

September 20, 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' letter motion to compel production of DOJ documents withheld on grounds of deliberative process privilege in *State of New York, et al. v. U.S. Dep't of Commerce, et al.*, 18-CV-2921 (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 compelling production of 27 Department of Justice (DOJ) documents that Defendants have withheld on deliberative process grounds. Through meet-and-confers, the Parties have narrowed the dispute, *see* Exs. A-E, but Defendants continue to withhold numerous documents.

The 27 documents that are subject of this motion are DOJ 2722, 2736, 2739, 2786, 2924, 2925, 2926, 2927, 2951, 2967, 3094, 3098, 3101, 3103, 3105, 3352, 3356, 3357, 3365, 3367, 3371, 3374, 3376, 4457, 13555, 13556, and 14772. These documents are withheld solely on the basis of deliberative process privilege. Exs. F, G. Twenty-three of the documents were created *after* the December 12, 2017 letter from Arthur Gary announcing DOJ's decision to request that a citizenship question be added to the Census—such post-decisional documents do not qualify for the deliberative process privilege. Defendants have also failed to establish that the other four documents qualify for the privilege. And, even if any of these documents are covered by deliberative privilege, the balancing test warrants disclosure. At a minimum, these documents should be reviewed *in camera* to determine whether disclosure is warranted. *Cf.* Order at 2, *State of N.Y. v. U.S. Dep't of Commerce* (S.D.N.Y.) 18-CV-2921-JMF, ECF No. 241.

**A. Defendants Fail to Show That Any Documents Should Be Protected by Deliberative Process Privilege**

1. *The 23 Post-December 12, 2017 Documents are Post-Decisional and Not Privileged.* In order to qualify for the privilege, an inter-agency or intra-agency document must be both 1) pre-decisional and 2) deliberative. *Tigue v. U.S. Dep't of Justice*, 312 F.3d 70, 76 (2d Cir. 2002). "A document is predecisional when it is prepared in order to assist an agency decisionmaker in arriving at his decision." *Grand Cent. P'ship., Inc. v. Cuomo*, 166 F.3d 473, 482 (2d Cir. 1999) (internal quotation marks omitted). "[C]ommunications made after [an agency] decision and designed to explain it" are not privileged because disclosure would not in any way affect the agency's decisionmaking process. *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 151–52 (1975).

Twenty-three documents—Documents DOJ 2924, 2925, 2926, 2927, 2951, 2967, 3094, 3098, 3101, 3103, 3105, 3352, 3356, 3357, 3365, 3367, 3371, 3374, 3376, 4457, 13555, 13556, and 14772—are post-decisional. These documents were created later than the December 12, 2017 Gary letter formally announcing DOJ's decision to request a citizenship question.

Defendants contend that these documents “relate to separate decisionmaking processes from the Gary Letter itself,” Ex. E, but Defendants do not even attempt to identify what DOJ “decisionmaking processes” these documents supposedly concern. In fact, the logs reflect that these documents concern messaging or “talking points” in which DOJ employees discuss how to explain DOJ’s decision to request a citizenship question on the Census to various external stakeholders, including the press, Congress, the U.S. Commission on Civil Rights, and the public. Ex. F at 7-9, 12-15; Ex. G at 1, 14. But deliberative process privilege does not protect documents or communications regarding how to explain, interpret, or “message” an already-decided policy; such messaging communications are *post*-decisional. *See, e.g., Citizens Union of N.Y. v. Attorney Gen. of N.Y.*, 269 F. Supp. 3d 124, 164 (S.D.N.Y. 2017); *Resolution Tr. Corp. v. Diamond*, 137 F.R.D. 634, 641 (S.D.N.Y. 1991); *Winfield v. City of New York*, No. 15-cv-05236, 2018 WL 716013, at \*16 (S.D.N.Y. Feb. 1, 2018). The exclusion of messaging documents from the deliberative process privilege also applies to documents discussing how to respond to inquiries from Congress. *See, e.g., Fox News Network, LLC v. United States Dep’t of the Treasury*, 911 F. Supp. 2d 261, 276, 281 (S.D.N.Y. 2012) (“[C]ommunications concerning how to present agency policies to the press or public, although deliberative, typically do not qualify as substantive policy decisions protected by the deliberative process privilege,” and holding that draft outlines for the Treasury Secretary’s testimony before Congress were “mere messaging” and *post*-decisional). These 23 documents are not protected by deliberative privilege.<sup>1</sup>

*2. Defendants Have Failed to Establish the Four Remaining Documents Are Covered by Deliberative Privilege.* An agency seeking to invoke deliberative process privilege “bears the burden of proof, and all doubts as to the applicability of the exemption must be resolved in favor of disclosure.” *N.Y. Times Co. v. U.S. Dep’t of Justice*, 752 F.3d 123, 135 (2d Cir. 2014) (internal quotation marks omitted). Agencies can meet this burden either by providing affidavits or “declarations . . . giving reasonably detailed explanations why any withheld documents” are privileged. *ACLU v. U.S. Dep’t of Justice*, 681 F.3d 61, 69 (2d Cir. 2012) (internal quotation marks omitted). Agency descriptions that “are vague and conclusory and do little more than raise boilerplate objections” are insufficient for the moving party to satisfy its burden. *Fox News*, 911 F. Supp. 2d at 275; *see also Adamowicz v. IRS*, 552 F. Supp. 2d 355, 363–64 (S.D.N.Y. 2008).

With respect to Documents DOJ 2722, 2736, 2739, and 2786, Defendants have failed to meet their burden of establishing that these documents are deliberative. The descriptions of these documents on the log are mere boilerplate, conclusory descriptions that mechanically recite the elements of deliberative process privilege. Ex. F at 1, 3. Defendants cannot meet their burden with these thin and conclusory descriptions. Moreover, Defendants have also failed to carry their burden of establishing that these documents—which are all dated November 3, 2017 or later—are in fact *pre*-decisional. Documents in the Administrative Record indicate that DOJ’s decision actually occurred earlier, when Secretary Ross and Attorney General Sessions talked on September 17, and Sessions’ top aide wrote Ross’ top aide that “From what [Acting AAG] John [Gore] told me, it sounds like we can do whatever you need us to do . . . . The AG is eager to

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<sup>1</sup> If Defendants claim that the relevant “decision” for the deliberative process privilege analysis is the Department of Commerce’s March 2018 decision to reinstate the citizenship question, Plaintiffs note that the Defendants have expressly disclaimed that DOJ had any role in or authority to make that decision. Case No. 5025, ECF No. 108 at 6 (“Plaintiffs do not allege that that question was reinstated by the Department of Justice . . . Secretary Ross is the only official with the statutory authority to make that decision, and the only official alleged to have made that decision here. The Department of Justice has no authority to add census questions.”). DOJ cannot assert deliberative privilege for decisions in which it disclaims any no role or authority.

assist.” AR 2651. The date of an agency decision for purposes of the deliberative privilege process is based on the internal decision-making process rather than when agencies publicly announce those decisions. *See, e.g., Fox News*, 911 F. Supp. 2d at 278 (“The proper focus of the inquiry . . . is not the date of Treasury’s public announcement, but, rather, the date that the substantive policy decision was finalized.”).

**B. Even if the Documents are Protected by the Deliberative Process Privilege, the Balancing Test Weighs in Favor of Disclosure**

In the event the Court concludes any of these documents are covered under deliberative privilege, disclosure should still be assessed under the balancing test. Under this test, the Court considers 1) the relevance of the evidence; 2) the availability of other evidence; 3) the seriousness of the litigation; 4) the agency’s role in the litigation; and 5) the possibility that disclosure will inhibit candid debate within the agency. *Winfield*, 2018 WL 716013, at \*6.

All five factors weigh in favor of disclosure. First, these documents are highly relevant—four of them are Mr. Gore’s ghostwritten drafts of the December 12 letter requesting the citizenship question—and likely shed light on whether DOJ’s purported rationale for requesting the citizenship question was legitimate or pretext. *See, e.g., Macnamara v. City of N.Y.*, 249 F.R.D. 70, 84–85 (S.D.N.Y. 2008); *Mitchell v. Fishbein*, 227 F.R.D. 239, 250 (S.D.N.Y. 2005); *Burka v. New York City Transit Auth.*, 110 F.R.D. 660, 667 (S.D.N.Y. 1986). When discriminatory intent is at issue, the agency may not “use the [deliberative process] privilege as a shield.” *In re Nielsen*, No. 17-3345, 2017 U.S. App. LEXIS 27681, at \*11 n.2 (2d Cir. Dec. 27, 2017) (quoting *In re Subpoena Duces Tecum Served on Office of Comptroller of Currency*, 145 F.3d 1422, 1424 (D.C. Cir. 1998)). Second, any information contained in these documents suggesting discriminatory motives likely is not available from other sources. *See Citizens*, 269 F. Supp. 3d at 167. Many of these documents contain communications about how DOJ sought to craft their messaging; these communications can elucidate any discrepancies between DOJ’s actual motives and those expressed publicly. Third, this litigation is very serious, given that Census undercounts affect apportionment, federal and state funding, and the allocation of Electoral College votes. *See Favors v. Cuomo*, 285 F.R.D. 187, 219 (E.D.N.Y. 2012). Fourth, DOJ played a “direct” role in asking the Department of Commerce to reinstate the question and in the alleged misconduct of developing a pretext. *See Citizens*, 269 F. Supp. 3d at 169.

Fifth and finally, there is no risk of inhibiting candid deliberations over policy questions in these communications, and such concern is reduced regardless given that these materials “may shed light on alleged government malfeasance.” *Burbar v. Inc. Vill. of Garden City*, 303 F.R.D. 9, 14 (E.D.N.Y. 2014) (internal quotation marks omitted). Indeed, this litigation’s limited discovery has already exposed the government’s pretextual rationales for adding a citizenship question, and it is highly plausible that these documents may expose further evidence of the government discriminatory intent.

Production of all 27 documents should be compelled; in the alternative, the Court should review them *in camera* to assess whether they are in fact deliberative and, if so, whether they should nevertheless be produced.

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Dale Ho

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Attorneys for the State of New York Plaintiffs

# EXHIBIT A

**Dale Ho**

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**From:** Bailey, Kate (CIV) <Kate.Bailey@usdoj.gov>  
**Sent:** Friday, September 07, 2018 7:45 PM  
**To:** Freedman, John A.; Dale Ho; Federighi, Carol (CIV); Coyle, Garrett (CIV); Kopplin, Rebecca M. (CIV); Halainen, Daniel J. (CIV); Tomlinson, Martin M. (CIV); Ehrlich, Stephen (CIV)  
**Cc:** Sarah Brannon; Perry Grossman; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Goldstein, Elena  
**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 & Confer Follow Up & Other Matters  
**Attachments:** 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 & Confer Request & Other Matters

Counsel,

I note that your email below mischaracterizes the government's position as I represented during our meet and confer in several ways:

- First, I indicated that Defendants had **gathered** all of the materials potentially responsive to your motion to compel, and that, although we had not yet been able to review those materials, we had determined that they exceeded 25GB of data. I informed you specifically that the material we had collected corresponded to **the search terms and custodians referenced in your motion**. Your list below is not what I understood us to be discussing as it is not the same list included in your motion.
- Second, my notes reflect that Plaintiffs offered to confer among themselves and propose search terms to apply to that very large volume of materials in order to speed our review. During the call, Plaintiffs represented they would get back to us with a proposal soon, and Dale Ho confirmed that understanding in his September 6<sup>th</sup> email (attached): "We are conferring internally about narrowing terms to facilitate production of documents and will be back to you shortly." Because of this representation, I did not indicate that we would send you a proposal.
- Third, I did not "indicate[]" that Mark Neuman's [sic] name was generating documents relevant to the case." To the contrary, I represented that more than 25GB of material had been collected and that it would take some time to load into our database to permit review; in no way did I state that we had reviewed any of the material or determined the presence of Mr. Neumann's name on documents. I did say that, based on what I understood from the agency, we believe Bannon's name may be generating a lot of false positives due to his interactions with the agency on-matters unrelated to the census citizenship question. But at that point one member of Plaintiffs' team indicated that Plaintiffs also do not want to review voluminous, nonresponsive materials and would get back to us with proposed narrowing terms. As you are aware, it takes considerable time to transfer and load such a large volume of material, and we do not yet have a firm idea what is contained within that data.

We look forward to receiving your proposal for narrowing the scope of material gathered. If, however, you are no longer amenable to proposing search terms designed to yield a reasonable volume of documents responsive to what Plaintiffs requested in their motion to compel, we can review and process all of the documents responsive to your request, but please understand that it will take considerable time to do so.

Regarding your request to depose Secretary Ross, the government has important institutional interests in not producing Cabinet level officials for depositions and we decline to depart from our usual position here. We believe, however, that Plaintiffs can obtain the information they seek through other means without the extraordinary burden of deposing a

cabinet secretary. We propose that Plaintiffs either (1) serve interrogatories requesting the information they wish to ask Secretary Ross, or (2) serve a 30(b)(6) deposition notice on the Department of Commerce, which would allow Plaintiffs to obtain any relevant, nonprivileged information they could have received from the Secretary himself. Please let us know if you wish to proceed with one of these options.

Thank you,

**Kate Bailey**

Trial Attorney

United States Department of Justice

Civil Division – Federal Programs Branch

20 Massachusetts Avenue, NW

Room 7214

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202.514.9239 | [kate.bailey@usdoj.gov](mailto:kate.bailey@usdoj.gov)

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**From:** Freedman, John A. [mailto:John.Freedman@arnoldporter.com]

**Sent:** Friday, September 07, 2018 5:24 PM

**To:** Bailey, Kate (CIV) <katbaile@CIV.USDOJ.GOV>; DHo@aclu.org; Federighi, Carol (CIV) <CFederig@CIV.USDOJ.GOV>; Coyle, Garrett (CIV) <gcoyle@CIV.USDOJ.GOV>; Kopplin, Rebecca M. (CIV) <rkopplin@CIV.USDOJ.GOV>; Halainen, Daniel J. (CIV) <dhalaine@CIV.USDOJ.GOV>; Tomlinson, Martin M. (CIV) <mtomlins@CIV.USDOJ.GOV>; Ehrlich, Stephen (CIV) <sehrlich@CIV.USDOJ.GOV>

**Cc:** SBrannon@aclu.org; PGrossman@nyclu.org; Colangelo, Matthew <Matthew.Colangelo@ag.ny.gov>; Bauer, Andrew <Andrew.Bauer@arnoldporter.com>; Gersch, David P. <David.Gersch@arnoldporter.com>; Grossi, Peter T. <Peter.Grossi@arnoldporter.com>; Weiner, David J. <David.Weiner@arnoldporter.com>; Young, Dylan Scot <Dylan.Young@arnoldporter.com>; Kelly, Caroline <Caroline.Kelly@arnoldporter.com>; Saini, Ajay <Ajay.Saini@ag.ny.gov>; Goldstein, Elena <Elena.Goldstein@ag.ny.gov>

**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 & Confer Follow Up & Other Matters

Counsel,

We write to follow-up on several discovery and other issues.

1. Documents referenced in Dr. Abowd's 30(b)(6) deposition, including documents related to a proposal to the Velkoff proposals for randomized controlled trials, and the Reingold/Young & Rubicam documents. We have raised these documents with you multiple times, including in-person and in writing during Dr. Abowd's deposition on August 29; and on a meet-and-confer on September 4. Our understanding was that you were going to respond by the end of this week. Please advise on the status of producing these documents.
2. Secretary Ross Deposition. During the meet-and-confer on September 4, we ask if you would make Secretary Ross available for a deposition. Our understanding was that you were going to respond by the end of this week. Please advise today if you will make Secretary Ross available for a deposition.
3. DOJ Documents. Thank you for producing DOJ documents earlier this week. We write regarding three issues.



a. Completion of Mr. Gore's Production. From our discussion, we understood that DOJ was continuing to review responsive materials. In light of his forthcoming deposition, we reiterate our request that you prioritize completion of the production of materials from Mr. Gore's work or non-governmental accounts and produce them immediately.

b. Missing attachments. A number of emails have been produced without attachments. E.g., DOJ 2738.

c. Improper Deliberative Privilege Assertions. A number the privilege assertions appear invalid because, on their face, the log description does not suggest they are deliberative or otherwise should be produced under the balancing test. We intend to move on the following documents, and would ask that you take another look and advise as to your position: DOJ 2739, 2924-2927, 2951, 2966, 3094, 3098, 3101, 3103, 3105, 3352, 3356, 3357, 3365, 3367, 3371, 3374, 3376, 3382, & 3723. In light of Mr. Gore's impending deposition on Wednesday 9/12, we intend to move expeditiously on these, so please advise of a time on Monday when you will be available to meet and confer.

4. Supplementation of the Administrative Record: During our meet-and-confer on September 4, you indicated your clients were prepared to conduct searches of the custodians we identified in our August 27 email (Branstad, Willard, Lenihan, Park-Su, Langdon, Velkoff & Raglin).

With regard to search terms, you indicated that use of certain of the names we had proposed (e.g., Steve Bannon) were generating a large volume of irrelevant materials. As we indicated, we are prepared to work with Defendants on developing targeted search terms. We had understood that you would propose some alternative terms to what we suggested. In general, we would be fine using terms that should limit the number of false positives -- for example one of the proper names [Steve Bannon/James McHenry/ Gene Hamilton/ etc.] in the same email with one of the key concepts in the case [census/ citizenship/ immigrants/ aliens/ illegals/ undocumented]. Please advise when you will have a proposal for our review.

During this discussion, you indicated that Mark Neuman's name was generating documents relevant to the case. Those materials should be produced expeditiously. Please advise when we can expect to receive them.

Best regards,

John

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# EXHIBIT B

**From:** [Freedman, John A.](#)  
**To:** ["Bailey, Kate \(CIV\)"; Federighi, Carol \(CIV\); Coyle, Garrett \(CIV\); Kopplin, Rebecca M. \(CIV\); Halainen, Daniel J. \(CIV\); Tomlinson, Martin M. \(CIV\); Ehrlich, Stephen \(CIV\)](#)  
**Cc:** [Sarah Brannon; Perry Grossman; "Colangelo, Matthew"; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; "Saini, Ajay"; "Goldstein, Elena"; Dale Ho](#)  
**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 & Confer Follow Up & Other Matters  
**Date:** Thursday, September 13, 2018 12:37:02 PM

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Counsel --

Thanks for your note:

As far as a meet and confer, unfortunately both I and NYAG have a conflict during the single half-hour window you suggested. And the rest of my day is not much better. If there is no other window that works for you, I suggest we plan to discuss tomorrow after court.

A couple of other things:

1. Press reports indicate that the 2017 ACS data has been released. Per my earlier email, please produce today the Title 13 materials that you had previously been withheld pending this release (including 10382 and 10385).

Relatedly, from our review of the publicly released materials, we did not see the Microdata PLUM files for the 2017 data. These files are responsive to our Census RFP 6 and should be produced immediately.

2. For the meet and confer, we previously identified a number of documents from the most recent DOJ production for which you have inappropriately asserted deliberative process privilege. In addition to the documents we previously identified, on further review, the assertions for documents DOJ 2711, 2736, 2786, and 2967 also appear to be improper. Please produce these documents along with the others we previously identified as soon as possible, or please be prepared to discuss them tomorrow.

3. With regard to expert discovery:

- i. Because there is a limited window after the deadline for production of your reports, we request that when you serve reports, you provide dates of availability between September 25 and October 12 for any experts you designate.

- ii. With regard to your request for expert deposition dates, we are still confirming counsel availability and dates for Drs. Hillygus and Baretto. Subject to that, based on what we know, we would propose the following schedule;

October 3: Warshaw, Washington, DC.  
October 4: Reamer, Washington DC  
October 5: Van Hook, Location TBD

October 9: Handley, Washington, DC  
October 10: Thompson, Location TBD  
October 11: Habermann, , Location TBD

Thanks and best regards,

John

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John A. Freedman

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# EXHIBIT C

**From:** [Halainen, Daniel J. \(CIV\)](#)  
**To:** [Dale Ho](#); [Freedman, John A.](#); [Sarah Brannon](#); [Perry Grossman](#); [Colangelo, Matthew](#); [Bauer, Andrew](#); [Gersch, David P.](#); [Grossi, Peter T.](#); [Weiner, David J.](#); [Young, Dylan Scot](#); [Kelly, Caroline](#); [Saini, Ajay](#); [Goldstein, Elena](#)  
**Cc:** [Bailey, Kate \(CIV\)](#); [Coyle, Garrett \(CIV\)](#); [Ehrlich, Stephen \(CIV\)](#); [Federighi, Carol \(CIV\)](#); [Kopplin, Rebecca M. \(CIV\)](#); [Tomlinson, Martin M. \(CIV\)](#)  
**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: DOJ Documents  
**Date:** Friday, September 14, 2018 7:51:10 PM  
**Attachments:** [DOJ Documents 2018.09.14.zip](#)

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Counsel:

In response to your emails of September 7 and 13, we reviewed the assertions of the deliberative process privilege in the Department of Justice documents you identified.

