



U.S. Department of Justice
Office of Information Policy
Suite 11050
1425 New York Avenue, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

September 17, 2021

Ms. Danielle Lang
Campaign Legal Center
1411 K Street, NW
Suite 1400
Washington, DC 20005
dlang@campaignlegalcenter.org

Re: DOJ-2018-002496 (AG)
D.D.C. No. 18-1771
VRB:JMB:SJD

Dear Ms. Lang:

This supplements our response to your Freedom of Information Act (FOIA) request dated February 1, 2018, in which you requested certain records, dating since January 20, 2017, pertaining to the inclusion of a citizenship question on the 2020 Census.

At this time, I have determined that, as a matter of discretion, additional information contained in four pages previously withheld in part pursuant to Exemption 5 of the FOIA may now be released to you. These pages are enclosed, along with three additional pages without revisions to provide context.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have questions regarding this response, please contact Paul Cirino of the U.S. Attorney's Office for the District of Columbia, at 202-252-2529.

Sincerely,

A handwritten signature in blue ink, appearing to read "V-R-B", followed by a horizontal line.

Vanessa R. Brinkmann
Senior Counsel

Enclosures

From: Burton, Faith (OLA)
To: Gary, Arthur (JMD); McHenry, James (OASG); Wheeler, Tom (CRT)
Cc: Allen, Michael (JMD DAAG); Lofthus, Lee J (JMD); Wilson, Karen L (OLA); Brooks, Roshelle (OLA)
Subject: RE: Census letter
Date: Thursday, May 25, 2017 4:02:16 PM

Thanks, Gary; we don't have anything on this in OLA to our knowledge at this point.
Please include Karen and Roshelle in any further communications about this. Thanks. FB

From: Gary, Arthur (JMD)
Sent: Thursday, May 25, 2017 10:04 AM
To: McHenry, James (OASG) <jmchenry@jmd.usdoj.gov>; Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>
Cc: Burton, Faith (OLA) <fburton@jmd.usdoj.gov>; Allen, Michael (JMD DAAG) <mallen@jmd.usdoj.gov>; Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: RE: Census letter

Quick correction – (hit send too soon) my letters are referenced and attached to the Congressional request letter to Census.

From: Gary, Arthur (JMD)
Sent: Thursday, May 25, 2017 10:00 AM
To: McHenry, James (OASG) <jmchenry@jmd.usdoj.gov>; Wheeler, Tom (CRT) <Tom.Wheeler@crt.usdoj.gov>
Cc: Burton, Faith (OLA) <fburton@jmd.usdoj.gov>; Allen, Michael (JMD DAAG) <mallen@jmd.usdoj.gov>; Lofthus, Lee J (JMD) <llofthus@jmd.usdoj.gov>
Subject: RE: Census letter

Good morning James & Tom –just want to give you a heads-up about some follow up from the Hill to Census. http://www.govexec.com/oversight/2017/05/senators-seek-census-explanation-dropping-lgbt-category/138140/?oref=govexec_today_nl

A copy of the Congressional letter is attached- - it seeks correspondence between Census and 5 agencies on this topic, including DOJ. No outreach from Census/Commerce at my end so far, but I'll keep you posted if they do. They had advised me in March that there was congressional interest in the letter, but I never heard whether they shared it then or not.

I'm copying Faith Burton in OLA, as well as Mike Allen & Lee Lofthus, for their general awareness.

Art

Arthur E. Gary
General Counsel
Justice Management Division
U.S. Department of Justice

Gary, Arthur (JMD)

From: Gary, Arthur (JMD)
Sent: Tuesday, February 13, 2018 1:27 PM
To: Flores, Sarah Isgur (OPA); Prior, Ian (OPA)
Cc: Allen, Michael (JMD DAAG); Allen, Michelle M (JMD); Harwood, Stacy L. (JMD)
Subject: RE: Letter in Response to Census Bureau Letter Re: Citizenship on 2020 Census
Attachments: Dr. Barbara A. Anderson RE Letter to Census Bureau.pdf

Hi Sarah & Ian – in a rare and no doubt brief quiet moment, I'm following up on this tasker to me. The letter (attached for your convenience) was jointly addressed to the AG, me, Secretary Ross, acting director of the Census and one other; it doesn't even request a response – nevertheless ExecSec tasked it to me (I believe erroneously). Will OPA respond, or are we free to not respond at all and close it out?

Additionally, we just received a phone call directly from Emily Baumgartner of the NYTimes seeking my comments on the census request; we are referring her to you.

