EXHIBIT C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEW YORK IMMIGRATION COALITION, *et. al*, Plaintiff, v. UNITED STATES DEPARTMENT OF COMMERCE, *et. al*, Defendant.	Civil Action No. 1:18-cv-05025-JMF Hon. Jesse M. Furman

DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION TO DEFENDANT UNITED STATES DEPARTMENT OF COMMERCE

Pursuant to Federal Rules of Civil Procedure 26 and 36 and the Local Rules of this Court Defendant the United State Department of Commerce ("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, Defendants object 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.

EXHIBIT
PTX-235

OBJECTIONS TO DEFINITIONS

1. Defendant object 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 employment of Defendant's own definition of such terms.

OBJECTION TO INSTRUCTIONS

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

OBJECTIONS AND RESPONSES TO PLAINTIFFS' REQUESTS FOR ADMISSION

1. On June 16, 2015, when announcing his candidacy for president, Donald Trump stated: "When Mexico sends its people they're not sending their best . . . . They're bringing drugs. They're bringing crime. They're rapists . . . . It's coming from more than Mexico. It's coming from all over South and Latin America."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object on the grounds that Plaintiffs have selectively quoted portions of a lengthy statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

2. On August 5, 2015, Donald Trump stated: "The Mexican government . . . send the bad ones over because they don't want to pay for them. They don't want to take care of them."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object on the grounds that Plaintiffs have selectively quoted portions of a lengthy statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

3. On August 21, 2015, Donald Trump tweeted "How crazy - 7.5% of all births in U.S. are to illegal immigrants, over 300,000 babies per year. This must stop. Unaffordable and not right!"

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private

party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

4. In December 2015, during an interview with TIME magazine, Donald Trump stated "I happen to believe that various countries force their bad people into the United States, because they say why should we take care of these monsters, let the United States take care of them."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

5. In December 2015, Donald Trump called for "a total and complete shutdown of Muslims entering the United States."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object on the grounds that Plaintiffs have selectively quoted portions of then-candidate Trump's statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

6. During his 2016 presidential campaign, Donald Trump referred to children of immigrants as "anchor babies."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

7. During his 2016 presidential campaign, Donald Trump stated that he would seek an end to "birthright citizenship."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

8. On March 22, 2016, Donald Trump described Muslim immigrants by saying "there's no assimilation. They're not assimilating . . . . They want to go by sharia law. They want sharia law. They don't want the laws that we have. They want sharia law."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

9. On May 25, 2016, Donald Trump Tweeted that "The protestors in New Mexico were thugs who were flying the Mexican Flag."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his

decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

10. On June 4, 2016, Donald Trump Tweeted that "Many of the thugs that attacked peaceful Trump supporters in San Jose were illegals."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

11. In August 2016, Donald Trump stated: "most illegal immigrants are lower skilled workers with less education . . . these illegal workers draw much more out from the system than they can ever possibly pay back. And they're hurting a lot of our people that cannot get jobs under any circumstances."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not

proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object that Plaintiffs have failed to identify a specific date for the alleged statement, and further have selectively quoted portions of an alleged statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

12. In August 2016, Donald Trump stated: "We will immediately terminate President Obama's two illegal executive amnesties in which he defied federal law and the Constitution to give amnesty to approximately five million illegal immigrants, five million. . . . [N]o one will be immune or exempt from enforcement. . . . Anyone who has entered the United States illegally is subject to deportation."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object that Plaintiffs have failed to identify a specific date for the alleged statement, and further have selectively quoted different portions of an alleged statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made.

To the extent a response is required, the text of the statement speaks for itself.

13. On September 1, 2016, Donald Trump stated: "According to federal data, there are at least two million—two million, think of it—criminal aliens now inside of our country— two million people criminal aliens. We will begin moving them out day one. As soon as I take office. Day one . . . Day one, my first hour in office, those people are gone."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object on the grounds that Plaintiffs have selectively quoted certain sentences of a lengthy statement.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

14. In October 2016, Donald Trump stated: We have some bad hombres here and we're going to get them out."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by then-candidate Donald J. Trump, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After reasonable inquiry, Defendants lack sufficient information to truthfully admit or deny the request because it seeks information regarding a statement purportedly made by a private party not within the control of the United States at the time the statement is said to have been made. To the extent a response is required, the text of the statement speaks for itself.

15. In December 2016, during an interview with TIME magazine, Donald Trump stated, in reference to an article about a supposed recent crime wave on Long Island: "They come from Central America. They're tougher than any people you've ever met. They're killing and raping everybody out there. They're illegal. And they are finished."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by President Trump, as reported by a magazine, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that a December 2016 TIME Magazine article reports the following:

> He returns a few minute later with that morning's copy of *Newsday*, the Long Island tabloid. The front-page headline reads, "EXTREMELY VIOLENT" GANG FACTION, with an article about a surge of local crime by foreign-born assailants. His point, it seems, is that the world is zero-sum, full of the irredeemable killers that Obama's idealism fails to see. The details are more compelling than any big picture. "They come from Central America. They're tougher than any people you've ever met," Trump says. "They're killing and raping everybody out there. They're illegal. And they are finished."

After reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether President Trump actually stated the statements attributed to him by TIME magazine.

16. On January 26, Donald Trump said, referring to immigrants: "We are going to get the bad ones out . . . The criminals and the drug deals, and gangs and gang members and cartel leaders. The

day is over when they can stay in our country and wreak havoc."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request, which seeks to have the Defendants confirm an alleged statement by President Trump as reported by news outlets, is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that media outlets have reported that in late January 2017, President Trump was reported to state "We are going to get the bad ones out – the criminals and the drug dealers and gangs and gang members," Mr. Trump said. "The day is over when they can stay in our country and wreak havoc. We are going to get them out, and we are going to get them out fast." After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether President Trump actually made the quoted statement, and on this basis, deny.

17. On January 27, 2017, Donald Trump signed an executive order blocking persons from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen from entering the United States.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on January 27, 2017, President Trump signed an Executive Order entitled, "Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States," which, among other things, directed the Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, to "immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit

under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat." Defendants further admit that the Executive Order concluded that "the immigrant and nonimmigrant entry into the United States of aliens from counties referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States" and therefore the entry into the United States, as immigrants and nonimmigrants, "of such persons for 90 days from the date of this order," would be suspended, subject to a case-by-case determination by the Secretaries of State and Homeland Security. Defendants otherwise deny Plaintiffs' request for admission number 17.

18. On January 27, 2017, Donald Trump referred to Mexican immigrants as "tough hombres."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that news media reported that in January 2017, President Trump allegedly stated to Mexican President Enrique Pena Nieto: "You have some pretty tough hombres in Mexico that you may need help with, and we are willing to help you with that big-league." After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether President Trump actually made this statement as reported, and on this basis, deny.

