

August 13, 2018

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

RE: Plaintiffs' fourth letter-motion regarding discovery in *State of New York, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-2921 (JMF), and *New York Immigration Coalition, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-5025 (JMF)

Dear Judge Furman,

Plaintiffs write pursuant to Local Civil Rule 37.2 and Rule 2(C) of this Court's Individual Rules and Practices to request an informal discovery conference with the Court, or an order providing the relief described below.<sup>1</sup> Plaintiffs have been unable to resolve the disputes described in this letter-brief through good faith meet-and-confer discussions with Defendants.

1. *The Court should order review by the Census Bureau's Disclosure Review Board of the materials withheld on Title 13 grounds.* On August 2, following an unsuccessful meet-and-confer discussion on July 31, Plaintiffs filed a letter-motion with the Court regarding Defendants' redaction of approximately 60 documents on the ground that they contained information protected by 13 U.S.C. § 9 (the "Title 13" protection). 18-CV-2921, Docket No. 220. In opposing that motion, Defendants presented the Court with a declaration regarding the process ordinarily undertaken by the Census Bureau's Disclosure Review Board ("DRB") in deciding whether Title 13 protections should be applied. Docket Nos. 228, 231.

Plaintiffs share Defendants' interest in assuring the confidentiality of individual census responses and avoiding the disclosure of information that would allow for particular individuals to be identified in violation of Title 13. Plaintiffs further agree that the DRB process is a reasonable approach to protecting sensitive data from disclosure. But the DRB did not review any of the records or information withheld in this case on Title 13 grounds. *See* Ex. 1 (email from counsel, in response to Plaintiffs' inquiry, confirming that "the documents protected from disclosure pursuant to Title XIII have not undergone review by the full Disclosure Review Board"). Instead, Defendants bypassed the DRB and withheld information following review by a single Disclosure Avoidance Officer. This process is clearly not foolproof, by Defendants' own acknowledgment. *See* Docket No. 231, ¶ 26 (identifying documents redacted by the disclosure avoidance officer that do not contain Title 13-protected information).

On August 9, Plaintiffs proposed to Defendants that the Title 13-redacted records be submitted to the DRB for expeditious review at its next scheduled meeting, *see* Docket No. 231, ¶ 6 (the DRB meets twice a week); and Plaintiffs are prepared to work with Defendants to

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<sup>1</sup> This is the fourth letter-motion submitted by the Plaintiffs in 18-CV-2921 and 18-CV-5025 pursuant to Rule 2(C) of this Court's Individual Rules. *See* Pls.' First Letter-Motion, 18-CV-2921, Docket No. 201 (opposed at Docket No. 203, resolved by Court Order at Docket No. 204); Pls.' Second Letter-Motion, 18-CV-2921, Docket No. 220 (opposed at Docket Nos. 228 and 231); Pls.' Third Letter-Motion, 18-CV-2921, Docket No. 236 (not yet opposed).

identify documents for priority processing in the event DRB review must be sequenced. Because Defendants have been unable to agree to this proposal to date, and because of the tight deadlines for litigating these cases, Plaintiffs respectfully request that the Court order this relief.<sup>2</sup>

In addition, Dr. Abowd's August 9 Corrected Declaration identifies three previously-redacted documents that he affirms "do not contain information subject to protection under Title XIII." Docket No. 231, ¶ 26 (citing AR 10462, AR 10913, and AR 11025). Because Defendants identified no other applicable privileges as to these documents on their privilege log, Plaintiffs asked that they be produced immediately. Defendants produced AR 10913, but have not produced or committed to produce the other two documents. Both documents may be pertinent to the deposition of Dr. Abowd, scheduled for this Wednesday, August 15. (AR 10462 is a memo from Dr. Abowd, and AR 11025 is an email to Dr. Abowd.) Because of this time-sensitivity, and because Defendants have apparently withdrawn all claims of privilege as to both documents, Plaintiffs ask the Court to order production of the unredacted versions without delay.

2. *The Court should compel production of materials as to which Defendants did not assert a timely claim of privilege.* At the July 3 hearing in these cases, the Court directed Defendants to complete the Administrative Record and produce a privilege log by July 16, *see* Hearing Tr. at 88-89 (July 3, 2018) (Docket No. 207); a deadline that the Court extended at Defendants' request to July 23. *See id.* at 91. Defendants then sought a further extension to July 26, which the Court granted while making clear that "[n]o further extensions will be granted." Docket No. 211. On August 3 – more than a week after the July 26 deadline – Defendants made a further production of materials responsive to the Court's July 3 Order, *see* Docket No. 222; and presented Plaintiffs with an accompanying privilege log of approximately 100 records withheld in full or in part on privilege grounds. Ex. 2.

The Court did not authorize this late production and Plaintiffs did not consent to it. Accordingly, Plaintiffs advised Defendants by email on August 6, *see* Ex. 3, and by telephonic meet-and-confer on August 8, of Plaintiffs' position that the claims of privilege listed on the August 3 privilege log were waived for failure to assert them in compliance with the Court's extremely clear deadlines. The parties were not able to resolve this disagreement.

