVID-19 cases.

2 documents attached | [Read full article »](#)

Trump's Niece Beats Family's Bid To Block Tell-All For Good

A New York state judge on Monday vacated a temporary restraining order blocking the president's niece from discussing her damning tell-all book about her family and rejected efforts by the president's brother to block the publisher from releasing the book, which lands on bookshelves Tuesday.

Order attached | [Read full article »](#)

Roger Stone's Fine, Supervision Term Also Lifted By Trump

The details of Republican political operative Roger Stone's commutation came to light Monday, showing that President Donald Trump wiped out Stone's supervised release and fine along with his prison sentence.

1 document attached | [Read full article »](#)

DC Circ. Orders EPA To Redo Ozone Standard Findings

The U.S. Environmental Protection Agency unlawfully determined several regions throughout the Midwest and Southwest are complying with national ozone limits, the D.C. Circuit has ruled.

Opinion attached | [Read full article »](#)

Analysis

GOP Sens. Plan Late-July Bargaining On Virus Tax Incentives

Senate Republicans are preparing for tough bargaining in late July with their Democratic counterparts to hash out new tax incentives for businesses and workers aimed at countering the COVID-19 pandemic's economic effects and spurring growth.

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Berman Resists Talking Motives For Ouster In New Transcript

Former Manhattan U.S. Attorney Geoffrey Berman resisted attempts by members of the House Judiciary Committee to get him to speculate on the possible reasons for his controversial ouster last month, according to a transcript of last week's closed-door congressional hearing made public on Monday.

Transcript attached | [Read full article »](#)

Have Too Many Cases? Judge Leon Doesn't Want To Hear It

A government attorney wanted U.S. District Judge Richard J. Leon to consider

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Gibson Dunn
Greenberg Traurig
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Hogan Lovells
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McDermott Will
Morgan Lewis
Morris Nichols
O'Melveny & Myers
Orrick
Phillips Nizer
Porter Wright
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Axon Enterprise Inc.

COM-GB-20-2508-A-000033

deadlines she faces in other cases before he issues a scheduling order in a suit over a sex trafficking law, but the D.C. federal judge offered no sympathy Monday, firing back that the administration has the staff to help her meet the deadlines.

[Read full article »](#)

BANKING & SECURITIES

Analysis

SEC Plan To Ax Disclosures Seen As Boon For Smaller Funds

A plan from the U.S. Securities and Exchange Commission to vastly limit the number of fund managers filing certain quarterly disclosures has raised concerns about transparency, but supporters believe it could cut down on unnecessary red tape for smaller firms, slashing legal expenses while preventing others from "copycatting" their investment methods.

[Read full article »](#)

ENERGY & ENVIRONMENTAL

EPA Says Ozone Standards Don't Need Change

Ozone air pollution standards should remain at levels set during the Obama administration for at least the next five years, the U.S. Environmental Protection Agency said Monday.

 [Proposed Rule attached](#) | [Read full article »](#)

Army Corps Says \$2.2B Texas Pipeline Work Should Continue

The Sierra Club is wrongly trying to halt construction on a Texas natural gas pipeline and its concerns are not urgent, the U.S. Army Corps of Engineers and the pipeline builder told a Texas federal court.

 [2 documents attached](#) | [Read full article »](#)

Feds Look To Overturn Water Rule Injunction At 10th Circ.

A Colorado court misinterpreted a key U.S. Supreme Court decision and overstated the negative effects of a Trump administration's rule narrowing the scope of the Clean Water Act when the court enjoined the rule, the federal government has told the Tenth Circuit.

 [Brief attached](#) | [Read full article »](#)

Sierra Club Wants Full DC Circ. Look At EPA Emissions Policy

The Sierra Club has asked the D.C. Circuit to reconsider its challenge to U.S. Environmental Protection Agency guidance allowing for an easier emissions permit review process, saying a three-judge panel erred when it determined the agency's actions weren't final.

