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 16 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN JOSE DIVISION**

18  
 19 NATIONAL URBAN LEAGUE, *et al.*,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., *et al.*,

23 Defendants.  
 24

Case No. 5:20-cv-05799-LHK

**DEFENDANTS' OPPOSITION TO  
 PLAINTIFFS' MOTION TO COMPEL**

Date: TBD

Time: TBD

Judge: Hon. Lucy H. Koh

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**INTRODUCTION**

1  
2 Plaintiffs have come to Court with a remarkable strategy. As a first order of business,  
3 Plaintiffs seek to characterize a set of expansive document requests touching on nearly every aspect  
4 of the 2020 Census—going back years and implicating individual respondents’ data—as “narrow”  
5 and “targeted.” Pls. Br. at 1, ECF No. 368.1 (Mot.). They then express incredulity that Defendants  
6 have taken time to collect and process the broad swath of documents from over 20 custodians who  
7 could potentially have data responsive to these requests. And, on the basis of that incredulity,  
8 Plaintiffs seek to *accelerate* the discovery schedule they themselves agreed to—while  
9 simultaneously trying to relieve themselves of the deadlines and discovery limits that they, by their  
10 own admission, ignored. This strategy should not be rewarded.

11 At the outset, Plaintiffs’ motion to compel is procedurally improper in violation of this  
12 Court’s Local Rules. Plaintiffs failed to meet and confer with Defendants regarding much of the  
13 relief they are seeking in their motion. Despite the numerous emails, a letter from Plaintiffs’  
14 counsel last Friday night, and two telephone discussions, Plaintiffs never flagged their desire to  
15 serve Interrogatories and Requests for Admission (RFAs) out of time, nor to take an additional  
16 Rule 30(b)(6), prior to the status report filed yesterday. Their efforts to now seek this relief in their  
17 motion constitute a request for a *nunc pro tunc* extension. The Court should reject such  
18 gamesmanship and deny those aspects of Plaintiffs’ requested relief outright.

19 Meanwhile, Plaintiffs’ efforts to obtain the relief that they *have* conferred about with  
20 Defendants ignore the clear facts. As the Director of the Census Bureau, Steven Dillingham, attests  
21 in the attached declaration, no separate stash of materials has been collected to respond to  
22 Congressional requests. Nor is there a track for collecting, reviewing, and producing materials  
23 responsive to those requests other than the track Defendants have already detailed in their response  
24 to Plaintiffs’ Requests for Production (RFPs). Meanwhile, other materials concerning census  
25 operations require review for information protected from discovery and disclosure under the  
26 provisions of 13 U.S.C. §§ 8 and 9. Defendants have established an accelerated schedule for such  
27 review and apprised Plaintiffs of that schedule. Plaintiffs are not entitled to override the process  
28 by fiat, or demand that the Census Bureau or the Department of Commerce risk violating clear

1 statutory requirements by releasing the materials without adequate review.

2 Defendants are in compliance with the Court's scheduling order as entered. Plaintiffs'  
3 motion to compel, a deficient motion to unilaterally modify the Court's scheduling order, should  
4 be denied.

### 5 BACKGROUND

6 This case entered the current phase following Plaintiffs' request for expedited discovery  
7 and assurances that they would make "tailored" requests for information, Nov. 12, 2020 CMC  
8 Statement, ECF No. 356 at 5. As part of their request, Plaintiffs proposed a discovery period of  
9 four weeks for all discovery, including document production, Interrogatories, RFAs, depositions,  
10 and expert reports. *Id.* at 9-10. After hearing from the parties, the Court entered an order  
11 establishing a somewhat longer schedule. Order, ECF No. 357. Under that Order, the parties were  
12 given until January 7, 2021, to complete fact discovery, and until January 28, 2021, to complete  
13 expert discovery. *Id.* at 2.

14 As part of the Order, the Court permitted each side to serve 25 Requests for Production  
15 (RFPs), giving the parties 10 days to respond and 14 days to "start producing documents." *Id.*  
16 The Court further permitted each side to take a total of five depositions, two of which could be  
17 depositions under Rule 30(b)(6) of the Federal Rules of Civil Procedure. *Id.* Finally, the Court  
18 afforded to each side 10 Interrogatories and 25 RFAs, allotting 30 days for responses. *Id.* Under  
19 this schedule, the last day for parties to serve Interrogatories and RFAs was December 8, 2020 (i.e.  
20 30 days prior to January 7, 2021).

21 Plaintiffs served 22 RFPs on November 17, 2020. ECF No. 368-3. The requests were  
22 phrased in broad terms. They included requests to produce "[a]ll Documents used by Defendants  
23 to calculate the census completion"; "[a]ll Documents comparing, contrasting, or assessing the  
24 2020 Census data collection results with the 2000 and 2010 census data collection results . . .";  
25 "[a]ll Documents regarding the Replan's effects or potential effects on differential undercounts or  
26 potential differential undercounts of hard-to-count populations, including tribal populations,  
27 communities of color, legal and illegal immigrants"; and "[a]ll Documents and Communications  
28 to or from Secretary Ross regarding the 2020 Census." *Id.* at 6, 7, 11 (emphasis added). The

1 requests further sought documents related to a variety of data and statistics about ongoing census  
2 operations. *Id.*

3 Defendants served their Objections and Responses to Plaintiffs' RFPs within the timeline  
4 established by the Court's Order on November 27, 2020. In those responses, Defendants explained  
5 that many of the requests Plaintiffs had made were unduly broad, burdensome, and  
6 disproportionate to the needs of the case. *See* ECF No. 368-4 at 7-22. Many of these requests,  
7 Defendants noted, stretch back years, or implicate "all household responses, administrative  
8 records, and other materials used to conduct the 2020 Census," which are "exempt from disclosure  
9 under the provisions of 13 U.S.C. §§ 8 and 9." *Id.* at 7.

10 To accommodate these requests in a reasonable and proportionate way, Defendants stated  
11 that they would collect emails from 21 individual custodians stretching back approximately six  
12 months, run defined search terms, and review subsequent materials for responsiveness and  
13 privilege. *Id.* at 5-7. The custodians included the Secretary of Commerce Wilbur L. Ross, Deputy  
14 Secretary Karen Dunn Kelley, their two chiefs of staff, Census Bureau Director Steven  
15 Dillingham, Deputy Director of the Census Bureau Ron Jarmin, Associate Director for Decennial  
16 Census Programs Albert E. Fontenot, Jr., and numerous other senior officials. *Id.* Defendants  
17 began gathering emails from these custodians and loading them into a document review platform  
18 even before they served their responses and objections to Plaintiffs' RFPs.

19 Additionally, Defendants stated that they would identify certain narrow categories of  
20 documents that could address a number of Plaintiffs' requests for statistical data regarding census  
21 operations. *See id.* at 8. As Defendants explained, they would "identify materials generated since  
22 August 3, 2020, such as briefings to Commerce Department Leadership and briefings presented to  
23 the Census Integration Group [CIG], that are likely to contain the requested information," which  
24 would be reviewed for privilege and material exempt from disclosure pursuant to 13 U.S.C. §§ 8  
25 and 9, and released to the extent possible. *Id.*

26 The parties subsequently met and conferred on December 2, 2020, when they discussed  
27 Plaintiffs' requests and Defendants' responses. Plaintiffs generally indicated that they wanted  
28 Defendants to search data from more custodians and using broader search terms. Plaintiffs and

1 Defendants continued to engage on those issues. *See* ECF No. 368-6 at 4–11. Defendants noted,  
 2 however, that materials protected by 13 U.S.C. §§ 8 and 9 would require special review by the  
 3 Census Bureau’s Disclosure Review Board to ensure that no statutorily protected information was  
 4 inadvertently released.

