

# EXHIBIT H

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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:  
CITY OF SAN JOSE, et al., :  
:  
Plaintiffs, :  
: Case No.  
vs. : 3:18-cv-2279-RS  
:  
WILBUR ROSS, JR., et al., : Global objection:  
: 401; 403  
Defendants. :  
\_\_\_\_\_:

Thursday, October 25, 2018

Videotape Deposition of SAHRA PARK-SU,  
taken at the Law Offices of Manatt, Phelps &  
Phillips, LLP, 1050 Connecticut Avenue NW,  
Washington, D.C., beginning at 9:40 a.m.,  
before Ryan K. Black, a Registered Professional  
Reporter, Certified Livenote Reporter and Notary  
Public in and for the District of Columbia.

Veritext Legal Solutions  
Mid-Atlantic Region  
1250 Eye Street NW - Suite 350  
Washington, D.C. 20005

A P P E A R A N C E S:

MANATT, PHELPS & PHILLIPS LLP

BY: RORY E. ADAMS, ESQUIRE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Representing - City of San Jose

ASIAN AMERICANS ADVANCING JUSTICE

BY: NIYATI SHAH, ESQUIRE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Representing - Lupe, et al.

1 A P P E A R A N C E S (Cont'd):

2  
3 ARNOLD & PORTER LLP

4 BY: CHASE RAINES, ESQUIRE

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Representing - NYIC Plaintiffs

10  
11 COVINGTON & BURLING LLP

12 BY: DANIEL GRANT, ESQUIRE

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Representing - Kravitz Plaintiffs

1 A P P E A R A N C E S (Cont'd):

2  
3 UNITED STATES DEPARTMENT OF COMMERCE  
4 OFFICE OF THE GENERAL COUNSEL

5 BY: MEGAN HELLER, ESQUIRE

6 Herbert C. Hoover Building

7 Room 5890

8 1401 Constitution Avenue, NW

9 Washington, DC 20230

10 202.482.4837

11 mheller@doc.gov

12 Representing - Department of Commerce

13  
14 UNITED STATES DEPARTMENT OF JUSTICE

15 BY: KATE BAILEY, ESQUIRE

16 Federal Programs Branch

17 20 Massachusetts Avenue, NW

18 Washington, DC 20530

19 202.514.9239

20 kate.bailey@usdoj.com

21 Representing - Department of Commerce

1 A P P E A R A N C E S (Cont'd):

2  
3 CALIFORNIA OFFICE OF THE ATTORNEY GENERAL

4 BY: GABRIELLE D. BOUTIN, ESQUIRE

5 (Via Teleconference)

6 P.O. Box 944255

7 Sacramento, California 94244

8 916.323.5313

9 gabrielle.boutin@doj.ca.gov

10 Representing - State of California

11  
12 HOLLAND & KNIGHT LLP

13 BY: DAVID I. HOLTZMAN, ESQUIRE

14 (Via Teleconference)

15 50 California Street

16 Suite 2800

17 San Francisco, California 94111

18 415.743.6900

19 david.holtzman@hklaw.com

20 Representing - County of Los Angeles

1 A P P E A R A N C E S (Cont'd):

2  
3 DANNIS WOLIVER KELLEY

4 BY: KEITH A. YEOMANS, ESQUIRE

5 (Via Teleconference)

6 115 Pine Avenue

7 Suite 500

8 Long Beach, California 90802

9 562.366.8500

10 kyeomans@dwkesq.com

11 Representing - Los Angeles Unified School  
District

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 ALSO PRESENT

25 Gene Aranov - Legal Videographer

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1 THE VIDEOGRAPHER: Good morning.

2 We are going on the record at 9:40  
3 a.m. on October 25th, 2018. Please note that  
4 the microphones are sensitive and may pick up  
5 whispering, private conversations and cellular  
6 interference. Please turn off all cell phones,  
7 or place them away from the microphones, as they  
8 can interfere with the deposition audio. Audio  
9 and video recording will continue to take place  
10 unless all parties agree to go off the record.

11 This is Media Unit 1 of the  
12 video-recorded deposition of Sahra Park-Su taken  
13 by counsel for plaintiff in the matter of the  
14 City of San Jose, et al., versus Wilbur M.  
15 Ross, Jr., et al., filed in the United States  
16 District Court for the Northern District of  
17 California, San Francisco Division, Case Number  
18 3:18-cv-2279-RS.

19 This deposition is being held at  
20 Manatt Phelps & Phillips, located at 1050  
21 Connecticut Avenue Northwest, Suite 600,  
22 Washington, D.C.

23 My name is Gene Aranov, from the  
24 firm Veritext Legal Solutions, and I'm the  
25 videographer. The court reporter is Ryan Black,

1 from the firm of Veritext Legal Solutions.

2 I'm not authorized to administer  
3 an oath, I'm not related to any party in this  
4 action, nor am I financially interested in the  
5 outcome.

6 Counsel and all present in the room,  
7 and everyone attending remotely, will now state  
8 their appearances and affiliations for the  
9 record. If there are any objections to  
10 proceeding, please state them at the time of  
11 your appearance, beginning with the noticing  
12 attorney.

13 MR. ADAMS: Good morning. This is  
14 Rory Adams. I represent Plaintiffs City of  
15 San Jose and the Black Alliance for Just  
16 Immigration.

17 MS. SHAH: Hi. My name is Niyati  
18 Shah. I represent the plaintiffs in Lupe,  
19 et al., versus Ross, et al., Case Number  
20 8:18-01570, in the District of Maryland.

21 MR. RAINES: Hi. My name is Chase  
22 Raines. I represent the NYIC plaintiffs in  
23 2:18-cv-5025, which is now consolidated with  
24 2921 in the Southern District of New York.

25 MR. GRANT: My name is Dan Grant,

1 from Covington & Burling. I represent the  
2 plaintiffs in Kravitz v. Department of  
3 Commerce, et al., in the District of Maryland.

4 MS. HELLER: My name is Megan Heller.  
5 I'm agency counsel for the Department of  
6 Commerce.

7 MS. BAILEY: My name is Kate Bailey.  
8 I'm with the Department of Justice, representing  
9 defendants in this matter.

10 THE VIDEOGRAPHER: Anybody on the  
11 phone?

12 MS. BOUTIN: Yes. This is Gabrielle  
13 Boutin --

14 MR. HOLTZMAN: David Holtzman --

15 MS. BOUTIN: -- rep --

16 MR. HOLTZMAN: Go ahead, please.

17 MS. BOUTIN: Thank you.

18 This is Gabrielle Boutin, representing  
19 the State of California in the State of  
20 California v. Roth.

21 MR. HOLTZMAN: This is David Holtzman  
22 of Holland & Knight, representing the County of  
23 Los Angeles.

24 MR. YEOMANS: Keith Yeomans,  
25 representing Los Angeles Unified School District

1 in California v. Ross.

2 THE VIDEOGRAPHER: Is that everyone?

3 MR. ADAMS: Is anyone else on the  
4 line?

5 THE VIDEOGRAPHER: Will the court  
6 reporter please swear in the witness?

7 \* \* \*

8 Whereupon --

9 SAHRA PARK-SU,  
10 called to testify, having been first duly sworn  
11 or affirmed, was examined and testified as  
12 follows:

13 EXAMINATION

14 BY MR. ADAMS:

15 Q. Good morning. We met briefly in  
16 the hall. I'm Rory Adams, and I represent the  
17 City of San Jose and the Black Alliance for Just  
18 Immigration.

