EXHIBIT B

EXHIBIT
PTX-234

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et. al*, Plaintiff, v. UNITED STATES DEPARTMENT OF COMMERCE, *et. al*, Defendant.	Civil Action No. 18-cv-2921-JMF Hon. Jesse M. Furman

DEFENDANT'S OBJECTIONS AND RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION TO DEFENDANT UNITED STATES CENSUS BUREAU

Pursuant to Federal Rules of Civil Procedure 26 and 36 and the Local Rules of this Court Defendant the United State Census Bureau ("Defendant"), by and through counsel, provides the following objections and responses to Plaintiffs' requests for admissions.

OBJECTIONS WHICH APPLY TO ALL REQUESTS FOR ADMISSION

1. Separate and apart from the specific objections set forth below, Defendant objects to any discovery taking place in this case to the extent such discovery is brought pursuant to claims purportedly under the Administrative Procedure Act, as resolution of any such claims should be based upon the administrative record in this case.

2. Each and every response contained herein is subject to the above objection, which applies to each and every response, regardless of whether a specific objection is interposed in a specific response. The making of a specific objection in response to a particular request is not intended to constitute a waiver of any other objection not specifically referenced in the particular response.

OBJECTIONS TO DEFINITIONS

1. Defendant objects to the inclusion of definitions for any term not relied on in these

Requests for Admission. Any requirement that Defendant respond to such definitions in the abstract is not proportional to the needs of the case and the burden of such a response outweighs its likely benefit, which is none. Defendant does not hereby waive any future objection to the definition of such terms, or waive the right to use Defendant's own definition of such terms.

OBJECTION TO INSTRUCTIONS

1. Defendant objects to instructions number 2, 5, and 7 to the extent they seeks to impose requirements beyond those required by Federal Rules of Civil Procedure 26 and 36.

OBJECTIONS AND RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION

1. At the time of Secretary Ross' March 26, 2018 decision, the Census Bureau did not recommend the addition of a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

2. At the time of Secretary Ross' March 26, 2018 decision, the chief scientist of the Census Bureau did not recommend the addition of a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

3. At the time of Secretary Ross' March 26, 2018 decision, Dr. John Abowd did not recommend the addition of a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

4. The Census Bureau has never recommended the addition of a citizenship question to the

decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "recommended" is vague and ambiguous.

RESPONSE: Deny. Citizenship-related questions have been asked to some or all of the population in nearly every census since 1820, including on the long-form questionnaire from 1970–2000, which is a "decennial census questionnaire". Furthermore, the American Community Survey ("ACS") has asked a citizenship question since 2005 and is a survey within the Decennial Census Program in the Census Bureau.

5. The chief scientist of the Census Bureau has never recommended the addition of a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "recommended" is vague and ambiguous.

RESPONSE: Deny. Citizenship-related questions have been asked to some or all of the population in nearly every census since 1820, including on the long-form questionnaire from 1970–2000, which is a "decennial census questionnaire". Furthermore, the ACS has asked a citizenship question since 2005 and is a survey within the Decennial Census Program in the Census Bureau.

6. Dr. John Abowd has never recommended the addition of a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

7. On January 19, 2018, Dr. John M. Abowd sent a memorandum to Secretary Ross on the "Technical Review of the Department of Justice Request to Add Citizenship Question to the 2020 Census" (hereinafter "January 19 Memo").

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

8. The January 19 Memo concluded that the addition of a citizenship question to the decennial census would be very costly.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "very costly" is undefined, vague, and ambiguous.

RESPONSE: Admit insofar as the term "very costly" is used in the same manner as the January 19 Memo. Specifically, the January 19 Memo states that "the addition of a question on citizenship could increase the cost of the 2020 Census by at least $27.5 million." AR 1282.

9. The January 19 Memo concluded that the addition of a citizenship question to the decennial census would increase defense burden.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "defense burden" is undefined, vague, and ambiguous.

RESPONSE: Deny on the grounds that "defense burden" has no meaning in Census Bureau terminology, and further aver that the January 19 Memo states: "It is therefore a reasonable inference that a question on citizenship would lead to some decline in overall self-response because it would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households." AR 1281.

10. The January 19 Memo concluded that the addition of a citizenship question to the decennial census harm the quality of the census count.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the January 19 Memo notes that adding a citizenship question to the census "is very costly, harms the quality of the census count, and would use substantially less accurate citizenship status data than are available from administrative sources." AR 1277. The January 19 Memo further explains that a potential decrease in self-response rate "degrade[s] data quality because data obtained from [Nonresponse Followup operations] have greater erroneous enumeration and whole-person imputation rates." AR 1281.

11. The January 19 Memo concluded that the addition of a citizenship question would result in substantially less accurate citizenship data than are available from administrative sources.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

12. At the time of Secretary Ross' March 26, 2018 decision, no one within the Census Bureau had conducted any studies or analyses that contradict the findings from the January 19 Memo summarized in RFAs 8, 9, 10, or 11 regarding adding a citizenship question to the decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny to the extent RFAs 8, 9, 10, and 11 misstate the findings of the January 19 Memo. Defendant further avers that an earlier version of the January 19 Memo's analysis already existed (AR 5496) at the time of Secretary Ross' March 26, 2018 decision, which did not contradict the findings from the January 19 Memo.

13. In the January 19 Memo, the Census Bureau developed a cautious estimate that 5.1% of households with at least one noncitizen would not self-respond to the 2020 census questionnaire because of the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Deny. The Census Bureau developed a cautious estimate that an additional 5.1% of households with at least one noncitizen may not self-respond to the 2020 census questionnaire if a citizenship question were included. Defendant further avers that, in the absence of a randomized controlled trial, this estimate was based on a natural experiment that could not definitively assign causation to the citizenship question itself.

14. The analysis in the January 19 Memo that developed the estimate that 5.1% households with at least one noncitizen would not self-respond to the 2020 census questionnaire was done by comparing 2010 ACS data, that was not adjusted or weighted, to 2010 decennial census data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "adjusted" is undefined, vague, and ambiguous.

RESPONSE: Admit insofar as the January 19 Memo that developed the estimate that an additional 5.1% of households with at least one noncitizen may not self-respond to the 2020 census questionnaire was done by comparing 2010 ACS data, that was not weighted, to 2010 decennial census data.

15. In the January 19 Memo, the Census Bureau concluded that the addition of a citizenship question on the 2020 Census would increase the cost of the 2020 Census by at least $27.5 million.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The January 19 Memo found that "the addition of a question on citizenship *could* increase the cost of the 2020 Census by at least $27.5 million." AR 1282 (emphasis added).

16. In the January 19 Memo, the Census Bureau concluded that adding a citizenship question to the 2020 Census would lead to major potential quality and cost disruptions.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The January 19 Memo found that a citizenship question on the 2020 Census *could* lead to major potential quality and cost disruptions. AR 1282 (emphasis added).

17. At the time of Secretary Ross' March 26, 2018 decision, no one within the Census Bureau had conducted any studies or analyses that contradict the findings from the January 19 Memo summarized in Requests for Admissions 13, 14, 15, or 16 regarding adding a citizenship question to the decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny to the extent RFAs 13, 14, 15, and 16 misstate the findings of the January 19 Memo. Defendant further avers that an earlier version of the January 19 Memo's analysis already existed (AR 5496) at the time of Secretary Ross' March 26, 2018 decision, which did not contradict the findings from the January 19 Memo.