5 On the night of Friday, December 4, 2020, Plaintiffs’ counsel sent a letter to Defendants’  
 6 counsel demanding the production of CIG documents and certain documents responsive to a  
 7 request made by the House Oversight Committee by Monday, December 7, 2020. *See id.* at 5;  
 8 ECF No. 386-7. The letter made no reference to Interrogatories, RFAs, or additional depositions.  
 9 *See id.* at 2-3. Defendants and Plaintiffs exchanged emails following Plaintiffs’ letter, and conducted  
 10 a second meet and confer on the topics articulated in Plaintiffs’ letter on December 8, 2020. *See* ECF  
 11 No. 368-6 at 2-4.

12 To date, Defendants have made two productions of documents: one on December 1, 2020, and  
 13 one on December 8, 2020. As Defendants explained to Plaintiffs, Defendants are currently on track to  
 14 produce the first set of CIG materials to Plaintiffs on Friday, December 11, 2020. In the meantime,  
 15 Defendants have served one set of Interrogatories and two sets of RFAs on Plaintiffs within the timeline  
 16 permitted by the Court. Plaintiffs have served no Interrogatories or RFAs of their own.

## 17 18 ARGUMENT

### 19 **I. Plaintiffs’ Motion Is Procedurally Improper Because Plaintiffs Failed To Meet And** 20 **Confer With Defendants Regarding Much of the Relief They Seek**

21 Absent from Plaintiffs’ motion to compel is the requisite “certification that the movant has  
 22 in good faith conferred or attempted to confer with the person or party [allegedly] failing to make  
 23 disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1).  
 24 The Local Rules add teeth to this provision: “The Court *will not* entertain a request or a motion to  
 25 resolve a disclosure or discovery dispute unless, pursuant to Fed. R. Civ. P. 37, counsel have  
 26 previously conferred for the purpose of attempting to resolve *all* disputed issues.” N.D. Cal. Civ.  
 27 L. R. 37–1(a) (emphases added). Enforcement of Local Rule 37-1(a) is warranted here.

28 Plaintiffs could not plausibly provide any such certification. Although the parties have  
 conferred about some of the documents contemplated in the first three of Plaintiffs’ six categories



1 of requested relief, *see* ECF No. 368 (“Mot.”) at 1; *see generally* ECF No. 368–6 (e-mail  
2 correspondence); ECF No. 368–7 (letter from S. Huseny), Plaintiffs have never conferred—or  
3 even sought to confer—with Defendants about: (i) an “additional Rule 30(b)(6) witness” to be  
4 deposed on December 17 about certain topics, even though Plaintiffs have not served Defendants  
5 with a deposition notice to date, *id.* ¶ 5; and (ii) permitting untimely interrogatories and requests  
6 for production *and* shortening the time for Defendants to respond to those as-of-yet unmentioned,  
7 unserved, requests, *id.* ¶ 6.

8 Under Local Rule 37–1(a), Plaintiffs must confer with Defendants before they can come  
9 to Court insisting on compliance with these new requests. As this Court has made clear again and  
10 again, “no motion to compel will be considered by the Court *unless* the meet-and-confer  
11 requirement of Rule 37(a)[] and N.D. Cal. Local Rule 37–1 has been satisfied.” *York v. Hernandez*,  
12 No. C–09–6080, 2010 WL 3447743, at \*3 (N.D. Cal. Aug. 26, 2010) (Koh, J.) (emphases added);  
13 *accord, e.g., Patten v. Stone*, No. C–11–2057, 2014 WL 878836, at \*1 n.1 (N.D. Cal. Mar. 3,  
14 2014) (Koh, J.); *Sevey v. Broughas*, No. C–10–3677, 2010 WL 4942564, at \*3 (N.D. Cal. Nov. 8,  
15 2010) (Koh, J.).

16 Plaintiffs’ failure to confer about “all” of the “disputed issues,” N.D. Cal. Civ. L. R. 37–  
17 1(a), suffices to deny their motion to compel in full. But at the very least, the Court should deny  
18 the motion with respect to the three categories of relief on which Plaintiffs have never even sought  
19 to confer. Indeed, the Court has enforced these conferral requirements on prisoners appearing *pro*  
20 *se*. In *Patten*, for example, the Court denied a motion to compel filed by “a state prisoner  
21 proceeding *pro se*” because he “did not comply with the meet and confer requirements of Civil  
22 Local Rule 37–1 or Federal Rule of Civil Procedure 37(a) prior to filing his motion.” *Patten*, 2014  
23 WL 878836, at \*1 & n.1. Plaintiffs—who are represented by sophisticated counsel with ready  
24 access to telephones and e-mail—should be held to at least the same standard.

25 Plaintiffs’ noncompliance with the Local Rules does not stop there. Local Rule 37–2  
26 provides that “a motion to compel further responses to discovery requests *must* set forth each  
27 request in full, followed immediately by the objections and/or responses thereto.” N.D. Cal. Civ.  
28 L. R. 37–2 (emphasis added). “For each such request, the moving papers must detail the basis for

1 the party’s contention that it is entitled to the requested discovery and must show how the  
 2 proportionality and other requirements of Fed. R. Civ. P. 26(b)(2) are satisfied.” *Id.* This  
 3 requirement is not optional, as demonstrated by the use of the mandatory term “must.” Plaintiffs  
 4 have not made any threshold showing of their “entitle[ment] to the requested discovery” or that  
 5 “the proportionality and other requirements of Fed. R. Civ. P. 26(b)(2) are satisfied.” *Id.*

6 There is no basis for the Court to take up this dispute. And, regardless, Plaintiffs have not  
 7 made out any discovery violation whatsoever. Although Plaintiffs generically complain that  
 8 Defendants have supposedly “fail[ed] to provide the requested materials within the Court’s ordered  
 9 schedule,” ECF No. 368–1 at 4, the Court’s schedule contemplates a rolling production as agreed  
 10 to by the parties, and the fact discovery deadline remains four weeks out. Plaintiffs do not deny  
 11 that Defendants have “start[ed] producing documents . . . within 14 days.” *See* Case Management  
 12 Order, ECF No. 357 at 2. Plaintiffs also do not dispute that fact discovery closes on January 7,  
 13 2021—nearly a month away. *Id.* There is therefore no basis for the Plaintiffs’ motion, and it  
 14 should be denied.

15 **II. There is No Readily-Producible Set of Documents Responsive to the House**  
 16 **Subcommittee’s Request**

17 Plaintiffs’ Demand 2—which subsumes Plaintiffs’ Demand 1—seeks the materials that the  
 18 House Committee on Oversight and Reform has requested from the Census Bureau and Commerce  
 19 Department.<sup>1</sup> While Plaintiffs accuse Defendants of deliberately withholding some purportedly  
 20 preexisting set of documents from Congress, that accusation is untrue.

21 There is no separate pile of documents that Defendants have gathered for Congress but  
 22 then chose to keep from Congress and Plaintiffs. Although Plaintiffs read Chairwoman Maloney’s  
 23 December 2, 2020 letter to imply the existence of a discrete collection of documents that are being  
 24 “shield[ed]” by the Commerce Department’s General Counsel, that implication is inaccurate.

