



January 19, 2023

VIA E-MAIL

Laura Iheanachor  
CREW  
1331 F Street NW  
Suite 900  
Washington, DC 20004  
[liheanachor@citizensforethics.org](mailto:liheanachor@citizensforethics.org)

RE: FOIA Request No. DOC-OIG-2023-000707, Referral from CRM-301664563 (*CREW v. DOJ*, No. 22-cv-00254 (D.D.C.))

Dear Ms. Iheanachor:

This letter is regarding your Freedom of Information Act (FOIA) request, CRM-301664563, received by the U.S. Department of Justice (DOJ) on July 23, 2021, and referred in part to the Department of Commerce, Office of Inspector General (OIG) on December 29, 2022, for direct response by our office. The tracking number for the portion of your request that was referred to the OIG is DOC-OIG-2023-000707. Please refer to this number in all correspondence with our office regarding your request. Your request sought the following from DOJ:

1. “All records relating to the U.S. Department of Commerce Office of Inspector General (“Commerce OIG”) referral to DOJ’s Public Integrity Section concerning its findings that former Secretary of Commerce Wilbur Ross ‘misrepresented the full rationale for the reinstatement of the citizenship question’ in the 2020 Decennial Census ‘during his March 20, 2018, testimony before the House Committee on Appropriations and again in his March 22, 2018, testimony before the House Committee on Ways and Means.’
2. All records relating to DOJ’s decision to decline prosecution of Wilbur Ross following the Commerce OIG’s referral, including but not limited to records reflecting the final decision not to prosecute Mr. Ross and the rationale for that decision.”

The December 29, 2022 referral from DOJ contained 42 pages of records that originated with Commerce OIG for review and processing under FOIA and direct response to you.

In processing the 42 pages for direct response, we considered the foreseeable harm standard when reviewing the records and applying FOIA exemptions. After consultation with DOJ’s Criminal Division, it was determined that the 42 pages may be released to you as follows:

- Three (3) pages may be released to you in full;
- Twenty-five (25) pages must be withheld in part under FOIA exemption (b)(5), 5 U.S.C. § 552(b)(5), which protects inter-agency and intra-agency records that would not be

available by law to a party other than an agency in litigation with the agency, including documents that are subject to the deliberative process and attorney-client privileges;

- Thirteen (13) pages must be withheld in part under FOIA exemption (b)(5), as well as (b)(6), 5 U.S.C. § 552(b)(6), which protects information in personnel, medical, or similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA exemption (b)(7)(C), 5 U.S.C. § 552(b)(7)(C), which protects law enforcement information, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy;
- One (1) pages must be withheld in part under FOIA exemption (b)(6) and (b)(7)(C).

Although I am aware that your request is the subject of ongoing litigation (*CREW v. DOJ*, No. 22-cv-00254 (D.D.C.)) and that appeals are often not acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal of this determination. If you wish to file an administrative appeal, it must be received within ninety (90) calendar days of the date of this response letter.

An appeal may be sent by e-mail to [FOIA@oig.doc.gov](mailto:FOIA@oig.doc.gov) or by FOIAonline, if you have an account in FOIAonline, at <https://www.foiaonline.gov/foiaonline/action/public/request>.

An appeal may also be sent to the following office:

Counsel to the Inspector General  
U.S. Department of Commerce  
Office of Inspector General, Office of Counsel  
14th and Constitution Avenue, N.W.  
Room 7898C  
Washington, D.C. 20230

The DOC OIG FOIA staff is currently operating at a remote capacity only. Processing of paper copies of FOIA requests and or appeals sent via mail or other carrier will be subject to delays.

Any appeal should include a copy of the original request and this letter. In addition, it should include a statement of the reasons why you believe that the determination was in error. The appeal letter, the envelope, and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal." The e-mail account and FOIAonline are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail account or FOIAonline after normal business hours will be deemed received on the next normal business day. If the 90th calendar day falls on a Saturday, Sunday, or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely. An appeal received after the 90-day limit will not be considered.

