

EXHIBIT I

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 1:18-CF-05025-JMF

4 -----x
NEW YORK IMMIGRATION COALITION, ET AL.,

5 Plaintiffs,

6 Global
7 objection:
8 - against - 401, 403
9

10 UNITED STATES DEPARTMENT OF COMMERCE,
ET AL.,

11 Defendants.

-----x

12 August 24, 2018
9:07 a.m.

13
14
15 Videotaped Deposition of WENDY
16 TERAMOTO, taken by Plaintiffs, pursuant to
17 Notice, held at the offices of Arnold &
18 Porter Kaye Scholer LLP, 250 West 55th
19 Street, New York, New York, before Todd
20 DeSimone, a Registered Professional
21 Reporter and Notary Public of the State of
22 New York.

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72 1

3 72 13

81 11

4 114 16

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6 REQUESTS

7 Page Line

(NONE)

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1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:07 a.m. on
3 August 24th, 2018.

4 Please note that the
5 microphones are sensitive and may pick up
6 whispering, private conversations and
7 cellular interference. Please turn off all
8 cell phones or place them away from the
9 microphones as they can interfere with the
10 deposition audio. Audio and video
11 recording will continue to take place
12 unless all parties agree to go off the
13 record.

14 This is media unit number one
15 of the video-recorded deposition of Wendy
16 Teramoto taken by counsel for plaintiffs in
17 the matter of New York Immigration
18 Coalition, et al., versus United States
19 Department of Commerce, et al., filed in
20 the United States District Court, Southern
21 District of New York, case number
22 1:18-CF-05025-JMF. This deposition is
23 being held at the offices of Arnold &
24 Porter located at 250 West 55th Street, New
25 York, New York.

1 My name is Carlos King from the
2 firm of Veritext and I am the videographer.
3 The court reporter is Todd DeSimone also
4 from Veritext. I'm not authorized to
5 administer an oath, I'm not related to any
6 party in this action, nor am I financially
7 interested in the outcome.

8 All appearances will be noted
9 on the steno record. Will the court
10 reporter please swear in the witness.

11 * * *

12 W E N D Y T E R A M O T O ,
13 called as a witness, having been first duly
14 sworn, was examined and testified
15 as follows:

16 EXAMINATION BY MR. GERSCH:

17 Q. Please state your name and work
18 address.

19 A. My name is Wendy Teramoto and I
20 work at the Department of Commerce in
21 Washington.

22 Q. Do you do your work in
23 Washington D.C.?

24 A. Yes, sir.

25 Q. And how are you employed at the

1 Department of Commerce? What is your
2 position or title?

3 A. I am the chief of staff and
4 senior advisor.

5 Q. And for how long have you held
6 that position?

7 A. Just about a year.

8 Q. Let's go back a little. I want
9 to get some background first and then we
10 will move forward.

11 I understand that you graduated
12 from the University of Colorado at Boulder;
13 is that right?

14 A. Yes, sir.

15 Q. In 1996?

16 A. Yes, sir.

17 Q. With a degree in accounting?

18 A. Yes, sir.

19 Q. And graduated with honors?

20 A. Yes, sir.

21 Q. You are a founding partner of
22 WL Ross & Company in 2000?

23 A. I believe it was 2000, yes,
24 sir.

25 Q. What did you do between

1 A. Well, she did not work at WL
2 Ross & Co., but she had worked at Invesco
3 and Invesco purchased WL Ross & Co.

4 Q. Other than yourself -- and I
5 take it Under Secretary Kelley would have
6 known Secretary Ross from that context?

7 A. Sure.

8 Q. Other than yourself and Under
9 Secretary Kelley, is there anyone else at
10 the Commerce Department now in a senior
11 position who has had a prior relationship
12 with Secretary Ross?

13 MS. WELLS: I object to the
14 form.

15 A. I mean, not to my knowledge,
16 but when you say prior relationship, I
17 mean, the Secretary knows a lot of people,
18 so if he had known somebody and met
19 somebody at some other gathering ten years
20 ago and they happened to now work at
21 Commerce, sir, I just -- I don't know.

22 Q. I understand.

23 A. To the -- I'm just thinking
24 through. I can't think of anybody now.

25 Q. All right. When did you first

1 hear about the notion of adding a question
2 about citizenship to the census?

3 A. I just don't remember.

4 Q. Is there any way you would be
5 able to date that?

6 A. No.

7 Q. Is there any kind of document
8 that you remember as -- well, withdrawn.

9 How did you first hear about
10 the notion of adding a citizenship question
11 to the census?

12 A. I don't remember.

13 Q. Would that be reflected in any
14 documents?

15 A. Not that I would be aware of.

16 MR. GERSCH: Let's mark as
17 Teramoto Exhibit 1 a document Bates stamped
18 1321.

19 (Teramoto Exhibit 1 marked for
20 identification.)

21 Q. I have handed the witness an
22 exhibit marked Teramoto Exhibit 1 titled
23 The Supplemental Memorandum of Secretary of
24 Commerce Wilbur Ross Regarding the
25 Administrative Record in Census Litigation.

1 The second thing that was
2 talked about a lot was how is the Census
3 Department going to be able to ramp up the
4 employment of I believe it is half a
5 million people over a very short amount of
6 time and how are we going to do that
7 effectively. And then, you know, what do
8 you do to ensure that there is the most
9 accurate count.

10 I mean, those are the themes.
11 I don't remember specifically the question
12 that you are talking about.

13 Q. You don't remember the -- well,
14 withdrawn.

15 Do you remember that there was
16 a time when the question of adding a
17 citizenship question to the census came up?

18 MS. WELLS: I object to form.

19 A. I don't remember a specific
20 conversation or meeting where it came up.

21 And I should also tell you,
22 sir, you know, I was not -- I was not
23 involved in most of the census meetings at
24 all. I mean, you know, when you look at
25 Commerce, some of the departments that we

1 have are extremely scientific and
2 technical. NOAA is one of them and Census
3 is another one. So, you know, I was not
4 involved in those areas.

5 Q. Did you have any responsibility
6 or did you undertake to do anything with
7 respect to getting the citizenship question
8 on the census?

9 A. I'm not sure what you mean by
10 any responsibility.

11 Q. Did you undertake any tasks
12 related to trying to get a citizenship
13 question put on the census?

14 A. Did I personally? No.

15 Q. None whatsoever?

16 A. Did I ever -- I guess I'm a
17 little confused. You are asking if I did
18 anything for the citizenship question?

19 Q. I'm asking if you did anything
20 to try and help get a citizenship question
21 put on the census.

22 A. No.

23 MR. GERSCH: Let's mark
24 Teramoto Exhibit 2.

25 Counsel, this is a two-page

1 document. The second page, for reasons I
2 don't understand, are blank. I propose
3 only to mark the first page, unless you
4 object.

5 MS. WELLS: No objection.

6 (Teramoto Exhibit 2 marked for
7 identification.)

8 Q. For the record, this is Bates
9 stamped 3699. It is an e-mail thread, the
10 top one of which states that it is from
11 Secretary Ross sent May 2nd, 2017 to Wendy
12 Teramoto, "Re: Census."

13 Take a moment to read this, I
14 think most of it is blacked out, and let me
15 know when you've had a chance to do that.

16 (Witness perusing document.)

17 A. Okay.

18 Q. Ms. Teramoto, let me direct you
19 to the middle of the document where it says
20 "Begin Forwarded Message: From: Alexander,
21 Brooke, To: Wendy Teramoto."

22 Do you see that?

23 A. Uh-huh. Yes, sir.

24 Q. So this appears that she is
25 forwarding a message, and then the message

1 that she appears to be forwarding is headed
2 Original Message from Wilbur Ross to Earl
3 Comstock and Ellen Herbst.

4 You see that, right?

5 A. Correct. I'm not on the
6 original e-mail.

7 Q. Correct.

8 And then Secretary Ross has
9 written "Worst of all, they emphasize they
10 have settled with Congress on the questions
11 to be asked. I am mystified why nothing
12 have been done in response to my months old
13 request that we include the citizenship
14 question. Why not?"

15 All right, this question
16 appears to have been forwarded to you May
17 2nd, 2017. Do you remember that?

18 A. I don't -- I don't remember
19 receiving it.

20 Q. Do you deny receiving it?

21 A. No.

22 Q. And then above the forwarding
23 part, there is a message that says "Wendy
24 Teramoto wrote: I continue to talk
25 frequently with Marc Neumann and we often

1 have dinner together. He will not leave
2 les, but is in love with the census and
3 talks about it nonstop. Do you want me to
4 set up another meeting? Let me know if you
5 want to have a drink or get together over
6 the weekend."

7 Then Secretary Ross has written
8 in response to you, "Let's try to stick him
9 in there for a few days to fact-find."

10 Do you see that?

11 A. Yes, sir.

12 Q. So you would have received this
13 at the beginning of May, and the message
14 that is forwarded to you has Secretary Ross
15 complaining that nothing has been done in
16 response to his months-old request that we
17 include a citizenship question.

18 Does this help you remember
19 that you had some involvement in getting
20 the citizenship question on the census?

21 A. No.

22 MS. WELLS: Objection to form.

23 A. Well, wait a minute. First of
24 all, this is -- this is two sentences out
25 of an e-mail that I have no idea what else

1 was said. It is titled Census.

2 So this has -- I mean, just
3 because, you know, for you to imply that
4 because I had suggested he set up a meeting
5 or talk to somebody who worked on the
6 transition team for census has nothing to
7 do with, in my eyes, the citizenship
8 question. It has to do with the census as
9 a whole.

10 Q. Ms. Teramoto, you started
11 earlier in your answer referencing that
12 there were things in the message that you
13 can't read.

14 Do you understand that it is
15 the government lawyers who have blocked
16 that information out?

17 A. Between all the lawyers, I
18 mean, you know, it's not -- I'm not part of
19 the process of what is shown or what's not.
20 I know that they follow the rules and
21 regulations of what they are supposed to
22 do.

23 Q. My question is, do you
24 understand that it is the government
25 lawyers who have blocked that information

1 out that you say you can't read on here?

2 A. If that's what you are telling
3 me, I have no reason to believe that it's
4 not true.

5 Q. All right. When Secretary Ross
6 says "I'm mystified why nothing have been
7 done in response to my months old request,"
8 why did Secretary Ross request as of
9 several months apparently before May 2nd,
10 2017, why did he request that a citizenship
11 question be included on the census?

12 A. I have no idea. I mean, as you
13 have correctly pointed out, this was in
14 May. I didn't write the e-mail and I
15 wasn't even -- he didn't even send it to
16 me.

17 Q. I take it your testimony is
18 that Secretary Ross never told you the
19 reason that he made such a request?

20 A. I have never asked.

21 Q. That's not my question. Did he
22 ever tell you?

23 A. No.

24 Q. Did you ever learn to whom he
25 made that request?

1 A. Of what?

2 Q. The request to add a
3 citizenship question.

4 MS. WELLS: I object to form.

5 A. I guess I'm confused. Can you
6 please repeat the question?

7 Q. Certainly.

8 He says he "made a months old
9 request that we include a citizenship
10 question." Did you ever learn to whom he
11 made the request?

12 A. I have no idea.

13 Q. All right. So this is
14 forwarded to you by Brook Alexander, and
15 you respond by saying that you talk
16 frequently with Marc Neumann and asking if
17 the Secretary wants to meet with him.