 [Petition attached](#) | [Read full article »](#)

HEALTH & LIFE SCIENCES

'Grim Reaper' Atty Blasts Fla. Gov.'s Virus 'Inaction' In Appeal

A Florida attorney who has made waves appearing as the Grim Reaper across the state during the COVID-19 pandemic blasted Gov. Ron DeSantis for his inaction as he urged a state appeals court to revive his case asking the courts to impose beach closures and a statewide stay-at-home order.

 [Brief attached](#) | [Read full article »](#)

NJ Town Bound By Virus Indoor-Dining Ban For Now

A New Jersey judge granted Gov. Phil Murphy's bid to halt Asbury Park's plan to defy his COVID-19 ban on indoor restaurant dining while the state and the town continue to resolve the matter, according to a Friday court filing.

Boston University
Cable-Satellite Public Affairs Network
California Trucking Association
Center for Biological Diversity
Chevron Corp.
Chicago Blackhawks
Clean Air Task Force
Cleveland Indians
Deloitte Touche
Democratic National Committee
DoorDash Inc.
Electronic Frontier Foundation
Ernst & Young LLP
Facebook Inc.
FedEx Corp.
Fordham University
Fossil Group Inc.
Foundation for Individual Rights in Education
Foxconn
Georgetown University
Golden State Warriors
Google Inc.
Harvard University
Huawei Technologies Co. Ltd.
Integreon Managed Solutions Inc.
KPMG International
Kinder Morgan Inc.
Leafly Holdings Inc.
Lehman Brothers Holdings Inc.
LexisNexis Group
LinkedIn Corp.
Los Angeles County Bar Association
Lyft Inc.
Major League Baseball Inc.
Marijuana Policy Project
Microsoft Corp.
Morgan Stanley
MultiState Associates Inc.
NantKwest Inc.
National Association of Broadcasters
National Hockey League
National Immigration Law Center
National Organization for the Reform of Marijuana Laws
National Shooting Sports Foundation Inc.
Natural Resources Defense Council
New York City Bar Association
New York Civil Liberties Union
New York Post
NisonCo
Northeastern University

 [Order attached](#) | [Read full article »](#)

2nd Circ. Says Justices Need To Settle Grant Funding Dispute

Second Circuit judges said Monday that the U.S. Supreme Court needs to decide whether the Justice Department can place immigration enforcement conditions on federal grant funding to states, after denying a request for a full-court rehearing on the issue.

 [Opinion attached](#) | [Read full article »](#)

Mass. Voters Turn To Top Court To Get Ballot Forms Sent

Seven Massachusetts residents and two voting rights groups sued Secretary of the Commonwealth William Galvin on Monday to force his office to comply with a new law requiring the secretary to send mail-in ballot applications to all registered voters in the state.

 [Petition attached](#) | [Read full article »](#)

Mass. Justices Say GOP Hopeful Followed Virus Ballot Rules

The Massachusetts Supreme Judicial Court said Monday it would allow a Republican congressional candidate to be placed on the ballot, finding that she had properly gathered electronic signatures under guidance the court laid out for the COVID-19 pandemic.

 [Order attached](#) | [Read full article »](#)

Pa. Seeks To Block Trump's Bid To Fast-Track Ballot Box Suit

President Donald Trump's reelection campaign shouldn't get to conduct expedited discovery or a speedy hearing in a lawsuit accusing Pennsylvania of making it possible to stuff ballot boxes, at least not until after the state and 67 counties have a chance to try to dismiss the case, attorneys for the commonwealth said Monday.

 [Response attached](#) | [Read full article »](#)

REAL ESTATE

Hawaii County Sued For Banning Short-Term Vacation Rentals

A vacation rental group and seven property owners have sued Maui County in Hawaii federal court over its decision to ban short-term vacation rentals on Molokai Island, arguing that doing away with permits violates their constitutional rights and will hurt the local economy.

