



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044

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November 25, 2019

**By ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, New York 10007

Re: *State of New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF)

Dear Judge Furman:

On behalf of defendants we hereby notify the Court of the enclosed correspondence with the plaintiffs.

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

/s/James J. Gilligan  
JAMES J. GILLIGAN  
Special Litigation Counsel

United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, D.C. 20044

Telephone: (202) 514-3358  
Fax: (202) 616-8470  
E-mail: james.gilligan@usdoj.gov

*Counsel for Defendants*

Enclosure

cc: All Counsel of Record (by ECF)



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, DC 20044

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November 25, 2019

**BY EMAIL**

Matthew Colangelo  
New York State Office of the Attorney General  
28 Liberty Street, 15th Floor  
New York, NY 10005  
Matthew.Colangelo@ag.ny.gov

John A. Freedman  
Arnold & Porter Kaye Scholer LLP  
601 Massachusetts Avenue, N.W.  
Washington, DC 20001-3743  
John.Freedman@arnoldporter.com

Re: *State of New York v. U.S. Dep't of Commerce*, No. 18-cv-2921 (JMF)

Dear Counsel:

We are writing to notify you that the Department of Commerce recently identified a number of documents (17 emails and 9 associated attachments) from the files of Census Bureau employee Christa Jones that were inadvertently not produced in discovery in this matter. These documents were collected in the course of responding to discovery in this litigation, loaded into our document review platform, and reviewed at least in part. The fact that these documents may not have been produced only came to light last week when the Department of Commerce reviewed its files in response to Congressional requests for documents. The Department of Commerce immediately notified the Department of Justice, and attorneys from both Departments worked through the weekend and into today to confirm whether the documents were part of prior productions and, if not, prepare them for production.

The additional documents, along with an index and privilege log, are included herewith. As you will see, the documents are largely duplicative of documents that were previously produced or included on a privilege log and, moreover, do not contain any new information pertaining to the issues raised in the New York Immigration Coalition plaintiffs' recent surreply (ECF No. 665).

- Five of the documents (Doc. Nos. 2, 4, 6, 9, and 10) are email chains, where most of the chain, except for the last one or two emails in the chain, were included in the Administrative Record or on the privilege log that accompanied that record (the relevant page numbers in the Administrative Record are indicated on the attached index).

- Two of the emails (Doc. Nos. 13 and 14) are nonsubstantive emails forwarding briefing memoranda that were included in identical form in the Administrative Record.
- Five of the emails (Doc. Nos. 3, 12, 15, 16, and 17) and five attachments (Doc. Nos. 3A, 12A, 15A, 16A, and 17A) are nonsubstantive emails forwarding earlier drafts of briefing memoranda that were included in their final, only slightly revised version in the Administrative Record. (Other attachments to these emails are not included herein because they have been previously produced.)
- Another document (Doc. No. 7) is an email forwarding without comment a document included in the Administrative Record.
- Three documents (Doc. Nos. 1, 8, and 11) are mostly privileged emails forwarding drafts of the Ross decision memorandum (Doc. Nos. 1A, 8A, and 11A), themselves also privileged.
- The final two documents, Docs. No. 5 & 5A, consist of an email chain and its attachment; most of the email chain, except the last two emails, was included in the Administrative Record. The attachment is a draft document covered by the deliberative process privilege.

Defendants' counsel are still investigating the cause of the error within the document review platform to determine whether any other documents were similarly inadvertently omitted from production. Please let us know if you have any questions.

Very truly yours,

/s/James J. Gilligan  
JAMES J. GILLIGAN  
Special Litigation Counsel

Enclosure

Document Index and Privilege Log

Doc. #	Page #	From	To	CC	Subject	Date	AR or discovery page number where earlier part of chain produced or where attachments produced, as applicable	Privilege	Privilege Comments
1	1	Michael Walsh	James Uthmeier		Fwd: draft for your review	3/26/2018		PII - Personal Privacy; DP - Deliberative Process	Deliberations regarding comments to the draft decision memo.
1A	2				DRAFT Census Decision Memo 3.25.18 cdj.docx (attachment to above)			AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
2	3	Christa Jones	Victoria Velkoff; Enrique Lamas; Ron Jarmin	Melissa Creech	Re: Suggested revision to explanatory language to accompany citizenship question	3/23/2018	Part of this chain is at AR 4135	AC - Attorney Client Privilege; WP - Work Product	Request for legal review and legal advice regarding proposed language for use on a census website
3	8	Christa Jones	Joe Semsar		Fwd: Directors: Groves	3/22/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663; Attach 2 Fmr Dir Ltrr.pdf same as COM DIS00015867	PII - Personal Privacy	
3A	9				Call Template - Groves.docx (attachment to above)			PII - Personal Privacy	
4	11	Christa Jones	Michael Walsh		Re: Administrative Record Updates	3/20/2018	Part of this chain is at AR 1858, 9327	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Deliberations with counsel regarding documents referenced in preceding email.
5	13	Christa Jones	Michael Walsh		Fw: Census Bureau Data Acquisition Discussions - Update	2/23/2018	Part of this chain is at AR 9352, AR 9447	PII - Personal Privacy; DP - Deliberative Process	Deliberations between USCIS and Census regarding the creation of a data sharing MOU.
5A	17				USCIS 6A NFE 2.21.18v1.docx (attachment to above)			DP - Deliberative Process	Draft data sharing MOU between USCIS and Census
6	18	Christa Jones	Peter Davidson		Fwd: Johnson edits	2/22/2018	Part of this chain is at AR 4647	N/A	
7	19	Christa Jones	Ron Jarmin		D	3/6/2018	Alt C vs Alt D Summary.docx same as AR 1304	N/A	
8	20	Michael Walsh	Christa Jones		draft for your review	3/25/2018		PII - Personal Privacy; DP - Deliberative Process	Deliberative discussion of draft decision memo.
8A	21				DRAFT Census Decision Memo 3.25.18.docx (attachment to above)			AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo

Document Index and Privilege Log

Doc. #	Page #	From	To	CC	Subject	Date	AR or discovery page number where earlier part of chain produced or where attachments produced, as applicable	Privilege	Privilege Comments
9	22	Ron Jarmin	Sahra Park-Su	Christa Jones	Fwd: Meeting request from Secretary Ross	3/14/2018	Part of this chain is at AR 8403	PII - Personal Privacy	
10	24	Ron Jarmin	Christa Jones		Re: Draft Email to Stakeholders	3/10/2018	Part of this chain is at AR 8464	N/A	
11	26	Michael Walsh	Christa Jones		Re: draft for your review	3/26/2018		DP - Deliberative Process	Deliberations regarding comments to the draft decision memo
11A	27				DRAFT Census Decision Memo 3.25.18 cdj.docx (attachment to above)			AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
12	28	Christa Jones	Michael Walsh	Sahra Park-Su	Deputy Director: Habermann	3/12/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663	N/A	
12A	29				Call Template - Habermann.docx (attachment to above)			PII - Personal Privacy	
13	31	Christa Jones	Sahra Park-Su	Michael Walsh	Associate Director: Jackson	3/12/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663; Call Template - Jackson.docx same as AR 12777	N/A	
14	32	Christa Jones	Sahra Park-Su	Michael Walsh	Directors: Chapman	3/12/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663; Call Template - Chapman.docx same as AR 12765	N/A	
15	33	Christa Jones	Sahra Park-Su	Michael Walsh	Directors: Murdock	3/12/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663; Attach 2 Frmr Dir Ltrr.pdf same as COM DIS00015867	N/A	
15A	34				Call Template - Murdock.docx (attachment to above)			PII - Personal Privacy	
16	36	Christa Jones	Kasey O'Connor; Sahra Park-Su	Michael Walsh	James Template	3/10/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663	N/A	
16A	37				Call Template - James.docx (attachment to above)			PII - Personal Privacy	
17	39	Christa Jones	Kasey O'Connor; Sahra Park-Su	Michael Walsh	Kitague Template	3/10/2018	Attach 1 DOJ Citizenship ltrr.pdf same as AR 663	N/A	
17A	40				Call Template - Kitague.docx (attachment to above)			PII - Personal Privacy	

**To:** Uthmeier, James (Federal)[JUthmeier@doc.gov]  
**From:** Walsh, Michael (Federal)  
**Sent:** Mon 3/26/2018 1:27:30 PM (UTC)  
**Subject:** Fwd: draft for your review  
DRAFT Census Decision Memo 3.25.18 cdj.docx  
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Christa Jones (CENSUS/ADEP FED)" <Christa.D.Jones@census.gov>  
**Date:** March 26, 2018 at 9:21:30 AM EDT  
**To:** "Walsh, Michael (Federal)" <PII@doc.gov>  
**Subject:** Re: draft for your review

Response: Deliberative  
Deliberative

**From:** Walsh, Michael (Federal) <PII@doc.gov>  
**Sent:** Sunday, March 25, 2018 12:09:54 PM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** draft for your review

PRIVILEGED AND CONFIDENTIAL

PREDECISIONAL DRAFT

Attached is a draft of the decision memo. Deliberative  
Deliberative  
Deliberative thanks very much.

**Withheld as Privileged**

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Friday, March 23, 2018 2:15 PM  
**To:** Victoria Velkoff (CENSUS/ACSO FED); Enrique Lamas (CENSUS/ADDP FED); Ron S Jarmin (CENSUS/ADEP FED)  
**Cc:** Melissa L Creech (CENSUS/PCO FED)  
**Subject:** Re: Suggested revision to explanatory language to accompany citizenship question

---

**TITLE: Citizenship**

**Caption 1 (below graphic, column a): A question about a person's citizenship are used to create statistics about citizen and noncitizen population.**

These statistics are essential for agencies and policymakers setting and evaluating voting rights and immigration policies and laws, seeking to understand the experience of different immigrant groups, and for enforcing laws, policies, and regulations against discrimination.

**Caption 2 (column b): Citizenship Data Help Communities:**  
*Ensure Equal Opportunity*

Knowing how many people reside in the community, and how many of those people are citizens, in combination with information about their race and age, provides the statistical information that helps the government and communities enforce Section 2 of the Voting Rights Act and its protections against racial discrimination in voting.

*Understand Changes*

Knowing how many citizens and non-citizens in combination with information about race and age is of interest to researchers, advocacy groups, and policymakers.

###

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Wednesday, March 21, 2018 4:25:25 PM  
**To:** Victoria Velkoff (CENSUS/ACSO FED); Enrique Lamas (CENSUS/ADDP FED); Ron S Jarmin (CENSUS/ADEP FED)  
**Cc:** Melissa L Creech (CENSUS/PCO FED)  
**Subject:** Re: Suggested revision to explanatory language to accompany citizenship question

Per the discussion below, would we consider this our final draft for the explanation of the citizenship question?

