First Production In Response toF OIA Requests DOC-FOS-2019-001629/DOC-OS-2019-001819 (in litigation as American Oversight v. Dep't of Treasury et al., 19-cv-2814)

L blieberman@doc.gov
Dec 14, 2020, 2:13 PM
To: foia@americanoversight.org
Cc: daniel.mcgrath@americanoversight.org
1 attachment - Expires: Jan 13, 2021

I hope you are well. Attached please find the Department of Commerce's (Commerce) first interim production in response to FOIA Requests DOC-OS-2019-001629 and DOC-OS-2019-001819. This production consists of 24 documents totaling 49 pages, with applicable exemptions asserted as specified in the document.

In addition, please note that Commerce has withheld in entirety an additional 8 documents totaling 18 pages as follows:

- One document is being withheld based on Exemption 5 – attorney-client, attorney work product, deliberative process, and presidential communications privileges as well as Exemption 6.
- Another document is being withheld based on Exemption 5 – attorney-client, attorney work product, deliberative process, and presidential communications privileges.
- A third document is being withheld based on Exemption 5 – attorney client and deliberative process privileges and Exemption 6.
- A fourth document is being withheld based on Exemption 5 – attorney client, attorney work product, and deliberative process privileges.
- The fifth and sixth documents are being withheld based on Exemption 5 – attorney client, attorney work product, and deliberative process privileges, as well as Exemption 6.
- The seventh document is being withheld based on Exemption 5 – deliberative process and presidential communications privilege, as well as Exemption 6.
- The eighth document is being withheld based on Exemption 5 – attorney client, deliberative process, and presidential communications privilege.

Since this matter is in litigation as *American Oversight v. Dep't of Treasury et al.,* D.D.C. Docket No. 19-cv-002814, please contact Commerce's counsel of record, Alexander Sverdlov, at alexander.v.sverdlov@usdoj.gov, with any questions or concerns.

Brian D. Lieberman
Senior Counsel
Information Law Division
Office of General Counsel
Department of Commerce
1401 Constitution Ave. NW, Room 5092
Washington, DC 20230
(202) 482-1634

File attachment expires: Jan 13, 2021

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Name	Size	
AO-1_19-cv-02814 - Production 1 (2020.12.14).pdf	7.3 MB	64ff8aeedb8a4993d111c6f7fc8bebbd

AMERICAN OVERSIGHT

From: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Sent: 1/15/2019 11:35:15 AM
To: Mizelle, Chad R. EOP/WHO [b(6)]; Doty, George E. III EOP/WHO [b(6)]
Subject: Re: Response to Cummings Letter
Attachments: 2018-01-08.EEC to Ross-DOC re Citizenship Question.pdf

--
David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(6)

From: "Mizelle, Chad R. EOP/WHO" b(6)
Date: Tuesday, January 15, 2019 at 11:33 AM
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>, Jed Doty b(6)
Subject: RE: Response to Cummings Letter

Can you send the original letter?

From: Dewhirst, David (Federal) <DDewhirst@doc.gov>
Sent: Tuesday, January 15, 2019 11:24 AM
To: Doty, George E. III EOP/WHO b(6); Mizelle, Chad R. EOP/WHO b(6)
Subject: Response to Cummings Letter

Jed, Chad M.,

b(5) - AC/WP/DPP

--
David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(6)

AMERICAN OVERSIGHT

Congress of the United States
Washington, DC 20515

January 8, 2019

The Honorable Wilbur L. Ross, Jr.
Secretary
U.S. Department of Commerce
1401 Constitution Avenue N.W.
Washington, D.C. 20230

Dear Secretary Ross:

The Committee on Oversight and Reform is seeking your testimony regarding the ongoing preparations for the 2020 Census and your decision to add a citizenship question—despite warnings from the Census Bureau that it could seriously harm the accuracy of the count.

The Committee also has serious concerns about new evidence, including emails and a supplemental memorandum you submitted in ongoing litigation in this matter, indicating that you orchestrated the addition of the citizenship question before any request was made by the Department of Justice (DOJ). This evidence appears to contradict your previous testimony to Congress.

Over the past three weeks, my staff have repeatedly tried to communicate with your office about a date in January or February on which you would be available to testify. I asked my staff to work with your office to identify a date that would work with your schedule, but your staff declined to identify any day on which you would be willing to appear.

Recently, your staff indicated that you would not testify until the government shutdown ends. This response is problematic for two reasons. First, President Trump indicated last week that the shutdown could last for "years." The Trump Administration may not use the President's own actions in causing the shutdown—and extending it—to avoid oversight by Congress, which is one of our core responsibilities under the Constitution. Second, the current partial government shutdown does not apply to the Census Bureau, which is funded and operating.

Yesterday, you were asked during an interview whether you would agree to appear before the Committee at my request. You indicated that you would, stating: "We feel like we have nothing to hide, so we will deal with all of his questions."[1]

For these reasons, I am writing to request that you testify before the Committee on February 12, 2019. If you have a conflict on that date that cannot be resolved, please contact my staff to arrange an alternate date for your testimony.

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[1] *Squawk Box*, CNBC (Jan. 7, 2019) (online at www.cnbc.com/video/2019/01/07/secretary-ross-addresses-allegations-of-misleading-testimony.html).

PRINTED ON RECYCLED PAPER

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COMM-19-0772, 19-0891-A-000002

AO-1_19-cv-02814-00002

Request for Documents

In addition, I request that you finally comply with the previous request for documents that I made with Representative Carolyn Maloney and other Members of the Oversight Committee on April 4, 2018.[2] Specifically, please provide the following documents to the Committee:

1. All documents and communications relating to any concerns expressed by the Census Bureau regarding the addition of a citizenship question to the 2020 Census;

2. All analyses, including drafts, relating to the potential impact that adding a citizenship question would have on response rates;

3. All communications between or among officials from the Department of Commerce, the Census Bureau, and any other office or entity inside or outside of the government regarding the addition of a citizenship question; and

4. All documents, communications, and analyses relating to cost increases that could result from the addition of a citizenship question.

In addition to producing these previously-requested documents, I ask that you provide the following documents regarding the Census' budget and timing:

5. All documents and communications relating to any 2020 Census program or testing that has been cancelled, delayed, or modified due to budget constraints; and

6. All documents and communications relating to concerns raised by the Department or the Census Bureau regarding budget constraints for the 2020 Census.

Requests for Information

Finally, I request that you provide answers to the questions that were sent to you by me, Representative Maloney, and more than 40 Members of Congress on June 28, 2018, and August 3, 2018.[3] Specifically, please provide answers to the following questions:

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[2] Letter from Ranking Member Elijah E. Cummings, Rep. Carolyn B. Maloney et al., House Committee on Oversight and Government Reform, to Secretary Wilbur L. Ross, Jr., Department of Commerce, and Acting Director Ron Jarmin, Ph.D., Census Bureau (Apr. 4, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-04-04.%20EEC%20Maloney%20Norton%20Clay%20Connolly%20%26%20Gomez%20to%20Commerce%20re.Cens_....pdf).

[3] Letter from Rep. Carolyn Maloney et al., to Secretary Wilbur L. Ross, Jr., Department of Commerce (June 28, 2018) (online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-06-28.EEC%20et%20al%20to%20Ross-DOC%20re%202020%20Census%20Citizenship%20Question.pdf); Letter from Rep. Carolyn Maloney et al., to Secretary Wilbur L. Ross, Jr., Department of Commerce (Aug. 3, 2018)

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1. Who were the other senior Administration officials who proposed adding a citizenship question?

