EXHIBIT

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UNITED STATES DEPARTMENT OF COMMERCE
U.S. Census Bureau
Office of the Director
Washington, DC 20233-0001

October 1, 2021

Mr. Jared Pettinato
The Pettinato Firm
3416 13th Street, NW, #1
Washington, DC 20010

Dear Mr. Pettinato:

Thank you for your inquiry regarding the apportionment of seats in the U.S. House of Representatives and concerns regarding the Fourteenth Amendment.

Title 13, United States Code (U.S.C.), Section 141 requires the Secretary of Commerce to conduct a census of population and housing every ten years and deliver to the President a tabulation of total population by state based on that decennial census. Title 2, U.S.C., Section 2a requires the President to transmit to the Congress a statement showing the total population of each state, as enumerated in the decennial census, and the number of Representatives to which each state would be entitled under the apportionment of the seats in the House of Representatives. This process is self-executing and provides for the finality of the decennial census enumeration and the resulting apportionment.

Congress has legislated the Method of Equal Proportions as the method for calculating the apportionment of seats in the House of Representatives among the states. 2 U.S.C. § 2a. In recent decades, the U.S. Census Bureau has applied the Method of Equal Proportions to the apportionment population counts from the decennial census, and the Secretary of Commerce has provided the apportionment results to the President when delivering the legally-required state population totals.

Because the congressionally mandated processes in 13 U.S.C. § 141 and 2 U.S.C. § 2a are complete, the U.S. Secretary of Commerce does not have the authority to alter or withdraw the statements showing the total population by states or the apportionment. Additionally, the U.S. Department of Commerce does not have the authority to investigate whether states have violated voting rights laws. Violations of civil rights or voting rights laws are within the purview of the U.S. Department of Justice. Therefore, we suggest that you reach out to the Civil Rights Division of the Department of Justice regarding enforcement of the Fourteenth Amendment or any civil or voting rights law. Also, you can use their webpage to report your concerns about the potential violation of civil rights.

Sincerely,

Ron S. Jarmin
Acting Director