18. In preparing the January 19 memo, the Census Bureau performed other analyses that support the conclusion that the addition of a citizenship question would have an adverse impact on self-response.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau performed other analyses that supported its conclusion that the potential impacts of adding a citizenship question (under Alternative B) would likely not occur if administrative records were used for citizenship data (under Alternative C).

19. On March 1, 2018, Dr. Abowd sent a memorandum to Secretary Ross regarding a "Preliminary analysis of Alternative D (Combined Alternatives B and C)" ("March 1 Memo").

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

20. The March 1 Memo provided a preliminary analysis of including a citizenship question on the decennial census to supplement administrative data regarding citizenship from the Social Security Administration, Internal Revenue Service, U.S. Citizenship and Immigration Services, and the State Department ("Alternative D").

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

21. The Census Bureau concluded that Alternative D would result in poorer quality citizenship data than using administrative data regarding citizenship without including a citizenship question on the 2020 decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

22. The Census Bureau concluded that Alternative D would have all the negative cost and quality implications of adding a citizenship question on the decennial census, as discussed in the January 19 Memo.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

23. No one within the Census Bureau has conducted any studies or analyses that contradict the findings from the March 1 Memo summarized in Requests for Admission 21 or 22 regarding adding a citizenship to the decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit insofar as the Census Bureau has not conducted any other studies or analyses similar to the March 1 Memo.

24. The August 6, 2018 memo "Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census" issued by the Census Bureau revised the January 19 Memo and developed a cautious estimate that an additional 5.8% of households with at least one noncitizen would not self-respond to the 2020 Census because of the addition of the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because the August 6, 2018 document referenced in this RFA was a working paper, not a "memo".

RESPONSE: Deny. The Census Bureau developed a cautious estimate that an additional 5.8% of households with at least one noncitizen or one person of unknown citizenship status may not self-respond to the 2020 census questionnaire if a citizenship question were included. Defendant further avers that, in the absence of a randomized controlled trial, this estimate was based on a natural experiment that could not definitively assign causation to the citizenship question itself.

25. The analysis reflected in the August 6, 2018 memo referenced in Request for Admission 24 was done by comparing 2010 decennial data and 2016 ASC [ACS] data that was adjusted or weighted.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because the August 6, 2018 document referenced in this RFA was a working paper, not a "memo". Defendant further objects because "adjusted" is undefined, vague, and ambiguous.

RESPONSE: Admit insofar as the 2010 decennial data and 2016 ACS data was weighted.

26. Based on the application of the 5.8% increase in non-response, the Census Bureau concluded in the August 6, 2018 memo that the addition of a citizenship question on the 2020 Census

would increase the cost of the 2020 Census by at least $91.2 million.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The 5.8 percentage points related to a potential decline in self-response rate of households with at least one noncitizen or one person of unknown citizenship status, not "non-response". Also deny because the Census Bureau concluded in the August 6, 2018 working paper that a citizenship question on the 2020 Census *could* increase the cost of the 2020 Census by at least $91.2 million. Defendant further avers that, in the absence of a randomized controlled trial, this estimate was based on a natural experiment that could not definitively assign causation to the citizenship question itself.

27. The Census Bureau conducted several additional analysis reflected in the August 6, 2018 which estimate potential differential in self-response rates between citizen households and non-citizen households ranging up to 11.9%.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The August 6, 2018 working paper utilizes potential declines in self-response rates of households with at least one noncitizen or one person of unknown citizenship status of 5.1 and 5.8 percentage points to develop its cost and quality estimates.

28. The Census Bureau follows an established process when adding to or changing content on the decennial census or the ACS.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "changing" are vague and ambiguous.

RESPONSE: Admit in part and deny in part. Admit insofar as there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census.

Deny insofar as there is no established process for adding content on the decennial census short-form questionnaire.

29. The Census Bureau follows the established process when adding or changing content on the decennial census to ensure the data fulfill legal and regulatory requirements established by Congress.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "changing" are vague and ambiguous.

RESPONSE: Deny. While there is an established process for altering existing content on the decennial census short-form questionnaire, no such process exists for adding content on the decennial census short-form questionnaire.

30. The established process to add questions to the decennial census is set forth in AR 9867.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" is vague and ambiguous.

RESPONSE: Deny. AR 9867 summarized the process for adding content to the ACS and provided a possible option for adapting that process to the decennial short-form context. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire.

31. The established process to add content to the decennial census is set forth in AR 3890-3891.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" is vague and ambiguous.

RESPONSE: Deny. AR 3890-91 summarized the process for adding content to the ACS and provided a possible option for adapting that process to the decennial short-form context. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form

questionnaire.

32. The established process for considering requests for new questions to the decennial census is set forth in AR 3560.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" is vague and ambiguous.

RESPONSE: Deny. AR 3560 summarized the process for adding content to the ACS and provided a possible option for adapting that process to the decennial short-form context. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire.

33. The established process for making content changes to the decennial census is set forth in the response to Question 31 at AR 2303-2304.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "content changes" are vague and ambiguous.

RESPONSE: Deny. AR 2303-04 summarized the process for adding content to the ACS and provided a possible option for adapting that process to the decennial short-form context. Question 31 at AR 2303-2304 does not set forth the established process for altering existing content on the decennial census short-form questionnaire.

34. The response to Question 31 prepared at AR 2303-2304 was provided to the Earl Comstock on or about February 2, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

35. Following the time that the response to Question 31 reflected at AR 2303-2304 was sent to Mr. Comstock, the answer to Question 31 was revised.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

36. Mr. Comstock participated in the revisions to the answer to Question 31.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies.

37. The revised version of the response to Question 31 is found at AR 1296.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

38. The response to Question 31 found at AR 1296 does not reflect the established process to add content to the decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" is vague and ambiguous.

RESPONSE: Deny. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire.

39. It is a priority for the Census Bureau when adding or changing content on the decennial census or the ACS to produce high-quality data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions. Defendant further objects because "changing" is vague and ambiguous.

RESPONSE: Admit.

40. One step in the established process to add or change a question to the decennial census is for federal agencies to evaluate their data needs and propose additions or changes to current questions.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "change" are vague and ambiguous.

RESPONSE: Deny. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire.

41. In order for a federal agency's request to be included on the decennial census, proposals must demonstrate a clear statutory or regulatory need for data at small geographies or for small populations.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. There is no official process or policy regarding specific requirements for proposals related to the decennial census short-form questionnaire.

42. One step in the established process to add or change a question on the decennial census or the ACS is to test the wording of the new question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "change" are vague and ambiguous.

RESPONSE: Deny. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire. In the established process for adding or altering existing questions on the ACS, or altering existing questions on the decennial census, the wording of new questions does not need to be tested when a specific question was previously used on another

survey, which is accepted practice within the survey field and allows the Census Bureau and client agencies to save resources.

43. One step in the established process to change the content of the census is to conduct extensive cognitive and field testing to ensure the question results in proper data, with integrity that meets the Census Bureau's high standards.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" and "change" are vague and ambiguous.

RESPONSE: Deny. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire.

44. The established process for adding a question to the decennial census or the ACS includes several opportunities for public comment.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "established" is vague and ambiguous.