2. Who did you consult with, both inside or outside the Administration, about the addition of a citizenship question and when did these discussions take place?

3. Why did you testify before the House Ways and Means Committee on March 22, 2018, that DOJ had "initiated the request" for a citizenship question when your supplemental memo clearly states that you initiated that discussion with DOJ?

4. Did the rationale for the citizenship question being necessary for enforcement of the Voting Rights Act originate with the Department of Commerce or the Department of Justice?

5. When did you first begin considering adding a citizenship question to the 2020 Census? Who or what prompted you to begin this consideration?

6. When did you decide that a citizenship question should be added to the 2020 Census? Why did you come to that decision?

7. When did you first request that the Census Bureau include a citizenship question and to whom did you request this?

8. Did you discuss adding a citizenship question to the 2020 Census with any Trump Administration, Trump transition, or Trump campaign officials before you were nominated to be Secretary? If so, who did you speak to and what was the nature of the conversation?

9. Did you discuss or seek advice from past Census Bureau Directors about the impact that a citizenship question could have on the accuracy of the Census? If so, who?

10. Why did you and your staff believe it was necessary to have the Department of Justice request that the Bureau add a citizenship question? Why did you contact the Department of Homeland Security about a potential request and why did they deem the Justice Department to be in a better position to assist with your request?

11. When did the Department of Commerce begin working with the Department of Justice to request that a citizenship question be added to the census? Who was involved in this process? Were officials from the White House a part of the process? If so, who?

(online at https://democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/2018%200803%20Letter%20to%20Secretary%20Ross.pdf).

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12. Why did you repeatedly tell Congress, under oath, that the request for a citizenship question was initiated by the Department of Justice when your own emails show that you initiated the request?

13. Why did you provide a supplemental memo to the court on June 21, 2018, contradicting your testimony to Congress? Why did you not disclose these facts to Congress before the document was publicly released?

14. Please name all past and present senior administration officials with whom you discussed the idea of adding a citizenship question to the 2020 Census.

Please provide the documents requested above and the answers to the questions above by January 22, 2019.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact my staff at (202) 225-5051.

Sincerely,

Elijah E. Cummings
Chairman
Committee on Oversight and Reform

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

AMERICAN OVERSIGHT

From: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Sent: 2/9/2019 6:06:01 PM
To: Bai, Sue J. EOP/WHO b(6)
Subject: Re: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Sounds good – 15 should do it. I'll call you then.

--
David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(6)

From: "Bai, Sue J. EOP/WHO" b(6)
Date: Saturday, February 9, 2019 at 6:04 PM
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: Re: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Hi David,

How about 9:45-10? If we need more time, noon works for me.

Thank you,
Sue

On Feb 9, 2019, at 4:09 PM, Dewhirst, David (Federal) <DDewhirst@doc.gov> wrote:

Sue,

Please see below and the attached. I'd like to chat on Monday when you have a convenient moment between 9-11am and noon-1pm. Thank you.

Have a nice weekend!

David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
d b(6)

*Sent from my iPhone. Please excuse any typos.

Begin forwarded message:

AMERICAN OVERSIGHT

From: "Rathburn, Kolo (Federal)" <CRathburn@doc.gov>
To: "Dorey, David (Federal)" <DDorey@doc.gov>, "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: FW: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

From: LaNier, Elisa <Elisa.LaNier@mail.house.gov>
Sent: Friday, February 08, 2019 3:55 PM
To: Rathburn, Kolo (Federal) <CRathburn@doc.gov>; Platt, Mike (Federal) <MPlatt@doc.gov>
Cc: Anello, Russell <Russell.Anello@mail.house.gov>; Anderson, Tori <Tori.Anderson@mail.house.gov>; Foster, Olivia <Olivia.Foster@mail.house.gov>
Subject: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Hello—

Please see letter attached from Chairman Elijah. E. Cummings, House Committee on Oversight and Reform to Secretary Wilbur L. Ross, Jr., U.S. Department of Commerce. Please acknowledge receipt of letter.

Thanks

Elisa A. LaNier
Chief Clerk/Director of Operations
Chairman Elijah E. Cummings
Committee on Oversight & Reform
202-225-5051 (Office)
202-225-4784 (fax)
>http://oversight.house.gov/<

<2019-02-08.EEC to Ross re Conflicts of Interest.pdf>

b(5) - AC/AWP/DP

AMERICAN OVERSIGHT

From: Bai, Sue J. EOP/WHO [b(6)]
Sent: 2/11/2019 11:01:44 AM
To: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Subject: Re: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Works for me. Talk soon.

Sue

On Feb 11, 2019, at 10:34 AM, Dewhirst, David (Federal) <DDewhirst@doc.gov> wrote:

Sue,

I'm sorry about missing the 9:45 window. A number of issues prevailed all at once, and I'm starting to dig out. I've got a noon meeting. But could I call you around 12:30?

--
David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(6)

From: Sue Bai <b(6)
Date: Saturday, February 9, 2019 at 6:04 PM
To: "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: Re: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Hi David,

How about 9:45-10? If we need more time, noon works for me.

Thank you,
Sue

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Sue,

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Have a nice weekend!

David Dewhirst
Senior Counsel to the General Counsel

AMERICAN OVERSIGHT

U.S. Department of Commerce
ddewhirst@doc.gov
d. b(6)

*Sent from my iPhone. Please excuse any typos.

Begin forwarded message:

From: "Rathburn, Kolo (Federal)" <CRathburn@doc.gov>
To: "Dorey, David (Federal)" <DDorey@doc.gov>, "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: FW: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

From: LaNier, Elisa <Elisa.LaNier@mail.house.gov>
Sent: Friday, February 08, 2019 3:55 PM
To: Rathburn, Kolo (Federal) <CRathburn@doc.gov>; Platt, Mike (Federal) <MPlatt@doc.gov>
Cc: Anello, Russell <Russell.Anello@mail.house.gov>; Anderson, Tori <Tori.Anderson@mail.house.gov>; Foster, Olivia <Olivia.Foster@mail.house.gov>
Subject: Letter from Chairman Elijah E. Cummings to Secretary Wilbur L. Ross, Jr.

Hello—

Please see letter attached from Chairman Elijah. E. Cummings, House Committee on Oversight and Reform to Secretary Wilbur L. Ross, Jr., U.S. Department of Commerce. Please acknowledge receipt of letter.

Thanks

Elisa A. LaNier
Chief Clerk/Director of Operations
Chairman Elijah E. Cummings
Committee on Oversight & Reform
202-225-5051 (Office)
202-225-4784 (fax)
>>http://oversight.house.gov/<<

<2019-02-08.EEC to Ross re Conflicts of Interest.pdf>

b(5) - AC/AWP/DP

AMERICAN OVERSIGHT

From: Freeland, Jeff K. EOP/WHO [b(6)]
Sent: 3/29/2019 6:39:05 PM
To: Platt, Mike (Federal) [MPlatt@doc.gov]
Subject: Fwd: COR - Notice of Business Meeting 4-2-19
Attachments: COR - Notice of Business Meeting 4-2-19.pdf; ATT00001.htm; 2019-03-29 Memo for the 4-2-19 Business Meeting.pdf; ATT00002.htm; Census Subpoena Resolution.pdf; ATT00003.htm; Security Clearances Subpoena Resolution.pdf; ATT00004.htm

Sent from my iPhone

Begin forwarded message:

From: "Epstein, Daniel Z. EOP/WHO" <b(6)>
Date: March 29, 2019 at 6:31:23 PM EDT
To: "Horning, Liz A. EOP/WHO" <b(6)> "Freeland, Jeff K. EOP/WHO" <b(6)>, "Bai, Sue J. EOP/WHO" <b(6)>, "Miller, Brian D. EOP/WHO" <b(6)>
Subject: Fwd: COR - Notice of Business Meeting 4-2-19

Daniel Epstein
Office of White House Counsel
EEOB No. 120B
b(6)
O: b(6) C: b(6)

This record is not identified as copy or for convenience of reference. As such it remains a segregable presidential record under 44 U.S.C. § 2201(2)(B)(iv). To the extent this email involves the requesting or submitting of advice, legal workproduct, or presidential communications, availability of this record is subject to any rights, defenses, or privileges which the United States or any agency or person may invoke pursuant to 44 U.S.C. § 2205(2) and further restricted pursuant to 44 U.S.C. § 2204(a)(5).

