

COMMITTEE ON OVERSIGHT AND REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: GENE PATRICK HAMILTON

Thursday, May 30, 2019

Washington, D.C.

The interview in the above matter was held in Room 6400, O'Neill House Office Building, commencing at 10:04 a.m.

Appearances:

For the COMMITTEE ON OVERSIGHT AND REFORM:

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minority staffs will alternate asking you, Mr. Hamilton, questions 1 hour per side per round. The majority staff will begin and proceed for an hour, and the minority staff will then have an hour to ask questions. Thereafter, the majority staff may ask additional questions and so on and so forth. We'll alternate back and forth in this manner until there are no more questions from either side, and then the interview will be concluded.

During the interview, we will do our best to limit the number of people who are directing questions at you during any given hour. With that said, from time to time, followup or clarifying questions may be useful. And if that's the case, you might hear from additional people around the table.

Under the committee rules, you're allowed to have an attorney present to advise you. Do you have an attorney present to represent you in a personal capacity today?

Mr. Hamilton. No.

Ms. Anderson. Would counsel please identify yourselves again?

Mr. Gardner. Josh Gardner, with the Department of Justice.

Ms. Anderson. Okay. I understand that you do not have a personal attorney with you today, but instead, have agency counsel with you. You've identified yourself.

Do you understand that agency counsel represents the agency and not you personally?

Mr. Hamilton. Yes.

Ms. Anderson. And you are choosing to have agency counsel in the room with you today?

Mr. Hamilton. Yes.

Ms. Anderson. There's a stenographer taking down everything I say and everything you say to make a written record for the interview. For the record to be clear, please wait until I finish each question before you begin to answer, and I will wait

until you finish your response before asking you the next question.

The stenographer cannot record nonverbal answers, such as shaking your head, so it's important that you answer each question audibly and verbally. Do you understand?

Mr. Hamilton. Sure.

Ms. Anderson. We want you to answer our questions in the most complete and truthful manner possible, so we are going to be taking our time. If you have any questions or do not understand my questions, please let us know; we will be happy to clarify or rephrase the question as needed. Do you understand?

Mr. Hamilton. I do.

Ms. Anderson. If I ask you about conversations or events in the past and you are unable to recall the exact words or details, you should testify to the substance of those conversations or events to the best of your recollection. If you recall only a part of the conversation or event, you should give us your best recollection of those events or parts of the conversation that you do recall. Do you understand?

Mr. Hamilton. Yes.

Ms. Anderson. If you need a break, please let us know. We are happy to accommodate you. Ordinarily, we take a 5-minute break at the end of each hour of questioning, but if you need to take a break before that, just let us know. However, to the extent there is a pending question, I would just ask that you finish answering the question before you take a break. Do you understand?

Mr. Hamilton. I do.

Ms. Anderson. Although you are here voluntarily and we will not swear you in, you are required by law to answer questions from Congress truthfully. This also applies to questions posed by congressional staff in an interview. Do you understand?

Mr. Hamilton. Yes, I do.

Ms. Anderson. If at any time you knowingly make false statements, you may be subject to criminal prosecution. Do you understand?

Mr. Hamilton. I do.

Ms. Anderson. Is there any reason today you are unable to provide truthful answers in the interview?

Mr. Hamilton. No.

Ms. Anderson. Please know if you wish to assert a privilege over any statement, you must do so pursuant to committee rules. Committee rule 16(c)(1) states that, quote, for the chair to consider assertions of privilege over testimony or statements, witnesses or entities must clearly state the specific privilege being asserted and the reason for the assertion on or before the schedule date of testimony or appearance.

In addition, subsection 3 states, quote, the only assertions of executive privilege that the chair of the committee will consider are those made in writing by an executive branch official authorized to assert the privilege.

Do you understand?

Mr. Hamilton. I understand.

Ms. Anderson. Do you have any questions?

Mr. Hamilton. No.

Ms. Antell. Before you begin questions, I just wanted to clarify, while we are here voluntarily and, you know, we're glad we were able to work out the scheduling issues, we remain disappointed that we were unable to come to a resolution regarding access to the transcript, having a final copy of the transcript after the interview.

We understand that it is committee policy not to provide that final transcript, but we think it's really important for recordkeeping purposes and fundamental fairness that we would have that transcript in the future. Again, we're here, we're ready to answer

questions. But in the future, if you guys decide to request a transcribed interview, we will have to revisit this.

Mr. Anello. If I may just briefly respond to that point. I think we reached a resolution, which is that the committee made an accommodation regarding the transcript. There was a request that we do so, and we did. I think we came to an agreement on that. I think you're correct in stating that the committee's practice under both Democrats and Republicans has not been to provide copies of final transcripts to agencies or to witnesses. However, we do make copies of the transcripts available at our offices. And you will have access to our transcript, which you'll be able to review and provide comments on, if you have any comments or concerns about mistakes or accuracy.

We've also made an offer for you to come back and look at the final transcript after it's been finalized, if you have a desire to do so, which was an additional accommodation. And then we also had an accommodation regarding notice that we discussed.

So obviously, if there is another interview, we can discuss that, but I do believe we reached a resolution and we've made several accommodations.

Ms. Antell. So we reached a resolution in that we're here and we are participating in the interview under the circumstances that you described. But note that we don't necessarily -- this is something we may have to return to.

Mr. Castor. Just for the record, the committee's been doing transcribed interviews of witnesses at a pretty high clip, going back to 2007. And some of those years there have been hundreds of TIs. Like in the IRS targeting investigation, I believe we interviewed almost 80 witnesses. And so our practices are not -- we have a pretty well worn path with our practices.

So I just want to say from the Republican side of things that the decision, you know, not to give the witness or the department a copy of the transcript isn't something new, and it really is the way things have been done. There have been exceptions, but very, very few. And some of those exceptions have related to when there has been IG investigations and they haven't been able to get ahold of the witness because the witness has left the department. And so, you know, maybe this litigation maybe is one of those exceptions, but that's something that certainly can be revisited in the future.

I just wanted to add that for the record, just for context purposes. But this isn't like a new Mr. Cummings rule.

Ms. Anderson. Anyone else want to add anything?

Okay. I will note for the record that it's now 10:12 a.m.

EXAMINATION

BY MS. ANDERSON:

Q Mr. Hamilton, can you please tell us when you first started working for the Department of Homeland Security?

A When I first started working for the Department of Homeland Security?

Q Yes.

A August of 2010.

Q Okay. And how about the most recent stint?

A January 20 of 2017.

Q And starting on January 20, 2017, what position or positions did you hold at the Department of Homeland Security?

A I was the senior counselor to the Secretary?

Q Who did you report to in that role?

A The Secretary.

Q Did you have any other roles during your time at DHS, starting in January 2017?

A No.

Mr. Anello. Can I just ask, were you at DHS in 2010 all the way through 2017 as well?

Mr. Hamilton. No.

Mr. Anello. So can you just give us a brief history of what you were doing?

Mr. Hamilton. Yeah. So I was a DHS employee from -- I don't remember if it was August or September. It was right around there, 2010 -- until spring of 2012. I left general counsel's office, went to ICE. I was with ICE from spring of 2012 to February of 2015. 2015 to January 20 of 2017, I was general counsel to Senator Sessions in the Senate Judiciary Committee.

Mr. Anello. Okay.

BY MS. ANDERSON:

Q So in your role as senior counsel, what issues did you work on?

A A number. Immigration, border security, Coast Guard, national security issues. There was a whole host of things.

Q And when did you leave DHS?

A The last -- toward the end of October of 2017.

Q Why did you leave DHS?

A I went to the Department of Justice.

Q What role did you take on at the Department of Justice?

A Counselor to the Attorney General.

Q Who did you report to in that role?

A Primarily the Attorney General. Although, in both situations at DHS and

Justice, there's some reporting involved to the chief of staff, of course, as well, in both places.

Q What issues did you start working on at the Department of Justice once you moved in October 2017?

A Largely the same issues.

Q So that --

A Immigration, border security, some national security issues.

Q Did you staff the Attorney General on those issues?

A I did. And I do.