---

**TITLE: "Citizenship**



**Caption 1 (below graphic, column a): "Questions about a person's citizenship are used to create data about citizens and noncitizen population.**

"These statistics are essential for agencies and policymakers setting and evaluating voting rights and immigration policies and laws, seeking to understand the experience of different immigrant groups, and for enforcing laws, policies, and regulations against discrimination.

**Caption 2 (column b): Citizenship Data Help Communities:**

*Ensure Equal Opportunity*

Knowing how many people reside in the community, and how many of those people are citizens, in combination with information about their race and age, provides the statistical information that helps the government and communities enforce Section 2 of the Voting Rights Act and its protections against racial discrimination in voting.

*Understand Changes*

Knowing the how many citizens and non-citizens in combination with information about race and age is of interest to researchers, advocacy groups, and policymakers.

###

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**From:** Victoria Velkoff (CENSUS/ACSO FED)

**Sent:** Tuesday, March 20, 2018 2:16 PM

**To:** Robinson, Barry (Federal)

**Cc:** O'Connor, Kasey (Federal); Walsh, Michael (Federal); Kelley, Karen (Federal); Christa Jones (CENSUS/ADEP FED)

**Subject:** Re: Suggested revision to explanatory language to accompany citizenship question

Hi Barry

Thank you for the suggestion. I assume that is your legal opinion that you are providing. We will plan to use that sentence if we are asked to add the question. As you know, Census staff/managers are not legal experts on the voting rights act.

Thanks

Tori

**Victoria Velkoff**

Division Chief

American Community Survey Office

U.S. Census Bureau

Office 301.763.1372

[victoria.a.velkoff@census.gov](mailto:victoria.a.velkoff@census.gov)

[census.gov](https://www.census.gov)

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**From:** Robinson, Barry (Federal) <BRobinson@doc.gov>

**Sent:** Monday, March 19, 2018 10:38 AM

**To:** Victoria Velkoff (CENSUS/ACSO FED)

**Cc:** O'Connor, Kasey (Federal); Walsh, Michael (Federal); Kelley, Karen (Federal); Christa Jones (CENSUS/ADEP FED)

**Subject:** Suggested revision to explanatory language to accompany citizenship question

Good morning Victoria:

**ACP/AWP**

Thanks,  
Barry

**From:** Melissa L Creech (CENSUS/PCO FED) [<mailto:Melissa.L.Creech@census.gov>]

**Sent:** Friday, March 16, 2018 1:38 PM

**To:** Robinson, Barry (Federal) <[BRobinson@doc.gov](mailto:BRobinson@doc.gov)>

**Subject:** Fw: Draft - Pre-decisional

FYI.

Melissa L. Creech  
Deputy Chief Counsel

Office of the Chief Counsel for Economic Affairs  
U.S. Department of Commerce  
Telephone (301) 763-9844  
Facsimile (301) 763-6238

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**From:** Victoria Velkoff (CENSUS/ACSO FED)  
**Sent:** Friday, March 16, 2018 1:07 PM  
**To:** Melissa L Creech (CENSUS/PCO FED)  
**Cc:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** Re: Draft - Pre-decisional

Not sure how these data on the short form tell you much about the immigrant experience.

On Mar 16, 2018, at 12:51 PM, Melissa L Creech (CENSUS/PCO FED) <[Melissa.L.Creech@census.gov](mailto:Melissa.L.Creech@census.gov)> wrote:

Hi Christa:

Thanks for drafting.

I have no comments. Since ACSO are the SMEs on the data, they would need to weigh in on any data uses.

Thanks, Melissa

Melissa L. Creech  
Deputy Chief Counsel  
Office of the Chief Counsel for Economic Affairs  
U.S. Department of Commerce  
Telephone (301) 763-9844  
Facsimile (301) 763-6238

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Friday, March 16, 2018 11:57 AM  
**To:** Melissa L Creech (CENSUS/PCO FED)  
**Cc:** Victoria Velkoff (CENSUS/ACSO FED)  
**Subject:** Draft - Pre-decisional

Per our conversation, here is DRAFT TEXT for that page.

TITLE: "Citizenship

Caption 1 (below graphic, column a): "Questions about a person's citizenship are used to create data about citizens and noncitizen population.

"These statistics are essential for agencies and policymakers setting and evaluating voting rights and immigration policies and laws, seeking to understand the experience of different immigrant groups, and for enforcing laws, policies, and regulations against discrimination.

Caption 2 (column b): Citizenship Data Help Communities:

Ensure Equal Opportunity

Knowing how many people in the community are citizens in combination with information about race and age helps the government and communities enforce Section 2 of the Voting Rights Act and its protections against racial discrimination in voting.

Understand Changes

Knowing the how many citizens and non-citizens in combination with information about race and age is of interest to researchers, advocacy groups, and policymakers.