We will exercise our discretion to release the following documents: DOJ 2966, DOJ 3382, and DOJ 3723. In reviewing these documents, we also determined that the following documents you did not challenge could be released: DOJ 3725, DOJ 3729, and DOJ 3727. We also are releasing some previously redacted portions of DOJ 3352; however, we continue to assert privilege over portions of this document that contain internal agency deliberations about then-pending FOIA requests.

Similarly, we are releasing some previously redacted portions of DOJ 3356, but we continue to assert privilege over internal agency deliberations concerning a draft response to an inquiry from Commissioner Kirsanow.

We understand from your email earlier today that you are challenging DOJ 2722 instead of DOJ 2711. We are still reviewing this document and will respond in due course.

We will not be releasing withheld material from the other documents you identified (DOJ 2736, DOJ 2739, DOJ 2786, DOJ 2924-2927, DOJ 2951, DOJ 2967, DOJ 3094, DOJ 3098, DOJ 3101, DOJ 3103, DOJ 3105, DOJ 3357, DOJ 3365, DOJ 3367, DOJ 3371, DOJ 3374) at this time. In your September 7 email, you stated that, based on the log descriptions, the withheld materials “on their face” were not deliberative or were otherwise subject to release. Can you please explain why you believe our assertions of privilege are deficient “on their face”? If it would be helpful, we can be available to meet and confer on those issues.

Attached please find a zip file containing the documents described above. Each document is labelled with a new bates number, but the previous bates number appears at the bottom-center to help match up the documents. Please let me know if you have any difficulty accessing the documents.

**Daniel Halainen**

Trial Attorney, U.S. Department of Justice  
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# EXHIBIT D



**From:** [Freedman, John A.](#)  
**To:** ["Bailey, Kate \(CIV\)"; Dale Ho; Federighi, Carol \(CIV\); Coyle, Garrett \(CIV\); Kopplin, Rebecca M. \(CIV\); Halainen, Daniel J. \(CIV\); Tomlinson, Martin M. \(CIV\); Ehrlich, Stephen \(CIV\)](#)  
**Cc:** [Sarah Brannon; Perry Grossman; Colangelo, Matthew; Bauer, Andrew; Gersch, David P.; Grossi, Peter T.; Weiner, David J.; Young, Dylan Scot; Kelly, Caroline; Saini, Ajay; Goldstein, Elena](#)  
**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 & Confer Follow Up & Other Items  
**Date:** Sunday, September 16, 2018 5:28:09 PM

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Counsel --

We wanted to touch base on a couple of things and request a meet-and -confer on any points on which we don't have agreement:

1. Meet and confer follow up; To recap points we discussed Friday after the conference yesterday, (i) we are scheduled to discuss the Rule 45 subpoenas to non-party members of certain *NYIC* plaintiffs with Garrett and Stephen on Monday at 1, (ii) you will let us know about timing on the resumption of the Abowd deposition and our request for three hours, (iii) we should expect production of the materials previously withheld by the DRB on the basis of Title 13 pending the September 13 public release of the 2017 ACS data, and (iv) you will report back on our questions about the privilege assertions over the Park-Su Q31 email (9190) and the Uthmeier August 11 memo (11363, attachment to 2461).

With regard to the Uthmeier memo, for the sake of clarity, we also want to know your position on the other places it is reflected in the log (11342, 11346 ,11349, 11352, and 12462). Also -- we would like to know your position on the related documents generated by/exchanges involving Leonard Shambon (11301-306, 11312, 11333-335, 11353, 11355) -- many of which do not appear to meet the elements to establish a privilege.

2. In addition to these matters, we intend to seek leave to issue a Rule 45 document and testimonial subpoena to Mark Neuman. Could you please advise on your position on this request?

3. In conjunction with the September 11 Commerce Department supplemental productions of materials previously withheld on basis of deliberative privilege, there is a note in ECF 315-1 that materials similar to AR 3907 will be released in full upon request. We would like the other similar stakeholder call materials.

4. DOJ Productions. Per Martin and Daniel's Friday night emails, thank you for the next installment of DOJ materials and responses on the privilege assertions we have questioned. Notwithstanding the production of a few documents, there are three categories of documents being withheld which should be produced.

First, seventeen (17) of the documents post-date the December 12 Gary letter, in which DOJ

publicly announced its decision to request that a citizenship question to the Census. Post-decisional documents cannot be withheld or redacted on the basis of deliberative privilege; moreover, discussions over how to present a decision that has already been made do not fall within the ambit of deliberative process privilege. Thus, Documents DOJ 2924, DOJ 2925, DOJ 2926, DOJ 2927, DOJ 2951, DOJ 2967, DOJ 3094, DOJ 3098, DOJ 3101, DOJ 3103, DOJ 3105, DOJ 3356 (only partially unredacted), DOJ 3357, DOJ 3365, DOJ 3367, DOJ 3371, DOJ 3374 should be produced in unredacted form.

Second, with respect to four (4) other documents, the privilege log contains only boilerplate conclusory assertions that the documents contain "deliberative" material. The descriptions do not establish these documents are in fact "deliberative" in nature or even that they are in fact pre-decisional. Thus, Documents DOJ 2722, DOJ 2736, DOJ 2739, DOJ 2786 should be produced in unredacted form.

Third, eleven (11) documents identified in the Friday DOJ production cannot be withheld or redacted on the basis of deliberative process privilege for the same reason as the documents in the first category above: they are post-decisional (DOJ 4455, 4456, 4457, 4459, 7685, 7687, 13555, 13556, 13557, 13561, and 13562). Several of these concern efforts to explain the decision to Congress (4456, 4457, 13555, 13556), which are not deliberative. DOJ has also asserted work product over seven of these document (4455, 4459, 7685, 7687, 13557, 13561, 13562) -- we do not understand the basis for these assertions. The log indicates that these documents were prepared "by CRT attorneys" who are not counsel in this matter. These assertions also seem incongruous with various representations that have been made to the Court regarding the role of CRT and Mr. Gore.

Relatedly, can you confirm that 4465 was the litigation hold issued to CRT, and that no prior hold was issued?

Finally, we note that the latest production contains very little material concerning Mr. Gore (and nothing from his non-governmental accounts) -- we had asked that be prioritized, and would appreciate a status update on when we should expect to see these materials.

Thank you for your attention to these requests.

Also -- with regard to expert depositions, this is to advise that we will make Dr. Hillygus available on October 9.

Best regards,

John

---

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# EXHIBIT E

**From:** Bailey, Kate (CIV) <[Kate.Bailey@usdoj.gov](mailto:Kate.Bailey@usdoj.gov)>

**Date:** September 19, 2018 at 9:59:49 PM EDT

**To:** Freedman, John A. <[John.Freedman@arnoldporter.com](mailto:John.Freedman@arnoldporter.com)>, [DHo@aclu.org](mailto:DHo@aclu.org) <[DHo@aclu.org](mailto:DHo@aclu.org)>, Federighi, Carol (CIV) <[Carol.Federighi@usdoj.gov](mailto:Carol.Federighi@usdoj.gov)>, Coyle, Garrett (CIV) <[Garrett.Coyle@usdoj.gov](mailto:Garrett.Coyle@usdoj.gov)>, Kopplin, Rebecca M. (CIV) <[Rebecca.M.Kopplin@usdoj.gov](mailto:Rebecca.M.Kopplin@usdoj.gov)>, Halainen, Daniel J. (CIV) <[Daniel.J.Halainen@usdoj.gov](mailto:Daniel.J.Halainen@usdoj.gov)>, Tomlinson, Martin M. (CIV) <[Martin.M.Tomlinson@usdoj.gov](mailto:Martin.M.Tomlinson@usdoj.gov)>, Ehrlich, Stephen (CIV) <[Stephen.Ehrlich@usdoj.gov](mailto:Stephen.Ehrlich@usdoj.gov)>, Wells, Carlotta (CIV) <[Carlotta.Wells@usdoj.gov](mailto:Carlotta.Wells@usdoj.gov)>

**Cc:** [SBrannon@aclu.org](mailto:SBrannon@aclu.org) <[SBrannon@aclu.org](mailto:SBrannon@aclu.org)>, [PGrossman@nyclu.org](mailto:PGrossman@nyclu.org) <[PGrossman@nyclu.org](mailto:PGrossman@nyclu.org)>, Colangelo, Matthew <[Matthew.Colangelo@ag.ny.gov](mailto:Matthew.Colangelo@ag.ny.gov)>, Bauer, Andrew <[Andrew.Bauer@arnoldporter.com](mailto:Andrew.Bauer@arnoldporter.com)>, Gersch, David P. <[David.Gersch@arnoldporter.com](mailto:David.Gersch@arnoldporter.com)>, Grossi, Peter T. <[Peter.Grossi@arnoldporter.com](mailto:Peter.Grossi@arnoldporter.com)>, Weiner, David J. <[David.Weiner@arnoldporter.com](mailto:David.Weiner@arnoldporter.com)>, Young, Dylan Scot <[Dylan.Young@arnoldporter.com](mailto:Dylan.Young@arnoldporter.com)>, Kelly, Caroline <[Caroline.Kelly@arnoldporter.com](mailto:Caroline.Kelly@arnoldporter.com)>, Saini, Ajay <[Ajay.Saini@ag.ny.gov](mailto:Ajay.Saini@ag.ny.gov)>, Goldstein, Elena <[Elena.Goldstein@ag.ny.gov](mailto:Elena.Goldstein@ag.ny.gov)>

**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 & Confer Follow Up & Other Items

Counsel,

In response to your email of September 16:

1. We do not consent to your request to depose Dr. Abowd as a 30(b)(6) witness for an additional three hours, considering that his last deposition ran nearly the full 7 hours, but we will consent to an additional 90 minutes for his deposition—on the condition that the scope of the additional time is limited to the “white paper” produced shortly before his most recent deposition.
2. We properly asserted attorney-client privilege over the Park-Su email, Bates # 9190, and will not be producing that exchange, as the redacted text contains a draft response prepared with the assistance of Deputy General Counsel Mike Walsh. And as we conveyed in the meet-and-confer following Friday’s hearing, the Uthmeier memo (Bates # 11363) contains core attorney-client material—meaning advice and recommendations from counsel—and is not, as you speculated, limited to historical facts and summary. We will not be producing it, and this position applies to each place it appears in the log. Similarly, we disagree with your assertion that “many” of the exchanges involving Leonard Shambon “do not appear to meet the elements to establish a privilege.” Both Shambon and Uthmeier are attorneys, performing legal roles, and these exchanges related to work performed and advice provided in that capacity.
3. We are in the process of gathering and producing the stakeholder call materials you’ve requested.
4. Regarding DOJ productions:
  - a. Your assertion that many of the documents “cannot be withheld or redacted on the basis of deliberative privilege” merely because they “post-date the December 12 Gary

letter” is incorrect. The Gary Letter is not the only decisionmaking process that DOJ engaged in surrounding this matter and therefore is not the only decision relevant for purposes of privilege assertions. As reflected in our privilege log entries for the documents you challenge (DOJ 2924, DOJ 2925, DOJ 2926, DOJ 2927, DOJ 2951, DOJ 2967, DOJ 3094, DOJ 3098, DOJ 3101, DOJ 3103, DOJ 3105, DOJ 3356, DOJ 3357, DOJ 3365, DOJ 3367, DOJ 3371, DOJ 3374), as well as similar documents from the third DOJ production (DOJ 4455, 4456, 4457, 4459, 7685, 7687, 13555, 13556, 13557, 13561, and 13562) redacted portions have properly been designated as privileged because they reflect predecisional deliberations relating to other agency decisions, and their release would expose DOJ’s internal decisionmaking processes. Your implication that they reflect only “discussions over how to present a decision that has already been made” is factually inaccurate.

- b. We also disagree with your characterization of certain log entries as “boilerplate” and insufficient to establish the privileged nature of the documents in question. Specifically, you challenged drafts of the Gary Letter (DOJ 2722, DOJ 2736, DOJ 2739, DOJ 2786). As noted in the corresponding privilege log entries, they are pre-decisional drafts, which are necessarily deliberative as they reveal DOJ’s non-final thoughts on the letter’s contents. These materials have been properly withheld and we will not be releasing them.
- c. We disagree with you that deliberative discussions relating to decisions as to how to interact with, notify, and communicate with Congress “are not deliberative.” As stated above, these materials have properly been withheld as they relate to separate decisionmaking processes from the Gary Letter itself. The materials in question predate such decisions and will not be produced.
- d. After considering your request, we have decided to release additional portions of DOJ Bates 4456 and 13555, see attached. The remaining portions cannot be released as they would reveal internal agency deliberations concerning how to respond to Maloney.
- e. We find confusing your challenge to our work-product assertions over DOJ Bates 4455, 4459, 7685, 7687, 13557, 13561, and 13562. As reflected in our log, these communications contain inquiries by the trial team to the Civil Rights Division reflecting case-development questions relevant to this litigation, and answers from the subject-matter experts in CRT. We sent these questions after the initiation of this litigation and, as the privilege log entries clearly explain, we asked these questions for the purpose of case development in this litigation. Revealing such questions would of course reveal the mental impressions and legal strategies of the attorneys on the trial team, as would revealing CRT’s answers. In addition, the questions and their draft answers are withheld as deliberative. We have determined that we are able to release additional portions of 13557, see attached. But we are otherwise unable to release any additional portions, because the material in these documents implicates both the deliberative-process privilege and is attorney work product. We do not understand the grounds for your request for material that would reveal the mental impressions of our trial attorneys. We are also confused as to why you think our explanation of these documents is “incongruous with various representations that have been made to the Court regarding the role of CRT and Mr. Gore,” but please feel free to clarify what you mean.

- f. As for DOJ Bates 4465, it is not the litigation hold issued to CRT. As I've repeatedly conveyed in response to your questions on our meet-and-confers, the litigations holds in this case were issued **shortly after the first complaints were filed in these cases**—i.e., promptly after the *State of California* suit was filed. As indicated in the privilege log, the document is "Communication between DOJ attorneys discussing document preservation obligations as a result of litigation filed concerning the addition of the citizenship question to the 2020 census," i.e., a later discussion of the litigation hold.
- g. Finally, you imply that you expect to see material from Mr. Gore's non-governmental email accounts. Mr. Gore used only his governmental email accounts for Census-related activities, thus you will not be receiving any material from Mr. Gore's non-governmental email accounts. We continue to work on getting you additional documents from CRT and are prioritizing Mr. Gore's documents, although as we've previously discussed this is a difficult and time-consuming process due to the large volume of documents that are responsive to your requests and the sensitive nature of many of these documents.

Attached please find the documents described above. Each document is labelled with a new bates number, but the previous bates number appears at the bottom-center to help match up the documents. Please let me know if you have any difficulty accessing the documents.

**Kate Bailey**  
Trial Attorney  
United States Department of Justice  
Civil Division – Federal Programs Branch  
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# EXHIBIT F

| Row | Prod.:Beg. Bate | Prod.:End Bates | Prod.:Beg. Atta | Prod.:End Atta | To   | FROM                      | CC | DATE / SENT      | AUTHOR  | DATE TIME CRTD   | FILENAME   | Redacted or | Privilege | Privilege Log Description   |
|-----|-----------------|-----------------|-----------------|----------------|--|---------------------------|----|------------------|---------|------------------|--|-------------|-----------|---|
| 1   | DOJ00002712     | DOJ00002716     | DOJ00002712     | DOJ00002716    | Gary, Arthur (JMD)   | Gore, John (CRT)          |    | 1/29/2018 14:54  |         |                  | RE: following up.msg   | Redacted    | PII       | PII redacted to avoid unsolicited contact.  |
| 2   | DOJ00002717     | DOJ00002720     | DOJ00002717     | DOJ00002720    | Gary, Arthur (JMD)   | Gore, John (CRT)          |    | 1/3/2018 14:33   |         |                  | RE: Request to Reinststate Citizenship Question On 2020 Census Questionnaire.msg | Redacted    | PII       | PII redacted of attorneys   |
| 3   | DOJ00002721     | DOJ00002721     | DOJ00002721     | DOJ00002722    | Tucker, Rachael (OAG)  | Gore, John (CRT)          |    | 12/8/2017 12:00  |         |                  | Letter.msg   | WIF         | DPP       | Email between DOJ lawyers deliberating about edits and changes to a draft of the Gary Letter.   |
| 4   | DOJ00002722     | DOJ00002722     | DOJ00002721     | DOJ00002722    | N/A  | N/A                       |    |                  |         | 12/8/2017 11:28  | Request for Citizenship Information.Dec 8 REDLINE.docx                           | WIF         | DPP       | This is a draft of the Gary letter which contains text and comments which are different from the final version and which reflect internal agency deliberations  |
| 5   | DOJ00002724     | DOJ00002725     | DOJ00002723     | DOJ00002725    | N/A  | N/A                       |    |                  | mposner | 11/6/2017 17:02  | assignment report 171106.docx  | Redacted    | DPP; AWP  | Redacted material is non-responsive to any of the subpoena topics. Redacted material also reveals ongoing agency deliberations and strategies concerning a variety of non-Census related matters, including ongoing litigation. |
| 6   | DOJ00002729     | DOJ00002733     | DOJ00002729     | DOJ00002733    | Allen, Michelle M (JMD); Bush, Barbara (JMD); Caterini, John (JMD); Hahn, Kristen Bucher (JMD); Hansen, Barry C (JMD); Jadwin, Pamela J (JMD); Posner, Morton J (JMD); Smith, Nia F (JMD); Tang, Evelyn (JMD); Thompson, John E. (JMD) | Gary, Arthur (JMD)        |    | 12/11/2017 17:15 |         |                  | Biweekly with Mike.msg   | Redacted    | DPP;PII   | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics.  |
| 7   | DOJ00002736     | DOJ00002736     | DOJ00002735     | DOJ00002736    | N/A  | N/A                       |    |                  |         | 11/29/2017 16:52 | Dr.Jarmin Census Bureau Letter.pdf   | WIF         | DPP       | Draft of the Gary Letter that contains deliberative material and pre-dates the final Gary Letter.   |
| 8   | DOJ00002738     | DOJ00002738     | DOJ00002738     | DOJ00002739    | Gary, Arthur (JMD)   | Gore, John (CRT)          |    | 11/3/2017 17:10  |         |                  | Close Hold Draft Letter.msg  | Redacted    | PII       | PII redacted to avoid unsolicited contact.  |
| 9   | DOJ00002739     | DOJ00002739     | DOJ00002738     | DOJ00002739    | N/A  | N/A                       |    |                  |         | 11/3/2017 15:34  | Letter (rev).docx  | WIF         | DPP       | Draft of the Gary Letter that contains deliberative material and pre-dates the final letter.  |
| 10  | DOJ00002740     | DOJ00002740     | DOJ00002740     | DOJ00002740    | Gary, Arthur (JMD)   | Robinson, Barry (Federal) |    | 12/18/2017 16:19 |         |                  | Conversation about Letter to Census.msg  | Redacted    | PII       | PII has been redacted to avoid unsolicited contact.   |