Mr. Anello. If I might just go back to DHS for a moment. Can you just provide a little bit more detail about your role, let's say, starting with immigration, what your role was regarding immigration issues at DHS?

Mr. Hamilton. What do you mean by what my role was?

Mr. Anello. What did you do regarding immigration?

Mr. Gardner. Are you asking about specific assignments he worked on, Russ?

BY MR. ANELLO:

Q No. I am asking generally if there were particular subject matters you worked on, if you had a particular role. Why don't we start with particular subject matters that you worked on at DHS that related to immigration.

A I don't think I could identify particular subject matters. Just anything that affected immigration, my job was to advise the Secretary and to --

Q Were you -- I'm sorry.

A -- provide him with options, policy options, and to ensure that his decisions were executed on.

Q So were you the Secretary's senior-most adviser on immigration issues

during your time at DHS?

A Yes.

Q And did anybody report to you?

A I had some administrative folks who worked for me directly, but in terms of a chain of command reporting structure, no.

Q And at DOJ, can you describe a little bit more your role in immigration?

Were there particular issues related to immigration that you have worked on at DOJ?

A Very much the same, although it involves advising the Attorney General about litigation, reviewing briefs, doing things like that.

Q Are you the Attorney General's senior-most immigration adviser?

A Yes.

Q And was that the case under Attorney General Sessions as well?

A Yes.

Q And under Mr. Whitaker as well?

A Yes.

Q And is there a team that reports to you or do you have anybody that reports to you other than administrative staff at DOJ?

A On the organizational chart, I do not have any direct reports.

Q And you mentioned a few other issues that you said you worked on border security, national security. Are you also the most -- senior-most adviser to the Attorney General on those issues?

A The national security docket is largely handled by someone else, but I -- there's overlap, so we -- we work as a team.

BY MS. ANDERSON:

Q Has your position changed at all since you started in the Department of

Justice?

A No.

Q When did you first become aware that there were discussions about possibly adding a citizenship question to the 2020 Census?

A I guess probably -- it was probably spring, April of 2017, that time period.

Q How did you become aware?

A My recollection is that I was contacted by John Zadrozny on the Domestic Policy Council that I would be receiving a phone call from someone from the Department of Commerce related to the Census.

Q Okay. Had you worked on Census issues prior to that?

A No.

Q Had you been in contact with John Zadrozny prior to that?

A Almost every day, multiple times a day likely. I mean, it would depend. Some days not, but we were in frequent contact because Domestic Policy Council at the White House, as I am sure you appreciate to know, has a role in the immigration world, and so there was frequent contact on that subject matter. And I've known John for a number of years. And so oftentimes, when John reaches out to me or when he reached out to me when he was in that capacity, it was on the basis of, hey, I know someone at DHS, I know Gene.

Q Okay. When he reached out to you, was that on the phone or email, in person?

A I think it was on the phone to the -- I think.

Q Can you go through a little bit about what John Zadrozny's role was, what your role working with him was like? Can you walk through that a little bit for us?

Mr. Gardner. While he was at Homeland Security?

Ms. Anderson. Yes. In that spring, April 2017 timeline.

Mr. Hamilton. Kind of hard to describe. It's having a normal working relationship in that these issues come up, there's discussions. The White House wants to know what's happening, certain issues. Sometimes we have a role to advise the White House. And so just attending meetings. I mean, there's a whole range of conduct.

BY MR. ANELLO:

Q Was Mr. Zadrozny your primary point of contact at the White House on immigration issues?

A No.

Q Who was your primary point of contact?

A Stephen Miller.

Q And did Mr. Zadrozny work on immigration issues?

A Yes.

Q And so what was his -- how did his role compare to Stephen Miller's role during the time that you worked with both?

A Well, John was a special assistant to the President, I believe, on the Domestic Policy Council, so he was more junior. Stephen's an assistant to the President.

Q And did you work with Mr. Miller at this time on immigration issues also?

A Yes.

Q And what was your working relationship with Mr. Miller like in terms of the types of conversations that you would have?

A I mean, the same general thing. It's hard to describe the meetings. I mean, we work with a lot of people at the White House on immigration generally. It's hard to nail it down to, not just John and Stephen; it is a whole host of people at the

White House. But Stephen is the White House's senior person on immigration.

And so to answer your question earlier, that's the senior-most person I worked with on immigration.

BY MS. ANDERSON:

Q So when he called you and said you might receive a call from DOC, did he tell you who you'd receive a phone call from?

A I think he said Earl Comstock, I think.

Q And did he tell you what that phone call would be about?

A I don't recall.

Q Did he tell you -- do you recall any of the other details about what he told you on that initial phone call?

A No.

BY MR. ANELLO:

Q Did he mention the Census?

A I believe I've already said that, that he mentioned I would be getting a call about the Census.

Q Did he mention the citizenship, the issue of the citizenship question?

A I don't recall.

Q Because I think that you -- I think you initially said the first time you became aware of the idea of adding the citizenship question was the call from Mr. Zadrozny, right?

Mr. Gardner. I don't think that characterizes his testimony accurately, but --

Mr. Anello. Well, he brought up the call, I think, in response to a question about the citizenship question, that's why I mentioned it.

Mr. Hamilton. I mean, I don't want to parse words here, but she asked a

question when did I first become aware of the issue. So looking back now, that's when it arose. I don't have any specific recollection if on that phone call I was told this is about the citizenship issue, but that was obviously my first engagement with the Department of Commerce.

BY MS. ANDERSON:

Q How long after that initial phone call did you receive contact from Earl Comstock or a person named Earl from the Department of Commerce?

A I don't remember exactly. It was pretty soon afterwards.

Q Was that via phone or email or in person?

A I think it was on the phone.

Q So could you describe what role you played regarding the citizenship question while you were at the Department of Homeland Security?

A Could you get a little more specific?

Q Did you have a role with dealing with this issue of the citizenship question while you were at the Department of Homeland Security?

Ms. Antell. Can I just ask you to make that question either more specific about it? I think that's a really -- that's a super general question.

I'm not sure if you're having trouble answering that.

Mr. Hamilton. Yeah. I guess, I mean -- what was my role? I mean, it would help me to better answer your question if we went back to the phone call and relayed some factual information that there was further discussions or something. I mean, this is -- we're taking a giant leap from here to here in your questioning. So if you can break it down, I will be able to give you better answers.

BY MS. ANDERSON:

Q Okay. When you received the phone call, was there anyone else on the

phone call besides Earl?

A Not to my knowledge.

Q Okay. How long did you talk for?

A Just a few minutes.

Q Did he tell you why he was calling?

A He did.

Q Why was he calling?

A He wanted to know if the Department of Homeland Security could use or had a need for the information for citizenship information on the Census that would facilitate a departmental mission.

Q Did he tell you why he was reaching out to see whether you had a need?

A No. Not that I can recall.

Q Is it usual for a different department to call you and ask whether you need information that you haven't requested?

A Sure.

Q In what other context have you received a similar phone call?

A I can't recall specific instances, but it's common practice for people at various departments to call each other to ask about various issues, to ask if something would be helpful or not helpful, or if there's something that they're working on they want to get our input. It's pretty standard practice.

Q And just to be clear, you hadn't asked for that particular dataset or reached out to the Department of Commerce before then?

A No.

BY MR. ANELLO:

Q So you said he asked you whether you could use that data, he meant

citizenship data?

A Yeah.

Q Did he give you any context? What type of citizenship data, where the data was coming from?

A No.

Q He just asked could you use citizenship data?

A Yes.

Q Did he say citizenship data on the 2020 Decennial Census?

A On the Census, Decennial Census. Yes, the one Census, same thing. Yes.

Q Did you have any -- before that phone call, did you have any background in whether the Census asked questions related to citizenship?

A I was generally familiar with the issue, not specific -- I am not an expert on it. But generally, I was vaguely familiar with the public dialogue on the issue.

Q Had you spoken to anybody else about that issue prior to that conversation?

Mr. Gardner. You mean while at Homeland Security or ever?

BY MR. ANELLO:

Q Well, let's start with that, Homeland Security, and then we can go before then.