 [Complaint attached](#) | [Read full article »](#)

EMPLOYMENT & BENEFITS

Freelance Journalists' Challenge To Calif. AB 5 Law Dismissed

A California federal judge on Friday dismissed with prejudice freelance journalists' challenge to the state's A.B. 5 law, which makes it harder for businesses to classify workers as independent contractors, ruling that they should have taken his earlier suggestion to improve their defective lawsuit instead of running to the Ninth Circuit.

 [2 documents attached](#) | [Read full article »](#)

GOVERNMENT CONTRACTS

Analysis

Huawei Ban's Scope Spares Few Contractors From Headaches

A new rule banning federal contractors' use of certain Chinese technologies contains few exemptions, and its broad scope affects even low-value and commercial deals that are typically only lightly regulated, experts say.

 [1 document attached](#) | [Read full article »](#)

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Pacific Legal Foundation

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PricewaterhouseCoopers International

Public Co. Accounting Oversight Board

RELX PLC

Regents of the University of California

Salesforce.com Inc.

San Diego County Credit Union

Sierra Club

Simon & Schuster Inc.

Spartan Race Inc.

Spotify Technology SA

T-Mobile US Inc.

Tax Foundation

The National Cannabis Industry Associ

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Thomson Reuters Corp.

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Uber Technologies Inc.

University of California Irvine

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Yale University

ZTE Corp.

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Bureau of Land Management

California Department of Justice

Centers for Disease Control and Preven

Election Assistance Commission

Equal Employment Opportunity Commi

Federal Acquisition Regulatory Council

Federal Communications Commission

Federal Trade Commission

Internal Revenue Service

Massachusetts Supreme Judicial Court

National Institute of Standards and Tec

National Labor Relations Board

Navajo Nation

New York Attorney General's Office

Office of the Director of National Intellig

Pennsylvania Attorney General's Office

Pennsylvania Department of State

Texas Supreme Court

U.S. Army

U.S. Army Corps of Engineers

COMMCB-20-2508-A-000035

State Dept. Backs Off Ban On Gun Suppressor Exports

The Trump administration has ended a nearly 20-year-old policy banning most firearm sound suppressor exports, unveiling an update to the regulation Friday that allows overseas sales as long as a specific end user is identified and an application is approved by the agency.

[Read full article »](#)

TAX

Analysis

Federal Tax Policy To Watch In The 2nd Half Of 2020

While the legislative agenda for the second six months of 2020 will likely be defined by the COVID-19 pandemic and the political limitations historically associated with election years, the Internal Revenue Service is poised to finalize guidance with long-term implications. Here, Law360 takes a look at federal regulatory and legislative tax developments that appear in store for the year's second half.

[Read full article »](#)

Analysis

State And Local Tax Policy To Watch In The 2nd Half Of 2020

Conformity to the federal code amid the pandemic and consideration of taxes on digital advertising are among the significant state tax issues expected to unfold during the second half of the year. Here, Law360 examines several policy actions that may stand out.

[Read full article »](#)

Analysis

International Tax Policy To Watch In The 2nd Half Of 2020

All eyes in the international tax world are focused on the last weeks of 2020, when governments are expecting a mad dash of dealmaking over the digital tax conundrum, which has eluded a multilateral solution for years.

[Read full article »](#)

IMMIGRATION

9th Circ. Shields Calif. Grant Funds In 'Sanctuary' Fight

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[Read full article »](#)

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As a lawsuit by Harvard and MIT speeds toward a Wednesday ruling, Massachusetts Attorney General Maura Healey and 17 other AGs filed their own suit Monday

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[U.S. Court of Appeals for the District of Columbia Circuit](#)

[U.S. Court of Appeals for the Fifth Circuit](#)

[U.S. Court of Appeals for the Ninth Circuit](#)

[U.S. Court of Appeals for the Second Circuit](#)

[U.S. Court of Appeals for the Tenth Circuit](#)

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[U.S. Department of Veterans Affairs](#)

[U.S. District Court for the Central District of California](#)

[U.S. District Court for the District of Hawaii](#)

[U.S. District Court for the District of Massachusetts](#)

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[U.S. District Court for the Northern District of California](#)

[U.S. District Court for the Southern District of New York](#)

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[U.S. Supreme Court](#)

seeking to block a Trump administration policy barring foreign students from the U.S. if their colleges go online during the COVID-19 pandemic.