RESPONSE: Deny. While there is an established process for adding or altering existing content on the ACS, and for altering existing content on the decennial census, no such process exists for adding content on the decennial census short-form questionnaire. The regulatory process that governs the content of both the ACS and the decennial census includes opportunities for public comment.

45. Prior to Secretary Ross' March 26, 2018 decision, the Census Bureau has not conducted a test for the 2020 decennial census that includes the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "test" is vague and ambiguous.

RESPONSE: Admit insofar as there was no specific test regarding a citizenship question in the context of the 2020 Census questionnaire prior to March 26, 2018. Defendant further notes that the citizenship

question itself did not require testing, as the wording of new questions does not need to be tested when a specific question was previously used on another survey.

46. The Census Bureau has not conducted any field testing for the 2020 decennial census questionnaire that includes the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "field testing" is vague and ambiguous.

RESPONSE: Admit.

47. The Census Bureau has not conducted any cognitive testing for the 2020 decennial census questionnaire that includes the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau has not conducted cognitive testing for the full 2020 decennial census questionnaire that includes the citizenship question. Defendant notes that the citizenship question itself did not require cognitive testing, as the wording of new questions does not need to be tested when a specific question was previously used on another survey.

48. There has been no cognitive testing of the citizenship question without a preceding question concerning nativity.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nativity" is vague and ambiguous.

RESPONSE: Admit. Defendant notes that the citizenship question itself did not require cognitive testing, as the wording of new questions does not need to be tested when a specific question was previously used on another survey.

49. There are no plans to conduct cognitive testing on the inclusion of the citizenship question on the decennial census before the 2020 Census forms are released.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit. Defendant notes that the citizenship question itself did not require cognitive testing, as the wording of new questions does not need to be tested when a specific question was previously used on another survey.

50. There are no plans to conduct field testing on the inclusion on the citizenship question on the decennial census before the 2020 Census forms are released.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "field testing" is vague and ambiguous.

RESPONSE: Admit insofar as the Census Bureau has only considered additional testing for operational purposes, but will not be conducting any further content testing.

51. There are no plans to test Non-Response Followup (NRFU) procedures for a decennial census questionnaire that includes a citizenship question before the 2020 Census forms are released.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as Non-Response Followup (NRFU) procedures were already successfully tested as part of the 2018 End-to-End Test.

52. In or around May 2018, Census Bureau personnel drafted a proposal for a Randomized Controlled Trial ("RCT") to analyze the potential effects of a citizenship question to the Decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

53. The proposed RCT discussed in Request for Admission 52 was developed by the Census Bureau's

Center for Survey Measurement ("CSM").

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The RCT discussed in RFA 52 was proposed by the American Community Survey Office, which is part of the Decennial Programs Directorate.

54. The proposed RCT discussed in Request for Admission 52 was developed with input from the American Community Survey Office.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

55. The proposed RCT discussed in Request for Admission 52 was considered for implementation in November 2018 and early 2019.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the proposed RCT was considered for implementation in November 2018 ***or*** early 2019. Defendant otherwise denies this RFA.

56. The proposed RCT discussed in Request for Admission 52 was not conducted.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

57. Karen Dunn Kelley participated in the decision not to conduct the proposed RCT discussed in Request for Admission 52.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part and deny in part. Admit that Karen Dunn Kelly was consulted and affirmed the Census Bureau leadership's decision not to conduct the proposed RCT. Deny that Karen Dunn Kelly participated in the Census Bureau leadership's initial decision declining to conduct the proposed RCT.

58. There are no plans for CSM or any other part of the Census Bureau to conduct an RCT to study the addition of a citizenship question to the 2020 Decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau is exploring all research options to undertake the most effective census possible.

59. In the view of the Census Bureau, the 2020 census questionnaire with the citizenship question has not been adequately tested.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit insofar as the 2020 census questionnaire with a citizenship question has not been adequately tested. Deny insofar as the citizenship question itself has been extensively tested in the context of the ACS.

60. In the view of the staff of the Center for Survey Measurement, the 2020 census questionnaire with the citizenship question has not been adequately tested.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the 2020 census questionnaire with a citizenship question has not been adequately tested in the view of the staff of the Center for Survey Measurement. Deny insofar as the citizenship question itself has been extensively tested in the context of the ACS in the view of the

staff of the Center for Survey Measurement.

61. The Current Population Survey ("CPS") includes approximately 60,000 housing units in the sample, which meets the Census Bureau's national and State reliability criteria.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

62. The CPS has a longitudinal design for surveying housing units.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

63. The CPS sample housing units are included in the survey for a total of eight months: four consecutive months in the survey, followed by eight months out of the survey, followed by four additional months in survey.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

64. The CPS collects information on citizenship status during a household's initial interview.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

65. The CPS introduces a new panel of housing units, one-eighth of the total sample, every month.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

66. The CPS allows any survey respondent to change his or her household's status during the time in sample: a person who leaves the household can be deleted from the roster and a person who moves into the household can be added to the roster.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

67. The Census Bureau has found that in the past several decennial censuses, there has been a differential net undercount for Hispanics.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as there was in a net undercount for Hispanics in the 2010 and 2000 Censuses.

68. The Census Bureau's studies indicate that there is a higher item non-response rate for the citizenship question among Hispanics and non-Hispanic blacks, as compared to other populations.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau documented a higher item non-response rate on the 2000 Census and the ACS. AR 1277; COM_DIS00009833.

69. The citizenship question is a sensitive question for Hispanics.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "sensitive question" is vague and ambiguous.

RESPONSE: Admit insofar as the citizenship question on the ACS has higher breakoff rates and higher item nonresponse rates for Hispanics than for non-Hispanic whites.

70. The citizenship question is a sensitive question for households with at least one non-citizen.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant objects because "sensitive question" is vague and ambiguous.

RESPONSE: Admit insofar as the citizenship question on the ACS has higher breakoff rates and higher item nonresponse rates for noncitizens than for citizens.

71. The Census Bureau has conducted no field testing to confirm that NRFU procedures will be sufficient to cure an increase in the non-response rate resulting from the addition of a citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "non-response rate" is vague and ambiguous.

RESPONSE: Deny. There is no evidence of "an increase in the non-response rate resulting from the addition of a citizenship question." The Census Bureau has conducted extensive NRFU testing, including a successful 2018 End-to-End Test, and any decline in the *self-response rate* due to the citizenship question is within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in the initial self-response rate.

72. The Census Bureau is unable to confirm that NRFU procedures will be sufficient to cure an increase in the non-response rate resulting from the addition ofa citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "non-response rate" is vague and ambiguous.

RESPONSE: Deny. There is no evidence of an "an increase in the non-response rate resulting from the addition of a citizenship question." The Census Bureau fully contemplates a successful 2020 NRFU operation and a successful 2020 Census, and any decline in the *self-response rate* due to the citizenship question is within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in the initial self-response rate.

73. The January 19 Memo concluded that many noncitizen households would require six or more

NRFU visits.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The January 19 Memo noted that the Census Bureau "expect[ed] that many more of these noncitizen households would receive six NRFU visits." AR 1282.

74. If the NRFU procedures are not sufficient to cure the increased non-response rate resulting from the addition of a citizenship question, this will lead to an increasedundercount.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "non-response rate" is vague and ambiguous.