A At DHS? None.

Q How about prior to your 2017 stint?

A I don't recall having specific discussions about citizenship before. I know that when I was on the transition team, Kris Kobach had reached out to me at some point and mentioned some legislative proposals to something about citizenship. I remembered I didn't do anything with it. Got a lot of ideas from a lot of people, a lot of things that folks wanted to do or have the new administration do. I didn't really do

anything with it.

Q When did Mr. Kobach reach out to you?

A It was probably early November of 2016.

Q Early November, so after the election?

A Yeah.

Q Did he reach out to you before or after the election?

A I don't remember. Sometime around the election.

Q And can you describe what he told you, to the best of your memory?

A It was just he mentioned that he had a number of legislative things that he wanted to propose. One of them I think involved citizenship questions or citizenship on the Census. I don't really know. I didn't have any details on it.

Q Did he tell you what steps he'd taken, aside from calling you, to try to get a citizenship question on the Census?

A I don't think so.

Q Did he tell you that he had talked to anybody else on the transition team?

A No.

Q Did he tell you that he talked to the President-elect about it?

A No.

Q Did you take any further actions after you talked to him?

A No.

BY MS. ANDERSON:

Q Did you work on census issues as part of the transition team?

A No.

Q Did he indicate to you why he was reaching out to you specifically?

A He was -- Kris worked on the transition. He was part of our team, and so it

was not uncommon for Kris to say he was working on some thing or he had some idea or something.

Q What team was that?

A The immigration team.

BY MR. ANELLO:

Q And that was the team -- you were both on the immigration team?

A Correct.

Q Did he send you an email or any documentation relating to the citizenship question?

A I mean, I know he sent me an email saying he had this idea, but I don't think there's anything more than just an email with the idea.

Q An email describing the idea of adding the citizenship question to the Census?

A An email about a legislative proposal that he had related to the Census, but I don't -- I don't recall ever receiving an actual proposal or doing anything with it.

Q Did he explain to you or put in his email the question of -- explanation of why he would want to add a citizenship question?

A No.

Q Did you have a sense, either from talking to him or from talking to other people, about why? It seems like, to me, it's sort of a random thing to ask an immigration staffer on the transition team, right? I guess, did you have a sense of why he came to you?

A No. Look, again, Kris was part of our team. This was a time when people were talking about a lot of things. It was mentioned in the context of a number of legislative packages that he thought that we should advance in the new administration.

So he's more than welcome to share his thoughts and ideas. There's a lot of people who gave us -- much like staffers in Congress, I know you appreciate, you have a lot of folks who want your time -- propose a lot of ideas and you don't always do things with all of them.

Ms. Anderson. Was he part of any other team during the transition?

Mr. Hamilton. I don't think so.

Ms. Anderson. Okay. And then when he emailed you or reached out to you, did he discuss any like draft language for that legislative proposal or draft questions or anything like that?

Mr. Hamilton. I don't remember anything.

Mr. Anello. Did he talk to you during the transition in that conversation or separately about issues relating to congressional apportionment?

Mr. Hamilton. No.

Mr. Anello. Did you have other discussions during the transition about the Census citizenship question?

Mr. Gardner. With Mr. Kobach?

Mr. Anello. No, generally.

BY MR. ANELLO:

Q So there was the one conversation with Mr. Kobach, but did you have any other conversations with him or anybody else?

A Not that I can recall.

Q Prior to the transition, had you had discussions -- was there something that had come up in discussion, the issue of adding a citizenship question?

A Again, I don't recall any specific conversations. I just -- I'm vaguely familiar with it being part of the public discourse for a number of years, but it's not something I've

been --

Q So is it fair to say that that conversation with Mr. Kobach is the only conversation that you recall on this topic until Mr. Zadrozny called you?

A It's the only specific one I can recall. And I don't know that it was a conversation so much as an unsolicited email.

Q Even if you can't remember a specific email, do you have a more vague recollection that you might have talked to other folks during that period?

A No, no.

BY MS. ANDERSON:

Q So you received the phone call from Earl at the Department of Commerce, and he called you and you talked for a few minutes. Is that right? And he doesn't exactly say why the Department of Homeland Security might want this information, just asked whether you might want it?

A Yeah. I mean, it was a vague kind of general discussion about they were thinking about adding it to the Census and wanted to know if we had a need for it, if we could use the information for some reason.

Q Was there any ask or any next steps that were taken at the end of the phone call, or he just asked you whether you want it and hung up the phone?

A I told him, like, I would need to check with folks in the department and get back to him, is my recollection.

Q Who were those -- did you check with any people?

A I know I followed up, I don't know exactly who with, but my standard practice would have been to check with most of the components that were under kind of my portfolio, and with other folks, as well as headquarter's offices. Usually, the component or office head and their chief of staff was kind of my standard practice, just to

make sure that everyone's equities would be represented and everyone had a chance to opine.

So I can't tell you precisely who I contacted, but that was generally who I'd go to when I had questions about incoming things.

Q Which components would that be?

A Generally, we'd be talking about the Office of Policy, general counsel's office, ICE, USCIS, CBP, occasionally others, depending on the issue.

Mr. Anello. For an issue like this, who -- of those groups or others, who do you think you would have asked?

Mr. Hamilton. Probably that group. I mean, I don't know if I went to Coast Guard also, I am not sure. But they were also in my portfolio, but I don't remember if I did or if I didn't.

Ms. Anderson. Do you recall hearing back from any of them whether they could or could not use the particular information, or considered using or not using?

Mr. Hamilton. I don't recall any like specific feedback from any individual person or component, but my recollection is that there was -- no one had anything. And so I got back to Earl, I don't know what time period, maybe it was a couple days, maybe it was a week. I don't remember. -- basically let him know we didn't really have anything for him. We didn't really have a use for the information.

Ms. Anderson. Was that via email, phone, in person?

Mr. Hamilton. I don't remember.

BY MR. ANELLO:

Q Did you speak with the Secretary about this issue?

A I don't remember.

Q The Secretary of Homeland Security?

A I'm sorry, I just don't remember if I -- if I talked to him about it or not.

Q Is this the type of issue that you would have raised with the Secretary?

A Maybe. Again, sorry, it's been a busy 2 years, so --

Q Do you know if you ever had a conversations at DHS with the Secretary about the citizenship question?

A I don't recall any discussions with Kelly or Duke.

BY MS. ANDERSON:

Q Do you recall, besides sort of talking to components that were underneath your portfolio, do you recall talking with anyone else in that April timeframe at DHS about this issue?

A I don't think so.

Q Did you talk to anyone outside of DHS at that time about this issue?

A I don't -- I don't think -- other than Commerce and John Zadrozny at DPC, I don't -- I don't recall.

Q Did you reach back out to John Zadrozny after you'd spoken to Earl Comstock?

A I don't remember if I did or if I didn't.

Q And when you said people at Commerce, was that just Earl or were there other people that you had spoken with?

A Earl's the only one I remember, but maybe there was a couple -- I don't know.

Ms. Greer. Just to clarify, when you say did you reach back out to John Zadrozny after you spoke to Earl Comstock, you're talking specifically about the Census question?

Ms. Anderson. Yes.

Ms. Greer. Okay.

BY MS. ANDERSON:

Q Or did he reach -- did you guys talk at all after that?

A I mean, I talked to John all the time.

Q About the citizenship.

A About other things, but I don't recall any specific issues on a citizenship question.

Q Do you recall speaking about it with anyone else from the White House at that time?

A No.

Mr. Anello. What about later, did you speak to Mr. Zadrozny or anybody else at the White House about this issue later?

Mr. Hamilton. I don't think so. I mean, it might have come up when I was at DOJ, like in terms of a status check on something, but I don't recall, I guess, the specifics of the conversation.

BY MS. ANDERSON:

Q So going back to you informing Mr. Comstock that you didn't necessarily have a use for that data, was that the last time you spoke about this issue while you were at the Department of Homeland Security or did it come up at all after that?

Mr. Gardner. So just to be clear, are you asking about the last time he spoke with Mr. Comstock or --

Ms. Anderson. No, generally.