This Court has the discretion to conclude that waiver should result from Defendants' untimeliness. *See* 6 Moore's Federal Practice § 26.90[2] & n.11 (3d ed. 2018). Courts in this district regularly conclude that a party has waived any assertions of privilege – including governmental privileges like deliberative process – by failing to comply with deadlines for asserting and justifying those assertions. *See, e.g., S.E.C. v. Yorkville Advisors, LLC*, 300 F.R.D. 152, 167–68 (S.D.N.Y. 2014) (holding that "the SEC waived its privilege protections by failing to produce in a timely manner a privilege log that complied with the applicable rules") (citing cases); *FG Hemisphere Assocs., L.L.C. v. Republique du Congo*, No. 01-CV-8700 (SAS) (HBP), 2005 WL 545218, at \*6 (S.D.N.Y. Mar. 8, 2005) ("As other judges in this District and I have repeatedly held, the unjustified failure to list privileged documents on the required log of

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<sup>2</sup> This request modifies the relief sought in Plaintiffs' Second Letter-Motion, Docket No. 220. In addition, based on the representations in Dr. Abowd's Corrected Declaration, Plaintiffs do not seek disclosure or DRB review of the documents containing redactions of proprietary information technology information. *See* Docket No. 231, ¶ 25 (referencing AR 10407 and AR 10995).

withheld documents in a timely and proper manner operates as a waiver of any applicable privilege.”) (citing cases).

A holding that Defendants have waived the claims of privilege on their August 3 log is warranted in the circumstances of this case. The deadlines set at the July 3 hearing gave the parties just over fourteen weeks to conduct all fact and expert discovery in these cases, and gave Plaintiffs just over nine weeks for their initial expert disclosures. On such a truncated discovery schedule, Defendants’ failure to identify and assert timely claims of privilege – regarding what appear to be highly pertinent records showing how the decision to demand citizenship status was reached and justified – is particularly burdensome for Plaintiffs. This is especially so where the deadline to complete the record had already been extended twice, and with clear notice that no extensions past July 26 would be granted. Plaintiffs therefore respectfully request that the Court compel production of the materials listed on Defendants’ August 3 privilege log.

3. *The Court should compel production of materials erroneously withheld.* In addition, Plaintiffs continue to identify additional gaps in the Administrative Record, nearly six weeks after the Court’s July 3 order. By email dated August 6, *see* Ex. 3, and during the parties’ August 8 meet-and-confer call, Plaintiffs noted that an email between Mr. Uthmeier and Acting Deputy Secretary Karen Dunn Kelley referenced “review materials” prepared for a meeting with the Secretary, but those review materials were neither produced nor logged as privileged. *See* Ex. 4 (AR 1996). Defendants would not commit to any deadline for locating or producing these materials. Plaintiffs ask that the Court order their production without further delay.

This instance illustrates a broader concern Plaintiffs have raised with Defendants regarding conspicuous omissions from the Administrative Record, which includes notable omissions regarding Defendants’ communications with third parties, including A. Mark Neuman, Steve Bannon, Kris Kobach, and staff with the Department of Justice and Department of Homeland Security. For example, the record shows that Mr. Neuman spoke frequently with several senior Commerce Department officials (AR 2497, 3699, 3709), but his input is nowhere memorialized in the Administrative Record.<sup>3</sup> And although Mr. Neuman appears to be one of the stakeholders the Secretary consulted in March 2018 (AR 1815, 3421, 3491), the Administrative Record contains no memorialization of that discussion – despite the presence of file memos memorializing what appear to be all of the other stakeholder calls. Similarly, substantive input from Messrs. Kobach and Bannon, as well as that of key individuals at other federal agencies, is similarly referenced but not memorialized (AR 763, 2458, 2488, 2491, 2496, 2561, 2634, 11160, 11193). Defendants are still in the process of confirming to Plaintiffs that all likely custodians were adequately identified, their records adequately searched and reviewed, and no custodians used non-governmental accounts. Plaintiffs wish to make the Court aware that pending these assurances regarding the adequacy of Defendants’ search, Plaintiffs may seek further relief from the Court, including authorization for targeted third-party discovery as necessary. *See* Hearing Tr. at 86 (July 3, 2018) (Docket No. 207) (declining to authorize discovery beyond the Commerce and Justice Departments “[a]t this stage”).

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<sup>3</sup> In their supplemental productions, Defendants withheld on the basis of attorney-client privilege two communications between Mr. Uthmeier and Mr. Neuman (who is a non-government employee); although the Government has withdrawn these assertions, to date, they have not produced one of the documents. AR 11329.