19 Ms. Park-Su, have you ever been  
20 deposed before?

21 A. No.

22 Q. Have you ever provided testimony in  
23 court before?

24 A. No.

25 Q. I'd like to go over in some basic

1           A.    My understanding at the time was  
2           that if there are any issues that I was familiar  
3           with, that I had expertise in, that I would have  
4           an opportunity to review it and provide any  
5           comment, input or suggestions.

6           Q.    Has your understanding of that role  
7           changed?

8           A.    Yes.

9           Q.    In what ways?

10          A.    I was assisting with Census, and I  
11          don't think that title necessarily applied to my  
12          role regards to Census. It did, however, with  
13          regards to the International Trade  
14          Administration.

15          Q.    When did you start working at the  
16          Department of Commerce?

17          A.    I believe it was the end of June,  
18          early July of 2017.

19          Q.    And when you started working at the  
20          Department of Commerce, did you have the title  
21          senior policy adviser?

22          A.    Yes.

23          Q.    Have you had any other titles while at  
24          the Department of Commerce?

25          A.    Currently, I have a different title.



1 Q. What is that?

2 A. Senior counselor.

3 Q. Have you had any other titles, other  
4 than senior policy adviser and senior counselor  
5 at the Department of Commerce?

6 A. No.

7 Q. Who did you report to at the  
8 Department of Commerce when you first joined?

9 A. When I first joined, I was working  
10 most closely with Israel Hernandez.

11 MS. BAILEY: Counsel, can we specify  
12 that -- are these directed to this current  
13 tenure at the Department of Commerce versus the  
14 previous tenure?

15 MR. ADAMS: Yes. This is directed  
16 to the current tenure at the Department of  
17 Commerce.

18 THE WITNESS: Okay. Yes. Thank you.  
19 Israel Hernandez.

20 BY MR. ADAMS:

21 Q. What were your -- what were your job  
22 responsibilities while you were reporting to  
23 Mr. Hernandez?

24 A. Sure. It was assisting Izzy with both  
25 any International Trade Administration matters,

1 as well as helping to pull together materials  
2 that Census was sending over to the Department  
3 of Commerce.

4 Q. How long was -- how long did you  
5 report to Mr. Hernandez?

6 A. Until his departure.

7 Q. When was that?

8 A. December of 2017.

9 Q. Who do you report to -- who did you  
10 report to after December of 2017?

11 A. It was sort of split. I was assisting  
12 Karen Dunn Kelly, the Undersecretary for ESA,  
13 and I still, technically, was reporting  
14 to Earl Comstock since they had placed me in  
15 his organization.

16 Q. What was his organization?

17 A. The Office of Policy and Strategic  
18 Planning.

19 Q. When did you become a senior  
20 counselor?

21 A. Probably almost three months ago.

22 Q. So when you started reporting to  
23 Secretary Kelly and Mr. Comstock, you were still  
24 a senior policy adviser?

25 A. Correct.

1 Q. Would you do anything else?

2 A. If I had questions, I'd ask them to  
3 clarify.

4 Q. Anything else?

5 A. No.

6 Q. So you would not, for example, edit  
7 draft responses?

8 A. If there are grammatical suggestions,  
9 I'd make those, but, substance-wise, we would  
10 keep it consistent with what Census had told us.

11 Q. Do you recall ever making substantive  
12 revisions to responses to QFRs?

13 A. There was one.

14 Q. What was that?

15 A. I believe that was asking what the  
16 process was.

17 Q. The process for what?

18 A. For adding a question to the Decennial  
19 Census.

20 Q. Do you recall when that question came  
21 in -- when did you first see that question?

22 A. I can't remember when I first saw  
23 that question. The Office was handling three  
24 Questions For The Record that were sent to us  
25 simultaneously.

1       them properly revise that answer that they had  
2       provided to the QFR.

3               Mind you, things were very busy  
4       at this time, and it still is. Days, if not  
5       maybe a week or so had gone by, and it had  
6       occurred to me that Census had not provided  
7       an updated response, probably because they were  
8       just crashing. And so, at the time, I remember  
9       we had just finished a call with Census, I think  
10      it was one of our weekly meetings with Census,  
11      but for some reason we didn't have it at  
12      Commerce. So what we sometimes will do is  
13      we'll do a call-in in lieu of an actual physical  
14      meeting.

15             After the call-in meeting, I believe  
16      I had a paper copy of that particular question  
17      that I was going to ask Census to help revise,  
18      to ask them where it was. Unfortunately, I had  
19      forgotten to ask them on that call, and, when it  
20      ended, I was in Mike Walsh's office, our Deputy  
21      General Counsel. Our Deputy General Counsel was  
22      also at -- present at that meeting where we had  
23      asked Census to specify what the process was.  
24      And I had asked the Deputy General Counsel,  
25      could you put the together a draft response from

1 your understanding of what Census had told us so  
2 I can send this to Census and see whether they  
3 accept, reject, edit or accept so I can get the  
4 ball rolling, because we need to finalize the  
5 QFRs.

6 Q. Did Mr. Walsh provide you with a draft  
7 response to that question?

8 A. He did.

9 Q. What did you do with his draft  
10 response?

11 A. I typed it and sent it to Census for  
12 their comments and approval or any suggestions.

13 Q. Did Census provide comments, approval  
14 or suggestions?

15 A. Census did respond.

16 Q. What was their response?

17 A. They were okay with the Deputy General  
18 Counsel's draft response.

19 Q. How was that communicated to you?

20 A. By e-mail.

21 Q. And what did you do after receiving  
22 that communication with respect to the response  
23 to the question?

24 A. I then took that response and put it  
25 into the QFR.

1 administrative related to Secretary Kelly's  
2 calendar?

3 A. Right.

4 Q. Did you do any other work that was  
5 not administrative and not related to Secretary  
6 Kelly's calendar?

7 MS. BAILEY: Objection; vague.

8 THE WITNESS: Could you give me an  
9 example?

10 BY MR. ADAMS:

11 Q. No.

12 A. Okay. Well, we did more than just  
13 scheduling. We would, oftentimes, look at  
14 a document and if there are any additional  
15 information that need -- was needed we would  
16 ask bureaus for more information. But, again,  
17 neither Aaron or I, to my knowledge, were Census  
18 experts, so we would rely on Census to give us  
19 as much information as possible.

20 Q. Why do you say that you're not a  
21 Census expert?

22 A. Because I'm not.

23 Q. Have you tried to -- strike that.

24 When you provide information to others  
25 within the Department of Commerce related to the

1 Census, do you create independent work product  
2 without the input of experts from Census?

3 MS. BAILEY: Objection; vague.

4 THE WITNESS: I do not create my own  
5 work product without Census's input.

6 BY MR. ADAMS:

7 Q. If you're providing information  
8 to others related to the Census, would the  
9 information that you provide come from experts  
10 at Census?

11 A. They would come from people at Census.

12 Q. Any other sources?

13 A. Public sources, like the internet.

14 Q. That you would look up?

15 A. Mm-hmm.

16 Q. Any other sources?

17 A. Those sources were, actually, all  
18 directed towards Census's website.

19 Q. So aside from direct input from  
20 experts at Census and publicly available  
21 information on the internet, did you use any  
22 other sources to gather and provide information  
23 to others at Commerce about the Census?