25 As Director Dillingham’s declaration makes clear, and as Defendants explained to  
 26 Plaintiffs on December 8, there has been no separate collection of documents made for purposes  
 27 of responding to the House Subcommittee’s requests. Dillingham Decl. ¶¶ 3, 7. Rather, given the

28 <sup>1</sup> Plaintiffs’ Demand 2 also seeks “Census Integration Group (‘CIG’) documents.” Mot.  
 5. Defendants address these CIG documents in Section III, *infra*.

1 intense interest of both Congress and Plaintiffs in 2020 Census documents, Defendants undertook  
2 one collection effort to serve all purposes. *Id.* ¶ 4. That is, *one* uniform method of collecting  
3 documents and *one* process for reviewing collected documents. *Id.* ¶¶ 4, 7. Plaintiffs’ requests  
4 were served late on November 18, and the Committee submitted its request the next day. Given  
5 the overlap between the Committees’ request and Plaintiffs’ document demands, Defendants  
6 determined that the same single collection and review process should serve both purposes. *Id.*  
7 ¶¶ 4, 7. Once documents undergo the necessary review for responsiveness and privilege, they will  
8 be (and have been) produced to Plaintiffs and, if applicable, to Congress. Combining the process  
9 of responding to both requests, given their overlap, is a plainly more efficient use of Defendants’  
10 already-strained resources than committing two separate teams of reviewers to collect and review  
11 documents that everyone agrees overlap substantially. *Mot.* at 5.

12 Defendants told Plaintiffs about this common-sense review process, but Plaintiffs evidently  
13 refused to believe it. Plaintiffs in fact omit any reference to the explanation they received,  
14 presumably because doing so would undermine the purported basis for their Motion in the first  
15 place. Indeed, Plaintiffs incorrectly claim that Defendants’ counsel “professe[d] ignorance on the  
16 specifics of their clients’ discovery processes, positions, and actions,” *Mot.* at 5, when in fact  
17 Defendants walked Plaintiffs carefully through the very processes described above.

18 Defendants also debunked Plaintiffs’ (continued) assertion that the Census Bureau is  
19 deliberately withholding material from Congress “because of ‘ongoing litigation.’” *Mot.* at 3. As  
20 Defendants explained to Plaintiffs on December 8, that claim is simply not borne out by the facts.  
21 *Mot.* at 3. While Director Dillingham did say the four words “concerns about ongoing litigation”  
22 that are quoted in the December 2 letter, he did not mean that documents were being deliberately  
23 concealed “for safekeeping from this litigation,” as Plaintiffs contend. *Mot.* at 5. Instead, the  
24 Director’s statement during the briefing was intended to convey that, in light of the similarity and  
25 overlap between Plaintiffs’ requests and the Committee’s, the documents responsive to the  
26 Committee were being reviewed in the same process as documents for discovery in this case.  
27 Dillingham Decl. ¶ 7. The “concerns” referenced by Director Dillingham were the *burdens* that  
28 have accompanied the overbroad discovery sought by Plaintiffs—not some nefarious intent to hide

1 an imaginary subset of documents. *Id.* ¶¶ 3-4, 7. Again, Plaintiffs apparently chose to disregard  
2 the explanation provided by Defendants—whose sworn testimony is now a matter of record.

3 At bottom, Plaintiffs’ Demand for the Committee-requested documents (as with their other  
4 Demands) is nothing more than a demand that Defendants produce the not-yet-identified  
5 documents they want, in the way they want, on the timetable they want. Yet the Court ordered,  
6 and the parties agreed to, a rolling production of documents. Two such productions have occurred,  
7 and more will of course follow before fact discovery closes on January 7. The documents  
8 responsive to the Committee’s request, and the subject of Plaintiffs’ Demands 1 and 2, are being  
9 reviewed by Defendants together with all other potentially responsive documents, and Plaintiffs  
10 present no plausible basis to compel their production now, as opposed to the normal and more  
11 efficient course. Plaintiffs cannot unilaterally depart from the Court’s schedule because certain  
12 subsets of documents occupy their highest priority at the moment. Demands 1 and 2 should be  
13 denied.

14 **III. Plaintiffs Cannot Upend the Census Bureau’s Process for Reviewing and Identifying**  
15 **Data Protected by Statute**

16 Plaintiffs’ Demand 3 for Defendants to produce by Monday “all summary report data  
17 responsive to Defendants’ sufficient-to-show requests”—which subsumes the CIG documents  
18 referenced in Demand 2—should also be rejected. Mot. at 5. Plaintiffs do not even attempt to  
19 explain the relevance of these documents, much less why they need them by Monday. *See* Mot.  
20 at 1–6. And contrary to Plaintiffs’ baseless assertion, Defendants do not “just want to wait to  
21 produce all of it until the end of December.” Mot. at 5. In fact, Defendants informed Plaintiffs on  
22 December 8 that many of these data-based documents would be produced as soon as *this week*—  
23 yet another fact omitted from Plaintiffs’ motion. Again, contrary to the rolling production ordered  
24 by the Court and agreed to by the parties, Plaintiffs now seek to unilaterally customize the  
25 discovery schedule without any justification. *See* Fed. R. Civ. P. 16(b)(4); N.D. Cal. Local Rule  
26 16–2(d).

27 Plaintiffs’ Demand is especially concerning given the data-based nature of these  
28 documents. As Defendants explained in multiple discussions with Plaintiffs, such documents

1 implicate Defendants’ statutory responsibility to protect certain data under Title 13 of the U.S.  
2 Code and must be reviewed by the Census Bureau to prevent the disclosures that Congress strictly  
3 prohibited. Dillingham Decl. ¶¶ 5-6. The process by which the Census Bureau discharges its Title  
4 13 obligations “is supervised by the Data Stewardship Executive Policy Committee (DSEP), a  
5 committee of fourteen career Census Bureau executives chaired by the Chief Operating Officer  
6 and most recently re-chartered by the Director on February 14, 2019.” Abowd Decl. ¶ 4. “DSEP  
7 sets disclosure avoidance policies in regular meetings, and charges the Disclosure Review Board  
8 (DRB) with the enforcement of these policies.” *Id.*

9       The DRB review process is extensive, as the same people working around the clock to  
10 complete the 2020 Census have now been forced to review documents for Plaintiffs in this  
11 truncated discovery period. Abowd Decl. ¶ 17. And the DRB review process is not simple: “[t]o  
12 protect the Title XIII sensitive information in the CIG documents, along with other operational  
13 and response data from the 2020 Census, the DRB has approved 56 distinct protocols (listed in the  
14 appendix to [the Abowd] declaration) since April 2017.” Abowd Decl. ¶ 16. Implementing those  
15 protocols “involves dozens of individuals,” including the creators of each document, Disclosure  
16 Avoidance Officers, and DRB members. *Id.* ¶ 17. Nonetheless, “team members and disclosure  
17 avoidance officials have been working long hours to accomplish this task,” and the DRB has  
18 already cleared many documents for production. *Id.*; Dillingham Decl. ¶ 6.