Begin forwarded message:

From: "Castor, Stephen" <Stephen.Castor@mail.house.gov>
Date: March 29, 2019 at 6:07:33 PM EDT
To: "Epstein, Dan" <b(6)>
Subject: Fwd: COR - Notice of Business Meeting 4-2-19

Kline subpoena on docket Tuesday.

Begin forwarded message:

From: Oversight Clerks <Oversight_Clerks@mail.house.gov>
Date: March 29, 2019 at 6:01:14 PM EDT
To: "Abreu, Randy" <Randy.Abreu@mail.house.gov>, "Adams, Kate" <Kate.Adams@mail.house.gov>, "Akhter, Naureen" <Naureen.Akhter@mail.house.gov>, "Alexis, Matt" <Matt.Alexis@mail.house.gov>, "Alvarez, Jazmin" <Jazmin.Alvarez@mail.house.gov>, "Anderson, Ryan" <Ryan.Anderson1@mail.house.gov>, "Animley, Kingsley"

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<Kingsley.Animley@mail.house.gov>, "Arnold Marr, Betsy" <betsyarnoldmarr@mail.house.gov>, "Badu-Nimako, Yvette" <Yvette.Badu-Nimako@mail.house.gov>, "Baldwin, Wilson" <Wilson.Baldwin@mail.house.gov>, "Balser, Jimmy" <Jimmy.Balser@mail.house.gov>, "Baskin, Steven" <Steven.Baskin@mail.house.gov>, "Bell, Jennifer" <Jennifer.Bell2@mail.house.gov>, "Bonthius, Daniel" <Daniel.Bonthius@mail.house.gov>, "Bovair, Caroline" <Caroline.Bovair@mail.house.gov>, "Burns, Emily" <Emily.Burns@mail.house.gov>, "Butler, Robin" <Robin.Butler@mail.house.gov>, "Canchola, Aissa" <Aissa.Canchola@mail.house.gov>, "Caron, Hillary" <Hillary.Caron@mail.house.gov>, "Carroll, Chris" <CCarol@mail.house.gov>, "Chakrabarti, Saikat" <Saikat.Chakrabarti@mail.house.gov>, "Coburn, Try" <Try.Coburn@mail.house.gov>, "Commins, Zac" <Zac.Commins@mail.house.gov>, "Connolly, Josh" <Josh.Connolly@mail.house.gov>, "Covington, Lauren" <Lauren.Covington@mail.house.gov>, "Cravins, Yvette" <Yvette.Cravins@mail.house.gov>, "Crerand, Emily" <Emily.Crerand@mail.house.gov>, "Crisp, Timia" <Timia.Crisp@mail.house.gov>, "Damron, David" <David.Damron@mail.house.gov>, "Davenport, Collin" <Collin.Davenport@mail.house.gov>, "Doney, Lauren" <Lauren.Doney@mail.house.gov>, "Eckblad, Ariel" <Ariel.Eckblad@mail.house.gov>, "Eichar, Andy" <Andy.Eichar@mail.house.gov>, "Engelhardt, Steven" <Steven.Engelhardt@mail.house.gov>, "Etka, Patrick" <Patrick.Etka@mail.house.gov>, "Fernandez, Bruce" <Bruce.Fernandez@mail.house.gov>, "Fishman, Molly" <Molly.Fishman@mail.house.gov>, "Foster, Olivia" <Olivia.Foster@mail.house.gov>, "Fox, Kevin" <kevin.fox@mail.house.gov>, "Galisewski, Ryan" <Ryan.Galisewski@mail.house.gov>, "Gelman, Peter" <Peter.Gelman@mail.house.gov>, "Groh, Sarah" <Sarah.Groh@mail.house.gov>, "Guerrero, Bertha" <Bertha.Guerrero@mail.house.gov>, "Hamilton, Kate" <Kate.Hamilton@mail.house.gov>, "Hammon, Beth" <Beth.Hammon@mail.house.gov>, "Harris, Eric" <Eric.Harris@mail.house.gov>, "Hedgepeth, Ryan (MI14)" <Ryan.Hedgepeth@mail.house.gov>, "Helder, Zach" <Zach.Helder@mail.house.gov>, "Holbrook, Trent" <Trent.Holbrook@mail.house.gov>, "Hollingshead, Megan" <Megan.Hollingshead@mail.house.gov>, "Idelson, Holly" <Holly.Idelson@mail.house.gov>, "Iger, Michael" <Michael.Iger@mail.house.gov>, "Jabbar, Angeline" <Angeline.jabbar@mail.house.gov>, "Jackson, Brandi" <Brandi.Jackson@mail.house.gov>, "Jackson, Sarah" <Sarah.Jackson@mail.house.gov>, "Jacobs, Daniel" <Daniel.Jacobs@mail.house.gov>, "Johnson, Candace" <Candace.Johnson@mail.house.gov>, "Julius, Nicole (Congresswoman Brenda Lawrence - MI14)" <Nicole.Julius@mail.house.gov>, "Kahn, Rebecca" <Rebecca.Kahn@mail.house.gov>, "Kaissi, Brian" <Brian.Kaissi@mail.house.gov>, "Keeys, Mia" <Mia.Keeys@mail.house.gov>, "Kelly, Graham" <Graham.Kelly@mail.house.gov>, "King, Kassie" <Kassie.King@mail.house.gov>, "Krovi, Varun" <Varun.Krovi@mail.house.gov>, "Lam, Kristine" <Kristine.Lam@mail.house.gov>, "LaNier, Elisa" <Elisa.LaNier@mail.house.gov>, "Legrand-Wittich, Anika" <Anika.Legrand-Wittich@mail.house.gov>, "Lewis, James" <James.Lewis@mail.house.gov>, "Long, Karyn" <Karyn.Long@mail.house.gov>, "Lovinger, Dvora" <Dvora.Lovinger@mail.house.gov>, "Lumia, Jason" <Jason.Lumia@mail.house.gov>, "Maaiki, Sara" <Sara.Maaiki@mail.house.gov>, "Malone, Eboni" <Eboni.Malone@mail.house.gov>, "Manzer, Tracy" <Tracy.Manzer@mail.house.gov>, "Martirosyan, Maria" <Maria.Martirosyan@mail.house.gov>, "McCampbell, Denzel" <Denzel.McCampbell@mail.house.gov>, "Mckelvey, Will" <Will.Mckelvey@mail.house.gov>, "McQuerry, Mike" <Mike.McQuerry2@mail.house.gov>, "Morris, Alexandra" <Alexandra.Morris@mail.house.gov>, "Moura, Kelly" <Kelly.Moura@mail.house.gov>, "Myers, Lewis" <Lewis.Myers@mail.house.gov>, "Mylott, Lauren" <Lauren.Mylott@mail.house.gov>, "Nayowith, Hannah" <Hannah.Nayowith@mail.house.gov>, "Negatu, Samuel" <Samuel.Negatu@mail.house.gov>, "Noh, Andrew" <Noh@mail.house.gov>, "Nowill, Jeffrey" <Jeffrey.Nowill@mail.house.gov>, "O'Mara, Raymond" <Raymond.O'Mara@mail.house.gov>, "Ostro, Zachary" <Zachary.Ostro@mail.house.gov>, "Parisi, Christina" <Christina.Parisi@mail.house.gov>, "Pough, Tracie" <Tracie.Pough@mail.house.gov>, "Powell, Erica" <Erica.Powell@mail.house.gov>, "Presta, Tony" <Tony.Presta@mail.house.gov>, "Preston, Emma" <Emma.Preston@mail.house.gov>, "Prince, Erik" <Erik.Prince@mail.house.gov>, "Purcell, Heather" <Heather.Purcell@mail.house.gov>, "Quigley, Lisa" <lisa.quigley@mail.house.gov>, "Reeder, Raven" <raven.reeder@mail.house.gov>, "Reynoso, Klarissa" <Klarissa.Reynoso@mail.house.gov>, "Riffle, Dan" <Dan.Riffle@mail.house.gov>, "Rios, Diana" <Diana.Rios@mail.house.gov>, "Roberts, Riley" <Riley.Roberts@mail.house.gov>, "Roberts, William" <William.Roberts@mail.house.gov>, "Rogan, Bob" <Bob.Rogan@mail.house.gov>, "Rosenzweig, Olivia" <Olivia.Rosenzweig@mail.house.gov>, "Rush, Laura" <Laura.Rush@mail.house.gov>, "Ryan, Kevin" <Kevin.Ryan@mail.house.gov>, "Saba, Geo" <Geo.Saba@mail.house.gov>, "Satalin, Patrick" <Patrick.Satalin@mail.house.gov>, "Schauerte, Mark" <Mark.Schauerte@mail.house.gov>, "Schloesser, Chris" <Chris.Schloesser@mail.house.gov>, "Shalia, Amol" <Amol.Shalia@mail.house.gov>, "Simms, Vernon"