24 MS. BAILEY: Objection; form.

25 THE WITNESS: Could you rephrase that

1 testimony.

2 THE WITNESS: I don't believe so.  
3 One thing I want to clarify, Rory, is that any  
4 document that is provided or created by me is  
5 done, primarily, with input from Census. And  
6 when those documents are created, they're always  
7 ran through Census. I try to make sure that  
8 Census sees it so that if there's anything  
9 that's incorrect or mischaracterized that they  
10 can then make that correction, and I would not,  
11 typically, move forward without Census's final  
12 say.

13 BY MR. ADAMS:

14 Q. Would you move forward without  
15 Census's final say under any circumstances?

16 MS. BAILEY: Objection; vague.

17 THE WITNESS: I don't know what that  
18 means.

19 BY MR. ADAMS:

20 Q. I believe you just testified you would  
21 not move forward without Census's input.

22 A. Typically.

23 Q. Typically.

24 So are there circumstances when you  
25 would move forward without Census's input?



1                   A.    I would try not to.   That would be --  
2                   that would be foolish since I'm not an expert.

3                   Q.    Do you recall any instances where that  
4                   may have occurred?

5                   A.    I do not recall an instance.

6                   Q.    Okay.  When did you first do work at  
7                   the Department of Commerce during your current  
8                   tenure with respect to the 2020 Census?

9                   A.    Gosh.  Probably around the time when I  
10                  first started back at Commerce.

11                  Q.    Which was the summer of 2017?

12                  A.    2017.

13                  Q.    Did someone give you assignments  
14                  related to the Census?

15                  A.    No.

16                         MS. BAILEY:  Objection; vague.

17                         THE WITNESS:  It was, specifically,  
18                  just asking for help.

19                  BY MR. ADAMS:

20                  Q.    Who asked you for help?

21                  A.    Israel Hernandez.

22                  Q.    What did he ask you to do?

23                  A.    Sure.

24                         I think around that time Director  
25                  Thompson had resigned not too long ago, and

1 Q. My question was inexact. I'll  
2 rephrase.

3 A. Sorry. That's a Census administrative  
4 record.

5 Q. No. No. I get it. I -- no -- no  
6 problem. I -- I can ask the question a better  
7 way.

8 You've worked in -- in government  
9 agencies for a number of years, and what I'm  
10 talking about is the administrative record that  
11 underlies agency decisions.

12 A. Mm-hmm. Okay.

13 Q. What is an administrative record in  
14 that sense?

15 A. My understanding is -- is that it's a  
16 compilation of information that is used to make  
17 a decision.

18 Q. What's included within an -- an  
19 administrative record?

20 MS. BAILEY: Objection. Calls for a  
21 legal conclusion.

22 THE WITNESS: I have no idea. What  
23 -- could you --

24 BY MR. ADAMS:

25 Q. Have you ever been tasked with

1 assembling an administrative record?

2 A. No, but I've assisted.

3 Q. How have you assisted in assembling  
4 an -- an administrative record?

5 A. I've assisted when I was in the Import  
6 Administration, where we administer Trade Remedy  
7 laws, the Antidumping and Countervailing Duty  
8 laws. And, as you can imagine, there are a lot  
9 of cases that are filed. And so anytime you  
10 have an outside party that comes in with regards  
11 to a pending case, we would have to then record  
12 those conversations and put them on the record  
13 and include that in Commerce's deliberation in  
14 making determination on a ADCDV case.

15 And so when those happen, I remembered  
16 the teams would put together the information,  
17 which would then come to my front office, which  
18 I would make sure it had everything it needed  
19 prior to going to the assistant secretary for  
20 review and meeting with the team.

21 Q. And that was -- that was be -- that  
22 was before your current tenure at the Department  
23 of Commerce?

24 A. That was in 2007.

25 Q. Did you receive any training about

1 assembling administrative records?

2 MS. BAILEY: Objection; vague.

3 THE WITNESS: Training?

4 BY MR. ADAMS:

5 Q. Training.

6 A. There's training?

7 Q. I'm asking did you receive any?

8 A. Not that I know of.

9 MS. BAILEY: Same objection.

10 THE WITNESS: Not that I'm aware of.

11 If there's official training, I did not receive  
12 official training.

13 BY MR. ADAMS:

14 Q. Did you receive unofficial training?

15 A. What do you mean unofficial training,  
16 on the job?

17 Q. Yes.

18 A. The work that I described in Import  
19 Administration is probably the closest to  
20 compiling information.

21 Q. Did anyone ever explain to you what  
22 types of information should or should not be  
23 included within an administrative record?

24 A. No.

25 Q. Have you ever assembled an

1 administrative record at the Department  
2 of Commerce?

3 A. I had assembled -- helped assemble  
4 the Secretary's deliberation in considering the  
5 citizenship question.

6 MR. ADAMS: I'd like to show you  
7 Exhibit Number 13.

8 (Deposition Exhibit No. 13, a document  
9 Bates Numbered 1984, was marked.)

10 BY MR. ADAMS:

11 Q. This is Bates Number 1984.

12 The second e-mail in this chain is  
13 dated January 28th, 2018, from James Uthmeier.

14 A. Mm-hmm.

15 Q. And he says, additionally, I know that  
16 KDK, --

17 That's Secretary Kelly?

18 A. Karen Dunn Kelly, yes.

19 Q. -- wanted to do a follow-up meeting  
20 to tomorrow's Steering Committee -- steering  
21 meeting, --

22 A. Mm-hmm.

23 Q. -- at which we could visit directly  
24 with Ron and Enrique about the admin record.

25 And you responded, also, I spoke with

1 about this document?

2 Q. In -- in the latter half of January  
3 2018.

4 A. Possibly. I don't know.

5 Q. Did you attend any meeting where this  
6 document was discussed?

7 A. Not that I can recollect.

8 Q. Did you attend any meeting where  
9 Options A, B and C were discussed?

10 THE WITNESS: I'm sorry. Just to  
11 clarify, discussed this with Karen Dunn Kelly or  
12 with Census?

13 BY MR. ADAMS:

14 Q. With anyone within the Department of  
15 Commerce or the Census Bureau.

16 A. Around this time in late January, I  
17 don't -- I don't recall.

18 Q. Do you recall the Department of  
19 Commerce coming up with a set of 35 questions  
20 for the Census Bureau?

21 A. I don't know if there are 35  
22 questions. I know that Commerce did come up  
23 with a list of questions based off of this  
24 options paper that was provided by Census.

25 Q. How did Commerce come up with those

1 questions?

2 A. So Commerce was given a copy of this  
3 document, the options paper, and it was shared  
4 with some of us at Commerce. And I believe  
5 after reviewing it there's some folks that came  
6 back with questions. And so there was an effort  
7 to compile those questions because different  
8 people had different questions.

9 Q. Do you recall who had questions?

10 A. I believe David Langdon, I think James  
11 Uthmeier may have, and I think Earl may have, as  
12 well. I don't know if there would be more or --  
13 or less.

14 Q. Karen Dunn Kelly, --

15 A. Mm-hmm.

16 Q. -- did -- did she have questions, that  
17 you recall?

18 A. I don't know. I can't remember.  
19 Somebody was collecting everybody's questions,  
20 so she may or may not have. But I wasn't  
21 compiling everybody's questions, so I don't  
22 know.

23 MR. ADAMS: I'm showing you what's  
24 been marked as Exhibit 16. This is Bates Number  
25 3706.

1 (Deposition Exhibit No. 16, a document  
2 Bates Numbered 3706, was marked.)