19       And although Defendants do not expect the data-based documents to contain large  
20 quantities of Title 13–restricted information, that does not relieve the Census Bureau of its duty to  
21 review them. *See* Abowd Decl. ¶¶ 2–18. Plaintiffs barely acknowledge this congressional  
22 mandate, asserting generally that Title 13 “do[es] not protect the disclosure of the sorts of internal  
23 documents and documents reporting aggregated data that Plaintiffs request here.” Mot. at 5. That  
24 is false. Title 13 protects not only “information furnished” by census respondents, 13 U.S.C.  
25 § 9(a)(1), but also prohibits “any publication whereby the data furnished by any particular  
26 establishment or individual . . . can be identified,” *id.* § 9(a)(2). And even though certain data  
27 “does not appear to contain individually identifiable information (e.g., name, address, social  
28 security information, birth date, etc.),” release of that data could nevertheless “result in identifying

1 individuals when those data are coupled with other information in existing Census Bureau  
2 publications or other publicly available information.” Abowd Decl. ¶ 6. For example, “a summary  
3 count, standing alone, may not reveal personally identifiable information,” but “when such a count  
4 is combined with other information, it *can and has* been used by sophisticated parties to derive  
5 personally identifiable information.” *Id.* (emphasis added); *see id.* ¶ 12 (explaining that this “is  
6 not a hypothetical risk”). So, much as the Census Bureau cannot reveal “[t]he final master address  
7 list” itself, the Census Bureau also cannot reveal granular statistics that may lead the public to  
8 obtain such information. *Compare id.* ¶¶ 5–12 with *Baldrige v. Shapiro*, 455 U.S. 345, 355–59  
9 (1982).

10 Again, it is unclear whether or to what extent the data-based documents at issue contain  
11 such statistics, but Plaintiffs cannot usurp the Census Bureau’s implementation of a congressional  
12 requirement merely because they want the remainder of these documents—for unexplained  
13 reasons—by Monday. Plaintiffs’ demand for CIG documents and “all summary report data  
14 responsive to Defendants’ sufficient-to-show requests” by December 14 should be denied.

15 **IV. The Court Should Not Reward Plaintiffs’ Gamesmanship and Intentional Flouting**  
16 **of the Agreed-Upon Discovery Schedule.**

17 Dispatching Plaintiffs’ Demands 1 through 4—that Defendants immediately turn over  
18 documents that do not exist in a segregable form along with materials that cannot be turned over  
19 without conducting an adequate confidentiality review to satisfy a congressional mandate—leaves  
20 Plaintiffs’ Demands 5 and 6. These Demands, seen by Defendants for the first time yesterday, are  
21 for the Court to authorize a surplus deposition and to excuse Plaintiffs’ failure to serve timely  
22 Interrogatories and RFAs. Mot. at 6. These requests are logically unconnected to Plaintiffs’  
23 discovery disputes, and amount to nothing more than Plaintiffs’ effort to blame Defendants for  
24 Plaintiffs’ failure to serve timely discovery and newfound desire to amend the discovery schedule.  
25 There is no justification for such a request.

26 As demonstrated above, Defendants’ are complying with the schedule that the Court  
27 established: they provided timely responses and objections to Plaintiffs’ RFPs and have been  
28 making weekly productions. That the early productions have not revealed to Plaintiffs the core

1 materials they happen to be interested in is a product of their own broadly framed discovery  
2 request. Had Plaintiffs attended to Defendants’ explanations about the burdens associated with  
3 their sweeping requests and appropriately tailored them, Plaintiffs could have obtained the  
4 information they wanted more quickly. Yet meeting the breadth of Plaintiffs’ RFPs—which cover  
5 practically every aspect of the 2020 Census—has obligated Defendants to collect massive volumes  
6 of documents from a broad array of custodians. Remarkably, when confronted with the scope of  
7 potentially responsive documents, Plaintiffs asked for even broader searches of more custodians.  
8 Plaintiffs will receive responsive and non-privileged documents from Defendants’ collection in  
9 accordance with the schedule that the Court set out. Plaintiffs’ rhetoric about Defendants’  
10 compliance is untrue as a factual matter, and does not plausibly establish a basis to alter the  
11 already-abbreviated schedule.

12 To the extent any party *is* disregarding the Court’s schedule, it is Plaintiffs; they did not  
13 comply with the deadline for serving Interrogatories and RFAs with no notice to Defendants or  
14 the Court, despite agreeing to the prior schedule. That Plaintiffs harbored hopes or expectations  
15 that the Court would reward such a tactical maneuver with retroactive relief is no basis to entertain  
16 it. *See* CMC Statement, ECF No. 367 at 2 (noting that Plaintiffs “will serve narrow and tailored  
17 Interrogatories and RFAs” sometime in the future). The appropriate way to seek the relief  
18 Plaintiffs improperly request here is to move under Federal Rule of Civil Procedure 16(b)(4) to  
19 modify the Court-ordered schedule after conferring with the other side, as required by Local Rule  
20 16–2(d)(2), and proposing a revised case management schedule, as required by Local Rule 16–  
21 2(d)(3). Once a deadline passes, as it has here, Rule 6 of the Federal Rules of Civil Procedure  
22 permits parties to seek an extension of an already-expired deadline “if the party failed to act  
23 because of *excusable neglect*.” Fed. R. Civ. P. 6(b)(1)(B) (emphasis added).

24 Plaintiffs make no effort to even make the requisite showing. And they could not in any  
25 event. In this Circuit, “[t]o determine whether a party’s failure to meet a deadline constitutes  
26 ‘excusable neglect,’ courts must apply a four-factor equitable test[ ]” based upon *Pioneer Inv.*  
27 *Servs. Co. v. Brunswick Assoc. Ltd.*, 507 U.S. 380 (1993). *In re Veritas Software Corp. Secs.*  
28 *Litig.*, 496 F.3d 962, 973 (9th Cir. 2007) (applying *Pioneer* test to Rule 6(b) “excusable neglect”

1 analysis). The four factors are: “(1) the danger of prejudice to the opposing party; (2) the length  
 2 of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4)  
 3 whether the movant acted in good faith.” *Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1223–24  
 4 (9th Cir.2000) (citations omitted). Each of these factors must be examined separately. *See PLU*  
 5 *Investments, LLC v. Intraspect Group, Inc.*, 2011 WL 1376192, at \*2 (W.D. Wash. April 12, 2011)  
 6 (a “a district court abuses its discretion if it does not consider each of the four *Pioneer* factors  
 7 separately” (citing, *inter alia*, *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1261 (9th Cir.  
 8 2010)).

9         Setting aside Plaintiffs’ failure even to acknowledge and address these factors, they could  
 10 not be met here. The retroactive relief Plaintiffs seek will be highly prejudicial to Defendants by  
 11 further accelerating responses in an already-compressed timeline for discovery, will disrupt the  
 12 carefully-calibrated schedule, is being sought for plainly strategic reasons, and gives Plaintiffs a  
 13 unilateral advantage.<sup>2</sup> *See* Mot. at 1–6. Instead, Plaintiffs freely admit that they chose not to serve  
 14 the discovery for strategic reasons. *See* CMC Statement, ECF 367 at 2. The Ninth Circuit has  
 15 previously affirmed a district court’s conclusion that a party’s “deliberate[] cho[ice]” to not comply  
 16 with a deadline does not constitute a “compelling showing of good cause. *In re Veritas Software*  
 17 *Corp. Securities Litigation*, 496 F.3d 962, 973-74 (9th Cir. 2007). The same logic applies here.