Respectfully submitted,

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

# Exhibit 1

**From:** [Tomlinson, Martin M. \(CIV\)](#)  
**To:** [John.Freedman@arnoldporter.com](#); [DHo@aclu.org](#); [SBrannon@aclu.org](#); [PGrossman@nyclu.org](#); [Bauer, Andrew](#); [Colangelo, Matthew](#); [Goldstein, Elena](#); [Saini, Ajay](#)  
**Cc:** [Ehrlich, Stephen \(CIV\)](#); [Coyle, Garrett \(CIV\)](#); [Federighi, Carol \(CIV\)](#); [Kopplin, Rebecca M. \(CIV\)](#); [Halainen, Daniel J. \(CIV\)](#); [Bailey, Kate \(CIV\)](#)  
**Subject:** RE: State of New York v. Department of Commerce, S.D.N.Y. 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request  
**Date:** Thursday, August 9, 2018 8:53:23 PM  
**Attachments:** [0010913.pdf](#)  
[0010957 replacement.pdf](#)  
[0010961 replacement.pdf](#)  
[0010977 replacement.pdf](#)

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Counsel:

This is in response to the issues raised with regard to documents withheld from production pursuant to Section 9 of Title XIII ("Title XIII").

1. We can confirm that the documents protected from disclosure pursuant to Title XIII have not undergone review by the full Disclosure Review Board. Instead, these documents were reviewed by a Disclosure Avoidance Officer authorized to review these documents and bypass review by the full Disclosure Review Board.
2. Dr. Abowd inadvertently omitted or mistakenly characterized a few specific documents withheld as subject to Article XIII protection on Defendants' privilege logs. We have just filed an amended declaration correcting these inadvertent omissions. Specifically:
  - a. Documents 10995 and 10407 are not protected under Title XIII, but contain proprietary information technology information that Defendants must redact as proprietary information.
  - b. Defendants are not asserting Article XIII protection over document 10913, and will be producing an unredacted version of that document (an unredacted version should already appear on the FOIA site).
  - c. Documents 10385, 10530, and 10849, all of which were subject to Article XIII protection as indicated on Defendants' privilege logs, were inadvertently omitted from Dr. Abowd's declaration and should have been listed in Paragraph 24. Documents 10957, 10961, and 10977 were inadvertently listed in Paragraph 25 as not containing information that was subject to protection under Article XIII, when they should have been listed as containing protected information in Paragraph 24. Those errors have been corrected in Dr. Abowd's corrected declaration. However, documents 10957, 10961, and 10977 are being produced (attached to this email), with Article XIII information removed.

Aside from the corrections outlined above, which are all contained in Paragraphs 24, 25, and 26 of the corrected declaration, Dr. Abowd's declaration is identical to his previous declaration, which was filed with the Court on August 7. Thank you.

## **Martin M. Tomlinson**

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For overnight/courier deliveries:

# Exhibit 2

Production: Begin Bates	Production: End Bates	Production: Begin Attachment	Production: End Attachment	To	From	CC	File Name	Date/Sent	Privilege	Privilege Comments
11253	11253	11253	11253	Uthmeier, James (Federal)	Mooppan, Hashim (CIV)		Re: Draft DOC Decision Memo.msg	3/24/2018 12:55	AC - Attorney Client Privilege; WP - Work Product	Communications between Commerce counsel and DOJ litigation counsel regarding the draft decision memo
11254	11254	11254	11255	Teramoto, Wendy (Federal); Kelley, Karen (Federal)	Comstock, Earl (Federal)	Uthmeier, James (Federal); Walsh, Michael (Federal)	Latest Version of Census Memo.msg	3/26/2018 12:15	PII - Personal Privacy	
11255	11255	11254	11255	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo v2 3.26.18.pdf	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo drafted by counsel with litigation anticipated
11256	11256	11256	11256	Ross, Wilbur	Comstock, Earl (Federal)	Walsh, Michael (Federal); Kelley, Karen (Federal); Uthmeier, James (Federal)	Re: draft decision memo.msg	3/25/2018 23:24	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Discussion of comments on interim draft decision memo
11257	11257	11257	11257	Walsh, Michael (Federal)	Ross, Wilbur	Kelley, Karen (Federal); Comstock, Earl (Federal); Uthmeier, James (Federal)	Re: draft decision memo.msg	3/25/2018 22:37	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Discussion of comments on interim draft decision memo
11258	11260	11258	11260	Uthmeier, James (Federal)	Walsh, Michael (Federal)	Comstock, Earl (Federal); Kelley, Karen (Federal)	Re: please use this version.msg	3/25/2018 20:13	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including counsel discussing draft decision memo
11261	11261	11261	11262	Ross, Wilbur	Walsh, Michael (Federal)	Kelley, Karen (Federal); Comstock, Earl (Federal); Uthmeier, James (Federal)	draft decision memo.msg	3/25/2018 19:15	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Discussion of comments on interim draft decision memo
11262	11262	11261	11262	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v3.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
11263	11264	11263	11265	Comstock, Earl (Federal); Kelley, Karen (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)		Re: please use this version.msg	3/25/2018 19:05	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including counsel discussing draft decision memo
11265	11265	11263	11265	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v3.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo

11266	11267	11266	11268	Walsh, Michael (Federal); Kelley, Karen (Federal); Uthmeier, James (Federal)	Comstock, Earl (Federal)		Re: please use this version.msg	3/25/2018 18:28	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including counsel discussing draft decision memo
11268	11268	11266	11268	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v3.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track-changes mode
11269	11269	11269	11270	Kelley, Karen (Federal); Comstock, Earl (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)		please use this version.msg	3/25/2018 17:10	PII - Personal Privacy	
11270	11270	11269	11270	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v2.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11271	11271	11271	11272	Uthmeier, James (Federal); Kelley, Karen (Federal); Comstock, Earl (Federal)	Walsh, Michael (Federal)		Re: Draft DOC Decision Memo.msg	3/25/2018 16:42	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel and DOJ litigation counsel discussing draft decision memo and proposing edits
11272	11272	11271	11272	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v2.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11273	11273	11273	11273	Kelley, Karen (Federal)	Walsh, Michael (Federal)	Uthmeier, James (Federal); Comstock, Earl (Federal)	Re: proposed insert on response rate.msg	3/25/2018 13:06	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits and addressing process
11274	11274	11274	11274	Walsh, Michael (Federal)	Kelley, Karen (Federal)	Uthmeier, James (Federal); Comstock, Earl (Federal)	Re: proposed insert on response rate.msg	3/25/2018 12:36	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and process for review and proposing edits
11275	11275	11275	11275	Comstock, Earl (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Walsh, Michael (Federal)		Re: proposed insert on response rate.msg	3/25/2018 11:54	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11276	11276	11276	11277	Walsh, Michael (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Comstock, Earl (Federal)		Re: proposed insert on response rate.msg	3/25/2018 11:39	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits

11277	11277	11276	11277	n/a	n/a		Outline for Census Decision Memo v5.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11278	11278	11278	11279	Comstock, Earl (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Walsh, Michael (Federal)		Re: proposed insert on response rate.msg	3/25/2018 10:54	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11279	11279	11278	11279	n/a	n/a		Outline for Census Decision Memo v4.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11280	11280	11280	11281	Walsh, Michael (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Comstock, Earl (Federal)		Re: proposed insert on response rate.msg	3/25/2018 10:06	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11281	11281	11280	11281	n/a	n/a		Outline for Census Decision Memo v4.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11282	11282	11282	11283	Kelley, Karen (Federal); Uthmeier, James (Federal)	Walsh, Michael (Federal)	Comstock, Earl (Federal)	Re: proposed insert on response rate.msg	3/24/2018 17:27	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11283	11283	11282	11283	n/a	n/a		Outline for Census Decision Memo v2.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
11284	11284	11284	11285	Walsh, Michael (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Comstock, Earl (Federal)		Re: proposed insert on response rate.msg	3/24/2018 15:01	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11285	11285	11284	11285	n/a	n/a		Outline for Census Decision Memo v2.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11286	11286	11286	11287	Walsh, Michael (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Comstock, Earl (Federal)		Re: proposed insert on response rate.msg	3/24/2018 14:25	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11287	11287	11286	11287	n/a	n/a		Outline for Census Decision Memo.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo

11288	11288	11288	11289	Kelley, Karen (Federal); Comstock, Earl (Federal)	Uthmeier, James (Federal)	Walsh, Michael (Federal)	Re: Draft DOC Decision Memo.msg	3/25/2018 16:16	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel and DOJ litigation counsel discussing draft decision memo and proposing edits
11289	11289	11288	11289	Karen Dunn Kelley	Secretary Wilbur Ross		DRAFT Census Decision Memo 3.25.18 v2.docx	3/26/2018	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
11290	11290	11290	11291	Comstock, Earl (Federal)	Uthmeier, James (Federal)	Walsh, Michael (Federal); Kelley, Karen (Federal)	Re: proposed insert on response rate.msg	3/25/2018 8:25	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11291	11291	11290	11291	n/a	n/a		Outline for Census Decision Memo v3.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
11292	11292	11292	11293	Uthmeier, James (Federal)	Mooppan, Hashim (CIV)		FW: Draft DOC Decision Memo.msg	3/24/2018 11:50	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel and DOJ legal counsel discussing draft decision memo and proposing edits
11293	11293	11292	11293	n/a	n/a		Census decision memo draft 3.22.18 + Civil and CRT Edits.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo
11294	11294	11294	11295	Uthmeier, James (Federal)	Shumate, Brett A. (CIV)	Walsh, Michael (Federal); Readler, Chad A. (CIV); Mooppan, Hashim (CIV)	RE: Draft DOC Decision Memo.msg	3/24/2018 10:50	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel and DOJ litigation counsel discussing draft decision memo and proposing edits
11295	11295	11294	11295	n/a	n/a		Census decision memo draft 3.22.18 + Civil and CRT Edits.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11296	11297	11296	11298	Comstock, Earl (Federal)	Uthmeier, James (Federal)		Re: Census paper.msg	8/11/2017 15:58	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Email exchange including Commerce counsel discussing edits to draft legal memo; also redacted nonrelevant material regarding other matters
11298	11298	11296	11298	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Draft Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo discussing citizenship question and the census