RESPONSE: Deny. There is no evidence of "an increase in the non-response rate resulting from the addition of a citizenship question." Any decline in the *self-response rate* due to the citizenship question is within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in the initial self-response rate.

75. Because there is a higher non-response rate for the citizenship question among Hispanic and non-Hispanic blacks, if the NRFU procedures are unable to cure the increased non- response rate, there will be an increased differential undercount among Hispanics and non- Hispanic blacks.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "non-response rate" is vague and ambiguous.

RESPONSE: Deny. There is no evidence of an increase in the "non-response rate" resulting from the addition of a citizenship question. Any decline in the *self-response rate* due to the citizenship question is within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in the initial self-response rate.

76. The Census Bureau will hire only U.S. citizens as enumerators for the 2020 decennial census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Deny. The Census Bureau will hire non-U.S. citizens as permitted by federal law.

77. The Census Bureau hired non-citizens as enumerators for the 2010 decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

78. The Census Bureau is unaware of plans any plans by the Department of Homeland Security to suspend immigration enforcement activities during the 2020 Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as any plans by the Department of Homeland Security to suspend immigration enforcement activities during the 2020 Census have not been finalized.

79. A decrease in self-response rates in the 2020 Decennial Census will lead to more NRFU and will lead to more proxy enumerations.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit insofar as the January 19 memo (AR 1277) states that, in NRFU, "data are much more likely to be collected from a proxy", but deny that declines in self-response rates *will* lead to more proxy enumerations.

80. When a household fails to respond to the census questionnaire following in-person visits by an enumerator, the household becomes proxy-eligible.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the current operational plan specifies that a household may become

proxy-eligible if manually indicated by the field supervisor after the second visit and only automatically becomes proxy-eligible after three unsuccessful, in-person visits.

81. Proxies do not always provided complete and accurate information for the census enumeration.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "complete" and "accurate" are undefined, vague, and ambiguous.

RESPONSE: Deny. The Census Bureau is not aware of any credible empirical evidence suggesting that proxies in the census provide a greater net undercount or differential net undercount in comparison to self-response or in-person interviews.

82. Increased proxy response will increase both whole household and within household omissions in the 2020 Decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau is not aware of any credible empirical evidence suggesting that proxies in the census provide a greater net undercount or differential net undercount in comparison to self-response or in-person interviews.

83. Secretary Ross's statement, in his March 26, 2018 Decisional Memorandum, that "neither the Census Bureau nor the concerned stakeholders could document that the response rate would in fact decline materially," is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. As used in the March 26, 2018 Decisional Memorandum, "materially" references the potential decline in self-response rates, estimates of the magnitude of that decline, and the cost and quality implications of such estimates. All Census Bureau estimates regarding a potential decline in self-

response rate are within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in self-response rate.

84. Secretary Ross's statement, in his March 26, 2018 Decisional Memorandum, that "neither the Census Bureau nor the concerned stakeholders could document that the response rate would in fact decline materially," is inconsistent with the Census Bureau's finding that adding a citizenship question to the 2020 Census would lead to a 5.1% decrease in self-response rates among households with at least one non-citizen.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. As used in the March 26, 2018 Decisional Memorandum, "materially" references the potential decline in self-response rates, estimates of the magnitude of that decline, and the cost and quality implications of such estimates. All Census Bureau estimates regarding a potential decline in self-response rate are within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in self-response rate.

85. Secretary Ross's statement, in his March 26, 2018 Decisional Memorandum, that it was difficult to estimate increased costs resulting from NRFU increases due to "the Census Bureau and the Department's inability to determine what impact there will be on decennial survey responses," is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. Like other aspects of decennial cost estimation, there is a wide range of values associated with the Census Bureau's cost estimates regarding a citizenship question. However, all Census Bureau estimates regarding a potential decline in self-response rate are within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in the initial self-

response rate.

86. Secretary Ross's statement, in his March 26, 2018 Decisional Memorandum, that it was difficult to estimate increased costs resulting from non-response follow-up increases due to "the Census Bureau and the Department's inability to determine what impact there will be on decennial survey responses," is inconsistent the Census Bureau's finding that adding a citizenship question to the 2020 Census would lead to a 5.1% decrease in self-response ratesand an increase in costs of at least $27 million.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. Like other aspects of decennial cost estimation, there is a wide range of values associated with the Census Bureau's cost estimates regarding a citizenship question. However, all Census Bureau estimates regarding a potential decline in self-response rate are within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in self-response rate. Defendant further denies because the Census Bureau found neither that a citizenship question on the 2020 Census *would* lead to an additional 5.1% decrease in self-response rate in households containing at least one noncitizen, nor that there *would* be $27 million in NRFU costs. The Census Bureau merely set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations.

87. Secretary Ross's statement, in his March 26, 2018 Decisional Memorandum, that it was difficult to estimate increased costs resulting from non-response follow-up increases due to "the Census Bureau and the Department's inability to determine what impact there will be on decennial survey responses" is inconsistent the Census Bureau's subsequent finding that adding a citizenship question to the 2020 Census would lead to a 5.8% decrease in self-response rates and an increase in costs of at least $91.2 million.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Deny. Like other aspects of decennial cost estimation, there is a wide range of values associated with the Census Bureau's cost estimates regarding a citizenship question. However, all Census Bureau estimates regarding a potential decline in self-response rate are within the budget, planning, and operational design of NRFU and other statistical methods used to mitigate any decrease in self-response rate. Defendant further denies because the Census Bureau found neither that a citizenship question on the 2020 Census *would* lead to an additional 5.8% decrease in self-response rate in households with at least one noncitizen or one person of unknown citizenship status, nor that there *would* be $91.2 million in NRFU costs. The Census Bureau merely set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations.

88. Secretary Ross' statement, in his March 26, 2017 Decisional Memorandum, that the difference in "nonresponses to the [ACS] citizenship question" for non-Hispanic whites and Hispanics were "comparable" to the difference in "nonresponse rates for other questions," such as marriage, educational attainment, monthly gas costs, weeks worked in the past 12 months, wage/salary income, and yearly property insurance is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects on the grounds that Plaintiffs have selectively quoted from a longer statement.

RESPONSE: Secretary Ross's March 26, 2017 Decisional Memorandum states:

> The Census Bureau determined that, for 2013-2016 ACS surveys, nonresponses to the citizenship question for non-Hispanic whites ranged from 6.0 to 6.3 percent, for non-Hispanic blacks ranged from 12.0 to 12.6 percent, and for Hispanics ranged from 11.6 to 12.3 percent. However, these rates were comparable to nonresponse rates for other questions on the 2013 and 2016 ACS. Census Bureau estimates showed similar nonresponse rate ranges occurred for questions on the ACS asking the number times the respondent was married, 4.7 to 6.9 percent; educational attainment, 5.6 to 8.5 percent; monthly gas costs, 9.6 to 9.9 percent; weeks worked in the past 12 months, 6.9 to 10.6 percent; wages/salary income, 8.1 to 13.4 percent; and yearly property

insurance, 23.9 to 25.6 percent.

After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. The Census Bureau has not conducted testing on whether the difference in item "nonresponses to the [ACS] citizenship question" for non-Hispanic whites and Hispanics were "comparable" or "similar" to the difference in item "nonresponse rates for other questions."

89. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the marriage question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" and "the marriage question" are vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: Deny that the difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics insofar as "the marriage question" on the ACS refers to "marital status".

90. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the educational attainment question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" is vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. There has been no tabulation of item nonresponse rates by the Census Bureau race or ethnicity for ACS questions regarding educational attainment.

91. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS

citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the monthly gas cost question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" is vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. There has been no tabulation of item nonresponse rates by by the Census Bureau race or ethnicity for ACS questions regarding monthly gas costs.

92. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the weeks worked in the past 12 months question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" is vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. There has been no tabulation of item nonresponse rates by the Census Bureau by race or ethnicity for ACS questions regarding weeks worked in the past 12 months.

93. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the wage/salary income question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" and "the wage/salary income question" are vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: Deny that the difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the wage/salary income question insofar as "earnings" on the ACS is an aggregate of the wage and salary income questions.

94. The difference in nonresponse rates for Hispanics and non-Hispanic whites for the ACS citizenship question is larger than the difference for nonresponse rates for Hispanics and non-Hispanics for the yearly property insurance question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "nonresponse rates" is vague and ambiguous. Defendant also objects because this RFA is vague as to time.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. There has been no tabulation of item nonresponse rates by the Census Bureau by race or ethnicity for ACS questions regarding yearly property insurance.

95. Secretary Ross' statement, in his March 26, 2017 Decisional Memorandum, that "the Census Bureau's analysis did not provide definitive, empirical support" that "adding a citizenship question could reduce response rates," is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations. Such evidence is probative of whether "adding a citizenship question could reduce response rates," but it is not "definitive, empirical support" for that proposition.

96. In analyzing the impact of the addition of a citizenship question, the Census Bureau found empirical evidence that a citizenship question could reduce response rates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admitted insofar as the Census Bureau set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations.

97. The Census Bureau provided empirical support to Secretary Ross that adding a citizenship question could reduce response rates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admitted insofar as the Census Bureau set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations.

98. In analyzing the impact of the addition of a citizenship question, the Census Bureau did not find any analysis concluding adding a citizenship question would not impact response rates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

99. Secretary Ross' statement, in his March 26, 2017 Decisional Memorandum, that "for the approximately 70 percent of non-citizens who already answer this question accurately on the ACS, the question is no additional imposition," is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau does not use the term "additional imposition" and is therefore not aware of any credible empirical evidence relating to the "additional imposition" of a census citizenship question on non-citizen households that correctly answer such a question on the ACS.

100. The Census Bureau has conducted analyses that conclude the addition of a citizenship

question imposes a burden on non-citizens.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the January 19 Memo stated: "It is therefore a reasonable inference that a question on citizenship would lead to some decline in overall self-response because it would make the 2020 Census modestly more burdensome in the direct sense, and potentially much more burdensome in the indirect sense that it would lead to a larger decline in self-response for noncitizen households." AR 1281.

101. The Census Bureau has conducted analyses that conclude the addition of a citizenship question imposes a burden on Latinos.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The Census Bureau set forth empirical evidence (derived from a natural experiment) that the self-response rate could potentially decline for identifiable subpopulations. This evidence does not relate directly to the "burden" of a citizenship question on Latinos.

102. The Census Bureau has found the difference in "nonresponses to the [ACS] citizenship question" for non-Hispanic whites and Hispanics were "comparable" to the difference in "nonresponse rates for other questions," such as marriage, educational attainment, monthly gas costs, weeks worked in the past 12 months, wage/salary income, and yearly property insurance is incorrect.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects on the grounds that Plaintiffs have selectively quoted from a longer statement.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. The Census Bureau has not conducted testing on

whether the difference in item "nonresponses to the [ACS] citizenship question" for non-Hispanic whites and Hispanics were "comparable" or "similar" to the difference in item "nonresponse rates for other questions."

103. The Census Bureau has not yet developed a disclosure avoidance methodology for any use of the data collected from the citizenship question on the 2020 Decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as a disclosure avoidance methodology for use of the data collected from the citizenship question on the 2020 Decennial Census has not yet been finalized. Defendant avers that disclosure avoidance methodologies are currently in development.

104. The Census Bureau has not yet determined what data products it intends to produce containing the data collected from the citizenship question on the 2020 Decennial Census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit insofar as the Census Bureau has not yet determined what data products it intends to produce containing the data collected from the citizenship question on the 2020 Decennial Census. Deny insofar as the suite of potential products has been determined.

105. There will be quality disruptions to the data from the 2020 Decennial Census as an impact of adding the citizenship question.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the self-response rate could potentially decline for identifiable subpopulations due to the citizenship question, which would lead to "quality disruptions to the data from the 2020 Decennial Census".

106. At the time of Secretary Ross' March 26, 2018 decision, the Census Bureau did not recommend that adding a citizenship question to the decennial census questionnaire was necessary to provide complete and accurate data in response to the U.S. Department of Justice's request for block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

107. The Census Bureau has never recommended that adding a citizenship question to the decennial census questionnaire was necessary to provide complete and accurate data in response to the U.S. Department of Justice's request for block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "recommended" is vague and ambiguous.

RESPONSE: Admit.

108. At the time of Secretary Ross' March 26, 2018 decision, the chief scientist of the Census Bureau did not recommend that adding a citizenship question to the decennial census questionnaire was necessary to provide complete and accurate data in response to the U.S. Department of Justice's request for block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

109. The chief scientist of the Census Bureau has never recommended that adding a citizenship question to the decennial census questionnaire was necessary to provide complete and accurate data in response to the U.S. Department of Justice's request for block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

110. Dr. John Abowd never recommended that adding a citizenship question to the census questionnaire was necessary to provide complete and accurate data in response to the U.S. Department of Justice's request for block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

111. It is the judgment of the Census Bureau that including a citizenship question on the decennial census would not result in more accurate enumeration data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

112. It is the judgment of the Census Bureau that including a citizenship question on the decennial census would not result in more accurate enumeration data for purposes of redistricting.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. The Census Bureau does not use enumeration data for the purposes of redistricting and therefore lacks knowledge as to the accuracy of any data used for that purpose.

113. It is the judgment of the Census Bureau that the best way to provide block-level CVAP data to DOJ would be through utilizing a linked file of administrative data and survey data the Census Bureau already possesses.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Deny insofar as the Census Bureau does not "already possess" a linked file of administrative data that would be the best way to provide block-level CVAP data. Admit insofar as the Census Bureau believes that once acquired, administrative data would be the best way to provide block-level CVAP data.

114. It is the judgment of the Census Bureau that utilizing a linked file of administrative data and survey data the Census Bureau already possesses would result in higher quality block-level CVAP data than including a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Deny insofar as the "survey data" the Census Bureau already possesses would not result in higher quality block-level CVAP data. Admit insofar as it is the judgment of the Census Bureau that utilizing a linked file of administrative data would result in higher quality block-level CVAP data than including a citizenship question on the decennial census questionnaire.

115. It is the judgment of the Census Bureau that utilizing a linked file of administrative data and survey data the Census Bureau already possesses would produce block- level CVAP data at lower cost than including a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Deny insofar as the "survey data" the Census Bureau already possesses would not be used to tabulate block-level CVAP data. Admit insofar as it is the judgment of the Census Bureau that utilizing a linked file of administrative data would produce block- level CVAP data at lower cost than including a citizenship question on the decennial census questionnaire.