18 Who is Marc Neumann?

19 A. So Marc Neumann was somebody
20 that I met on the transition team who had
21 worked at Census before.

22 Q. And did you discuss the
23 citizenship question with Marc Neumann?

24 A. Did I?

25 Q. Yes.

1 A. Not that I remember.

2 Q. And --

3 A. Again, a lot of the census
4 focus was on the budget and how are you
5 going to properly ramp up half a million
6 employees in such a short amount of time.

7 Q. When Secretary Ross says "Let's
8 try to stick him in there for a few days to
9 fact-find," did you do that?

10 A. I believe so, but I don't -- I
11 believe I did, but I don't remember when.

12 Q. Okay. And when you say you
13 believe you did, what is it that you had
14 him do? Did you have him go down to the
15 Census Bureau?

16 A. Have who go down?

17 Q. Mr. Neumann.

18 A. No.

19 Q. When it says "Let's try to
20 stick him in there a few days to
21 fact-find," who is the "him"?

22 A. I mean, I didn't write the
23 e-mail. If you want me to guess.

24 Q. This is from the Secretary to
25 you, correct?

1 but it was -- I believe it was right at the
2 end of July of 2017.

3 Q. Did you ever speak with Marc
4 Neumann about the citizenship question?

5 A. Not that I remember.

6 Q. You are still chief of staff
7 today, correct?

8 A. As far as I know, sir.

9 Q. Let's mark another document.
10 Let's have this marked as Teramoto Exhibit
11 No. 3. It is a two-page document, 763 and
12 764.

13 (Teramoto Exhibit 3 marked for
14 identification.)

15 A. Is this the entire e-mail, sir?

16 Q. That's what has been produced
17 to us.

18 A. Okay. Would you like me to
19 read it, sir?

20 Q. I'm going to ask you a question
21 about it, and at that point I would say
22 read it to the extent you need to read it
23 to answer the question.

24 A. Okay.

25 Q. So this is an e-mail chain,

1 of State of Kansas, have you heard that
2 before?

3 A. Well, I just read it right
4 here.

5 Q. So you would have known that
6 back in the day?

7 A. No.

8 Q. All right. So Kris Kobach
9 writes an e-mail to you, if you look down
10 that first page, July 21, 2017, he writes
11 "Wendy, nice meeting you on the phone this
12 afternoon. Below is the e-mail I sent to
13 Secretary Ross" --

14 A. Sir, can I read the whole
15 e-mail, please?

16 Q. Sure.

17 A. Thank you.

18 (Witness perusing document.)

19 A. Okay.

20 Q. All right. So there is an
21 e-mail from Kris Kobach to you, July 21, in
22 which he says -- he references meeting you
23 on the phone this afternoon.

24 Do you recall speaking with
25 Kris Kobach?

1 A. Not at all.

2 Q. You don't deny speaking with
3 him?

4 A. I think you asked me if I
5 remember. I don't remember talking to him.

6 Q. This is a different question.
7 You don't deny speaking with
8 him?

9 A. Given this e-mail, I would
10 assume that I spoke to him, but I don't
11 remember ever speaking to him.

12 Q. All right. And he asks --
13 withdrawn.

14 He says that he had sent an
15 e-mail to Secretary Ross and he attaches it
16 here. You see that, correct?

17 A. Well, I see his e-mail to me
18 says "Below is the e-mail that I sent to
19 Secretary Ross."

20 Q. Okay.

21 A. So I assume however this is
22 produced, it would have been this e-mail.

23 Q. All right. And one of the
24 things that the e-mail that Kris Kobach
25 forwards to you, one of the things in it is

1 the statement "It is essential that one
2 simple question be added to the upcoming
3 2020 census," that's the first sentence of
4 the second paragraph of this forwarded
5 e-mail; do you see that?

6 A. The second -- the first
7 sentence of the second paragraph that Kris
8 Kobach sent to, I believe it is Secretary
9 Ross, but I can't say his -- there is no
10 e-mail address -- says "It is essential
11 that one simple question be added to the
12 upcoming 2020 census."

13 Q. All right. When you spoke with
14 Kris Kobach, didn't he talk to you about
15 adding a citizenship question to the
16 census?

17 A. Again, I have no recollection
18 ever speaking to him.

19 Q. Who did you understand Kris
20 Kobach to be at the time?

21 A. I had no idea.

22 Q. Do you typically set up
23 meetings with the Secretary or calls with
24 the Secretary to people -- with people you
25 have no idea who they are?

1 A. You asked me, sir, if at the
2 time if I knew who Kris Kobach was, and I
3 said I didn't.

4 Q. Correct. I have asked you a
5 different question now.

6 A. Okay. Could you please repeat
7 it?

8 Q. My question is, would you
9 typically set up a call for the Secretary
10 with somebody who you didn't know anything
11 about who they were?

12 A. Well, no.

13 Q. Why did you do so on this
14 occasion?

15 A. Here it looks as though he
16 forwarded to me and told me who he was.

17 Q. Okay. And why did you set up a
18 call with him with the Secretary?

19 A. At this point in time, I don't
20 remember.

21 Q. It had to do with the
22 citizenship question, didn't it?

23 A. He had sent an e-mail
24 requesting a call, and I don't remember,
25 well, it looks like I set it up, so, you

1 know --

2 Q. Ms. Teramoto, my question is
3 simply, the call that you set up, that was
4 for the purpose of discussing the
5 citizenship question, correct?

6 A. It was -- I would have set up
7 the call because somebody had asked for a
8 call with the Secretary.

9 Q. Didn't you set it up for the
10 Secretary in part because it was about the
11 citizenship question?

12 A. I would have set up the call
13 because somebody had asked for the call
14 with the Secretary. It wouldn't be
15 specifically because of a certain question.

16 Q. You wouldn't set up a call for
17 anyone who asks for a call with the
18 Secretary, would you?

19 A. If there is somebody who wants
20 to speak to the Secretary and it seems like
21 it is something that he would want to talk
22 about, then I would set it up.

23 Q. So I take it he would, in your
24 mind, he would have wanted to talk about
25 the citizenship question?

1 A. I would have set up the call if
2 somebody like this would have asked for a
3 call with the Secretary, so if another
4 Secretary of State had asked for some call
5 with the Secretary, I would have tried to
6 facilitate that.

7 Q. Wouldn't you have told the
8 Secretary what the topic of the call was?

9 MS. WELLS: I object to the
10 form.

11 A. It depends.

12 Q. Wouldn't you have told him what
13 the topic of this call was?

14 MS. WELLS: I object to the
15 form.

16 A. Somebody would have told him
17 what the topic was.

18 Q. In this time period, July 2017,
19 and earlier, hadn't you heard talk like
20 this before that it is essential that the
21 citizenship question be added to the
22 census?

23 A. I don't remember anything
24 specific.

25 Again, sir, I was not involved

1 in the day-to-day workings of the census.
2 I think that's also demonstrated by the
3 fact that I wasn't -- I don't remember ever
4 being on this call, and it doesn't look
5 like when I set it up, I had any intention
6 of being on that call.

7 Q. In his e-mail to you, Kris
8 Kobach also said that when he spoke to the
9 Secretary, he did so at the direction of
10 Steve Bannon.

11 Steve Bannon worked in the
12 White House, correct?

13 A. Yes.

14 Q. Did you ever talk to Steve
15 Bannon about the census?

16 A. Never.

17 Q. Did you ever set up a call for
18 the Secretary and Steve Bannon about the
19 census?

20 A. No.

21 Q. Would there be notes of the
22 Secretary's conversation with Kris Kobach?

23 A. I have no idea, sir, because I
24 wasn't part of that call.

25 Q. Were there -- but as his chief

1 10:01 a.m. and this marks the end of media
2 unit number one.

3 (Recess taken.)

4 THE VIDEOGRAPHER: The time is
5 10:10 a.m. and this begins media unit
6 number two.

7 BY MR. GERSCH:

8 Q. Ms. Teramoto, you have in front
9 of you what has been marked Teramoto
10 Exhibit 4.

11 My first question, simple one,
12 the top line of this memo, I'm sorry, this
13 exhibit, indicates that it is an e-mail
14 from Earl Comstock dated August 16, 2017 to
15 you, CC'd to the Secretary; is that
16 correct?

17 A. So that's not the original
18 thread of the e-mail, right? The original
19 e-mail looks as though it is August 11th
20 from Earl to -- I still can't see how --

21 Q. My question was a little bit
22 different.

23 A. Okay.

24 Q. My question was simply, the top
25 part of the e-mail, the top part of the

1 exhibit, I'm sorry, the top part of the
2 exhibit indicates that it is an e-mail from
3 Earl Comstock to you dated August 16, 2017
4 and CC'd to the Secretary?

5 A. Yeah.

6 Q. And its subject is Memo on
7 Census Question, correct?

8 A. Sure.

9 Q. And the e-mail immediately
10 below that is from you to Mr. Comstock,
11 CC'd to the Secretary, also on the subject
12 Memo on the Census Question, correct?

13 A. From me to Earl, correct? It
14 looks like I'm responding to --

15 Q. We will get to that.

16 A. -- an original e-mail.

17 Q. Who is Earl Comstock?

18 A. So Earl Comstock is the current
19 director of policy at the Department of
20 Commerce.

21 Q. And what do you understand his
22 responsibility to be in that function?
23 Actually, I withdraw that.

24 Was he in this position at that
25 time, roughly?

1 Q. All right. You have read it.
2 You see, I take it, that
3 Mr. Comstock has written the Secretary that
4 he is enclosing a draft memo on the
5 citizenship question, and then that e-mail
6 has found its way to you because you are on
7 this chain, correct?

8 A. I believe so. Again, I know,
9 sir, it's not your fault, but I find it
10 just tricky to follow the e-mail chains,
11 because, again, here we have an e-mail from
12 Earl Comstock, and it's, you know,
13 addressed to the Secretary, so I assume he
14 e-mailed it to the Secretary. I just can't
15 see it.

16 Q. All right. In any event, you
17 respond to Mr. Comstock, CC to the
18 Secretary, that "Peter Davidson and Karen
19 Dunn Kelley will both be here Monday.
20 Let's spend 15 minutes together and sort
21 this out. W."

22 A. Sure.

23 Q. And this is on the memo on the
24 citizenship question?

25 A. Sure.

1 Q. So it appears that you had some
2 involvement with the citizenship question,
3 correct?

4 A. If setting up a meeting -- it
5 looks like I set up a meeting for them. I
6 don't ever remember being at that meeting.

7 Q. All right, thank you for that.
8 But it does suggest -- am I
9 reading it right when it suggests that you
10 are going to participate in this meeting?
11 "Let's spend 15 minutes together and sort
12 this out."

13 MS. WELLS: Objection to form.

14 A. No.

15 Q. You don't read that as saying
16 you would participate in the meeting?

17 MS. WELLS: I object to the
18 form.

19 A. When I say "let's," it doesn't
20 mean I always join the meetings. Let's
21 have the group get together.

22 Q. All right. I'm sorry, finish
23 your answer.

24 A. I don't remember -- I don't
25 remember ever participating in this

1 meeting.

2 Q. If there was such a meeting,
3 would you have typically put it on your
4 calendar if you were participating?

5 A. If there was such a meeting?
6 No, I mean, again, again, I did not
7 participate in very many census meetings at
8 all.