 3 documents attached | [Read full article »](#)

Ivy League, Tech Giants Back Challenge To Student Visa Rules

Tech giants Facebook, Google and others joined the Ivy League and dozens of other schools to oppose the Trump administration's decision to revoke visas for international students enrolled in U.S. colleges studying online during the COVID-19 pandemic.

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The Trump administration was hit with yet another lawsuit Monday over its "public charge" rule that penalizes low-income immigrants, after individuals and advocacy organizations claimed that the way the government has carried out the policy is more burdensome than the rule itself.

 Complaint attached | [Read full article »](#)

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New York state and residents suing the Trump administration over a ban on Trusted Traveler programs are fighting to keep their lawsuits alive, telling a federal judge that the decision was an unlawful retaliation against the state for shielding migrants' data.

 2 documents attached | [Read full article »](#)

NATIVE AMERICAN

Analysis

Washington NFL Name Change Puts Focus On Other Teams

The Washington, D.C., NFL team is dropping the Redskins nickname and logo after years of resistance to pressure from Native Americans and others who say they are racist, a move that experts say signals a growing societal push to remove Native American names and imagery from sports even as legal efforts to do so have fallen short.

[Read full article »](#)

Green Groups Target BLM Oil Leases Near Navajo

A coalition of environmental groups says the U.S. Bureau of Land Management violated federal environmental and administrative law by approving oil and gas leases across 41,000 acres in the San Juan Basin in and near Navajo Nation communities.

 Complaint attached | [Read full article »](#)

TELECOMMUNICATIONS

FCC Floats Lobbying Disclosure Rules' First Update Since '11

Tribal governments and administrators of two new government programs could be exempt from Federal Communications Commission rules that require outside parties with business before the FCC to document every conversation with the agency as part of a recently proposed update to its so-called ex parte rules.

 Proposed Rule attached | [Read full article »](#)

Axon Wants FTC's In-House Judge DQ'd In Merger Dispute

The Federal Trade Commission is mulling a motion by Axon Enterprise Inc. to disqualify the agency's in-house judge from an administrative challenge to the company's purchase of a body camera supplier after the judge refused to step aside Friday.

 2 documents attached | [Read full article »](#)

FCC Nails Key Milestone In Broadcast Spectrum Repack

The Federal Communications Commission lauded the passage of a key deadline Monday that signaled a milestone in the first-of-its-kind TV airwaves reorganization, announcing that all affected broadcasters have now moved off their old spectrum tracts to make room for wireless traffic.

[Read full article »](#)

Dems, GOP Urged To Embrace 'Digital Equity' In Platforms

A progressive group focused on technology pressed both major U.S. political parties Monday to back its priorities in the 2020 elections on a host of broadband issues including net neutrality, internet privacy, affordable high-speed service and limits on government surveillance.

 [Comments attached](#) | [Read full article »](#)

Cable Cos. Urge FCC To Aid Use Of Robocall Blocking Tech

A trade group for small cable providers has urged the Federal Communications Commission to make it easier for them to use third-party robocall blocking technology, by clarifying whether the providers can use the mechanisms implemented by the third party to investigate and resolve call-blocking disputes on their behalf.

