



July 7, 2020

Via FOIAonline

Vernon E. Curry, PMP, CIPP/G
FOIA Officer
U.S. Census Bureau, Room 3J235
4600 Silver Hill Road
Suitland, MD 20746

RE: Freedom of Information Act Request

Dear Mr. Curry:

Campaign Legal Center (“CLC”) submits this request to the Bureau of the Census (“Census Bureau” or “Bureau”) pursuant to the Freedom of Information Act, 5 U.S.C. § 552 *et seq.*

I. Requested Records

CLC requests the following records:

1. Every written communication dated April 1, 2020 or later that
 - (a) was sent by Nathaniel Cogley or Adam Korzeniewski;
 - (b) was received by Steven Dillingham, Ron Jarmin, Albert Fontenot Jr., Benjamin Taylor, John Abowd, Wilbur Ross, Karen Dunn Kelley, Nathaniel Cogley, or Adam Korzeniewski; *and*
 - (c) contains at least one of the following terms in the body of the message: “decennial,” “hard to count,” “hard-to-count,” “HTC,” “nonresponse followup,” “NRFU,” “enumerators,” “Y&R,” “COVID-19,” “COVID,” “coronavirus,” “Service Based Enumeration,” “homelessness,” “homeless,” “transitory,” “administrative records,” “admin records,” “adrecs,” “citizenship,” “citizen,” or “CVAP.”

2. Every written communication dated April 1, 2020 or later that
 - (a) was sent by Steven Dillingham, Ron Jarmin, Albert Fontenot Jr., Benjamin Taylor, John Abowd, Wilbur Ross, Karen Dunn Kelley, Nathaniel Cogley, or Adam Korzeniewski;
 - (b) was received by Nathaniel Cogley or Adam Korzeniewski; *and*
 - (c) contains at least one of the following terms in the body of the message: “decennial,” “hard to count,” “hard-to-count,” “HTC,” “nonresponse followup,” “NRFU,” “enumerators,” “Y&R,” “COVID-19,” “COVID,” “coronavirus,” “Service Based Enumeration,” “homelessness,” “homeless,” “transitory,” “administrative records,” “admin records,” “adrecs,” “citizenship,” “citizen,” or “CVAP.”

Please note that the term “written communication” includes, but is not limited to, email messages, text messages, instant messages, and office memoranda. Responsive records may include both digital and physical records.

For each custodian searched, please search all devices and accounts that the custodian uses to conduct government business, regardless of whether those devices and accounts are government-issued.

If some portions of the requested records are exempt from disclosure, please (1) disclose any reasonably segregable non-exempt portions of the requested records, pursuant to 5 U.S.C. § 552(b); and (2) provide an index of the withheld materials as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1973).

II. Background

The Census Bureau is currently conducting the 2020 Census. This decennial population count will determine how many members of Congress represent each state, how political power is distributed within states, and how the federal government spends trillions of dollars.¹ The Census Bureau planned for this census throughout the past decade. While the COVID-19 pandemic has caused the Bureau to make some adjustments to its operational timeline,² the Bureau has not announced any fundamental changes to the operational design

¹ See *Counting for Dollars 2020: The Role of the Decennial Census in the Geographic Distribution of Federal Funds*, GW INST. PUB. POLICY (Apr. 29, 2020), <https://gwipp.gwu.edu/counting-dollars-2020-role-decennial-census-geographic-distribution-federal-funds>.