3 THE WITNESS: Mm-hmm. Okay.

4 BY MR. ADAMS:

5 Q. Does this refresh your recollection  
6 as to whether Secretary Kelly may have had  
7 questions?

8 A. I do not know.

9 Just to clarify, I don't know if  
10 they're Karen's questions or if they're a  
11 compilation of questions, but it sounds like  
12 I had a copy of some questions -- her copy at my  
13 desk.

14 Q. At some point were the que -- were the  
15 questions transmitted to the Census Bureau?

16 A. I don't know. I'd imagine they were,  
17 because Census provided responses.

18 Q. But you did not transmit them?

19 A. I did not transmit those questions.

20 Q. Did you receive responses to the  
21 questions --

22 A. I think --

23 Q. -- from Census?

24 A. -- I may have seen a copy of them.

25 I don't know if I was on an e-mail. I can't



1 recall.

2 Q. The administrative record reflects  
3 multiple versions of these questions. What do  
4 you recall about the process of preparing a  
5 final set of responses?

6 MS. BAILEY: Objection; foundation.

7 THE WITNESS: All I know was a final  
8 copy was given to me to keep for record's sake,  
9 and that's all I know.

10 MR. ADAMS: I'd like to show you  
11 what's been marked as Exhibit 17.

12 (Deposition Exhibit No. 17,  
13 Defendant's Objections and Responses to  
14 Plaintiff's Third Set of Interrogatories in the  
15 New York Action, Case No. 18-2025, was marked.)

16 BY MR. ADAMS:

17 Q. Exhibit 17 is Defendant's Objections  
18 and Responses to Plaintiff's Third Set of  
19 Interrogatories in the New York -- in the  
20 related New York action, Case Number 18-5025.  
21 I'd like to direct your attention to Page 2 of  
22 the document.

23 A. Mm-hmm.

24 Q. And at the bottom of the page  
25 is Interrogatory Number 5. With regard to

1 draft and final response to Question 31 in the  
2 questions on the January 19th draft census memo  
3 on the DOJ Citizenship Reinstatement Request,  
4 found at Administrative Record 2303 to 2304 and  
5 Administrative Record 196, please identify, A,  
6 all persons who worked on any draft of the  
7 response.

8 A. Mm-hmm.

9 Q. And in response the Department of  
10 Commerce responded with a list of names, among  
11 others, yours, correct?

12 A. Mm-hmm. Yes.

13 Q. In what ways did you work on a  
14 draft of the response to Question 31, and I  
15 can -- would it help to show you Question 31?

16 A. Sure. That would be helpful. I think  
17 it's in reference to what we spoke about  
18 earlier, --

19 Q. It is.

20 A. -- but I'd love to see a copy.

21 MR. ADAMS: Sure. So what I'm marking  
22 as Exhibit Number 18 is Bates Number 1286 from  
23 the administrative record.

24 (Deposition Exhibit No. 18, a document  
25 Bates Numbered 1286, was marked.)

1 BY MR. ADAMS:

2 Q. And Question 31 appears on Page 11.

3 A. Mm-hmm.

4 Q. What is the process that was used  
5 in the past to get questions added to the  
6 Decennial Census, or do we have something  
7 similar where a precedent was established?

8 A. Mm-hmm.

9 Q. And as we saw in Exhibit 17, the  
10 Department of Commerce responded with your name  
11 when asked for all people who worked on any  
12 draft of the response.

13 A. Yep.

14 Q. And what work did you do on a draft of  
15 re -- of the response to this question?

16 A. Yes. It goes back to what I mentioned  
17 earlier. Census, based off of our understanding  
18 of our meetings with them, had indicated that  
19 there was a distinction between the process  
20 that's used at questions to the American  
21 Community Survey, which they had shared with  
22 us, and that the Decennial Census did not  
23 necessarily have a similar process, to their  
24 knowledge, that they could point to.

25 And, therefore, it would not be an accurate

1 characterization to say that it was the same.

2 And so based off of that, Census was  
3 to go about -- my understanding from the meeting  
4 was that Census was going to go back and work on  
5 the draft response to Question 31.

6 Now, as I mentioned, these were  
7 extremely busy times. And I think a few days,  
8 if not a week or so had gone by, and this was  
9 not updated. And I was in a meeting with Mike  
10 Walsh, we had a call with Census in lieu of an  
11 in-person meeting that we typically have, and  
12 had a hard copy of this and had asked Mike  
13 Walsh, our Deputy General Counsel, based off  
14 of his recollection of our meeting with Census,  
15 could he draft together a draft response so that  
16 I can send it to Census for clearance, comments  
17 or edits so I could get the ball rolling so we  
18 can finalize these answers.

19 Mike Walsh then handwrote the draft  
20 response for me on my paper, which then I then  
21 went back and typed it up and sent it to Census.  
22 I sent it to -- by e-mail to Ron Jarmin, I  
23 believe Enrique Lamas, Christa, which those are,  
24 typically, the people that I'll e-mail asking  
25 for their comments, suggestions or clearance on

1 this.

2 And that was my involvement regarding

3 this question and answer.

4 Q. When was -- so Census sent a draft  
5 response to Question 31 to Commerce?

6 A. Mm-hmm.

7 Q. And you asked at some point for a  
8 revision to that response?

9 A. I don't recall myself asking. I  
10 remember at the meeting the understanding was  
11 Census was going to go back, because I don't  
12 believe this was the only one where they were  
13 going to revisit. This was one of some that  
14 Census was supposed to come back with their  
15 revision.

16 Q. Do you recall when Census was first  
17 asked to revisit their initial response to  
18 Question 31?

19 A. I don't. I would imagine it  
20 probably wasn't too long after they provided  
21 this response, and it was probably during the  
22 course of one of our subsequent meetings with  
23 them, either weekly or biweekly, or even a phone  
24 conversation -- no, it was an in-person meeting.  
25 Excuse me.

1 to prepare the questions to send up to Congress.

2 Q. Did Mike Walsh draft revised responses  
3 to any questions, other than Question 31?

4 A. Not that I'm aware of.

5 Q. In terms of timing, would you agree  
6 that Census provided initial responses to most  
7 of the 35 questions by the beginning of February  
8 2018?

9 A. Likely. Census tries to turn around  
10 information as quickly as they can.

11 But as you can see from Question 30,  
12 there's a lot of back and forth where Census  
13 would come back and ask, we're not sure what  
14 you're asking for, please clarify the question.

15 MR. ADAMS: I'd like to show you  
16 what's been marked as Exhibit Number 19.

17 (Deposition Exhibit No. 19, a document  
18 Bates Numbered 1616, was marked.)

19 BY MR. ADAMS:

20 Q. This is Bates Number 1616, and I'd  
21 like to turn to Question Number 31.

22 A. Mm-hmm.

23 Q. And if you could review the response  
24 to Question 31 and let me know when you've had a  
25 chance to look at it.

1 A. Mm-hmm.

2 Okay.

3 Q. Does this -- does this look to you  
4 like the initial response that Commerce received  
5 from the Department of Census to Question 31?

6 MS. BAILEY: Objection; vague.

7 THE WITNESS: Question to 31? Could  
8 you --

9 MR. ADAMS: Could you repeat the  
10 question?

11 THE REPORTER: The last question, or  
12 the one prior?

13 MR. ADAMS: The last question.

14 (Referred-to testimony read back.)