116. Since 1965, the Census Bureau has never produced CVAP data as part of the Public Law 171-94 data file.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

117. Since 1965, the Census Bureau has never produced CVAP data in the same data file as total population data for purposes of redistricting.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

118. Since at least 1965, the Census Bureau, for redistricting purposes, has published total population data from the decennial census and CVAP data in two different data sets.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

119. Prior to the 2010 Census, the Census Bureau has produced CVAP data from responses to the Census "long form" questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

120. CVAP data produced by the Census Bureau based on the census long form questionnaire was a different data set than the redistricting data set containing total population data derived from the short form questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

121. CVAP data produced by the Census Bureau based on the census long form questionnaire was not included in the Public Law 94-171 Data File.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

122. The Census Bureau can produce CVAP data based on 5-year ACS estimates encompassing the time period in which a decennial census occurs.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

123. The Census Bureau can produce CVAP data based on 5-year ACS estimates in which the midpoint year is the same year in which a decennial census occurs.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

124. CVAP data based on responses to the Census long form was a statistical estimate based on a survey sample.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

125. CVAP data based on responses to the Census long form had a margin of error.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions. Defendant further objects because "margin of error" is vague and ambiguous.

RESPONSE: Admit.

126. CVAP data based on responses to the Census long form had a margin of error that increased as the geographic area decreased.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny. Defendant avers that the margin of error changed based on the population in a particular area, not as a result of the geographic area.

127. CVAP data based on responses to the Census long form was not a hard count.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "hard count" is vague and ambiguous.

RESPONSE: Admit insofar as CVAP data based on responses to the Census long form were based on estimates from a survey sample.

128. Total population data based on responses to the decennial questionnaire has a margin of error.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "[t]otal population data" is not solely "based on responses to the decennial questionnaire." Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny because "[t]otal population data" is not solely "based on responses to the decennial questionnaire."

129. Total population data at the census block level based on responses to the decennial questionnaire has a margin of error.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions. Defendant further objects because "[t]otal population data" is not solely "based on responses to the decennial questionnaire." Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny because "[t]otal population data" is not solely "based on responses to the decennial questionnaire."

130. Data in the Public Law 94-171 data file has margins of error.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny because the Public Law 94-171 data file does not have sampling margins of error.

131. Data at the census block level in the Public Law 94-171 data file has margins of error.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margins of error" is vague and ambiguous.

RESPONSE: Deny because the Public Law 94-171 data file does not have sampling margins of error.

132. Total population data based on responses to the decennial questionnaire has a margin of error that increases as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "[t]otal population data" is not solely "based on responses to the decennial questionnaire." Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny because "[t]otal population data" is not solely "based on responses to the decennial questionnaire."

133. Total population data at the census block level based on responses to the decennial questionnaire has a margin of error that increases as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions. Defendant further objects because "[t]otal population data" is not solely "based on responses to the decennial questionnaire." Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Deny because "[t]otal population data" is not solely "based on responses to the decennial questionnaire."

134. Data in the Public Law 94-171 data file has margins of error that increase as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margins of error" is vague and ambiguous.

RESPONSE: Deny.

135. Data at the census block level in the Public Law 94-171 data file has margins of error that increase as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margins of error" is vague and ambiguous.

RESPONSE: Deny.

136. The Census Bureau is not aware of any case in which the United States was unable to succeed on a Voting Rights Act claim because of the fact that 5-year ACS citizenship data has a margin of error that increases as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margin of error" is vague and ambiguous.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

137. The Census Bureau is not aware of any case in which a plaintiff was unable to succeed

on a Voting Rights Act claim because of the fact that 5-year ACS citizenship data has a margin of error that increases as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

138. The Census Bureau is barred from disclosing individual responses to decennial census questionnaires.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects to the extent this RFA calls for a legal conclusion.

RESPONSE: Admit. Defendant further avers that the Census Bureau cannot disclose any information whereby the data furnished by any particular establishment or individual can be identified.

139. The Census Bureau is barred from disclosing individual responses to a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects to the extent this RFA calls for a legal conclusion.

RESPONSE: Admit. Defendant further avers that the Census Bureau cannot disclose any information whereby the data furnished by any particular establishment or individual can be identified.

140. With respect to citizenship information, the Census Bureau can only disclose aggregate information covering a geographical area.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects to the extent this RFA calls for a legal conclusion.

RESPONSE: Deny. The Census Bureau does not disclose citizenship information that has not gone

through an approved disclosure avoidance process.

141. The Census Bureau is barred from disclosing individual responses to a citizenship question on the Census questionnaire to the United States Department of Justice.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects to the extent this RFA calls for a legal conclusion.

RESPONSE: Admit. Defendant further avers that the Census Bureau cannot disclose any information whereby the data furnished by any particular establishment or individual can be identified.

142. To avoid disclosure of an individual's response to the citizenship question on the census questionnaire, the Census Bureau intends to use techniques such as household swapping and synthetic data noise infusion.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "household swapping" and "synthetic data noise infusion" are undefined, vague, and ambiguous.

RESPONSE: Deny that the Census Bureau intends to use household swapping on the 2020 Decennial. As to synthetic data noise infusion, after a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies.

143. The term "household swapping," as used by the Census Bureau, refers to the practice whereby the Census Bureau takes two households of the same size located in different census blocks, and then exchanges the characteristics associated with those two households before the Bureau makes its data available to the public.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Defendant refuses to answer due to the confidentiality protections of Title 13. Defendant avers that the public information about household swapping can be found online.

144. The term "synthetic noise infusion," as used by the Census Bureau, refers to the practice whereby the Census Bureau replaces some sensitive information about a census respondent, and with different information based on sample data from a statistical model.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "synthetic noise infusion" is not a term used by the Census Bureau.

RESPONSE: Deny insofar as this RFA does not accurately describe all the ways in which "noise infusion" may be accomplished.

145. CVAP data produced by the Census Bureau based on responses to the 2020 Census questionnaire will have error margins associated with it.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "error margins" is vague and ambiguous.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies.

146. Block-level CVAP data based on responses to the 2020 Census questionnaire that are produced at the block level by the Census Bureau will have margins of error associated with it.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margins of error" is vague and ambiguous.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies.

147. CVAP data based on responses to the 2020 Census questionnaire by the Census Bureau will have margins of error that increase as the geographic area decreases.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant also objects because "margins of error" is vague and ambiguous.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies.

148. As of December 12, 2017, the Census Bureau did not know whether the margins of error associated with the block-level CVAP data based on the 2020 Census would be larger than the margins of error associated with the CVAP block level data based on the ACS currently used by DOJ.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "margins of error" is vague and ambiguous. Defendant also objects because the Census Bureau does not produce "CVAP block level data based on the ACS."

RESPONSE: Deny because the Census Bureau does not produce "CVAP block level data based on the ACS."

149. At present, the Census Bureau does not know whether the margins of error associated with the block-level CVAP data based on the 2020 Census will be larger than the margins of error associated with the CVAP block level data based on the ACS currently used by DOJ.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "margins of error" is vague and ambiguous. Defendant also objects because the Census Bureau does not produce "CVAP block level data based on the ACS."