11299	11299	11299	11299	Uthmeier, James (Federal); Langdon, David (Federal)	Robinson, Barry (Federal)		RE: Census Process for Adding Questions.msg	1/25/2018 12:54	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	discussion between counsel regarding follow-up questions and research for legal opinion
11300	11300	11300	11300	Uthmeier, James (Federal); Keller, Catherine (Federal)	Willard, Aaron (Federal)	Park-Su, Sahra	follow-up.msg	9/12/2017 18:14	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Email exchange including Commerce counsel discussing further research on legal issues relating to citizenship data, as well as other unrelated issues
11301	11301	11301	11302	Uthmeier, James (Federal)	Shambon, Leonard (Federal)	Shambon, Leonard (Federal)	second chronology.msg	8/16/2017 18:23	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo and personal plans
11302	11302	11301	11302	n/a	Leonard Shambon		foreigners included in enumeration Aug 16 2017.docx	8/16/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft outline of history related to census, prepared by counsel
11303	11304	11303	11304	Uthmeier, James (Federal)	Comstock, Earl (Federal)	Shambon, Leonard (Federal)	Re: Census Timeline.msg	8/11/2017 18:52	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo and personal plans
11305	11305	11305	11306	Uthmeier, James (Federal)	Shambon, Leonard (Federal)	Shambon, Leonard (Federal)	Here's .msg	8/11/2017 18:16	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo and personal plans
11306	11306	11305	11306	n/a	Leonard Shambon		Census category chronology August 11 2017.docx	8/11/2017, 6:13 p.m.	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship and the census
11307	11308	11307	11308	Uthmeier, James (Federal)	Comstock, Earl (Federal)		Re: Census paper.msg	8/11/2017 16:07	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; material on an unrelated issue
11309	11310	11309	11311	Uthmeier, James (Federal)	Comstock, Earl (Federal)		Re: Census paper.msg	8/11/2017 15:40	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; material on an unrelated issue
11311	11311	11309	11311	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Draft Aug 11 2017 ec edits.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census in track changes mode
11312	11313	11312	11313	Uthmeier, James (Federal)	Shambon, Leonard (Federal)		RE: Census paper.msg	8/11/2017 14:56	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo
11314	11315	11314	11315	Uthmeier, James (Federal)	Comstock, Earl (Federal)		Re: Census paper.msg	8/11/2017 13:10	AC - Attorney Client Privilege; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated issue

11316	11316	11316	11316	Uthmeier, James (Federal)	Comstock, Earl (Federal)		Re: Census paper.msg	8/11/2017 8:11	PII - Personal Privacy	
11317	11317	11317	11318	Uthmeier, James (Federal)	Schnell, Austin (Federal)		Hearing Prep - Census.msg	7/11/2017 14:23	PII - Personal Privacy	
11318	11318	11317	11318	n/a	n/a		Hearing Prep - Census.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft Qs&As on citizenship question for hearing prep
11319	11319	11319	11319	Uthmeier, James (Federal)	Keller, Catherine (Federal)		2020 Census.msg	6/23/2017 13:30	PII - Personal Privacy	
11320	11320	11320	11320	Walsh, Michael (Federal)	Uthmeier, James (Federal)	Comstock, Earl (Federal); Kelley, Karen (Federal)	Re: proposed insert on response rate.msg	3/25/2018 12:00	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel discussing draft decision memo and proposing edits
11321	11321	11321	11322	Walsh, Michael (Federal); Comstock, Earl (Federal)	Uthmeier, James (Federal)		Fwd: Draft DOC Decision Memo.msg	3/24/2018 12:32	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Communications between Commerce counsel and DOJ litigation counsel regarding the draft decision memo with view towards potential litigation
11322	11322	11321	11322	n/a	n/a		Census decision memo draft 3.22.18 + Civil and CRT Edits.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11323	11323	11323	11324	Rockas, James (Federal)	Uthmeier, James (Federal)		Fwd: Draft DOC Decision Memo.msg	3/24/2018 11:33	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Communications between Commerce counsel and DOJ litigation counsel regarding the draft decision memo with a view towards potential litigation
11324	11324	11323	11324	n/a	n/a		Census decision memo draft 3.23.18.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11325	11326	11325	11326	Shumate, Brett A. (CIV)	Uthmeier, James (Federal)	Walsh, Michael (Federal)	Re: Draft DOC Decision Memo.msg	3/24/2018 5:02	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product	Email exchange between Commerce counsel and DOJ litigation counsel exchanging drafts of decision memo and commenting
11327	11327	11327	11328	Walsh, Michael (Federal); Kelley, Karen (Federal); Comstock, Earl (Federal); Semsar, Joseph (Federal)	Uthmeier, James (Federal)		Draft decision memo.msg	3/24/2018 5:00	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email summarizing draft decision memo