15 MS. BAILEY: Same objection.

16 THE WITNESS: It looks similar, but  
17 I cannot tell you if this is exactly what it  
18 looked like word for word.

19 BY MR. ADAMS:

20 Q. This is not the response that  
21 Mr. Walsh drafted?

22 A. That's correct.

23 Q. The re -- the response says  
24 that adding a question or making a change to  
25 the Decennial Census toward the ACS involves

1 extensive testing, review and evaluation.

2 Did you have any reason to believe  
3 that that statement was inaccurate in this  
4 response?

5 A. Yes. My understanding from the  
6 meetings that we had from Census was that  
7 this statement was very true for the American  
8 Community Survey, and I believe when we  
9 had asked about the Decennial Census, my  
10 understanding was that Census said it had been a  
11 very long time since they have added a question,  
12 to which I believe there was an effort that was  
13 made by Census to see if they could find the  
14 last time a question was added to the Decennial  
15 and, when it was added, what process, any  
16 historical record that Census could show us  
17 to support that statement. And Census, to my  
18 recollection, did not have anything to provide.

19 Q. What prompted the Department of  
20 Commerce to dig deeper into this initial  
21 response to Question 31?

22 MS. BAILEY: Objection; foundation.  
23 Mischaracterizes previous testimony.

24 THE WITNESS: Could you repeat  
25 that question or miss -- rephrase it for me.



1 in connection with considering the process  
2 for adding a question to the 2020 Census?

3 A. Not to my recollection. This looks  
4 like this was in preparation for the PMR, the  
5 quarterly Performance Management Review that  
6 Census hosts to provide the public an update on  
7 the progress that they've made in preparation  
8 for the Decennial. And I think this may be  
9 one of those public presentations that Census  
10 provided.

11 It says here that they were including  
12 a slide to send to Ellen Johnson, who is a  
13 staffer in the House Oversight and Government  
14 Reform Committee, who I guess she might have  
15 inquired about that.

16 Q. That's HOCR?

17 A. Mm-hmm.

18 MR. ADAMS: I'd like to show you what  
19 I've marked as Exhibit 21. It's Bates Number  
20 13023.

21 (Deposition Exhibit No. 21, a document  
22 Bates Numbered 13023, was marked.)

23 THE WITNESS: Mm-hmm.

24 BY MR. ADAMS:

25 Q. And this is an e-mail from you on

1 February 23rd, 2018, to Ron, Enrique and  
2 Christa at the Census Bureau, correct?

3 A. Correct.

4 Q. And you would agree that the bolded  
5 question that appears beneath your name is  
6 Question 31?

7 A. Mm-hmm. Yes.

8 Q. Are you familiar with this draft  
9 response to Question 31?

10 A. I believe this is Mike Walsh's draft  
11 response that I typed and sent to Census asking  
12 for their thoughts.

13 Q. When you say the -- Mike Walsh wrote  
14 an answer, --

15 A. Mm-hmm.

16 Q. -- I believe you said that he wrote  
17 it on a hard copy document that you had of the  
18 questions?

19 A. He wrote it for me because I had a  
20 hard copy and I asked him on the spot after we  
21 had concluded a call with Census.

22 Q. Did you -- strike that.

23 Who came up with the language that he  
24 wrote down?

25 A. I believe it was based off of

1 his understanding from the meeting that he  
2 participated in with Census when they went over,  
3 among many things, what the process was for the  
4 Decennial Census where Census clarified to us.

5 Q. Did you make suggestions for the  
6 language to be used in the revised version of  
7 the response to Question 31?

8 A. Could you rephrase that?

9 Q. The -- the version of -- the revision  
10 of the response to Question 31 that Mr. Walsh  
11 wrote on your hard copy, --

12 A. Mm-hmm.

13 Q. -- did you provide suggestions as to  
14 what wording should be used for that response?

15 A. No. I typed it verbatim.

16 Q. And Mr. Walsh came up with the  
17 language independently?

18 A. No. It was based off of his  
19 understanding from the meeting he had  
20 participated in with Census, that we had all  
21 participated in.

22 Q. Let me rephrase -- ask a different  
23 question.

24 A. Okay.

25 Q. He came up with the -- is it correct

1 to say that he came up with the language  
2 independent of substantive input from you?

3 MS. BAILEY: Objection; form.  
4 Objection. Mischaracterizes previous testimony.

5 THE WITNESS: I did not provide any  
6 input with regards to the response to Question  
7 Number 31.

8 BY MR. ADAMS:

9 Q. Part of this response in your e-mail  
10 says, consistent with longstanding practice  
11 for adding new questions to the ACS survey,  
12 the Census Bureau is working with relevant  
13 stakeholders to ensure that legal and regulatory  
14 requirements are fulfilled and that the  
15 questions would produce quality, useful  
16 information for the nation.

17 A. Mm-hmm.

18 Q. Who provided the information used  
19 to come up with that language to Mr. Walsh?

20 MS. BAILEY: Objection; form.

21 THE WITNESS: I believe this language  
22 was based off of Census's explanation to us  
23 about the process for the American Community  
24 Survey.

25 BY MR. ADAMS:

1       aware, that process is ongoing. I think "as  
2       upon its conclusion" probably should have been  
3       a separate paragraph and it should have been  
4       clarified that "upon its conclusion of looking  
5       at the Department of Justice request with  
6       regards to Decennial Census", that it's still  
7       ongoing and that the information would be  
8       provided to the Secretary for consideration.  
9       But, again, I wrote this based upon what was  
10      given to me --

11           Q.     Typing --

12           A.     -- without any corrections. Right.

13           Q.     Typing up verbatim what you received  
14      from Mr. Walsh?

15           A.     Correct.

16           Q.     Christa Jones responded to you and  
17      said, Sahra, I'm fine with this. This is not  
18      to say that there weren't some improvements and  
19      presentation changes for the topics between  
20      1990, 2000, 2010 and planned for 2020. I just  
21      want us all to be clear that the questionnaires  
22      were not -- was not identical from 1990 to now.

23           A.     Mm-hmm.

24           Q.     Aside from this response from  
25      Ms. Jones, did you receive any other responses

1 or feedback from Mr. Jarmin, Mr. Lamas or  
2 Ms. Jones about this proposed response?

3 A. No. And the reason why Christa is  
4 always copied on any e-mail to Ron and Enrique  
5 is so that she can also ping them and check with  
6 them in the event that they missed an e-mail  
7 from us.

8 And so Christa was my liaison  
9 over there to ensure that we could get a timely  
10 response from Census, and, if she responded,  
11 then that was good as -- as what census was  
12 going forward with, so that was my  
13 understanding.

14 Q. So your understanding -- was it  
15 your understanding that Census had reviewed and  
16 approved of the language that Mr. Walsh wrote on  
17 your hard copy and you retyped here?

18 A. That's what I took it as.

19 Q. Following -- following this exchange,  
20 did Commerce send to you any other revisions to  
21 a response to Question 31?

22 A. No, not that I can recall.

23 Q. Can you recall -- do you know whether  
24 they -- whether Census sent anyone within the  
25 Department of Commerce a further revision of the

1 response to Question 31?

2 A. I do not know. As far as I was  
3 concerned, this was done and over and we can  
4 move on.

5 Q. From your perspective, you said it's  
6 done and over and we can move on, so you view  
7 this language as having been approved final  
8 language for the response to Question 31?