AMERICAN OVERSIGHT

<Vernon.Simms@mail.house.gov>, "Smith, Jamie" <Jamie.Smith@mail.house.gov>, "Sorensen, Rachel" <Rachel.Sorensen@mail.house.gov>, "Sperling, Erik" <Erik.Sperling@mail.house.gov>, "Spiro, Pete" <Pete.Spiro@mail.house.gov>, "Steinberger, Ben" <Ben.Steinberger@mail.house.gov>, "Tagen, Julie" <Julie.Tagen@mail.house.gov>, "Tarpey, Molly Rose" <MollyRose.Tarpey@mail.house.gov>, "Thomas, Tiana" <Tiana.Thomas@mail.house.gov>, "Trent, Corbin" <Brian.Trent@mail.house.gov>, "Truding, Bradley" <bradley.truding@mail.house.gov>, "Tulloch, Rebecca" <Rebecca.Tulloch@mail.house.gov>, "VanNess, Ethan" <Ethan.VanNess@mail.house.gov>, "Viggiano, Michael" <Michael.Viggiano@mail.house.gov>, "Walkinshaw, James" <James.Walkinshaw@mail.house.gov>, "Wallace, Lynese" <Lynese.Wallace@mail.house.gov>, "Wang, Jacquelyn" <Jacquelyn.Wang@mail.house.gov>, "Warren, Dominique" <Dominique.Warren@mail.house.gov>, "Waskow, Jean" <Jean.Waskow@mail.house.gov>, "Watts, Lona" <Lona.Watts@mail.house.gov>, "Webb, Brandon" <Brandon.Webb@mail.house.gov>, "Weber, Zachary" <Zachary.Weber@mail.house.gov>, "Whitcomb, Max" <Max.Whitcomb@mail.house.gov>, "Wolfe, Jordan" <Jordan.Wolfe@mail.house.gov>, "Yingst, Bambi" <Bambi.Yingst@mail.house.gov>, "Zucker, Joshua" <Joshua.Zucker@mail.house.gov>, "Andrade, Edwina" <Edwina.Andrade@mail.house.gov>, "Artz, Cyrus" <Cyrus.Artz@mail.house.gov>, "Baker, Samantha" <Samantha.Baker@mail.house.gov>, "Billman, Lauren" <Lauren.Billman@mail.house.gov>, "Blair, Alex" <Alex.Blair@mail.house.gov>, "Bowling, Michelle" <Michelle.Bowling@mail.house.gov>, "Briggs, Alex" <Alex.Briggs@mail.house.gov>, "Brown, Melissa" <Melissa.Brown@mail.house.gov>, "Buckham, Megan" <Megan.Buckham@mail.house.gov>, "Burke, Rory" <Rory.Burke@mail.house.gov>, "Butler, Courtney" <Courtney.Butler@mail.house.gov>, "Cash, Caroline" <Caroline.Cash@mail.house.gov>, "Cirenza, Gabrielle" <Gabrielle.Cirenza@mail.house.gov>, "Cormier, Ward" <Ward.Cormier@mail.house.gov>, "Cranston, Seana" <Seana.Cranston@mail.house.gov>, "Croft, Ryan" <Ryan.Croft@mail.house.gov>, "Cruickshanks, Brian" <Brian.Cruickshanks@mail.house.gov>, "Darby, Reginald" <Reginald.Darby@mail.house.gov>, "David, Andrew" <Andrew.David@mail.house.gov>, "Dilley, Jared" <Jared.Dilley@mail.house.gov>, "Donachie, Robert" <Robert.Donachie@mail.house.gov>, "Donnellan, Matthew" <Matthew.Donnellan@mail.house.gov>, "Doocy, Mary" <Mary.Doocy@mail.house.gov>, "Eichinger, Kevin" <Kevin.Eichinger@mail.house.gov>, "Facchiano, Kathee" <Kathee.Facchiano@mail.house.gov>, "Ferland, John" <John.Ferland@mail.house.gov>, "Fike, Hugh" <Hugh.Fike@mail.house.gov>, "Fitzpatrick, Casey" <Casey.Fitzpatrick@mail.house.gov>, "Ford, Taylor" <Taylor.Ford@mail.house.gov>, "Foti, Leslie" <Leslie.Foti@mail.house.gov>, "Fury, Ian" <Ian.Fury@mail.house.gov>, "Gerber, Dallas" <Dallas.Gerber@mail.house.gov>, "Goldenstein, Jim" <Jim.Goldenstein@mail.house.gov>, "Gossum, Michael" <Michael.Gossum@mail.house.gov>, "Grawien, Chris" <Chris.Grawien@mail.house.gov>, "Greene, Emily" <Emily.Greene@mail.house.gov>, "Gumina, Grace" <Grace.Gumina@mail.house.gov>, "Hailstone, Mitchell" <Mitchell.Hailstone@mail.house.gov>, "Hancock, Sabrina" <Sabrina.Hancock@mail.house.gov>, "Harrell, Maggie" <Maggie.Harrell@mail.house.gov>, "Helms, Emily" <Emily.Helms@mail.house.gov>, "Higgins, Schedule" <Schedule.Higgins@mail.house.gov>, "Hilkin, Jake" <Jake.Hilkin@mail.house.gov>, "Iodice, Carolyn" <Carolyn.Iodice@mail.house.gov>, "Kinner, Emily \"Mily\"" <Emily.Kinner@mail.house.gov>, "Kronzer, Jay" <Jay.Kronzer@mail.house.gov>, "Leighton, Rosalyn" <Roz.Leighton@mail.house.gov>, "Lington, Laura" <Laura.Lington@mail.house.gov>, "Louis-Charles, Nadgey" <Nadgey.Louis-Charles@mail.house.gov>, "Magary, Adam" <Adam.Magary2@mail.house.gov>, "Middleton, Carson" <Carson.Middleton@mail.house.gov>, "Miller, Joseph Wade" <Joseph.Miller2@mail.house.gov>, "Miller, KellyJ" <KellyJ.Miller@mail.house.gov>, "Moran, Tom" <Tom.Moran@mail.house.gov>, "Nail, Sarah-Hope" <Sarah-Hope.Nail@mail.house.gov>, "Nelson, Poppy" <Poppy.Nelson@mail.house.gov>, "Nepola, Ali" <Ali.Nepola@mail.house.gov>, "O'Grady, Patrick" <Patrick.O'Grady@mail.house.gov>, "Peoples, Amber" <Amber.Peoples@mail.house.gov>, "Peterson, Elly" <Elly.Peterson@mail.house.gov>, "Pic, Jordan" <Jordan.Pic@mail.house.gov>, "Piland, Mark" <Mark.Piland@mail.house.gov>, "Proferes, Jerrica" <Jerrica.Proferes@mail.house.gov>, "Rascher, Mallory" <Mallory.Rascher@mail.house.gov>, "Reitz, Tim" <Tim.Reitz@mail.house.gov>, "Siao, Stephen" <Stephen.Siao@mail.house.gov>, "Smith, Robby" <Robby.Smith@mail.house.gov>, "Sours, David" <David.Sours@mail.house.gov>, "Specht, Brittan" <Brittan.Specht@mail.house.gov>, "Summers, Emma" <Emma.Summers@mail.house.gov>, "Svoboda, Timothy" <Timothy.Svoboda@mail.house.gov>, "Tamayo, Justin" <Justin.Tamayo@mail.house.gov>, "Teska, Rebecca" <Rebecca.Teska@mail.house.gov>, "Tortorici, Nicholas" <Nicholas.Tortorici@mail.house.gov>, "Van Flein, Tom" <Tom.VanFlein@mail.house.gov>, "Van Mersbergen, Rachael" <Rachael.VanMersbergen@mail.house.gov>, "VerVelde, Brandon" <Brandon.VerVelde@mail.house.gov>, "VerVelde, Rachel" <Rachel.VerVelde@mail.house.gov>, "Werner, Sara" <Sara.Werner@mail.house.gov>, "White, Logan" <Logan.White1@mail.house.gov>, "White, Logan" <Logan.White2@mail.house.gov>, "Williamson, Ben"