Mr. Gardner. Okay. Do you understand the question?

Can you just repeat it one more time?

Ms. Anderson. Sure.

BY MS. ANDERSON:

Q Between sort of that April, early April date and when you left the Department of Homeland Security, did this issue come up again? Did you speak with anyone else about this issue during that timeframe?

A No, not that I can recall.

Q And no one else from the Department of Commerce or the Department of Justice reached out to you about this issue when you were at the Department of Homeland Security?

A I don't recall.

Q And you said that you moved to the Department of Justice sometime in October of 2017?

A Yeah. I think it was the last week of October, I think.

Q Did you hear about this issue again in your role after you moved to the Department of Justice?

A I can recall it being an issue that was being looked at by the Department at the time.

Q How did you become aware that it was being looked at by the Department at the time?

A I couldn't tell you specifically like when I first became aware or how I first became aware. I just know generally it was something that was being evaluated. Do you know -- have a sense of what else is happening in the Department or what else is under consideration generally speaking. But the way that the OAG, the Office of the Attorney General, is broken down, it was not my issue. It fell under the Civil Rights Division, and that was not my -- generally not my group.

The Civil Rights Division does some immigration work, so their Immigration and Employee Rights Division in terms of work authorization and things like that, making sure

that people aren't discriminated against. So I know about that kind of work that they're doing. But other than that, Civil Rights Division is not at all in my portfolio and that was someone else at DOJ.

Q Just to go back quickly to when you first talked to Earl Comstock, did he mention where he had gotten -- if he had gotten your contact information from anyone else or if he talked to any other departments before talking to you?

A I don't recall specifically, but it seemed vaguely -- I think he mentioned that he had talked to Justice.

Q You don't remember if he provided any other details about what that entailed?

A No.

Q Did you refer or indicate to Earl Comstock that he should talk to anyone else after you sort of concluded that you didn't have use for that information at the time?

A I think I might have told him -- I'm sorry, it's been a couple of years, so some of this stuff is coming back together and it's hard to remember certain things. I seem to -- I seem to -- I seem to recall that he had told me that he had talked to Justice. I think that's right. He told me that he had talked to Justice at some point. And so I think I just told him to go back to Justice. We didn't have anything for him.

Q Okay. You didn't refer to anyone else inside of the Department of Homeland Security or any other agency?

A I don't think so.

BY MR. ANELLO:

Q Can I go back to one thing you just asked? You said that the Census citizenship question was not an issue that was in your portfolio because it fell under the Civil Rights Division when you were at DOJ.

A Uh-huh.

Q So whose portfolio was it in?

A Racheal Tucker.

Q Racheal Tucker. And her portfolio covered all the Civil Rights Division?

A Yes, that's correct. Racheal had a number of things under her portfolio.

Racheal's great, a really talented person. She's also a little protective of her turf. So she's a good friend, but I tried to tread carefully on making sure I wouldn't intrude on her work product in things that were under her oversight for the Attorney General.

Q Got it. So this is sort of a general question and I am not looking for a long answer, but did the Attorney General divide up all the issue areas among a small number of senior staff? Is that how it worked?

A Yes.

Q Can you give me a rough breakdown, instead of who those staff were, what the breakdown was? It was you, Racheal Tucker -- if this is too much to answer, of course, I understand.

Mr. Gardner. Russ, just to be clear, is there a particular time period?

Mr. Anello. Let's start with the time period we're talking about, which was, I guess, October 2017 when you started.

Mr. Hamilton. So in October, I mean, OAG I think was Matt Whitaker was the chief of staff, Gary Barnett was there, Danielle Cutrona, Racheal Tucker, me, Brian Morrissey. I think that might have been it. And so we all covered different offices and issue areas generally. Of course, as I touched on with my own work, occasionally there's overlap, and so you try to work together and make sure everything's -- everyone is playing nicely. We have a great team, a collaborative effort, but generally wouldn't get involved with something in someone else's portfolio.

BY MR. ANELLO:

Q I understand. So for the issues of immigration, that would be you?

A Yes.

Q Anybody else kind of keep all their immigration --

A Not really. I mean, people would be vaguely involved with, you know, things if there's overlap, but --

Q And on issues of voting or voting rights, would that have been Racheal?

A Yes.

Mr. Anello. Okay.

BY MS. ANDERSON:

Q So you became sort of vaguely aware that DOJ was working on this after you arrived in October of 2017. What do you mean by working on it?

A I mean, it was under consideration. I don't really know a better way to put it. It was something that was being evaluated.

Q By whom?

A I think by the Civil Rights Division and by the Attorney General.

Q Do you recall sort of the decision point or progress point that the Department was at when you first got there?

Mr. Gardner. I am not sure I understand the question.

Ms. Anderson. Sure. You're saying it's being considered, right? That's kind of, I presume, a broad range of what is considered in sort of the process of that. Do you remember when you first became aware of what part of the process they were in considering? Was it being considered for a few months? Was it right out the gate? Had anyone, you know -- can you describe what that point of the process they were in at that time?

Mr. Hamilton. Again, I want to make sure I give you the best answers here. It's been a while, but vaguely, I just seem to recall that it had been something they had been looking at for some time. It had been some months or something, I think. And I recall the AG had a discussion with Wilbur Ross at some point months before I got there. So I think that folks were looking at the issue as to whether, you know, there is the Department could use the information from the citizenship question on the Census.

Ms. Anderson. Did you learn anything else about -- or did you ever learn about the contents of the conversation between the Attorney General and Secretary Ross?

Mr. Hamilton. I don't recall any of the contents. And I can -- I remember a meeting I was at with John Gore, Racheal, and the boss. And I seem to recall they mentioned the discussion, the past discussion with Wilbur Ross, but I don't recall if they said anything specifically about the contents.

BY MR. ANELLO:

Q And do you remember when that -- based on -- if you remember, based on that conversation when the discussion had taken place with Mr. -- with Secretary Ross?

A No. It was sometime before I got there. I just don't recall.

Q At that meeting with Mr. Gore and the Attorney General and Ms. Tucker, was there a decision made to take some action?

A I don't recall. I don't think so.

Q Do you remember why the meeting took place and what was being discussed at the meeting, aside from the fact of this previous discussion?

A No. I mean, look, it's -- it might be like working for your member, your committee leadership. You're in the boss's office all the time to talk about all kinds of things all the time, on a frequent basis. So I couldn't tell you what the genesis was. I imagine it was something they're looking at, but I couldn't tell you.

BY MS. ANDERSON:

Q Besides your general awareness that this was an issue under consideration, did you talk to or discuss this issue with anyone at the Department of Justice?

A I mean, I guess I probably talked in -- I mean, if I was at a meeting where it came up, I must have talked with Racheal. I imagine it probably came up. I seem to recall having a couple of conversations with Racheal about it.

Q What were those conversations about?

A Just where things were with it, in general. How it was important to the AG to make a decision, I think, on, you know, what they were going to do to get back to the other -- to Secretary Ross on the issue, to be responsive. I think the AG felt like he owed an answer to him one way or the other about whether the Department could use the information.

Q Did you ever hear sort of prior to the, I guess a letter that went on December 12, that the Attorney General made a particular decision?

A No.

BY MR. ANELLO:

Q Did Racheal Tucker ever express a view on this issue to you?

A What do you mean by a view?

Q So you said that the Attorney General was -- felt it was important to make a decision and get back to the Department of Commerce, correct?

A Yes.

Q So did Racheal ever express a view on what that decision should be?

A I don't recall a specific discussion of her sharing her personal views of what the decision should or shouldn't be.

Ms. Anderson. Did you hear about anyone else's personal perspective on

whether the Department should request the question?

Mr. Gardner. I mean, just a yes or no and then follow up.

Mr. Hamilton. Could you say it again?

Ms. Anderson. Do you ever recall hearing about anyone else's personal perspective on whether the Department should ask the question?

Mr. Hamilton. I don't -- no, not a personal.

Ms. Anderson. What about a professional perspective?