9 A. With regards to Census's review, that  
10 was my understanding.

11 Q. Was there further review of the  
12 response within the Department of Commerce?

13 A. I do not know. At this point there  
14 are a lot of e-mails going back and forth,  
15 so ...

16 MR. ADAMS: I'd like to show you  
17 what's been marked as Exhibit Number 22, and  
18 this is Bates Number 9812.

19 (Deposition Exhibit No. 22, a document  
20 Bates Numbered 9812, was marked.)

21 MR. ADAMS: Before we go to this  
22 exhibit, I want to go back to what we were just  
23 discussing and show you Exhibit 23.

24 (Deposition Exhibit No. 23, a document  
25 Bates Numbered 3403, was marked.)

1 know if they came in together or if they came in  
2 separately, the attachment.

3 Q. Taking a look at Exhibit 22, --

4 A. Mm-hmm.

5 Q. -- if we could turn to page -- it's  
6 the second-to-last page, --

7 A. Mm-hmm.

8 Q. -- Question 31. So the version of  
9 the response to Question 31 that's in this  
10 document --

11 A. Mm-hmm.

12 Q. -- is not the version that was  
13 prepared by Mike Walsh.

14 A. Correct.

15 Q. Do you know why, as late as March 1st,  
16 2018, Dr. Abowd would be using this version of  
17 the response to Question 31?

18 MS. BAILEY: Objection. Calls for  
19 speculation. Foundation.

20 THE WITNESS: I do not know why,  
21 but this is not the version he should have been  
22 using.

23 BY MR. ADAMS:

24 Q. He should have been using the version  
25 as drafted by Mr. Walsh?



1 A. The one that was cleared by Census.

2 MR. ADAMS: Could we go off the record  
3 for two minutes?

4 THE VIDEOGRAPHER: We're going off the  
5 record. The time is 1:53 p.m.

6 (Brief recess.)

7 THE VIDEOGRAPHER: We're back on the  
8 record. The time is 1:55 p.m.

9 BY MR. ADAMS:

10 Q. I'd like to compare the different  
11 versions of the response to Question 31 that we  
12 have.

13 A. Okay.

14 Q. So there is the version in Exhibit 22,  
15 which is the March 1st, 2018, memo from  
16 Dr. Abowd.

17 A. Okay.

18 Q. There's the version in Exhibit 19.  
19 I think this might be it.

20 A. No, that's 18. You said 19, right?  
21 So Exhibit 19, --

22 Q. Exhibit 19.

23 A. -- and then what was the one before  
24 that that you asked? Oh, and then this one, --

25 Q. And Exhibit --

1 A. -- Exhibit 22?

2 Q. So 18, 19, --

3 A. Nineteen.

4 Q. -- 21 and 22. So we have four -- four  
5 documents.

6 A. Okay. Okay.

7 Q. Starting with 19 and 22, --

8 A. 19 and 22. Okay.

9 Q. Okay.

10 -- would you agree that these versions  
11 of the response to Question 31 are the same?

12 A. I'm sorry. That the response to --

13 Q. Question 31.

14 A. -- 31 for Exhibit 18 --

15 Q. 19 and 22.

16 A. -- 19 -- I'm sorry.

17 Q. I'm sorry.

18 A. I'm sorry. One more time. For 19 and  
19 22, are they the same?

20 Q. Yes.

21 A. Okay. Yes, they read the same.

22 Q. Turning to the version in Exhibit 21,  
23 this is the e-mail version with the typed-up  
24 version of Mr. Walsh's response?

25 A. Mm-hmm. Twenty-one. Okay. Sorry.

1 There's -- okay.

2 Q. This had been communicated to Census  
3 prior to March 1st, 2018, correct?

4 A. Correct.

5 Q. Are you aware of any reason why  
6 Dr. Abowd would not be using this version of the  
7 response to Question 31?

8 MS. BAILEY: Objection. Objection.  
9 Calls for speculation. Objection; foundation.

10 THE WITNESS: I don't know.

11 BY MR. ADAMS:

12 Q. Did -- did Dr. Abowd, to your  
13 knowledge, express to anyone at the Department  
14 of Commerce disagreement with the version of the  
15 response in Exhibit 21?

16 A. You mean the one that the Commerce  
17 Department provided --

18 Q. Yes.

19 A. -- to 21?

20 I don't know. I believe Dr. Abowd  
21 is not in that e-mail that I had sent to Census.  
22 I only had sent it, it seems, to Ron Jarmin,  
23 Enrique Lamas, Christa Jones, Karen Dunn Kelly,  
24 Mike Walsh and Brian Lenihan.

25 Q. Before we compare the version of the

1 response in Exhibit 21 to the version that's in  
2 Exhibit 18, --

3 A. Okay.

4 Q. -- I just want to go back to 21  
5 and make sure I understand what, if anything,  
6 happened to this version of the response after  
7 February 23rd, 2018. Did you make any further  
8 revisions to the response to Question 31?

9 A. No.

10 Q. To your knowledge, did Mr. Walsh  
11 make any further revisions to the response?

12 A. No.

13 Q. To your knowledge, did Secretary Kelly  
14 make any revisions to this version?

15 A. No.

16 Q. Are you aware of anyone who made  
17 revisions to this version of Question 31 after  
18 February 23rd?

19 MS. BAILEY: Objection. Asked and  
20 answered.

21 THE WITNESS: No.

22 BY MR. ADAMS:

23 Q. If we could compare Exhibit 21 with  
24 Exhibit 18, --

25 A. Okay.

1 Q. Okay.

2 -- you would agree that these are not  
3 identical, correct?

4 A. Correct.

5 Q. And the sentence, consistent with  
6 longstanding practice for adding new questions  
7 to the ACS survey, the Census Bureau is working  
8 with relevant stakeholders.

9 MS. BAILEY: Sorry. Can we clarify  
10 which exhibit? I'm sorry.

11 MR. ADAMS: Yes. Exhibit 21.

12 BY MR. ADAMS:

13 Q. There is a sentence in 21, consistent  
14 with longstanding practice for adding new  
15 question -- for adding new questions to the  
16 ACS survey, the Census Bureau is working with  
17 relevant stakeholders to ensure that legal and  
18 regulatory requirements are fulfilled and that  
19 the question would produce quality and useful  
20 information for the nation.

21 A. Mm-hmm.

22 Q. That initial phrase, consistent with  
23 longstanding practice for adding a new question  
24 to the ACS survey, does not appear in the  
25 version of the answer in Exhibit 18, --

1 A. Mm-hmm.

2 Q. -- correct?

3 A. Correct.

4 Q. Do you know why?

5 A. I do not know why. It seems like  
6 it's a truncated version of Exhibit 21. It's  
7 the same answer, just shortened.

8 Q. You testified, and correct me if I'm  
9 wrong, that you're not aware of anyone having  
10 made further revisions to Question 31 as  
11 reflected in Exhibit 21.

12 A. Correct.

13 Q. In terms of control of the -- the  
14 document that had the responses to all of these  
15 questions, I'd imagine it changed hands a number  
16 of times; is that correct?

17 A. Yes. I would imagine.

18 Q. And after February 23rd, people in  
19 addition to you made revisions; is that correct?

20 MS. BAILEY: Objection. Calls for  
21 speculation.

22 THE WITNESS: I don't know. I don't  
23 know.

24 BY MR. ADAMS:

25 Q. How many -- strike that.

1 responses to these questions after February  
2 23rd?