19. In February 2017, Donald Trump said: "What has been allowed to come into our country, when you see gang violence that you've read about like never before, and all of the things — much of that is people that are here illegally . . . They're rough and they're tough . . . So we're getting them out."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny RFA No. 19, and on this basis, deny.

20. On March 27, 2017, Jeff Sessions, referring to Latino immigrants, stated: "the American people are justifiably angry . . . assaults, burglaries, drug crimes, rapes, crimes against children and murders. Countless Americans would be alive today – and countless loved ones would not be grieving today . . . The President has rightly said that this disregard for the law must end. . . ."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that plaintiffs have selectively quoted partial statements from a lengthy statement.

RESPONSE: Admit to the extent that in March 27, 2017 remarks given by Attorney General Jefferson Sessions concerning sanctuary jurisdictions, he stated, among other things, that:

> The American people are justifiably angry. They know that when their cities and states refuse to help enforce immigration laws, our nation is less safe. Failure to deport aliens who are convicted for criminal offenses puts whole communities at risk – especially immigrant communities in the very sanctuary jurisdictions that seek to protect the perpetrators.
>
> DUIs, assaults, burglaries, drug crimes, gang crimes, rapes, crimes against children and murders. Countless Americans would be alive today – and countless loved ones would not be grieving today – if the policies of these sanctuary jurisdictions were ended.

> Not only do these policies endanger the lives of every American; just last May, the Department of Justice Inspector General found that these polices also violate federal law.
>
> The President has rightfully said that this disregard for the law must end. In his executive order, he stated that it is the policy of the executive branch to ensure that states and cities comply with all federal laws, including our immigration laws.

Defendants otherwise deny Plaintiffs' request for admission number 20.

21. On June 13, 2017, Acting ICE Director Thomas Homan testified "every immigrant in the country without papers . . . should be uncomfortable. You should look over your shoulder. And you need to be worried. . . . No population is off the table. . . ."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that plaintiffs have selectively quoted partial statements from a lengthy statement.

RESPONSE: Admit that, on June 13, 2017, then-Acting ICE Director Thomas Homan testified during a congressional hearing, in response to a specific question concerning a particular case regarding an individual who had been ordered to be removed, as follows:

> This is a country of laws. We need to stand by the laws. The country I grew up in…if you're violating the law, you should be uncomfortable. He should be looking over his shoulder if he's in this country in violation of law and has been ordered removed. He should be worried that he's going to be arrested. There should be no population of persons that are in this country illegally – violated the law – then had a decision from a judge, to feel comfortable that he doesn't have to worry about someone arresting him. The IRS isn't going to audit everybody, but we all know it's a possibility. The highway patrol can't arrest everybody for speeding, but we speed, we know it's a possibility, we can stop. It should be no different with immigration enforcement. We're a law enforcement agency that enforces the law, and we shouldn't play favorites.

22. On June 21, 2017, Donald Trump said, referring to Central American immigrants: "These are true animals. We are moving them out of the country by the thousands."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Defendants admit that the media has reported that, on June 21, 2017, President Trump stated at a rally in Cedar Rapids, Iowa, that "You have a gang called MS-13. They don't like to shoot people. They like to cut people. They do things that nobody can believe. These are true animals. We are moving them out of the country by the thousands, by the thousands. We're getting them out, MS-13." After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether President Trump made this statement as reported and, on this basis, deny.

23. On June 28, 2017, Donald Trump said: "They are bad people. And we've gotten many of them out already. . . We're actually liberating towns, if you can believe that we have to do that in the United States of America. But we're doing it, and we're doing it fast."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs are selectively quoting portions of a lengthy statement.

RESPONSE: Defendants admit that on June 28, 2017, President Trump stated, among other things, the following:

> MS-13 is a prime target. They are bad people. And we've gotten many of them out already. You know, we're pretty much at the 50 percent mark. We're getting them out as fast as we can get them out, and we're freeing up towns. We're actually liberating towns, if you can believe that we have to do that in the United States of America. But we're doing it, and we're doing it fast.

24. On July 28, 2017, Stephen Miller said: "a message of tolerance toward illegal immigration is the number-one boon to smugglers and traffickers. And we've seen the results of that over the last eight years in terms of massive human rights violations associated with the Central American migrant surge . . . that permissive approach, we've seen the results, and the results have been deadly and horrific. . . We also need to get expedited removal for illegal immigrants from Central America."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs appear to be selectively quoting portions of a lengthier statement.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny RFA No. 24, and on this basis, deny.

25. On August 22, 2017, Acting ICE Director Thomas Homan stated: "The message is clear: If you're in the United States illegally, if you happen to get by the Border Patrol, someone is looking for you. And that message is clear."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs appear to be selectively quoting portions of a lengthy statement.

RESPONSE: Defendants admit that news organizations have reported that on August 22, 2017,

Acting ICE Director Thomas Homan stated, among other things, the following:

> I think the message being sent on interior enforcement – which wasn't part of the last administration, not to the extent it is now – interior enforcement is sending that clear message that if you are lucky enough to get by the Border Patrol, in the last administration you're home free unless you commit yet another crime and get arrested and get put in jail, and get convicted of that crime. Now the message is clear: If you're in the United States illegally, if you happen to get by the Border Patrol, someone is looking for you. And that message is clear and I think it has a direct impact on the decreases in apprehensions.

After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether Acting ICE Director Thomas Homan actually made the statements attributable to him by news organizations.

26. On September 5, 2017, the Department of Homeland Security announced the rescission of the Deferred Action for Childhood Arrivals program.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

27. On September 5, 2017, Donald Trump tweeted: "No longer will we incentivize illegal immigration. LAW AND ORDER! #MAGA."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that on September 5, 2017, Donald Trump's Twitter feed stated: "No longer

will we incentivize illegal immigration. LAW AND ORDER! #MAGA."

28. On September 5, 2017, Donald Trump tweeted: "Make no mistake, we are going to put the interest of AMERICAN CITIZENS FIRST!"

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that on September 5, 2017, Donald Trump's Twitter feed stated: "Make no mistake, we are going to put the interest of AMERICAN CITIZENS first! The forgotten men & women will no longer be forgotten."

29. On October 9, 2017, Wilbur Ross said: "President Trump's tighter border controls have already reduced greatly the influx of illegal aliens, but he needs legislation to finish the task. I support his request to secure our borders, swiftly return illegal entrants, stop visa fraud and overstays, sanctuary cities, asylum abuse and chain immigration, as well as exploitative employment of illegal aliens. This will take money for more ICE officers, more federal prosecutors and more physical barriers. That will be money well spent!"

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

30. On November 6, 2017, the Department of Homeland Security announced that it

would not be renewing the Temporary Protected Status designation for immigrants from Nicaragua.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on November 6, 2017, the Acting Secretary of Homeland Security Elaine Duke announced her decision to terminate the Temporary Protected Status designation for Nicaragua with a delayed effective date of 12 months to allow for an orderly transition before the designation terminates on January 5, 2019.