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**From:** Christa.D.Jones@census.gov  
**Sent:** Thursday, March 22, 2018 6:58 PM  
**To:** Joe Semsar  
**Subject:** Fwd: Directors: Groves  
**Attachments:** Attach 1 DOJ Citizenship lttr.pdf; ATT00001.htm; Attach 2 Fmr Dir Lttr.pdf; ATT00002.htm; Call Template - Groves.docx; ATT00003.htm

Begin forwarded message:

**From:** "Christa Jones (CENSUS/ADEP FED)" <[Christa.D.Jones@census.gov](mailto:Christa.D.Jones@census.gov)>  
**Date:** March 12, 2018 at 9:00:08 PM EDT  
**To:** Sahra Park-Su <[spark-su@doc.gov](mailto:spark-su@doc.gov)>  
**Cc:** Michael Walsh <[PII@doc.gov](mailto:PII@doc.gov)>  
**Subject: Directors: Groves**

Bob Groves.

March 12, 2018

## **BRIEFING MEMORANDUM FOR SECRETARY ROSS**

**FROM:** Census Bureau  
**EVENT:** Decennial Census Stakeholder Call – Robert M. Groves  
Former Director, 2009-2012 PII  
**DATE:** March 15, 2018  
**TIME:** Within 3:15 A.M. – 4:15 P.M.  
**PLACE:** Secretary's Suite

### **BIOGRAPHY**

Robert M. Groves is currently the Gerard J. Campbell, S.J. Professor in the Math and Statistics Department as well as the Sociology Department at Georgetown University where he has served as the Executive Vice President and Provost since 2012. He was the Director of the U.S. Census Bureau from 2009 to 2012.

Groves is a Social Statistician, who studies the Impact of Social Cognitive and Behavioral Influences on the quality of Statistical Information.

Prior to leading the Census Bureau, Groves was a professor at the University of Michigan and director of its Survey Research Center, as well as research professor at the Joint Program in Survey Methodology at the University of Maryland.

### **CONTEXT AND PURPOSE**

On December 18, 2017, the U.S. Department of Justice faxed a copy of its letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018. Groves joined by several of the former Census Bureau directors wrote a letter to you concerning this issue in late January. This is an opportunity to hear first-hand stakeholder views on this matter as the Census Bureau and the Department of Commerce continues to conduct its review of the request.

### **SUGGESTED TALKING POINTS**

- The 2020 Census is one of my highest priorities at the Department.
- I would like to underscore my commitment to conduct a complete and accurate 2020 Census.
- Since receiving the Department of Justice's request to reinstate the citizenship question, we have been conducting an orderly review of this request.
- Today, I am interested in hearing your thoughts and views on this matter.
- Potential Questions:
  - From your experience, can you share what you think is the most important risk the Census Bureau faces in 2020?

- As a former Director of the Census Bureau who oversaw the 2010 Census, can you tell me how you believe this issue may affect participation?

**ATTACHMENT 1 – U.S. Department of Justice Letter Re. Request to Reinstate Citizenship Question on 2020 Census Questionnaire**

**ATTACHMENT 2 – Former Census Bureau Directors Letter Re. Department of Justice Citizenship Request and the 2020 Census**

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Tuesday, March 20, 2018 9:18 AM  
**To:** Walsh, Michael (Federal)  
**Subject:** Re: Administrative Records Updates

Just FYI, in case you haven't seen it. Other outlets are also picking email up

<https://fcw.com/articles/2018/03/19/census-citizenship-gunter.aspx>



## Trump campaign taps census question as a fund-raising tool -- FCW

fcw.com

A fundraising email for the Trump-Pence reelection campaign is trying to get supporters behind a controversial change to the census -- asking respondents whether or not they are U.S. citizens.

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**From:** Walsh, Michael (Federal) <[REDACTED]@doc.gov>  
**Sent:** Tuesday, March 20, 2018 8:44:54 AM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Cc:** Ron S Jarmin (CENSUS/ADEP FED); Enrique Lamas (CENSUS/ADDP FED)  
**Subject:** Re: Administrative Records Updates

Thanks very much. I am available to discuss between 10 and 2 if that window works for you.

Sent from my iPhone

On Mar 19, 2018, at 8:02 PM, Christa Jones (CENSUS/ADEP FED) <[Christa.D.Jones@census.gov](mailto:Christa.D.Jones@census.gov)> wrote:

**ACP/AWP/Deliberative**



# **ACP/AWP/Deliberative**

<MOU Citizenship Updates 3.19.2018.docx>

<State Contact Status Table 3.19.2018 (as of 2.22.2018).docx>

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**Sent:** Friday, February 23, 2018 2:50 PM  
**To:** Michael Walsh  
**Subject:** Fw: Census Bureau Data Acquisition Discussions - Update  
**Attachments:** USCIS 6A NFE 2.21.18v1.docx

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**From:** Michael A Berning (CENSUS/ERD FED)  
**Sent:** Wednesday, February 21, 2018 4:20 PM  
**To:** Hoefer, Michael D; Putnam-Frenchik, Nicole L; Porto, Victoria; Mueller, Rhonda D  
**Cc:** Denise M Flanagan Doyle (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED); Christa Jones (CENSUS/ADEP FED)  
**Subject:** Re: Census Bureau Data Acquisition Discussions - Update

Hello Michael,

Per our previous discussion, attached please find a draft data acquisition agreement for your review/comment. It might be a good idea to have another conference call once your team has a chance to review. If you agree, please let me know when you are ready and I'll setup the call.

Once we incorporate any comments/edits you have, we will send this through the Census legal and signature clearance process. Once signed by Census we will send it back to you for USCIS signature. Our Departmental leadership has asked that we get a fully executed agreement by March 31.

Thank you again for your assistance with all of this. We look forward to your feedback and follow-on discussion.