|    |             |             |             |             |                            |                        |  |                  |          |                 |  |          |         |   |
|----|-------------|-------------|-------------|-------------|----------------------------|------------------------|--|------------------|----------|-----------------|--|----------|---------|---|
| 11 | DOJ00002741 | DOJ00002741 | DOJ00002741 | DOJ00002743 | Gary, Arthur (JMD)         | Madan, Rafael A. (OJP) |  | 10/5/2017 18:51  |          |                 | FW For your review<br>Final Review of Draft<br>Reg Reform Task Force<br>Report.msg             | WIF      | DPP;PII | This document is coded responsive only because one or more of its attachments was responsive. Redacted portions contain deliberative material discussing changes to a draft version of a memorandum for the Attorney General that pre-dates the final version. Other redactions are for personally identifiable information which would reveal email addresses and possibly subject individuals to unsolicited email. |
| 12 | DOJ00002742 | DOJ00002742 | DOJ00002741 | DOJ00002743 | N/A                        | N/A                    |  |                  | egtaylor | 10/5/2017 18:43 | Revised Draft ASG reg<br>reform task force<br>memo - draft as of<br>100217 16h38.docx          | WIF      | DPP     | This draft to provide input to the Attorney General contains agency deliberations, including comments about changes to the draft. The draft pre-dates the final version. The draft is also non-responsive except for a brief reference to DOJ's VRA enforcement efforts.  |
| 13 | DOJ00002743 | DOJ00002743 | DOJ00002741 | DOJ00002743 | N/A                        | N/A                    |  |                  | egtaylor | 10/5/2017 18:50 | Revised Draft ASG reg<br>reform task force<br>memo - draft as of<br>100217 16h38.docx          | WIF      | DPP     | This draft of input to the Attorney General contains deliberative material including comments, and pre-dates the final version of the memo. In addition, it is nonresponsive to the topics in the subpoena except for a brief reference to VRA enforcement.   |
| 14 | DOJ00002744 | DOJ00002748 | DOJ00002744 | DOJ00002748 | N/A                        | Unspecified<br>Sender  |  |                  |          |                 | FW Biweekly with<br>Mike.msg   | Redacted | DPP     | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics.  |
| 15 | DOJ00002749 | DOJ00002752 | DOJ00002749 | DOJ00002752 | Gore, John (CRT)           | Gary, Arthur (JMD)     |  | 1/3/2018 14:25   |          |                 | FW Request to<br>Reinstate Citizenship<br>Question On 2020<br>Census Questionnaire<br>(2).msg  | Redacted | PII     | Redacted DOJ attorney's email address.  |
| 16 | DOJ00002753 | DOJ00002753 | DOJ00002753 | DOJ00002753 | Gore, John (CRT)           | Gary, Arthur (JMD)     |  | 12/22/2017 16:15 |          |                 | FW Request to<br>Reinstate Citizenship<br>Question On 2020<br>Census Questionnaire<br>(14).msg | Redacted | PII     | Redacted DOJ attorney's email address.  |
| 17 | DOJ00002754 | DOJ00002756 | DOJ00002754 | DOJ00002756 | Thompson, John E.<br>(JMD) | Gary, Arthur (JMD)     |  | 1/3/2018 14:26   |          |                 | FW Request to<br>Reinstate Citizenship<br>Question On 2020<br>Census<br>Questionnaire.msg      | Redacted | PII     | Redacted DOJ attorney's email.  |
| 18 | DOJ00002757 | DOJ00002757 | DOJ00002757 | DOJ00002757 | Gore, John (CRT)           | Gary, Arthur (JMD)     |  | 12/18/2017 18:58 |          |                 | FW Talking Points.msg  | WIF      | DPP     | Email chain between DOJ attorneys discussing revisions to draft of media talking points concerning DOJ's request for the collection of citizenship data   |

|    |             |             |             |             |  |                           |   |                  |  |                  |  |          |         |   |
|----|-------------|-------------|-------------|-------------|--|---------------------------|---|------------------|--|------------------|--|----------|---------|---|
| 19 | DOJ00002762 | DOJ00002762 | DOJ00002762 | DOJ00002762 | Gary, Arthur (JMD)   | Robinson, Barry (Federal) | Creech, Melissa L; Hyson, Beverly (Federal) | 12/19/2017 9:59  |  |                  | Messaging.msg  | WIF      | DPP;PII | Email between Commerce and DOJ, discussing Commerce's deliberations about messaging.  |
| 20 | DOJ00002763 | DOJ00002767 | DOJ00002763 | DOJ00002767 | Allen, Michael (JMD DAAG)  | Gary, Arthur (JMD)        | Scofield, Megan L. (JMD)                    | 11/29/2017 9:56  |  |                  | OGC Biweekly agenda - let me know when you're back.msg | Redacted | ACP;DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics, including unrelated litigation. ACP for discussions of information communicated to FOIA counsel. |
| 21 | DOJ00002768 | DOJ00002776 | DOJ00002768 | DOJ00002776 | Allen, Michael (JMD DAAG)  | Gary, Arthur (JMD)        | Bush, Barbara (JMD)                         | 12/12/2017 14:18 |  |                  | OGC biweekly agenda - VTC @ 2 30 .msg                  | Redacted | ACP;DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics, including unrelated litigation. ACP for communications with FOIA attorney.                       |
| 22 | DOJ00002777 | DOJ00002780 | DOJ00002777 | DOJ00002780 | Allen, Michael (JMD DAAG)  | Gary, Arthur (JMD)        | Bush, Barbara (JMD)                         | 11/14/2017 14:22 |  |                  | OGC Biweekly today at 2 30 (VTC) .msg                  | Redacted | ACP;DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics, including unrelated litigation. ACP for communications with FOIA attorney.                       |
| 23 | DOJ00002781 | DOJ00002784 | DOJ00002781 | DOJ00002784 | Allen, Michelle M (JMD); Bush, Barbara (JMD); Caterini, John (JMD); Hahn, Kristen Bucher (JMD); Hansen, Barry C (JMD); Jadwin, Pamela J (JMD); Posner, Morton J (JMD); Smith, Nia F (JMD); Tang, Evelyn (JMD); Thompson, John E. (JMD) | Gary, Arthur (JMD)        |   | 11/28/2017 10:43 |  |                  | OGC Biweekly with Mike .msg                            | Redacted | DPP     | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics, including unrelated litigation.  |
| 24 | DOJ00002786 | DOJ00002786 | DOJ00002785 | DOJ00002786 | N/A  | N/A                       |   |                  |  | 11/29/2017 10:19 | Request for Citizenship Information.Nov29 FINAL.docx   | WIF      | DPP     | Draft of Gary letter dated November 29, 2018.   |

|    |             |             |             |             |   |                            |  |                  |  |  |                                |          |             |  |
|----|-------------|-------------|-------------|-------------|---|----------------------------|--|------------------|--|--|--------------------------------|----------|-------------|--|
| 25 | DOJ00002787 | DOJ00002792 | DOJ00002787 | DOJ00002792 | Hahn, Kristen Bucher (JMD)  | Gary, Arthur (JMD)         |  | 12/21/2017 17:37 |  |  | RE Biweekly with Mike (15).msg | Redacted | ACP;AWP;DPP | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation. Some of the non-responsive portion further include comments from counsel concerning unrelated ongoing litigation.   |
| 26 | DOJ00002793 | DOJ00002798 | DOJ00002793 | DOJ00002798 | Gary, Arthur (JMD)  | Hahn, Kristen Bucher (JMD) |  | 12/21/2017 17:05 |  |  | RE Biweekly with Mike (16).msg | Redacted | ACP;AWP;DPP | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation. In addition, some of the non-responsive portions include attorneys' comments about unrelated ongoing litigation.    |
| 27 | DOJ00002799 | DOJ00002804 | DOJ00002799 | DOJ00002804 | Gary, Arthur (JMD)  | Tang, Evelyn (JMD)         |  | 12/12/2017 11:49 |  |  | RE Biweekly with Mike (27).msg | Redacted | ACP;DPP     | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation  |
| 28 | DOJ00002805 | DOJ00002814 | DOJ00002805 | DOJ00002814 | Gary, Arthur (JMD); Allen, Michelle M (JMD); Bush, Barbara (JMD); Caterini, John (JMD); Hahn, Kristen Bucher (JMD); Jadwin, Pamela J (JMD); Posner, Morton J (JMD); Smith, Nia F (JMD); Tang, Evelyn (JMD); Thompson, John E. (JMD) | Hansen, Barry C (JMD)      |  | 12/11/2017 18:34 |  |  | RE Biweekly with Mike (33).msg | Redacted | ACP;DPP     | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation  |
| 29 | DOJ00002815 | DOJ00002820 | DOJ00002815 | DOJ00002820 | Hahn, Kristen Bucher (JMD)  | Gary, Arthur (JMD)         |  | 12/11/2017 17:42 |  |  | RE Biweekly with Mike (34).msg | Redacted | ACP;AWP;DPP | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation. In addition, some of the non-responsive portions contain an attorney's comments on an ongoing unrelated litigation. |

|    |             |             |             |             |   |                               |                                       |                  |  |  |   |          |             |  |
|----|-------------|-------------|-------------|-------------|---|-------------------------------|---------------------------------------|------------------|--|--|---|----------|-------------|--|
| 30 | DOJ00002821 | DOJ00002826 | DOJ00002821 | DOJ00002826 | Gary, Arthur (JMD)  | Hahn, Kristen<br>Bucher (JMD) |                                       | 12/11/2017 17:29 |  |  | RE Biweekly with Mike<br>(35).msg                 | Redacted | ACP;AWP;DPP | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation. In addition, some of the non-responsive portions include an attorney's comments concerning an unrelated litigation. |
| 31 | DOJ00002827 | DOJ00002831 | DOJ00002827 | DOJ00002831 | Hahn, Kristen Bucher<br>(JMD)   | Gary, Arthur (JMD)            |                                       | 12/11/2017 17:17 |  |  | RE Biweekly with Mike<br>(36).msg                 | Redacted | ACP;DPP     | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation  |
| 32 | DOJ00002832 | DOJ00002836 | DOJ00002832 | DOJ00002836 | Gary, Arthur (JMD)  | Hahn, Kristen<br>Bucher (JMD) |                                       | 12/11/2017 17:16 |  |  | RE Biweekly with Mike<br>(37).msg                 | Redacted | ACP;DPP     | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation  |
| 33 | DOJ00002837 | DOJ00002843 | DOJ00002837 | DOJ00002843 | Gary, Arthur (JMD)  | Hahn, Kristen<br>Bucher (JMD) |                                       | 12/21/2017 17:42 |  |  | RE Biweekly with<br>Mike.msg                      | Redacted | ACP;AWP;DPP | Email chain that includes OGC biweekly meeting agenda, redacted portions of which contain deliberations about various non-responsive topics, including unrelated litigation. In addition, some unresponsive portions include attorneys' comments on ongoing unrelated litigation.                |
| 34 | DOJ00002853 | DOJ00002854 | DOJ00002853 | DOJ00002854 | Gary, Arthur (JMD)  | Flores, Sarah Isgur<br>(OPA)  | Prior, Ian (OPA);<br>Gore, John (CRT) | 1/2/2018 14:49   |  |  | Re From Washington<br>Post Editorial<br>Board.msg | Redacted | PII         | PII redacted to avoid unsolicited contact.   |
| 35 | DOJ00002855 | DOJ00002856 | DOJ00002855 | DOJ00002856 | Gary, Arthur (JMD)  | Gore, John (CRT)              |                                       | 12/18/2017 16:14 |  |  | RE Letter to Dr Jarmin -<br>US Census Bureau.msg  | Redacted | PII         | PII redacted to avoid unsolicited contact.   |
| 36 | DOJ00002857 | DOJ00002861 | DOJ00002857 | DOJ00002861 | Posner, Morton J<br>(JMD)   | Gary, Arthur (JMD)            |                                       | 11/29/2017 12:00 |  |  | RE OGC Biweekly with<br>Mike (40).msg             | Redacted | DPP;PII     | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. PII redacted to avoid unsolicited contact.  |
| 37 | DOJ00002862 | DOJ00002869 | DOJ00002862 | DOJ00002869 | Gary, Arthur (JMD);<br>Allen, Michelle M<br>(JMD); Bush, Barbara<br>(JMD) | Caterini, John<br>(JMD)       |                                       | 11/28/2017 16:35 |  |  | RE OGC Biweekly with<br>Mike (41).msg             | Redacted | DPP         | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics.   |
| 38 | DOJ00002870 | DOJ00002874 | DOJ00002870 | DOJ00002874 | Tang, Evelyn (JMD)  | Gary, Arthur (JMD)            |                                       | 11/28/2017 15:41 |  |  | RE OGC Biweekly with<br>Mike (42).msg             | Redacted | DPP         | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics.   |
| 39 | DOJ00002875 | DOJ00002879 | DOJ00002875 | DOJ00002879 | Gary, Arthur (JMD)  | Tang, Evelyn<br>(JMD)         |                                       | 11/28/2017 14:23 |  |  | RE OGC Biweekly with<br>Mike (43).msg             | Redacted | DPP         | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics.   |

|    |             |             |             |             |   |                            |   |                  |  |  |  |          |     |  |
|----|-------------|-------------|-------------|-------------|---|----------------------------|---|------------------|--|--|--|----------|-----|--|
| 40 | DOJ00002880 | DOJ00002887 | DOJ00002880 | DOJ00002887 | Hansen, Barry C (JMD); Gary, Arthur (JMD) | Hahn, Kristen Bucher (JMD) | Bush, Barbara (JMD); Caterini, John (JMD) | 11/28/2017 13:14 |  |  | RE OGC Biweekly with Mike (44).msg   | Redacted | DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. |
| 41 | DOJ00002888 | DOJ00002892 | DOJ00002888 | DOJ00002892 | Gary, Arthur (JMD)                        | Hahn, Kristen Bucher (JMD) |   | 11/28/2017 12:06 |  |  | RE OGC Biweekly with Mike (46).msg   | Redacted | DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. |
| 42 | DOJ00002893 | DOJ00002896 | DOJ00002893 | DOJ00002896 | Gary, Arthur (JMD)                        | Posner, Morton J (JMD)     |   | 11/28/2017 11:24 |  |  | RE OGC Biweekly with Mike (48).msg   | Redacted | DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. |
| 43 | DOJ00002897 | DOJ00002901 | DOJ00002897 | DOJ00002901 | Gary, Arthur (JMD)                        | Posner, Morton J (JMD)     |   | 12/1/2017 8:46   |  |  | RE OGC Biweekly with Mike .msg   | Redacted | DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. |
| 44 | DOJ00002902 | DOJ00002906 | DOJ00002902 | DOJ00002906 | Hahn, Kristen Bucher (JMD)                | Gary, Arthur (JMD)         |   | 11/28/2017 13:03 |  |  | Re OGC Biweekly with Mike.msg  | Redacted | DPP | Redacted portions are not responsive to any discovery request. Redacted portions also contain deliberations concerning a variety of non-responsive topics. |
| 45 | DOJ00002907 | DOJ00002910 | DOJ00002907 | DOJ00002910 | Gary, Arthur (JMD)                        | Gore, John (CRT)           |   | 1/3/2018 14:33   |  |  | RE Request to Reinstate Citizenship Question On 2020 Census Questionnaire (1).msg  | Redacted | PII | Redacted DOJ attorney's email address and phone number.  |
| 46 | DOJ00002911 | DOJ00002912 | DOJ00002911 | DOJ00002912 | Ron S Jarmin                              | Gary, Arthur (JMD)         | Enrique Lamas (CENSUS/ADDP FED)           | 12/22/2017 16:16 |  |  | RE Request to Reinstate Citizenship Question On 2020 Census Questionnaire (13).msg | Redacted | PII | Redacted DOJ attorney's email address.   |
| 47 | DOJ00002913 | DOJ00002915 | DOJ00002913 | DOJ00002915 | Gary, Arthur (JMD)                        | Ron S Jarmin               | Enrique Lamas (CENSUS/ADDP FED)           | 1/3/2018 13:45   |  |  | Re Request to Reinstate Citizenship Question On 2020 Census Questionnaire (3).msg  | Redacted | PII | Redacted DOJ attorney's email address.   |
| 48 | DOJ00002916 | DOJ00002918 | DOJ00002916 | DOJ00002918 | Ron S Jarmin                              | Gary, Arthur (JMD)         | Enrique Lamas (CENSUS/ADDP FED)           | 1/2/2018 14:21   |  |  | RE Request to Reinstate Citizenship Question On 2020 Census Questionnaire (5).msg  | Redacted | PII | Redacted DOJ attorney's email address.   |



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|----|-------------|-------------|-------------|-------------|--------------------|------------------------------|---------------------------------------|------------------|--|--|---|----------|-----|--|
| 49 | DOJ00002919 | DOJ00002920 | DOJ00002919 | DOJ00002920 | Gary, Arthur (JMD) | Ron S Jarmin                 | Enrique Lamas<br>(CENSUS/ADDP<br>FED) | 1/2/2018 13:58   |  |  | Re Request to<br>Reinstate Citizenship<br>Question On 2020<br>Census Questionnaire<br>(6).msg | Redacted | PII | Redacted DOJ attorney's email address.   |
| 50 | DOJ00002921 | DOJ00002923 | DOJ00002921 | DOJ00002923 | Gary, Arthur (JMD) | Thompson, John E.<br>(JMD)   |                                       | 1/3/2018 16:09   |  |  | RE Request to<br>Reinstate Citizenship<br>Question On 2020<br>Census<br>Questionnaire.msg     | Redacted | PII | Redacted DOJ attorney's email address.   |
| 51 | DOJ00002924 | DOJ00002924 | DOJ00002924 | DOJ00002924 | Gore, John (CRT)   | Gary, Arthur (JMD)           |                                       | 12/18/2017 18:52 |  |  | RE Talking Points<br>(17).msg   | WIF      | DPP | Deliberative communication between John Gore<br>and Arthur Gary discussing and making edits to draft<br>talking points concerning DOJ's request for<br>citizenship data. |
| 52 | DOJ00002925 | DOJ00002925 | DOJ00002925 | DOJ00002925 | Gary, Arthur (JMD) | Gore, John (CRT)             |                                       | 12/18/2017 18:06 |  |  | RE Talking Points<br>(18).msg   | WIF      | DPP | Deliberative communication between John Gore<br>and Arthur Gary discussing and editing draft talking<br>points concerning DOJ's request for citizenship data.            |
| 53 | DOJ00002926 | DOJ00002926 | DOJ00002926 | DOJ00002926 | Gore, John (CRT)   | Gary, Arthur (JMD)           |                                       | 12/18/2017 17:52 |  |  | RE Talking Points<br>(19).msg   | WIF      | DPP | Deliberative communication between John Gore<br>and Arthur Gary discussing and editing draft talking<br>points concerning DOJ's request for citizenship<br>information.  |
| 54 | DOJ00002927 | DOJ00002927 | DOJ00002927 | DOJ00002927 | Gary, Arthur (JMD) | Gore, John (CRT)             |                                       | 12/18/2017 19:15 |  |  | Re Talking Points.msg   | WIF      | DPP | Deliberative communications between John Gore<br>and Arthur Gary discussing and editing draft talking<br>points concerning DOJ's request for citizenship data.           |
| 55 | DOJ00002928 | DOJ00002929 | DOJ00002928 | DOJ00002929 | Gary, Arthur (JMD) | Allen, Michelle M<br>(JMD)   |                                       | 12/14/2017 17:06 |  |  | RE U S Census Bureau<br>Dr Jarmin (Revised Dec<br>12th) pdf (21).msg                          | Redacted | PII | PII redacted to avoid unsolicited contact.   |
| 56 | DOJ00002930 | DOJ00002930 | DOJ00002930 | DOJ00002930 | Gore, John (CRT)   | Gary, Arthur (JMD)           |                                       | 12/14/2017 17:05 |  |  | RE U S Census Bureau<br>Dr Jarmin (Revised Dec<br>12th) pdf (23).msg                          | Redacted | PII | PII redacted to avoid unsolicited contact.   |
| 57 | DOJ00002931 | DOJ00002931 | DOJ00002931 | DOJ00002931 | Gary, Arthur (JMD) | Gore, John (CRT)             |                                       | 12/14/2017 17:04 |  |  | RE U S Census Bureau<br>Dr Jarmin (Revised Dec<br>12th) pdf (24).msg                          | Redacted | PII | PII redacted to avoid unsolicited contact.   |
| 58 | DOJ00002932 | DOJ00002933 | DOJ00002932 | DOJ00002933 | Gore, John (CRT)   | Teramoto, Wendy<br>(Federal) |                                       | 9/18/2017 11:10  |  |  | Re: Call.msg  | Redacted | PII | PII redacted to avoid unsolicited contact.   |
| 59 | DOJ00002934 | DOJ00002935 | DOJ00002934 | DOJ00002935 | Gore, John (CRT)   | Teramoto, Wendy<br>(Federal) | Cutrona, Danielle<br>(OAG)            | 9/16/2017 18:29  |  |  | Re: Call.msg  | Redacted | PII | PII redacted to avoid unsolicited contact.   |
| 60 | DOJ00002936 | DOJ00002936 | DOJ00002936 | DOJ00002936 | Gore, John (CRT)   | Teramoto, Wendy<br>(Federal) | Leach, Macie<br>(Federal)             | 9/13/2017 16:57  |  |  | Re: Call.msg  | Redacted | PII | PII redacted to avoid unsolicited contact.   |