31. On November 20, 2017, the Department of Homeland Security announced that it would not be renewing the Temporary Protected Status designation for immigrants from Haiti.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on November 20, 2017, the Acting Secretary of Homeland Security Elaine Duke announced her decision to terminate the Temporary Protected Status designation for Haiti with a delayed effective date of 18 months to allow for an orderly transition before the designation terminates on July 22, 2019.

32. On January 8, 2018, the Department of Homeland Security announced that it would not be renewing the Temporary Protected Status designation for immigrants from El Salvador.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and

instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on January 8, 2018, Department of Homeland Security Kirstjen M. Nielsen announced her determination that termination of the Temporary Protected Status designation for El Salvador was required pursuant to the Immigration and Nationality Act, and that to allow for an orderly transition, the termination would be delayed for 18 months.

33. On January 11, 2018, Donald Trump questioned why immigrants were being admitted from El Salvador, Haiti, and Africa, asking "why are we having all these people from shithole countries come here," and stating his preference for immigrants "from places like Norway."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Defendants admit to the extent that various news sources have reported that President Trump made statements in a private meeting similar to those identified in request for admission number 33. After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether President Trump actually made these statements as reported, and on this basis, deny.

34. On February 22, 2018, Donald Trump stated that diversity visa lottery winners "turn out to be horrendous . . . . They're not giving us their best people."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs have quoted selectively from a much lengthier statement.

RESPONSE: Defendants admit that on February 22, 2018, President Trump stated, among other things, the following:

> To secure our country, we are calling on Congress to build a great border wall to stop dangerous drugs and criminals from pouring into our country. And now they're willing to give us the wall. But they don't want to give us any of the laws to keep these people out. So we're going to get the wall. But they don't want to give us all of the other, chain migration, lottery, think of a lottery. You have a country, they put names in, you think they're giving us good people? Not too many of you people are going to be lottery. So we pick out people. Then they turn out to be horrendous. And we don't understand why. They're not giving us their best people, folks. They're not giving us – use your heads.

35. On April 5, 2018, Donald Trump stated: "we cannot let people enter our country… through chain migration….This is what the Democrats are doing to you. And they like it because they think they're going to vote Democratic…. A lot of them aren't going to be voting. A lot of times it doesn't matter, because in places, like California, the same person votes many times. You probably heard about that. They always s like to say. 'Oh, that's a conspiracy theory.' Not a conspiracy theory, folks. Millions and millions of people."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of

Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs have quoted selectively from a much lengthier statement.

RESPONSE: Defendants admit that on April 5, 2018, President Trump stated, among other things, the following:

> So we're toughening up at the border. We'll be, I think, in great shape over the — I think over the next 12 months we'll have a lot of things happening. But we cannot let people enter our country. We have no idea who they are, what they do, where they came from. We have no idea what their records are. . . .
>
> And chain migration — think of that. So you come in, and now you can bring your family, and then you can bring your mother and your father. . . .
>
> So this guy, because he's here, now can get the mother and the father and the grandmother and the cousins and the brothers and the sisters and the aunts and the uncles. This is what the Democrats are doing to you. And they like it because they think they're going to vote Democrat. . . .
>
> But they are doing it for that reason, because they're not going to be voting with us for the most part. A lot of them aren't going to be voting. A lot of times it doesn't matter, because in many places, like California, the same person votes many times. (Laughter.) You probably heard about that. They always like to say, "Oh, that's a conspiracy theory." Not a conspiracy theory, folks. Millions and millions of people.

36. On April 26, 2018, the Department of Homeland Security announced that it would not be renewing the Temporary Protected Status designation for immigrants from Nepal.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on April 26, 2018, Department of Homeland Security Secretary Kirstjen M. Nielsen announced her determination that termination of the Temporary Protected Status designation was required pursuant to statute and that termination would be delayed

for 12 months to allow for an orderly transition.

37. On April 28, 2018, Donald Trump stated: "If a person puts their foot over the line, we have to take them into our country. We have to register them…. And you know, one of the reasons they do it is because the Democrats actually feel and they are probably right, that all of these people that are pouring across are going to vote for Democrats, they're not going to vote for Republicans, they're going to vote no matter what we do, they're going to vote."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs have quoted selectively from a much lengthier statement.

RESPONSE: Defendants admit that on April 28, 2018, President Trump stated during a speech, among other things:

> If a person puts their foot over the line, we have to take them into our country. We have to register them. We have to ask them a couple of questions. Lawyers are telling them what to say – how unsafe they are, and once they say that, we have to let them go to come back to court in like a year. Only one problem, they don't come back, okay, that's the end.
>
> Welcome to the United States. This is the law, and we have at the border the greatest people, the Board Patrol, the ICE agents. These are great people. These are great people. And the laws are so corrupt – they are so corrupt. And you know, one of the reasons they do it is because the Democrats actually feel and they are probably right, that all of these people that are pouring across are going to vote for Democrats, they're not going to vote for Republicans, they're going to vote not matter what we do, they're going to vote.

38. On May 4, 2018, the Department of Homeland Security announced that it would not be renewing the Temporary Protected Status designation for immigrants from Honduras.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and

instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that on May 4, 2018, Department of Homeland Security Secretary Kirstjen M. Nielsen announced her determination that termination of the Temporary Protected Status designation was required pursuant to the Immigration and Nationality Act, and that the effective date of the termination would be delayed for 18 months to allow for an orderly transition.

39. On May 7, 2018, Jeff Sessions announced a "zero tolerance" policy for immigrants, including separating children from parents who cross the border unlawfully.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that on April 6, 2018, Attorney General Jeff Sessions notified all U.S. Attorney's Offices along the Southwest Border of a new "zero-tolerance policy" for offenses under 8 U.S.C. § 1325(a), which prohibits both attempted illegal entry and illegal entry into the United States by an alien. Defendants also admit that on May 7, 2018, Attorney General Sessions gave a speech regarding that policy. Defendants aver that the text of that speech speaks for itself.

40. On May 16, 2018, Donald Trump stated: "We have people coming into the country, or trying to come in — we're stopping a lot of them. . . You wouldn't believe how bad these people are. These aren't people, these are animals, and we're taking them out of the country at a level and at a rate that's never happened before."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs have quoted selectively from a much lengthier statement.

RESPONSE: Admit to the extent that, on May 16, 2018, President Trump stated, among other things, the following:

> We have people coming into the country, or trying to come in – and we're stopping a lot of them – but we're taking people out of the country. You wouldn't believe how bad these people are. These aren't people. These are animals. And we're taking them out of the country at a level and at a rate that's never happened before. And because of the weak laws, they come in fast, we get them, we release them, we get them again, we bring them out. It's crazy.

41. On May 22, 2018, Betsy DeVos testified that public schools can choose to call ICE to report potentially undocumented students.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent that Plaintiffs have quoted selectively from a much lengthier statement.