11328	11328	11327	11328	n/a	n/a		Census decision memo draft 3.23.18.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
2013	2013									
0002013_0001	0002013_0005	2013	2013	Davidson, Peter (Federal)	Uthmeier, James (Federal)	Walsh, Michael (Federal)	Re: DOC Morning News Clips for Tuesday, March 20,	3/20/2018 10:37	PII - Personal Privacy	
11329	11330	11329	11330	A M Neuman	Uthmeier, James (Federal)		Re: Questions re Census.msg	9/13/2017 16:33	AC - Attorney Client Privilege; PII - Personal Privacy	Matter on which legal advice has been sought; PII
11331	11331	11331	11331	Davidson, Peter (Federal)	Uthmeier, James (Federal)		Re: Close Hold Census paper.msg	8/14/2017 17:33	AC - Attorney Client Privilege; DP - Deliberative Process	Discussion among counsel on citizenship question decision and advice given to Secretary
11332	11332	11332	11332	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		Re: Census paper.msg	8/14/2017 11:12	PII - Personal Privacy	
11333	11334	11333	11335	Comstock, Earl (Federal)	Uthmeier, James (Federal)	Shambon, Leonard (Federal)	Fwd: Census Timeline.msg	8/11/2017 18:34	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo
11335	11335	11333	11335	n/a	n/a		Census category chronology August 11 2017.docx	8/11/2017 6:13 p.m.	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question history
11336	11336	11336	11336	Schnell, Austin (Federal)	Uthmeier, James (Federal)		Re: Hearing Prep - Census.msg	7/11/2017 17:56	AC - Attorney Client Privilege; PII - Personal Privacy	
11337	11337	11337	11338	Walsh, Michael (Federal); Kelley, Karen (Federal); Comstock, Earl (Federal)	Uthmeier, James (Federal)		Re: proposed insert on response rate.msg	3/25/2018 9:35	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Email exchange, including counsel, discussing draft decision memo and including proposed language
11338	11338	11337	11338	n/a	n/a		Outline for Census Decision Memo v3.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
2051	2051									
0002051_0001	0002051_0001	2051	2051	A M Neuman	Uthmeier, James (Federal)		Questions re Census.msg	9/8/2017 8:45	PII - Personal Privacy	
11339	11339	11339	11340	Uthmeier, James (Federal)	Schnell, Austin (Federal)		RE: Hearing Prep - Census.msg	7/11/2017 16:05	PII - Personal Privacy	
11340	11340	11339	11340	n/a	n/a		Hearing Prep - Census.docx	n/a	AC - Attorney Client Privilege; DP - Deliberative Process	Draft Qs&As for hearing prep, prepared by counsel
11341	11341	11341	11342	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		FW: Census paper.msg	8/14/2017 9:50	PII - Personal Privacy	

11342	11342	11341	11342	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Draft Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo addressing citizenship question and the census
11343	11345	11343	11346	Comstock, Earl (Federal)	Uthmeier, James (Federal)		Re: Census paper.msg	8/11/2017 16:05	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
11346	11346	11343	11346	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Draft Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and census
11347	11348	11347	11349	Comstock, Earl (Federal)	Uthmeier, James (Federal)		Re: Census paper.msg	8/11/2017 10:18	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
11349	11349	11347	11349	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
11350	11351	11350	11352	Comstock, Earl (Federal)	Uthmeier, James (Federal)		Re: Census paper.msg	8/11/2017 9:55	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	Discussion of draft legal memo; discussion of unrelated matter
11352	11352	11350	11352	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
11353	11353	11353	11353	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		Census.msg	8/7/2017 8:28	AC - Attorney Client Privilege; PII - Personal Privacy	Attorney's opinions on client matter
11354	11354	11354	11354	Schnell, Austin (Federal)	Uthmeier, James (Federal)		Re: Hearing Prep - Census.msg	7/11/2017 17:56	PII - Personal Privacy	
11355	11355	11355	11355	Shambon, Leonard (Federal)	Uthmeier, James (Federal)		Census.msg	6/27/2017 8:23	AC - Attorney Client Privilege; PII - Personal Privacy; DP - Deliberative Process	discussion of request for legal advice
11356	11356	11356	11356	Comstock, Earl (Federal); Uthmeier, James (Federal); Kelley, Karen (Federal)	Walsh, Michael (Federal)		proposed insert on response rate.msg	3/24/2018 12:26	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Discussion of proposed language for decision memo
11357	11360	11357	11361	Walsh, Michael (Federal); Comstock, Earl (Federal); Kelley, Karen (Federal)	Uthmeier, James (Federal)		Re: Draft DOC Decision Memo.msg	3/24/2018 11:22	AC - Attorney Client Privilege; PII - Personal Privacy; WP - Work Product; DP - Deliberative Process	Email exchange including Commerce counsel and DOJ litigation counsel discussing draft decision memo and proposing edits

11361	11361	11357	11361	n/a	n/a		Census decision memo draft 3.23.18.docx	n/a	AC - Attorney Client Privilege; WP - Work Product; DP - Deliberative Process	Draft decision memo in track changes mode
11362	11362	11362	11363	Ross, Wilbur	Comstock, Earl (Federal)	Teramoto, Wendy (Federal)	Memo on Census Question.msg	8/11/2017 16:12	PII - Personal Privacy; DP - Deliberative Process	Discussion of process for preparing and reviewing legal memo.
11363	11363	11362	11363	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Census Memo Draft2 Aug 11 2017.docx	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census
11364	11364	11364	11365	Uthmeier, James (Federal)	Schnell, Austin (Federal)		Census Responses .msg	7/13/2017 18:30	PII - Personal Privacy	
11365	11365	11364	11365	n/a	n/a		Hearing Prep - Census.docx	n/a	AC - Attorney Client Privilege; DP - Deliberative Process	Draft Qs&As for hearing prep
11366	11366	11366	11367	Uthmeier, James (Federal)	Schnell, Austin (Federal)		RE: Hearing Prep - Census.msg	7/11/2017 16:05	PII - Personal Privacy	
11367	11367	11366	11367	n/a	n/a		Hearing Prep - Census.docx	n/a	AC - Attorney Client Privilege; DP - Deliberative Process	Draft Qs&As for hearing prep
11368	11368	11368	11369	Uthmeier, James (Federal)	Schnell, Austin (Federal)		Hearing Prep - Census.msg	7/11/2017 14:23	PII - Personal Privacy	
11369	11369	11368	11369	n/a	n/a		Hearing Prep - Census.docx	n/a	AC - Attorney Client Privilege; DP - Deliberative Process	Draft Qs&As for hearing prep, prepared by counsel
12464	12464	12464	12464	Secretary Wilbur Ross, Wendy Teramoto, Earl Comstock	James Uthmeier		Citizenship Inquiry Memo Aug 11 2017.pdf	8/11/2017	AC - Attorney Client Privilege; DP - Deliberative Process	Draft legal memo on citizenship question and the census