If you have any questions or concerns or would like to discuss any aspect of your request, you may contact me, the OIG FOIA Public Liaison, or Laura Main, Government Information Specialist, by phone at (202) 794-8066 or via e-mail at [FOIA@oig.doc.gov](mailto:FOIA@oig.doc.gov).

In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail at [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone at (202) 741-5770; toll free at 1 (877) 684-6448; facsimile at (202) 741-5769

Sincerely,  
**JENNIFER  
PIEL**  
Jennifer Piel  
FOIA Officer

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Enclosures

## Summary of census matter

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**From:** (b) (6), (b) (7)(C)@crm.usdoj.gov  
**To:** "Amundson, Corey (CRM)" (b) (6), (b) (7)(C)@crm.usdoj.gov>  
**Date:** Thu, 30 Jan 2020 14:20:43 +0000  
**Attachments:** 19-0728 Timeline IRF.pdf (114.48 kB); ATT00001.htm (182 bytes); DOC OIG 19-0728 Brief.pptx (1.21 MB); ATT00002.htm (141 bytes)

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Corey—here's the summary OIG sent along in advance of mtg tmrw



**UNITED STATES DEPARTMENT OF COMMERCE  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS**

**INVESTIGATIVE RECORD FORM**

**CASE TITLE:**  
Alleged Misconduct with 2020 Decennial (OS)

**FILE/CASE NUMBER:**  
19-0728-I

**Timeline**

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<b>Date of Activity:</b> 11/21/2019	<b>Date Prepared:</b> 11/27/2019	<b>Reporting Investigator:</b> (b) (6), (b) (7)(C)	<b>Title:</b> Special Agent
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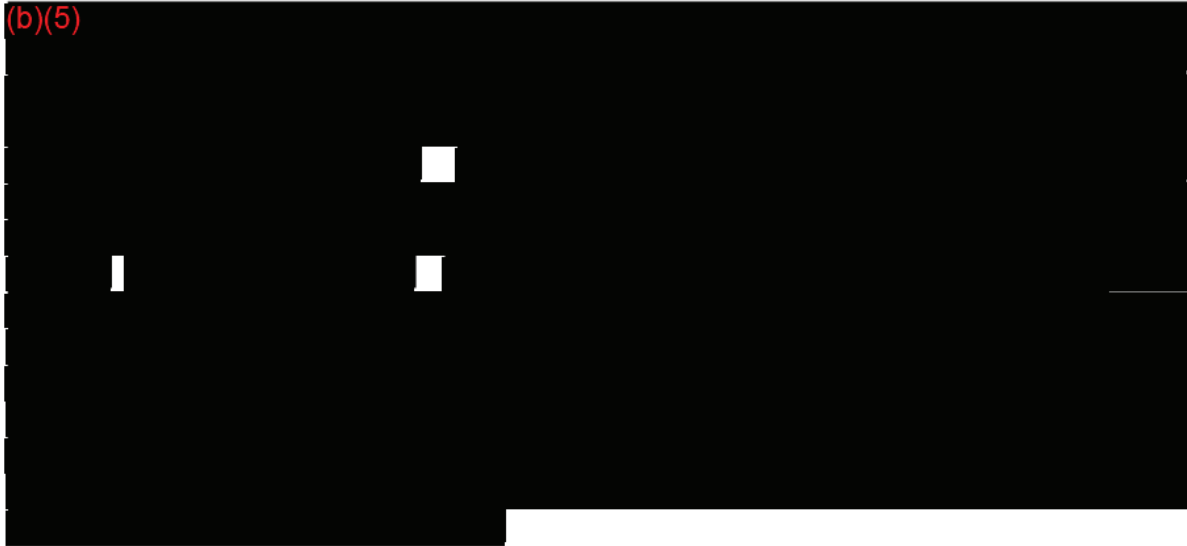