9 Q. Is it your testimony that you
10 did not participate in this meeting?

11 A. My testimony is that I don't
12 remember being in a meeting with Peter
13 Davidson and Karen Dunn Kelley specifically
14 talking about the census memo.

15 Q. Do you have an understanding as
16 to why this is coming to you if you have no
17 involvement with the citizenship question?

18 A. Sure. People CC me on things.

19 Q. Why are you the one setting up
20 the meeting?

21 A. Probably because I said people
22 should get together and discuss it.

23 Q. Why do they need you to do
24 that? Why can't they do that without you?

25 A. I'm sure they can.

1 Q. You agree that someone would
2 have had to forward Earl Comstock's
3 original e-mail to the Secretary about this
4 to you for you to be setting up the
5 meeting?

6 A. Somebody would have had to
7 forward -- I'm sorry, can you say that
8 again?

9 Q. Yeah. For you to be setting up
10 this meeting and for you to have a copy of
11 Earl Comstock's e-mail to the Secretary
12 about the citizenship question memo,
13 someone would have had to forward you that
14 e-mail?

15 A. Sir, that's the exact thing I
16 was telling to you earlier, is that the way
17 these are laid out, I know it is not your
18 fault, it is just confusing. I don't know
19 if it was forwarded or if I was CC'd on it.

20 And I can't tell, you know,
21 who -- I mean, it says that it is what Earl
22 Comstock wrote, but I don't see who he sent
23 it to, so I share your frustration.

24 Q. You don't deny getting a copy
25 of Earl Comstock's e-mail to Secretary

1 Ross, do you?

2 A. Again, from what I can see
3 here, it looks as though I was either
4 forwarded or CC'd it. I don't know. I'm
5 guessing like you are, sir.

6 Q. My question was a little more
7 specific.

8 You don't deny receiving a copy
9 of Earl Comstock's e-mail at the bottom of
10 that page --

11 MS. WELLS: I object to the
12 form.

13 Q. -- saying that he has got a
14 memo for the Secretary about the
15 citizenship question?

16 MS. WELLS: Objection to form.

17 A. My best guess, sir, is that it
18 was sent to my e-mail.

19 Q. Thank you.

20 Let's mark this as Teramoto
21 Exhibit No. 5. It is a two-page document
22 Bates stamped 1411 and 1412.

23 (Teramoto Exhibit 5 marked for
24 identification.)

25 Q. All right. You have in front

1 of you what has been marked as Exhibit 5.

2 My first question is going to
3 go to what is on the second page, that is
4 the first e-mail in the thread, which says
5 it is sent from Peter Davidson August 29,
6 2017, to Israel Hernandez, Earl Comstock,
7 James Uthmeier, CC'd to you, and it says
8 "The Secretary asked to set up a briefing
9 on some of the legal questions he is
10 concerned with." The subject is the
11 Census. And it goes on.

12 Do you know why this was CC'd
13 to you?

14 A. Sir, can I read the e-mail,
15 please?

16 Q. Sure.

17 A. Thanks.

18 (Witness perusing document.)

19 A. Okay. Could you please repeat
20 your question, sir?

21 Q. Do you know why this was CC'd
22 to you?

23 A. Probably for situational
24 awareness or seeing if when he had time on
25 his calendar.

1 Q. All right. And then --

2 A. Because this is, again, I was
3 only CC'd, this isn't even to me.

4 Q. Understood.

5 A. Okay.

6 Q. Then the scheduler, who at the
7 time, who is Chelsey Neuhaus, she sends
8 around an e-mail August 29, 2017, this is
9 on the first page, that says "Would one of
10 you be able to confirm that these are the
11 only attendees that should be included in
12 next Wednesday's census briefing."

13 Do you see that?

14 A. Yes, sir.

15 Q. The first name of the people to
16 be included is you, right?

17 A. Yes, sir.

18 Q. You participated in this
19 briefing; is that right?

20 A. Not that I'm aware of.

21 Q. Do you deny that you
22 participated in this meeting?

23 A. I don't remember attending this
24 meeting. And just so you understand, sir,
25 they usually include me as an attendee for

1 every single meeting of the Secretary.

2 Many of them I don't attend.

3 Q. Okay. I understand you saying
4 that you don't recall.

5 My question is, as you sit here
6 today, do you deny attending this meeting?

7 A. As I sit here today, I don't
8 remember going to this and I highly doubt
9 that I went to it. Again, I was not
10 involved in the day-to-day interactions on
11 the census.

12 Q. And you didn't provide any
13 information to the Secretary to assist him
14 in arriving at his decision to add a
15 citizenship question to the census?

16 MS. WELLS: I object to the
17 form. Asked and answered.

18 A. Again, you know, relating to
19 census, there is an entire Census Bureau,
20 so I would have facilitated a meeting, but
21 I clearly would not be the one to -- I'm
22 not the appropriate person to provide
23 information for him on these types of
24 things.

25 Q. My question was a little

1 Q. Sure. Did you provide any
2 information to Secretary Ross to assist him
3 in arriving at his decision to add the
4 citizenship question?

5 MS. WELLS: I will say asked
6 and answered again.

7 A. Okay, thank you.

8 I certainly did not create any
9 information to give to the Secretary
10 relating to the citizenship question.

11 Q. Let's have this marked as
12 Teramoto Exhibit 6.

13 (Teramoto Exhibit 6 marked for
14 identification.)

15 Q. For the record, this is
16 Teramoto Exhibit 6, Bates stamped 2519 and
17 2520. At the top, it is an e-mail from
18 Earl Comstock to Wilbur Ross, CC'd Wendy
19 Teramoto, "Re: IT Request."

20 And I will add for the record
21 there are seven lines of substantive text
22 in this e-mail.

23 Ms. Teramoto, the subject line
24 is "Re: IT Request" and then something is
25 blanked out. What is IT request? Does

1 e-mail, I would have been aware that he was
2 asking about it.

3 Q. Would you read e-mails from the
4 Secretary?

5 A. It depends.

6 Q. Are there e-mails from the
7 Secretary that you choose not to read?

8 A. Sure, or that I skim.

9 Q. At the top, Mr. Comstock says
10 "Understood. Wendy and I are working on
11 it." Then he says "On census, I have a
12 meeting tomorrow with Ellen and Karen where
13 they are supposed to have definitive
14 numbers. I will send you a report on the
15 meeting and the numbers," and he goes on.

16 When he says "Wendy and I are
17 working on it," do you know what that
18 means?

19 A. I assume it is some ITA
20 request.

21 Q. Did you learn that, through the
22 course of 2017, either directly from the
23 Secretary or from other people who worked
24 at Commerce, that the Secretary was very
25 interested in adding a census question --

1 I'm sorry, a citizenship question to the
2 census?

3 MS. WELLS: I object to form.

4 A. Did I learn throughout 2017?

5 Q. During 2017.

6 A. It is hard for me to say very
7 interested. It clearly was a topic that
8 had come up.

9 Q. Did you learn that it was a
10 matter of importance for him?

11 A. I don't know how to engage
12 matter of importance. There is a lot of
13 things that are important to him.

14 The budget on census, I
15 remember that being extremely important to
16 him. I remember --

17 Q. Wasn't the -- I'm sorry, go
18 ahead.

19 A. -- spending time trying to
20 figure out how we are going to ramp up the
21 employment for census. I remember those.

22 Q. Wasn't the citizenship question
23 important to Secretary Ross?

24 MS. WELLS: I object to the
25 form.

1 A. Again, I can't answer, sir,
2 what is or is not important to the
3 Secretary.

4 Q. Who could?

5 A. The Secretary.

6 (Teramoto Exhibit 7 marked for
7 identification.)

8 Q. Ms. Teramoto, I have handed you
9 what has been marked Teramoto Exhibit 7,
10 which at the top is a memo -- an e-mail,
11 sorry, from Earl Comstock dated September
12 16, 2017 to you. Do you see that?

13 A. Yes, sir. Would you like me to
14 read it?

15 Q. In a moment.

16 Earl's memo to you says
17 "Morning Wendy: Here is the memo I gave
18 SWLR regarding my discussions with DOJ.
19 Earl."

20 I take it SWLR will refer to
21 the Secretary, Secretary Wilbur L. Ross?

22 A. Yes, sir.

23 Q. And then below that is the memo
24 or e-mail that he sent to the Secretary
25 which is dated September 8, 2017 from Earl

1 Comstock to Secretary Wilbur Ross, Census
2 Discussions with DOJ.

3 And let me ask you to read that
4 e-mail there.

5 A. Sure.

6 Q. And then I will ask you
7 questions about it.

8 A. Okay.

9 (Witness perusing document.)

10 Q. Who is Eric Branstad?

11 A. Just a minute, sir.

12 (Witness perusing document.)

13 A. I'm sorry?

14 Q. Who is Eric Branstad?

15 A. Eric Branstad used to be the --
16 I forgot his exact title. He was -- I
17 don't know if he was Senior White House --
18 I think he was the White House liaison, or
19 the White House advisor, I'm not sure, for
20 Commerce.

21 Q. Did he have a role with respect
22 to the citizenship question?

23 A. Not that I'm aware of.

24 Q. Mr. Comstock -- withdrawn.

25 You understood that

1 Mr. Comstock forwarded this e-mail to you
2 on a Saturday because he wanted you to have
3 background on what was going on with the
4 citizenship question, correct?

5 MS. WELLS: I object to form.

6 A. I have no idea why he sent it,
7 but he did forward me his memo to the
8 Secretary.

9 Q. Did you discuss -- did you have
10 discussions with Mr. Comstock about the
11 citizenship question in connection with
12 this e-mail or for any reason on or about
13 September 16th, 2017?

14 A. I don't believe so.

15 Q. And when I say on or about, I
16 mean the day before, the day after. You
17 don't believe you had any discussions with
18 him?

19 A. I don't believe I actually read
20 the memo.

21 Q. Why do you think that?

22 A. Because I wasn't involved with
23 the census.

24 Q. You had no involvement as far
25 as you could tell?

1 A. Very limited involvement.

2 Q. Didn't you have involvement on
3 the citizenship question on or about
4 September 16, 2017, and isn't that why he
5 is sending you this e-mail?

6 MS. WELLS: I object to the
7 form.

8 A. No. Again, as I've said, I'm
9 copied or sent things for my situational
10 awareness. I don't know if receiving an
11 e-mail constitutes being involved.

12 Q. And you did nothing with
13 respect to the citizenship question in this
14 time frame?

15 MS. WELLS: Objection, form,
16 asked and answered.

17 A. I don't remember receiving this
18 e-mail. I don't remember reading this
19 e-mail. And I certainly don't recall ever
20 having a discussion specifically on this
21 e-mail train with Earl Comstock around
22 September.

23 Q. You didn't ask Mr. Comstock
24 what's the latest on the citizenship
25 question, what's DOJ doing on the

1 citizenship question, anything like that?

2 MS. WELLS: I object to form.

3 A. Not that I remember.

4 Again, I'm CC'd on a lot of
5 things. Just because I received the e-mail
6 does not mean that, A, I read it, and B, I
7 then get involved in it. There is too much
8 stuff going on at Commerce.

9 Q. Let's have this marked as
10 Teramoto Exhibit 8.

11 (Teramoto Exhibit 8 marked for
12 identification.)

13 Q. You know, before I ask you to
14 look at that document, how did you prepare
15 for this deposition?

16 A. I met with the lawyers, who I
17 guess would have gave me the outlines of
18 how the depositions work in terms of, you
19 know, make sure I'm truthful, answer the
20 questions that you've asked.