# Exhibit 3

**From:** [Freedman, John A.](#)  
**To:** ["Bailey, Kate \(CIV\)"; Ehrlich, Stephen \(CIV\); Federighi, Carol \(CIV\); Eshkenazi, Lara \(USANYS\); Tarczynska, Dominika \(USANYS\); Vargas, Jeannette \(USANYS\); Coyle, Garrett \(CIV\)](#)  
**Cc:** [DHo@aclu.org](#); [SBrannon@aclu.org](#); [PGrossman@nycclu.org](#); [Bauer, Andrew](#); [Colangelo, Matthew](#); [Goldstein, Elena](#); [Saini, Ajay](#)  
**Subject:** State of New York v. Department of Commerce, S.D.N.Y 18-CV-2921; NYIC v. Department of Commerce, S.D.N.Y. 18-CV-5025: Meet and Confer Request  
**Date:** Monday, August 6, 2018 8:37:57 PM

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Counsel --

We are writing to raise several issues with regard to your communications on Friday evening, and to request a meet and confer tomorrow or Wednesday. Tomorrow we are available other than between noon and 3. Wednesday we are available other than between 3 and 4.

1. Department of Justice Production: We received the Department of Justice production late this morning and are still reviewing. While we are reserving all of our rights, your cover letter characterized this as your "first" production. Can you confirm that we will be receiving additional responsive materials from the Department of Justice, and if so, the anticipated timing for these productions?

2. Deposition Dates

a. Department of Justice Depositions

i. John Gore: We requested that you provide dates for John Gore on July 11. On July 18, you committed to get us deposition dates for him and other witnesses "as quickly as we can." Your communication on Friday evening that you would not be producing him is both untimely and improper. Mr. Gore's testimony is, among other things, directly relevant to the question of whether the Commerce-orchestrated, Gore-ghostwritten request for Arthur Gary to submit is pretextual, which is relevant for both the APA and Equal Protection claims.

ii. With regard to your position regarding the Department of Justice 30(b)(6) notice, as we noted, we are evaluating the production we received earlier today. While we are reserving all of our rights, based on our preliminary review, we do not think that the production is sufficient to address the topics we identified in our notice.

And while we acknowledge your objections, we reiterate our request that you, without waiving your objections, that you provide dates of availability for Mr. Gore and your 30(b)(6) notice so that in the event the Court orders their testimony, these can proceed expeditiously.

b. Commerce/Census Depositions

i. This will confirm that we will be taking depositions of Karen Dunn Kelley on August 28 and Earl Comstock on August 30. We will issue notices later this week.

ii. With regard to Ms. Teramoto, on July 11, we requested that you provide all dates of her availability during the month of August, and you previously advised that she was available August 29, 30 or 31. We subsequently advised that we would proceed on August 29. On Friday, you advised that the only date she was available to be deposed was September 7, the date our expert reports are due. Your retraction of a previously agreed upon date in light of the quickly approaching deadlines is both untimely and inappropriate. We would suggest that you revisit this matter with your clients, or we will bring this to the Court's attention.

iii. With regard to the Census Bureau 30(b)(6), to the extent individuals other than Messrs. Abowd or Jarmin will be designated, so that out of town counsel can plan their travel, can you please provide the potential dates when such witnesses will be made available?

3. Continuing Deficiencies in the Commerce/Census Bureau's Supplementation of the Administrative Record:

a. From our discussions during the July 31 meet and confer, we understood the Defendants would be making a supplemental production. At no point did you advise that you would be withholding almost 100 documents on the basis of a purported privilege. The Court did not authorize this untimely log, nor did we consent to it. Our position is that any privilege claim as to any document that was withheld after the Court's July 23 "no further extensions will be granted" order has been waived. These materials should be produced immediately.

b. Even had these privilege assertions been timely, there are a number of privilege assertions on the newest log that are improper on their face. For example, Defendants have withheld a second communication with Marc Neumann on the basis of attorney-client communication [11329-330]. This should be produced immediately. And there is a further work product assertion in July 2017, well before any reasonable anticipation of litigation [11317-18] -- this document should be treated consistently with the materials discussed in Judge Furman's August 4 order.

c. With regard to Mr. Uthmeier's August 11 memo, we do not understand how the failure to produce half a dozen copies of this document [11306, 11342, 11346, 11353, 11363, 12464] can be considered "inadvertent," particularly in light of the Government's insistence during the July 31 meet and confer that it was included in prior productions. This should also be produced immediately.

d. As we noted during the July 31 meet and confer, there continue to be significant gaps in the Administrative Record.

i. We raised specific concerns during the call about the lack of materials prior to December 12, 2017 (as well as prior to May 1, 2017) involving Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, Hernandez, and Uthmeier.