18         Plaintiffs seek to evade the applicable legal standard and the consequences for their choices  
 19 by blaming *Defendants*. Mot. at 1. Such misdirection hardly deserves a rebuttal. Setting aside  
 20 the fact that Plaintiffs never once indicated that the service of Interrogatories or RFAs was  
 21 somehow contingent on the pace of document production, Plaintiffs’ argument makes no sense.  
 22 As Plaintiffs themselves observe, the discovery schedule the Court entered is two months *longer*  
 23 than the schedule initially sought by Plaintiffs. *See* ECF No. 356 at 6 (Plaintiffs proposing 29-day  
 24 discovery period, with “10-day turnaround” for *both* documents and written interrogatories and  
 25 RFAs). To the extent that Plaintiffs sought certain or all documents produced before they issued  
 26 interrogatories or RFAs and before they took depositions and served expert reports, they were free

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27         <sup>2</sup> Notably, Plaintiffs nowhere propose to shorten their *own* time to respond to the  
 28 Interrogatories and RFAs that Defendants timely served. Plaintiffs’ request is thus a transparent  
 effort to apply different sets of rules to the parties.



1 to demand staggered discovery at the November 13, 2020, case management conference—yet they  
2 did not do so. Plaintiffs appear to have now rethought their strategy. But under the Court’s case  
3 management order Interrogatories and RFAs are not dependent on document production;  
4 rethinking a previously-agreed to discovery sequence does not permit Plaintiffs to contort the  
5 Court’s schedule and ignore its deadlines, all to Defendants’ detriment.

6 Further, Plaintiffs’ strategic miscalculation is not a basis to punish Defendants, who *have*  
7 served Interrogatories and RFAs within the timetable established by the Court. Those requests  
8 establish something that should be perfectly obvious: a party need not wait for documents to try  
9 to glean clarity on the factual or legal issues by serving written discovery. If Plaintiffs were  
10 interested in pursuing “narrow” and “limited” discovery, as they claim, Mot. at 1, they would have  
11 used written discovery to elucidate the information they claim to be interested in pursuing—which,  
12 incidentally, is something Defendants invited Plaintiffs to do. Having failed to issue the  
13 appropriate discovery in a timely fashion, *see* N.D. Cal. Civ. L. R. 37–3, Plaintiffs are not entitled  
14 to a *nunc pro tunc* extension.

15 Plaintiffs’ request for an additional Rule 30(b)(6) deposition is on no firmer footing.  
16 Plaintiffs do not even attempt to explain how a deposition exploring “how Defendants retain,  
17 manage, and organize data” is going to help Plaintiffs identify the materials relevant to their claims,  
18 or address the substance of those claims in a more focused or expeditious way—which is the main  
19 complaint Plaintiffs present in their motion. On the face of their motion, it appears that Plaintiffs  
20 intend the deposition to rehash the objections and responses Defendants have already provided in  
21 response to Plaintiffs’ discovery requests. Plaintiffs may use one of their *existing* two (2) Rule  
22 30(b)(6) depositions to explore the topics they wish to notice, and upon which the parties agree.  
23 But they are not entitled to *add* more depositions—and more burden—onto an already-compressed  
24 schedule merely because the reality of how Defendants’ documents are kept, and how they must  
25 be reviewed, does not match Plaintiffs’ fanciful vision of discovery.

26 In short, Plaintiffs’ Demands 5 and 6 are an attempt to unilaterally modify the Court’s case  
27 management order. Plaintiffs have not followed the appropriate procedures for seeking such relief,  
28 and are not entitled to a *nunc pro tunc* extension. The Court entered a schedule for fact discovery;

1 Plaintiffs' current desire for a different schedule does not entitle them to burden Defendants.  
2 Demands 5 and 6 should be denied.

3 **CONCLUSION**

4 For these reasons, the Court should deny Plaintiffs' motion in its entirety.  
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6  
7

8 DATED: December 10, 2020

Respectfully submitted,

9  
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 14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

17 NATIONAL URBAN LEAGUE, *et al.*,

18 Plaintiffs,

19 v.

20 WILBUR L. ROSS, JR., *et al.*,

21 Defendants.  
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Case No. 5:20-cv-05799-LHK

**DECLARATION OF  
STEVEN DILLINGHAM**

1 I, Steven Dillingham, make the following Declaration pursuant to 28 U.S.C. § 1746, and  
2 state under penalty of perjury the following is true and correct to the best of my knowledge and  
3 belief:

4 1. I have served as the Director of the United States Census Bureau since January  
5 2019. I have a B.A. from Winthrop University, a J.D., M.P.A. and Ph.D. from the University of  
6 South Carolina, an M.B.A. from George Washington University and an LL.M. from Georgetown  
7 University. I have more than 25 years of statistical, research, senior management, and legal  
8 experience in the federal government, and I previously served as Director of both the Bureau of  
9 Justice Statistics and the Bureau of Transportation Statistics.

10 2. The following statements are based upon my personal knowledge or on  
11 information supplied to me in the course of my professional responsibilities. This declaration  
12 was prepared in response to Plaintiffs' December 9, 2020 Motion to Compel, which rests, in part,  
13 on a misunderstanding of recent statements made to the House Committee on Oversight and  
14 Reform in the course of that Committee's oversight functions over the Bureau. Specifically,  
15 Plaintiffs rely on a December 2, 2020 letter from Chairwoman Carolyn Maloney to Secretary  
16 Wilbur Ross, which describes a November 24, 2020 telephone briefing provided by me and other  
17 Census Bureau officials to the Committee. The letter states that during this briefing, Bureau  
18 officials "reported that documents responsive to the Committee's November 19 request [for  
19 documents] had been submitted to [the] General Counsel at the Department of Commerce, but  
20 had not been cleared for release due to 'concerns about ongoing litigation.'"

21 3. I believe that Chairwoman Maloney's statement from the letter that I quote above  
22 is referring to statements that I made during that briefing. I did not, however, intend to suggest  
23 that the Bureau was delaying the production of documents collected for the purpose of  
24 responding to the Committee's November 19, 2020 document request. The letter's implication  
25 that Bureau officials had collected certain documents in response to the Chairwoman Maloney's  
26 letter—in a collection separate and apart from documents collected in response to Plaintiffs'  
27 document requests—is not accurate, and seems to be based on a misunderstanding. I am  
28 informed that there was not, and there has never been, any separate set of documents that have

1 been collected to respond to the Committee’s November 19 document request (or December 2  
2 renewal of that request), much less a set whose release was being delayed because of litigation.

3 4. What I intended to convey was that, given the overlap between (1) documents  
4 responsive to the Committee’s request, and (2) documents responsive to Plaintiffs’ requests in  
5 this case, the Bureau had created a single process to collect documents responsive to both sets of  
6 requests—the Committee’s and Plaintiffs’—and would be providing them to the Commerce  
7 Department’s Office of General Counsel for review, as is standard practice for both  
8 congressional and litigation document requests. This single review process is designed to  
9 streamline review and production, and to minimize duplication of effort for a process that is both  
10 time-consuming and burdensome on the Bureau’s resources. As the review progresses,  
11 documents will be produced to Plaintiffs and the Committee on a rolling basis.