Mr. Hamilton. I know that besides Racheal, I seem to recall Danielle also thought it was important to get back to Secretary Ross, for the boss.

Mr. Anello. Is that Danielle Cutrona?

Mr. Hamilton. Correct.

Ms. Anderson. Did she express a particular response she wanted or anticipated would be the response to Secretary Ross?

Mr. Gardner. You can answer that with a yes or no.

Mr. Hamilton. Not that I can recall.

BY MS. ANDERSON:

Q Did you ever see any materials generated by the Department of Justice or -- let's start there, by the Department of Justice about the citizenship question?

A I think so.

Q Okay. What do you think you saw?

A I think I saw the letter.

Q Okay. Was that the final letter or a draft of the letter?

A I think I saw a draft.

Q About what time did you see a draft?

A Either November or December.

Q Who gave you that?

A Racheal.

Q Why?

A I don't know.

Q Did she ask you to offer feedback or comments?

A I think she might have.

Q Did you do that?

A I think I got back to her. I don't think I gave her any feedback or comments or anything.

Q Was the draft that you saw different than the final draft that the Department sent to the Census Bureau?

A I couldn't tell you.

Q Do you remember seeing anyone else's comments or suggestions about the draft?

A Other than Racheal, no.

BY MR. ANELLO:

Q So you told us before this issue was not in your area or your portfolio, correct?

A Yeah.

Q And your primary portfolio was immigration?

A Correct.

Q Did you discuss with Racheal or others at the Department whether the citizenship question related in some way to your portfolio?

A I don't recall any specific discussions.

Q What about when you discussed that draft letter?

A I don't --

Mr. Gardner. Can you re-ask that same question again? I --

Mr. Anello. Sure. So you did, I believe, recall discussions with Racheal regarding a draft letter, because you said she asked you to take a look at it.

Mr. Hamilton. Yeah.

Mr. Anello. During those discussions, did the issue of immigration come up?

Mr. Hamilton. I don't think so.

Ms. Anderson. Do you recall seeing any materials from anyone outside of the Department of Justice about this issue?

Mr. Hamilton. Any materials from anyone on -- I mean, other than what's like in the news?

Ms. Anderson. Sure.

Mr. Hamilton. I mean, no.

Mr. Gardner. Wait. Hold on one second. Are you asking if he's seen things like newspaper articles?

Ms. Anderson. No.

Mr. Gardner. Or are you asking if people outside DOJ provided things to DOJ about the citizenship question?

Ms. Anderson. Correct.

Mr. Gardner. I think you guys probably passed each other. So do me a favor, re-ask the question again, because I think there was a lack of clarity on both sides.

Ms. Anderson. Sure.

BY MS. ANDERSON:

Q Do you remember seeing any materials that were received from people outside of the Department of Justice --

A No.

Q -- about the citizenship question?

A No.

Q Do you remember if anyone discussed receiving materials or having seen materials from outside of the Department of Justice?

A No.

Mr. Anello. Are you aware of anybody at the Department of Justice having conversations with people outside the Department of Justice about this issue?

Mr. Hamilton. I mean, other than the Department of Commerce?

Mr. Anello. Let's say other than the Department of Commerce.

Mr. Hamilton. Not that I can recall.

BY MS. ANDERSON:

Q Besides the draft letter that Racheal showed you the first time, did you see any other drafts of anything regarding the citizenship question?

A No, I don't think so.

Q You didn't see any follow-up drafts to that letter, nothing like that?

A I don't think I received any follow-up drafts.

Q I don't know if I already asked this, but I'll ask it again just in case. Did you speak with anyone outside of the Department of Justice about this issue while you were at the Department of Justice?

A During what time period?

Q Presumably after you got there in October through, let's say, the new year.

A I don't think during that time period that I had any discussions with anyone. Although, I don't remember, there's some litigation that followed. I don't remember when that started, but I would have been vaguely aware of the ongoing litigation --

Q As far as you know, did the Department of Homeland Security or any of its components change its position on whether it could use this citizenship data during this time?

Mr. Gardner. Just to be clear, by during this time, you mean after Mr. Hamilton went to the Department of Justice did DHS change its position?

Ms. Anderson. No. Let's start with you indicated to Mr. Comstock we don't need this at this time. From that point until now, are you aware of the Department of Homeland Security changing its position or any of its components about whether it could use this particular information?

Ms. Antell. I'm not really sure how Mr. Hamilton can be responsible for the Department of Homeland Security's position after the time he left.

Ms. Anderson. I'm just asking whether he became aware of the position changing, not whether he was responsible for the position changing.

Mr. Hamilton. I have no knowledge of anything changing.

Mr. Anello. Just to follow up on that one point, though, do you work closely with people at the Department of Homeland Security?

Mr. Hamilton. Yeah.

[Hamilton Exhibit No. 1

Was marked for identification.]

BY MS. ANDERSON:

Q I'm going to hand you what's marked as exhibit No. 1, and I'll just give you a chance to read it.

A Okay.

Q So I've handed you what's marked as exhibit No. 1. It's an email that's time stamped September 16, 2017, sent from Earl Comstock to Wendy Teramoto.

Is Earl Comstock the Earl that we've been discussing?

A Yeah.

Q Okay. And do you have that email in front of you right now?

A Yes.

Q Okay. So the email appears to be a memo from Earl Comstock sent to Secretary Ross on September 8, 2017, and it reads -- and then let me know if I've gotten anything wrong -- quote: In early May, Eric Branstad put me in touch with Mary Blanche Hankey as the White House liaison and the Department of Justice. Mary Blanche worked for AG Sessions in his Senate office and came with him to the Department of Justice. We met in person to discuss the citizenship question. She said she would locate someone at the Department who would address -- who could address the issue. A few days later, she directed me to James McHenry in the Department of Justice.

I spoke several times with James McHenry by phone. And after considering the matter further, James said that Justice staff did not want to raise the question, given the difficulties Justice was encountering in the press at the time (the whole Comey matter). James directed me to Gene Hamilton at the Department of Homeland Security.

Gene and I had several phone calls to discuss the matter, and then Gene relayed that after discussions with DHS -- after discussions, DHS really felt that it was best handled by the Department of Justice.

At that point, the conversation ceased, and I asked James Uthmeier, who had by then joined the Department of Commerce, Office of General Counsel, to look into the legal issues and how Commerce could add the question to the Census itself.

Did I get that right?

A Seems about right.

Q Approximately.

Okay. Do you know James McHenry or had you worked with him while you were at DHS or DOJ?

A Yes.

Q Okay. In what capacity did you work with him?

A James is currently the director of the Executive Office for Immigration Review, the Department of Justice. So I work with him now pretty regularly. I know I had worked with James previously when I was at DHS and he was at DOJ at the start of the administration. And James and I also worked together at ICE.

Q Did James McHenry reach out to you or speak to you at all about referring Earl Comstock to speak to you about this issue?

A I don't -- I don't recall. He never mentioned it.

Q Do you know why he would have directed Earl Comstock to speak with you?

A No.

Q Did Earl Comstock indicate at all that he had spoken to James McHenry when he contacted you?

A He might have. I just -- I don't remember.

Q Did he indicate why James McHenry thought of you after he had spoken with the Department of Justice?

A No.

Q Did you ever have any conversations, to your recollection, with James McHenry about citizenship question being added to the 2020 Census?

A I don't remember any.

Q Were you aware that Mr. McHenry said that "Justice staff did not want to raise the question given the difficulties Justice was encountering in the press at the time, the whole Comey matter"?

A I don't remember that because I don't know that I was ever told that. And this email seems to indicate that this was a discussion between James and Earl, so I don't know why I would know that.

Q Are you aware, though, of any circumstances surrounding that or any more details regarding what he would be referring to?

A No.

Q And just to be clear, had you ever spoken to Earl Comstock before he called you?

A I don't think so.

BY MR. ANELLO:

Q I know we talked a little bit about the conversation already, but I just want to clarify something. When he called you and he mentioned the citizenship question --

A Who's he?

Q Earl Comstock.

A Okay.

Q -- and he mentioned the citizenship question, did he explain why he was asking for your thoughts on whether DHS would be interested in having that data?