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<Ben.Williamson@mail.house.gov>, "Wolfe, Kaity" <Kaity.Wolfe@mail.house.gov>, "Wolfgram, Kelsey" <Kelsey.Wolfgram@mail.house.gov>, "Yelinski, Chad" <Chad.Yelinski@mail.house.gov>, "Atchison, Darryl" <Darryl.Atchison@mail.house.gov>, "Bieret, Stefan" <Stefan.Bieret@mail.house.gov>, "Cassidy, Tom" <Tom.Cassidy@mail.house.gov>, "Cox, William" <William.Cox@mail.house.gov>, "Dahl, Ryan" <Ryan.Dahl@mail.house.gov>, "Digest, Committee" <Committee.Digest@mail.house.gov>, "Digest, Committee" <Committee.Digest@mail.house.gov>, "Ebner, Casey" <Casey.Ebner@mail.house.gov>, "Fitzpatrick, Robert" <Robert.Fitzpatrick@mail.house.gov>, "Gonzalez, Elizabeth" <Elizabeth.Gonzalez@mail.house.gov>, "Hall, Dan" <Dan.Hall@mail.house.gov>, "Rager, Jessica" <Jessica.Rager@mail.house.gov>, "Schmitt, Regina" <Regina.Schmitt@mail.house.gov>, "Sensenbrenner, Bob" <bob.sensenbrenner@mail.house.gov>, "Walker, Sally" <Sally.Walker@mail.house.gov>

Cc: COR All Democratic Staff <COR_AllDemocraticStaff@Housemail.house.gov>, OGRR All Staff <OGRRAllStaff@housemail.house.gov>

Subject: COR - Notice of Business Meeting 4-2-19

Full Committee Business Meeting Notice
March 29, 2019

TO: Members
Committee on Oversight and Reform

FROM: Elijah E. Cummings
Chairman

SUBJECT: Full Committee Business Meeting

DATE: Tuesday, April 2, 2019

TIME: 10:00 a.m.

PLACE: 2154 Rayburn HOB

The Committee will consider the following:

A Resolution Offered by Chairman Elijah E. Cummings Authorizing Issuance of Subpoena Related to Security Clearances.

A Resolution Offered by Chairman Elijah E. Cummings Authorizing Issuance of Subpoenas Related to the 2020 Census.

Laura L. Rush
Deputy Chief Clerk/Security Manager
Committee on Oversight and Reform
U.S. House of Representatives
Room 2157 Rayburn HOB
Washington, D.C. 20515
202-593-9663

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ELIJAH E. CUMMINGS, MARYLAND
CHAIRMAN

ONE HUNDRED SIXTEENTH CONGRESS

JIM JORDAN, OHIO
RANKING MINORITY MEMBER

Congress of the United States
House of Representatives
COMMITTEE ON OVERSIGHT AND REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143
MAJORITY (202) 225-5051
MINORITY (202) 225-5074
http://oversight.house.gov

Full Committee Business Meeting Notice

March 29, 2019

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Committee on Oversight and Reform

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Chairman

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ELIJAH E. CUMMINGS, MARYLAND
CHAIRMAN

ONE HUNDRED SIXTEENTH CONGRESS

JIM JORDAN, OHIO
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

Majority (202) 225-5051
Minority (202) 225-5074

http://oversight.house.gov

MEMORANDUM

March 29, 2019

To: Committee Members

Fr: Majority Staff

Re: Committee Business Meeting on April 2, 2019

On **Tuesday, April 2, 2019, at 10:00 am, in room 2154 of the Rayburn House Office Building**, the Committee will hold a business meeting to mark up:

A resolution offered by Chairman Elijah E. Cummings authorizing the Chairman to issue subpoenas to Principal Deputy Assistant Attorney General John Gore to testify, and Attorney General William P. Barr and Secretary of Commerce Wilbur L. Ross, Jr. for records, in connection with the Committee's investigation into the addition of a citizenship question to the 2020 Census.

A resolution offered by Chairman Elijah E. Cummings authorizing the Chairman to subpoena former White House Personnel Security Director Carl Kline to testify in connection with the Committee's investigation into the security clearance process at the White House.

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Committee on Oversight and Reform
116th Congress

A Resolution

Offered by Chairman Elijah E. Cummings

Authorizing Issuance of Subpoenas Related to the 2020 Census

Resolved, that upon the adoption of this resolution, the Chairman of the Committee on Oversight and Reform is authorized to subpoena Principal Deputy Assistant Attorney General John Gore for testimony in connection with the Committee's investigation into the addition of a citizenship question to the 2020 Census;

Further resolved, that upon the adoption of this resolution, the Chairman of the Committee on Oversight and Reform is authorized to subpoena Attorney General William P. Barr for all records described below:

1. Memorandum and note from James Uthmeier to John Gore in Fall 2017.

2. All documents and communications from January 20, 2017, through December 12, 2017, within the Department of Justice and with outside entities regarding the request to add a citizenship question to the census, including but not limited to the White House, the Commerce Department, the Republican National Committee, the Trump Campaign, or Members of Congress.