Mike

Mike Berning  
Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
Washington D.C. 20233  
Phone 301-763-2028  
E-mail: michael.a.berning@census.gov

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**From:** Hoefer, Michael D <Michael.D.Hoefer@...>  
**Sent:** Tuesday, February 13, 2018 11:17 AM  
**To:** Michael A Berning (CENSUS/ERD FED); Putnam-Frenchik, Nicole L; Porto, Victoria; Mueller, Rhonda D  
**Cc:** Denise M Flanagan Doyle (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)  
**Subject:** RE: Census Bureau Data Acquisition Discussions - Update

PII

Michael,  
See my responses below.

# Deliberative

Michael Hoefer  
Chief, Office of Performance and Quality  
U.S. Citizenship and Immigration Services

**PII**

*This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.*

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**From:** Michael A Berning (CENSUS/ERD FED) [mailto:Michael.A.Berning@census.gov]  
**Sent:** Monday, February 12, 2018 2:33 PM  
**To:** Hoefer, Michael D  
**Cc:** Denise M Flanagan Doyle (CENSUS/ERD FED); Epaphrodite Uwimana (CENSUS/ERD FED)  
**Subject:** Re: Census Bureau Data Acquisition Discussions - Update

Good afternoon Mike

Just an update since our January 31, call -

Thanks again for the valuable information you shared on the call regarding the potential to enter into a data sharing agreement between Census and USCIS. We have developed a draft agreement that we will soon be ready to share with you to get your feedback. Some specific questions have come up in the review of that agreement where we want to confirm our notes with you. The specific questions follow:

1. What is the universe of data available for this potential agreement? It is our understanding that you have legal permanent resident status at a person-level going back to 2001 at least. I believe you mentioned the quality of data prior to 2001 was not as known as after 2001? Does that mean that there are data available earlier than 2001 and if so, how early?
2. Could you give us any information on the rate of naturalization vs rate of legal immigration?
3. Do we know how many records of naturalized citizens have social security numbers?
4. Are there date tags available on the transactions within the records?

Thanks for your assistance Mike.

Mike Berning  
Assistant Division Chief for Data Acquisition and Curation  
Economic Reimbursable Surveys Division  
U.S. Census Bureau  
Washington D.C. 20233  
Phone 301-763-2028  
E-mail: [michael.a.berning@census.gov](mailto:michael.a.berning@census.gov)

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**From:** Michael A Berning (CENSUS/ERD FED)  
**Sent:** Monday, January 29, 2018 3:09 PM  
**To:** [REDACTED] PII [@uscis.dhs.gov](mailto:[REDACTED]@uscis.dhs.gov); Epaphrodite Uwimana (CENSUS/ERD FED); [REDACTED] PII [@uscis.dhs.gov](mailto:[REDACTED]@uscis.dhs.gov); [REDACTED] PII [@uscis.dhs.gov](mailto:[REDACTED]@uscis.dhs.gov); Altice-Manear, Vanessa L; Porto, Victoria; Damon R Smith (CENSUS/ERD FED); J

David Brown (CENSUS/CES FED)

**Cc:** Rosenblum, Marc; Denise M Flanagan Doyle (CENSUS/ERD FED); Baugh, Ryan; Irazabal, Luz F

**Subject:** Census Bureau Data Acquisition Discussions

**When:** Wednesday, January 31, 2018 11:00 AM-11:30 AM.

**Where:** teleconference [PII] Passcode [PII]

The purpose of this call is to discuss the process by which the Census Bureau could acquire person-level (with identifiers) citizenship data.

**Withheld as Privileged**

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**From:** Christa.D.Jones@census.gov  
**Sent:** Thursday, February 22, 2018 10:39 AM  
**To:** PDavidson@doc.gov  
**Subject:** Fwd: Johnson edits  
**Attachments:** (02.21.18\_Census Answers\_SSU\_DL1 Edits  
(Clean)\_Johnson\_AdRecs\_CQAS-084...RSJ.docx; ATT00001.htm

Begin forwarded message:

**From:** "Ron S Jarmin (CENSUS/ADEP FED)" <[Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)>  
**Date:** February 21, 2018 at 7:04:05 PM EST  
**To:** "Christa Jones (CENSUS/ADEP FED)" <[Christa.D.Jones@census.gov](mailto:Christa.D.Jones@census.gov)>, "Burton H Reist (CENSUS/ADDC FED)" <[burton.h.reist@census.gov](mailto:burton.h.reist@census.gov)>, "Enrique Lamas (CENSUS/ADDP FED)" <[Enrique.Lamas@census.gov](mailto:Enrique.Lamas@census.gov)>  
**Subject:** Re: Johnson edits

Christa and I just talked. I added the editing and imputation use case as an example of adrec use that's both historic practice and more similar to how we'd employ for measuring citizenship. Take a look

**Ron Jarmin, PhD.**  
Associate Director for Economic Programs, and  
Performing the Non-Exclusive Functions and Duties of the Director  
U.S. Census Bureau  
Office 301.763.1858, [Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)

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**From:** Ron S Jarmin (CENSUS/ADEP FED)  
**Sent:** Wednesday, February 21, 2018 2:31:22 PM  
**To:** Christa Jones (CENSUS/ADEP FED); Burton H Reist (CENSUS/ADDC FED)  
**Subject:** Johnson edits