 [Letter attached](#) | [Read full article »](#)

EXPERT ANALYSIS

Key COVID-19 Accessibility Issues As ADA Turns 30

Shira Blank and Joshua Stein at Epstein Becker examine pandemic-related accessibility challenges businesses should consider when balancing Americans with Disabilities Act Title III compliance against employee and patron safety as the statute's 30th anniversary approaches.

[Read full article »](#)

DACA Ruling Raises Bar For Assertions Of Agency Deference

The U.S. Supreme Court's decision in *U.S. Department of Homeland Security v. Regents of the University of California*, blocking termination of the Deferred Action for Childhood Arrivals program, is the latest in a line of rulings that refuse deference where an agency fails to follow Administrative Procedure Act rulemaking procedures, say Robert Wanerman and Stuart Gerson at Epstein Becker.

 [Opinion attached](#) | [Read full article »](#)

Unpacking The Supreme Court's Praise For The TCPA

The U.S. Supreme Court's decision in *Barr v. American Association of Political Consultants* strengthens the Telephone Consumer Protection Act as one of the most vexing and frequently deployed privacy statutes in the U.S., and paints the TCPA in a favorable light, say Ezra Church and Terese Schireson at Morgan Lewis.

 [Opinion attached](#) | [Read full article »](#)

When NY Worker Free Speech Rights And COVID-19 Collide

Alexandra Berke, Kacie Candela and Margaret Lee at Berke-Weiss examine New Yorkers' rights to protest in person or online without fear of discipline at work, and address employee protesters' COVID-19 risk in the workplace.

[Read full article »](#)

Opinion

Attys Should Stop Using 2 Common Cannabis Industry Terms

Adopting the industry-preferred alternatives to the terms "marijuana" and "black market" will help lawyers show that they are sensitive to the historical and systemic harm done by the war on drugs to people of color, say Joshua Mandell at Akerman, Nicole Phillis at Davis Wright and consultant Yvette McDowell.

[Read full article »](#)

How NYC Advocates Can Litigate De Facto Rent Stabilization

The de facto rent stabilization doctrine can provide important housing security for New York City tenants, and advocates using it as a defense in summary eviction proceedings should be aware of key legal issues that often crop up, say Andrew Darcy and Brian Sullivan at Mobilization For Justice.

[Read full article »](#)



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LEGAL INDUSTRY

Deloitte Expands Legal Business Services Unit To US

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Harvey Weinstein lawyer Donna Rotunno said Monday she had no choice but to take her advocacy to the press during his sex assault trial, even though the practice eventually prompted a judge to enter a gag order against her team during jury deliberations.

[Read full article »](#)

Many In Atty Ranks Down About The Future Of Their Industry

Less than half of attorneys and legal industry professionals feel positive about the future of the industry, according to a new survey by mentoring organization MOSAIC Collective, with the biggest concerns being technology, economic uncertainty and the industry's ability to adapt to change.

[Read full article »](#)

Facebook Vies To Keep Gibson Dunn Probe Out Of Discovery

Facebook urged a California federal magistrate judge Monday to reject efforts by users suing over the Cambridge Analytica scandal to review a Gibson Dunn-led investigation, saying the law firm's look into possible misbehavior by some Facebook developers is largely protected by attorney-client privilege.

[Read full article »](#)

Boies Schiller Adds Bankruptcy Attys In NY, London

Boies Schiller Flexner LLP has added the former head of derivatives bankruptcy strategy at Lehman Brothers Holdings and the former executive director of distressed special situations at Nomura International PLC to its New York and London offices, respectively, the firm announced Monday.

[Read full article »](#)

Foley & Lardner Can Foreclose On \$29M Condo Loan

Foley & Lardner has standing to foreclose on a \$29 million loan for a condominium development, a Florida appeals court has ruled, after finding that the law firm was the successor in interest to the loan servicer under an asset management agreement.

[Read full article »](#)

Legal Startup Says Westlaw Wants 'Monopoly' Over Law Texts

A legal research startup called ROSS Intelligence fired back Monday at a copyright lawsuit filed by Westlaw owner Thomson Reuters, accusing the bigger company of seeking "a monopoly over access to public legal texts."