RESPONSE: Admit to the extent that on May 22, 2018, Secretary of Education Betsy DeVos testified before the House Education and Workforce Committee and stated that whether to contact U.S. Immigration and Custom Enforcement if schools suspect their students are undocumented is a decision that should be left to individual schools.

42. On or about January 31, 2017, the Trump Administration drafted an Executive Order

which, among other things, directed the Census Bureau, to include "questions to determine U.S. citizenship and immigration status" on the 2020 Decennial Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that news outlets have reported that in early 2017, a draft executive order proposed including a citizenship question, but further state that these news outlets further reported that "[i]t is not clear which questionnaire is being referred to," and that the authenticity of the draft executive order was not confirmed by the White House. *See* "White House proposal to ask immigration status in Census could have chilling effect, experts say," Washington Post (Feb. 1, 2017). After a reasonable inquiry, Defendants lack information or knowledge sufficient to truthfully admit or deny this request for admission, and on this basis, deny.

43. A background memo to the draft Executive Order stated that its purpose was to "fulfill several campaign promises by aligning immigration policies with the national interest."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack information or knowledge sufficient to truthfully admit or deny this request for admission, and on this basis, deny.

44. The background memo further stated that the provisions in the draft Executive Order

were intended to address "the flow of illegal entries and visa overstays" and the "unlawful employment of aliens."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack information or knowledge sufficient to truthfully admit or deny this request for admission, and on this basis, deny.

45. Neither the draft Executive Order nor the background memo made any mention of any aspect of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack information or knowledge sufficient to truthfully admit or deny this request for admission, and on this basis, deny.

46. Neither the draft Executive order nor the background memo suggested in any other way that the Trump Administration's desire to add a citizenship question to the 2020 Census was motivated in any way by any aspect of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of

Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack information or knowledge sufficient to truthfully admit or deny this request for admission, and on this basis, deny.

47. Defendant Ross was aware of the draft Executive Order prior to the end of February 2017.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

48. Defendant Ross was aware, prior to the end of February 2017, of the desire of the Trump Administration to add a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

49. Defendant Ross understood by the spring of 2017 that "other senior Administration officials" referenced in his Supplemental Memorandum of June 21, 2018 wanted the 2020 Census to include a citizenship question.

RESPONSE: Admit to the extent that soon after Secretary Ross took office, other senior

Administration officials raised the issue of the reinstatement of a citizenship question. Defendants otherwise deny this request for admission.

50. Defendant Ross knew by the spring of 2017 that President Trump wanted the 2020 Census to include a citizenship question.

RESPONSE: Deny.

51. Defendant Ross knew by the spring of 2017 that Steven Bannon wanted the 2020 Census to include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Defendants admit to the extent that Steven Bannon called Secretary Ross in the Spring of 2017 to ask Secretary Ross if he would be willing to speak to then-Kansas Secretary of State Kris Kobach about Secretary Kobach's ideas about a possible citizenship question on the decennial census. Defendants otherwise deny this request for admission.

52. Defendant Ross knew by the spring of 2017 that Stephen Miller wanted the 2020 Census to include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

53. Defendant Ross knew by the spring of 2017 that Kris Kobach wanted the 2020 Census to include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

54. In March 2017, Defendant Ross asked Earl Comstock a question about whether noncitizens were included in the census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether Secretary Ross asked Earl Comstock a question whether non citizens were included in the census.

55. On March 10, 2017, Mr. Comstock sent Defendant Ross an email in response to Defendant Ross' question. The response included an article entitled "The Pitfalls of Counting Illegal Immigrants."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that Earl Comstock sent Secretary Ross a Wall Street Journal article entitled, "The Pitfalls of Counting Illegal Immigrants." Defendants lack knowledge or information sufficient to truthfully admit or deny whether Secretary Ross asked Earl Comstock a question whether noncitizens were included in the census.

56. On April 5, 2017 Defendant Ross discussed the addition of a citizenship question on the 2020 Census with Steven Bannon.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Defendants admit to the extent that Steven Bannon called Secretary Ross in the Spring of 2017 to ask Secretary Ross if he would be willing to speak to then-Kansas Secretary of State Kris Kobach about Secretary Kobach's ideas about a possible citizenship question on the decennial census. Defendants otherwise deny this request for admission.

57. During his conversation with Mr. Bannon on April 5, 2017, Mr. Bannon advised Defendant Ross that he wanted a citizenship question included on the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

58. Before the end of February 2017, Defendant Ross concluded that the 2020 Census should include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of

Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that Secretary Ross came to believe at some point during the Spring of 2017 that the inclusion of a citizenship question on the 2020 decennial census could be warranted, but further state that Secretary Ross did not reach a final conclusion on the issue until March 2018. Defendants otherwise deny this request for admission.

59. Before the end of March 2017, Defendant Ross concluded that the 2020 Census should include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that Secretary Ross came to believe at some point during the Spring of 2017 that the inclusion of a citizenship question on the 2020 decennial census could be warranted, but further state that Secretary Ross did not reach a final conclusion on the issue until March 2018. Defendants otherwise deny this request for admission.

60. Before the end of April 2017, Defendant Ross concluded that the 2020 Census should include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit to the extent that Secretary Ross came to believe at some point during the Spring of 2017 that the inclusion of a citizenship question on the 2020 decennial census could be warranted, but further state that Secretary Ross did not reach a final conclusion on the issue until March 2018. Defendants otherwise deny this request for admission.

61. Before the end of April 2017 Defendant Ross requested others in the Commerce Department to do what was necessary to include a citizenship question in the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that before the end of April 2017, Secretary Ross asked others in the Commerce Department to look into the possibility of reinstating a citizenship question on the 2020 decennial census, but deny that Secretary Ross requested that others in the Commerce Department "do what was necessary to include a citizenship question in the 2020 Census."

62. On May 2, 2017 Defendant Ross emailed Earl Comstock, the Director of Policy at Commerce, stating that he was "mystified why nothing have [sic] been done in response to my months old request that we include the citizenship question [on the 2020 Census]."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

63. On May 2, 2017 Mr. Comstock responded to Defendant Ross promising "on the citizenship question we will get that in place."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit that on May 2, 2017, Mr. Comstock responded to an email from Secretary Ross in which he stated, among other things, that "[o]n the citizenship question we will get that in place."

64. Mr. Comstock further advised Defendant Ross on May 2, 2017 that he had been advised it would be necessary to "work with Justice to get them to request that citizenship be added back to a census question…."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

65. Prior to May 2017 the Department of Justice had not been approached by anyone in Commerce to request the addition of the citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

66. Prior to May 2017 the Department of Justice had not requested that the citizenship question be added to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

67. On May 4, 2017, Mr. Comstock contacted the Department of Justice.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

68. On May 4, 2017, Mr. Comstock contacted the Department of Justice for the purpose of adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that on May 4, 2017, Mr. Comstock contacted the Department of Justice, and further state that the purpose of the contact was to determine whether the Department of Justice would be interested in more specific citizenship data and whether that interest rose to the level of requesting the reinstatement of a citizenship question on the 2020 decennial census. Deny that Mr. Comstock contacted the Department of Justice "for the purpose of adding a citizenship question to the 2020 Census."