During the call, you confirmed that you had inquired into whether relevant materials

would be found in Secretary Ross' personal emails, and you agreed to inquire whether the six other officials engaged in communications about this topic through means other than their government emails, e.g., personal emails, text, messaging apps or personal devices, or voicemails. We are still waiting for a report back.

ii. The supplemental production has done nothing to address the gaps in the Administrative Record with regard to the questions we raised concerning Secretary Ross, Ms. Teramoto, Ms. Alexander, and Messrs. Comstock, Branstad, or Hernandez. While the supplemental production does address some of our concerns regarding Mr. Uthmeier, it is apparent that certain of his materials still have not been produced and are not otherwise reflected on any log. For example, we have not found the "review materials" Uthmeier prepared on or around September 5, 2017 [AR 1996-1999], nor do we see any notes or other evidence of his or Peter Davidson's engagement with Marc Neumann on or around September 8 and October 8, 2017 [AR 2051\_001, 2497].

iii. During the July 31 call, we specifically noted the lack of documents reflecting the engagement of either the Departments of Homeland Security or Justice (as referenced in AR 2458 & 9834) as well as key third parties, including Steve Bannon (as referenced in AR 2561 & 763), Kris Kobach (as referenced in AR 763), and Marc Neumann (as referenced in 3699). The new production did not cure these issues.

Additionally, while it is clear that there was stakeholder engagement with Messrs. Kobach and Neumann during the stakeholder engagement process [AR 1141, 1815, 3421, 3491] unlike virtually every other contact during that time, there are no file memos or follow up acknowledgments regarding these contacts.

Each of these issues should be cured immediately.

Please advise when you will be available on Tuesday or Wednesday to meet and confer regarding these issues.

John

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John A. Freedman

**Arnold & Porter**

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Washington, DC 20001

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[john.freedman@arnoldporter.com](mailto:john.freedman@arnoldporter.com)

[www.arnoldporter.com](http://www.arnoldporter.com)

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# Exhibit 4

**From:** Kelley, Karen (Federal) [REDACTED] PII  
**Sent:** 9/5/2017 5:36:04 PM  
**To:** Uthmeier, James (Federal) [REDACTED] PII  
**Subject:** RE: Prep for Wed Census meeting with Sec

**From:** Uthmeier, James (Federal)  
**Sent:** Tuesday, September 05, 2017 1:35 PM  
**To:** Kelley, Karen (Federal) <[REDACTED] PII >  
**Subject:** RE: Prep for Wed Census meeting with Sec

Great, will do. Office number?

**From:** Kelley, Karen (Federal)  
**Sent:** Tuesday, September 05, 2017 1:34 PM  
**To:** Uthmeier, James (Federal) <[REDACTED] PII >  
**Subject:** RE: Prep for Wed Census meeting with Sec

Right now

**From:** Uthmeier, James (Federal)  
**Sent:** Tuesday, September 05, 2017 1:33 PM  
**To:** Kelley, Karen (Federal) <[REDACTED] PII >  
**Subject:** RE: Prep for Wed Census meeting with Sec

Hi Karen-

Is there a good time when I might be able to drop off some review materials in preparation for today's meeting and provide a bit of context? Please let me know and I will run them down.

Thanks,  
James

**From:** Kelley, Karen (Federal)  
**Sent:** Monday, September 04, 2017 7:41 PM  
**To:** Uthmeier, James (Federal) <[REDACTED] PII >; Davidson, Peter (Federal) <[REDACTED] PII >; Hernandez, Israel (Federal) <[REDACTED] PII >; Dorsey, Cameron <[REDACTED] PII >  
**Subject:** Re: Prep for Wed Census meeting with Sec

understood

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**From:** Uthmeier, James (Federal)

**Sent:** Monday, September 4, 2017 7:36:33 PM

**To:** Davidson, Peter (Federal); Kelley, Karen (Federal); Hernandez, Israel (Federal); Dorsey, Cameron

**Subject:** Prep for Wed Census meeting with Sec

Hi Everyone-

I hope you're having a wonderful weekend. Due to some unexpected meetings tomorrow morning, we are going to hold this meeting at 5 pm. Please let me know if any issues and we can find a new time.

Thanks,

James

**Prep for Wed Census meeting with Sec**

Scheduled: Tuesday, Sep 5, 2017 from 10:00 AM to 10:30 AM

Location: Room 5870

Invitees: Davidson, Peter (Federal), Kelley, Karen (Federal), Hernandez, Israel (Federal), Dorsey, Cameron

Sent from my iPad