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|----|-------------|-------------|-------------|-------------|------------------------------|-----------------------------|---|-----------------|--|----------------|--|----------|---------|--|
| 61 | DOJ00002937 | DOJ00002937 | DOJ00002937 | DOJ00002937 | Teramoto, Wendy (Federal)    | John.Gore@crt.us<br>doj.gov | Cutrona, Danielle (OAG)                     | 9/16/2017 15:53 |  |                | Re: Call.msg   | Redacted | PII     | PII redacted to avoid unsolicited contact.   |
| 62 | DOJ00002938 | DOJ00002938 | DOJ00002938 | DOJ00002938 | Teramoto, Wendy (Federal)    | Gore, John (CRT)            | Cutrona, Danielle (OAG)                     | 9/16/2017 15:53 |  |                | Re: Call.msg   | Redacted | PII     | PII redacted to avoid unsolicited contact.   |
| 63 | DOJ00002940 | DOJ00002941 | DOJ00002940 | DOJ00002941 | Gore, John (CRT)             | Cutrona, Danielle (OAG)     | Teramoto, Wendy (Federal)                   | 9/16/2017 15:57 |  |                | Re: Call.msg   | Redacted | PII     | PII has been redacted to avoid unsolicited contact.  |
| 64 | DOJ00002942 | DOJ00002944 | DOJ00002942 | DOJ00002950 | Herren, Chris (CRT)          | Aguinaga, Ben (CRT)         | Toomey, Kathleen (CRT)                      | 5/2/2018 20:22  |  |                | Fwd: Census letter for Testimony clearance.msg   | Redacted | DPP;PII | Email communication containing private, personally identifying information and deliberations regarding the potential content and scope of upcoming congressional testimony.  |
| 65 | DOJ00002949 | DOJ00002949 | DOJ00002942 | DOJ00002950 | N/A                          | N/A                         |   |                 |  | 5/2/2018 14:13 | Census Hearing Maloney et. al.docx   | WIF      | DPP     | Draft letter to Congresswoman Carolyn B. Maloney in response to a letter sent to the Acting Assistant General for the Civil Rights Division on May 1, 2018, including comments on a portion of the draft.            |
| 66 | DOJ00002951 | DOJ00002952 | DOJ00002951 | DOJ00002952 | Gore, John (CRT)             | Aguinaga, Ben (CRT)         |   | 6/14/2018 9:59  |  |                | Re: Updated census letters- FYI.msg  | Redacted | DPP;PII | Communications regarding draft letters responding to letters received from members of Congress regarding the Department of Commerce. PII redacted to avoid unsolicited contact.                                      |
| 67 | DOJ00002953 | DOJ00002954 | DOJ00002953 | DOJ00002954 | Hildabrand, Dorothy W. (OLA) | Aguinaga, Ben (CRT)         | Riley, Ann J. (OLA); Toomey, Kathleen (CRT) | 5/2/2018 9:40   |  |                | Re: Census letter for Testimony clearance.msg  | Redacted | DPP;PII | Communication containing deliberations regarding the scope and content of planned congressional testimony, in addition to the email address of a high-level DOJ individual.  |
| 68 | DOJ00002955 | DOJ00002956 | DOJ00002955 | DOJ00002960 | Hildabrand, Dorothy W. (OLA) | Aguinaga, Ben (CRT)         |   | 6/14/2018 9:57  |  |                | Fwd: Updated census letters- FYI.msg   | Redacted | DPP;PII | Communication containing deliberations regarding proposed edits to draft responses to letters received from members of Congress regarding the final letter, as well as contact information for senior DOJ officials. |
| 69 | DOJ00002957 | DOJ00002957 | DOJ00002955 | DOJ00002960 | N/A                          | N/A                         |   |                 |  | 6/14/2018 9:55 | Census Questionnaire - Feinstein dh edits 4-17-18 - #3997772 (#4002420)..._ - JMG Redline.docx | WIF      | DPP     | Draft response to a letter from Senator Dianne Feinstein containing proposed edits and comments.   |
| 70 | DOJ00002959 | DOJ00002959 | DOJ00002955 | DOJ00002960 | N/A                          | N/A                         |   |                 |  | 6/14/2018 9:52 | addition of a question on citizenship to the 2020 Census - Maloney et al._JMG Redline.docx     | WIF      | DPP     | Draft response to Congresswoman Carolyn Maloney, including proposed edits and comments.  |

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|----|-------------|-------------|-------------|-------------|---|------------------------|--|-----------------|---------------------|-----------------|---|----------|---------|--|
| 71 | DOJ00002961 | DOJ00002963 | DOJ00002961 | DOJ00002963 | Taylor, Velma (OLA)                           | Unspecified Sender     | Hildabrand, Dorothy W. (OLA)                                       | 6/26/2018 16:43 |                     |                 | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII | Communication containing deliberations regarding draft responses to questions submitted by Congress and non-public, personally identifying contact information.  |
| 72 | DOJ00002964 | DOJ00002965 | DOJ00002964 | DOJ00002965 | Taylor, Velma (OLA)                           | Unspecified Sender     | Policy, CRT (CRT); Hildabrand, Dorothy W. (OLA)                    | 6/26/2018 16:36 |                     |                 | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII | Communication regarding draft responses to questions submitted by Congress following a hearing, including potential edits to those responses, as well as non-public personally identifying information |
| 73 | DOJ00002966 | DOJ00002966 | DOJ00002966 | DOJ00002967 | Pickell, Lindsay A. (OLA); Gore, John (CRT)   | Unspecified Sender     | Haas, Alex (CIV); Shumate, Brett A. (CIV); Flentje, August (CIV)   | 4/19/2018 11:29 |                     |                 | RE: AG briefing paper on the census question.msg  | Redacted | DPP;PII | Redacted internal agency deliberations concerning preparing AG to discuss census question. Also redacted non-public contact information for senior DOJ employees.                                      |
| 74 | DOJ00002967 | DOJ00002967 | DOJ00002966 | DOJ00002967 | N/A   | N/A                    |  |                 | Aguinaga, Ben (CRT) | 4/6/2018 8:53   | Census Citizenship Question Briefing Paper.docx   | WIF      | DPP     | Draft and proposed talking points, and background information for those proposed talking points  |
| 75 | DOJ00002969 | DOJ00002971 | DOJ00002968 | DOJ00002971 | N/A   | N/A                    |  |                 |                     | 4/20/2018 15:11 | Department of Justice - Census Hearing Invite_5.8.2018.pdf  | Redacted | PII     | Non-public contact information for persons working for the Committee on Oversight and Government Reform.   |
| 76 | DOJ00002972 | DOJ00002972 | DOJ00002972 | DOJ00002973 | Parker, Rachel (OASG); Panuccio, Jesse (OASG) | Tyson, Jill C. (OLA)   | Escalona, Prim F. (OLA); Aguinaga, Ben (CRT); Tyson, Jill C. (OLA) | 1/14/2018 14:52 |                     |                 | Dreiband QFRs (urgent).msg  | Redacted | DPP;PII | Communication containing deliberations regarding draft responses to questions submitted by a congressional committee. Additionally, PII redacted to avoid unsolicited contact.                         |
| 77 | DOJ00002973 | DOJ00002973 | DOJ00002972 | DOJ00002973 | N/A   | N/A                    |  |                 | Tyson, Jill C (OLA) | 1/14/2018 14:42 | AAG CRT Nominee Eric Dreiband - QFR responses to SJC Booker Harris - to OASG 1.14.2018.docx   | WIF      | DPP     | Draft responses to questions submitted to Eric Dreiband by Senator Booker.   |
| 78 | DOJ00002974 | DOJ00002974 | DOJ00002974 | DOJ00002976 | Hildabrand, Dorothy W. (OLA)                  | Toomey, Kathleen (CRT) | Aguinaga, Ben (CRT)  | 5/3/2018 17:27  |                     |                 | HOCR response.msg   | Redacted | DPP;PII | Redacted internal agency discussion about edits to a draft letter responding to a congressional inquiry. PII also redacted to avoid unsolicited contact.   |

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|----|-------------|-------------|-------------|-------------|---|------------------------|---------------------|----------------|----------|-----------------|--|----------|----------------|---|
| 79 | DOJ00002975 | DOJ00002975 | DOJ00002974 | DOJ00002976 | N/A   | N/A                    |                     |                |          | 5/3/2018 16:58  | Census Hearing<br>Maloney et. al<br>(rev3).docx                    | WIF      | DPP            | Draft response to letter sent by Representative Maloney requesting information regarding the addition of a question on citizenship to the 2020 census and vote-dilution cases, including proposed edits and comments on the draft response.   |
| 80 | DOJ00002977 | DOJ00002979 | DOJ00002977 | DOJ00003052 | Hildabrand, Dorothy W. (OLA)                      | Toomey, Kathleen (CRT) | Aguinaga, Ben (CRT) | 5/3/2018 9:32  |          |                 | RE: Census letter for Testimony clearance.msg                      | Redacted | ACP;AWP;DPP;PI | Communications containing deliberations regarding how to respond to a letter sent by a congressional subcommittee regarding the addition of the citizenship question to the 2020 census, as well as potential responses to FOIA requests on the same topic. The communication also contains non-public contact information for high level Department employees. The communication also contains discussion of a litigation hold from counsel. |
| 81 | DOJ00002980 | DOJ00002980 | DOJ00002977 | DOJ00003052 | N/A   | N/A                    |                     |                | astanton | 4/17/2018 12:50 | Census Question Matters Litigation Hold (CRT Final 04-17-2018).pdf | WIF      | ACP;AWP        | Communication discussing document preservation obligations as a result of litigation filed regarding the addition of a citizenship question to the 2020 census.   |
| 82 | DOJ00003053 | DOJ00003055 | DOJ00003053 | DOJ00003061 | Aguinaga, Ben (CRT)                               | Toomey, Kathleen (CRT) |                     | 5/2/2018 20:18 |          |                 | Fwd: Census letter for Testimony clearance.msg                     | Redacted | DPP;PII        | Communications containing deliberations on how to respond to a letter from a congressional subcommittee seeking information on the addition of a citizenship question to the 2020 census, as well as non-public contact information for high-level Department employees.  |
| 83 | DOJ00003060 | DOJ00003060 | DOJ00003053 | DOJ00003061 | N/A   | N/A                    |                     |                |          | 5/2/2018 14:13  | Census Hearing Maloney et. al.docx                                 | WIF      | DPP            | Draft response to Representative Maloney regarding letter seeking information pertaining to the addition of a citizenship question on the 2020 census, including comments and suggestions regarding the content of the response.  |
| 84 | DOJ00003062 | DOJ00003064 | DOJ00003062 | DOJ00003064 | Hildabrand, Dorothy W. (OLA)                      | Toomey, Kathleen (CRT) | Aguinaga, Ben (CRT) | 5/2/2018 20:17 |          |                 | Re: Census letter for Testimony clearance.msg                      | Redacted | DPP;PII        | Communication containing deliberations regarding how to respond to a congressional inquiry regarding the addition of a citizenship question on the 2020 census and how to respond to FOIA requests seeking similar information, as well as non-public contact information for high-level DOJ employees.   |
| 85 | DOJ00003065 | DOJ00003066 | DOJ00003065 | DOJ00003069 | Aguinaga, Ben (CRT); Hildabrand, Dorothy W. (OLA) | Toomey, Kathleen (CRT) | Riley, Ann J. (OLA) | 5/2/2018 13:18 |          |                 | RE: Census letter for Testimony clearance.msg                      | Redacted | DPP;PII        | Communication containing deliberations regarding how to respond to FOIA requests seeking information pertaining to the citizenship question added to the 2020 census, as well as non-public contact information for high-level Department employees.  |

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|----|-------------|-------------|-------------|-------------|---------------------|------------------------|---|-----------------|------------------------------------|-----------------|---|----------|---------|---|
| 86 | DOJ00003070 | DOJ00003070 | DOJ00003070 | DOJ00003071 | Gore, John (CRT)    | Toomey, Kathleen (CRT) | Aguinaga, Ben (CRT)                             | 5/29/2018 17:47 |                                    |                 | CRT - Consolidated DOJ QFRs FY2019 5.29.18 draft.docx.msg   | Redacted | DPP     | Communication containing deliberations regarding the drafting of responses to questions submitted by Congress regarding the addition of a citizenship question to the 2020 census.  |
| 87 | DOJ00003071 | DOJ00003071 | DOJ00003070 | DOJ00003071 | N/A                 | N/A                    |   |                 | Littleton, Rachel (Appropriations) | 5/29/2018 16:40 | CRT - Consolidated DOJ QFRs FY2019 5.29.18 draft.docx   | WIF      | DPP     | Draft response to questions submitted by Senator Feinstein regarding the addition of a citizenship question to the 2020 census, including comments on the drafting of certain responses.  |
| 88 | DOJ00003072 | DOJ00003073 | DOJ00003072 | DOJ00003074 | Aguinaga, Ben (CRT) | Toomey, Kathleen (CRT) |   | 6/28/2018 9:02  |                                    |                 | FW: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | PII     | Redacted to remove non-public contact information for a high level Department employee.   |
| 89 | DOJ00003074 | DOJ00003074 | DOJ00003072 | DOJ00003074 | N/A                 | N/A                    |   |                 |                                    | 6/26/2018 16:10 | RD267 PASSBACK DOJ QFR Responses on 2020 Census. 6.25.2018 DOC Edits.docx   | WIF      | DPP     | Draft response to questions submitted by the Committee on Oversight and Government Reform regarding the addition of a citizenship question to the 2020 census, including comments on the draft and proposed edits.                                  |
| 90 | DOJ00003075 | DOJ00003076 | DOJ00003075 | DOJ00003077 | Aguinaga, Ben (CRT) | Taylor, Velma (OLA)    | Policy, CRT (CRT); Hildabrand, Dorothy W. (OLA) | 6/26/2018 16:41 |                                    |                 | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII | Communication containing deliberations regarding edits to a draft response to questions submitted by Congress regarding the citizenship question on the 2020 census, as well as non-public contact information for high-level Department employees. |
| 91 | DOJ00003077 | DOJ00003077 | DOJ00003075 | DOJ00003077 | N/A                 | N/A                    |   |                 | Taylor, Velma (OLA)                | 6/25/2018 17:07 | QFR responses.CRT. 2020 Census. 6.25.2018.docx  | WIF      | DPP     | Draft response to questions submitted by the Committee on Oversight and Government Reform regarding the citizenship question on the 2020 census.  |
| 92 | DOJ00003080 | DOJ00003080 | DOJ00003078 | DOJ00003080 | N/A                 | N/A                    |   |                 |                                    | 6/26/2018 16:10 | RD267 PASSBACK DOJ QFR Responses on 2020 Census. 6.25.2018 DOC Edits.docx   | WIF      | DPP     | Draft response, including comments and proposed edits, for letter from Committee on Oversight and Government Reform seeking information regarding the citizenship question on the 2020 census   |

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|----|-------------|-------------|-------------|-------------|---------------------------------------|---------------------------|--|-----------------|------------------------------|----------------|---|----------|---------|--|
| 93 | DOJ00003081 | DOJ00003083 | DOJ00003081 | DOJ00003083 | Aguinaga, Ben (CRT)                   | Taylor, Velma (OLA)       | Hildabrand, Dorothy W. (OLA)                                     | 6/26/2018 16:53 |                              |                | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII | Communication containing deliberations on edits and changes to a draft response to questions submitted by Congress seeking information relating to the citizenship question on the 2020 census, as well as nonpublic contact information for senior Department employees                     |
| 94 | DOJ00003084 | DOJ00003087 | DOJ00003084 | DOJ00003088 | Aguinaga, Ben (CRT)                   | Pickett, Bethany (CRT)    |  | 1/8/2018 16:27  |                              |                | RE: AG QFRs (CRT).msg   | Redacted | DPP;PII | Communications reflecting the Department's strategy, process, and plans for responding to questions submitted by Congress, including ones relating to the enforcement of the Voting Rights Act. Additionally, non-public contact info for high-level Department employees.                   |
| 95 | DOJ00003088 | DOJ00003088 | DOJ00003084 | DOJ00003088 | N/A                                   | N/A                       |  |                 | Owens, Annie (Judiciary-Dem) | 1/2/2018 11:20 | SJC Oversight QFRs for Sessions--BP edits.docx  | WIF      | DPP     | Draft responses to questions submitted by various members of Congress, including questions pertaining to the Department's enforcement of the Voting Rights Act.  |
| 96 | DOJ00003089 | DOJ00003089 | DOJ00003089 | DOJ00003089 | Aguinaga, Ben (CRT); Gore, John (CRT) | Pickell, Lindsay A. (OLA) | Haas, Alex (CIV); Shumate, Brett A. (CIV); Flentje, August (CIV) | 4/19/2018 11:36 |                              |                | RE: AG briefing paper on the census question.msg  | Redacted | PII     | Non-public contact information for high-level Department employees   |
| 97 | DOJ00003091 | DOJ00003093 | DOJ00003091 | DOJ00003093 | Gore, John (CRT); Aguinaga, Ben (CRT) | O'Malley, Devin (OPA)     |  | 2/20/2018 13:45 |                              |                | FW: Citizenship question essential for accurate U.S. census.msg   | Redacted | PII     | Certain non-public contact information for private citizen.  |
| 98 | DOJ00003094 | DOJ00003097 | DOJ00003094 | DOJ00003097 | Gore, John (CRT)                      | O'Malley, Devin (OPA)     | Aguinaga, Ben (CRT)  | 1/2/2018 18:31  |                              |                | RE: REVIEW: Statement in Response to Citizenship Question on Census.msg   | Redacted | DPP;PII | Deliberations regarding draft response, and different ways to respond, to questions submitted by the Washington Post editorial board regarding the Voting Rights Act and the citizenship question in the 2020 census. Additionally, non-public contact information for Department employees. |
| 99 | DOJ00003098 | DOJ00003100 | DOJ00003098 | DOJ00003100 | Gore, John (CRT)                      | O'Malley, Devin (OPA)     | Aguinaga, Ben (CRT)  | 1/2/2018 17:45  |                              |                | RE: REVIEW: Statement in Response to Citizenship Question on Census.msg   | Redacted | DPP;PII | Deliberations regarding draft response, and different ways to respond, to questions submitted by the Washington Post editorial board regarding the Voting Rights Act and the citizenship question in the 2020 census. Additionally, non-public contact information for Department employees. |