[Read full article »](#)

Interview

15 Minutes With Spartan Race's General Counsel

Spartan Race in mid-June held its first U.S. event since the outbreak of the coronavirus, though the competition was "extremely modified" to ensure safety, said general counsel Deanna Sheridan. Here, she explains some of the biggest challenges her organization is facing and how she envisions future obstacle race course events will look.

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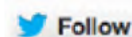
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From: Public Policy Law360 <news-alt@law360.com>
Sent: Tue, 14 Jul 2020 08:09:53 +0000 (UTC)
To: Steven Dillingham (CENSUS/DEPDIR FED)
Subject: [MARKETING] The Sharpest Dissents From The Supreme Court Term



Tuesday, July 14, 2020



SUPREME COURT REVIEW

Feature

The Sharpest Dissents From The Supreme Court Term

The majority of this term's dissents came from the court's right-leaning justices, and many of their sharpest critiques stemmed from suits over Trump administration policies. Here, Law360 looks at some of the fieriest.

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Feature

The Chattiest Justice Of The Term Is ...

One justice again stood out as the chattiest member of the Supreme Court this term. But that jurist's talk was tempered when the coronavirus pandemic forced the court to close its doors and conduct remote oral arguments, which were livestreamed for the first time in history.

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Justice Stephen Breyer conjured up a baffling hypothetical involving a Roman emperor, Chief Justice John Roberts stepped up his game on popular slang, and a toilet flushed loudly as a Latham & Watkins lawyer discussed constitutional rights. Here, Law360 highlights the most mirthful moments from this past term's U.S. Supreme Court arguments.

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Sent: Tue, 14 Jul 2020 09:23:48 +0000 (UTC)
To: Steven Dillingham (CENSUS/DEPDIR FED)
Subject: [MARKETING] Trump Admin. Says Student Visa Policy Is 'Black-Letter Law'



Tuesday, July 14, 2020

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TOP NEWS

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Memorandum attached | [Read full article »](#)

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POLICY & REGULATION

ICE Detention Partner Balks At Ending 'Bloody' Chemical Use

The head of GEO Group Inc., a contractor for U.S. Immigration and Customs Enforcement, said Monday that the company won't stop using a chemical disinfectant in its detention centers when a House Democrat confronted him with reports that it caused nausea and bloody noses among immigrant detainees.

[Read full article »](#)

LITIGATION

DC Judge Hints At Only Releasing High-Risk Family Detainees

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 [2 documents attached](#) | [Read full article »](#)

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Latham & Watkins
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Mayer Brown
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Morris Nichols
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 [Opinion attached](#) | [Read full article »](#)

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 [Opinion attached](#) | [Read full article »](#)

Associates Can Prioritize Biz Development Despite Pandemic

Although many traditional business development activities are on hold due to the COVID-19 pandemic, associates should seize the unique opportunities of this time to cultivate business by strengthening their personal and professional relationships, and developing new ones, says Jeremy Schneider at Jackson Lewis.

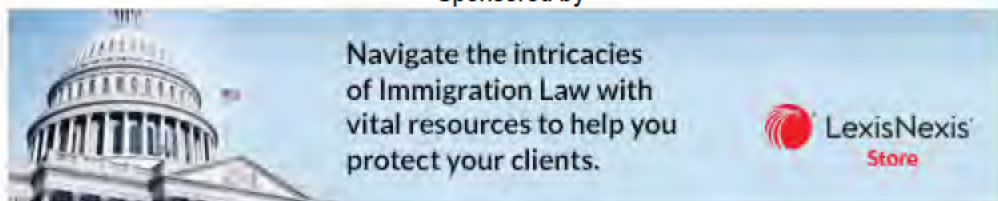
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LEGAL INDUSTRY