12 5. More generally, when any outside entity requests documents or data from the  
13 Census Bureau, the Bureau has a statutory obligation to ensure that it does not release  
14 information whose disclosure Congress has prohibited. Regardless of the identity of the party  
15 seeking documents from the Bureau, whether it be Congress, the Judiciary, litigants, or data  
16 consumers, the Bureau is required by law to prevent the disclosure of census data that can be  
17 used to identify any respondent who provided that data. *See* 13 U.S.C. § 9. Although the large  
18 majority of the Committee’s requests are unlikely to cover documents with protected  
19 information, the Bureau must nonetheless ensure that appropriate protective measures are  
20 followed. To fulfill the statutory requirement, known in the Bureau as “disclosure avoidance,”  
21 the Bureau’s Disclosure Review Board (“DRB”) reviews any productions that are likely to  
22 contain protected information. The contemporaneously filed declaration of Dr. John M. Abowd  
23 provides further detail on the nature of the DRB’s disclosure avoidance process.

24 6. Review by the DRB can be a burdensome process, and necessarily involves some  
25 of the same individuals who are currently working on processing and reviewing the field data to  
26 produce the 2020 Census. There are a limited number of individuals within the Bureau  
27 possessing both the clearance and statistical expertise to conduct these disclosure avoidance  
28 reviews of census data. Additional requests from any entity make the line longer, but those

1 requests do not open the spigot further. Responding to document requests means that the  
2 individuals who are currently working to process the 2020 Census results are diverted to  
3 performing the Bureau's disclosure avoidance mandate for any released data. As a result,  
4 accelerating the disclosure avoidance review would require diverting resources from production  
5 of the 2020 Census to producing information to Congress and litigants.

6 7. My statements during the November 24 briefing were intended to address the  
7 dual-purpose review process that I have described above—namely, the Bureau's DRB review,  
8 and the Department of Commerce's legal review for applicable privileges—both of which I  
9 understand are necessary for the litigation, and both of which I understand are necessary before  
10 documents could be provided to the Committee. I did not intend to suggest, as Plaintiffs argue in  
11 their Motion, that either the Bureau or the Department had chosen to withhold a previously  
12 collected set of documents from the Committee because of ongoing litigation.

13 I have read the foregoing and it is all true and correct.

14  
15 DATED this 10th day of December, 2020

16 

17 Steven Dillingham  
18 Director, U.S. Bureau of the Census  
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Case No. 5:20-cv-05799-LHK

**DECLARATION OF  
 JOHN M. ABOWD**

1 JOHN MARON ABOWD, Ph.D., makes the following Declaration under the penalty of  
2 perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of his  
3 knowledge and belief:

4 1. I am the Associate Director for Research and Methodology and Chief Scientist of  
5 the United States Census Bureau.

6 2. Section 9 of Title 13 (Title XIII) governs the protection of statistical data used in  
7 the development of the census and all Census Bureau data collection activities. Title XIII pre-  
8 cludes the Secretary of Commerce, his employees, or any person who has sworn to protect this  
9 sensitive information from making “any publication whereby the *data* furnished . . . can be iden-  
10 tified.” (emphasis added).

11 3. Disclosure avoidance is the Census Bureau’s process for protecting the confidenti-  
12 ality of data, as required under Title XIII.

13 4. Before any product/document involving census data may be released, the prod-  
14 uct/document/data must be reviewed by the Census Bureau to ensure that no identifiable Title XIII  
15 confidential data are or may be disclosed. This process is supervised by the Data Stewardship  
16 Executive Policy Committee (DSEP), a committee of fourteen career Census Bureau executives  
17 chaired by the Chief Operating Officer and most recently re-chartered by the Director on February  
18 14, 2019. DSEP sets disclosure avoidance policies in regular meetings and charges the Disclosure  
19 Review Board (DRB) with the enforcement of these policies.

20 5. A disclosure of data protected by Title XIII occurs when someone can use published  
21 census statistical information to identify an individual who has provided confidential information,  
22 or associate a specific data item collected under the authority of Title XIII with a particular indi-  
23 vidual respondent.

24 6. Current practice to accomplish Title XIII’s privacy strictures requires the Census  
25 Bureau to account for “complementary disclosure,” which is the release of data that does not ap-  
26 pear to contain individually identifiable information (e.g., name, address, social security infor-  
27 mation, birth date, etc.), but could result in identifying individuals when those data are coupled  
28



1 with other information in existing Census Bureau publications or other publicly available infor-  
2 mation. For example, while a summary count, standing alone, may not reveal personally identifi-  
3 able information, when such a count is combined with other information, it can and has been used  
4 by sophisticated parties to derive personally identifiable information.<sup>1</sup>

5 7. For the official publications of censuses and surveys, the DRB does not usually  
6 permit release of preliminary results, except where such preliminary results are a specific sched-  
7 uled release, and even then certain disclosure avoidance procedures are followed. For example,  
8 while the Monthly Advanced Retail Trade Survey (MARTS) permits the release of preliminary  
9 results, the final Monthly Retail Trade Survey results necessitate using disclosure avoidance pro-  
10 cedures on the MARTS. Official tabulations themselves are subjected to a host of disclosure  
11 avoidance procedures, including primary item suppression, complementary item suppression, cell  
12 suppression, complementary cell suppression, whole table suppression, input noise infusion, rec-  
13 ord deletion, record swapping, synthetic records, synthetic values, and output noise infusion.<sup>2</sup>

14 <sup>1</sup> A summary of the relevant research that I conducted at the Census Bureau on this topic was  
15 presented at the 2019 Annual Meeting of the American Association for the Advancement of Sci-  
16 ence. Summary: <https://www2.census.gov/programs-surveys/decennial/2020/resources/presentations-publications/2019-02-16-abowd-db-reconstruction.pdf>  
17 and [https://cpb-us-  
18 e1.wpmucdn.com/blogs.cornell.edu/dist/4/7616/files/2019/04/2019-02-16-Abowd-AAAS-Talk-  
19 Saturday-330-500-session-FINAL-as-delivered-2jr4lzb.pdf](https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/4/7616/files/2019/04/2019-02-16-Abowd-AAAS-Talk-Saturday-330-500-session-FINAL-as-delivered-2jr4lzb.pdf).

20 <sup>2</sup> Primary item suppression means redacting one statistic in a particular cell of a tabular summary.  
21 Complementary item suppression means redacting another statistic in the same table to prevent  
22 learning the primary suppression by subtraction. Cell suppression means redacting all the statistics  
23 in one cell of a tabular summary. Complementary cell suppression means redacting all of the sta-  
24 tistics in another cell of the same tabular summary to prevent recovering all statistics in the primary  
25 suppression by subtraction. Whole table suppression means redacting an entire table. Input noise  
26 infusion means adding random noise to the input data records before computing summary statistics  
27 from those records. Record deletion means removing some records from the input data records  
28 before computing any statistics from those data. Record swapping means exchanging the values  
of some variables between records in the same input data file before computing any statistics from  
those data. Synthetic records mean modeling the content of the records in the input data then using  
the modeled data instead of the original data to compute summary statistics. Synthetic values re-  
place selected variables in the input data file with modeled values before computing any statistics  
from those data. Output noise infusion adds random uncertainty to the values of summary statistics  
before they are released. Rounding is an example of output noise infusion because the user of the  
statistic has no information about the precise value within the range of values that would round to  
the published number.

1           8.       These are generally called “confidentiality edits” and they are documented in the  
2 technical reports accompanying the tabular summaries, public-use micro-data, and research re-  
3 ports.