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|-----|-------------|-------------|-------------|-------------|---|------------------------------|--|-----------------|--|--|---|----------|-----------------|--|
| 100 | DOJ00003101 | DOJ00003102 | DOJ00003101 | DOJ00003102 | Gore, John (CRT)                            | O'Malley, Devin (OPA)        | Aguinaga, Ben (CRT)                            | 1/2/2018 16:28  |  |  | RE: REVIEW: Statement in Response to Citizenship Question on Census.msg   | Redacted | DPP;PII         | Deliberations regarding draft response, and different ways to respond, to questions submitted by the Washington Post editorial board regarding the Voting Rights Act and the citizenship question in the 2020 census. Additionally, non-public contact information for Department employees. |
| 101 | DOJ00003103 | DOJ00003104 | DOJ00003103 | DOJ00003104 | Gore, John (CRT)                            | O'Malley, Devin (OPA)        | Aguinaga, Ben (CRT); Flores, Sarah Isgur (OPA) | 1/2/2018 16:10  |  |  | RE: REVIEW: Statement in Response to Citizenship Question on Census.msg   | Redacted | DPP;PII         | Deliberations regarding draft response to questions submitted by the Washington Post editorial board regarding the Voting Rights Act and the citizenship question in the 2020 census. Additionally, non-public contact information for Department employees.                                 |
| 102 | DOJ00003105 | DOJ00003105 | DOJ00003105 | DOJ00003105 | Gore, John (CRT)                            | O'Malley, Devin (OPA)        | Aguinaga, Ben (CRT); Flores, Sarah Isgur (OPA) | 1/2/2018 15:31  |  |  | REVIEW: Statement in Response to Citizenship Question on Census.msg   | Redacted | DPP;PII         | Deliberations regarding draft response to questions submitted by the Washington Post editorial board regarding the Voting Rights Act and the citizenship question in the 2020 census. Additionally, non-public contact information for Department employees.                                 |
| 103 | DOJ00003106 | DOJ00003106 | DOJ00003106 | DOJ00003106 | Gore, John (CRT)                            | O'Malley, Devin (OPA)        | Aguinaga, Ben (CRT)                            | 5/2/2018 11:20  |  |  | Have you received this letter?.msg  | Redacted | PII             | Non-public contact information for Department employee   |
| 104 | DOJ00003107 | DOJ00003108 | DOJ00003107 | DOJ00003108 | Aguinaga, Ben (CRT)                         | Hildabrand, Dorothy W. (OLA) |  | 6/26/2018 16:41 |  |  | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII         | Communication containing deliberations regarding potential edits to draft response to questions submitted by Congress on citizenship question on 2020 census. Additionally, PII redacted to avoid unsolicited contact.   |
| 105 | DOJ00003215 | DOJ00003217 | DOJ00003215 | DOJ00003217 | Toomey, Kathleen (CRT)                      | Hildabrand, Dorothy W. (OLA) | Aguinaga, Ben (CRT)                            | 5/3/2018 9:44   |  |  | RE: Census letter for Testimony clearance.msg   | Redacted | ACP;AWP;DPP;PII | Email chain among agency counsel reflecting legal advice and attorney mental thoughts and impressions regarding litigation, and reflecting deliberations in preparation for Congressional hearings. Additionally, PII redacted to avoid unsolicited contact.                                 |
| 106 | DOJ00003218 | DOJ00003220 | DOJ00003218 | DOJ00003220 | Toomey, Kathleen (CRT)                      | Hildabrand, Dorothy W. (OLA) | Aguinaga, Ben (CRT)                            | 5/3/2018 9:26   |  |  | RE: Census letter for Testimony clearance.msg   | Redacted | DPP;PII         | Email chain among agency counsel reflecting deliberations in preparation for Congressional hearings in light of FOIA requests and litigation. Additionally, PII redacted to avoid unsolicited contact.   |
| 107 | DOJ00003225 | DOJ00003226 | DOJ00003225 | DOJ00003230 | Toomey, Kathleen (CRT); Aguinaga, Ben (CRT) | Hildabrand, Dorothy W. (OLA) |  | 5/2/2018 17:58  |  |  | RE: Census letter for Testimony clearance.msg   | Redacted | ACP;AWP;DPP     | Email chain among agency counsel reflecting legal advice and attorney mental thoughts and impressions regarding litigation, and reflecting deliberations in preparation for congressional hearings.  |



|     |             |             |             |             |   |                              |   |                 |                              |                 |  |          |         |   |
|-----|-------------|-------------|-------------|-------------|---|------------------------------|---|-----------------|------------------------------|-----------------|--|----------|---------|---|
| 108 | DOJ00003230 | DOJ00003230 | DOJ00003225 | DOJ00003230 | N/A   | N/A                          |   |                 |                              | 5/2/2018 14:13  | Census Hearing<br>Maloney et. al.docx                                  | WIF      | ACP;DPP | Draft letter to Representative Carolyn B. Maloney in response to request for information.   |
| 109 | DOJ00003231 | DOJ00003232 | DOJ00003231 | DOJ00003232 | Toomey, Kathleen (CRT); Aguinaga, Ben (CRT) | Hildabrand, Dorothy W. (OLA) | Riley, Ann J. (OLA)                         | 5/2/2018 12:45  |                              |                 | RE: Census letter for Testimony clearance.msg                          | Redacted | DPP     | Email chain among agency counsel reflecting deliberations in preparation for Congressional hearings.  |
| 110 | DOJ00003233 | DOJ00003234 | DOJ00003233 | DOJ00003237 | Aguinaga, Ben (CRT)                         | Hildabrand, Dorothy W. (OLA) | Riley, Ann J. (OLA)                         | 5/2/2018 9:36   |                              |                 | RE: Census letter for Testimony clearance.msg                          | Redacted | DPP     | Email chain among agency counsel reflecting deliberations in preparation for Congressional hearings.  |
| 111 | DOJ00003238 | DOJ00003238 | DOJ00003238 | DOJ00003240 | Aguinaga, Ben (CRT)                         | Hildabrand, Dorothy W. (OLA) |   | 5/16/2018 21:41 |                              |                 | Fwd: OLA WF 4024094-Census Hearing letter.msg                          | Redacted | DPP     | Email among agency counsel reflecting deliberations regarding letters to members of Congress and pre-dating final letter.   |
| 112 | DOJ00003239 | DOJ00003239 | DOJ00003238 | DOJ00003240 | N/A   | N/A                          |   |                 |                              | 5/15/2018 17:26 | Census Hearing<br>Maloney et. al (rev3)<br>OLA edits 5.15.18.docx      | WIF      | ACP;DPP | Draft letters to Representative Carolyn B. Maloney in response to request for information.  |
| 113 | DOJ00003241 | DOJ00003241 | DOJ00003241 | DOJ00003346 | Aguinaga, Ben (CRT)                         | Hildabrand, Dorothy W. (OLA) |   | 6/11/2018 16:34 |                              |                 | RE: QFRs.msg   | Redacted | PII     | PII redacted to avoid unsolicited contact.  |
| 114 | DOJ00003348 | DOJ00003348 | DOJ00003347 | DOJ00003348 | N/A   | N/A                          |   |                 | Higginbotham, George         | 5/8/2018 17:06  | HOCR Census Hearing Summary 5.8.2018.docx                              | WIF      | DPP     | Memorandum drafted by agency counsel reflecting deliberations and internal analysis regarding Congressional hearing.  |
| 115 | DOJ00003349 | DOJ00003350 | DOJ00003349 | DOJ00003351 | Helfman, Tara (CRT)                         | Gore, John (CRT)             | Aguinaga, Ben (CRT)                         | 3/29/2018 11:12 |                              |                 | RE: AG Letter from Rep. Vicente Gonzalez re Census.msg                 | Redacted | PII     | PII has been redacted to avoid unsolicited contact.   |
| 116 | DOJ00003351 | DOJ00003351 | DOJ00003349 | DOJ00003351 | N/A   | N/A                          |   |                 | Helfman, Tara (CRT)          | 3/29/2018 11:06 | Draft Response to Rep. Gonzalez re Census Questionnaire - Redline.docx | WIF      | DPP     | 3/28/18 redlined draft letter from Goreto Congressman Vicente Gonzalez responding to the congressman's 1/9/18 inquiry regarding proposed reinstatement of citizenship question. |
| 117 | DOJ00003352 | DOJ00003355 | DOJ00003352 | DOJ00003355 | Aguinaga, Ben (CRT)                         | Gore, John (CRT)             |   | 5/3/2018 17:17  |                              |                 | RE: Census letter for Testimony clearance.msg                          | Redacted | DPP     | Email discussion about draft testimony to Congress  |
| 118 | DOJ00003356 | DOJ00003356 | DOJ00003356 | DOJ00003356 | Helfman, Tara (CRT)                         | Gore, John (CRT)             | Aguinaga, Ben (CRT); Toomey, Kathleen (CRT) | 4/9/2018 17:29  |                              |                 | RE: Response to Letter from Commissioner Kirsanow.msg                  | Redacted | DPP     | Email containing deliberations about request from USSCR for documents concerning non-citizens affecting representation  |
| 119 | DOJ00003357 | DOJ00003358 | DOJ00003357 | DOJ00003359 | Aguinaga, Ben (CRT)                         | Gore, John (CRT)             |   | 1/12/2018 13:44 |                              |                 | RE: AG QFRs.msg  | Redacted | DPP     | Email deliberations about draft responses to questions from the Senate Justice Committee  |
| 120 | DOJ00003359 | DOJ00003359 | DOJ00003357 | DOJ00003359 | N/A   | N/A                          |   |                 | Owens, Annie (Judiciary-Dem) | 1/12/2018 10:35 | SJC Oversight QFRs for Sessions - CRT Responses - JMG redline.docx     | WIF      | DPP     | Undated draft responses to questions for the record from the Senate Judiciary Committee, including information about the enforcement of the VRA                                 |

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|-----|-------------|-------------|-------------|-------------|-----------------------|------------------|--|-----------------|-----------|----------------|---|----------|-----|--|
| 121 | DOJ00003360 | DOJ00003364 | DOJ00003360 | DOJ00003364 | O'Malley, Devin (OPA) | Gore, John (CRT) | Aguinaga, Ben (CRT)                            | 1/2/2018 19:03  |           |                | Re: REVIEW: Statement in Response to Citizenship Question on Census.msg                     | Redacted | DPP | Email deliberations about draft statement in response to inquiries concerning adding citizenship question to census  |
| 122 | DOJ00003365 | DOJ00003365 | DOJ00003365 | DOJ00003366 | Aguinaga, Ben (CRT)   | Gore, John (CRT) |  | 6/14/2018 10:09 |           |                | RE: QFR responses.msg   | Redacted | DPP | Email deliberations about draft responses to questions for the record from Senate Judiciary Committee  |
| 123 | DOJ00003366 | DOJ00003366 | DOJ00003365 | DOJ00003366 | N/A                   | N/A              |  |                 | housecall | 6/14/2018 9:58 | 2020 Census Hearing Gore QFRs - CRT Draft - JMG Redline.docx                                | WIF      | DPP | Undated draft response to questionnaire from the Senate Judiciary Committee, including response to questions about adding a citizenship question to the census |
| 124 | DOJ00003367 | DOJ00003370 | DOJ00003367 | DOJ00003370 | O'Malley, Devin (OPA) | Gore, John (CRT) | Aguinaga, Ben (CRT)                            | 1/2/2018 18:21  |           |                | Re: REVIEW: Statement in Response to Citizenship Question on Census.msg                     | Redacted | DPP | Email deliberations about draft statement in response to inquires on adding citizenship question to census   |
| 125 | DOJ00003371 | DOJ00003373 | DOJ00003371 | DOJ00003373 | O'Malley, Devin (OPA) | Gore, John (CRT) | Aguinaga, Ben (CRT)                            | 1/2/2018 16:35  |           |                | Re: REVIEW: Statement in Response to Citizenship Question on Census.msg                     | Redacted | DPP | Email deliberations about draft statement in response to inquires on adding citizenship question to census   |
| 126 | DOJ00003374 | DOJ00003375 | DOJ00003374 | DOJ00003375 | O'Malley, Devin (OPA) | Gore, John (CRT) | Aguinaga, Ben (CRT); Flores, Sarah Isgur (OPA) | 1/2/2018 16:12  |           |                | Re: REVIEW: Statement in Response to Citizenship Question on Census.msg                     | Redacted | DPP | Email deliberations about draft statement in response to inquires on adding citizenship question to census   |
| 127 | DOJ00003376 | DOJ00003376 | DOJ00003376 | DOJ00003376 | O'Malley, Devin (OPA) | Gore, John (CRT) | Aguinaga, Ben (CRT); Flores, Sarah Isgur (OPA) | 1/2/2018 16:03  |           |                | Re: REVIEW: Statement in Response to Citizenship Question on Census.msg                     | Redacted | DPP | Email deliberations about draft statement in response to inquires on adding citizenship question to census   |
| 128 | DOJ00003378 | DOJ00003379 | DOJ00003378 | DOJ00003381 | Aguinaga, Ben (CRT)   | Gore, John (CRT) |  | 6/14/2018 9:56  |           |                | RE: Updated census letters- FYI.msg   | Redacted | DPP | Email deliberations about draft responses to census questionnaire from Rep. Maloney and Sen. Feinstein   |
| 129 | DOJ00003380 | DOJ00003380 | DOJ00003378 | DOJ00003381 | N/A                   | N/A              |  |                 |           | 6/14/2018 9:55 | Census Questionnaire - Feinstein dh edits 4-17-18 - #3997772 (#4002420)..._JMG Redline.docx | WIF      | DPP | Undated draft letters, with revisions and comments, to various senators regarding addition of a citizenship question to census                                 |
| 130 | DOJ00003381 | DOJ00003381 | DOJ00003378 | DOJ00003381 | N/A                   | N/A              |  |                 |           | 6/14/2018 9:52 | addition of a question on citizenship to the 2020 Census - Maloney et al.._JMG Redline.docx | WIF      | DPP | Undated draft letters, with revisions and comments, to various representatives regarding addition of a citizenship question to census                          |

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|-----|-------------|-------------|-------------|-------------|---------------------------------------|-------------------------|----------------------|-----------------|------------------------------------|-----------------|---|----------|-------------|--|
| 131 | DOJ00003382 | DOJ00003382 | DOJ00003382 | DOJ00003383 | Aguinaga, Ben (CRT)                   | Gore, John (CRT)        |                      | 6/11/2018 14:46 |                                    |                 | FW: QFRs.msg  | Redacted | DPP         | Email deliberations concerning draft responses to questions for the record from HOGGR  |
| 132 | DOJ00003384 | DOJ00003384 | DOJ00003384 | DOJ00003385 | Toomey, Kathleen (CRT)                | Gore, John (CRT)        | Aguinaga, Ben (CRT)  | 5/29/2018 18:57 |                                    |                 | RE: CRT - Consolidated DOJ QFRs FY2019 5.29.18 draft.docx.msg               | Redacted | DPP         | Email deliberations about draft responses to questions from the record from the Senate Committee   |
| 133 | DOJ00003385 | DOJ00003385 | DOJ00003384 | DOJ00003385 | N/A                                   | N/A                     |                      |                 | Littleton, Rachel (Appropriations) | 5/29/2018 18:55 | CRT - Consolidated DOJ QFRs FY2019 5.29.18 draft - JMG Redline.docx         | WIF      | DPP         | May 29, 2018 draft of responses to questions for the record from Senate Committee  |
| 134 | DOJ00003710 | DOJ00003711 | DOJ00003710 | DOJ00003717 | Gore, John (CRT); Aguinaga, Ben (CRT) | Friel, Gregory B (CRT)  |                      | 9/25/2017 17:36 |                                    |                 | FW: Texas Redistricting.msg   | Redacted | ACP;AWP     | Email between government counsel regarding proposed redistricting litigation   |
| 135 | DOJ00003712 | DOJ00003712 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 | cherren                            | 2/3/2014 14:28  | 2013 cover memo_draft_2.3.13_v2.docx  | WIF      | ACP;AWP;DPP | Document prepared by Department of Justice's CRT in connection with litigation over 2013 Texas Redistricting Plans   |
| 136 | DOJ00003713 | DOJ00003713 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 | mmcleod                            | 2/3/2014 18:14  | 2013 Texas Redistricting House Plan J-Memo Final_020314 Rev_.docx           | WIF      | ACP;AWP;DPP | Memorandum, dated Dec. 21, 2013, revised Feb. 3, 2014, from Voting Section of Civil Rights Division to Acting AAG proposing recommended courses of action over 2013 Texas redistricting plan |
| 137 | DOJ00003714 | DOJ00003714 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 |                                    | 2/3/2014 19:15  | Texas Herren Views.doc  | WIF      | ACP;AWP;DPP | Memorandum, dated Feb. 3, 2013, from C. Herren to J. Samuels and G. Friel regarding 2013 Texas redistricting plans   |
| 138 | DOJ00003715 | DOJ00003715 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 | cherren                            | 1/29/2014 21:03 | 20140203 Dallas House Districts.xlsx  | WIF      | ACP;AWP;DPP | Undated excel spreadsheet containing attorney impressions and analysis of 2013 Texas redistricting plans for the purposes of determining whether to enforce the VRA                          |
| 139 | DOJ00003716 | DOJ00003716 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 |                                    | 2/5/2014 18:40  | TX_revised_illust_4_Dallas_dist.pdf   | WIF      | ACP;AWP;DPP | Attachment to memorandum concerning enforcement of VRA re 2013 Texas redistricting plans   |
| 140 | DOJ00003717 | DOJ00003717 | DOJ00003710 | DOJ00003717 | N/A                                   | N/A                     |                      |                 | Dan Freeman                        | 2/5/2014 11:15  | 2013 Texas Redistricting House J Memo Appendix A (2).docx                   | WIF      | ACP;AWP;DPP | Attachment to memorandum concerning enforcement of VRA re 2013 Texas redistricting plans   |
| 141 | DOJ00003718 | DOJ00003718 | DOJ00003718 | DOJ00003722 | Legore-Traore, Camille (CRT)          | Escalona, Prim F. (OLA) | Aguinaga, Ben (CRT)  | 5/22/2018 9:46  |                                    |                 | CRT - Consolidated DOJ QFRs FY2019.msg                                      | Redacted | DPP         | Email deliberations about draft responses to questions for the record from Senate CJS Committee  |
| 142 | DOJ00003723 | DOJ00003724 | DOJ00003723 | DOJ00003732 | Gore, John (CRT); Aguinaga, Ben (CRT) | Escalona, Prim F. (OLA) | Tyson, Jill C. (OLA) | 1/12/2018 19:17 |                                    |                 | Fwd: Additional QFRs to Eric Dreiband .msg                                  | Redacted | DPP         | Email deliberations about draft responses to questions for the record from the Senate CJS Committee  |
| 143 | DOJ00003725 | DOJ00003725 | DOJ00003723 | DOJ00003732 | N/A                                   | N/A                     |                      |                 | Hildabrand, Dorothy W              | 9/25/2017 9:38  | AAG CRT Nominee Eric Dreiband - QFR responses to SJC - FINAL 9.25.2017.docx | WIF      | DPP         | Undated draft responses to Senate CJS Committee's questions for the record   |
| 144 | DOJ00003727 | DOJ00003727 | DOJ00003723 | DOJ00003732 | N/A                                   | N/A                     |                      |                 | Hsu, Josh (Harris)                 | 1/12/2018 13:25 | QFRs for Eric Dreiband.docx   | WIF      | DPP         | Undated draft responses to Senate CJS Committee's questions for the record   |

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|-----|-------------|-------------|-------------|-------------|------------------------------|---------------------|--|-----------------|------------------------|------------------|---|----------|-------------|--|
| 145 | DOJ00003729 | DOJ00003729 | DOJ00003723 | DOJ00003732 | N/A                          | N/A                 |  |                 | Smith, Daniel (Booker) | 1/11/2018 9:09   | 1.11.18 Eric Dreiband QFRs dps.docx   | WIF      | DPP         | Undated draft responses to Senate CJS Committee's questions for the record   |
| 146 | DOJ00003731 | DOJ00003731 | DOJ00003723 | DOJ00003732 | N/A                          | N/A                 |  |                 | Tyson, Jill C          | 1/12/2018 19:02  | Cover letter to SJC - follow-up QFRs Eric Dreiband 1.12.2018.docx   | WIF      | DPP         | Undated draft letter responding to Senate CJS Committee's questions for the record   |
| 147 | DOJ00003733 | DOJ00003734 | DOJ00003733 | DOJ00003739 | Aguinaga, Ben (CRT)          | Cheng, Ivy (OLA)    | Toomey, Kathleen (CRT); Yi, Daniel (CRT) | 3/27/2018 13:34 |                        |                  | RE: FOIA/Oversight .msg   | Redacted | DPP         | Email deliberations regarding responses to questions from Senate Judiciary Committee regarding addition of citizenship question to census                          |
| 148 | DOJ00003735 | DOJ00003735 | DOJ00003733 | DOJ00003739 | N/A                          | N/A                 |  |                 | Helfman, Tara (CRT)    | 3/26/2018 19:47  | DRAFT Response to Senate Questions re Census Questionnaire - 3.26.18 JMG....docx  | WIF      | DPP         | Draft letter, dated Mar. 26, 2018, and marked confidential, responding to Sen. Feinstein's inquiry concerning addition of citizenship question to census           |
| 149 | DOJ00003740 | DOJ00003740 | DOJ00003740 | DOJ00003741 | Pickett, Bethany (CRT)       | Aguinaga, Ben (CRT) |  | 11/3/2017 14:03 |                        |                  | FW: Confidential & Close Hold: Draft Letter.msg   | Redacted | PII         | Private email address redacted.  |
| 150 | DOJ00003741 | DOJ00003741 | DOJ00003740 | DOJ00003741 | N/A                          | N/A                 |  |                 | John Gore              | 10/31/2017 11:17 | Letter.docx   | WIF      | AWP;DPP     | This document is a preliminary draft of the Gary letter, to which changes were later made.   |
| 151 | DOJ00003742 | DOJ00003743 | DOJ00003742 | DOJ00003743 | Hildabrand, Dorothy W. (OLA) | Aguinaga, Ben (CRT) |  | 7/11/2018 16:09 |                        |                  | RE: Scanned image from PH4145-C.msg   | Redacted | PII         | PII has been redacted to avoid unsolicited contact.  |
| 152 | DOJ00003744 | DOJ00003747 | DOJ00003744 | DOJ00003747 | Taylor, Velma (OLA)          | Aguinaga, Ben (CRT) | Hildabrand, Dorothy W. (OLA)             | 6/26/2018 16:56 |                        |                  | RE: Commerce Edits RE: [RD-115-267] FOR OMB APPROVAL -- (OLA WF 117744) DOJ/CRT QFRs on Progress Report of the 2020 Census hearing on May 8, 2018.msg | Redacted | DPP;PII     | Internal DOJ email correspondence responding to proposed edits to draft responses to legislative inquiry   |
| 153 | DOJ00003748 | DOJ00003750 | DOJ00003748 | DOJ00003756 | Pickett, Bethany (CRT)       | Aguinaga, Ben (CRT) |  | 10/2/2017 18:30 |                        |                  | FW: Texas Redistricting.msg   | Redacted | AWP;DPP;PII | Internal DOJ email seeking advice and response concerning whether to authorize litigation action related to congressional redistricting plan                       |
| 154 | DOJ00003751 | DOJ00003751 | DOJ00003748 | DOJ00003756 | N/A                          | N/A                 |  |                 | cherren                | 2/3/2014 14:28   | 2013 cover memo_draft_2.3.13_v2 .docx   | WIF      | AWP;DPP     | Internal DOJ background memorandum describing potential legal action and evaluating strengths and weaknesses of potential claims in response to redistricting plan |
| 155 | DOJ00003752 | DOJ00003752 | DOJ00003748 | DOJ00003756 | N/A                          | N/A                 |  |                 | mmcleod                | 2/3/2014 18:14   | 2013 Texas Redistricting House Plan J-Memo Final_020314 Rev_.docx   | WIF      | AWP;DPP     | Internal DOJ CRT staff recommendation memorandum regarding potential authorization of litigation in response to redistricting plan                                 |