21 Q. Were you shown any documents?

22 A. Sure.

23 Q. Were you shown any of the
24 documents that have been marked as exhibits
25 in this case?

1 A. Am I --

2 Q. Are you refusing to answer my
3 questions about the documents you reviewed
4 based on the advice or instructions of your
5 counsel? You will want to answer that yes.

6 A. Yes, sir. Thank you for the
7 help.

8 Q. All right. Let's turn to
9 Teramoto Exhibit No. 8.

10 A. Okay.

11 Q. All right. This is an e-mail
12 thread with five lines of substantive text.

13 Fair to say this is an
14 introduction from John Gore, he is
15 introducing himself and asking if you have
16 time for a call, and you say yes?

17 (Witness perusing document.)

18 A. I'm sorry, sir, I don't know if
19 that's a question.

20 Q. Yes. Did I summarize that
21 fairly, John Gore writes you an e-mail
22 introducing himself, he wants to speak with
23 you and set up a call with you, and you say
24 yes?

25 A. Yes, sir.

1 Q. Is this the first time you
2 spoke to someone from the Department of
3 Justice?

4 MS. WELLS: I object to the
5 form.

6 A. I don't know. The only other
7 person that I would have -- when is this --
8 September -- the Cabinet Affairs Director
9 generally holds a chief of staff meeting
10 either every other week or weekly, so I may
11 have met somebody who works at Department
12 of Justice at that meeting, but -- should I
13 wait for you?

14 Q. No.

15 A. I may have met somebody from
16 the Justice Department, but it would have
17 been -- the only time I can think of would
18 have been at the chief of staff meeting,
19 but I don't remember a name.

20 Q. This call that you had --
21 withdrawn.

22 You did have a call with
23 Mr. Gore, didn't you?

24 MS. WELLS: I object to the
25 form.

1 A. I believe so, but I don't
2 remember.

3 Q. And the call was about the
4 citizenship question, wasn't it?

5 MS. WELLS: I object to form.

6 A. I don't remember.

7 Q. Let's have this marked as
8 Exhibit 9.

9 (Teramoto Exhibit 9 marked for
10 identification.)

11 Q. For the record, Exhibit 9 is a
12 two-page exhibit Bates stamped 2651 and 52,
13 the top of which is headed with an e-mail
14 from Danielle Cutrona to Wendy Teramoto,
15 "Re: Call."

16 A. Would you like me to read it,
17 sir?

18 Q. Let me ask you a question and
19 then you can read whatever you need to to
20 answer it.

21 Ms. Teramoto, you will see at
22 the beginning of this e-mail, at the bottom
23 of 2652, is Mr. Gore's e-mail introducing
24 you, and then at the very bottom -- and
25 there is an e-mail thread.

1 At the very bottom of 2651, he
2 says to you "By this e-mail, I introduce
3 you to Danielle Cutrona from DOJ. Danielle
4 is the person to connect with about the
5 issue we discussed earlier this afternoon."

6 Take a look at the e-mail. The
7 question I have for you is, I take it you
8 spoke with Acting Assistant Attorney
9 General Gore?

10 MS. WELLS: I'm going to object
11 to the form.

12 (Witness perusing document.)

13 A. Okay. I'm sorry, sir, what was
14 your question?

15 Q. My question was, I take it you
16 spoke to Assistant Attorney General Gore?

17 MS. WELLS: Objection to form.

18 A. I don't remember speaking to
19 him.

20 The e-mail that he sent to me
21 said Danielle is the person to connect with
22 about the issue we discussed earlier this
23 afternoon. So I have no reason to believe
24 that I did not talk to him, but I don't
25 remember speaking to him.

1 Q. Understood. And the issue that
2 you spoke with Assistant Attorney General
3 Gore about, that was about the citizenship
4 issue; is that correct?

5 MS. WELLS: I object to the
6 form.

7 A. Again, I don't remember -- I
8 don't remember speaking to John Gore.

9 Q. Higher up on the page,
10 September 17, 2017 at 12:10, Ms. Cutrona
11 e-mails you that "the Attorney General is
12 available on his cell," and then she goes
13 on to say "the AG is eager to assist."

14 Wasn't that in connection with
15 the citizenship question?

16 MS. WELLS: I object to the
17 form, lack of foundation.

18 A. I mean, I didn't -- I didn't
19 write the e-mail. You would have to ask
20 Danielle Cutrona.

21 Q. You were the recipient of the
22 e-mail; is that correct?

23 A. Well, it says to me. Again, I
24 can't see how these e-mails are sent to,
25 but I have no reason to believe I didn't

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1 receive this e-mail.

2 Q. It says "Wendy," comma, at the
3 beginning of the e-mail, right? You are
4 the recipient?

5 A. Again, I agree with you, I'm a
6 Wendy. It is just frustrating that you
7 can't see who is actually -- these are
8 addressed to. I have no reason to believe
9 I didn't receive this.

10 Q. All right. And in this period
11 of time, September 18th, 2017, you would
12 have been chief of staff for the Secretary
13 of Commerce, right?

14 A. Yes.

15 Q. And you knew that the AG was
16 eager to assist with respect to the
17 citizenship question, didn't you?

18 MS. WELLS: I object to form,
19 mischaracterizes her testimony.

20 A. You would have to ask Danielle
21 Cutrona, because she is the one who wrote
22 this e-mail.

23 Q. Didn't you learn that the
24 Secretary -- I'm sorry, didn't you learn
25 that the Attorney General of the United

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1 States wanted to assist with respect to the
2 citizenship question?

3 MS. WELLS: I object to the
4 form, asked and answered.

5 A. Again, I didn't write the
6 e-mail. I'm reading the exact same e-mail
7 that you are.

8 Q. My question has nothing to do
9 with the e-mail now.

10 Didn't you learn that the
11 Attorney General of the United States
12 wanted to assist Secretary Ross with
13 respect to adding a citizenship question?

14 MS. WELLS: I object to form.

15 A. Sir, I'm reading the same
16 e-mail that you are. I don't see in here
17 that it says the citizenship question. It
18 says "the AG is eager to assist." I have
19 no idea what else the Secretary and the AG
20 may or may not have been working on.

21 Q. Ms. Teramoto, for the third
22 time, my question is not about the e-mail.

23 My question is, you came to
24 learn, did you not, that the Attorney
25 General of the United States was interested

1 that.

2 Q. Yes or no.

3 A. Did I know -- I would say --

4 Q. One or the other.

5 A. Could you please -- could you
6 please repeat the question?

7 Q. Sure. Whether or not you
8 recall speaking to the Attorney General,
9 you knew that the Attorney General of the
10 United States and Secretary Ross were
11 working together to add a citizenship
12 question to the census, didn't you?

13 MS. WELLS: I object to form.

14 A. I was not part of discussions
15 between the Attorney General and Secretary
16 Ross.

17 Q. Do you have that understanding
18 from any source?

19 MS. WELLS: I object to the
20 form.

21 Q. You've got to answer that.

22 A. Do I have -- could you repeat
23 it, please?

24 Q. Yeah. I have been asking you
25 didn't you know that Secretary Ross and the

1 Attorney General were working together to
2 add a citizenship question to the census,
3 and I understood you to say that you don't
4 remember being in discussions with them.

5 A. Right.

6 Q. And so my question is, did you
7 learn this from any source, whether you
8 were in discussions with them or not?

9 A. I don't remember any specific
10 discussions from others.

11 Q. All right. At the top of this
12 e-mail you say, in response to Ms. Cutrona,
13 you say "They connected. Thanks for the
14 help. Wendy."

15 I take it you are saying the
16 Attorney General and the Secretary spoke
17 with each other?

18 MS. WELLS: I object to form.

19 A. Yes, sir.

20 Q. And that e-mail is September
21 18th, 2017. Let's mark this as Teramoto
22 Exhibit 10.

23 (Teramoto Exhibit 10 marked for
24 identification.)

25 Q. For the record, this is an

1 exhibit Bates stamped 2528. It is a single
2 page and it is an e-mail from Wilbur Ross
3 to Peter Davidson, "Subject: Census."

4 It contains a single line of
5 text which reads as follows: "Wendy and I
6 spoke with the AG yesterday. Please follow
7 up so we can resolve this issue today.
8 WLR."

9 Didn't you and Secretary Ross
10 speak to the Attorney General on September
11 18th, 2017?

12 MS. WELLS: I object to form.

13 A. I don't remember being a part
14 of that call at all.

15 Q. Do you deny being part of the
16 call?

17 A. I said I don't remember being a
18 part of that call. I remember calls with
19 different cabinet members. I don't ever
20 remember being on a call with the AG.

21 Q. Can you think of any reason why
22 Mr. Ross would get this wrong just a day
23 after the call?

24 MS. WELLS: I object to form.

25 A. You would have to ask him, but

1 I don't remember being on the call with the
2 AG.

3 Q. Do you have any reason to
4 believe Mr. Ross would make up the fact
5 that you were on the call with him and the
6 Attorney General on or about September
7 18th, 2017?

8 MS. WELLS: I object to form.

9 A. You would have to ask him.
10 Again, I don't remember being on the call
11 with the AG.

12 Q. "Him" being Secretary Ross?

13 MS. WELLS: I object to the
14 form.

15 A. I don't remember being on a
16 call with the AG.

17 Q. You said you will have to ask
18 him. By "him," you meant Secretary Ross,
19 correct?

20 A. Yes, sir.

21 Q. Okay. Regardless of whether
22 you remember being on the call, isn't it
23 true that this call had to do with adding a
24 citizenship question to the census?

25 MS. WELLS: Objection to the

1 A. Again, I wasn't -- I'm not John
2 and I'm not Danielle, so I don't -- I don't
3 know what their conversation was.

4 Q. Well, I'm asking about a
5 conversation that you had with Mr. Gore.
6 Presumably she is referencing that
7 conversation.

8 Didn't you have a discussion
9 with Mr. Gore about what you at Commerce
10 needed them at DOJ to do?

11 MS. WELLS: I object to form.

12 Q. Wasn't that the purpose of the
13 call with Mr. Gore?

14 MS. WELLS: I object to the
15 form.

16 A. I think what I testified
17 earlier is I don't remember talking to John
18 Gore, and I still don't remember talking to
19 John Gore.

20 Q. Let's have this marked Teramoto
21 Exhibit 11.

22 (Teramoto Exhibit 11 marked for
23 identification.)

24 Q. All right. For the record,
25 this is a three-page exhibit. It is 2636

1 through 2638. It includes much of the
2 e-mail chain between Mr. Gore,
3 Ms. Teramoto, and Ms. Cutrona that we have
4 seen before.

5 My question is going to have to
6 do with the e-mail at the very top of this
7 chain in which someone who the government
8 tells me is you e-mails Mr. Gore and says
9 "Hi. AG and Sec spoke. Please let me know
10 when you have a minute."

11 You understand that you are the
12 sender of this e-mail, correct?

13 A. I mean, I can't see the address
14 either.

15 Q. The government has represented
16 that you are the sender.

17 A. Okay. Then okay.

18 Q. Do you accept their
19 representation?

20 A. Sure.

21 Q. So when you write "Hi. AG and
22 Sec" -- first of all, Sec means Secretary
23 Ross, right?

24 A. Sure.

25 Q. So "the Attorney General and

1 Secretary spoke. Please let me know when
2 you have a minute."

3 So certainly you know that the
4 Attorney General Sessions and Secretary
5 Ross had a conversation because you are
6 reporting that, correct?