69. When Mr. Comstock contacted the Department of Justice on May 4, 2017 for the purpose of adding a citizenship question to the 2020 Census, Mr. Comstock was not seeking to promote more effective enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Deny.

70. After May 2, 2017, Mr. Comstock conversed with James McHenry at the Department of Justice for the purpose of adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that after May 2, 2017, Mr. Comstock conversed with James McHenry at the Department of Justice, and further stated that the purpose of

the conversation was to determine whether the Department of Justice would be interested in more specific citizenship data and whether that interest rose to the level of requesting the reinstatement of a citizenship question on the 2020 decennial census. Deny to the extent that Mr. Comstock did not converse with Mr. McHenry "for the purpose of adding a citizenship question to the 2020 Census."

71. James McHenry has no responsibility for enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit that James McHenry has no responsibility for enforcement of the Voting Rights Act, and further aver that at the time Mr. Comstock spoke to Mr. McHenry, Mr. Comstock did not know whether Mr. McHenry had any responsibility for the enforcement of the Voting Rights Act.

72. At the time Mr. Comstock contacted James McHenry for the purpose of adding a citizenship question to the 2020 Census, Mr. Comstock was not seeking to promote more effective enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Deny.

73. After May 2, 2017, Mr. Comstock contacted the Department of Homeland Security for the purpose of adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that after May 2, 2017, Mr. McHenry directed Mr. Comstock to the Department of Homeland Security, and further state that the purpose of the contact was that Mr. Comstock was under the belief that Mr. McHenry directed him to the Department of Homeland Security because the Department of Homeland Security may have a need or use for

citizenship data, including possible enforcement of the Voting Rights Act. Denied that Mr. Comstock contacted the Department of Homeland Security "for the purpose of adding a citizenship question to the 2020 Census."

74. The Department of Homeland Security has no responsibility for enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

75. At the time Mr. Comstock contacted the Department of Homeland Security for the purpose of adding a citizenship question to the 2020 Census, Mr. Comstock was not seeking to promote more effective enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that Mr. Comstock contacted the Department of Homeland Security, and further state that the purpose of the contact was that Mr. Comstock was under the belief that Mr. McHenry directed him to the Department of Homeland Security because the Department of Homeland Security may have a need or use for citizenship data, including possible enforcement of the Voting Rights Act. Denied that Mr. Comstock contacted the Department of Homeland Security "for the purpose of adding a citizenship question to the 2020 Census."

76. After May 2, 2017, Mr. Comstock contacted Eugene (Gene) Hamilton for the purpose of adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that after May 2, 2017, Mr. Comstock contacted

Mr. Hamilton and further state that the purpose of the contact was that Mr. Comstock was under the belief that Mr. McHenry directed him to the Department of Homeland Security because the Department of Homeland Security may have a need or use for citizenship data, including possible enforcement of the Voting Rights Act. Deny to the extent that Mr. Comstock contacted Mr. Hamilton "for the purpose of adding a citizenship question to the 2020 Census."

77. Eugene (Gene) Hamilton has no responsibility for enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that at the time Mr. Hamilton worked at the Department of Homeland Security he had no responsibility for enforcement of the Voting Rights Act. Deny to the extent that Defendants were aware whether Mr. Hamilton's responsibilities included enforcement of the Voting Rights Act, and Defendants otherwise deny this request for admission.

78. At the time Mr. Comstock contacted Eugene (Gene) Hamilton for the purpose of adding a citizenship question to the 2020 Census, Mr. Comstock was not seeking to promote more effective enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that Mr. Comstock contacted Mr. Hamilton, and further state that the purpose of the contact was that Mr. Comstock was under the belief that Mr. McHenry directed him to the Department of Homeland Security because the Department of Homeland Security may have a need or use for citizenship data, including possible enforcement of the Voting Rights Act. Deny that Mr. Comstock contacted Mr. Hamilton "for the purpose of adding a citizenship question to the 2020 Census."

79. Since Donald Trump's election, Eugene (Gene) Hamilton was in contact with Kris Kobach regarding immigration policy.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny this request for admission, and on this basis, denies.

80. During the spring of 2017, and prior to any request from the Department of Justice to add the citizenship question to the 2020 Census, Defendant Ross had a telephone conversation with Kris Kobach concerning his desire to have a citizenship question added to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

81. On July 14, 2017, Mr. Kobach emailed Defendant Ross.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

82. On July 14, 2017, Mr. Kobach wrote to Defendant Ross to remind Defendant Ross of their prior telephone discussion "a few months ago" and further stated that the absence of such a question, in his view, "leads to the problem that aliens who do not actually 'reside' in the United States are still counted for congressional apportionment."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

83. On July 21, 2017, Mr. Kobach emailed Wendy Teramoto, Defendant Ross' Chief of Staff, attaching his email to Mr. Ross stating that he had spoken to Defendant Ross about the addition of citizenship question to the 2020 Census "at the direction of Steve Bannon . . . ."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

84. On July 25, 2017, Defendant Ross had a further telephone conversation with Mr. Kobach concerning the addition of the citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not

proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

85. During the course of their discussion, Defendant Ross and Mr. Kobach discussed the potential effect of adding the citizenship question on apportionment based on residence of non-citizens.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny this request for admission, and on this basis, denies.

86. On August 7, 2017, Defendant Ross attended a dinner with Donald Trump.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

87. In August 2017, Defendant Ross discussed adding a citizenship question to the decennial census with Donald Trump.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and

instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

88. In August 2017, Defendant Ross discussed adding a citizenship question to the decennial census with Jeff Sessions.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent this request for admission calls for the disclosure of information that is subject to the deliberative process privilege.

RESPONSE: Deny.

89. In August 2017, Defendant Ross inquired whether Jeff Sessions would support, and if so, request, inclusion of a citizenship question on the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles. Defendants further object to the extent this request for admission calls for the disclosure of information that is subject to the deliberative process privilege.

RESPONSE: Deny.

90. In August 2017, Defendant Ross discussed adding a citizenship question to the

decennial census with members of the Trump Administration.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny. Defendants further aver that Steven Bannon called Secretary Ross in the Spring of 2017 to ask Secretary Ross if he would be willing to speak to then-Kansas Secretary of State Kris Kobach about Secretary Kobach's ideas about a possible citizenship question on the decennial census.