² See *2020 Census Operational Adjustments Due to COVID-19*, U.S. Census Bureau, <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html> (last visited June 28, 2020).

described in the 2020 Census Operational Plan, which was last updated in December 2018.³

On June 23, the Census Bureau announced that two new political appointees were joining the Bureau's senior leadership in newly created positions: Nathaniel Cogley as Deputy Director for Policy, and Adam Korzeniewski as Senior Advisor to the Deputy Director for Policy.⁴ Dr. Cogley is a political scientist whose research has focused on African politics. Mr. Korzeniewski is a veteran of the U.S. Marine Corps who has worked as a Republican political consultant and, briefly, as a 2020 Census field manager. Neither Dr. Cogley nor Mr. Korzeniewski appears to have a professional background in survey methodology, demography, or statistics.⁵

The Census Bureau has provided little information about the roles Dr. Cogley and Mr. Korzeniewski play in the 2020 Census. According to a written statement by Director Steven Dillingham, the new appointees “will help the Census Bureau achieve a complete and accurate 2020 Census and study future improvements.”⁶ Apart from this general statement, the Bureau has not clarified what authority the appointees will hold or which issues will be included in their portfolio.⁷

The Bureau's largely unexplained move to add two inexperienced officials to its senior staff during peak census operations has alarmed many census stakeholders. For example, former Census Bureau Director John Thompson said the development “raises the specter that [President Trump's] administration will attempt to influence the objective data that the Census Bureau puts out.”⁸ Similarly, the American Statistical Association said in a statement that “[t]he Census Bureau's addition of two political appointees to its top ranks undermines the work of the Census Bureau and federal statistical agencies because of the lack of transparency and justification, as well as the perception—if not reality—of improper political influence.”⁹ These concerns apparently are present within the Census Bureau, as well. *The New York*

³ *2020 Census Operational Plan, Version 4.0*, U.S. CENSUS BUREAU (2018), <https://www2.census.gov/programs-surveys/decennial/2020/program-management/planning-docs/2020-oper-plan4.pdf>.

⁴ *Statement from Census Bureau Director Dr. Steven Dillingham*, U.S. CENSUS BUREAU (June 23, 2020), <https://www.census.gov/newsroom/press-releases/2020/statement-new-staff.html>.

⁵ See Hansi Lo Wang, *Trump Appointees Join Census Bureau; Democrats Concerned Over Partisan 'Games'*, NPR (June 23, 2020), <https://www.npr.org/2020/06/23/882433973/trump-appointees-join-census-bureau-democrats-concerned-over-partisan-games>.

⁶ *Statement from Census Bureau Director*, *supra* note 4.

⁷ See Wang, *supra* note 5.

⁸ *Id.*

⁹ *American Statistical Association Statement on the June 23 US Census Bureau Appointments*, AM. STATISTICAL ASS'N (June 24, 2020), <https://www.amstat.org/asa/files/pdfs/POL-June23CensusBureauAppointments.pdf>.

Times reported that one census official, who spoke to the *Times* anonymously, said Dr. Cogley and Mr. Korzeniewski had “repeatedly questioned the need for census operations that focus on accurately counting the nation’s hardest-to-reach residents.”¹⁰

III. Application for Fee Waiver or Limitation of Fees

CLC requests that all fees for this request be waived or, in the alternative, limited. This request qualifies for a fee waiver or reduction because it is non-commercial in nature and would serve the public interest by contributing significantly to public understanding of the operations or activities of the Department and the Census Bureau. CLC is also entitled to an exemption from search and review costs because CLC qualifies as a representative of the news media.

In the event that CLC’s application for a complete fee waiver is denied and you estimate that more than \$100 in fees will be charged, please contact me before proceeding with any search, review, or duplication.

A. The request is made for non-commercial purposes and will contribute significantly to public understanding of government activities.

Under FOIA, an agency must provide requested records without charge or at a reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”¹¹ A Department of Commerce regulation provides six factors to consider when deciding whether to waive or reduce FOIA fees:

- (1) “whether the subject of the requested records concerns the operations or activities of the Government”;
- (2) “whether the disclosure is ‘likely to contribute’ to an understanding of Government operations or activities” by disclosing “meaningfully informative” records that are not already public;
- (3) “[w]hether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject”;

¹⁰ Michael Wines, *Census Bureau Adds Top-Level Political Posts, Raising Fears for 2020 Count*, N.Y. TIMES (June 23, 2020), <https://www.nytimes.com/2020/06/23/us/census-bureau-cogley-korzeniewski.html>.