7 MS. WELLS: I object to the
8 form. But go ahead.

9 A. My e-mail said the AG and
10 Secretary spoke, so I must have known that
11 they spoke.

12 Q. And then you say "Please let me
13 know when you have a minute."

14 Did you call -- didn't you call
15 Assistant Attorney General John Gore?

16 A. Again, to this day, again, I
17 don't ever remember speaking to him on the
18 phone.

19 Q. All right. But certainly as
20 the author of this e-mail, you would read
21 this that way, that, in other words, you
22 would read this e-mail as saying you want a
23 call with Assistant Attorney General Gore?

24 MS. WELLS: Objection to form.

25 A. Again, this is, you know, an

1 e-mail from a year ago that I'm reading to
2 you that I must have written saying "Hi.
3 AG and Sec spoke. Please let me know when
4 you have a minute."

5 Q. Right. My question to you is,
6 don't you understand that to be a request
7 for Mr. Gore to speak with you further or
8 request by you saying you would like to
9 speak with him further?

10 MS. WELLS: I object to form.

11 A. When I read this, it would be,
12 you know, let me know when you have a
13 minute.

14 Q. So that you can speak with him,
15 right?

16 MS. WELLS: I object to form.

17 A. Sure.

18 Q. And what did you speak with him
19 about?

20 A. Again, I don't ever remember
21 speaking to John Gore.

22 Q. You get that adding the
23 citizenship question to the census is an
24 important matter, don't you, Ms. Teramoto?

25 MS. WELLS: I object to the

1 person to be involved with census issues.

2 A. And I'm still not.

3 Q. I hear you on that, which is
4 why I'm asking, so if you're not the best
5 person to be involved, why is it that the
6 documents make it seem like you were
7 involved in speaking to the Assistant
8 Attorney General of the United States about
9 this, the Acting Assistant Attorney
10 General, and the Attorney General of the
11 United States?

12 MS. WELLS: I object to form.

13 A. You are asking me. I think you
14 have to ask John Gore why he reached out to
15 me. I can't answer why John Gore reached
16 out to Wendy Teramoto.

17 Q. Was someone in the Department
18 of Commerce the Secretary's point person on
19 the citizenship question in this period?

20 A. I wouldn't characterize it like
21 that. There was Karen Dunn Kelley, where
22 census falls under her group, so she would
23 have been the point for the census issues.

24 Q. Do you have an understanding as
25 to why these calls don't go to Karen Dunn

1 it. You are the chief of staff. You
2 certainly know that, right?

3 MS. WELLS: I object to the
4 form.

5 A. I remember there being some
6 discussion. I don't ever remember reading
7 any of the correspondence.

8 Q. You remember that members of
9 Congress having received this June 21, 2018
10 memorandum from Secretary Ross, you
11 remember that they accused Secretary Ross
12 of having given them misleading testimony;
13 is that right?

14 MS. WELLS: I object to the
15 form.

16 A. Again, I've heard that, but I
17 haven't actually read if there has been
18 correspondence. I have not read any direct
19 correspondence.

20 Q. I'm curious, you are the chief
21 of staff. If members of Congress, and this
22 is multiple members of Congress, accuse the
23 Secretary of not being candid with them in
24 sworn testimony, that's not something you
25 want to read?

1 MS. WELLS: I object to the
2 form.

3 Q. You don't say to somebody, get
4 me that letter from Congress?

5 MS. WELLS: I object to the
6 form. Go ahead.

7 A. There are many important
8 letters and correspondence throughout all
9 of the different departments in Commerce.
10 I'm not physically able to read every
11 single one, I'm just not, sir.

12 Q. I believe that. But when you
13 hear that members of Congress have written
14 a letter accusing the Secretary of not
15 being candid with them, you don't say to
16 somebody I would like to see a copy of that
17 letter?

18 A. No.

19 Q. Have I got that right? No?

20 MS. WELLS: I object to the
21 form. Asked and answered.

22 A. That's correct.

23 Q. It doesn't appear to be showing
24 up on the transcript. I heard you to say
25 no. Did I hear that right?

1 MS. WELLS: I object to the
2 form, and it also mischaracterizes the
3 testimony, I believe.

4 Q. I'm characterizing the
5 transcript, which I'm looking at.

6 A. I have not specifically asked
7 for this letter that you're talking about.

8 Q. I take it you haven't asked for
9 it generally either?

10 A. I don't know what you mean,
11 generally.

12 Q. You said specifically. I don't
13 know if you are meaning to exclude
14 something.

15 A. I'm not a lawyer, so all I'm
16 saying is I have not asked for it.

17 Q. Okay. I know you haven't seen
18 this before today, but I want to point you
19 to something just so we can have a
20 framework.

21 Sort of almost halfway down the
22 first paragraph of Teramoto Exhibit 1,
23 Secretary Ross says that with respect to
24 the fundamental issues regarding the
25 census, he says "Part of these

1 considerations included whether to
2 reinstate a citizenship question which
3 other senior Administration officials had
4 previously raised."

5 Do you know who the other
6 senior Administration officials are?

7 A. I have no idea.

8 Q. Who would know?

9 A. You would have to ask Secretary
10 Ross.

11 Q. I will represent to you that
12 the Commerce Department, through its
13 lawyers at the Department of Justice, said
14 they can't figure out the answer to this
15 question.

16 Do you have reason to believe
17 that the identity of the senior
18 Administration officials is some kind of
19 state secret?

20 MS. WELLS: I object to the
21 form of the question.

22 A. Are you being serious?

23 Q. Yeah. I'm, frankly, shocked
24 that the Commerce Department and the United
25 States Justice Department can't figure out

1 who these senior Administration officials
2 are.

3 So I'm asking you, is this some
4 kind of state secret?

5 MS. WELLS: I object to the
6 form of the question and also --

7 Q. Is it any kind of secret? You
8 can withdraw "state."

9 MS. WELLS: -- the
10 characterization of what the government has
11 said in connection with the request for the
12 information that you have presented in your
13 interrogatory.

14 But you can answer the
15 question, if you remember it.

16 THE WITNESS: I don't. Can you
17 please read it back?

18 Q. I will rephrase it.

19 A. Okay.

20 Q. Can you think of any reason why
21 the identity of the senior Administration
22 officials who had raised the citizenship
23 question to whom Mr. Ross refers, can you
24 think of any reason why this is secret or
25 why we can't know the answer to who those

1 people are?

2 MS. WELLS: I object to form.

3 A. I have no idea.

4 Q. I take it you have not heard
5 any discussion of that issue?

6 A. Of the issue of the senior
7 Administration officials?

8 Q. Yeah.

9 A. Right, I have not.

10 Q. You have not been -- you have
11 not been asked to find out the answer to
12 that question?

13 A. I have not been a part of it at
14 all. You are the first person who has
15 raised it with me.

16 Q. Still on Teramoto Exhibit No.
17 1, when Secretary Ross says that soon after
18 his appointment as Secretary of Commerce,
19 he starts to have considerations into
20 whether to reinstate a citizenship
21 question, have you seen any documents about
22 that of any kind, e-mails, scraps of paper,
23 memoranda?

24 A. Where are you, sir?

25 Q. So second sentence is "Soon

1 after my appointment as Secretary of
2 Commerce, I began considering various
3 fundamental issues regarding the upcoming
4 2020 census, including funding and
5 content."

6 Then he says, the next sentence
7 says "Part of these considerations included
8 whether to reinstate a citizenship question
9 which other senior Administration officials
10 had previously raised."

11 My question to you is, have you
12 seen -- so he is talking about a period
13 starting soon after his appointment as
14 Secretary of Commerce.

15 So I'm asking, have you seen
16 any documents, any memoranda, any e-mail,
17 scraps of paper, what have you, about the
18 Secretary's consideration of whether to
19 reinstate a citizenship question? Have you
20 seen any such documents?

21 A. Outside of what you provided me
22 here?

23 Q. Correct.

24 A. No.

25 Q. Did you ever hear or be told

1 reason that the Department of Justice asked
2 the citizenship question is because
3 Secretary Ross asked the Department of
4 Justice to ask the citizenship question?

5 MS. WELLS: I object to form.

6 A. I'm sorry if I don't understand
7 your question, but when you ask it to me,
8 it makes it sound like you are asking me if
9 I understand why the Justice Department did
10 something, and, again, I have no idea how
11 the Justice Department works, so I can't
12 tell you why they do or do not do anything;
13 I'm sorry, I just don't.

14 Q. Do you understand from any
15 source that Secretary Ross went to the
16 Department of Justice and asked them to ask
17 for a citizenship question on the census?

18 A. Again, I don't know what direct
19 conversations the Secretary has had with
20 the Justice Department.

21 Q. You haven't heard about that
22 from any source?

23 A. Heard about what?

24 Q. That Secretary Ross went to the
25 Department of Justice and asked the

1 Department of Justice to please request the
2 addition of a citizenship question.

3 A. I have no recollection of the
4 Secretary ever going to the Department of
5 Justice.

6 Q. Including you have no
7 recollection of the Secretary talking to
8 Assistant Attorney -- I'm sorry, to
9 Attorney General Jeff Sessions about that?

10 A. No, that's not what I said.

11 Q. I know. That's a different
12 question.

13 A. Okay. Can you ask your new
14 question, please?

15 Q. Yes.

16 You understand that Attorney
17 General Jeff Sessions spoke to Secretary
18 Ross about asking a citizenship question on
19 the census?

20 MS. WELLS: I object to the
21 question, the form of the question.

22 A. From the e-mails, I can see
23 that the Secretary and the AG spoke. What
24 they spoke about, I don't know, because, as
25 I said, I have no recollection of ever

1 being on a call between the two of them.

2 Q. Did you learn from any source
3 that the Department of Commerce had made a
4 decision in connection with the decisional
5 memorandum not to let Congress and the
6 public know that it was the Secretary who
7 wanted the Department of Justice to add the
8 citizenship question?

9 Withdrawn. Let me rephrase
10 that.

11 A. Okay.

12 Q. Did you learn from any source
13 that the Department of Commerce had made a
14 decision in connection with the decisional
15 memorandum not to let Congress and the
16 public know that it was the Secretary who
17 went to the Department of Justice, and it
18 was the Secretary, the Secretary of
19 Commerce, that is, who pressed the
20 Department of Justice to ask for a
21 citizenship question?

22 A. Sir, I'm not trying to be
23 difficult. Can you shorten your questions,
24 because there is a lot of notes and --

25 Q. Sure.

1 So the question is, did you
2 learn from any source --

3 A. Okay, so did I learn from any
4 source?

5 Q. Right, that the Commerce
6 Department --

7 A. Okay.

8 Q. -- didn't want Congress or the
9 public to know that the Secretary of
10 Commerce --

11 (Telephonic interruption.)

12 Q. Let's take it -- for the
13 record, we have had a little interruption.
14 Let's just take it from the top.

15 A. Okay.

16 Q. So the first part was, did you
17 learn from any source; you are with me on
18 that, right?

19 A. Yes.

20 Q. And the second part was that
21 the Commerce Department didn't want the
22 Congress or the public to know that it was
23 Secretary Ross who went to the Department
24 of Justice and asked the Department of
25 Justice to request the citizenship

1 question.