91. On August 8, 2017, Defendant Ross emailed Mr. Comstock asking "where is DOJ in their analysis" of whether to request the addition of a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

92. Defendant Ross' email of August 8, 2017 further advised Mr. Comstock that '[i]f they [the Department of Justice] still have not come to a conclusion please let me know your contact person and I will call the AG."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

93. Mr. Comstock responded to Defendant Ross on August 8, 2017 stating that he would get back to him with the requested information.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

94. The Department of Justice had not agreed to request the addition of the citizenship question to the 2020 Census prior to August 8, 2017.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

95. From May through September 2017, Mr. Comstock attempted to identify someone outside the Census Bureau who would make a request for the addition of a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that Mr. Comstock contacted Ms. Hankey, Mr. McHenry, and Mr. Hamilton to ascertain whether their agencies may have a need or use for citizenship data, including possibly for VRA enforcement, and whether based on that need or use, their agencies would consider requesting the inclusion of a citizenship question on the 2020 decennial census. Defendants otherwise deny this request for admission.

96. On September 8, 2017, Mr. Comstock reported on his efforts to identify someone who would request the addition of the citizenship question to the 2020 Census. He advised that, as of that date, he had not been successful.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that Mr. Comstock prepared a memorandum, dated September 8, 2017, in which he identified discussions he had with Mary Blanche Hankey, James McHenry, and Gene Hamilton, concerning whether the Department of Justice and the Department of Homeland Security

would have any need or use for block level citizenship data for purposes of enforcement of the Voting Rights Act, and therefore had interest in requesting that the Census Bureau reinstate a citizenship question on the 2020 decennial census. Defendants further admit that Mr. Comstock reported in his September 8, 2017 memorandum that the individuals with whom he spoke at the Department of Justice and the Department of Homeland Security had not expressed an interest in requesting the inclusion of a citizenship question at that time.

97. On or about September 13, 2017, Defendant Ross and Jeff Sessions spoke about addition of a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that on September 18, 2017, Secretary Ross and Attorney General Jeff Sessions had a conversation concerning a citizenship question on the 2020 decennial census. Defendants otherwise deny this request for admission.

98. On or about September 13, 2017, Defendant Ross inquired whether Jeff Sessions would support, and if so, request, inclusion of a citizenship question on the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants further object to the extent this request for admission calls for the disclosure of information that is subject to the deliberative process privilege and, accordingly, Defendants will not provide a substantive response to this request for admission.

RESPONSE: Admitted in part, denied in part. Admit to the extent that on September 18, 2017, Secretary Ross and Attorney General Sessions had a conversation concerning a citizenship question on the 2020 decennial census. Defendants deny that this conversation occurred on September 13, 2017. Any additional detail concerning this conversation is subject to the deliberative process privilege and, accordingly, Defendants will not provide such detail.

99. On or about September 13, 2017, Defendant Ross inquired whether Jeff Sessions would support, and if so, request, inclusion of a citizenship question on the 2020 Census as consistent with and useful for enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants further object to the extent this request for admission calls for the disclosure of information that is subject to the deliberative process privilege and, accordingly, Defendants will not provide a substantive response to this request for admission.

RESPONSE: Admitted in part, denied in part. Admit to the extent that on September 18, 2017, Secretary Ross and Attorney General Sessions had a conversation concerning a citizenship question on the 2020 decennial census. Defendants deny that this conversation occurred on September 13, 2017. Any additional detail concerning this conversation is subject to the deliberative process privilege and, accordingly, Defendants will not provide such detail.

100. Prior to the discussion between Jeff Sessions and Defendant Ross on September 13, 2017, the Department of Justice had not agreed to request the addition of the citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants further object to the extent this request for admission calls for the disclosure of information that is subject to the deliberative process privilege and, accordingly, Defendants will not provide a substantive response to this request for admission.

RESPONSE: Because this request for admission seeks information protected from disclosure by the deliberative process privilege, Defendants will not provide a substantive response to this request.

101. Prior to the discussion between Jeff Sessions and Defendant Ross on September 13, 2017, the Department of Justice had not requested the addition of a citizenship question to promote enforcement of the Voting Rights Act.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that a conversation between Attorney General Sessions and Secretary Ross occurred on September 18, 2018, but deny that the conversation took place on September 13, 2018. Defendants further deny that the Department of Justice had not requested the addition of a citizenship question to promote enforcement of the Voting Rights Act before September 13, 2017, because the Department of Justice had requested the addition of a citizenship question on the American Community Survey for purposes of Voting Rights Act enforcement.

102. In November 26, 2017, Defendant Ross was present at Mar-a-Lago.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: After a reasonable inquiry, Defendants lack knowledge or information sufficient to truthfully admit or deny whether Secretary Ross was present at Mar-a-Lago on November 26, 2017.

103. On or about November 26, 2017, Defendant Ross conversed with President Trump.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

104. During the conversation on or about November 26 between Defendant Ross and President Trump, one of the topics discussed between Defendant Ross and Mr. Trump was the addition of a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Deny.

105. On November 27, 2017 Defendant Ross emailed Peter Davidson, General Counsel of the Department of Commerce, stating that "Census is about to begin translating the questions into multiple language and has let the printing contract. We are out of time. Please set up a call for me tomorrow with whoever is the responsible person at Justice. We must get this resolved."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

106. Mr. Davidson responded to Defendant Ross on November 28, 2017 stating that he would brief him the following morning.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

107. In sworn testimony before the House of Representatives on March 20, 2018, in response to a question as to whether President Trump or other White House officials had directed

Defendant Ross to add the citizenship question to the decennial census, Defendant Ross testified that the Department of Commerce was responding "solely" to the Department of Justice's request.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that the following exchange occurred during a March 20, 2018 hearing:

> "Do you disavow this [Trump Campaign Committee] email, has the president or anyone else in the White House directed you to add this question or similar to the 2020 Census?"

Secretary Ross answered,

> "I'm not familiar with the email, I'm not part of the Republican campaign committee, so I've not seen it, I've heard about it this morning. We are responding solely to the Department of Justice's request, not to any campaign request, not to any other political party request.

108. In sworn testimony before the House of Representatives on March 22, 2018, Defendant Ross testified that the Department of Justice initiated the request for the inclusion of the citizenship question on the decennial census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that during a March 20, 2018 House of Representatives Committee meeting, the following exchange took place between Representative Chu and Secretary Ross:

> So these inaccuracies make it hard and difficult for our government to administer important federal safety net programs, such as WIC, SNAP, and TANF. Can you tell

> me whether the Department of Commerce plans to include the citizenship question in the 2020 Census?

Secretary Ross responded:

> Department of Justice, as you know, initiated the request for inclusion of the citizenship question. We have been talking on the phone and received written correspondence from quite a lot of parties on both sides of that question. There are many, many sub-questions about accuracy, about suppression of responses that we are taking into account. We have not made a final decision as yet, because it is a very important and very complicated question.
>
> We will make a decision by March 31st, which is the date on which we are required to report to the Congress the final questions for the 2020 decennial census.

109. In sworn testimony before the Senate on May 10, 2018, Defendant Ross testified that the Department of Justice was the agency that made the request of the Department of Commerce to add the citizenship question to the decennial census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that during a May 10, 2018 hearing before a Committee of the House of Representatives, the following exchange took place:

> Representative Sheehan: "My understanding was the End to End Test that's already underway in Rhode Island does not include this [citizenship] question, so it would not give us the ability to understand the impact of the question being included on the short form is that correct?"
>
> Secretary Ross: "That is correct. It is not being used in Providence and the reason is those forms were printed long ago, before we had received the – made the decision to add the question. And in some cases the preparations [for the End-to-End test] were made before we even got the request from the Department of Justice."