Further resolved, that upon the adoption of this resolution, the Chairman of the Committee on Oversight and Reform is authorized to subpoena Secretary of Commerce Wilbur L. Ross, Jr. for all records described below:

1. Unredacted copies of the following documents, including all emails in each email chain, and all attachments:

    a. Memorandum and note from James Uthmeier to John Gore in Fall 2017;

    b. May 2, 2017, email from Earl Comstock to Wilbur Ross, cc: Ellen Herbst, subject: "Re: Census;"

    c. May 2, 2017, email from Wilbur Ross to Wendy Teramoto, subject: "Re: Census;"

    d. August 8, 2017, 7:44:29 p.m., email from Wilbur Ross to Earl Comstock, subject: "Re: [redacted];"

    e. August 10, 2017, email from Wilbur Ross to Earl Comstock, subject: "Re: Census Matter;"

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f. August 11, 2017, email from Earl Comstock to Wilbur Ross, cc: Wendy Teramoto, subject: "Memo on Census Question" (with attachment: "Census Memo Draft2 Aug 11 2017.docx");

g. September 1, 2017, email from Wilbur Ross to Earl Comstock, cc: Wendy Teramoto, subject: "Re: [redacted];"

h. September 1, 2017, email from Earl Comstock to Wilbur Ross, cc: Wendy Teramoto, subject: "Re: ITA Request for [redacted];"

i. September 7, 2017, email from James Uthmeier to Earl Comstock, cc: Peter Davidson, subject: "RE: Census Matter Follow-Up;"

j. December 20, 2017, email from John Zadrozny to James Uthmeier, subject: "RE: Census Question Request;" and

k. February 26, 2018, email from James Uthmeier to Michael Walsh, subject: "Re: Memos."

2. All communications from January 20, 2017, through December 12, 2017, between or among officials from the Department of Commerce, the Census Bureau, and any other office or entity inside or outside of the government regarding the addition of a citizenship question.

This resolution is adopted pursuant to Rule 12 and Rule 15 of the Committee on Oversight and Reform, and clause 4(c) of Rule X and clause 2(m) of Rule XI of the U.S. House of Representatives.

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Committee on Oversight and Reform
116th Congress

A Resolution

Offered by Chairman Elijah E. Cummings

Authorizing Issuance of Subpoena Related to Security Clearances

Resolved, that upon the adoption of this resolution, the Chairman of the Committee on Oversight and Reform is authorized to subpoena the former White House Personnel Security Director Carl Kline to testify in connection with the Committee's investigation into the security clearance process at the White House.

This resolution is adopted pursuant to Rules 12 and 15 of the Committee on Oversight and Reform and clause 4(c) of Rule X and clause 2(m) of Rule XI of the U.S. House of Representatives.

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From: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Sent: 4/1/2019 6:46:20 PM
To: Sue Bai [b(6)]
Subject: Draft Response
Attachments: DRAFT 2019.04.01 LTR to Cummings.docx

PRIVILEGED | CONFIDENTIAL | DELIBERATIVE | DRAFT | PRE-DECISIONAL

Sue,

b(5) - DP/AC Thank you.

--
David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(6)

AMERICAN OVERSIGHT

b(5) - AC/AWP/DP

AMERICAN OVERSIGHT

b(5) - AC/AWP/DP

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From: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Sent: 4/17/2019 11:25:17 AM
To: Sue Bai [b(6)]
Subject: Draft Response EML
Attachments: FW: Committee on Oversight and Reform Follow Up

PRIVILEGED | PRE-DECISIONAL & DELIBERATIVE | CONFIDENTIAL

Sue,

b(5) - AC/AWP/DP

AMERICAN OVERSIGHT

--

David Dewhirst
Senior Counsel to the General Counsel
U.S. Department of Commerce
ddewhirst@doc.gov
c. b(5) - AC

AMERICAN OVERSIGHT

From: Branson, Ross (Federal) [RBranson@doc.gov]
Sent: 4/17/2019 10:01:47 AM
To: Platt, Mike (Federal) [MPlatt@doc.gov]; Rathburn, Kolo (Federal) [CRathburn@doc.gov]
CC: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Subject: FW: Committee on Oversight and Reform Follow Up

From: Anderson, Tori <Tori.Anderson@mail.house.gov>
Sent: Wednesday, April 17, 2019 9:51 AM
To: Branson, Ross (Federal) <RBranson@doc.gov>
Cc: Anello, Russell <Russell.Anello@mail.house.gov>
Subject: RE: Committee on Oversight and Reform Follow Up

Hi Ross,

The Committee did not receive any production or communication from the Department of Commerce yesterday. As you know, the deadline for production of unredacted documents required by the Committee's bipartisan subpoena was yesterday, April 16, 2019 at 12 p.m. Please advise on when the Department will comply and produce these documents.

Best,

Tori

From: Anderson, Tori
Sent: Thursday, April 11, 2019 5:35 PM
To: 'Branson, Ross (Federal)' <RBranson@doc.gov>
Cc: Anello, Russell <Russell.Anello@mail.house.gov>
Subject: Committee on Oversight and Reform Follow Up

Hi Ross,

As you know, the deadline for compliance with the Committee's subpoena is Tuesday, April 16. We look forward to receiving the documents covered by the subpoena on that date.

In addition, we requested transcribed interviews with Earl Comstock, Peter Davidson, and James Uthmeier on March 20, 2019. We would like to discuss whether the Department will make them available.

Also, we received the Department's document production today in response to our February 8, 2019, request related to Secretary Ross's financial conflicts of interest. As you know, the request was originally due on February 22, but after a request from Secretary Ross, Chairman Cummings agreed to allow the Department to produce documents after the Secretary's March 14 testimony.

On March 15, the Department produced a set of documents that were already public. Today's production, unfortunately, also consisted mainly of publicly available documents. Although some emails were produced, many were missing their attachments. As a result, most of the documents we have requested in February have still not been produced. Your letter suggests you do not plan to produce any additional documents for nearly another month.

We would like to discuss the production schedule for this request and the other issues outlined in this email tomorrow afternoon. Is there a time that would work for you?