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|-----|-------------|-------------|-------------|-------------|--|------------------------|--|-------------|-----------------|------------------|--|----------|--------------------|---|
| 156 | DOJ00003753 | DOJ00003753 | DOJ00003748 | DOJ00003756 | N/A  | N/A                    |  |             |                 | 2/3/2014 19:15   | Texas Herren Views.doc   | WIF      | AWP;DPP            | Internal DOJ email to CRT leadership regarding authorization of potential legal action in response to redistricting plan  |
| 157 | DOJ00003754 | DOJ00003754 | DOJ00003748 | DOJ00003756 | N/A  | N/A                    |  | cherren     |                 | 1/29/2014 21:03  | 20140203 Dallas House Districts.xlsx                               | WIF      | AWP;DPP            | Excel spreadsheet containing analysis of effect of redistricting on voting population, prepared and considered as part of decision whether to authorize potential legal action in response to redistricting plan            |
| 158 | DOJ00003755 | DOJ00003755 | DOJ00003748 | DOJ00003756 | N/A  | N/A                    |  |             |                 | 2/5/2014 18:40   | TX_revised_illust_4_Dallas_dists.pdf                               | WIF      | AWP;DPP            | Illustrative map considered as part of DOJ decision whether to authorize potential legal action in response to redistricting plan   |
| 159 | DOJ00003756 | DOJ00003756 | DOJ00003748 | DOJ00003756 | N/A  | N/A                    |  | Dan Freeman |                 | 2/5/2014 11:15   | 2013 Texas Redistricting House J Memo Appendix A (2).docx          | WIF      | AWP;DPP            | Detailed DOJ analysis of redistricting plan prepared and considered as part of decision whether to authorize litigation in response to redistricting plan   |
| 160 | DOJ00003757 | DOJ00003757 | DOJ00003757 | DOJ00003888 | Pickett, Bethany (OLP)   | Pickett, Bethany (CRT) |  |             | 5/3/2018 12:57  |                  | Fwd: Census Question Litigation: LITIGATION HOLD.msg               | WIF      | ACP;AWP;PII        | Communication discussing document preservation obligations as a result of litigation filed concerning the addition of the citizenship question to the 2020 census. Additionally, PII redacted to avoid unsolicited contact. |
| 161 | DOJ00003758 | DOJ00003758 | DOJ00003757 | DOJ00003888 | N/A  | N/A                    |  | astanton    |                 | 4/17/2018 12:50  | Census Question Matters Litigation Hold (CRT Final 04-17-2018).pdf | WIF      | ACP;AWP            | Communication between DOJ attorneys discussing document preservation obligations as a result of litigation filed concerning the addition of the citizenship question to the 2020 census.                                    |
| 162 | DOJ00003890 | DOJ00003890 | DOJ00003889 | DOJ00003890 | N/A  | N/A                    |  | John Gore   |                 | 10/31/2017 11:17 | Letter.docx  | WIF      | DPP                | 11/3/17 draft of letter from DOJ to DOC re request to reinstate citizenship question on 2020 census questionnaire   |
| 163 | DOJ00003896 | DOJ00003897 | DOJ00003896 | DOJ00003939 | Wertz, Rebecca J (CRT); Cooper, David (CRT)  | Herren, Chris (CRT)    |  |             | 11/29/2017 9:54 |                  | Fwd: Amicus Brief filed in [redacted].msg                          | Redacted | PII                | Redacted information about case that was the subject of deliberative discussions. PII redacted to avoid unsolicited contact.  |
| 164 | DOJ00003940 | DOJ00003940 | DOJ00003940 | DOJ00004054 | Wertz, Rebecca J (CRT); Cooper, David (CRT)  | Herren, Chris (CRT)    |  |             | 11/1/2017 12:29 |                  | Fwd: SG Memo, [redacted].msg                                       | WIF      | DPP                | 11/1/17 CRT email attaching and discussing discussing draft SG memorandum re amicus participation in pending litigation. Redacted information about case that was the subject of deliberative discussions.                  |
| 165 | DOJ00003941 | DOJ00003941 | DOJ00003940 | DOJ00004054 | N/A  | N/A                    |  | dphillip    |                 | 11/1/2017 10:56  | SG Memo, [redacted].docx   | WIF      | DPP                | 11/17 draft memorandum from CRT to SG discussing amicus participation in pending litigation. Redacted information about case that was the subject of deliberative discussions.  |
| 166 | DOJ00004055 | DOJ00004055 | DOJ00004055 | DOJ00004065 | Mellett, Timothy F (CRT); Freeman, Daniel (CRT); Sitton, Jaye (CRT); Evans, Rachel (CRT) | Herren, Chris (CRT)    |  |             | 2/24/2018 16:18 |                  | Fwd: Abbott v. Perez (S. Ct.) -- revised OSG draft .msg            | WIF      | ACP; AWP; DPP; PII | Feb 2018 CRT email chain attaching and discussing OSG's draft brief for filing in Abbott v. Perez (S.Ct.)   |

|     |             |             |             |             |   |                     |  |                 |                       |                  |  |     |                    |  |
|-----|-------------|-------------|-------------|-------------|---|---------------------|--|-----------------|-----------------------|------------------|--|-----|--------------------|--|
| 167 | DOJ00004056 | DOJ00004056 | DOJ00004055 | DOJ00004065 | N/A   | N/A                 |  |                 |                       | 12/7/2012 17:58  | texasmotaffirm(highlighted pp 23-25).pdf                             | WIF | ACP; AWP; DPP      | copy of filed brief with highlights reflecting attorneys' mental impressions (attached to Feb 2018 CRT email chain re OSG's draft brief in Abbott v. Perez (S.Ct.))  |
| 168 | DOJ00004058 | DOJ00004058 | DOJ00004055 | DOJ00004065 | N/A   | N/A                 |  |                 |                       | 12/28/2011 16:55 | perryperrezbr (highlighted pp 32-33).pdf                             | WIF | ACP; AWP; DPP      | copy of filed brief with highlights reflecting attorneys' mental impressions (attached to Feb 2018 CRT email chain re OSG's draft brief in Abbott v. Perez (S.Ct.))  |
| 169 | DOJ00004060 | DOJ00004060 | DOJ00004055 | DOJ00004065 | N/A   | N/A                 |  |                 |                       | 4/14/2015 13:38  | 1291 US Post-Trial Reply Brief (highlighted pp 17-19).pdf            | WIF | ACP; AWP; DPP      | copy of filed brief with highlights reflecting attorneys' mental impressions (attached to Feb 2018 CRT email chain re OSG's draft brief in Abbott v. Perez (S.Ct.))  |
| 170 | DOJ00004062 | DOJ00004062 | DOJ00004055 | DOJ00004065 | N/A   | N/A                 |  |                 | BHicks                | 2/24/2018 14:12  | Texas pro-jurisdiction insert - Feb24 2AM - CRT Redline.docx         | WIF | ACP; AWP; DPP      | proposed changes to OSG's Feb 2018 draft brief for filing in Abbott v. Perez (S.Ct.)   |
| 171 | DOJ00004064 | DOJ00004064 | DOJ00004055 | DOJ00004065 | N/A   | N/A                 |  |                 | BHicks                | 2/24/2018 13:05  | 17-586 and 17-626 Abbott (TS) - Feb24 2AM - CRT Redline (Final).docx | WIF | ACP; AWP; DPP      | CRT redline of OSG's draft brief for filing in Abbott v. Perez (S.Ct.)   |
| 172 | DOJ00004066 | DOJ00004066 | DOJ00004066 | DOJ00004322 | Wertz, Rebecca J (CRT); Berman, Robert (CRT)  | Herren, Chris (CRT) |  | 9/29/2017 13:20 |                       |                  | Fwd: [redacted].msg  | WIF | DPP; PII           | Sept 2017 CRT email chain discussing possibility of amicus participation in a pending case. Redacted information about case that was the subject of deliberative discussions. Additionally, PII redacted to avoid unsolicited contact. |
| 173 | DOJ00004323 | DOJ00004323 | DOJ00004323 | DOJ00004433 | Wertz, Rebecca J (CRT); Ubriani, Neal (CRT); McFarland, Ernest A (CRT); Herren, Chris (CRT) | Herren, Chris (CRT) |  | 5/11/2018 14:58 |                       |                  | Fwd: TX ID en banc brief.msg   | WIF | AWP; PII           | May 2018 email consisting of attorneys' mental impressions concerning US v. Texas en banc briefing. Additionally, PII redacted to avoid unsolicited contact.   |
| 174 | DOJ00004434 | DOJ00004434 | DOJ00004434 | DOJ00004436 | Friel, Gregory B (CRT)  | Herren, Chris (CRT) |  | 9/15/2017 11:25 |                       |                  | Fwd: TX VID: Memo Re Burden on Remand in Section 2 Intent Cases.msg  | WIF | ACP; AWP; DPP; PII | An overview of research done by a DOJ attorney in reference to Voting Rights Act litigation, which included providing legal advice on the matter. Private email address also withheld.   |
| 175 | DOJ00004435 | DOJ00004435 | DOJ00004434 | DOJ00004436 | N/A   | N/A                 |  |                 | Ryan, Elizabeth (CRT) | 9/13/2017 21:44  | 20170913 Memo Re Burden on Remand in Section 2 Intent Cases.docx     | WIF | ACP; DPP           | Draft memorandum dated September 13, 2017, that contains deliberative material analyzing decision in Veasey v. Abbott with respect to which party bears burden of proving that proposed remedy of Section 2 violation is adequate.     |

|     |             |             |             |             |                      |                     |   |                 |  |  |                      |     |     |  |
|-----|-------------|-------------|-------------|-------------|----------------------|---------------------|---|-----------------|--|--|----------------------|-----|-----|--|
|     |             |             |             |             |                      |                     | Wertz, Rebecca J (CRT); Bell-Platts, Meredith (CRT) >; Dellheim, Richard (CRT) ; Mellett, Timothy F (CRT) ; Freeman, Daniel (CRT) |                 |  |  |                      |     |     |  |
| 176 | DOJ00004438 | DOJ00004438 | DOJ00004438 | DOJ00004453 | Berman, Robert (CRT) | Herren, Chris (CRT) |   | 2/26/2017 19:22 |  |  | RE: Draft Filing.msg | WIF | AWP | Email chain between DOJ attorneys circulating and providing opinions/ suggestions on draft filing. |

# EXHIBIT G



| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To   | From                   | CC   | Date/Sent       | Author              | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|--|------------------------|--|-----------------|---------------------|----------------|---|--------------------|-----------|--|
| 177 | DOJ00004454         | DOJ00004454        | DOJ00004454           | DOJ00004455          | Dellheim, Richard (CRT); Berman, Robert (CRT); Herren, Chris (CRT)   | Wertz, Rebecca J (CRT) |  | 4/27/2018 13:16 |                     |                | RE: Q&A.msg   | Redacted           | PII       | PII Redacted to avoid unsolicited contact.   |
| 178 | DOJ00004455         | DOJ00004455        | DOJ00004454           | DOJ00004455          | N/A  | N/A                    |  |                 | Herren, Chris (CRT) | 4/27/18 12:31  | QA (003)_rsb(red).rd<br>additions (002) bw.docx     | WIF                | AWP; DPP  | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form. |
| 179 | DOJ00004456         | DOJ00004456        | DOJ00004456           | DOJ00004457          | Herren, Chris (CRT)  | Wertz, Rebecca J (CRT) |  | 5/3/2018 16:48  |                     |                | RE: Census Hearing<br>Maloney et. al (rev3).msg     | Redacted           | DPP; PII  | Redacted DOJ attorneys discussions of a draft response to inquiries from Representative Maloney because the discussion would reveal internal thoughts and edits pre-dating the final response. PII redacted to avoid unsolicited contact.  |
| 180 | DOJ00004457         | DOJ00004457        | DOJ00004456           | DOJ00004457          | N/A  | N/A                    |  |                 |                     | 5/3/18 16:39   | Census Hearing<br>Maloney et. al (rev3)<br>rev.docx | WIF                | DPP       | Draft response to inquiries from Representative Maloney that display DOJ attorney's edits and comments and pre-dates final response.   |
| 181 | DOJ00004458         | DOJ00004458        | DOJ00004458           | DOJ00004459          | Berman, Robert (CRT); Herren, Chris (CRT); Dellheim, Richard (CRT); Ryan, Elizabeth (CRT); Ubriani, Neal (CRT) | Wertz, Rebecca J (CRT) |  | 5/2/18          |                     |                | RE: QA (003)_all (red)<br>(rev).msg                 | Redacted           | PII       | PII redacted to avoid unsolicited contact.   |
| 182 | DOJ00004459         | DOJ00004459        | DOJ00004458           | DOJ00004459          | N/A  | N/A                    |  |                 | Herren, Chris (CRT) | 5/2/18 16:33   | QA (003)_all (red) (rev)<br>(002) bw.docx           | WIF                | AWP; DPP  | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form. |
| 183 | DOJ00004465         | DOJ00004465        | DOJ00004465           | DOJ00004465          | Gore, John (CRT); Aguiñaga, Ben (CRT); Herren, Chris (CRT); Pickett, Bethany (OLP)                             | Toomey, Kathleen (CRT) | Buckwalter, Albert (CRT); Yi, Daniel (CRT) | 8/2/18          |                     |                | Urgent inquiry from<br>Civil Division.msg           | WIF                | ACP; AWP  | Communication between DOJ attorneys discussing document preservation obligations as a result of litigation filed concerning the addition of the citizenship question to the 2020 census.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To                  | From                     | CC | Date/Sent       | Author       | Date Time Crtd | Filename   | Redacted or<br>WIF | Privilege     | Privilege Log Description   |
|-----|---------------------|--------------------|-----------------------|----------------------|---------------------|--------------------------|----|-----------------|--------------|----------------|--|--------------------|---------------|---|
| 184 | DOJ00004466         | DOJ00004466        | DOJ00004466           | DOJ00004575          | Herren, Chris (CRT) | Smith, Andria (CRT)      |    | 11/7/2017 15:03 |              |                | FW: SG Memo, Davis v. Guam (9th Cir. No. 17-15719) (9th Cir).msg | Redacted           | AWP; DPP      | Redacted discussion of internal memo for SG.  |
| 185 | DOJ00004467         | DOJ00004467        | DOJ00004466           | DOJ00004575          | N/A                 | N/A                      |    |                 |              | 11/7/17 8:57   | SG Memo- Davis v. Guam, No. 17-15719.pdf                         | WIF                | AWP; DPP      | Internal memorandum for the Solicitor General prepared by counsel addressing amicus participation in ongoing litigation.  |
| 186 | DOJ00004576         | DOJ00004576        | DOJ00004576           | DOJ00004576          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 4/16/2018 14:06 |              |                | FW: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg   | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions |
| 187 | DOJ00004577         | DOJ00004577        | DOJ00004577           | DOJ00004581          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 7/31/2017 9:32  |              |                | Eastpointe: Handley Draft report.msg                             | WIF                | ACP; AWP; DPP | Email chain and attachments including and discussing draft materials prepared by an expert in anticipation of litigation and at the direction of counsel, including draft expert report for an active litigation matter.  |
| 188 | DOJ00004578         | DOJ00004578        | DOJ00004577           | DOJ00004581          | N/A                 | N/A                      |    |                 | Lisa Handley | 3/28/17 16:59  | Handley draft 2.0 report.doc                                     | WIF                | ACP; AWP; DPP | Email chain and attachments including and discussing draft materials prepared by an expert in anticipation of litigation and at the direction of counsel, including draft expert report for an active litigation matter.  |
| 189 | DOJ00004579         | DOJ00004579        | DOJ00004577           | DOJ00004581          | N/A                 | N/A                      |    |                 | Lisa Handley | 7/29/17 16:40  | Appendix.docx  | WIF                | ACP; AWP; DPP | Email chain and attachments including and discussing draft materials prepared by an expert in anticipation of litigation and at the direction of counsel, including draft expert report for an active litigation matter.  |
| 190 | DOJ00004580         | DOJ00004580        | DOJ00004577           | DOJ00004581          | N/A                 | N/A                      |    |                 | lrhandley    | 4/22/17 18:49  | summary table_4_city council w AA_CVAP.doc                       | WIF                | ACP; AWP; DPP | Email chain and attachments including and discussing draft materials prepared by an expert in anticipation of litigation and at the direction of counsel, including draft expert report for an active litigation matter.  |
| 191 | DOJ00004581         | DOJ00004581        | DOJ00004577           | DOJ00004581          | N/A                 | N/A                      |    |                 | lrhandley    | 4/22/17 18:49  | summary table_9_city council NO AA_CVAP.doc                      | WIF                | ACP; AWP; DPP | Email chain and attachments including and discussing draft materials prepared by an expert in anticipation of litigation and at the direction of counsel, including draft expert report for an active litigation matter.  |
| 192 | DOJ00004582         | DOJ00004582        | DOJ00004582           | DOJ00004585          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 11/8/2017 11:17 |              |                | Letter to Eastpointe.msg   | WIF                | ACP; AWP; DPP | Email and attachments including and discussing draft materials prepared in anticipation of litigation and at the direction of counsel, including draft correspondence in connection with an active litigation matter.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To                  | From                     | CC | Date/Sent       | Author                   | Date Time Crtd | Filename   | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---------------------|--------------------------|----|-----------------|--------------------------|----------------|--|--------------------|---------------|--|
| 193 | DOJ00004583         | DOJ00004583        | DOJ00004582           | DOJ00004585          | N/A                 | N/A                      |    |                 |                          | 11/3/17 13:13  | Dan Freeman-11032017091305.pdf                                 | WIF                | ACP; AWP; DPP | Email and attachments including and discussing draft materials prepared in anticipation of litigation and at the direction of counsel, including draft correspondence in connection with an active litigation matter.  |
| 194 | DOJ00004584         | DOJ00004584        | DOJ00004582           | DOJ00004585          | N/A                 | N/A                      |    |                 |                          | 8/4/17 17:10   | Dr. Handley Report (Corrected).pdf                             | WIF                | ACP; AWP; DPP | Email and attachments including and discussing draft materials prepared in anticipation of litigation and at the direction of counsel, including draft correspondence in connection with an active litigation matter.  |
| 195 | DOJ00004585         | DOJ00004585        | DOJ00004582           | DOJ00004585          | N/A                 | N/A                      |    |                 | Eppsteiner, George (CRT) | 11/8/17 11:11  | 20171108 Ltr to Counsel re Expert Materials.docx               | WIF                | ACP; AWP; DPP | Email and attachments including and discussing draft materials prepared in anticipation of litigation and at the direction of counsel, including draft correspondence in connection with an active litigation matter.  |
| 196 | DOJ00004586         | DOJ00004586        | DOJ00004586           | DOJ00004586          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 4/16/2018 11:40 |                          |                | RE: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 197 | DOJ00004587         | DOJ00004587        | DOJ00004587           | DOJ00004587          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 4/16/2018 11:21 |                          |                | FW: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 198 | DOJ00004588         | DOJ00004588        | DOJ00004588           | DOJ00004589          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 4/16/2018 11:11 |                          |                | RE: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 199 | DOJ00004589         | DOJ00004589        | DOJ00004588           | DOJ00004589          | N/A                 | N/A                      |    |                 | BHicks                   | 4/16/18 11:07  | 17-586 and 17-626 Abbott (Reply) - Apr15 745PM VOT.docx        | WIF                | ACP; AWP; DPP | Draft reply brief in a litigation matter showing an attorney's comments, edit,s and mental impressions.  |
| 200 | DOJ00004591         | DOJ00004591        | DOJ00004590           | DOJ00004591          | N/A                 | N/A                      |    |                 | Eppsteiner, George (CRT) | 4/20/18 8:47   | Memorandum in Opposition to Daubert 20180420.docx              | WIF                | ACP; AWP; DPP | Draft litigation filing which would reveal attorney's mental impressions and legal strategy.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To                  | From                    | CC | Date/Sent       | Author              | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description   |
|-----|---------------------|--------------------|-----------------------|----------------------|---------------------|-------------------------|----|-----------------|---------------------|----------------|---|--------------------|---------------|---|
| 201 | DOJ00004592         | DOJ00004592        | DOJ00004592           | DOJ00004598          | Herren, Chris (CRT) | Mellet, Timothy F (CRT) |    | 4/19/2018 18:02 |                     |                | FW: Abbott v. Perez - Moot Court Follow-Up.msg    | WIF                | ACP; AWP; DPP | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 202 | DOJ00004593         | DOJ00004593        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 | bheffern            | 4/15/18 16:01  | US Mem Opp MSJ (79-2).pdf                         | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 203 | DOJ00004594         | DOJ00004594        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 |                     | 2/6/12 23:39   | 203 US Post Trial Brief.pdf                       | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 204 | DOJ00004595         | DOJ00004595        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 | Mark                | 10/25/11 17:55 | 74- Joint Opposition of Intervenor to MSJ.PDF     | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 205 | DOJ00004596         | DOJ00004596        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 | Evans, Rachel (CRT) | 4/19/18 16:44  | Moot Court Follow Up VOT Coalition Crossover.docx | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 206 | DOJ00004597         | DOJ00004597        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 | JSitton             | 1/27/12 12:04  | 591 US Sec 5 Brief.pdf                            | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |
| 207 | DOJ00004598         | DOJ00004598        | DOJ00004592           | DOJ00004598          | N/A                 | N/A                     |    |                 |                     | 4/14/15 13:38  | 1291 US Post-Trial Reply Brief.pdf                | WIF                | AWP           | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same. |