A Again, I think we covered this, but I don't recall him saying why he wanted the information.

Q Did he say that the Department of Commerce had an interest in adding a citizenship question?

A I don't recall him saying that they had an interest or they didn't have an interest. I couldn't tell you.

Q Did he mention Secretary Ross', Secretary Wilbur Ross' views on the topic?

A No, I don't recall.

Q Did he tell you anything about Secretary Ross? For example, did he say that Secretary Ross had asked him to place this call?

A I don't recall.

Q And did you ask him for any context about this?

A I don't remember.

BY MS. ANDERSON:

Q Did he provide any reason why DHS might want this information?

A Did he give me any reason why he thought he just might want to --

Q Sure.

A Not that I can recall.

Q Did you give him any indication how DHS might use this before you sort of went to check in with the different components?

A Not that I can recall.

Mr. Anello. So just to make sure I'm getting it, it sounds like he came sort of a request that was out of the blue and random. Is that fair, from your understanding?

Mr. Hamilton. I think that's fairly -- that's a fair assessment. I mean, it was kind of unexpected, other than the fact that John Zadrozny had let me know that Earl would be reaching out to me. It was a little bit out of the blue.

Mr. Anello. And you went ahead and then polled sort of the components and offices within your department on this issue without having any background on it?

Mr. Gardner. That mischaracterizes Mr. Hamilton's testimony. Previously, he said he didn't recall what he did, but he stated his general practice previously.

Mr. Anello. Okay. But I think you said you thought that's what you would have done in the circumstance. I guess I'm asking what -- what you told us that in the circumstance, you got no context for the request, but you still think you would have gone

and polled everybody at the components, the senior folks at the components that you work closely with.

[11:03 a.m.]

Mr. Hamilton. Sure. I don't -- I'm telling you today I don't kind of recall any specific information he told me about it, but I seem to recall asking people questions about it at the Department. I don't -- couldn't tell you specifically who I asked, but --

Mr. Anello. Did the fact that John Zadrozny had called you from the Domestic Policy Council beforehand influence your decision about how to handle this request?

Mr. Hamilton. I don't know that it did, but, I mean, it showed me he was aware of it, the White House was aware of it. But I couldn't -- I don't recall any specific reasoning.

BY MS. ANDERSON:

Q Does John Zadrozny or someone from the White House reach out to you every time before someone from a different agency reaches out?

A No.

Q About how -- you know, if you were to put a percentage on it or kind of tag how often that happens, how often does it happen that he calls you and says someone from somewhere else might call you?

A I couldn't put a number on it, but it happens when -- oftentimes, it's -- the White House does a good job of introducing people from different departments when they don't know each other. And so given that half the battle in the government is actually knowing the human being on the other end of the phone call to talk to, when people don't know the other human being to talk to, sometimes they'll make connections. So it happens occasionally, but I couldn't give you an estimate.

Q Would you say it's fewer or more than 10 times?

A I couldn't -- I couldn't give you an estimate.

Q But it wasn't the only time that he did that, or was this the only time that he

did that?

A I seem to recall John reaching out on multiple occasions to introduce me to different people over the last couple of years, and continues to today. John works at the State Department now, and if there's someone at the State Department that we need to talk to or something, he'll make an introduction. I mean, it's -- it's just kind of the way people interact.

Q From your recollection sort of when he was at the White House talking to you and coordinating with you was mainly the people he was introducing you to other people in the immigration space?

A I mean, a lot of the time, but it could have been other issues too. Again, I think with John especially, since I've known John since 2015, it's really a matter of, hey, I know someone who works at that department, not necessarily related to specific issues but, you know, that you can at least help put a, you know -- you can at least tell him where to go or vice versa if there's a question.

Q You said that sometimes when you hear from, I guess, John or someone else from the White House, that that indicates to you that the White House might be aware. Did you have anymore specific indication that the White House was aware of this issue or a particular person at the White House was aware of this issue or interested in this issue?

A No, not that I can remember.

BY MR. ANELLO:

Q Did you ever talk to Stephen Miller about the citizenship question?

A I don't remember ever talking to Stephen about the citizenship question.

Q I do want to ask one more question about the conversation with Mr. Comstock. Did you talk about the Voting Rights Act with Mr. Comstock?

A I don't -- I don't recall talking about the Voting Rights Act.

Q Did he mention it when he asked if DHS would have an interest or a use for citizenship data?

A I don't remember.

Q I mean --

A Again, vaguely I think he said something about having to talk to the Department of Justice, but I don't recall any specifics.

Q DHS does not enforce the Voting Rights Act, right?

A As far as I'm aware.

Q Does -- are you aware that DHS has any particular expertise in the Voting Rights Act?

A I don't think so.

Q And I think you told us you don't have a particular expertise in the Voting Rights Act?

A No.

Q Is it fair to say that if the Voting Rights Act was the subject of the call, you would not have been the right person to talk to about it?

A I think that's -- I would not have been the right person to talk to about it.

Ms. Anderson. Did you ever ask why there was this interest in, I guess, adding the question or considering adding the question?

Mr. Gardner. Ask Earl Comstock or anyone?

BY MS. ANDERSON:

Q Well, we'll start with Earl Comstock.

A I don't remember.

Q Okay. How about -- so you said you didn't hear about it again until you got to the Department of Justice?

A That's my recollection.

Q Sure. Did you recall asking or hearing -- well, let's start with asking. Do you recall asking anyone at the Department of Justice why Secretary Ross, the Department of Commerce was interested in considering or wanting to add the citizenship question?

A I don't think so.

Q Okay. How about, do you remember asking or inquiring why the Attorney General or anyone at the Department of Justice might be interested in adding or supporting the Department of Commerce in adding the citizenship question?

A I don't recall anything.

Q So when Racheal Tucker handed you this document, did you have any -- do you recall having a conversation around it? Did she drop it off in your mailbox?

Mr. Gardner. Just so we have a clear transcript. By document you mean the draft of the December letter?

Ms. Anderson. Correct. Yes. Thank you.

Do you remember having any conversation around why she was -- not why but any conversation about the contents of the letter or any other context, or did she just kind of hand you something?

Mr. Hamilton. Well, to go back, I can recall at least one meeting that I was in in the AG's office where it came up. And I think I said this earlier also, I may have had a couple discussions afterwards about the general subject with Racheal, maybe Danielle, maybe not. I don't recall specifically.

So vaguely, I was kind of aware of what was going on, and so it wasn't completely out of the blue when Racheal sent the draft letter to me. But I don't recall -- I don't recall much about the time around there or the --

Mr. Anello. I just have one question. You mentioned a meeting just now. Is this the meeting we already discussed where you learned about Secretary Ross talking to the Attorney General --

Mr. Hamilton. Yes.

Mr. Anello. -- or was it a different meeting?

Mr. Hamilton. Yes.

BY MS. ANDERSON:

Q When you said she sent the letter to you, was that via email?

A I think so.

Q Okay. And did you also respond to that via email or in person?

A Probably on email.

Q Okay. Did Earl Comstock indicate to you at all why the Department of Commerce was reaching out to agencies to see whether they needed the information?

A I don't recall.

Q When you indicated to him the Department of Homeland Security does not currently need that information, do you recall more specifically what you told him?

A No.

Q Were there any other reasons for the Department of Homeland Security declining to request the question besides sort of what you think may have been your survey of the components?

Mr. Gardner. I'm not sure I understand that question.

Ms. Anderson. Sure. So you indicated to Mr. Comstock that, you know, DHS did not have a need at that time for the question. Were there any other factors that influenced that decision from the Department of Homeland Security to not request or not support the request for the addition of the question?

Mr. Hamilton. I'm still not sure I understand your question.

Ms. Anderson. Okay. So --

Mr. Anello. Maybe -- can I maybe just back up. Do you remember the reason that you told him DHS did not need this information?

Mr. Hamilton. Well, I think we already talked about this, and I think what I conveyed back was that we didn't have a use for it, generally. I think that's what we talked about. I don't have the transcript in front of me, but I'm fairly certain we talked about that about 10 minutes ago.