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Best,

Tori

Counsel
House Committee on Oversight and Reform
Democratic Staff | Chairman Elijah E. Cummings
(202) 225-5051

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From: Hull, Cordell (Federal) b(6) @doc.gov]
Sent: 6/3/2019 6:42:21 PM
To: Elizabeth Gorman - b(6)
CC: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Subject: Subpoena
Attachments: 2019-04-02 Subpoena Duces Tecum.pdf

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SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To The Honorable Wilbur L. Ross, Jr.
Secretary of Commerce

You are hereby commanded to be and appear before the

Committee on Oversight and Reform

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 2157 Rayburn House Office Building, Washington, D.C. 20515

Date: April 16, 2019 Time: 12:00 noon

☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date: Time:

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony:

Date: Time:

To any authorized staff member or the U.S. Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 2nd day of April, 2019.

b(6)

Chairman or Authorized Member

A b(6) b(6)

Clerk b(6)

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PROOF OF SERVICE

Subpoena for The Honorable Wilbur L. Ross, Jr.
Secretary of Commerce

Address U.S. Department of Commerce

1401 Constitution Ave N.W., Washington, D.C. 20230

before the Committee on Oversight and Reform

U.S. House of Representatives
116th Congress

Served by (print name) Chioma Chukwu

Title Senior Executive Counselor, Committee on Oversight & Reform

Manner of service Electronic mail

Date April 2, 2019

Signature of Server b(6)

Address 2157 b(6) Rayburn House Office Building
Washington, DC 20515

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SCHEDULE

In accordance with the attached schedule instructions, you, Wilbur L. Ross, Jr., are required to produce all records described below:

1. Unredacted copies of the following documents, including all emails in each email chain, and all attachments:

   a. Memorandum and note from James Uthmeier to John Gore in Fall 2017;

   b. May 2, 2017, email from Earl Comstock to Wilbur Ross, cc: Ellen Herbst, subject: "Re: Census;"

   c. May 2, 2017, email from Wilbur Ross to Wendy Teramoto, subject: "Re: Census;"

   d. August 8, 2017, 7:44:29 p.m., email from Wilbur Ross to Earl Comstock, subject: "Re: [redacted];"

   e. August 10, 2017, email from Wilbur Ross to Earl Comstock, subject: "Re: Census Matter;"

   f. August 11, 2017, email from Earl Comstock to Wilbur Ross, cc: Wendy Teramoto, subject: "Memo on Census Question" (with attachment: "Census Memo Draft2 Aug 11 2017.docx");

   g. September 1, 2017, email from Wilbur Ross to Earl Comstock, cc: Wendy Teramoto, subject: "Re: [redacted];"

   h. September 1, 2017, email from Earl Comstock to Wilbur Ross, cc: Wendy Teramoto, subject: "Re: ITA Request for [redacted];"

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   j. December 20, 2017, email from John Zadrozny to James Uthmeier, subject: "RE: Census Question Request;" and

   k. February 26, 2018, email from James Uthmeier to Michael Walsh, subject: "Re: Memos."

2. All communications from January 20, 2017, through December 12, 2017, between or among officials from the Department of Commerce, the Census Bureau, and any other office or entity inside or outside of the government regarding the addition of a citizenship question.

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Schedule Instructions

1. In complying with this subpoena, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Subpoenaed documents, and all documents reasonably related to the subpoenaed documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.

3. In the event that any entity, organization, or individual denoted in this subpoena is or has been known by any name other than that herein denoted, the subpoena shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.

5. Documents produced in electronic format should be organized, identified, and indexed electronically.

6. Electronic document productions should be prepared according to the following standards:

   a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   b. Document numbers in the load file should match document Bates numbers and TIF file names.

   c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

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INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

8. Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the subpoena was served.

9. When you produce documents, you should identify the paragraph(s) in the subpoena schedule to which the documents respond.

10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

11. The pendency of or potential for litigation shall not be a basis to withhold any information.

12. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

14. If compliance with the subpoena cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

16. In complying with the subpoena, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act

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or the Privacy Act; or any purported contractual privileges, such as non-disclosure agreements.

17. Any assertion by a subpoena recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

18. If any document responsive to this subpoena was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.

19. If a date or other descriptive detail set forth in this subpoena referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the subpoena, produce all documents that would be responsive as if the date or other descriptive detail were correct.

20. This subpoena is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

21. All documents shall be Bates-stamped sequentially and produced sequentially.

22. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.

23. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any

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type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual

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employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

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COMM-19-0772, 19-0891-A-000038

AO-1_19-cv-02814-00038

From: Hull, Cordell (Federal) [b(6)]@doc.gov]
Sent: 6/11/2019 11:02:08 PM
To: Sue Bai [b(6)]
CC: Dewhirst, David (Federal) [DDewhirst@doc.gov]
Subject: Fwd: Letter from the Secretary of Commerce
Attachments: [b(5) - DP/PCP] ATT00001.htm

Begin forwarded message:

From: "Hull, Cordell (Federal)" [b(6)]@doc.gov>
Date: June 11, 2019 at 7:35:04 PM EDT
To: "[Michael Purpura - b(6)]" <[b(6)]>, "Sue Bai [b(6)]" <[b(6)]>
Cc: "Walsh, Michael (Federal)" <MWalsh@doc.gov>, "Dewhirst, David (Federal)" <DDewhirst@doc.gov>
Subject: Letter from the Secretary of Commerce

CONFIDENTIAL

Mike and Sue:

Please see the attached from the Secretary of Commerce.

Cordell

Cordell A. Hull
Deputy General Counsel for Special Projects
U.S. Department of Commerce
[b(6)]
[b(6)]@doc.gov

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b(5) - AC/AWP/DP/PCP

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b(5) - AC/AWP/DP/PCP

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b(5) - AC/AWP/DP/PCP; (b)(6)

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From: Walsh, Michael (Federal) b(6)
b(6)
Sent: 7/10/2019 6:01:48 PM
To: Menashi, Steven J. EOP/WHO b(6)
Subject: RE: Email
Attachments: Chairman Johnson Admin.pdf

From: Menashi, Steven J. EOP/WHO <b(6)
Sent: Wednesday, July 10, 2019 5:26 PM
To: Walsh, Michael (Federal) b(6) @doc.gov>
Subject: Email

Thanks.

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UNITED STATES DEPARTMENT OF COMMERCE
The Secretary of Commerce
Washington, D.C. 20230

April 30, 2018

The Honorable Ron Johnson
Chairman, Committee on Homeland Security
and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for your letter seeking information about the U.S. Census Bureau's plans to use Federal, state, and local governmental administrative records databases and third-party data sources to help with the 2020 Census operations. I appreciate this opportunity to clarify the established and potential roles of administrative records and third-party data sources in the 2020 Census, and I apologize that this response has been so slow in coming. In the future, rest assured that you will receive a more prompt reply.

For the 2020 Census, "administrative records" and "third-party data" are terms used to describe micro data records contained in files collected and maintained by Federal, state, and local government agencies ("administrative records") and commercial entities ("third-party data") for administering programs and providing services. For many decades, the Census Bureau has successfully and securely used administrative records and third-party data for statistical purposes. The Census Bureau has used administrative records for decades to impute information for invalid, inconsistent, or missing responses. An example of prior administrative record use would be when respondents failed to indicate a response about race in the 2010 Census, the Census Bureau attempted to impute a value from an earlier Census response. For the 2020 Census, the Census Bureau will expand this usage for other questions including age, sex, relationship, and tenure (owner/renter).

Specifically, Federal and state administrative records have played a vital role in critical Census Bureau programs including prior decennial censuses, the Economic Census, and the Longitudinal Employer-Household Dynamics Program. The Census Bureau has used third-party data sources to identify vacant or non-existing households, and to identify the best time to contact households in the Non-Response Follow-up (NRFU) operation and will continue to do so in 2020. The Census Bureau has not used and will not use third-party data sources to enumerate[1] households that do not self-respond to the census or to impute[2] occupied housing units with characteristics.

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[1] "Enumeration" is the actual count of the people living in each household.
[2] "Imputation" is a statistical method that the Census Bureau uses for filling in missing data for a particular household, based on a partial set of data the household provides in combination with data the Census Bureau has on that household, including past census and survey responses, as well as other Federal and state administrative records.

