



U.S. Department of Justice
Civil Rights Division

TC
18-00245-F

*Freedom of Information/Privacy Acts Branch - PHB
950 Pennsylvania Ave., NW
Washington, DC 20530*

Leah C. Aden, Esq.
NAACP Legal Defense & Educational Fund, Inc.
40 Rector St., 5th FL
New York, NY 10006
laden@naacpldf.org

November 16, 2018

Dear Ms. Aden:

This is a supplemental response to your April 11, 2018 Freedom of Information Act request, received by the Civil Rights Division seeking:

- (1) All documents, including but not limited to draft and final memoranda, opinions, analyses, or correspondence, relating to the U.S. Department of Justice's review of whether a citizenship status question on the 2020 decennial U.S. Census is necessary to enforce Section 2 of the Voting Rights Act and/or how adding a citizenship question will improve protections for minority voting rights.
- (2) All documents, including but not limited to draft and final memoranda, opinions, analyses, or correspondence, relating to the U.S. Department of Justice's request for a citizenship status question on the 2020 decennial U.S. Census as necessary to enforce Section 2 of the Voting Rights Act.
- (3) All documents, including but not limited to draft and final memoranda, opinions, analyses, or correspondence, relating to the Department's review of whether a citizenship status question on the American Community Survey (ACS) is "insufficient in scope, detail, and certainty" to enforce Section 2 of the Voting Rights Act.
- (4) All documents, including but not limited to draft and final memoranda, opinions, analyses, or correspondence, relating to the Department's review of whether a citizenship status question on the 2020 decennial U.S. Census will have an impact on the response rate of Black or African American people on the 2020 decennial U.S. Census count.
- (5) All documents, including but not limited to draft and final memoranda, opinions, analyses, or correspondence, relating to the Department's review of whether a citizenship status question on the 2020 decennial U.S. Census will have an impact on the response rate of non-Black or non-African American racial or ethnic groups on the 2020 decennial U.S. Census count.

I have determined the attached 78 pages can be released in full or in part. I have determined that access to portions of these documents should be denied pursuant to 5 U.S.C. §552(b)(5), since the records include intra-agency memoranda containing pre-decisional,

deliberative material; and also pursuant to 5 U.S.C. §552(b)(6) since disclosure thereof could reasonably be expected to constitute an unwarranted invasion of privacy. Further, I have determined that access to 42 pages should be denied in full pursuant to 5 U.S.C. §552(b)(5) since the records include intra-agency memoranda containing pre-decisional, deliberative material.

Although this matter is in litigation, I am obligated to advise you that you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



Tink Cooper, Acting Chief
Freedom of Information/Privacy Acts Branch
Civil Rights Division