2 A. I have not heard from any
3 source that the Commerce Department did not
4 want Congress or the public to know.

5 Q. Have you heard of any
6 discussion even touching that subject?

7 A. Not that -- not that I can
8 remember. I mean, again, sir, I'm not
9 involved in the detailed discussions on
10 census. I'm not involved in the meetings.

11 Q. I take it Secretary Ross never
12 said to you, in words or in substance, I'm
13 not going to tell Congress that I was the
14 one who went to the Department of Justice
15 and asked for the citizenship question?

16 A. Secretary Ross has never said
17 that to me.

18 Q. Do you remember any discussion
19 with Secretary Ross about the citizenship
20 question?

21 A. I don't remember having any
22 direct conversations with him on it.

23 Q. Is it your best recollection
24 that you had no such conversations, or are
25 you saying there were, but you don't

1 recall?

2 A. I'm saying I don't remember
3 having any direct conversations with the
4 Secretary on the question.

5 Q. Do you believe that you had
6 some?

7 A. Again, I don't remember having
8 any direct conversations with him on the
9 citizenship question.

10 Q. My question is a little
11 different. I'm not asking for your memory
12 now.

13 I'm asking for whether you
14 think you had some, for example, I can
15 think of lots of conversations that I have
16 had with my spouse, with my children, on
17 certain subjects, but I can't remember the
18 conversations, I just know I had them.

19 So I'm asking in that context,
20 do you believe you had conversations
21 with --

22 A. I don't think we did.

23 Q. Let me just finish the
24 question.

25 A. I'm sorry.

1 Q. I have your answer. Let me
2 just finish the question.

3 Do you believe you had?

4 A. I don't believe I have.

5 Again, again, I'm not the
6 census person, so if there is issues
7 related to census, I'm not the first person
8 or even the second or third, fourth, fifth
9 person that I believe the Secretary would
10 call.

11 Q. Let me follow up on the last
12 question.

13 Does anyone at the Commerce
14 Department, to your knowledge, have a
15 longer relationship with the Secretary?

16 A. Not that I'm aware of.

17 Q. Do you believe you have a
18 relationship of trust with the Secretary?

19 A. I would hope so.

20 Q. Do you believe anyone else has
21 a better relationship of trust with the
22 Secretary at Commerce, anyone at Commerce?

23 A. I mean, you would have to ask
24 the Secretary who he trusts the most.

25 Q. You're not aware of anyone

1 else?

2 A. I can't speak for who the
3 Secretary trusts or doesn't trust.

4 Q. Besides yourself, is there
5 anyone else the Secretary uses as a close
6 advisor on issues of importance?

7 MS. WELLS: I object to the
8 form.

9 Q. I will withdraw the question.

10 Is there anyone the Secretary
11 uses as a close advisor on questions of
12 importance and sensitivity?

13 MS. WELLS: I object to the
14 form.

15 A. Sure, yes.

16 Q. Who are those people?

17 A. Karen Dunn Kelley, Earl
18 Comstock.

19 Q. Anyone else?

20 A. I mean, I would say those are
21 the immediate ones. There is other people.
22 I mean, if it is something related to
23 patents, he would speak to Andre Iancu.
24 There is the Under Secretary Gil Kaplan,
25 Matt Borman.

1 Q. How about people outside of
2 Commerce, is there anyone outside of
3 Commerce that the Secretary likes to talk
4 to about important issues?

5 MS. WELLS: I object to the
6 form.

7 Q. For advice.

8 A. On anything?

9 Q. On matters relating to
10 Commerce.

11 A. Well, sure. I mean, a lot of
12 the -- I would say a wide majority of the
13 Secretary's time is spent on the trade
14 issues as well as the tariffs and the 232s
15 on steel and aluminum.

16 Q. How about on census, are there
17 people outside of the Commerce Department
18 that the Secretary turns to for advice on
19 either the citizenship question or on the
20 census generally?

21 A. If he goes outside of Commerce,
22 you know, other than, you know, he has
23 spoken to Marc Neumann, but anybody else, I
24 wouldn't know, unless there are other
25 people at the transition that talked to him

1 about it, but I wasn't part of the
2 transition team, so I wouldn't know.

3 Q. If someone -- why Marc Neumann?
4 Let me come back to him.

5 A. Sure. I think as I stated
6 before, Marc Neumann was part of the
7 transition team who used to work at -- I
8 think he worked at Census, so he was the
9 one who would brief the Secretary just on
10 census during the transition.

11 Q. In that summer of 2017 and
12 going to September when we saw those
13 e-mails between you and Assistant Attorney
14 General Gore and the other e-mails on those
15 chains, if someone had come to you then and
16 said Ms. Teramoto, I need -- I have got an
17 important issue that I want to talk to you
18 about regarding adding a citizenship
19 question, who would you have put them in
20 touch with?

21 MS. WELLS: I object to the
22 form.

23 A. Well, I mean, I think I did put
24 them in touch with Izzy Hernandez.

25 Q. And what was his position?

1 A. He was the deputy chief of
2 staff.

3 Q. Did he have any special, you
4 know, was the census question, citizenship
5 question on the census, was that something
6 that he had particular responsibility for?

7 A. I mean, I don't know. He
8 worked on the census.

9 Q. You said he was deputy chief of
10 staff. I take it that meant he reported to
11 you?

12 A. Sure.

13 Q. So when he worked on the
14 census, was that because you assigned it to
15 him?

16 A. I don't remember how that came
17 about. I don't know if he said he wanted
18 to work on it or if I said we need somebody
19 to work on it. I'm not sure which one.

20 Q. Did you hire Mr. Hernandez or
21 play a role in his hiring?

22 A. Yeah. I had met -- I had met
23 Izzy during the transition and he had
24 helped the Secretary through his
25 confirmation process.

1 Q. Do you understand any further
2 details about, for example, why some people
3 don't think the citizenship question should
4 be on the census?

5 A. I mean, the controversy, as I
6 understand it, is, you know, does the
7 question change or increase the ability to
8 have an accurate count.

9 Q. And prior to the lawsuits, had
10 you -- had anyone expressed this concern --
11 are you aware that anyone ever expressed
12 this concern regarding the count and the
13 citizenship question?

14 A. Well, I don't know when the
15 lawsuits were filed.

16 Q. Prior to March 26th when the
17 decision was made to add the citizenship
18 question, were you aware that there were
19 concerns about the count if the citizenship
20 question was added?

21 A. I can't -- I don't remember
22 anything specific.

23 Q. Other than attorneys at the
24 Department of Justice and Department of
25 Commerce, have you talked to anyone else

1 that the addition of the citizenship
2 question might make it more difficult to
3 hire enough -- let me rephrase that.

4 Were there any concerns that
5 adding a citizenship question would require
6 that the Census Bureau hire more people?

7 A. No, I have never heard that.

8 Q. If Secretary Ross were to be
9 deposed in this case and he asked you for
10 help with prepping him, what would you do
11 to assist him in prepping?

12 A. I wouldn't. That's for the
13 lawyers.

14 Q. What if he asked you about the
15 call you had with Mr. John Gore in the
16 summer of 2017?

17 MS. WELLS: I object to the
18 form.

19 A. I would tell him the same thing
20 that I've told your colleagues, I don't
21 remember talking to John Gore.

22 Q. You wouldn't offer to search
23 through your e-mail to see if you can write
24 down sort of a timeline of how you were
25 involved?

1 attend the transition meeting?

2 A. No.

3 Q. You just showed up?

4 A. I was with him -- I was with
5 him at his hearing, and then after his
6 hearing he went to have a meeting with the
7 transition team, and I just went with him.

8 Q. Who was at the transition
9 meeting?

10 A. I won't remember everybody.
11 There was Marc Neumann, there was Lilly
12 Gaynor, Earl Comstock, I believe Eric
13 Branstad was there.

14 Let me see. There were other
15 people there, but I don't know -- I didn't
16 know who they were. And you should be
17 reminded this is well over a year and a
18 half ago.

19 Q. Did you discuss the census at
20 that meeting?

21 A. I don't believe so.

22 Q. Do you remember what topics you
23 discussed?

24 A. No.

25 Q. Did you discuss reapportionment

1 during that meeting?

2 A. No. I don't think I have ever
3 been in a discussion about reapportionment.

4 Q. Immigration enforcement?

5 A. No.

6 Q. How about not counting
7 non-citizens?

8 A. No. Again, this was a
9 transition meeting about him and coming in
10 on his, you know, initial days. None of
11 that I remember being discussed.

12 Q. Have you spoken with Stephen
13 Bannon before?

14 A. I believe I testified that I
15 have.

16 Q. How many times?

17 A. I'm guessing, maybe three,
18 tops.

19 Q. When?

20 A. I mean, I don't know. I mean,
21 I'm sure at some point I saw him in the
22 White House and I said hello. I don't know
23 if he said hi back to me, so I don't know
24 if that is actually a conversation or not.

25 And then he rode on the same

1 plane back from Saudi Arabia as we did, but
2 I didn't really talk to him because you
3 can't hear anybody on those planes.

4 Q. You said it was three, tops.
5 Do you remember the third time?

6 A. No. I mean, I'm guessing.

7 Q. So have you ever had a
8 substantive conversation with him about
9 anything?

10 A. No. I don't think he knows who
11 I am or what my name is.

12 Q. Does Secretary Ross speak to
13 Stephen Bannon, maybe not anymore, but in
14 2017?

15 MS. WELLS: I object to the
16 form.

17 A. I don't know.

18 Q. Are you aware that they ever
19 spoke?

20 A. I'm sure there were
21 pleasantries. If there was more discussion
22 beyond that, I don't know.

23 Q. Is there anyone at the
24 Department of Commerce that you are aware
25 that has had conversations with Stephen

1 Bannon?

2 A. I have no way -- I have no way
3 of knowing.

4 Q. So you mentioned that you are
5 at the White House sometimes almost every
6 day?

7 A. Sometimes. I mean, and
8 sometimes there is weeks that I'm not
9 there.

10 Q. When you go to the White House,
11 do you go there -- what is it that you go
12 to do?

13 A. Well, there will be trade
14 meetings that I go there for. There will
15 be meetings on Ivanka's Workforce Council.
16 There will be meetings in the situation
17 room on various topics. I will go there
18 and have lunch.

19 Q. Have you ever had any meeting
20 at the White House regarding the census
21 generally?

22 A. No.

23 Q. How often does Secretary Ross
24 go to the White House?

25 A. All the time.

1 Q. Are you aware of him having
2 meetings there regarding the census?

3 A. No.

4 Q. Not --

5 A. Not to my knowledge.

6 Q. What topics are you aware that
7 he discusses when he goes to the White
8 House?

9 A. Well, you mean topics or
10 meetings?

11 Q. Well, what is discussed during
12 these meetings as far as you're aware?

13 A. I'm not always there, so I
14 don't know.

15 Q. When you are there.

16 A. He will go there for trade
17 meetings, and I'm a part of some of those.
18 I have never heard census mentioned once in
19 a single trade meeting the entire time I've
20 been there.

21 And he will go for other
22 meetings that I'm not a part of. So I
23 don't know what's discussed at the meetings
24 that I'm not a part of.

25 Q. Do you know if he has ever had

1 A. I think I might have said hi to
2 him at the chief of staff meeting, but now
3 that I think about it, I was late, so I
4 don't even think I even shook his hand.