3 MS. BAILEY: Objection.

4 THE WITNESS: The Secretary?

5 MS. BAILEY: Objection. Asked and  
6 answered several times.

7 THE WITNESS: No.

8 BY MR. ADAMS:

9 Q. I've been asking about revisions by  
10 people at the Department of Commerce. Are you  
11 aware of whether anyone within the Census Bureau  
12 revised answers -- the answer to Question 31  
13 after February 23rd, 2018?

14 MS. BAILEY: Objection; foundation.

15 THE WITNESS: No. I don't know.

16 BY MR. ADAMS:

17 Q. Who changed the response to Question  
18 31 from the version reflected in Exhibit 21 to  
19 the version reflected in Exhibit 18?

20 MS. BAILEY: Objection. Calls for  
21 speculation, foundation, asked and answered.

22 THE WITNESS: I don't know.

23 BY MR. ADAMS:

24 Q. Okay. With respect to -- with respect  
25 to the process of considering DOJ's request,

1           A.     That's what it looks like from the  
2 scheduler.

3           Q.     And it lists calls with members of  
4 Congress and others, such as Kay Coles James  
5 with the Heritage Foundation, Christine Pierce,  
6 a demographer at Nielsen. Did these calls take  
7 place?

8           A.     Some did and some didn't. It was  
9 tricky. Like, the scheduling team tried to  
10 squeeze in as many calls during certain hours,  
11 but then they were shifting and changing, and  
12 sometimes the members or people were not  
13 available. So the final list of summaries based  
14 off these stakeholder calls were all the people,  
15 to my recollection, that we -- that the  
16 Secretary was able to get ahold of and have a  
17 listening session.

18          Q.     For each of the calls you participated  
19 in, did you take contemporaneous notes?

20          A.     Yes. I tried.

21                 I think I may have missed a couple  
22 with the members at the tail end, but Kasey was  
23 in those meetings so she would have read the  
24 summaries.

25          Q.     Do you recall whether you were on the



1 phone call with Christine Pierce from Nielsen?

2 A. If my notes show it, maybe.

3 Q. You don't recall either way, though?

4 A. I don't. There were so many. I mean,  
5 that's why we were taking notes.

6 MR. ADAMS: I'd like to show you  
7 what's been marked as Exhibit Number 28.

8 (Deposition Exhibit No. 28, a document  
9 Bates Numbered 001313, was marked.)

10 BY MR. ADAMS:

11 Q. Are you familiar with this document?

12 A. I believe it was the Secretary's  
13 decision.

14 Q. Who drafted the Secretary's decision?

15 A. Boy, I don't know, but it wasn't me.

16 Q. Did you work on preparing any inputs  
17 into this decision?

18 MS. BAILEY: Objection; vague.

19 THE WITNESS: Inputs? No.

20 BY MR. ADAMS:

21 Q. Did you provide any information  
22 -- strike that.

23 Did you have any role in the creation  
24 of this document, in particular?

25 A. No. I think I saw the final finished

1 product.

2 Q. As this was being drafted, did  
3 anyone ask you any questions about formulations  
4 -- strike that.

5 As this was being drafted, did  
6 anyone ask you questions about preparing the  
7 Secretary's final decision?

8 MS. BAILEY: Objection; vague.

9 THE WITNESS: Preparing his final  
10 decision for ...

11 BY MR. ADAMS:

12 Q. Preparing this document.

13 A. No.

14 Q. If you could turn to Page 6 -- oh,  
15 that has my underline in it.

16 A. Is this your copy?

17 Q. That's all right.

18 A. Okay.

19 Q. So what I have underlined is the  
20 sentence, first, several stakeholders who  
21 opposed reinstatement of the citizenship  
22 question did not appreciate that the question  
23 had been asked in some form or another for  
24 nearly 200 years.

25 A. Mm-hmm.

1 Q. Do you recall -- do you recall  
2 stakeholder phone calls where stakeholders  
3 expressed opposition to the reinstatement of  
4 the citizenship question?

5 A. The stakeholders, I think they were --  
6 they were folks who were not fans of the  
7 request.

8 Q. And do you recall, based on those  
9 phone calls, whether stakeholders who were  
10 opposed appreciated that the question had been  
11 asked in some form or another for nearly 200  
12 years?

13 MS. BAILEY: Objection; vague.

14 THE WITNESS: I don't know. I'd have  
15 to go back and look at those notes.

16 BY MR. ADAMS:

17 Q. Without looking at those notes, would  
18 you be able to say what the source of this  
19 statement is?

20 A. I do not.

21 MR. ADAMS: If we could take a  
22 10-minute break, I think we're approaching the  
23 end. So why don't we take a 10-minute break and  
24 come back?

25 THE VIDEOGRAPHER: We're going off the

1 answer on your hard copy?

2 A. I don't remember when, but I'd imagine  
3 once he provided edits, typically, I would try  
4 to send it back as soon as possible, but I don't  
5 know when.

6 Q. Do you know the date of the meeting  
7 -- do you know the date of the meeting where  
8 Mr. Walsh received what information he needed  
9 to receive to draft that response?

10 A. I don't recall the date of the  
11 meeting, but I remember it was the same briefing  
12 that I had participated in, and it was the  
13 bigger group meeting with Census, but I don't  
14 remember which one. We had a lot of them.

15 (Deposition Exhibit No. 29, a  
16 certification by Ms. Park-Su, was marked.)

17 BY MR. ADAMS:

18 Q. Okay. Earlier we spoke about  
19 -- generally, about administrative records,  
20 and I'm going to show you what's been marked as  
21 Exhibit Number 29.

22 A. Mm-hmm.

23 Q. Do you recognize -- do you recognize  
24 this document?

25 A. I do.

1 Q. And is this your signature in the  
2 middle of the document?

3 A. That is my signature.

4 Q. What is this document?

5 A. What do you mean?

6 Q. What do you understand this document  
7 to be?

8 A. I mean it to be what it says on  
9 the paper where it says, I here certify that  
10 the annexed is a true copy of the complete  
11 administrative record upon which the Secretary  
12 of Commerce based his decision to reinstate a  
13 question concerning citizenship on the 2020  
14 Decennial Census. I base this certificate on my  
15 personal involvement with the compilation review  
16 of the documents comprising the administrative  
17 record.

18 Q. How were you personally involved with  
19 the compilation of the documents comprising the  
20 administrative record?

21 A. Yeah. As I told you, I was usually  
22 given final versions, to my understanding, of  
23 documents that were going back and forth, and  
24 it was my responsibility to hold on to those  
25 documents because there was so many paper

1 movements.

2 Q. Was that the extent of your personal  
3 involvement on the compilation of documents?

4 A. I believe I had also looked up  
5 online a history that Census had in one of their  
6 reviews about questions regarding citizenship  
7 that was added. So a lot of the public  
8 historical documents that Census had, I had  
9 gone back to find them online or verify that  
10 they were, in fact, there.

11 Q. When compiling documents comprising  
12 the administrative record, did you affirmatively  
13 reach out to others and ask for documents that  
14 should be included in the record?

15 A. Ask for other documents?

16 Q. Yes.

17 A. Besides what we had from Census?

18 Q. Yes.

19 A. Not that I recall.

20 Q. Did anyone provide you guidance on  
21 how to compile documents for the administrative  
22 record?

23 A. No. My only under -- understanding  
24 was that I was going to keep the record of all  
25 documents that were handed to me.