¹¹ 5 U.S.C. § 552(a)(4)(A)(iii).

- (4) “whether the disclosure is likely to contribute ‘significantly’ to public understanding of Government operations or activities”—i.e., whether the public’s understanding will “be significantly enhanced by the disclosure”
- (5) “whether the requester has a commercial interest that would be furthered by the requested disclosure”; and
- (6) “[w]hether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, that disclosure is ‘primarily in the commercial interest of the requester.’”¹²

All six factors favor CLC’s application for a fee waiver in connection with this request.

First, the request indisputably “concerns the operations or activities of the Government”—specifically, the 2020 Census and the Census Bureau’s expansion of its senior leadership team.

Second, the request will contribute to public understanding of the Census Bureau’s operations by uncovering meaningfully informative records about a Bureau decision that is currently shrouded in mystery.

As noted above, the Bureau has provided little information about the job descriptions, professional qualifications, and day-to-day activities of its two new officials. Understandably, this lack of information is causing external stakeholders to wonder whether Dr. Cogley and Mr. Korzeniewski were appointed to exert political influence of the Bureau and undermine aspects of the 2020 Census Operational Plan.

This request aims to obtain records that will improve the public’s understanding and eliminate the need for speculation. Specifically, CLC seeks written communications between the two new Bureau officials and some of their key colleagues regarding important issues in the management of the 2020 Census, including the Bureau’s continued outreach to hard-to-count communities; operational adjustments in light of COVID-19; the planning and implementation of the crucial nonresponse followup operation; the use of administrative records to enumerate certain households; and the Bureau’s attempt to produce block-level statistics on citizen voting-age population.

The Census Bureau must possess at least some records responsive to this request. As senior Bureau officials, Dr. Cogley and Mr. Korzeniewski presumably send and receive emails and other written communications about the top challenges facing the 2020 Census on a regular basis. But *none* of the

¹² 15 C.F.R. § 4.11(l).

responsive records are currently in the public domain. If published, these records would shed light on what, exactly, Dr. Cogley and Mr. Korzeniewski do in their new jobs.

Third, disclosure of the requested records will contribute to the understanding of at least a reasonably broad audience of persons, not merely CLC’s own understanding.

In assessing whether this factor is satisfied, the Bureau considers the “requester’s expertise in the subject area and ability and intention to effectively convey information to the public.”¹³ A requester that qualifies as “a representative of the news media” is presumed to satisfy this factor.¹⁴

For the reasons explained below,¹⁵ CLC qualifies as a representative of the news media. CLC is therefore entitled to a presumption that its request will contribute to the understanding of at least a reasonably broad audience. However, regardless of whether the Bureau applies this presumption, CLC satisfies the “reasonably broad audience” test by virtue of its expertise and its ability and intention to disseminate information from the requested records.

CLC has more than enough expertise in the relevant subject area to help educate a broad audience. Founded in 2002, CLC is a nationally respected source of nonpartisan expert analysis and legal advice on all aspects of the democratic process.¹⁶ CLC has significant experience in litigation involving the decennial census,¹⁷ and employs several attorneys with particular expertise on census operations.

CLC also has the ability and intention to convey information from the requested records to the public. CLC plans to publish responsive records and write analyses of those records for public consumption, which will be shared on CLC’s website and social media accounts. CLC’s large online presence¹⁸ will

¹³ 15 C.F.R. § 4.11(l)(2)(iii).

¹⁴ *Id.*

¹⁵ See *infra* Part III(B).

¹⁶ See *Impact*, CAMPAIGN LEGAL CENTER, <https://campaignlegal.org/impact> (last visited June 29, 2020).