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**From:** Ron S Jarmin (CENSUS/ADEP FED)  
**Sent:** Tuesday, March 6, 2018 6:13 PM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** D  
**Attachments:** Alt C vs Alt D Summary.docx

**Ron Jarmin, PhD.**  
Associate Director for Economic Programs, and  
Performing the Non-Exclusive Functions and Duties of the Director  
U.S. Census Bureau  
Office 301.763.1858, Ron.S.Jarmin@census.gov  
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**From:** Walsh, Michael (Federal) <[REDACTED]@doc.gov>  
**Sent:** Sunday, March 25, 2018 12:10 PM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** draft for your review  
**Attachments:** DRAFT Census Decision Memo 3.25.18.docx

PRIVILEGED AND CONFIDENTIAL  
PREDECISIONAL DRAFT

Attached is a draft of the decision memo. [REDACTED] Deliberative  
[REDACTED] Deliberative Thanks  
very much.

**Withheld as Privileged**

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**From:** Ron S Jarmin (CENSUS/ADEP FED)  
**Sent:** Wednesday, March 14, 2018 6:36 PM  
**To:** Sahra Park-Su  
**Cc:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** Fwd: Meeting request from Secretary Ross

Sent from my iPhone

Begin forwarded message:

**From:** A Mark Neuman <[REDACTED] PII >  
**Date:** March 14, 2018 at 6:06:09 PM EDT  
**To:** "Ron S Jarmin (CENSUS/ADEP FED)" <[Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)>  
**Cc:** "Katherine Dodson Hancher (CENSUS/DEPDIR FED)" <[Katherine.Dodson.Hancher@census.gov](mailto:Katherine.Dodson.Hancher@census.gov)>  
**Subject:** Re: Meeting request from Secretary Ross

Thanks for your message.

To discuss a sensitive policy matter such as the one you describe, I would prefer to do a meeting in person rather than on the phone. I am in Washington and available to come to him at that time.

Thank you. A. M. Neuman

Sent from my iPhone

On Mar 14, 2018, at 5:57 PM, Ron S Jarmin (CENSUS/ADEP FED) <[Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)> wrote:

Mark,

Good afternoon,

I'm reaching out to you on behalf of Secretary of Commerce Wilbur Ross. As you are aware, on December 18, 2017, the U.S. Department of Justice sent a letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018, therefore Secretary Ross would like to take the opportunity to hear first-hand stakeholder views on this matter before any decision is made.

Given your interest and your past leadership at the Census Bureau, we would like to recommend that Secretary Ross talk with you, so we are hoping you would be available for brief phone call from the Secretary tomorrow, Thursday ,

March 15th during the hour from 3:15 – 4:15 PM. If this is not convenient, we will try to seek another time, schedule permitting.

Thank you.

**Ron Jarmin, PhD.**

Associate Director for Economic Programs, and  
Performing the Non-Exclusive Functions and Duties of the Director  
U.S. Census Bureau  
Office 301.763.1858, [Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)

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**From:** Ron S Jarmin (CENSUS/ADEP FED)  
**Sent:** Saturday, March 10, 2018 3:07 PM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** Re: Draft Email to Stakeholders

Roger

Sent from my iPhone

On Mar 10, 2018, at 2:29 PM, Christa Jones (CENSUS/ADEP FED) <[Christa.D.Jones@census.gov](mailto:Christa.D.Jones@census.gov)> wrote:

Meant to say just emails on Monday. Stephen and Michael confirming email addresses.

On Mar 10, 2018, at 1:18 PM, Ron S Jarmin (CENSUS/ADEP FED) <[Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)> wrote:

Am sending this to Vargas, Gupta, Camarota, Kitague and James? With the templates? Timing?

**Ron Jarmin, PhD.**

Associate Director for Economic Programs, and  
Performing the Non-Exclusive Functions and Duties of the Director  
U.S. Census Bureau  
Office 301.763.1858, [Ron.S.Jarmin@census.gov](mailto:Ron.S.Jarmin@census.gov)

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Saturday, March 10, 2018 7:54:50 AM  
**To:** Ron S Jarmin (CENSUS/ADEP FED)  
**Subject:** Draft Email to Stakeholders

I've asked Stephen and Cook if they have the email addresses--we may need to call Heritage directly, since I doubt Kay Coles James is on a publically accessible email.

Here's an email text (note second paragraph distinction):

Good morning,

I'm reaching out to you on behalf of Secretary of Commerce Wilbur Ross. As you may be aware, on December 18, 2017, the U.S. Department of Justice sent a letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018, therefore Secretary Ross would like to take the opportunity to hear first-hand stakeholder views on this matter before any decision is made.

Given **your/your organization's** interest in the 2020 Census and Census Bureau data, we would like to recommend that Secretary Ross talk with you, so we are hoping you would be available for brief phone call from the Secretary on Tuesday, March 13th during the hour from 11:30 AM to 12:30 PM. If this is not convenient, we will try to seek another time, schedule permitting.

Thank you.

---

**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Monday, March 26, 2018 9:22 AM  
**To:** Walsh, Michael (Federal)  
**Subject:** Re: draft for your review  
**Attachments:** DRAFT Census Decision Memo 3.25.18 cdj.docx

Response: Deliberative  
Deliberative

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**From:** Walsh, Michael (Federal) <MWalsh@doc.gov>  
**Sent:** Sunday, March 25, 2018 12:09:54 PM  
**To:** Christa Jones (CENSUS/ADEP FED)  
**Subject:** draft for your review

PRIVILEGED AND CONFIDENTIAL  
PREDECISIONAL DRAFT

Attached is a draft of the decision memo. Deliberative  
Deliberative Thanks  
very much.