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Ernst & Young LLP
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Fossil Group Inc.
Foundation for Individual Rights in Education
Google Inc.
Harvard University
Integreon Managed Solutions Inc.
KPMG International
Lehman Brothers Holdings Inc.
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LinkedIn Corp.
Microsoft Corp.
Morgan Stanley
NantKwest Inc.
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Natural Resources Defense Council
New York City Bar Association
New York Civil Liberties Union
Northeastern University
Outokumpu
PricewaterhouseCoopers International
RELX PLC
Regents of the University of California
Salesforce.com Inc.
Spartan Race Inc.
Spotify Technology SA
Thomson Reuters Corp.
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Bureau of Citizenship and Immigration
California Department of Justice
Centers for Disease Control and Prevention
Federal Communications Commission

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Many In Atty Ranks Down About The Future Of Their Industry

Less than half of attorneys and legal industry professionals feel positive about the future of the industry, according to a new survey by mentoring organization MOSAIC Collective, with the biggest concerns being technology, economic uncertainty and the industry's ability to adapt to change.

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Facebook Vies To Keep Gibson Dunn Probe Out Of Discovery

Facebook urged a California federal magistrate judge Monday to reject efforts by users suing over the Cambridge Analytica scandal to review a Gibson Dunn-led investigation, saying the law firm's look into possible misbehavior by some Facebook developers is largely protected by attorney-client privilege.

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Berman Resists Talking Motives For Ouster In New Transcript

Former Manhattan U.S. Attorney Geoffrey Berman resisted attempts by members of the House Judiciary Committee to get him to speculate on the possible reasons for his controversial ouster last month, according to a transcript of last week's closed-door congressional hearing made public on Monday.

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Have Too Many Cases? Judge Leon Doesn't Want To Hear It

A government attorney wanted U.S. District Judge Richard J. Leon to consider deadlines she faces in other cases before he issues a scheduling order in a suit over a sex trafficking law, but the D.C. federal judge offered no sympathy Monday, firing back that the administration has the staff to help her meet the deadlines.

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Boies Schiller Adds Bankruptcy Attys In NY, London

Boies Schiller Flexner LLP has added the former head of derivatives bankruptcy strategy at Lehman Brothers Holdings and the former executive director of distressed special situations at Nomura International PLC to its New York and London offices, respectively, the firm announced Monday.

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Foley & Lardner Can Foreclose On \$29M Condo Loan

Foley & Lardner has standing to foreclose on a \$29 million loan for a condominium development, a Florida appeals court has ruled, after finding that the law firm was the successor in interest to the loan servicer under an asset management agreement.

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'Grim Reaper' Atty Blasts Fla. Gov.'s Virus 'Inaction' In Appeal

A Florida attorney who has made waves appearing as the Grim Reaper across the state during the COVID-19 pandemic blasted Gov. Ron DeSantis for his inaction as he urged a state appeals court to revive his case asking the courts to impose beach closures and a statewide stay-at-home order.

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Legal Startup Says Westlaw Wants 'Monopoly' Over Law Texts

A legal research startup called ROSS Intelligence fired back Monday at a copyright lawsuit filed by Westlaw owner Thomson Reuters, accusing the bigger company of

Federal Trade Commission

New York Attorney General's Office

U.S. Attorney's Office

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Second Circuit

U.S. Department of Commerce

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Veterans Affairs

U.S. District Court for the District of Massachusetts

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of New York

U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Patent and Trademark Office

U.S. Securities and Exchange Commission

U.S. Supreme Court

seeking "a monopoly over access to public legal texts."

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Interview

15 Minutes With Spartan Race's General Counsel

Spartan Race in mid-June held its first U.S. event since the outbreak of the coronavirus, though the competition was "extremely modified" to ensure safety, said general counsel Deanna Sheridan. Here, she explains some of the biggest challenges her organization is facing and how she envisions future obstacle race course events will look.

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