¹⁷ See *CLC v. Bureau of the Census (FOIA Delay suit)*, CAMPAIGN LEGAL CTR., <https://campaignlegal.org/cases-actions/clc-v-bureau-census-foia-delay-suit> (updated Mar. 9, 2020); *CLC Sues DOJ Over Unlawful Silence in Decision-Making Process Over Census Citizenship Question*, CAMPAIGN LEGAL CTR. (May 23, 2018), <https://campaignlegal.org/update/clc-sues-doj-over-unlawful-silence-decision-making-process-over-census-citizenship-question>; Brief of Former Directors of the Census Bureau as *Amici Curiae* in Support of Appellees, *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016) (No. 14-940) (amicus brief on which CLC served as co-counsel).

¹⁸ CLC has approximately 28,300 followers on Twitter and more than 11,700 followers on Facebook. Campaign Legal Center (@CampaignLegal), TWITTER,

enable these materials to reach at least a “reasonably broad audience.” In the past, CLC has succeeded at disseminating information broadly through reports,¹⁹ blogs,²⁰ op-eds,²¹ and videos,²² among other media. CLC also shares information and analysis with traditional news organizations, which regularly cite and rely upon CLC’s work.²³

When CLC disseminates information based on records responsive to this FOIA request, that information is likely to capture the interest of a large audience. Many mainstream national news organizations have already covered the appointment of Dr. Cogley and Mr. Korzeniewski.²⁴ More broadly, the 2020

<https://twitter.com/CampaignLegal> (last visited June 29, 2020); Campaign Legal Center (@CampaignLegalCenter), FACEBOOK,

https://www.facebook.com/CampaignLegalCenter/?ref=br_rs (last visited June 29, 2020). CLC also publishes updates by email to its many supporters.

¹⁹ See, e.g., Daniel Hessel, *Litigating Partisan Gerrymandering Claims Under State Constitutions*, CAMPAIGN LEGAL CTR. (July 17, 2018),

https://campaignlegal.org/sites/default/files/2018-07/CLC%20Issue%20Brief%20Litigating%20Partisan%20Gerrymandering%20under%20State%20Constitutions_0.pdf; Lawrence M. Noble & Brendan M. Fischer, *Funding the Presidential Nominating Conventions: How a Trickle of Money Turned Into a Flood*, CAMPAIGN LEGAL CTR. (July 26, 2016),

<http://www.campaignlegalcenter.org/sites/default/files/Funding%20the%20Presidential%20Nominating%20Conventions%20Report.pdf>.

²⁰ See, e.g., Jeff Zalesin, *Census Bureau’s Citizenship Data Collection Is Misguided and Harmful*, CAMPAIGN LEGAL CTR. (Jan. 24, 2020), <https://campaignlegal.org/update/census-bureaus-citizenship-data-collection-misguided-and-harmful>; Maggie Christ, *Constitutional Challenges Facing Our Democracy*, CAMPAIGN LEGAL CTR. (Sept. 18, 2019),

<https://campaignlegal.org/update/constitutional-challenges-facing-our-democracy>; Molly Danahy, *The U.S. Supreme Court Should Stop Census Citizenship Question*, CAMPAIGN LEGAL CTR. (April 3, 2019), <https://campaignlegal.org/update/us-supreme-court-should-stop-census-citizenship-question>; Brendan M. Fischer, *How Trump’s Plan to Repeal the Johnson Amendment Could Unleash ‘Super Dark Money’ Into Our Elections*, CAMPAIGN LEGAL CTR. (Feb. 3, 2017), <http://www.campaignlegalcenter.org/news/blog/how-trump-s-plan-repeal-johnson-amendment-could-unleash-super-dark-money-our-elections>.

²¹ See, e.g., Paul Smith, *Census paves moment of truth for the Supreme Court and rule of law*, THE HILL (July 9, 2019), <https://thehill.com/opinion/judiciary/452224-census-paves-moment-of-truth-for-the-supreme-court-and-rule-of-law>; Danielle Lang & Thea Sebastian, *Too Poor to Vote*, N.Y. TIMES (Nov. 1, 2018), <https://www.nytimes.com/2018/11/01/opinion/election-voting-rights-poverty.html>; Trevor Potter, *Donald Trump Hasn’t Solved Any of His Conflicts of Interest*, WASH. POST (Jan. 11, 2017),

https://www.washingtonpost.com/posteverything/wp/2017/01/11/donald-trump-hasnt-solved-any-of-his-conflicts-of-interest/?utm_term=.0e80b538fb8f.