5 Q. How about Secretary Ross and
6 Attorney General Jeff Sessions, are you
7 aware of conversations between them?

8 A. I'm aware that they've had
9 conversations. I'm not aware of the
10 content of those conversations.

11 Q. Do you know if they have ever
12 spoken about the census generally?

13 A. I have no idea.

14 Q. Do you know if they have ever
15 spoken about immigration enforcement?

16 A. I have no idea.

17 Q. Voter fraud?

18 A. Zero idea.

19 Q. An undercount?

20 A. No idea.

21 Q. Congressional apportionment?

22 A. No idea.

23 Q. Redistricting?

24 A. No idea.

25 Q. So earlier you mentioned you

1 months?

2 A. It would depend on the week. I
3 mean, if I just guessed, maybe 60/40,
4 depending, 70/30.

5 Q. 60 and 70 with Invesco or with
6 Commerce?

7 A. It just depends. I mean, it
8 just depends. Most of it was with
9 Commerce.

10 Q. Forgive me if I'm paraphrasing
11 wrong, and correct me if I am, but I think
12 one of the things you said this morning is
13 that you were copied on a lot of e-mails in
14 order to gain situational awareness; is
15 that fair?

16 A. Something like that, just
17 aware.

18 Q. What do you mean by situational
19 awareness?

20 A. Here is something, just I'm
21 e-mailing it to the Secretary and you are
22 copied on it.

23 Q. Does it mean you are aware of
24 the people who are working on a particular
25 issue?

1 A. It depends if I read it or not.

2 Q. Are you copied on these to gain
3 awareness with the expectation that you
4 will read them?

5 A. I don't know. I mean, you
6 know, it is a very good question, because
7 sometimes people copy me on e-mails that
8 are totally irrelevant to me and have
9 nothing to do with anything that I deem of
10 utmost urgency, and sometimes they forget
11 to copy me on things that I would have
12 thought I would have been copied on.

13 So I wish I could answer that.
14 I don't know, when people copy me, what
15 makes them decide whether a particular
16 e-mail is something that I should be on or
17 not.

18 Q. Would you say that you were
19 situationally aware of who was working on
20 the decision to add a citizenship question
21 to the 2020 census?

22 MS. WELLS: I object to form.

23 A. No. I would say that I was
24 aware of who was working on census.

25 Q. Did you make any distinction

1 between working on census and working on
2 the citizenship question?

3 A. No.

4 Q. And who was working on census?

5 A. Karen Dunn Kelley and Earl
6 Comstock were the main people within the
7 immediate.

8 Now, Census has, you know,
9 Census has a huge amount of employees, and
10 I have even been told when they come in, I
11 don't sit in on these meetings, but when
12 they come in to brief the Secretary, they
13 literally have a van of people who are
14 driven to Commerce, and, you know, I don't
15 know those people.

16 Q. Have you ever met any of the
17 people at Census?

18 A. So I have met Ron and Enrique,
19 but I always get them confused. Those are
20 the two that I remember.

21 Q. Forgive me again also if I'm
22 paraphrasing, but I think this is something
23 you said this morning, that you're not
24 generally involved in census because of the
25 scientific and technical nature of census;

1 is that a fair summary of your testimony?

2 A. Yeah. I mean, the census, I
3 mean, the analysis and the people who work
4 there, I mean, this stuff is very
5 technical, and I don't have the background
6 for that.

7 Q. Who does have the scientific
8 and technical background with regard to
9 census issues?

10 A. Well, I clearly don't.

11 Q. Do you know who does?

12 A. I think the people at Census
13 do.

14 Q. Does Earl Comstock?

15 A. I think he has a very good
16 command of a lot of the technical issues.

17 Q. Does he have a scientific
18 background?

19 A. I don't know what he studied,
20 but I think -- I mean, I think he actually
21 does.

22 Q. Does Karen Dunn Kelley have a
23 command of the scientific and technical
24 issues regarding census?

25 A. Much better than I would.

1 adding a citizenship question to the 2020
2 census?

3 A. The decision-maker?

4 Q. Who was ultimately responsible
5 for the decision?

6 A. I believe it would be the
7 Secretary, but I'm not a lawyer, so if
8 there is some other --

9 Q. I'm not asking -- I'm asking
10 for your understanding --

11 A. Okay.

12 Q. -- sitting here as to what you
13 understand. I obviously know you're not a
14 lawyer, and I'm not asking you a legal
15 question. If I am, she is free to stop me.

16 Who is John Thompson?

17 A. He used to work at Census. I
18 don't -- I don't know what his title was,
19 but I know he is no longer there.

20 Q. Did you ever meet John
21 Thompson?

22 A. I may have, but I don't
23 remember.

24 Q. I'm going to show you what is
25 being marked as Exhibit 13.

1 (Teramoto Exhibit 13 marked for
2 identification.)

3 Q. This is Bates number 3694.
4 This is an April 20th, 2017 e-mail. It is
5 quite short.

6 A. Okay. So this is basically a
7 year and a half ago?

8 Q. Yeah.

9 A. Would you like me to read it,
10 sir?

11 Q. I have a question about the
12 subject line first, and I will ask it, and
13 then you can talk about the subject line
14 and then talk about the thing.

15 A. Okay.

16 Q. This appears to me to be from
17 Brooke Alexander, trying to send an e-mail
18 from Secretary Ross' e-mail and doing it
19 herself; is that what you understand from
20 that subject line?

21 A. Let me read it, sir.

22 (Witness perusing document.)

23 A. Okay.

24 Q. Can Brooke Alexander send
25 e-mails from the Secretary's e-mail

1 ordinarily?

2 A. Well, Brooke Alexander is no
3 longer there.

4 Q. Could she when she was?

5 A. Well, it says right here she
6 couldn't, so I don't know.

7 Q. Are you aware of anyone having
8 the ability to send e-mails from the
9 Secretary's e-mail account?

10 A. The best person to ask is our
11 IT person. I suppose somebody could send
12 an e-mail from his phone.

13 Q. Simply by holding his phone and
14 logging in as him?

15 A. Yeah. I mean, you could send
16 an e-mail from his phone.

17 Q. Is it your understanding that
18 people ever did send e-mails under the
19 Secretary's e-mail account?

20 A. I don't know. I mean, I would
21 be -- I would be surprised if somebody
22 would send something from his e-mail
23 account.

24 Q. And remind us of Brooke
25 Alexander's title at this point, as best

1 you recall, or her position in general.

2 A. I mean, in the private world, I
3 would say she was a secretary. In the
4 government world, I don't even actually
5 know. They call them -- they are not --
6 it's not an executive assistant, but it is
7 not an assistant. So I don't know what her
8 title was.

9 Q. And on the body of the e-mail,
10 this says "we," underlined, "must get our
11 issue resolved before this."

12 What is "our issue"?

13 A. I have no idea.

14 Q. You understood Earl Comstock to
15 work on the potential addition of a
16 citizenship question to the 2020 census?

17 MS. WELLS: I object to form.

18 A. I would say Earl worked on
19 census.

20 Q. What other issues did Earl work
21 on on census besides the addition of a
22 citizenship question?

23 MS. WELLS: I object to form.

24 A. Again, like I said, Earl and
25 Karen have worked on the census. All the

1 Just to confirm the first one,
2 is it fair to say this is a submission of
3 draft testimony of John Thompson from
4 Census to Commerce for review?

5 A. I don't know who Beth is, so I
6 don't know if she is with Census or not.

7 Q. Okay. Is it fair to say this
8 is a draft of testimony of John Thompson
9 being submitted to Commerce for review?

10 A. Yes.

11 Q. Now let's look at the e-mail
12 three days later from Comstock to the
13 Secretary, copying you and Mr. Branstad.

14 (Witness perusing document.)

15 A. Okay.

16 Q. Is it standard practice for
17 Commerce to review and approve
18 Congressional statements by chiefs of the
19 bureaus?

20 A. Yes.

21 Q. And do you do that review?

22 A. No.

23 Q. Who does that review?

24 A. Normally Earl reviews it. I
25 can't imagine general counsel not. The

1 lawyers, they like to review everything.
2 And then I believe that also the Leg
3 Affairs Office reviews those types of
4 things as well.

5 Q. And what is the purpose of that
6 review?

7 A. To, I mean, my understanding is
8 to have -- one is to be aware of what the
9 bureau chiefs, or whomever is testifying,
10 what they are testifying, and, two, to make
11 sure that it is consistent with the
12 Secretary's views.

13 Q. And these are revisions to
14 public statements; is that correct?

15 A. Revisions?

16 Q. Or additions or changes or
17 review, this is a review of a public
18 statement.

19 MS. WELLS: I object to the
20 form.

21 Q. A Congressional testimony.

22 A. So this would be I believe a
23 review of something that eventually would
24 be public.

25 Q. And is the advice given on

1 Thompson, the director of the Census
2 Bureau, to give the House Appropriations
3 Subcommittee this Wednesday. I have
4 reviewed the testimony, and there are a
5 couple of points that I wanted to bring to
6 your attention and be sure you approved
7 of."

8 So, I mean, I'm not a
9 dictionary, but when I read these words, he
10 is basically bringing attention of certain
11 things that are in this testimony that he
12 thinks that the Secretary should be aware
13 of.

14 Q. When you said that Comstock
15 would do these reviews, were you referring
16 specifically to the Census Bureau, or does
17 he do that review for chiefs of any bureau?

18 A. I don't know about any, but I
19 know he generally likes to review them
20 himself.

21 Q. And just to refer, again, who
22 is Eric Branstad?

23 A. So Eric Branstad, and this is
24 when I testified earlier, I don't remember
25 if he was -- his title was either White

1 House liaison or senior White House
2 advisor, but he was a Commerce employee who
3 was supposed to be interacting with the
4 White House more than some of the others.

5 (Teramoto Exhibit 15 marked for
6 identification.)

7 Q. This is Exhibit 15. This does
8 not have a Bates number.

9 A. Would you like me to read it?

10 Q. I will show you which part of
11 it I would like you to read, and I'm going
12 to tell you that I got this from the
13 internet while searching for the public
14 testimony delivered on May 3rd, so I
15 believe this is the public testimony as at
16 least submitted. It is not a recording,
17 obviously, of it.

18 A. And this was pulled from the
19 Commerce website or something else?

20 Q. Or the Census website, I can't
21 recall at this moment, or the Congress --

22 A. But it wasn't just posted --

23 Q. No, this is an official -- this
24 is a document from some government website.
25 I don't know if it was from the committee

1 A. Sure.

2 Q. Okay.

3 (Witness perusing document.)

4 Q. Actually, yeah, in the second
5 paragraph, just down to "local update."
6 You don't need to read anything from there.

7 A. So you do or do not want me to
8 read that paragraph?

9 Q. The second paragraph, the
10 paragraph that you are on now, you can
11 read, and I would like you to stop at
12 "local update."

13 A. Okay.

14 (Witness perusing document.)

15 A. Okay. So I just read --

16 Q. The topics in question --

17 A. -- the two paragraphs out of
18 your ten pages.

19 Q. That's correct.

20 Were you present for any
21 conversations regarding a March 2017
22 deadline for submitting topics to the
23 census?

24 A. Not that I remember.

25 Q. Were you present for any

1 conversations regarding a March 2018
2 deadline for submitting questions on the
3 census to Congress?

4 A. Not that I remember.

5 Q. Did Earl Comstock, to your
6 knowledge, discuss with John Thompson the
7 deadline for submitting topics to Congress
8 on the census?