Ms. Anderson. Was there any other reason -- besides not having a general need, was there any other reason involved?

A I presume no.

Ms. Antell. We've been going just about 1 hour. Is this a good time for a break?

Ms. Anderson. Sure.

Ms. Antell. Great.

[Recess.]

Ms. Anderson. We're going back on the record at 11:24. I believe the Republican staff has decided to not take their hour at this moment, so we will continue from here.

BY MS. ANDERSON:

Q I want to point your attention back to Exhibit 1, which I handed you before our break. Mr. Comstock indicated that he had spoken with you on the phone several times. Do you recall only one conversation or do you recall his several times recollection of that?

A I don't recall several times. It was -- define several, right. And, I mean, I

know he reached out to me and I got back to him, so that's two times. But I don't think there's anything beyond that.

Q Okay. So you don't recall any other details regarding any conversations that you had with Mr. Comstock besides his initial phone call and then your, I guess, return communication or phone call?

A No. I don't recall anything else.

Q When he called you, I think you indicated that it was just the two of you on the phone. Is that correct?

A I think so.

Q Okay. When you returned his phone call or reached back out to him again, did you have anyone else on the phone with you at that point?

A I don't think I did. I don't remember exactly, but I seem to think it was just the two of us.

Q Okay. And you spoke with -- or did you ever have conversations with John Gore at the Department of Justice about the citizenship question?

A Well, during what time period?

Q Let's go with from when you started at the Department of Homeland Security to, I guess, January 20, 2017, through the rest of 2017.

A I don't recall specific conversations with John. I just -- I know that there was at least one meeting that if we were in there and that was a topic, we arguably would have discussed it then. But it's -- I don't recall a specific additional question -- discussions with John.

Q Do you recall speaking with him in the fall of 2017, I guess, outside of that one meeting about this issue?

A No, I don't think so.

Q Okay.

A I don't recall.

Q And I think you indicated earlier that you don't recall specific discussion points around the citizenship question; it's just it may have been discussed at that meeting. Is that accurate?

A I think so.

Q Okay. Were you ever asked to do anything or were you ever responsible for doing anything regarding the citizenship question at the Department of Justice?

A I don't recall having any -- been asked to do anything or --

Q Were you aware of specific actions being taken by other Department of Justice officials regarding the citizenship question besides, I guess, the drafting of the letter? Were you -- let me -- I'll rephrase.

Mr. Gardner. Yes.

BY MS. ANDERSON:

Q Were you aware of any other conversations that Department of Justice officials were having with anyone outside of the agency regarding the citizenship question?

A No.

Q Okay. Were you ever aware, just to be more specific, of conversations that were occurring between the Department of Justice and the Department of Commerce about the citizenship question?

A Not -- not more than just generally knowing -- no, there was ongoing discussions of some kind.

Q Okay. So you never participated in any phone calls or anything regarding that?

A I don't remember any phone calls.

Q Did you arrange a phone call between John Gore and the Department of Homeland Security in the fall of 2017?

A I don't remember.

Q After you joined the Department of Justice, did you often arrange communications between not yourself and other members of the Department of Justice and officials from the Department of Homeland Security?

A I mean, on an as-needed basis, I would -- I'm happy to make connections between people who need to talk to each other.

Mr. Anello. Can I ask that just -- do you recall, at any point after you came to DOJ, speaking to anybody at the Department of Homeland Security about the issue of the citizenship question?

Mr. Hamilton. I don't remember having any additional conversations.

Ms. Anderson. You mentioned that you had a conference call or a phone call with John Zadrozny after you joined the Department of Justice about this issue? Or am I misremembering?

Mr. Gardner. I think that misrepresents the testimony.

Ms. Anderson. Okay. Did you have any conversations with John Zadrozny or anyone else at the White House regarding the citizenship question after you joined the Department of Justice? I'm happy to cap in the timeframe a little bit more if that's helpful. Why don't we do -- I guess you joined in October 2017, and when Secretary Ross issued his decision memo in March of 2018.

Mr. Gardner. And the question is what? I'm sorry.

Ms. Anderson. Did you -- do you recall any conversations that you had or participated in with John Zadrozny or anyone at the White House about the addition of

the citizenship question in that timeframe?

Mr. Hamilton. I don't think so. I mean, again, it's been a very, very busy time in the administration. There's been a lot happening. I know that the issue has come up, but it might have just been -- come up with counsel's office in terms of litigation. But I don't -- I couldn't tell you when the litigation started. I don't know when Ross made his decision. I don't know.

Mr. Anello. Well, let me just ask you this. Are you aware of a conference call that involved John Gore, Racheal Tucker, John Zadrozny in roughly October 2017 about the citizenship question?

Mr. Hamilton. No.

BY MS. ANDERSON:

Q Was John Zadrozny Racheal Tucker's point of contact in the White House as well or primarily yours?

A I don't know that we -- I don't know that I understand your question. I mean, he -- he works at the White House and we work at the Department of Justice, and you talk to whoever you need to talk to.

Q Okay. I'll rephrase. Did John Zadrozny stay your primary point of contact at the White House when you moved from the Department of Homeland Security to Department of Justice?

A Well, he -- I mean, he was a person I dealt with. He was not a primary contact. He was -- I do not have a primary contact at the White House. I have many contacts at the White House.

Q Okay. Are you aware of Racheal Tucker communicating with John Zadrozny about general issues or specific issues?

A She could have. I just -- I don't know. I mean, I -- Racheal, like me,

knows -- has known John for a while, so I couldn't tell you how often they talk or don't talk.

Mr. Anello. What is John Zadrozny's portfolio at the Domestic Policy Council, to your knowledge?

Mr. Gardner. You mean what was it?

Mr. Anello. Yes. What was it at the time?

Mr. Hamilton. I know he dealt with some immigration stuff, but he dealt with a lot of other things too. I don't know what they were because I didn't really interact with him on things outside of the immigration space, except if it was to connect me, you know, as I said earlier, unless it was like, hey, Gene, I'm looking for such and such, can you point me in the right direction.

Ms. Anderson. I'm going to hand you what's marked as Exhibit 2.

[Hamilton Exhibit No. 2

Was marked for identification.]

Mr. Anello. The first Bates stamp number should be 125753.

Mr. Gardner. Four pages?

Mr. Anello. Yes.

Mr. Gardner. Is yours five pages?

Mr. Hamilton. 753 through 756?

Mr. Anello. Yes.

Mr. Hamilton. Those are the pages I have.

Okay.

BY MS. ANDERSON:

Q Okay. So I've handed you what's marked as Exhibit 2. I'm going to direct you to the fourth page of the document. It's DOJ number 00125756. Are you looking

at that page?

A Yes.

Q Okay. The email is from John Zadrozny. Is that -- that's the John Zadrozny we've been speaking about?

A Yes.

Q Okay. And the email reads on February 16, 2018: Brian, James, and Gene, I want to connect with the three of you about having that conversation we discussed at some point this week.

And then goes on to --

Mr. Gardner. Some point next week.

Ms. Anderson. Sorry. What did I say?

Mr. Gardner. This week.

Ms. Anderson. Oh, sometime next week. Thank you.

BY MS. ANDERSON:

Q And then it goes on to, I guess, discuss where it will be hosted and the timing.

A Okay.

Q And that email is sent to you. Is that correct?

A Looks like it was, yes.

Q And the other people on the email appear to be James Uthmeier at the Department of Commerce and Brian Lenihan.

A Okay.

Q Does that appear correct?

A Those are the names.

Q Sure. Do you recall what this particular meeting was supposed to be

concerning?

A No.

Q Okay. Did you have any cause to or had you ever had any other discussions with James Uthmeier about other topics or about topics in general?

A No. I don't recall having any discussions with James Uthmeier or Brian Lenihan. I couldn't pick them out of a lineup.

Mr. Anello. Do you know them? Do you know who they are?

Mr. Hamilton. I don't. It doesn't -- sounds like they work for the Department of Commerce and it seems to vaguely seem familiar. I --

BY MS. ANDERSON:

Q Were you aware that James Uthmeier worked, I would say, fairly extensively on the citizenship question issue from the Department of Commerce side?