²² See, e.g., Campaign Legal Center, *Distorted Democracy: The Fight Against Gerrymandering*, YOUTUBE (March 7, 2019),

https://www.youtube.com/watch?v=HgAVos_tK8E.

²³ See, e.g., Alayna Treene, Jonathan Swan & Harry Stevens, *Scoop: Inside a top Trump adviser’s fundraising mirage*, AXIOS (May 5, 2019), <https://www.axios.com/david-bossie-fundraising-presidential-coalition-3bf22829-8a89-4a10-84b7-7310e02c2ef2.html>.

²⁴ See, e.g., Wang, *supra* note 5; Wines, *supra* note 10; Melissa Quinn,

Census is a matter of intense public interest and has received media scrutiny to match.²⁵ The audience for information derived from CLC’s FOIA request is therefore more than large enough to pass the “reasonably broad audience” test.

Fourth, the contribution that CLC’s request will make to public understanding will be significant, not merely marginal.

As already noted, the public currently has virtually zero verifiable information about what roles Dr. Cogley and Mr. Korzeniewski are playing at the Census Bureau. This informational deficit is so severe that respected, nonpartisan experts—including former Director Thompson; Vanita Gupta, President and CEO of the Leadership Conference on Civil and Human Rights; and Terri Ann Lowenthal, a nationally known census consultant—are openly sounding the alarm that the White House may be using these appointments to manipulate the census for political advantage.

Perhaps the Census Bureau’s internal records paint a more innocuous picture of the activities Dr. Cogley and Mr. Korzeniewski were hired to perform. But as long as these records remain unpublished, many members of the public will understandably suspect the worst about these unusual mid-census appointments. The public would benefit significantly from access to the requested records, which would put to rest any speculation—positive or negative—about how the Bureau’s new officials are affecting the 2020 Census.

Fifth, CLC has no commercial interest in its FOIA request. CLC is a non-profit public-interest organization organized under Section 501(c)(3) of the Internal Revenue Code. CLC is submitting this FOIA request for the sole purpose of furthering its public-interest mission.

Sixth, because CLC has no commercial interest at all in the request, it necessarily follows that the request cannot be “primarily in the commercial interest of the requester.”

Census Bureau adds 2 political appointees to ranks, rankling Democrats, CBS NEWS (June 24, 2020), <https://www.cbsnews.com/news/census-bureau-political-appointees-rankling-democrats/>; Mike Schneider, *Statisticians join criticism against Census Bureau hires*, ASSOC. PRESS (June 26, 2020), <https://apnews.com/4dcf87d1a9064e7038af85104dfcd0ca>; Michael Macagnone, *Census Bureau riles Democrats with pair of new political appointees*, ROLL CALL (June 23, 2020), <https://www.rollcall.com/2020/06/23/census-bureau-political-appointments-republicans/>.

²⁵ See *2020 Census Operational Plan*, supra note 3 at 103 (“There is a lot of press coverage surrounding the 2020 Census questionnaire.”); *Covering the 2020 Census*, POYNTER, <https://www.poynter.org/covering-the-2020-census-poynter/#1549662376277-7e2acdf9-0a29> (“Covering the census is the epitome of public service and accountability journalism, and the 2020 Census presents more opportunities than ever before for newsrooms.”).

For these reasons, CLC requests that any applicable fees associated with this request be waived pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). A fee waiver in this instance would fulfill Congress's intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.") (quotation marks omitted).