# **Withheld as Privileged**



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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Monday, March 12, 2018 9:03 PM  
**To:** Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** Deputy Director: Habermann  
**Attachments:** Attach 1 DOJ Citizenship lttr.pdf; Call Template - Habermann.docx

March 12, 2018

## **BRIEFING MEMORANDUM FOR SECRETARY ROSS**

**FROM:** Census Bureau  
**EVENT:** Decennial Census Stakeholder Call – Hermann Habermann  
Former Deputy Director, 2002-2006 PII  
**DATE:** March 15, 2018  
**TIME:** Within 3:15 A.M. – 4:15 P.M.  
**PLACE:** Secretary's Suite

## **BIOGRAPHY**

Hermann Habermann is a distinguished international statistician who held the position of Director of the United Nations Statistical Division for 8 years, was formerly the Chief Statistician of the Office of the President of the USA (Office of Management and Budget), and Deputy Director and Chief Operating Officer of the U.S. Census Bureau. He has written several articles on the topics of role of statistical policy, confidentiality, and ethics. He has over 30 years of experience in official statistics, many of them at the most senior management levels in the USA. He is a Fellow of the American Statistical Association and the National Academy of Public Administration.

## **CONTEXT AND PURPOSE**

On December 18, 2017, the U.S. Department of Justice faxed a copy of its letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018. This is an opportunity to hear first-hand stakeholder views on this matter as the Census Bureau and the Department of Commerce continues to conduct its review of the request.

## **SUGGESTED TALKING POINTS**

- The 2020 Census is one of my highest priorities at the Department.
- I would like to underscore my commitment to conduct a complete and accurate 2020 Census.
- Since receiving the Department of Justice's request to reinstate the citizenship question, we have been conducting an orderly review of this request.
- Today, I am interested in hearing your thoughts and views on this matter.
- Potential Question:
  - From your experience, can you share what you think is the most important risk the Census Bureau faces in 2020?
  - As a former Deputy Director of the Census Bureau who has given a lot of consideration to confidentiality and the role of statistical agencies, including the

Census Bureau, can you share any insights about how this issue might impact the Census Bureau's operations?

**ATTACHMENT 1 – U.S. Department of Justice Letter Re. Request to Reinstate  
Citizenship Question on 2020 Census Questionnaire**

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Monday, March 12, 2018 9:02 PM  
**To:** Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** Associate Director: Jackson  
**Attachments:** Attach 1 DOJ Citizenship ltrr.pdf; Call Template - Jackson.docx

Arnold Jackson

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Monday, March 12, 2018 9:01 PM  
**To:** Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** Directors: Chapman  
**Attachments:** Attach 1 DOJ Citizenship Ittr.pdf; Call Template - Chapman.docx

Bruce Chapman

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Monday, March 12, 2018 8:59 PM  
**To:** Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** Directors: Murdock  
**Attachments:** Attach 1 DOJ Citizenship Lttr.pdf; Attach 2 Frmr Dir Lttr.pdf; Call Template - Murdock.docx

Hi,

I understand the timing is still in flux, but here are the templates for the six former Census Bureau officials. Like the others, I will send a separate email for each person with the attachments to avoid confusion.

Thanks,

Christa

March 12, 2018

## **BRIEFING MEMORANDUM FOR SECRETARY ROSS**

**FROM:** Census Bureau  
**EVENT:** Decennial Census Stakeholder Call – Steven H. Murdock  
Former Director, 2008-2009 PII  
**DATE:** March 15, 2018  
**TIME:** Within 3:15 A.M. – 4:15 P.M.  
**PLACE:** Secretary's Suite

### **BIOGRAPHY**

Steve H. Murdock, PhD, is currently the Allyn R. and Gladys M. Cline Professor of Sociology at Rice University. He is a former U.S. Census Bureau Director, who was nominated by President George W. Bush on June 18, 2007, and confirmed unanimously by the Senate in December of that year. He officially became director of the Census Bureau on January 4, 2008 and vacated the position January 9, 2009.

Murdock studied sociology at North Dakota State University before going on to earn a master's degree and doctorate in the subject from the University of Kentucky in 1975. He taught at North Dakota State before joining the faculty at Texas A&M University in 1977. As the first official state demographer of Texas, Murdock headed the Texas State Data Center and Texas Population Estimates and Projections Program for more than 25 years taking a leadership role in the state's coordination activities in the 1980, 1990, and 2000 decennial censuses. He joined the University of Texas at San Antonio in 2004. In 2007, he took a position at Rice University, specializing in applied demography, migration, rural sociology, and socioeconomic impact assessment.

### **CONTEXT AND PURPOSE**

On December 18, 2017, the U.S. Department of Justice faxed a copy of its letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018. Murdock joined by several of the former Census Bureau directors wrote a letter to you concerning this issue in late January. This is an opportunity to hear first-hand stakeholder views on this matter as the Census Bureau and the Department of Commerce continues to conduct its review of the request.

### **SUGGESTED TALKING POINTS**

- The 2020 Census is one of my highest priorities at the Department.
- I would like to underscore my commitment to conduct a complete and accurate 2020 Census.
- Since receiving the Department of Justice's request to reinstate the citizenship question, we have been conducting an orderly review of this request.