RESPONSE: Deny because the Census Bureau does not produce "CVAP block level data based on the ACS."

150. As of December 12, 2017, Dr. John Abowd, the chief scientist of the Census Bureau, did not know whether the margins of error associated with the block-level CVAP data based on the 2020 Census would be larger than the margins of error associated with the CVAP block level data based on the ACS currently used by DOJ.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "margins of error" is vague and ambiguous. Defendant

also objects because the Census Bureau does not produce "CVAP block level data based on the ACS."

RESPONSE: Deny because the Census Bureau does not produce "CVAP block level data based on the ACS."

151. At present, the chief scientist of the Census Bureau does not know whether the margins of error associated with the block-level CVAP data based on the 2020 Census will be larger than the margins of error associated with the CVAP block level data based on the ACS currently used by DOJ.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "margins of error" is vague and ambiguous. Defendant also objects because the Census Bureau does not produce "CVAP block level data based on the ACS."

RESPONSE: Deny because the Census Bureau does not produce "CVAP block level data based on the ACS."

152. As of March 26, 2018, the Census Bureau did not know the precise disclosure avoidance procedures that will be used in conjunction with the production of block-level CVAP data after the 2020 census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

153. At present, the Census Bureau does not know the precise disclosure avoidance procedures that will be used in conjunction with the production of block-level CVAP data after the 2020 census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

154. As of March 26, 2018, Dr. John Abowd, the chief scientist of the Census Bureau, did not

know the precise disclosure avoidance procedures that will be used in conjunction with the production of block-level CVAP data after the 2020 census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

155. At present, Dr. John Abowd, the chief scientist of the Census Bureau, does not know the precise disclosure avoidance procedures that will be used in conjunction with the production of block-level CVAP data after the 2020 census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

156. CVAP data based on the census long form produced by the Census Bureau was not produced at the census block level.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

157. CVAP data based on the census long form produced by the Census Bureau was produced at the census tract level.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

158. Prior to December 12, 2017, the Census Bureau had not received a request from the U.S. Department of Justice to include a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

159. Prior to December 12, 2017, the Census Bureau had not been told by the U.S. Department of Justice that CVAP data based on ACS estimates was inadequate for purposes of Voting Rights Act enforcement.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

160. Prior to December 12, 2017, the Census Bureau had not been told by the U.S. Department of Justice that CVAP data based on 5-year ACS estimates was inadequate for purposes of Voting Rights Act enforcement.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

161. The Census Bureau was never told by the U.S. Department of Justice that CVAP data based on 5-year ACS estimates was inadequate for purposes of Voting Rights Act enforcement.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit. Defendant further avers that the U.S. Department of Justice's December 12, 2017 letter stated that CVAP data based on 5-year ACS estimates "does not yield the ideal data" for Voting Rights Act enforcement.

162. Prior to March 26, 2018, the Census Bureau was not aware of any Voting Rights Act case brought by the U.S. Department of Justice that failed due to reliance on CVAP data based on the ACS.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

163. The Census Bureau is not aware of any Voting Rights Act case brought by the U.S. Department of Justice that failed due to reliance on CVAP data based on the ACS.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

164. Prior to March 26, 2018, the Census Bureau was not aware of any Voting Rights Act case that failed due to reliance on CVAP data based on the ACS.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

165. The Census Bureau is not aware of any Voting Rights Act case that failed due to reliance on CVAP data based on the ACS.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either

was or was not sufficient.

166. Prior to March 26, 2018, the Census Bureau was not aware of any Voting Rights Act case brought by the U.S. Department of Justice that failed due to reliance on CVAP data based on 5-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

167. The Census Bureau is not aware of any Voting Rights Act case brought by the U.S. Department of Justice that failed due to reliance on CVAP data based on 5-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

168. Prior to March 26, 2018, the Census Bureau was not aware of any Voting Rights Act case that failed due to reliance on CVAP data based on 5-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

169. The Census Bureau is not aware of any Voting Rights Act case that failed due to reliance

on CVAP data based on 5-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of any Voting Rights Act cases in which CVAP data based on the ACS either was or was not sufficient.

170. Prior to March 26, 2018, the Census Bureau did not have an opportunity to consult with technical staff in the Department of Justice regarding a citizenship question on the census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "opportunity" is vague and ambiguous.

RESPONSE: Admit insofar as the Census Bureau did not consult with technical staff in the Department of Justice regarding a citizenship question on the census.

171. Prior to March 26, 2018, the Census Bureau did not have an opportunity to consult with technical staff in the Department of Justice regarding DOJ's purported need to obtain block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "opportunity" is vague and ambiguous.

RESPONSE: Admit insofar as the Census Bureau did not consult with technical staff in the Department of Justice regarding a citizenship question on the census.

172. Prior to March 26, 2018, the Census Bureau did not consult with Sarah Brinegar regarding a citizenship question on the census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

173. Sarah Brinegar is a geographer and social science analyst employed by the Voting Section of the U.S. Department of Justice Civil Rights Division.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant objects because this RFA is vague as to time.

RESPONSE: Admit that Sarah Brinegar is currently employed by the Voting Section of the U.S. Department of Justice Civil Rights Division as a social science analyst.

174. Prior to March 26, 2018, the Census Bureau did not consult with Toby Moore regarding a citizenship question on the census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

175. Toby Moore is a social science analyst employed by the Voting Section of the U.S. Department of Justice Civil Rights Division.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant objects because this RFA is vague as to time.

RESPONSE: Admit that Toby Moore is currently employed by the Voting Section of the U.S. Department of Justice Civil Rights Division as a social science analyst.

176. Prior to March 26, 2018, the Census Bureau did not consult with Ben Overholt regarding a citizenship question on the census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

177. Ben Overholt is a statistician employed by the Voting Section of the U.S. Department of Justice Civil Rights Division.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant objects because this RFA is vague as to time.

RESPONSE: Admit that Ben Overholt is currently employed by the Voting Section of the U.S. Department of Justice Civil Rights Division as a statistician.

178. Prior to March 26, 2018, the Census Bureau did not consult with T. Christian Herren, Jr. regarding a citizenship question on the census.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

179. T. Christian Herren, Jr. is the Chief of the Voting Section of the U.S. Department of Justice Civil Rights Division.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant objects because this RFA is vague as to time.

RESPONSE: Admit that Chris Herren is currently employed by the U.S. Department of Justice Civil Rights Division as Chief of the Voting Section.

180. The plaintiffs in the *Benavidez v. Irving Independent School Dist., Tex.*, 690 F. Supp. 2d 451 (N.D. Tex. 2010), Section 2 Voting Rights Act litigation relied on CVAP data based on 1-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. The Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of how CVAP data based on the ACS has been used in particular Voting Rights Act cases.

181. The plaintiffs in the *Benavidez v. Irving Independent School Dist.*, Tex., 690 F. Supp. 2d 451 (N.D. Tex. 2010), Section 2 Voting Rights Act litigation did not rely on CVAP data based on 5-year ACS estimates.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: After a reasonable inquiry, Defendant lacks knowledge or information sufficient to truthfully admit or deny, and on this basis, denies. The Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of how CVAP data based on the ACS has been used in particular Voting Rights Act cases.

182. The Census Bureau is not aware of a single case under Section 2 Voting Rights Act brought by the U.S. Department of Justice since Donald Trump's inauguration as president.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of the details of particular past or present Voting Rights Act cases brought by the U.S. Department of Justice.