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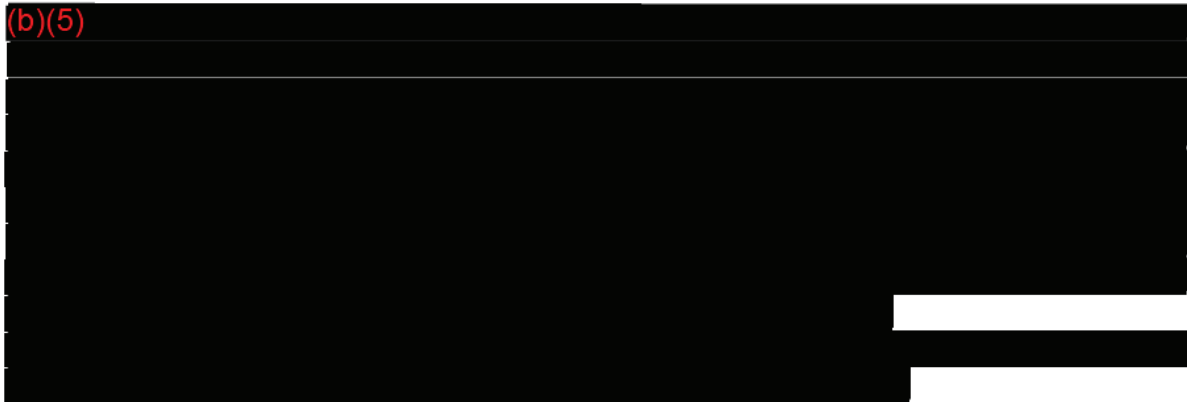
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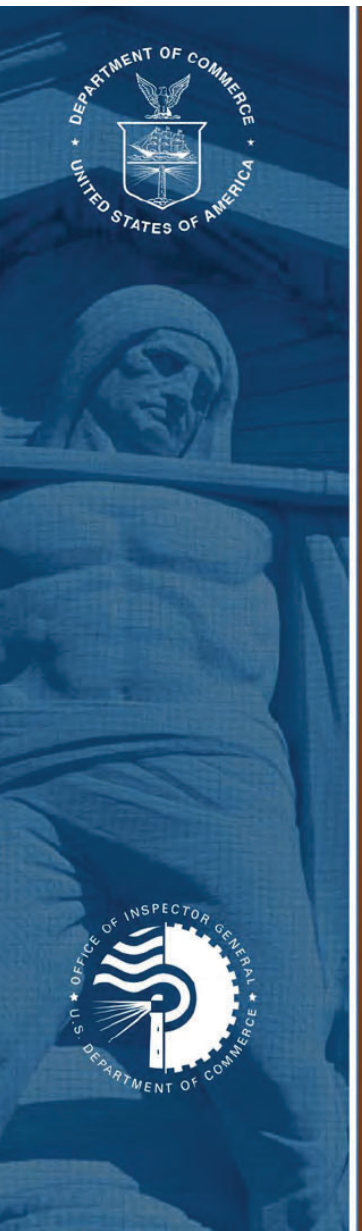
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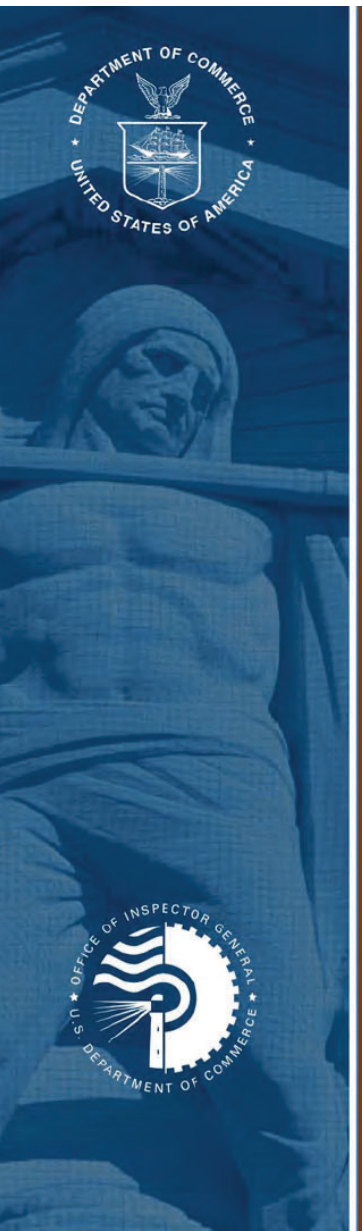
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