4           9.       When ad hoc research reports are prepared from confidential data, pursuant to ap-  
5 proved projects, they are subjected to the same types of reviews. No preliminary analysis may be  
6 released, and the DRB may require any of the disclosure avoidance procedures used in official  
7 products before the final version of the results may be released.

8           10.      The DRB recognizes that some data analyses may be revised after they have been  
9 released in their original form. In that case, it requires a thorough review of the differences be-  
10 tween the original results and those proposed in the revision. It may again require that any of the  
11 disclosure avoidance procedures used in official products be applied to the revised data.

12          11.      The Census Bureau avoids the release of intermediate work product in part because  
13 of the disclosure avoidance risk. A particular intermediate work product can be used in combina-  
14 tion with other intermediate work products, official publications, and the final product to re-iden-  
15 tify individual respondents and their data items.

16          12.      This is not a hypothetical risk. The Census Bureau, along with other statistical  
17 agencies, has acknowledged the issues raised by the “database reconstruction theorem,” also  
18 known as the Fundamental Law of Information Reconstruction,<sup>3</sup> which says that overly accurate  
19 estimates of too many statistics can completely destroy privacy. Subsequent work has shown that  
20 stripping obvious identifiers such as names, addresses, and identification numbers is inadequate in  
21 the face of modern computational and informational resources. The cumulative effect of statistical  
22 releases can compromise the privacy of some individuals. The Census Bureau has dedicated sig-  
23 nificant resources to address this issue, and to balance the interests of data accuracy and potential  
24 privacy loss in its the mission to publish data that are suitable for their intended uses.

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25  
26 <sup>3</sup> Irit Dinur and Kobbi Nissim. 2003. Revealing information while preserving privacy. In Proceed-  
27 ings of the twenty-second ACM SIGMOD-SIGACT-SIGART symposium on Principles of data-  
28 base systems (PODS '03). Association for Computing Machinery, New York, NY, USA, 202–  
210. DOI <https://doi.org/10.1145/773153.773173>.

1           13.     The Census Integration Group (CIG) meetings and the reports presented therein are  
2 an example of intermediate work product. In my role as an Associate Director I participated in  
3 and heard many of the presentations that will be produced in this lawsuit. Many of the CIG doc-  
4 uments contain protected Title XIII information, and all CIG decks with data are therefore subject  
5 to review before release pursuant to the DRB process authorized by DSEP.

6           14.     Intermediate work product is capable of being used, in conjunction with later-stage  
7 and final work product, to re-identify individual respondents and their data items. The primary  
8 issue with the sequence of management reports and other data-based documents being produced  
9 to plaintiffs, particularly the CIG documents, is that they cover the same reference populations  
10 with very short time intervals between successive snapshots. This means that sequential differ-  
11 ences in the tabular summaries constitute precisely the reconstruction risk that disclosure avoid-  
12 ance methods are designed to control. Moreover, these internal management reports, unlike the  
13 reports published on 2020census.gov, were not designed to control this risk.

14           15.     Hence, releasing a sequence of intermediate work products like the CIG documents  
15 provably has the potential to permit “reverse engineering” of identifiable personal information.  
16 Application of DRB approved disclosure avoidance controls this risk through the application of  
17 rounding and redaction, which are forms of output noise infusion and item suppression, respec-  
18 tively.

19           16.     To protect the Title XIII sensitive information in the CIG documents, along with  
20 other operational and response data from the 2020 Census, the DRB has approved 56 distinct pro-  
21 tocols (listed in the appendix to this declaration) since April 2017. The most recent of these, pro-  
22 tocol CBDRB-FY21-DSEP-002 was adopted on December 7, 2020. It provides disclosure avoid-  
23 ance procedures for the operational and response data that are present in the historical CIG docu-  
24 ments that the plaintiffs are demanding. The protocol provides for maximal transparency for the  
25 data in these documents by recognizing that highly populous areas—like the nation, states, and  
26 most Area Census Office regions—do not represent a significant Title XIII confidentiality risk for  
27 the summary measures contained in the slides. The DRB approved the protocol after DSEP deter-  
28 mined that the aggregation on these slides was, therefore, not a significant confidentiality risk.

1           17.     In order to implement the approved protocol, CBDRB-FY21-DSEP-002, the Cen-  
2     sus Bureau has assigned dozens of individuals to review and produce the requested CIG docu-  
3     ments. Roughly 320 presentations exist from July 1, 2020 to the present. Each presentation was  
4     created by the team of individuals who worked on the operation in question, and these team mem-  
5     bers have been tasked to review and apply the approved DRB protocols set in CBDRB-FY21-  
6     DSEP-002. This task involves dozens of individuals. Each presentation is then reviewed individ-  
7     ually by one of six assigned Disclosure Avoidance Officers (“DAOs”) to verify that the protocols  
8     were appropriately and consistently applied; these DAOs are now working full time to review  
9     these presentations. We have also involved DRB members in quality assurance to audit the work  
10    for quality assurance, and I have been personally involved in resolving implementation issues as  
11    they arise. This work is not without cost, and team members and disclosure avoidance officials  
12    have been working long hours to accomplish this task. Through this process, more than 70 percent  
13    of the CIG documents have been cleared by the DRB as of this Declaration.

14           18.     Once a data production has a DRB clearance number the data are available for pub-  
15    lic release. The Census Bureau intends for all CIG productions made in this litigation to also be  
16    released to the general public in the Census Bureau’s Freedom of Information Act (FOIA) Library.  
17    The Census Bureau released similar documents cleared by the DRB in earlier litigation concerning  
18    the citizenship question on the 2020 Census in its FOIA Library.

19  
20  
21    I have read the foregoing and it is all true and correct.

22    DATED and SIGNED:

23  
24    \_\_\_\_\_  
25    John M. Abowd, Ph.D.  
26    Associate Director and Chief Scientist  
27    Research and Methodology  
28    U.S. Census Bureau

Meeting Date	DRB #	Clearance Number	Item#	Project Title	Geography
4/10/2017	2017-092	Approved (predates clearance numbers)	4	Disclosure Avoidance for the 2018 End-to-End Test of the 2020 Census of Population and Housing	
8/21/2017	2017-168	Approved (predates clearance numbers)	3	Prototype 2020 Census PL -94 Data File	
11/13/2017	2017-240	CBDRB-FY18-047	5	Public Release of 2010/2020/future Decennial Census Invariants	
12/22/2017	2018-DA-025	DRB-B0001-CDAR-20171222	DA	Census Bureau's Technical Response to the Department of Justice Request to Add a Citizenship Question to the 2020 Census	
12/22/2017	2018-DA-025	DRB-B0001-CDAR-20171222	DA	Census Bureau's Technical Response to the Department of Justice Request to Add a Citizenship Question to the 2020 Census	
2/12/2018	2018-057	CBDRB-FY18-154	8	2020 Net Undercount Projections	Substate
2/12/2018	2018-059	CBDRB-FY18-156	10	Final Prototype 2020 Census Public Law 94-171	Substate
5/14/2018	2018-203	CBDRB-FY18-298	1	2020 Census Self-Response Rates Map	Substate
5/21/2018	2018-239	CBDRB-FY18-311	8	Tract level propensity models for 2020 Comm Campaign	Substate
6/21/2018	2018-DA-162	DRB-B0093-CDAR-20180621	DA	Census Bureau's Technical Response to the Department of Justice Request to Add a Citizenship Question to the 2020 Census	
7/12/2018	2018-DA-177	DRB-B0093-CDAR-20180621	DA	Census Bureau's Technical Response to the Department of Justice Request to Add a Citizenship Question to the 2020 Census	
8/6/2018	2018-DA-191	DRB-B0113-CDAR-20180806	DA	Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census	
8/13/2018	2018-374	CBDRB-FY18-422	13	Census Barriers, Attitudes and Motivators Survey Microdata CBAMS	Substate
9/13/2018	2018-DA-231	DRB-B0122-CDAR-20180913	DA	DoC Legal Request Regarding Adding Citizenship to the 2020 Census	
9/14/2018	2018-DA-237	DRB-ROSS-B0109	DA	2020 Census Count Review: Operation Status	
9/17/2018	2018-DA-238	DRB-B0124-CDAR-20180917	DA	DoC Legal Request Regarding Adding Citizenship to the 2020 Census	