110. Prior to December 11, 2017, neither the Department of Justice nor any other government agency had requested that a citizenship question be added to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

111. On December 12, 2017 the Department of Justice sent a letter to Dr. Ron Jarmin, Acting Director of the Census Bureau, requesting the addition of the citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that the Department of Justice sent a letter to Dr. Ron Jarmin, dated December 12, 2017, and further admit that the letter requested that "the Census Bureau reinstate on the 2020 Census questionnaire a question regarding citizenship, formally included in the so-called 'long-form' census." Deny to the extent that the Department of Justice did not request "the addition" of a citizenship question to the 2020 decennial census and further state that the Department of Justice requested the "reinstatement" of a citizenship question to the 2020 decennial census.

112. Prior to December 2017 neither Dr. Jarmin nor others in the Census Bureau had been advised of Defendant Ross' desire to include a citizenship question on the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

113. Prior to December 2017, neither Dr. Jarmin nor others in the Census Bureau were requested to provide their views on the effect of adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

114. Commencing in mid-December, Census Bureau experts analyzed the effect of adding a citizenship question to the 2020 Census in terms of both its utility to the goals stated in the Department of Justice request and other impact on the conduct of the 2020 Census and the reliability of the data obtained.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

115. At no time did officials from the Census Bureau meet with officials from the Department of Justice to discuss the Department of Justice's request to add a citizenship question to the decennial census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that "[a]t no time did officials from the Census Bureau meet with officials from the Department of Justice to discuss the request contained in the Department of Justice's December 12, 2017 letter to the Census Bureau to "reinstate on the 2020

Census questionnaire a question regarding citizenship, formally included in the so-called 'long-form' census." Deny to the extent that the Department of Justice did not request "the addition" of a citizenship question to the 2020 decennial census and further state that the Department of Justice requested the "reinstatement" of a citizenship question to the 2020 decennial census.

116. In sworn testimony before the Senate on May 10, 2018, Defendant Ross testified that the Department of Commerce had "spent a lot of time talking with Justice about the request" and that the Department of Commerce "truly believed" that the Department of Justice thought that they needed to add the citizenship question on the decennial census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit that in giving background to his statement that President Donald J. Trump's reelection campaign did not initiate the request to reinstate a citizenship question on the 2020 decennial census, Secretary Ross stated that the formal decisionmaking process was initiated by the Department of Justice's request and explained:

> We obviously have no interaction with the campaign committees that have for a brief moment tried to use this in their literature. I believe they have stopped doing that, and that is a good thing because that just politicized the whole thing. We spent a lot of time talking to Justice about the request and we truly believe that they think that they need it.

117. At no time in all of their analysis of the effect of the proposed addition of a citizenship question to the 2020 Census have any of the Census Bureau officials recommended the addition of the question, either to achieve the goals stated in the Department of Justice request or to pursue other objectives of the decennial census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and

instructions.

RESPONSE: Admit.

118. On January 19, 2018, following a month of detailed analysis, Karen Dunn Kelley, the Deputy Secretary of the Commerce Department, Ron S. Jarmin, the Acting Director of the Census Bureau, and Enrique Lamas, the Acting Deputy Director of the Census Bureau sent Defendant Ross the analysis of the Census Bureau staff which recommended that the request of the Justice Department be satisfied either by maintaining the status quo where no citizenship question would be added ("Alternative A") or by using administrative data from other agencies to augment the data provided by the Census, again with no citizenship question added to the decennial census ("Alternative C").

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions. Defendants object that this request is irrelevant to any claim or defense and not proportionate to the needs of the case. This request has no relevance as to whether the Secretary of Commerce's decision to reinstate a citizenship question is arbitrary or capricious or whether his decision violates equal protection principles.

RESPONSE: Admit.

119. The January 19, 2018 memorandum of the Census Bureau developed a cautious estimate that an additional 5.1% of households with at least one noncitizen would not self- respond to the citizenship question, and that households with all citizens would be unaffected by the change.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that in the January 19, 2018 memorandum, the Census Bureau "developed a cautious estimate of the data quality consequences of adding the citizenship question," and "assume[d] that citizens are unaffected by the change and that an additional 5.1% of households with at least one noncitizen go into [non-response followup] because they do not self-respond."

120. The January 19, 2018 memorandum of the Census Bureau stated 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: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Deny. The January 19, 2018 memorandum of the Census Bureau stated that "the addition of a question on citizenship ***could*** increase the cost of the 2020 Census by at least $27.5 million." (Emphasis added).

121. The January 19, 2018 memorandum of the Census Bureau stated that adding a citizenship question to the 2020 Census would lead to major potential quality and cost disruptions.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

122. The January 19, 2018 memorandum of the Census Bureau stated 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: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that the Census Bureau concluded in its January 19, 2018 memorandum that, in the period from 2013 to 2016, item non-response rates for the citizenship question on the American Community Survey mail-in questionnaires and Internet Self-Response instruments were higher among Hispanics and non-Hispanic blacks, as compared to other populations.

123. The January 19, 2018 memorandum of the Census Bureau to Defendant Ross stated that of the three alternatives, "Alternative C best meets DoJ's stated goals, is comparatively far less

costly than Alternative B [which would add the citizenship question], does not increase response burden [on the 2020 Census], and does not harm the quality of the census count."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that the January 19, 2018 memorandum of the Census Bureau to Secretary Ross stated that of the three alternatives, "Alternative C best meets DoJ's stated ***uses***, is comparatively far less costly than Alternative B, does not increase response burden, and does not harm the quality of the census count." (Emphasis added). Deny to the extent that the January 19, 2018 Census Bureau memorandum did not discuss "DoJ's stated goals."

124. The January 19, 2018 memorandum of the Census Bureau further advised Defendant Ross that "Alternative B [adding the citizenship question] 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."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

125. The January 19, 2018 memorandum of the Census Bureau provided Defendant Ross with nine single-spaced pages of analysis supporting each of these conclusions and their recommendation against adding a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent that the January 19, 2018 memorandum of the Census Bureau was single-spaced and contained analysis. Deny that the analysis spanned nine pages or that the analysis "supported each of these conclusions and their recommendation against adding a citizenship question

to the 2020 Census."

126. No official of the Census Bureau has ever advised Defendant Ross that any of the analyses in the January 19, 2018 memorandum were incorrect or invalid.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

127. Following his review of the Census Bureau memorandum of January 19, 2018, Defendant Ross caused his subordinates to pose a series of questions to the Census Bureau staff concerning their analysis.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that a series of questions collected from Secretary Ross and various members of his Senior Staff were submitted to the Census Bureau staff concerning their analysis after their January 19, 2018 memorandum to Secretary Ross, but deny that Secretary Ross "caused his subordinates" to pose these questions.