183. The Census Bureau is not aware any current plans by the U.S. Department of Justice to bring litigation under Section 2 Voting Rights Act.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Census Bureau is not responsible for enforcing the Voting Rights Act and thus is not aware of the details of particular past or future Voting Rights Act cases brought by the U.S. Department of Justice.

184. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary stating that the "best

way" to provide block-level CVAP data for purposes of VRA enforcement is not to add a citizenship question to the census, but instead to use a linked file of administrative and survey data that the Census Bureau already possesses.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny insofar as this RFA misstates the December 22, 2017 email from Ron Jarmin. That email states, in relevant part: "I directed staff to review all possible ways to address the needs expressed in the [DOJ] letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey date the Census Bureau already possesses. This would result in higher quality data produced at lower cost." AR 5489.

185. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary stating that using a linked file of administrative and survey data that the Census Bureau already possesses would result in higher quality CVAP data than adding a citizenship question to the citizenship questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny insofar as this RFA misstates the December 22, 2017 email from Ron Jarmin. That email states, in relevant part: "I directed staff to review all possible ways to address the needs expressed in the [DOJ] letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey date the Census Bureau already possesses. This would result in higher quality data produced at lower cost." AR 5489.

186. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary stating that using a linked file of administrative and survey data that the Census Bureau already possesses would result in

higher quality block-level CVAP data than adding a citizenship question to the census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny insofar as this RFA misstates the December 22, 2017 email from Ron Jarmin. That email states, in relevant part: "I directed staff to review all possible ways to address the needs expressed in the [DOJ] letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey date the Census Bureau already possesses. This would result in higher quality data produced at lower cost." AR 5489.

187. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary stating that using a linked file of administrative and survey data that the Census Bureau already possesses would produce CVAP data at a lower cost than adding a citizenship question to the census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny insofar as this RFA misstates the December 22, 2017 email from Ron Jarmin. That email states, in relevant part: "I directed staff to review all possible ways to address the needs expressed in the [DOJ] letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey date the Census Bureau already possesses. This would result in higher quality data produced at lower cost." AR 5489.

188. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary stating that using a linked file of administrative and survey data that the Census Bureau already possesses would produce block-level CVAP data at a lower cost than adding a citizenship question to the census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Deny insofar as this RFA misstates the December 22, 2017 email from Ron Jarmin. That email states, in relevant part: "I directed staff to review all possible ways to address the needs expressed in the [DOJ] letter. They have now briefed me and their findings suggest that the best way to provide PL94 block-level data with citizen voting population by race and ethnicity would be through utilizing a linked file of administrative and survey date the Census Bureau already possesses. This would result in higher quality data produced at lower cost." AR 5489.

189. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary requesting a meeting of Census Bureau and Department of Justice technical experts.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

190. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary requesting a meeting of Census Bureau and Department of Justice technical experts to discuss the Census Bureau's proposal to generate block-level CVAP data using a linked file of administrative and survey data that the Census Bureau already possesses.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

191. On December 22, 2017, Ron Jarmin wrote an email to Arthur Gary requesting a meeting of Census Bureau and Department of Justice technical experts to discuss the Census Bureau's proposal to generate block-level CVAP data using a linked file of administrative and survey data that the Census Bureau already possesses.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

192. Ron Jarmin received an email from Arthur Gary offering times to meet to discuss the citizenship question, including on January 19, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

193. Ron Jarmin wrote an email to Arthur Gary agreeing to meet to discuss the citizenship question on January 19, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

194. Ron Jarmin received an email from Arthur Gary, dated January 16, 2018, stating that Department of Justice staff would be unable to meet on January 19, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

195. A meeting of Census Bureau and Department of Justice technical experts to discuss a citizenship question did not occur prior to March 26, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

196. A meeting of Census Bureau and Department of Justice technical experts to discuss the Census Bureau's proposal to generate block-level CVAP data using a linked file of administrative and

survey data that the Census Bureau already possesses did not occur prior to March 26, 2018.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

197. Between December 12, 2017 and March 26, 2018, the Census Bureau did not have a conversation with the Department of Justice regarding a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "conversation" is vague and ambiguous.

RESPONSE: Deny. The Census Bureau received a request from the U.S. Department of Justice to reinstate a citizenship question on the 2020 census on December 12, 2017, and Art Gary and Ron Jarmin conversed via email as documented at AR 5489.

198. Between December 12, 2017 and March 26, 2018, the Census Bureau did not have a conversation with the Department of Justice regarding alternative sources of block-level CVAP data other than a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions. Defendant further objects because "conversation" is vague and ambiguous.

RESPONSE: Deny. The Census Bureau received a request from the U.S. Department of Justice to reinstate a citizenship question on the 2020 census on December 12, 2017, and Art Gary and Ron Jarmin conversed via email as documented at AR 5489.

199. Between December 12, 2017 and March 26, 2018, the Department of Justice communicated that it did not want to meet with the Census Bureau to discuss the Department of Justice's request to add a citizenship question to the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

200. Between December 12, 2017 and March 26, 2018, the Department of Justice communicated that it did not want to meet with the Census Bureau to discuss alternative sources of block-level CVAP data other than a citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

201. The Census Bureau is not aware of any instance, other than the request to add the citizenship question to the decennial census questionnaire, in which the Department of Justice has requested data from the Census Bureau and then declined to meet to discuss that request.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as the Department of Justice requested data from the Census Bureau in many instances throughout the years in addition to the December 12, 2017 request for reinstating a citizenship question, and, after a reasonable inquiry, the Census Bureau lacks knowledge regarding the Department of Justice's acceptance or declination of meetings related to such requests.

202. The Census Bureau is not aware of any instance, other than the request to add the citizenship question to the decennial census questionnaire, in which a federal agency has requested data from the Census Bureau and then declined to meet to discuss that request.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit insofar as federal agencies have requested data from the Census Bureau in many instances throughout the years in addition to the December 12, 2017 request for reinstating a citizenship

question, and, after a reasonable inquiry, the Census Bureau lacks knowledge regarding any federal agency's acceptance or declination of meetings related to such requests.

203. Since March 26, 2018, at least one conversation has taken place between technical staff at the Census Bureau and the U.S. Department of Justice regarding block-level CVAP data.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part and deny in part. Admit insofar as at least one conversation has taken place between technical staff at the Census Bureau and the U.S. Department of Justice. Deny insofar as the topic was not block-level CVAP data.

204. Since March 26, 2018, at least one conversation has taken place between technical staff at the Census Bureau and the U.S. Department of Justice regarding the citizenship question on the decennial census questionnaire.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part and deny in part. Admit insofar as at least one conversation has taken place between technical staff at the Census Bureau and the U.S. Department of Justice. Deny insofar as the topic was not the citizenship question on the decennial census questionnaire.

205. Secretary Ross's March 26, 2018 Decisional Memorandum contains misleading statements.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and instructions.

RESPONSE: Deny.

206. Secretary Ross's March 26, 2018 Decisional Memorandum contains false statements.

OBJECTION: Defendant incorporates by reference the above objections to the definitions and

instructions.

RESPONSE: Deny.

Dated: October 23, 2018

Respectfully submitted,

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