Meeting Date	DRB #	Clearance Number	Item#	Project Title	Geography
9/18/2018	2018-DA-240	DRB-B0126-CDAR-20180918	DA	DoC Legal Request Regarding Adding Citizenship to the 2020 Census	
10/11/2018	2019-DA-019	DRB-B0002-CED-20181011	DA	Revisions to Understanding the Quality of Alternative Citizenship Data Sources for the 2020 Census	
10/29/2018	2019-051b	CBDRB-FY19-044	1b	2020 Census Barriers, Attitudes, and Motivators focus groups (CBAMS) - Part 2	
11/19/2018	2019-077	CBDRB-FY19-066	5	Test 2020 NES Frame Tallies	National
3/4/2019	2019-215	CBDRB-FY19-198	8	Tables for 2020 Census Predictive Models and Audience Segmentation Report	
3/26/2019	2019-DA-169	CBDRB-FY19-ROSS-B0091	DA	Differential Coverage Patterns in the Census by Race: Preparing for 2020 Demographic Analysis by Examining Race Allocation in Births	
3/26/2019	2019-DA-169	CBDRB-FY19-ROSS-B0091	DA	Differential Coverage Patterns in the Census by Race: Preparing for 2020 Demographic Analysis by Examining Race Allocation in Births	
4/8/2019	2019-294	CBDRB-FY19-246	20a	Assessing the Suitability for Restricting Analysis of data Results treating by DA	
6/10/2019	2019-431	CBDRB-FY19-383	15	2020 Comm Campaign Tract-level Propensity Models	
6/27/2019	2019-DA-319	CBDRB-FY19-RAGLIN-B0008	DA	Paper titled "Considerations on Using Self-Responses and Administrative Records to Assign Citizenship in the 2020 Census"	
7/1/2019	2019-467	CBDRB-FY19-417	7	2020 Census Operational Reports	Substate
7/1/2019	2019-478	CBDRB-FY19-427	18	2020 MEPS-IC IAA	
7/1/2019	2019-DA-327	CBDRB-FY19-RAGLIN-B0010	DA	Paper titled "Considerations on Using Self-Responses and Administrative Records to Assign Citizenship in the 2020 Census"	
7/9/2019	2019-DA-332	CBDRB-FY19-CED001-B0021	DA	Olmsted Hawala 2020 Census Test - Mobile - Round 3 usability results	Substate
7/10/2019	2019-485	CBDRB-FY19-434	5	2020 Census Daily Tract-level Response Rate Projections by Mode	Substate

Meeting Date	DRB #	Clearance Number	Item#	Project Title	Geography
7/10/2019	2019-486	CBDRB-FY19-435	6	2020 Census P.L. 94-171 Redistricting Data Summary File	Substate
7/19/2019	2019-DA-355	CBDRB-FY19-POP001-0005	DA	Overview of Edit and Characteristic Imputation for the 2020 Census	
9/3/2019	2019-266	CBDRB-FY19-539	2	2020 Census Internet Self Response Rates	Tract
9/9/2019	2019-615	CBDRB-FY19-546	14	2020 Census Tracking Survey Online Cognitive interviews in English and Spanish	
9/23/2019	2019-647	CBDRB-FY19-582	6	Using Statistical Models in Place of Clerical Matching in the Census 2020 Post-Enumeration Survey to Produce Estimates of Census Housing Unit Coverage	
9/23/2019	2019-647	CBDRB-FY19-582	6	Using Statistical Models in Place of Clerical Matching in the Census 2020 Post-Enumeration Survey to Produce Estimates of Census Housing Unit Coverage	
9/26/2019	2019-DA-466	CBDRB-FY19-ACSO002-B0019	DA	JSM paper titled "The Research and Methodology on Staggering the 2020 Census Mailings"	
9/30/2019	2019-653	CBDRB-FY19-589	3	The Research and Methodology on Staggering the 2020 Census Mailings	
10/8/2019	DA	CBDRB-FY20-POP001-0009	DA	Nonresponse tallies	National
10/17/2019	DA	CBDRB-FY20-CED009-0001	DA	2020 DAS	
12/5/2019	2020-115	CBDRB-FY20-101	DSEP	2010 Demonstration Data Products	DSEP
12/5/2019	2020-116	CBDRB-FY20-102	DSEP	Demographic Summaries from the 2010 Census data for Virginia at privacy-loss budgets from 0.01 to 16	DSEP
12/5/2019	2020-117	CBDRB-FY20-103	DSEP	Privacy Loss v. Accuracy for 2010 Census data for Virginia and national at privacy-loss budgets from 0.0001 to 16	DSEP
1/8/2020	2020-135	CBDRB-FY20-126	5	2020 Decennial Usability Evaluation Report	National
1/14/2020	2019-266	CBDRB-FY20-136	1	2020 Census Response Rates	Tract

Meeting Date	DRB #	Clearance Number	Item#	Project Title	Geography
5/4/2020	2020-273	CBDRB-FY20-255	1	Vintage 2020 Group Quarters Primitive Geography Files and GQR Request	Group Quarters – county, minor civil division (MCD), MCD-Place/Balance, County-Place/Balance
5/8/2020	2020-284	CBDRB-FY20-266	1	DAS EGG Metrics Presentation	National
5/18/2020	2020-294	CBDRB-FY20-281	10	DAS EGG Metrics Presentation	National
5/27/2020	2020-298	CBDRB-FY20-284	1	2020 Census Self-Response and Return Rates Assessment Study Plan	Test Site
6/1/2020	DA	CBDRB-FY20-POP001-0128	DA	Overview and Experimental Design of the 2020 Census Program for Evaluations and Experiments	
6/3/2020	2020-316	CBDRB-FY20-297	11	Overview and Experimental Design of the 2020 Census Program for Evaluations and Experiments	NA
6/8/2020	DSEP	CBDRB-FY20-DSEP-001	DSEP	Request to Release Microdata Detail Files Created from the 2010 Census Edited File by the 2020 Disclosure Avoidance System	DSEP
6/29/2020	2020-347	CBDRB-FY20-326	1	2020 Census Apportionment Transmittal Package	National, States, State Equivalent
11/20/2020	DSEP	CBDRB-FY20-DSEP-003		Unauthorized immigrants using differential privacy	National, States, State Equivalent
12/7/2020	DSEP	CBDRB-FY21-DSEP-002	DSEP	Disclosure Avoidance Procedures for 2020 Census Operational Data Not Previously Cleared	National, States, State Equivalent, Area Census Office