1 Q. So just to clarify, aside from  
2 documents that were handed to you, you did  
3 not affirmatively reach out to others within  
4 Commerce --

5 A. No.

6 Q. -- to send you documents for the  
7 record?

8 A. No. I had asked Commerce, though, if  
9 there are any documents that Census had sent to  
10 them that I was not copied on, please send them  
11 to me.

12 Q. So that referred to documents from  
13 Census?

14 A. Right. Just as a precautionary  
15 measure, but I don't believe that -- that they  
16 had.

17 Q. From whom were you receiving documents  
18 that you compiled for the administrative record?

19 A. I think it varied. Oftentimes,  
20 they were given to me when we had our meeting  
21 with Karen Dunn Kelly or with Census. So,  
22 oftentimes, people would hand what I believe  
23 to be a final version of a document. So, for  
24 instance, the Department of Justice letter in  
25 early January was one that a hard copy was given

1 to me to keep, so it varied.

2 Q. Were all documents that you compiled  
3 for the administrative record hard copy  
4 documents?

5 A. Most of them, but not all of them.

6 Q. The documents that were not hard copy  
7 documents, --

8 A. Mm-hmm.

9 Q. -- did you have them saved on your  
10 computer?

11 A. Mm-hmm. I believe so.

12 Q. And from whom did you receive  
13 electronic copies of documents for the  
14 administrative record?

15 MS. BAILEY: Objection; vague.

16 THE WITNESS: I don't know.

17 BY MR. ADAMS:

18 Q. When people provided you with various  
19 documents, did anyone indicate, this is a  
20 document that should be part of the  
21 administrative record?

22 A. No.

23 Q. You decided which documents should  
24 be part of the administrative record?

25 MS. BAILEY: Objection.



1 Mischaracterizes witness's previous testimony.

2 THE WITNESS: No, I would just hold on  
3 to documents that people would give me when it  
4 came to Department of Justice's inquiry.

5 BY MR. ADAMS:

6 Q. Did you consider all documents that  
7 you received related to the Department of  
8 Justice's inquiry to be part of the  
9 administrative record?

10 A. I don't know.

11 MS. BAILEY: Objection; vague.

12 THE WITNESS: Sorry.

13 BY MR. ADAMS:

14 Q. Part of the certification says that  
15 it was based on your personal review of the  
16 documents comprising the administrative record.

17 A. Personal involvement --

18 Q. I base this --

19 A. -- and the compilation and review of  
20 the documents?

21 Q. Yes.

22 A. Mm-hmm.

23 Q. So how did you review the documents  
24 comprising the administrative record?

25 A. Sure.

1 Counsel's office had asked if I would  
2 sign this document that contained information  
3 about the Secretary's decision to consider the  
4 citizenship question, and so it was a massive  
5 electronic file of documents. And I went  
6 through each and every one of them and I  
7 looked at them, and that's what I reviewed.

8 Q. The compilation of documents that you  
9 reviewed, did you create that compilation of  
10 documents?

11 A. I didn't create it. I had -- it was  
12 -- most of them were documents that were given  
13 to me that I had in hard copy.

14 Q. Mm-hmm.

15 A. And it looked like most -- it  
16 looked like counsel's office had scanned them  
17 individually and had saved them, and that was  
18 part of the administrative record.

19 Q. From whom did you receive the  
20 compilation of documents that you reviewed?

21 A. I can't remember. It was from one  
22 of the attorneys in General Counsel's office.

23 Q. Did you select the documents that were  
24 part of that compilation?

25 A. I did not select the documents. I

1 held on to the documents that were given to me.

2 Q. Do you know who selected the documents  
3 that were part of that compilation?

4 A. I do not know.

5 Q. Did anyone ask you which documents  
6 ought to be part of the compilation?

7 A. No.

8 Q. Did you have any say whatsoever in  
9 determining the content of that compilation?

10 A. No.

11 MS. BAILEY: Objection; vague.  
12 Confusing.

13 MR. ADAMS: I'd like to show you  
14 what's been marked as Exhibit Number 30.

15 (Deposition Exhibit No. 30, a document  
16 Bates Numbered 001321, was marked.)

17 THE WITNESS: Okay.

18 BY MR. ADAMS:

19 Q. Are you familiar with this document?

20 A. This is the first time I'm seeing this  
21 document.

22 Q. You've never seen this document  
23 before?

24 A. I have not seen this document.

25 Q. To your knowledge, have you seen any

1 MR. RAINES: No.

2 MS. BAILEY: Okay. I have a couple of  
3 redirect questions, please.

4 MR. RAINES: No.

5 EXAMINATION

6 BY MS. BAILEY:

7 Q. You spoke earlier about Exhibit 29, --

8 A. Mm-hmm.

9 Q. -- which is the certification to the  
10 admini -- administrative record produced in this  
11 litigation?

12 A. Yes.

13 Q. I think you testified that this  
14 -- that the designation of documents compiled  
15 was given to you by the Office of General  
16 Counsel; is that correct?

17 A. Correct.

18 Q. Okay. And is it your understanding  
19 that attorneys within the Office of General  
20 Counsel worked on compiling that designation?

21 A. Yes.

22 Q. Have you worked on -- have you  
23 certified an administrative record in other  
24 litigation?

25 A. No.

1 Q. And did you familiarize yourself with  
2 the documents selected before certifying the  
3 record?

4 A. I looked at the documents at the  
5 General Counsel's Office provided prior to  
6 signing.

7 MS. BAILEY: Thank you. That's all I  
8 have.

9 FURTHER EXAMINATION

10 BY MR. ADAMS:

11 Q. Did you make an independent  
12 determination that the compilation you received  
13 was complete?

14 A. No.

15 MR. ADAMS: I have no further  
16 questions.

17 MS. BAILEY: And, I'm sorry. I forgot  
18 one. I'm sorry.

19 FURTHER EXAMINATION

20 BY MS. BAILEY:

21 Q. Do you have an understanding  
22 as to whether individuals who worked on the  
23 citizenship question inquiry for Secretary Ross  
24 were consulted as far as providing potential  
25 documents for the record before that

1 certification was compiled?

2 A. One more time. I apologize.

3 Q. Do you have an understanding as to  
4 whether -- in the designation of the documents  
5 compiled for the administrative record, whether  
6 individuals who had worked on the potential  
7 reinstatement of the citizenship question were  
8 consulted in order to gather documents to be  
9 compiled for that record?

10 A. Yes. That was my understanding.

11 Q. And do you have any knowledge as to  
12 whether it is customary to have an attorney or  
13 to have a person serving in a nonlegal role  
14 certify an administrative record within the  
15 agency?

16 A. That's my understanding.

17 MR. ADAMS: I have no further  
18 questions.

19 MS. BAILEY: Thank you.

20 THE VIDEOGRAPHER: We are off the  
21 record at 3:09 p.m., and this concludes today's  
22 testimony given by Sahra Park-Su. The total  
23 number of media units was five and will be  
24 retained by Veritext Legal Solutions.

25 (Deposition concluded -- 3:09 p.m.)

Sahra Park-Su

ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do  
hereby certify that I have read the foregoing  
pages and that the same is a correct  
transcription of the answers given by  
me to the questions therein propounded,  
except for the corrections or changes in form  
or substance, if any, noted in the attached  
Errata Sheet.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Job No. PA3072227