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The Census Bureau started exploring the possibility of using administrative records and third-party data more extensively than in prior censuses earlier this decade. Specifically, the Census Bureau's goal was to use information people have already provided to government agencies and commercial providers in order to improve the accuracy and efficiency of the 2020 Census by reducing errors and expensive in-person follow-up activities. Beginning with public opinion research in 2012, through national census tests, and culminating with field tests in 2013, 2014, and 2015, the Census Bureau researched and tested the potential use of administrative records and third-party data in several key areas. These included using administrative records and third-party data to enhance the residential address list, develop contact strategies, identify vacant housing units, reduce the NRFU workload, and improve the overall address and person matching rates. For each proposed use, the Census Bureau also conducted extensive analysis to understand the quality and reliability of the administrative records and third-party data.

For the 2020 Census, the Census Bureau intends to use administrative records from both internal sources, such as data from prior decennial censuses and the American Community Survey, and from a range of other Federal agencies, including the Internal Revenue Service (IRS), the Social Security Administration, the Centers for Medicare and Medicaid Services, the Department of Housing and Urban Development, the Indian Health Service, the Selective Service, and the U.S. Postal Service. The Census Bureau is also working to acquire state government administrative records from enrollment in Federal block grant programs, such as the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children. Finally, the Census Bureau is also utilizing commercial third-party data from organizations such as CoreLogic and the Veterans Service Group of Illinois.

It is important to note that when the Census Bureau collects and uses Federal and state administrative records and third-party data, that information is protected by the confidentiality provisions of Section 9 of Title 13 of the U.S. Code. Title 13's protections apply in addition to any other statutory protections or policy requirements imposed by the record or data provider. Section 9 of Title 13 is the same provision that protects the confidentiality of responses to the decennial census. Every Census Bureau employee swears a lifetime oath to protect these data from unauthorized disclosure. Census employees could go to jail or be fined up to $250,000 if they violate that oath, and to my knowledge the oath has never been violated.

Throughout the decade, the Census Bureau continuously conducted analyses and assessments to verify that the proposed uses of administrative records and third-party data sources in the 2020 Census were appropriate in each instance. Based on this research, testing, and analyses, the Census Bureau announced its plans in November 2015 to utilize administrative records and third-party data in the 2020 Census. The 2020 Census Operational Plan calls for employing this information for the following purposes:

1. Consistent with previous decennial censuses, the Census Bureau will utilize administrative records from federal and state government agencies and third-party data to refine contact strategies and build and update the residential address list.

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2. Also consistent with previous decennial censuses, the Census Bureau will utilize federal and state administrative records to edit or impute invalid, inconsistent, or missing responses.

3. The new use of administrative records for the 2020 Census is to use data exclusively from federal administrative records to improve the accuracy and efficiency of NRFU operations by:

    a. removing vacant housing units and nonresidential addresses from the NRFU workload.

    b. enumerating households that do not self-respond and whom we were unable to contact after six mailings and one in-person field visit.

For each of the purposes listed in items 2, 3a and 3b, the Census Bureau uses or plans to use administrative data only when it can confirm empirically across multiple sources that the data are consistent, of high quality, and can be accurately applied to the addresses and households in question. The Census Bureau plans to enumerate households utilizing administrative records only from Federal government agencies, such as the Internal Revenue Service. Each of the nonresponding addresses will be evaluated under a strict set of Census Bureau rules throughout the process to ensure completeness and accuracy. One type of household that could be enumerated using Federal administrative records is a household with an elderly couple who have lived at the same address for many years, who file their taxes regularly, and who have signed up for Medicare.

However, before Federal administrative records will be used to enumerate, based on the current operational plan, each of the nonresponding households will have received multiple communications consisting of six mailings, including a paper questionnaire on the fourth mailing, and an in-person visit. If the enumerator is unable to make contact with a resident, the enumerator will leave a notice on the door encouraging the household to self-respond. For households that do not respond to the enumerator, the Census Bureau plans to use Federal administrative records to enumerate a portion of those households in a well-defined set of circumstances when multiple contacts, including a visit, have not resulted in a completed questionnaire and where the Census Bureau is confident that administrative records are reliable.

Based on the research and tests conducted, the Census Bureau estimates that under the current operational plan Federal administrative records will be used to enumerate up to 6.5 million households of the projected total of approximately 60 million addresses that are expected to be the NRFU workload for the 2020 Census. These 6.5 million households represent less than five percent of the approximately 145 million addresses in the Census master address file.

Where the Census Bureau does not have confidence in the data, such as when the data are inconsistent or missing in the Federal administrative records, the household will remain in the NRFU workload. For these households, additional in-person follow-up contact attempts will

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occur, including potentially contacting neighbors to conduct a proxy interview as a last resort. In fact, the Census Bureau is anticipating that it will not be able to use Federal administrative records to enumerate most households that are considered traditionally undercounted, and that these households will be enumerated through the NRFU operation. To ensure the success of the NRFU operation, the Census Bureau intends to support this operation through the Integrated Partnerships and Communications Program to reach traditionally undercounted populations through appropriate messaging and strategies to reach those households.

Finally, it is important to note that the Census Bureau continuously evaluates the accuracy and quality of its administrative records and third-party data. For instance, with respect to your question about the quality of death information contained in the Social Security Administration's "Numident" file, the Census Bureau has worked with the Numident file since the 1990s and has developed a comprehensive understanding of its value and limitations. These limitations are the basis for rigorous quality assurance checks and processes that will allow the Census Bureau to optimize and streamline the file for use in support of the 2020 Census. The Numident file is a repository of all Social Security Numbers (SSNs) and is used to corroborate the SSNs in census records and link them with administrative records datasets.[3] For the 2020 Census, the primary purpose of the Numident file is to facilitate matching between the census and other administrative records sources, and it will not be used as the sole source of information for enumeration purposes. The Numident file's age and sex information are of relative high quality and can be used to better match census records to other administrative records sources, such as Federal tax information and other Federal administrative records. The death information in the Numident file is of more limited value to the Census Bureau because this information will only serve as a flag that a person residing at a particular address *may* be deceased. The Census Bureau confirms whether a person is deceased through a field visit by Census Bureau staff, or, in some instances, by reviewing IRS records.

The Census Bureau will continue to refine its plans and conduct further analyses and assessments as part of the 2018 End-to-End Census Test to ensure that the proposed new methods for using administrative records will achieve the goals of (A) improving the accuracy and completeness of the census and (B) reducing the NRFU workload. In addition, the Census Bureau will use the two years remaining until the 2020 Census to further enhance its administrative record data sets, protocols, and statistical models to provide more complete and accurate information. This approach will maximize the Census Bureau's ability to match the decennial census responses with administrative records. Accordingly, at my direction the Census Bureau is working to obtain as many additional Federal and state administrative records as possible to provide more comprehensive information for the population.

I hope this overview of the Census Bureau's plans for using administrative records and third-party data sources is helpful. With this letter, I am providing a series of documents,

[3] In all cases the actual SSNs are masked to protect confidentiality by applying an anonymous Protected Identification Key (PIK). Given the Census Bureau does not collect SSNs as part of the decennial census, we use matching techniques to associate a PIK with the corresponding census record in order to link census records to administrative records datasets.

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including research findings and presentations concerning the accuracy and coverage of administrative records and evaluations of the proposed use of administrative records for the 2020 Census. These documents cover the first five items that you requested, and the Census Bureau will continue to collect additional responsive documents to provide to the Committee as soon as possible.

Thank you again for your letter. If you have additional questions, please do not hesitate to contact Michael Platt, Jr., Assistant Secretary for Legislative and Intergovernmental Affairs, at (202) 482-3663.

Sincerely,

b(6)

Wilbur Ross

Identical letter sent to: Representative Trey Gowdy, Chairman, House Committee on Oversight and Government Reform

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