B. CLC is exempt from search and review fees as a “representative of the news media.”

Even if CLC is denied a complete waiver of fees, it cannot be charged search or review fees because it meets the definition of a “representative of the news media” under FOIA.²⁶

“[T]he term ‘a representative of the news media’ means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.”²⁷ This statutory term must “be interpreted broadly if [FOIA] is to work as expected, . . . In fact, *any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a ‘representative of the news media.’*”²⁸

In applying the “representative of the news media” test, courts focus on the requester rather than the specific FOIA request.²⁹ News-media status extends not only to traditional news organizations, but also to entities that disseminate information “by issuing press releases to media outlets in order to reach the public indirectly.”³⁰

CLC qualifies as a representative of the news media because it applies expertise and editorial skills to turn raw materials into reports, articles, and op-eds that are widely disseminated on its blog,³¹ through its own website,³² through social media platforms and regular emails to its supporters, and through other outlets. CLC additionally applies editorial skill to analyze and

²⁶ See 5 U.S.C. § 552(a)(4)(A)(ii)(II)-(III); 15 C.F.R. § 4.11(c)(1) (providing that representatives of the news media cannot be charged FOIA fees except for duplication beyond the first 100 pages).

²⁷ 5 U.S.C. § 552(a)(4)(A)(ii)(III).

²⁸ 132 Cong. Rec. S14298 (daily ed. Sept. 30, 1986), cited in *Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1386 (D.C. Cir. 1989).

²⁹ *Cause of Action v. FTC*, 799 F.3d 1108, 1121 (D.C. Cir. 2015).

³⁰ *Id.* at 1125-26.

³¹ See Campaign Legal Center blog, <http://www.campaignlegalcenter.org/news/262> (last visited June 29, 2020).

³² See Campaign Legal Center Reference Materials library, <http://www.campaignlegalcenter.org/research/reference-materials> (last visited June 29, 2020).

disseminate materials to other news media outlets, which regularly cite and rely upon CLC's work.³³ CLC's attorneys are regularly quoted in news articles dealing with their areas of expertise, including the census.³⁴

Courts have found that other organizations with functionally similar missions and engaged in similar public education activities qualify as representatives of the news media, even if engaged in litigation or other advocacy beyond educating the public. For example, in *Cause of Action v. FTC*, the D.C. Circuit granted news-media status to a public-interest advocacy organization that commented to other media outlets about documents it obtained under FOIA.³⁵ Similarly, a district court found that the Electronic Privacy Information Center, a public-interest group that published books and a biweekly email newsletter, qualified as a representative of the news media.³⁶

Therefore, if the Bureau does not grant CLC a complete public-interest waiver of all fees for this request, CLC should nevertheless be exempted from any fees for search, review, and the first 100 pages of duplication.

IV. Application for Expedited Processing

CLC requests that the processing of this request be expedited pursuant to 15 C.F.R. § 4.6(f)(1). This request qualifies for expedited processing for two independent reasons.

First, the request involves “[a] matter of widespread and exceptional media interest involving questions about the Government’s integrity which affect public confidence.”³⁷

The 2020 Census has attracted “widespread and exceptional media interest,”³⁸ and for good reason: the census is required by the U.S. Constitution,³⁹ and the results will be used to reapportion Congress, redraw voting districts, and

³³ See, e.g., Alayna Treene, Jonathan Swan & Harry Stevens, *Scoop: Inside a top Trump adviser’s fundraising mirage*, AXIOS (May 5, 2019), <https://www.axios.com/david-bossie-fundraising-presidential-coalition-3bf22829-8a89-4a10-84b7-7310e02c2ef2.html>.

³⁴ See, e.g., Max Greenwood, *Census delay threatens to roil redistricting*, The Hill (May 15, 2020), <https://thehill.com/homenews/campaign/497681-census-delay-threatens-to-roil-redistricting>.

³⁵ 799 F.3d 1108, 1121-25 (D.C. Cir. 2015).

³⁶ Elec. Privacy Info. Ctr. v. DOD, 241 F. Supp. 2d 5, 10-15 (D.D.C. 2003).