128. The Census Bureau provided answers to Defendant Ross' question in various drafts in February and early March 2018.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that some of the questions posed were answered by the Census Bureau. Deny to the extent that the Census Bureau did not answer all of the questions posed or all parts of certain questions that were posed.

129. In none of those answers did the Census Bureau withdraw their conclusion that the stated goals of the Department of Justice could best be met by using administrative data in conjunction

with the standard census questions which would not include a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that, in responding to the questions posed by the Commerce Department, where the Census Bureau provided responses, it did not withdraw their conclusion that the stated uses of the Department of Justice could best be met by using administrative data in conjunction with not including a citizenship question on the 2020 decennial census. Deny to the extent that the Census Bureau did not offer conclusions about "the stated goals of the Department of Justice."

130. In none of those answers did the Census Bureau withdraw their conclusion that adding a citizenship question would result in data that would be less beneficial to the stated goals of the Department of Justice, increase the cost of the 2020 Census, lead to a greater non-response rate, and jeopardize a complete census count.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit to the extent that, in responding to the questions posed by the Commerce Department, the Census Bureau did not withdraw the conclusion from its January 19, 2018 memorandum that adding a citizenship question would result in data that would be less beneficial to the stated uses of the Department of Justice, increase the cost of the 2020 Census, and lead to greater initial non-response rates. Denied to the extent that none of the questions posed provided an opportunity to "withdraw their conclusion" and further deny to the extent that the Census Bureau did not offer conclusions about "the stated goals of the Department of Justice." Further deny to the extent that the Census Bureau did not reach conclusions about an overall greater non-response rate or that a complete census count would be in jeopardy if a citizenship question were included on the 2020 decennial census.

131. On or about January 26, 2018, Defendant Ross received a letter from the six prior Directors of the Census Bureau urging him not to add a citizenship question to the 2020 Census because it had not been sufficiently and properly tested and might well harm the Census as a whole.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

132. In mid-February Defendant Ross met with the Census Bureau staff and discussed their analyses and recommendations on the issue of the citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

133. At the meeting in mid-February, the Census Bureau did not withdraw their recommendation in favor of using administrative data and against adding a citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

134. On March 1, 2018 Deputy Secretary Kelley, Director Jarmin, and Assistant Director Lamas sent Defendant Ross an analysis comparing the relative merit of adding a citizenship question and using those results in combination with administrative data ("Alternative D") as opposed to using just administrative data without the addition of a citizenship question ("Alternative C").

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit, and further aver that Karen Dunn Kelley is the Under Secretary of Commerce for Economic Affairs, performing the nonexclusive duties of the Deputy Secretary of Commerce, Dr.

Ron Jarmin is performing the non-exclusive functions and duties of the Director of the U.S. Census Bureau, and Dr. Enrique Lamas is performing the non-exclusive duties and functions of the Deputy Director and Chief Operating Officer of the U.S. Census Bureau.

135. The March 1, 2018 memorandum of the Census Bureau concluded that "inclusion of a citizenship question on the 2020 Census questionnaire is very likely to reduce the self- response rate, pushing more households into Nonresponse Followup (NRFU). Not only will this likely lead to more incorrect enumerations, but it is also expected to increase the number of persons who cannot be linked to the administrative data because NRFU PII is lower quality than the self-response data."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit.

136. The March 1, 2018 memorandum of the Census Bureau concluded that "Alternative D [including the addition of the citizenship question] would result in poorer quality citizenship data than Alternative C [which would not add the citizenship question]. It [Alternative D] would still have all the negative cost and quality implications of Alternative B outlined in the draft January 19, 2018 memo to the Department of Commerce."

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that the March 1, 2018 memorandum of the Census Bureau concluded that "Alternative D would result in poorer quality citizenship data than Alternative C. It would still have all the negative cost and quality implications of Alternative B outlined in the draft January 19, 2018 memo to the Department of Commerce." Deny that Alternative D only involved the inclusion of a citizenship question on the 2020 decennial census. Instead, Alternative D involved both asking the citizenship question if every household on the 2020 Census and link reliable administrative

data on citizenship status (a combination of the original Alternatives B and C).

137. Defendant Ross reviewed the analyses and recommendations of the Census Bureau, which were supported by 18 pages of analysis and answers to Defendant Ross' prior questions.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that Secretary Ross reviewed the analysis and recommendations contained in the Census Bureau's March 1, 2018 memorandum and the responses to the Commerce Department's questions. Deny to the extent that certain of the questions were not posed by Secretary Ross, and further deny that the Census Bureau's recommendations were "supported" by its analysis.

138. Defendant Ross directed members of the Commerce Department staff to draft a memorandum justifying the addition of the citizenship question.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit to the extent Secretary Ross worked with his senior staff to draft his decision memorandum explaining why he decided to exercise his legal authority to reinstate a citizenship question on the Decennial Census. Defendants otherwise deny this request for admission.

139. In March 2018 the Commerce Department staff drafted a 4 page memorandum without consulting the Census Bureau officials, concluding that the Secretary would order the addition of a citizenship question to the 2020 Census.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Deny.

140. Defendant Ross stated 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," despite 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.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that in his March 26, 2018 memorandum Secretary Ross stated that "neither the Census Bureau nor the concerned stakeholders could document that the response rate would in fact decline materially." Deny that the Census Bureau found that "adding a citizenship question to the 2020 Census would lead to a 5.1% decrease in self-response rates" and further state that the Census Bureau concluded that adding a citizenship question to the 2020 Census could lead to a 5.1% decrease in self-response rates.

141. Defendant Ross stated in his March 26, 2018 Decisional Memorandum that it was "difficult to assess" "non-response follow-up increases resulting from inclusion of the citizenship question would lead to increased costs," despite the Census Bureau's estimate that the decrease in self-response rates caused by adding a citizenship question to the 2020 Census would lead an increase in costs of at least $27.5 million.

OBJECTION: Defendants incorporate by reference the above objections to the definitions and instructions.

RESPONSE: Admit in part, deny in part. Admit that Secretary Ross stated in his March 26, 2018 memorandum that it was difficult to assess the Census Bureau's consideration of whether non-response follow-up ("NRFU") increases resulting from inclusion of the citizenship question would lead to increased costs because the Census Bureau's estimate of an additional ½ percent increase in NRFU operations "falls well within the margin of error that the Department, with the support of the Census Bureau, provided to Congress in the revised Lifecycle Cost Estimate ("LCE") this past fall." Deny that

the Census Bureau's estimate that the decrease in self-response rates caused by adding a citizenship question to the 2020 Census "would lead" to an increase in cost of at least $27.5 million. Rather, the Census Bureau stated in its January 19, 2018 memorandum that "the addition of a question on citizenship ***could*** increase the cost of the 2020 Census by at least $27.5 million."

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Respectfully submitted,

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