Thanks,

Art

Arthur E. Gary
General Counsel
Justice Management Division
U.S. Department of Justice
Two Constitution Square, Suite 8E.500
145 N. Street, NE
Washington, DC 20530
202-514-3452 (OGC main line)

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From: Gary, Arthur (JMD)
Sent: Tuesday, January 30, 2018 5:51 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Cc: Allen, Michael (JMD DAAG) <mallen@jmd.usdoj.gov>; Gore, John (CRT) (b)(6) per CRT
Subject: FW: Letter in Response to Census Bureau Letter Re: Citizenship on 2020 Census

Greetings Sarah & Ian – I've received the attached letter from members of Commerce's Census Advisory Board. The letter is also addressed to the AG, Secretary Ross, and the acting Director and Deputy Director of the Census. I'd like to discuss this with you – should be a short call. Please let me know your availability, or feel free to call me on my direct line (b)(6)

Thanks,

Art,

Arthur E. Gary
General Counsel
Justice Management Division
U.S. Department of Justice
Two Constitution Square, Suite 8E.500
145 N. Street, NE
Washington, DC 20530
202-514-3452 (OGC main line)

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From: Allen, Michelle M (JMD)
Sent: Tuesday, January 30, 2018 5:13 PM
To: Gary, Arthur (JMD) <agary@jmd.usdoj.gov>
Subject: Letter in Response to Census Bureau Letter Re: Citizenship on 2020 Census

Art,

I'm sending you an electronic copy of the letter. It's along the same line as the Vincente Gonzalez letter. For response.

Thanks,

Michelle

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, December 19, 2017 9:04 AM
To: Prior, Ian (OPA); O'Malley, Devin (OPA)
Subject: Fwd: Dr. Ron Jarmin - US Census Bureau.pdf
Attachments: Dr. Ron Jarmin - US Census Bureau.pdf; ATT00001.htm

Census will probably release this letter today. My assumption is that we don't need a statement and can just point back to the letter--but let me know if y'all feel differently.

Begin forwarded message:

From: "Boyd, Stephen E. (OLA)" <seboyd@jmd.usdoj.gov>
To: "Prior, Ian (OPA)" <IPrior@jmd.usdoj.gov>, "Escalona, Prim F. (OLA)" <pfescalona@jmd.usdoj.gov>, "Flores, Sarah Isgur (OPA)" <siflores@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

FYSA: Bringing this letter to your attention. I understand from Commerce that it may be made public soon. SB

From: Boyd, Stephen E. (OLA)
Sent: Monday, December 18, 2017 4:07 PM
To: Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Cc: Whitaker, Matthew (OAG) <mwhitaker@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

Need to talk briefly with whomever is handling the issues raised in this letter. Timely. SB

SB

From: Mangum, Anela M. (OLA)
Sent: Monday, December 18, 2017 3:55 PM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: FW: Dr. Ron Jarmin - US Census Bureau.pdf

From: Allen, Michelle M (JMD)
Sent: Monday, December 18, 2017 3:36 PM
To: Mangum, Anela M. (OLA) <amangum@jmd.usdoj.gov>
Subject: Dr. Ron Jarmin - US Census Bureau.pdf

Good Afternoon Anela,

Per our conversation, please find attached Mr. Gary's letter to Dr. Ron Jarmin dated December 12, 2017.

Thank you,

Michelle Allen
Staff Assistant
Office of General Counsel
(202) 514-3452 phone

Tucker, Rachael (OAG)

From: Tucker, Rachael (OAG)
Sent: Tuesday, December 12, 2017 7:11 PM
To: Cutrona, Danielle (OAG)
Subject: FW: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 6:58 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

I offered to email, but DOC explicitly declined to provide an email address. They said they wanted it to come through their "normal" process.

Sent from my iPhone

On Dec 12, 2017, at 6:36 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

I think we should email.

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 6:36 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

No. DOC requested snail mail. But we have the pdf if anyone wants it emailed.

Sent from my iPhone

On Dec 12, 2017, at 6:27 PM, Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov> wrote:

Is this being emailed?

From: Gore, John (CRT)
Sent: Tuesday, December 12, 2017 4:02 PM
To: Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>
Subject: Fwd: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

FYI

Sent from my iPhone

Begin forwarded message:

From: "Gore, John (CRT)" <(b) (6)>
Date: December 12, 2017 at 4:02:05 PM EST

To: "Gary, Arthur (JMD)" <agary@jmd.usdoj.gov>
Subject: Re: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

Excellent - many thanks!

Sent from my iPhone

On Dec 12, 2017, at 1:44 PM, Gary, Arthur (JMD)
<agary@jmd.usdoj.gov> wrote:

John – this is going out in the mail this afternoon.

Art

From: Allen, Michelle M (JMD)
Sent: Tuesday, December 12, 2017 1:38 PM
To: Gary, Arthur (JMD) <agary@jmd.usdoj.gov>
Subject: U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf

Art,

As Requested.

Michelle

<U. S. Census Bureau Dr. Jarmin (Revised Dec. 12th).pdf>