- Today, I am interested in hearing your thoughts and views on this matter.
- Potential Questions:
  - From your experience, can you share what you think is the most important risk the Census Bureau faces in 2020?
  - As a demographer, would the citizenship data from the 2020 Census be more reliable than the American Community Survey?

**ATTACHMENT 1 – U.S. Department of Justice Letter Re. Request to Reinstate Citizenship Question on 2020 Census Questionnaire**

**ATTACHMENT 2 – Former Census Bureau Directors Letter Re. Department of Justice Citizenship Request and the 2020 Census**



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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Saturday, March 10, 2018 7:41 AM  
**To:** Kasey O'Connor; Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** James Template  
**Attachments:** Attach 1 DOJ Citizenship ltr.pdf; Call Template - James.docx

Here is the James template.

March 9, 2018

## **BRIEFING MEMORANDUM FOR SECRETARY ROSS**

**FROM:** Mike Platt

**EVENT:** Decennial Census Stakeholder Call – Kay Cole James

PII

**TIME:** Within 11:30 A.M. – 12: 30 P.M.

**PLACE:** Secretary's Suite

## **BIOGRAPHY**

Dr. Kay Coles James, PhD, has an extensive background in crafting public policy and leading in nearly every sector of America's economy. She has worked at the local, state, and federal levels of government under the administrations of former U.S. President George H. W. Bush, served twice between (1989-1993), former Virginia Governor George Allen (1994-1996), and former U.S. President George W. Bush (2001-2005), and she has also served dozens of organizations in the corporate, and nonprofit arenas. James has a passion for serving the youth of America and has substantial experience in the field of education.

James is the President of The Heritage Foundation, America's premier conservative think tank. The Heritage Foundation is dedicated to formulating and promoting conservative public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. James has also been a trustee of The Heritage Foundation for 12 years.

## **CONTEXT AND PURPOSE**

On December 18, 2017, the U.S. Department of Justice faxed a copy of its letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018. This is an opportunity to hear first-hand stakeholder views on this matter as the Census Bureau and the Department of Commerce continues to conduct its review of the request.

## **SUGGESTED TALKING POINTS**

- Census continues to be one of my highest priorities at the Department.
- I would like to underscore my commitment to conduct a complete and accurate 2020 Census.
- Since receiving the Department of Justice's request to reinstate the citizenship question, we have been conducting an orderly review of this request.
- Today, I am interested in hearing your thoughts and views on this matter.
- Potential Question:

- I understand the Heritage Foundation is a premier data user of Census Bureau data, analyzing the impacts of public policies on the economy, would having citizenship data from the decennial census be helpful in Heritage's research?

***ATTACHMENT 1 – U.S. Department of Justice Letter Re. Request to Reinstate Citizenship Question on 2020 Census Questionnaire***

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**From:** Christa Jones (CENSUS/ADEP FED)  
**Sent:** Saturday, March 10, 2018 7:40 AM  
**To:** Kasey O'Connor; Sahra Park-Su  
**Cc:** Michael Walsh  
**Subject:** Kitague Template  
**Attachments:** Attach 1 DOJ Citizenship Ittr.pdf; Call Template - Kitague.docx

Here is the Kitague Template

March 9, 2018

## **BRIEFING MEMORANDUM FOR SECRETARY ROSS**

**FROM:** Mike Platt  
**EVENT:** Decennial Census Stakeholder Call – Ditas (DEE – tas) Kitague (Kit – AH – gue),  
**PII**  
**TIME:** Within 11:30 A.M. – 12: 30 P.M.  
**PLACE:** Secretary's Suite

## **BIOGRAPHY**

Ditas Katague is currently the California Census Coordinator for the State of California. She also served as Director of Governor Arnold Schwarzenegger's Census 2010 project. In 2000, as Chief Deputy Campaign Director for the Governor's Census 2000 California Complete Count campaign, she led a groundbreaking multi-lingual, multi-media outreach effort that resulted in a mail-in return rate that outpaced the entire nation. She is an expert in multi-ethnic outreach and civic engagement.

Ditas most recently served as Chief of Staff to California Public Utilities Commissioner Catherine Sandoval where she improved public participation and access to the energy and telecommunications utility rate and regulation process.

## **CONTEXT AND PURPOSE**

On December 18, 2017, the U.S. Department of Justice faxed a copy of its letter to the U.S. Census Bureau requesting to reinstate the citizenship question on the 2020 Census questionnaire. The Commerce Department is required by law to submit the proposed final list of questions to Congress by March 31, 2018. This is an opportunity to hear first-hand stakeholder views on this matter as the Census Bureau and the Department of Commerce continues to conduct its review of the request.

## **SUGGESTED TALKING POINTS**

- Census continues to be one of my highest priorities at the Department.
- I would like to underscore my commitment to conduct a complete and accurate 2020 Census.
- Since receiving the Department of Justice's request to reinstate the citizenship question, we have been conducting an orderly review of this request.
- Today, I am interested in hearing your thoughts and views on this matter.
- Potential Question:
  - I understand you were the key coordinator for the state of California for the last couple of censuses, and you know the state's communities very well, can you tell me how this issue may affect participation?

***ATTACHMENT 1 – U.S. Department of Justice Letter Re. Request to Reinstate Citizenship  
Question on 2020 Census Questionnaire***