³⁷ 15 C.F.R. § 4.6(f)(1)(iii).

³⁸ See *2020 Census Operational Plan*, supra note 3 at 103 (“There is a lot of press coverage surrounding the 2020 Census questionnaire.”); *Covering the 2020 Census*, POYNTER, <https://www.poynter.org/covering-the-2020-census-poynter/#1549662376277-7e2acdf9-0a29> (“Covering the census is the epitome of public service and accountability journalism, and the 2020 Census presents more opportunities than ever before for newsrooms.”).

³⁹ U.S. Const. art. I § 2 cl. 3.

distribute trillions of federal dollars.⁴⁰ Media interest in the census has only grown as the COVID-19 pandemic has put the census under stress, forcing operational delays and raising questions about the Bureau's ability to conduct nonresponse followup.⁴¹ Unsurprisingly, the political appointments of two new senior officials without obvious qualifications at this critical moment in the census cycle has generated "widespread and exceptional"⁴² interest from journalists.⁴³

As noted above, the appointments of Dr. Cogley and Mr. Korzeniewski have caused many well-informed observers and stakeholders to criticize the government based on the appearance that the White House may be installing political allies in the Census Bureau leadership to undermine the independence and scientific integrity of the 2020 Census. In other words, this mysterious episode has raised "questions about the Government's integrity which affect public confidence."⁴⁴

Second, the request involves "[a]n urgency to inform the public about an actual or alleged Federal Government activity," and CLC is "primarily engaged in disseminating information."⁴⁵

Right now, the many dedicated public servants at the Census Bureau are working hard to encourage public participation in the 2020 Census. This task is inherently time-sensitive, and made more so by the operational delays caused by COVID-19. The Bureau's failure to provide adequate information about the mid-census addition of two new political appointees damages its reputation as a trustworthy, apolitical institution. Expedited disclosure of the requested records is a necessary first step to repair this reputational damage, before the harm to the 2020 Census becomes irreversible.

CLC is well-suited to disseminate information from the requested records once they are disclosed. As already explained, CLC conveys information to the public by creating original editorial content and by sharing facts and analysis with news organizations.⁴⁶ That public education is not CLC's "sole occupation"

⁴⁰ See *Counting for Dollars*, *supra* note 1.

⁴¹ See, e.g., Greenwood, *supra* note 34; Alex Ortiz, *COVID-19 another obstacle for 2020 Census response rates in Will County*, HERALD-NEWS (June 26, 2020), <https://www.theherald-news.com/2020/06/26/covid-19-another-obstacle-for-2020-census-response-rates-in-will-county/aw58fjx/>.

⁴² 15 C.F.R. § 4.6(f)(1)(iii);

⁴³ See *supra* note 24.

⁴⁴ 15 C.F.R. § 4.6(f)(1)(iii).

⁴⁵ 15 C.F.R. § 4.6(f)(1)(iv).

⁴⁶ *Supra* Part III(B).

is no reason to deny expedited processing, as Department of Commerce regulations explicitly recognize.⁴⁷

I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

* * *

In order to expedite delivery of the requested documents and in order to reduce possible fees incurred, I am requesting that these documents be delivered to me via email, in PDF format.

Please email copies of responsive documents to:

rgreenwood@campaignlegalcenter.org

Should you elect, for any reason, to withhold, redact, or deny the release of any record responsive to this request, I request that you provide me with an explanation for each withholding/redaction, along with pertinent legal citations.

Please confirm receipt of this request and provide me with an estimate of processing time. Thank you for your attention to this matter.

Sincerely,

/s/ Ruth Greenwood

Ruth Greenwood
Jeff Zalesin

CAMPAIGN LEGAL CENTER
1101 14th St. NW, Suite 400
Washington, DC 20005
rgreenwood@campaignlegalcenter.org
(202) 736-2200

⁴⁷ 15 C.F.R. § 4.6(f)(3).