9 A. I have no idea.

10 Q. Did Earl Comstock, to your
11 knowledge, discuss with John Thompson the
12 deadline for submitting questions on the
13 census to Congress?

14 A. I have no idea.

15 Q. Who would know?

16 A. Earl Comstock.

17 Q. And did Secretary Ross have any
18 conversations with John Thompson regarding
19 the March 2017 deadline for submitting
20 census topics to Congress?

21 A. I have no idea.

22 Q. Who would know?

23 A. Wilbur Ross.

24 Q. Did Secretary Ross have any
25 discussions with John Thompson about the

1 2018 deadline for submitting questions to
2 Congress for the 2020 census?

3 A. I have no idea.

4 Q. And who would know?

5 A. Wilbur Ross.

6 Q. And I want you to look at what
7 I believe was marked as Exhibit 2 today,
8 which is document number 3699. Is it not?
9 Is it Exhibit 3? It is the May 2nd e-mail.

10 A. Mine are all messed up.

11 Q. It is Exhibit 2. I have
12 another copy of it if you want to look at
13 it. It is not stamped.

14 A. I have it. I will find it.

15 Q. It is this one, if you want to
16 go visually. I think that's it, the next
17 one there.

18 A. Okay.

19 Q. Great.

20 Looking at the May 2nd e-mail
21 from Ross to Comstock, copying Ellen
22 Herbst, I understand you're not on that
23 original e-mail, the sentence "Worst of
24 all, they emphasize that they have settled
25 with Congress on the questions to be

1 asked."

2 Do you know who Secretary Ross
3 means when he says "they"?

4 A. I have no idea.

5 Q. And who would know?

6 A. Wilbur Ross.

7 Q. And in the e-mail that you
8 write above, in this e-mail, are you
9 providing any information to Wilbur Ross to
10 assist him in arriving at his decision to
11 add the citizenship question to the 2020
12 census looking at just what you wrote?

13 MS. WELLS: I object to the
14 form.

15 A. What I wrote is "I continue to
16 talk frequently with Marc Neumann and we
17 often have dinner together. He will not
18 leave les, but is in love with the census
19 and talks about it nonstop. Do you want me
20 to set up another meeting? Let me know if
21 you want to have a drink or get together
22 with him over the weekend. Wendy."

23 I don't see anything in there
24 about the citizenship question.

25 Q. In fact, you have testified

1 that on no occasion did you provide Ross
2 information that you drafted that was
3 helping him with his decision?

4 A. I think I testified that I
5 never created any documents related to
6 that.

7 Q. Just for reference, what is
8 "les" there, is that a person, is that a
9 company?

10 A. Les is a person.

11 Q. Who is it?

12 A. It is who Marc Neumann works
13 for.

14 Q. And just for the record, who is
15 that?

16 A. I don't know the guy's last
17 name.

18 (Teramoto Exhibit 16 marked for
19 identification.)

20 Q. I'm showing you a document
21 marked as Teramoto Exhibit 16, No. 2167.
22 It is an e-mail from you to James Rockas
23 and Earl Comstock.

24 To the extent you can review
25 it, I would like you to review it.

1 exclamation points after "does Karen know
2 about this"?

3 A. Sure.

4 Q. How often do you use
5 exclamation points in e-mail?

6 A. All the time.

7 Q. Does this show that this is a
8 particularly important communication?

9 A. Or I was just being dramatic.

10 Q. And in your e-mail to
11 Mr. Rockas, are you providing information
12 for the Secretary to make a decision on the
13 citizenship question?

14 A. In my e-mail to James?

15 Q. Yeah.

16 A. "Does Karen know about
17 this!!!!!! She just had discussion with
18 him."

19 I don't see anything on this
20 about citizenship.

21 (Teramoto Exhibit 17 marked for
22 identification.)

23 Q. Let's mark this next one. This
24 is going to be Teramoto Exhibit 17.

25 What does this look like?

1 A. It looks like an e-mail chain.

2 Q. Okay. From whom to whom?

3 A. It looks like from James to
4 people. I don't know who James sent it to.

5 And then I'm on it, from myself
6 to James, Karen Dunn Kelley, Mike Walsh and
7 Earl Comstock, and then there is an e-mail
8 back from James to me.

9 Q. And you're asking if he sent
10 these quotes before. "Did you already send
11 this to a reporter?"

12 A. I said to him, "Did you already
13 send this to reporter?"

14 Q. Do you typically approve
15 communications from the Public Information
16 Office to reporters?

17 A. Well, "approve" is a different
18 word. I, on occasion, may have comments.

19 Q. Do you typically review draft
20 statements to reporters from the Public
21 Information Office?

22 A. It depends. I haven't reviewed
23 this.

24 Q. We will in just a second. I
25 want to ask you questions about process, if

1 you don't mind.

2 A. Sure.

3 Q. Is it typical for the Public
4 Information Office to send you drafts of
5 what they are planning to send to
6 reporters?

7 A. They will generally copy me on
8 it, depending on what it is, not always,
9 and they will send it to a group for
10 comment.

11 Q. And does it matter whether the
12 issue is more or less important as to
13 whether you will be copied before or after
14 it is sent to the reporter?

15 MS. WELLS: I object to the
16 form.

17 A. I have no idea how they decide
18 when they start to include me in these
19 things.

20 Q. And how often do you have
21 comments back to the Public Information
22 Office when you get comments from --

23 A. Rarely, because it's not my
24 expertise.

25 Q. So when you do respond to the

1 Public Information Office on a draft to a
2 reporter, it's not particularly common; is
3 that correct?

4 A. No, I didn't say that. It just
5 depends.

6 Q. What does it depend on?

7 A. It depends, A, if I read it, B,
8 where it is in the system, C, if anything
9 pops out at me.

10 Q. I guess I would like you to
11 review this, but I want you to review this
12 with the question in mind as to whether you
13 see anything in here that is relevant to
14 the decision to add a citizenship question
15 to the 2020 census.

16 So just review it with that in
17 mind and tell me if you find anything.

18 A. So you want me to read this?
19 Because I don't remember having read this
20 before.

21 Q. Okay. Then let's ask this
22 question:

23 Why would you ask him if he had
24 already sent it to the reporter without
25 reading it?

1 A. I'm wondering if he already
2 sent it without getting comments from
3 people.

4 Q. Do you believe you did read
5 this at any point?

6 A. No. I mean, I might have
7 skimmed it, but I've got to tell you, an
8 e-mail this long, I wouldn't read.

9 Q. What would you skim it for?

10 A. Anything that pops out. But I
11 don't remember reading this. If you would
12 like me to, I'm happy to read it now.

13 Q. If you are representing that
14 you didn't read it at the time, I'm --

15 A. I'm saying I don't remember
16 reading it. I don't believe I have read
17 it, but I'm happy to read it now if you
18 would like me to.

19 Q. Just for the ease of our court
20 reporter, we both have done this a little
21 bit, but let's let each other finish before
22 we start --

23 A. Oh, I'm sorry.

24 Q. I have interrupted you a few
25 times. That's all right. I just want to

1 A. Not that I remember.

2 Q. About the budget for the
3 census?

4 A. I'm sorry, is this about public
5 statements?

6 Q. Have you made edits to public
7 statements about census budgeting?

8 A. No, I don't believe so.

9 Q. Have you reviewed public
10 statements about hiring enumerators for the
11 census?

12 A. I don't remember reviewing any
13 public statements regarding hiring
14 enumerators.

15 (Teramoto Exhibit 20 marked for
16 identification.)

17 Q. We are on No. 20. This is an
18 e-mail stamped 2525. It is blissfully
19 short, so I think you can review it in full
20 before I ask you questions about it.

21 Let me know when you're ready.

22 (Witness perusing document.)

23 A. Okay.

24 Q. The subject is Census, and the
25 e-mail is "Please arrange a quick update

1 for me tomorrow a.m."

2 What steps would you take to
3 arrange for a quick update for the
4 Secretary on census issues?

5 A. So, first, I don't remember
6 specifically what I did here.

7 My best guess, if that's okay
8 with you, sir --

9 Q. Sure.

10 A. -- is I would have forwarded
11 that e-mail to Karen and Earl and said
12 "here."

13 Q. Would you have contacted anyone
14 else?

15 A. Maybe I would have CC'd the
16 scheduler and his assistant just so they
17 have this situational awareness that he is
18 asking for it, but no.

19 Q. Would you contact anyone at
20 Census?

21 A. No.

22 Q. Would you contact anyone at
23 DOJ?

24 A. No.

25 Q. Would you contact anyone at the

1 brief him?

2 A. Sure.

3 Q. What are the issues that that
4 would be true of?

5 A. I would say when we were
6 talking about the China discussions, he had
7 asked me for an update.

8 Q. And that's something that you
9 would work directly on, the China
10 discussions?

11 A. I would say I was more
12 knowledgeable.

13 Q. Okay. And do you recall what
14 Karen or Earl said when you reached out to
15 them, if you did?

16 A. I think the first thing I said
17 in my -- when I testified was I don't
18 remember what I did. So I don't know if I
19 actually reached out to Karen and Earl.

20 Q. Okay.

21 (Teramoto Exhibit 21 marked for
22 identification.)

23 Q. This is Exhibit 21. It is
24 Bates stamped 3597.

25 Let's identify the people on

1 it, to the extent we haven't identified
2 them before, and then we can read the
3 e-mail.

4 Starting with the sender on
5 March 20th, do you know who Michael Phelps
6 is?

7 A. Yes. He is in the Budget
8 Office.

9 Q. Of which department?

10 A. Oh, of Commerce.

11 Q. Mike Platt?

12 A. Mike Platt is the head of our
13 Leg Affairs.

14 Q. And Ross Branson?

15 A. And Ross works with Mike Platt.

16 Q. The only other name we don't
17 know is Lisa Casias.

18 A. So Lisa Casias is -- I think
19 she is the acting CFO right now.

20 Q. And the date of this e-mail is
21 March 20th, 2018?

22 A. Correct.

23 Q. And the people mentioned are
24 Bob Bonner and Mr. Serrano, and tell me if
25 you can identify them, and then we will

1 Q. Do you recall this e-mail at
2 all?

3 A. No.

4 Q. Did you take any action when
5 you got this e-mail?

6 A. Not that I can remember.

7 Q. Who did prepare the Secretary
8 for his Congressional testimony?

9 A. So I guess depending on the
10 topic, but normally it is prepared by the
11 Leg Affairs Group, general counsel.

12 So that would be Mike Platt and
13 Ross, and just depending on what he is --
14 what the hearing is on sort of depends
15 which group is most involved in his
16 testimony.

17 Q. And would you be present for
18 that preparation?

19 A. No.

20 Q. Would you know it was going on?

21 A. Loosely.

22 Q. Would they be -- would they
23 provide him with written talking points in
24 advance of his preparation generally?

25 A. I believe he has written

1 New York Immigration Coalition v. US Dept. of Commerce
2 Wendy Teramoto

3 ACKNOWLEDGMENT OF DEPONENT

4 I, _____, do
5 hereby certify that I have read the foregoing
6 pages and that the same is a correct
7 transcription of the answers given by
8 me to the questions therein propounded,
9 except for the corrections or changes in form
10 or substance, if any, noted in the attached
11 Errata Sheet.

12
13 _____
14 DATE

13 _____
14 SIGNATURE

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