| Row | Prod.:Beg. Bates | Prod.:End Bates | Prod.:Beg. Attach. | Prod.:End Attach. | To                  | From                     | CC   | Date/Sent       | Author                   | Date Time Crtd | Filename   | Redacted or WIF | Privilege     | Privilege Log Description  |
|-----|------------------|-----------------|--------------------|-------------------|---------------------|--------------------------|--|-----------------|--------------------------|----------------|--|-----------------|---------------|--|
| 208 | DOJ00004599      | DOJ00004599     | DOJ00004599        | DOJ00004599       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 4/16/2018 10:23 |                          |                | FW: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF             | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 209 | DOJ00004806      | DOJ00004806     | DOJ00004806        | DOJ00004807       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 4/26/2018 17:39 |                          |                | FW: Eastpointe: Daubert Opp for Filing.msg                     | WIF             | ACP; AWP; DPP | Email chain discussing DOJ attorneys' edits and changes to a draft litigation filing.  |
| 210 | DOJ00004807      | DOJ00004807     | DOJ00004806        | DOJ00004807       | N/A                 | N/A                      |  |                 |                          | 4/26/18 17:37  | Memorandum in Opposition to Daubert FINAL.pdf                  | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 211 | DOJ00004808      | DOJ00004808     | DOJ00004808        | DOJ00004809       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 4/26/2018 17:31 |                          |                | FW: Eastpointe: Daubert Opp for Filing.msg                     | WIF             | ACP; AWP      | Email chain discussing DOJ attorneys' edits and changes to a draft litigation filing.  |
| 212 | DOJ00004809      | DOJ00004809     | DOJ00004808        | DOJ00004809       | N/A                 | N/A                      |  |                 |                          | 4/26/18 17:26  | Memorandum in Opposition to Daubert FINAL.pdf                  | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 213 | DOJ00004810      | DOJ00004810     | DOJ00004810        | DOJ00004811       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) | Wertz, Rebecca J (CRT); Berman, Robert (CRT) | 4/26/2018 11:26 |                          |                | Eastpointe -- Latest Daubert Response Draft.msg                | WIF             | ACP; AWP      | Email chain discussing DOJ attorneys' edits and changes to a draft litigation filing.  |
| 214 | DOJ00004811      | DOJ00004811     | DOJ00004810        | DOJ00004811       | N/A                 | N/A                      |  |                 | Eppsteiner, George (CRT) | 4/26/18 10:43  | Memorandum in Opposition to Daubert 20180426.docx              | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 215 | DOJ00004812      | DOJ00004812     | DOJ00004812        | DOJ00004813       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 4/25/2018 14:44 |                          |                | RE: Eastpointe -- Revised Daubert Response Draft.msg           | WIF             | ACP; AWP; DPP | Email chain discussing DOJ attorneys' edits and changes to a draft litigation filing.  |
| 216 | DOJ00004813      | DOJ00004813     | DOJ00004812        | DOJ00004813       | N/A                 | N/A                      |  |                 | Eppsteiner, George (CRT) | 4/25/18 14:35  | Memorandum in Opposition to Daubert 20180425 1430.docx         | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 217 | DOJ00004814      | DOJ00004814     | DOJ00004814        | DOJ00004815       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 4/25/2018 12:04 |                          |                | Eastpointe -- Revised Daubert Response Draft.msg               | WIF             | ACP; AWP; DPP | Email chain discussing DOJ attorneys' edits and changes to a draft litigation filing.  |
| 218 | DOJ00004815      | DOJ00004815     | DOJ00004814        | DOJ00004815       | N/A                 | N/A                      |  |                 | Eppsteiner, George (CRT) | 4/25/18 11:27  | Memorandum in Opposition to Daubert 20180425.docx              | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 219 | DOJ00004816      | DOJ00004816     | DOJ00004816        | DOJ00004817       | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |  | 8/3/2017 17:29  |                          |                | FW: Eastpointe: Handley Report.msg                             | WIF             | ACP; AWP; DPP | Email chain and attachment including and discussing draft litigation filing.   |
| 220 | DOJ00004817      | DOJ00004817     | DOJ00004816        | DOJ00004817       | N/A                 | N/A                      |  |                 | Lisa Handley             | 8/3/17 17:01   | Handley draft 4a +DF.docx                                      | WIF             | ACP; AWP; DPP | Email chain and attachment including and discussing draft litigation filing.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To                  | From                     | CC | Date/Sent       | Author              | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---------------------|--------------------------|----|-----------------|---------------------|----------------|---|--------------------|---------------|--|
| 221 | DOJ00004889         | DOJ00004889        | DOJ00004889           | DOJ00004893          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 4/19/2018 16:56 |                     |                | Abbott v. Perez - Moot Court Follow-Up.msg        | WIF                | ACP; AWP; DPP | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same.  |
| 222 | DOJ00004890         | DOJ00004890        | DOJ00004889           | DOJ00004893          | N/A                 | N/A                      |    |                 |                     | 4/19/18 16:32  | 475 Statment of Interest by USA.PDF               | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same.  |
| 223 | DOJ00004891         | DOJ00004891        | DOJ00004889           | DOJ00004893          | N/A                 | N/A                      |    |                 |                     | 11/10/11 11:47 | 504 DOJ Brief.pdf                                 | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same.  |
| 224 | DOJ00004892         | DOJ00004892        | DOJ00004889           | DOJ00004893          | N/A                 | N/A                      |    |                 |                     | 10/30/14 23:45 | 1279 US Post Trial Brief.pdf                      | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same.  |
| 225 | DOJ00004893         | DOJ00004893        | DOJ00004889           | DOJ00004893          | N/A                 | N/A                      |    |                 | Evans, Rachel (CRT) | 4/19/18 16:44  | Moot Court Follow Up VOT Coalition Crossover.docx | WIF                | ACP; AWP      | Email chain and attachments including legal advice regarding Voting Rights Act enforcement, material prepared in anticipation of an oral argument in a specific litigation matter, and attorney thoughts and mental impressions regarding same.  |
| 226 | DOJ00005300         | DOJ00005300        | DOJ00005300           | DOJ00005301          | Herren, Chris (CRT) | Mellett, Timothy F (CRT) |    | 5/21/2018 13:31 |                     |                | [REDACTED] J-memo -- Section 2 vote dilution.msg  | WIF                | ACP; AWP; DPP | Email reflecting pre-decisional, deliberative advice regarding how to handle a particular potential litigation matter, attaching memorandum drafted by counsel recommending a particular course of action in such matter. Filename redacted to avoid disclosing the specific potential target of litigation. |

| Row | Prod.:Beg. Bates | Prod.:End Bates | Prod.:Beg. Attach. | Prod.:End Attach. | To   | From                     | CC                                      | Date/Sent       | Author                   | Date Time Crtd | Filename   | Redacted or WIF | Privilege     | Privilege Log Description  |
|-----|------------------|-----------------|--------------------|-------------------|--|--------------------------|---|-----------------|--------------------------|----------------|--|-----------------|---------------|--|
| 227 | DOJ00005301      | DOJ00005301     | DOJ00005300        | DOJ00005301       | N/A  | N/A                      |   |                 | Zach Jones               | 5/21/18 10:45  | [REDACTED] Jmemo DRAFT 2018.05.21.docx                           | WIF             | ACP; AWP; DPP | Email reflecting pre-decisional, deliberative advice regarding how to handle a particular potential litigation matter, attaching memorandum drafted by counsel recommending a particular course of action in such matter. Filename redacted to avoid disclosing the specific potential target of litigation. |
| 228 | DOJ00005302      | DOJ00005302     | DOJ00005302        | DOJ00005317       | Herren, Chris (CRT)  | Mellett, Timothy F (CRT) |   | 5/21/2018 9:50  |                          |                | Eastpointe -- Motion to Strike.msg                               | WIF             | ACP; AWP; DPP | Email chain and attachment including and discussing draft litigation filings.  |
| 229 | DOJ00005316      | DOJ00005316     | DOJ00005302        | DOJ00005317       | N/A  | N/A                      |   |                 | Eppsteiner, George (CRT) | 5/21/18 9:26   | Motion to Strike Mem 20180520.docx                               | WIF             | ACP; AWP; DPP | Email chain and attachments including and discussing draft litigation filings.   |
| 230 | DOJ00005317      | DOJ00005317     | DOJ00005302        | DOJ00005317       | N/A  | N/A                      |   |                 |                          | 4/9/18 9:22    | 025-1 Exhibits to Motion to Exclude BISG.pdf                     | WIF             | ACP; AWP; DPP | Email chain and attachments including and discussing draft litigation filings.   |
| 231 | DOJ00005318      | DOJ00005318     | DOJ00005318        | DOJ00005802       | Herren, Chris (CRT); Freeman, Daniel (CRT); Evans, Rachel (CRT)    | Mellett, Timothy F (CRT) | Sitton, Jaye (CRT)                      | 4/15/2018 8:19  |                          |                | TX Red -- Envelope Question.msg                                  | WIF             | ACP; AWP; DPP | Attorney thoughts and mental impressions regarding an active litigation matter.  |
| 232 | DOJ00006139      | DOJ00006139     | DOJ00006139        | DOJ00006359       | Herren, Chris (CRT)  | Mellett, Timothy F (CRT) |   | 4/4/2018 10:59  |                          |                | FW: Districts at issue/ and Proposed Findings of Fact in DDC.msg | Redacted        | ACP; AWP      | Attorney thoughts and mental impressions regarding an active litigation matter.  |
| 233 | DOJ00006360      | DOJ00006360     | DOJ00006360        | DOJ00006485       | Herren, Chris (CRT)  | Mellett, Timothy F (CRT) |   | 4/2/2018 16:58  |                          |                | Transcript from TX Red 4/27/17 Hearing.msg                       | Redacted        | ACP; AWP      | Attorney thoughts and mental impressions regarding an active litigation matter.  |
| 234 | DOJ00006486      | DOJ00006486     | DOJ00006486        | DOJ00006595       | Friel, Gregory B (CRT); Gore, John (CRT)                           | Flynn, Diana K (CRT)     | Herren, Chris (CRT); Zolle, Dayna (CRT) | 11/1/2017 12:06 |                          |                | FW: SG Memo, Davis v. Guam (9th Cir. No. 17-15719).msg           | WIF             | AWP; DPP      | attorney email discussing (and attaching) draft SG memorandum re amicus participation in pending litigation  |
| 235 | DOJ00006487      | DOJ00006487     | DOJ00006486        | DOJ00006595       | N/A  | N/A                      |   |                 | dphillip                 | 11/1/17 10:56  | SG Memo, Davis v. Guam, 11.1.17.docx                             | WIF             | AWP; DPP      | draft memo from CRT to SG discussing amicus participation in pending litigation  |
| 236 | DOJ00006597      | DOJ00006597     | DOJ00006596        | DOJ00006705       | N/A  | N/A                      |   |                 | dphillip                 | 10/25/17 16:44 | SG Memo, Davis v. Guam, 10.25.17 v.3.docx                        | WIF             | DPP           | draft CRT memo to SG re amicus participation in pending litigation   |
| 237 | DOJ00006707      | DOJ00006707     | DOJ00006706        | DOJ00006707       | N/A  | N/A                      |   |                 | aanderso                 | 11/20/17 10:09 | Amicus Brief, 11.20.17.docx                                      | WIF             | ACP; AWP; DPP | Draft litigation filing reflecting DOJ attorney's mental impressions and legal strategies.   |
| 238 | DOJ00006708      | DOJ00006708     | DOJ00006708        | DOJ00006860       | Mellett, Timothy F (CRT); Freeman, Daniel (CRT) Sitton, Jaye (CRT) | Evans, Rachel (CRT)      | Herren, Chris (CRT)                     | 4/11/2018 14:56 |                          |                | RE: Perez.msg  | WIF             | AWP; DPP; PII | emails between attorneys discussing case strategy  |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To  | From                    | CC  | Date/Sent       | Author                | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description   |
|-----|---------------------|--------------------|-----------------------|----------------------|---|-------------------------|---|-----------------|-----------------------|----------------|---|--------------------|---------------|---|
| 239 | DOJ00006861         | DOJ00006861        | DOJ00006861           | DOJ00006897          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) | Wertz, Rebecca J (CRT)  | 3/13/2017 9:51  |                       |                | FW: GBM v. Alabama: Decision on Motion to Dismiss.msg                 | WIF                | AWP; DPP      | Email strategizing how CRT should react in future cases, and conveying the attorney's mental impressions in ongoing litigation  |
| 240 | DOJ00006898         | DOJ00006905        | DOJ00006898           | DOJ00007017          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) | Wertz, Rebecca J (CRT); Berman, Robert (CRT); Bell-Platts, Meredith (CRT) | 3/8/2017 12:39  |                       |                | Fwd: Activity in Case 2:13-cv-00193 Veasey et al v. Abbott et al .msg | Redacted           | PII           | PII redacted to avoid unsolicited contact.  |
| 241 | DOJ00007018         | DOJ00007018        | DOJ00007018           | DOJ00007222          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) |   | 3/8/17          |                       |                | S.D. Tex. Local Rules re Reply Briefs.msg                             | WIF                | AWP; DPP      | Attorney views on filing options in pending litigation under local rules  |
| 242 | DOJ00007224         | DOJ00007224        | DOJ00007223           | DOJ00007257          | N/A   | N/A                     |   |                 |                       | 8/3/17 10:49   | 2017.08.03 DRAFT Supplemental Brief 11am.docx                         | WIF                | AWP; DPP      | Federal defendants' draft supplemental brief in pending litigation  |
| 243 | DOJ00007258         | DOJ00007258        | DOJ00007258           | DOJ00007327          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) | Wertz, Rebecca J (CRT)  | 6/19/2018 15:53 |                       |                | Town of Islip Section 2 Case.msg                                      | WIF                | AWP; DPP      | email discussing whether CRT should get involved in newly-filed litigation  |
| 244 | DOJ00007328         | DOJ00007328        | DOJ00007328           | DOJ00007329          | Flynn, Erin (CRT)   | Dellheim, Richard (CRT) | Herren, Chris (CRT); Freeman, Daniel (CRT)                                | 9/13/2017 21:55 |                       |                | TX VID: Memo Re Burden on Remand in Section 2 Intent Cases.msg        | WIF                | ACP; AWP; DPP | An overview of research done by a DOJ attorney in reference to Voting Rights Act litigation, which included providing legal advice on the matter. Private email address also withheld.  |
| 245 | DOJ00007329         | DOJ00007329        | DOJ00007328           | DOJ00007329          | N/A   | N/A                     |   |                 | Ryan, Elizabeth (CRT) | 9/13/17 21:44  | 20170913 Memo Re Burden on Remand in Section 2 Intent Cases.docx      | WIF                | AWP; DPP      | Internal legal memo discussing burden of proof in pending litigation  |
| 246 | DOJ00007330         | DOJ00007330        | DOJ00007330           | DOJ00007683          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) |   | 9/13/17         |                       |                | FW: TX ID.msg   | WIF                | AWP; DPP; PII | Sept 2017 email chain between attorneys discussing possible arguments to be made in pending litigation  |
| 247 | DOJ00007684         | DOJ00007684        | DOJ00007684           | DOJ00007685          | Wertz, Rebecca J (CRT); Herren, Chris (CRT)                       | Dellheim, Richard (CRT) | Berman, Robert (CRT)  | 4/27/2018 15:37 |                       |                | RE: CIV Q&A.msg   | Redacted           | PII           | PII redacted to avoid unsolicited contact.  |
| 248 | DOJ00007685         | DOJ00007685        | DOJ00007684           | DOJ00007685          | N/A   | N/A                     |   |                 | Herren, Chris (CRT)   | 4/27/18 15:15  | QA-NRU Edits 4-27-18.docx   | WIF                | AWP; DPP      | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form and shows DOJ attorneys edits and comments. |
| 249 | DOJ00007686         | DOJ00007686        | DOJ00007686           | DOJ00007687          | Berman, Robert (CRT); Herren, Chris (CRT); Wertz, Rebecca J (CRT) | Dellheim, Richard (CRT) |   | 4/27/2018 11:47 |                       |                | RE: Q&A.msg   | Redacted           | PII           | PII redacted to avoid unsolicited contact.  |



| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To  | From                    | CC  | Date/Sent        | Author              | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---|-------------------------|---|------------------|---------------------|----------------|---|--------------------|---------------|--|
| 250 | DOJ00007687         | DOJ00007687        | DOJ00007686           | DOJ00007687          | N/A   | N/A                     |   |                  | Herren, Chris (CRT) | 4/27/18 11:43  | QA (003)_rsb(red).rd additions.docx   | WIF                | AWP; DPP      | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form. |
| 251 | DOJ00007688         | DOJ00007689        | DOJ00007688           | DOJ00007689          | Berman, Robert (CRT); Wertz, Rebecca J (CRT); Herren, Chris (CRT); Russ, John (CRT); Mellett, Timothy F (CRT) | Dellheim, Richard (CRT) |   | 5/23/18          |                     |                | RE: [redistrict-I] Alabama Sues US over counting non-citizens for congressional apportionment.msg | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 252 | DOJ00007690         | DOJ00007690        | DOJ00007690           | DOJ00007859          | Herren, Chris (CRT)   | Dellheim, Richard (CRT) |   | 7/13/2018 12:11  |                     |                | FW: Draft SG memo in DNC v. Reagan (CA9, AZ voting).msg   | WIF                | AWP; DPP; PII | Email containing recommendations about whether to participate as an amicus in pending litigation   |
| 253 | DOJ00007691         | DOJ00007691        | DOJ00007690           | DOJ00007859          | N/A   | N/A                     |   |                  |                     | 7/13/18 11:09  | DNC v. Reagan draft SG Memo 7.13 to VOT.doc   | WIF                | AWP; DPP      | draft CRT memo to SG discussing possibility of filing amicus brief in pending litigation   |
| 254 | DOJ00007908         | DOJ00007908        | DOJ00007908           | DOJ00007909          | Berman, Robert (CRT)  | Cooper, Tink (CRT)      | Herren, Chris (CRT); Wertz, Rebecca J (CRT) | 5/31/2018 16:47  |                     |                | FW: Opening Case 18-1187 (TSC) - new Census FOIA lawsuit - FYI.msg                                | WIF                | ACP; AWP; DPP | email chain deliberating response to pending administrative appeal and newly-filed FOIA complaint  |
| 255 | DOJ00007909         | DOJ00007909        | DOJ00007908           | DOJ00007909          | N/A   | N/A                     |   |                  |                     | 5/31/18 12:25  | Opening Letter 18-1187.pdf  | WIF                | ACP; AWP      | attorney-client correspondence with instructions on responding to FOIA complaint   |
| 256 | DOJ00007910         | DOJ00007910        | DOJ00007910           | DOJ00007911          | Herren, Chris (CRT); Wertz, Rebecca J (CRT)   | Cooper, David (CRT)     |   | 11/1/2017 13:57  |                     |                | RE: SG Memo, Davis v. Guam (9th Cir. No. 17-15719).msg  | WIF                | AWP; DPP; PII | Email discussing and transmitting draft SG memo re potential amicus participation in pending litigation.   |
| 257 | DOJ00007911         | DOJ00007911        | DOJ00007910           | DOJ00007911          | N/A   | N/A                     |   |                  | dphillip            | 11/1/17 10:56  | SG Memo, Davis v. Guam, redline 11.1.17 vs v.3 (rev).docx   | WIF                | AWP; DPP      | Draft redlined memo to SG discussing potential amicus participation in pending litigation.   |
| 258 | DOJ00007912         | DOJ00007912        | DOJ00007912           | DOJ00007914          | Herren, Chris (CRT)   | Cooper, David (CRT)     | Wertz, Rebecca J (CRT)                      | 11/22/2017 14:22 |                     |                | RE: Draft Brief in Davis v. Guam (9th Cir. No. 17-15719).msg                                      | WIF                | AWP; DPP      | Email discussing and transmitting draft amicus brief in pending litigation.  |
| 259 | DOJ00007913         | DOJ00007913        | DOJ00007912           | DOJ00007914          | N/A   | N/A                     |   |                  | aanderso            | 11/22/17 14:13 | Amicus Brief, 11.22.17 - dgc cmts.docx  | WIF                | AWP; DPP      | draft amicus brief in pending litigation   |
| 260 | DOJ00007914         | DOJ00007914        | DOJ00007912           | DOJ00007914          | N/A   | N/A                     |   |                  | aanderso            | 11/22/17 10:44 | Amicus Brief, 11.22.17 - REDLINE.DOCX   | WIF                | AWP; DPP      | draft (redlined) amicus brief in pending litigation  |
| 261 | DOJ00007991         | DOJ00007991        | DOJ00007991           | DOJ00007994          | Herren, Chris (CRT)   | Cooper, David (CRT)     | Wertz, Rebecca J (CRT)                      | 10/30/2017 16:30 |                     |                | RE: Guam memo.msg   | WIF                | AWP           | Emails collecting and attaching attorney research in pending litigation.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To  | From                | CC                     | Date/Sent       | Author   | Date Time Crtd | Filename   | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---|---------------------|------------------------|-----------------|----------|----------------|--|--------------------|---------------|--|
| 262 | DOJ00007992         | DOJ00007992        | DOJ00007991           | DOJ00007994          | N/A   | N/A                 |                        |                 |          | 10/30/17 12:31 | 19971010 UN Press Release re Guam Resolution.pdf   | WIF                | AWP           | UN press release with portions relevant to pending litigation highlighted by CRT attorney.   |
| 263 | DOJ00007993         | DOJ00007993        | DOJ00007991           | DOJ00007994          | N/A   | N/A                 |                        |                 |          | 10/30/17 15:31 | Van Dyke et al - U HI L Rev 1996.pdf   | WIF                | AWP           | law review article with portions relevant to pending litigation highlighted by CRT attorney  |
| 264 | DOJ00007994         | DOJ00007994        | DOJ00007991           | DOJ00007994          | N/A   | N/A                 |                        |                 |          | 10/30/17 16:22 | 20070913 UN GA Press Release re Decl on Rights of Indigenous Peoples.pdf                             | WIF                | AWP           | UN press release with portions relevant to pending litigation highlighted by CRT attorney  |
| 265 | DOJ00007995         | DOJ00007995        | DOJ00007995           | DOJ00007996          | Herren, Chris (CRT)   | Cooper, David (CRT) | Wertz, Rebecca J (CRT) | 10/27/17        |          |                | Guam memo.msg  | WIF                | AWP; DPP      | Email discussing and transmitting changes to draft SG memo re potential amicus participation in pending litigation.  |
| 266 | DOJ00007996         | DOJ00007996        | DOJ00007995           | DOJ00007996          | N/A   | N/A                 |                        |                 | dphillip | 10/25/17 16:44 | SG Memo, Davis v. Guam, 10.25.17 v.3 - dgc cmts.docx   | WIF                | AWP; DPP      | draft CRT memo to SG discussing potential amicus participation in pending litigation   |
| 267 | DOJ00007997         | DOJ00007997        | DOJ00007997           | DOJ00007998          | Herren, Chris (CRT); Wertz, Rebecca J (CRT)   | Cooper, David (CRT) |                        | 11/20/17        |          |                | RE: Davis v. Guam Draft Brief (9th Cir. No. 17-15719).msg  | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 268 | DOJ00007998         | DOJ00007998        | DOJ00007997           | DOJ00007998          | N/A   | N/A                 |                        |                 | aanderso | 11/20/17 10:09 | Amicus Brief, 11.20.17 - dgc cmts.docx   | WIF                | AWP; DPP      | Draft amicus brief reflecting DOJ attorneys strategies and opinions, to be filed in ongoing litigation.  |
| 269 | DOJ00007999         | DOJ00007999        | DOJ00007999           | DOJ00008035          | Herren, Chris (CRT); Dellheim, Richard (CRT); Heard, Bradley (CRT)                        | Cooper, David (CRT) |                        | 1/3/2018 17:40  |          |                | SJ ruling in Fish v. Kobach.msg  | WIF                | AWP           | email conveying attorney's thoughts on pending litigation  |
| 270 | DOJ00008152         | DOJ00008153        | DOJ00008152           | DOJ00008881          | Flynn, Diana K (CRT); Baldwin, Anna (CRT); Robin-Vergeer, Bonnie (CRT); Flynn, Erin (CRT) | Herren, Chris (CRT) |                        | 8/31/2017 14:36 |          |                | FW: Abbott v. Perez -- Emergency Application For Stay or Injunctive Relief Pending Appeal (H358).msg | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 271 | DOJ00008882         | DOJ00008882        | DOJ00008882           | DOJ00008882          | Mellett, Timothy F (CRT)  | Herren, Chris (CRT) |                        | 4/16/18         |          |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                                       | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To  | From                | CC  | Date/Sent       | Author | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---|---------------------|---|-----------------|--------|----------------|---|--------------------|---------------|--|
| 272 | DOJ00008883         | DOJ00008884        | DOJ00008883           | DOJ00009958          | Gore, John (CRT)  | Herren, Chris (CRT) |   | 8/25/2017 16:20 |        |                | FW: Abbott v. Perez -- Emergency Application For Stay or Injunctive Relief Pending Appeal.msg | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 273 | DOJ00010751         | DOJ00010752        | DOJ00010751           | DOJ00012041          | Wertz, Rebecca J (CRT); Berman, Robert (CRT)                        | Herren, Chris (CRT) |   | 1/9/2017 15:47  |        |                | FW: fy2009 to present (amicus vot).xls.msg  | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 274 | DOJ00012042         | DOJ00012043        | DOJ00012042           | DOJ00012058          | Berman, Robert (CRT)  | Herren, Chris (CRT) | Wertz, Rebecca J (CRT); Bell-Platts, Meredith (CRT); Dellheim, Richard (CRT); Mellett, Timothy F (CRT); Freeman, Daniel (CRT) | 2/26/2017 19:22 |        |                | RE: Draft Filing.msg  | Redacted           | ACP; AWP; PII | Discussion of a draft pleading in a pending matter. PII redacted to avoid unsolicited contact.   |
| 275 | DOJ00012059         | DOJ00012061        | DOJ00012059           | DOJ00012061          | N/A   | Herren, Chris (CRT) |   | 2/2/2017 14:43  |        |                | RE: Updated Resources from the U.S. Census Bureau's Redistricting Data Program.msg            | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 276 | DOJ00012062         | DOJ00012064        | DOJ00012062           | DOJ00012064          | N/A   | Herren, Chris (CRT) |   | 2/2/2017 14:35  |        |                | FW: Updated Resources from the U.S. Census Bureau's Redistricting Data Program.msg            | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 277 | DOJ00012065         | DOJ00012070        | DOJ00012065           | DOJ00012153          | Baldwin, Anna (CRT); Robin-Vergeer, Bonnie (CRT); Flynn, Erin (CRT) | Herren, Chris (CRT) | Flynn, Diana K (CRT)  | 8/24/2017 18:56 |        |                | FW: Activity in Case 5:11-cv-00360-OLG-JES-XR Perez et al v. Perry et al Order.msg            | Redacted           | AWP; DPP; PII | Redacted attorney's personal summary of decision.PII redacted to avoid unsolicited contact.  |
| 278 | DOJ00012154         | DOJ00012154        | DOJ00012154           | DOJ00012154          | Mellett, Timothy F (CRT)  | Herren, Chris (CRT) |   | 4/16/2018 11:40 |        |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                                | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 279 | DOJ00012155         | DOJ00012155        | DOJ00012155           | DOJ00012179          | Dellheim, Richard (CRT)   | Herren, Chris (CRT) |   | 2/2/2017 12:19  |        |                | FW: Texas Voter ID Complaint.msg  | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To                     | From                | CC   | Date/Sent       | Author              | Date Time Crtd | Filename   | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|------------------------|---------------------|--|-----------------|---------------------|----------------|--|--------------------|---------------|--|
| 280 | DOJ00012180         | DOJ00012185        | DOJ00012180           | DOJ00012268          | Gore, John (CRT)       | Herren, Chris (CRT) |  | 8/24/2017 18:55 |                     |                | FW: Activity in Case 5:11-cv-00360-OLG-JES-XR Perez et al v. Perry et al Order.msg | Redacted           | AWP; DPP; PII | Redacted attorney's personal summary of court decision. PII redacted to avoid unsolicited contact.   |
| 281 | DOJ00012269         | DOJ00012269        | DOJ00012269           | DOJ00012293          | Gore, John (CRT)       | Herren, Chris (CRT) |  | 2/2/2017 12:18  |                     |                | RE: Texas Voter ID Complaint.msg   | Redacted           | PII           | PII redacted to avoid unsolicited contact.   |
| 282 | DOJ00012294         | DOJ00012294        | DOJ00012294           | DOJ00012295          | Friel, Gregory B (CRT) | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Robin-Vergeer, Bonnie (CRT); Baldwin, Anna (CRT); Hecker, Elizabeth (CRT)                      | 4/19/2018 15:22 |                     |                | RE: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                     | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 283 | DOJ00012295         | DOJ00012295        | DOJ00012294           | DOJ00012295          | N/A                    | N/A                 |  |                 | Herren, Chris (CRT) | 4/19/18 15:22  | TX RED QA3_GBF (rev).docx  | WIF                | AWP; DPP      | Attachment to email between attorneys from the Office of the Solicitor General and the Civil Rights Division about VRA enforcement. Attachment is a draft document containing deliberations and discussions about pending litigation.  |
| 284 | DOJ00012296         | DOJ00012296        | DOJ00012296           | DOJ00012296          | Friel, Gregory B (CRT) | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Robin-Vergeer, Bonnie (CRT); Baldwin, Anna (CRT); Hecker, Elizabeth (CRT)                      | 4/19/18         |                     |                | RE: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                     | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 285 | DOJ00012297         | DOJ00012297        | DOJ00012297           | DOJ00012298          | Friel, Gregory B (CRT) | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Robin-Vergeer, Bonnie (CRT); Baldwin, Anna (CRT); Hecker, Elizabeth (CRT); Herren, Chris (CRT) | 4/19/2018 12:43 |                     |                | RE: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                     | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions  |
| 286 | DOJ00012298         | DOJ00012298        | DOJ00012297           | DOJ00012298          | N/A                    | N/A                 |  |                 | Herren, Chris (CRT) | 4/19/18 12:42  | TX RED QA3.docx  | WIF                | AWP; DPP; PII | Attachment to email between attorneys from the Office of the Solicitor General and the Civil Rights Division about VRA enforcement. Attachment is a draft document containing deliberations and discussions about pending litigation.  |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To   | From                | CC  | Date/Sent       | Author              | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|--|---------------------|---|-----------------|---------------------|----------------|---|--------------------|---------------|--|
| 287 | DOJ00012299         | DOJ00012299        | DOJ00012299           | DOJ00012300          | Mellett, Timothy F (CRT); Berman, Robert (CRT)   | Herren, Chris (CRT) |   | 4/19/2018 11:33 |                     |                | QA3.msg   | WIF                | ACP; AWP; DPP | Email between attorneys in Civil Rights Division about matter presented by the Office of the Solicitor in connection with Abbott litigation.   |
| 288 | DOJ00012300         | DOJ00012300        | DOJ00012299           | DOJ00012300          | N/A  | N/A                 |   |                 | Herren, Chris (CRT) | 4/19/18 10:49  | QA3.docx  | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 289 | DOJ00012301         | DOJ00012301        | DOJ00012301           | DOJ00012301          | Freeman, Daniel (CRT)  | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Evans, Rachel (CRT); Sitton, Jaye (CRT)                                   | 4/18/2018 18:11 |                     |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg  | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 290 | DOJ00012302         | DOJ00012302        | DOJ00012302           | DOJ00012302          | Mellett, Timothy F (CRT); Evans, Rachel (CRT); Sitton, Jaye (CRT); Freeman, Daniel (CRT) Herren, Chris (CRT) | Herren, Chris (CRT) |   | 4/18/18         |                     |                | Fwd: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 291 | DOJ00012303         | DOJ00012303        | DOJ00012303           | DOJ00012303          | Friel, Gregory B (CRT)   | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Robin-Vergeer, Bonnie (CRT); Baldwin, Anna (CRT); Hecker, Elizabeth (CRT) | 4/18/2018 17:31 |                     |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg  | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 292 | DOJ00012304         | DOJ00012304        | DOJ00012304           | DOJ00012409          | Friel, Gregory B (CRT)   | Herren, Chris (CRT) | Mellett, Timothy F (CRT); Robin-Vergeer, Bonnie (CRT); Baldwin, Anna (CRT); Hecker, Elizabeth (CRT) | 4/18/18         |                     |                | FW: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg  | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 293 | DOJ00012642         | DOJ00012642        | DOJ00012642           | DOJ00013549          | Gore, John (CRT)   | Herren, Chris (CRT) | Riordan, Maureen (CRT)  | 3/13/2017 15:53 |                     |                | TX RED Post Trial Briefs.msg                                    | Redacted           | ACP; AWP      | Email discussion between attorneys from the Civil Rights Division about post-trial briefing in Abbott v. Perez.  |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To  | From                | CC | Date/Sent       | Author     | Date Time Crtd | Filename  | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|---|---------------------|----|-----------------|------------|----------------|---|--------------------|---------------|--|
| 294 | DOJ00013550         | DOJ00013550        | DOJ00013550           | DOJ00013550          | Mellett, Timothy F (CRT)                      | Herren, Chris (CRT) |    | 4/17/2018 17:22 |            |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg                          | WIF                | AWP; DPP; PII | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions.           |
| 295 | DOJ00013551         | DOJ00013551        | DOJ00013551           | DOJ00013554          | Wertz, Rebecca J (CRT); Ryan, Elizabeth (CRT) | Herren, Chris (CRT) |    | 1/23/2018 12:35 |            |                | FW: Alabama v. Alabama St. Conf of NAACP (11th Cir.) -- intervention recommendation.msg | WIF                | ACP; AWP; DPP | Email deliberations between attorneys in the Civil Rights Division about draft memorandum for the Office of the Solicitor General regarding Alabama v. Alabama State Conference of the NAACP.  |
| 296 | DOJ00013552         | DOJ00013552        | DOJ00013551           | DOJ00013554          | N/A   | N/A                 |    |                 | Greg Friel | 1/8/18 15:36   | SG Memo Draft 1.4.18 (rev)_CLEAN.docx   | WIF                | ACP; AWP; DPP | Memorandum for the Office of the Solicitor General from the Civil Rights Division regarding Alabama v. Alabama State Conference of the NAACP.  |
| 297 | DOJ00013553         | DOJ00013553        | DOJ00013551           | DOJ00013554          | N/A   | N/A                 |    |                 | abaldwin   | 11/15/17 16:11 | Attachment E (Johnson v. Hamrick (11th) US Br.).pdf                                     | WIF                | ACP; AWP; DPP | Undated draft brief for the United States as Cross-Appellee in Johnson v. Hamrick.   |
| 298 | DOJ00013554         | DOJ00013554        | DOJ00013551           | DOJ00013554          | N/A   | N/A                 |    |                 | abaldwin   | 11/16/17 14:03 | Attachment F (US Br. in Blaine County 9th Cir.).pdf                                     | WIF                | ACP; AWP; DPP | Undated, draft brief for the United States in US v. Baine County.  |
| 299 | DOJ00013555         | DOJ00013555        | DOJ00013555           | DOJ00013556          | Wertz, Rebecca J (CRT)                        | Herren, Chris (CRT) |    | 5/3/18          |            |                | Census Hearing Maloney et. al (rev3).msg  | WIF                | DPP           | Email deliberations regarding Census hearing and draft response to Rep. Maloney.   |
| 300 | DOJ00013556         | DOJ00013556        | DOJ00013555           | DOJ00013556          | N/A   | N/A                 |    |                 |            | 5/3/18 16:22   | Census Hearing Maloney et. al (rev3).docx   | WIF                | DPP           | Draft letter to Rep. Maloney in response to his letter to the Acting AAG regarding the addition of a question on citizenship to the census.  |
| 301 | DOJ00013557         | DOJ00013560        | DOJ00013557           | DOJ00013562          | Gore, John (CRT)                              | Herren, Chris (CRT) |    | 5/2/2018 17:56  |            |                | RE: Census Citizenship Question Litigation.msg  | Redacted           | DPP; AWP; PII | Redacted portion includes questions asked by litigating counsel in this case for the purposes of case development and crafting a legal strategy, and the draft answers by CRT attorneys to those questions. PII also withheld to avoid unsolicited contact.  |
| 302 | DOJ00013561         | DOJ00013561        | DOJ00013557           | DOJ00013562          | N/A   | N/A                 |    |                 |            | 5/2/18 17:44   | QA redline.docx   | WIF                | AWP; DPP      | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form, including attorney edits. |

| Row | Prod.:Beg.<br>Bates | Prod.:End<br>Bates | Prod.:Beg.<br>Attach. | Prod.:End<br>Attach. | To   | From                | CC   | Date/Sent       | Author     | Date Time Crtd | Filename   | Redacted or<br>WIF | Privilege     | Privilege Log Description  |
|-----|---------------------|--------------------|-----------------------|----------------------|--|---------------------|--|-----------------|------------|----------------|--|--------------------|---------------|--|
| 303 | DOJ00013562         | DOJ00013562        | DOJ00013557           | DOJ00013562          | N/A  | N/A                 |  |                 |            | 5/2/18 17:44   | QA - 05.02.2018.docx   | WIF                | AWP; DPP      | Draft document compiled by CRT attorneys at the direction of litigating counsel in this case. Litigating counsel asked questions of CRT for the purposes of case development and crafting a legal strategy. This document shows the questions propounded, and CRT's responses in draft form.                 |
| 304 | DOJ00013563         | DOJ00013563        | DOJ00013563           | DOJ00013836          | Wertz, Rebecca J (CRT); Berman, Robert (CRT); Bell-Platts, Meredith (CRT); Dellheim, Richard (CRT) | Herren, Chris (CRT) |  | 1/27/2017 14:21 |            |                | FW: Veasey - opinions and orders.msg                           | Redacted           | ACP; AWP; DPP | Email deliberations between attorneys in the Civil Rights Division about the Veasey case.  |
| 305 | DOJ00013837         | DOJ00013837        | DOJ00013837           | DOJ00013838          | Wertz, Rebecca J (CRT)   | Herren, Chris (CRT) |  | 5/21/18         |            |                | FW: [REDACTED] J-memo -- Section 2 vote dilution.msg           | WIF                | ACP; AWP; DPP | Email discussion between attorneys in the Civil Rights Division about prospective litigation for violations of section 2 of the VRA. Filename redacted to avoid disclosing the specific potential target of litigation.  |
| 306 | DOJ00013838         | DOJ00013838        | DOJ00013837           | DOJ00013838          | N/A  | N/A                 |  |                 | Zach Jones | 5/21/18 10:45  | [REDACTED] Jmemo DRAFT 2018.05.21.docx                         | WIF                | ACP; AWP; DPP | Memo, dated May 2018, to J. Gore, Acting AAG, Civil Rights Division, about prospective litigation against for violations of section 2 of the VRA. Filename redacted to avoid disclosing the specific potential target of litigation.   |
| 307 | DOJ00013839         | DOJ00013839        | DOJ00013839           | DOJ00013839          | Freeman, Daniel (CRT)  | Herren, Chris (CRT) | Mellet, Timothy F (CRT); Evans, Rachel (CRT); Sitton, Jaye (CRT) | 4/15/2018 18:08 |            |                | Re: Abbott - sec. 2 opportunity / sec. 5 ability districts.msg | WIF                | AWP; DPP      | Email chain between an attorney in DOJ's Solicitor General's Office and attorneys in DOJ's Civil Rights Division discussing sections 2 and 5 of the VRA as they relate to the DOJ's amicus participation in Abbott v. Perez. Email chain comprises proposed interpretations of the two statutory provisions. |
| 308 | DOJ00014247         | DOJ00014248        | DOJ00014247           | DOJ00014681          | N/A  | Herren, Chris (CRT) |  | 12/6/2017 12:42 |            |                | Texas ID case.msg  | Redacted           | ACP; AWP; DPP | Email to attorneys in the Civil Rights Division about oral argument in Perez v. Abbott   |