A No.

Q And you said you had never had a conversation with James Uthmeier. Is that correct?

Mr. Gardner. I think he said he didn't recall.

Ms. Anderson. Sure.

Mr. Hamilton. I don't recall ever having a conversation with him or with Brian.

Mr. Anello. Do you work on any issues that involve Domestic Policy Council and the Department of Commerce?

Mr. Hamilton. I don't know. Maybe.

Mr. Anello. Well, do you remember any issues you've worked on?

Mr. Hamilton. No. I don't think so. I mean, I -- Department of Commerce and DPC have been on phone calls with other components of the White House that I've been on various things, but I don't generally -- no, I don't think so.

Ms. Anderson. Have you ever had discussions with Peter Davidson from the Department of Commerce?

Mr. Hamilton. I don't think -- I don't think so. I don't recall.

Ms. Anderson. On the first page of that document, Exhibit 2, there's an email from you that says, quote, Thanks, John. I have an unavoidable conflict at 4:30, and I'm slammed -- and a slammed afternoon otherwise. -- And I just can't read today. Sorry about that. -- Can I call?

And John Zadrozny writes back, quote, I'll fill you in on what happens. I'm trying to avoid phones on this one.

Do you know what he means by --

Mr. Gardner. For this one.

Ms. Anderson. For this one. Thank you. It's just one of those.

BY MS. ANDERSON:

Q Do you recall what he meant by "I am trying to avoid phones for this one"?

A No, I couldn't tell you.

Q Would there be any reason why he'd want to avoid phones on a particular topic?

A I don't know why he would want to avoid a phone call.

Q Would that sort of hit on your radar as something unusual or odd?

A I mean, it seems odd to me looking at it now. But I have no knowledge of this or recollection of his reasons why he'd want to avoid a phone.

Q Were there other topics where he indicated he wanted to avoid phone calls about them?

A Not that I can remember.

Ms. Sachsman Grooms. Were there any topics that you talked to John Zadrozny

about that were extremely sensitive?

Mr. Gardner. You can say yes or no, if you understand.

Mr. Hamilton. I don't think I understand what you mean by extremely sensitive.

Ms. Sachsman Grooms. Were there any topics that you talked to John Zadrozny about that you or he felt were so sensitive that they needed to not be discussed over the phone?

Mr. Gardner. You can answer that with a yes or no.

Mr. Hamilton. I don't think so. I don't recall anything. If there was ever a sensitive discussion, we would -- presumably involving classified information, we would use secure modes of communication to have those conversations.

BY MS. SACHSMAN GROOMS:

Q Sure. How about sensitive topics that are not classified?

A No, I don't think so.

Q Did you ever have a conversation with Mr. Zadrozny about not writing down any particular information in an email?

A I don't think so.

Q Did you have any conversations with anyone else at the White House about not documenting or writing down any particular information in an email form?

Mr. Gardner. You're talking about ever or with respect to the citizenship question?

Ms. Sachsman Grooms. Ever.

Mr. Gardner. You can answer that yes or no.

Mr. Hamilton. I don't think so.

Ms. Sachsman Grooms. Have you ever discussed with anyone at the Department of Justice not writing down any particular information in a document or an email?

Mr. Gardner. You can answer that with a yes or no.

Mr. Hamilton. Not that I can recall.

[Hamilton Exhibit No. 3

Was marked for identification.]

Ms. Anderson. I'm going to hand you what's marked as Exhibit 3.

Mr. Hamilton. Okay.

Ms. Anderson. It's from the same email chain, so --

BY MR. ANELLO:

Q So if you look at this email, the bottom of the first page, it's the same email from John Zadrozny --

A Okay.

Q -- to James Uthmeier and you. It looks like they blacked out the third name. It says it's addressed to Brian, James, and Gene. And then your response to -- on February 16 at 1:34 p.m. is, Remind me when I see you what this meeting is about. And John writes, Will do.

A Okay.

Q Do you know why you asked him to remind you when you see him what the meeting is about?

A No. It could have -- no, I don't remember.

Q Okay. Why didn't you just ask him to tell you over email what the meeting was about?

A Well, generally, on -- during this time period, I think there were standing meetings at the White House on Friday afternoons that we would both attend. So -- and I think they happened around 2:00 or 3:00, so I don't know. But he responds at 6:00 saying, Will do. So I -- honestly, I don't have any idea.

Q Okay. So I just want to make sure we're understanding the context here. His email said, I wanted to connect with the three of you about having that conversation we discussed at some point next week.

So from this email, it appears that you had previously talked to him about having a future conversation, correct? Is that how you read this?

A That's what his sentence says. I don't recall having any discussion with John Zadrozny that would have involved James and Brian.

Q I -- we have reason to believe that this conversation related to the citizenship question, based on the production from your department. Do you have any recollection that this conversation may have related to the citizenship question?

A No.

Q To provide you some context, this was February 16 of 2018. Secretary Ross issued his decision memo March -- 26?

Ms. Anderson. 28th.

BY MR. ANELLO:

Q -- 28th, 2018, so a little bit over a month later. Do you recall ever having a meeting or a call or discussion at the White House that related to Secretary Ross' decision memo?

A No.

Q Did you ever discuss that decision memo with anyone at the White House?

A No.

Q Did you ever discuss it with anybody at the Department of Commerce?

A No, I don't think so. I don't think I've ever talked about it with anybody, other than at DOJ and then the ensuing litigation.

Q Did you have any discussions in February 2018 about Secretary Ross'

decision or impending decision regarding the citizenship question?

Mr. Gardner. Discussions with anyone?

Mr. Anello. Correct.

Mr. Hamilton. I don't remember any discussions during that time period about this issue.

[Hamilton Exhibit No. 4

Was marked for identification.]

BY MR. ANELLO:

Q I want to show you another email. So this is DOJ 00125641. This is another version of the same email chain. And in this one, if you look at the first page, the second email down you write to John Zadrozny, on February 21, 4:37 p.m., Can we just turn this into a call?

A Okay.

Q And Mr. Zadrozny responds, We need to do this as a meeting because of the sensitivity of the content. Can you do Monday? I would rather hold off until James is physically back in the United States.

A Okay.

Q Does that jog your memory as to --

A No.

Q Do you recall any other circumstances when Mr. Zadrozny told you he didn't want to talk about an issue over the phone because of the sensitivity of the content?

A I can't recall any specifics.

Q Is this unusual?

A For some people, yes. John can be a little quirky about things, but he can be very sensitive about talking about things or approaching different issues, but I don't

recall any specifics.

Q So you don't recall any other time that he told you there was an issue he didn't want to talk about over the phone?

A I just said I can't recall a specific time.

BY MS. SACHSMAN GROOMS:

Q To be clear, do you recall this time?

A No. I just said that.

Q So --

A I don't recall this. I don't recall anything about this. You all can ask me about it all day and we can waste the next 4 hours sitting here, but I'm telling you, I don't remember.

Q Okay. On Exhibit 3, after he said to you, I want to discuss -- "I wanted to connect with the three of you about having that conversation we discussed at some point next week," you say, "Remind me when I see you what this meeting is about."

A Okay.

Q Do you know why you didn't just ask him what the meeting was about?

A We just talked about this. I just answered that question with your colleague. Like, I don't have any idea what this is about. Clearly, I had no idea what this meeting was about at the time. I don't have any idea why I would say remind me or, you know, why don't I just hit reply with a question mark. I have no idea.

BY MR. ANELLO:

Q Who is David Wetmore?

A Dave Wetmore is -- who is he now? Who was he then? What time period?

Q That sounds existential. How about who was he at the time?

A Who was he at the time? Dave Wetmore was a tremendous individual who worked at the Domestic Policy Council. He was on a detail. He is today -- I'll go ahead and just answer your next question. He is today a tremendous person who works at the Department of Justice for the deputy attorney general.

Q On February -- in February of 2018, did he already work -- had -- did he work at the Department of Justice or at the Domestic Policy Council?

A I don't remember. He turned -- not turned. He changed back to DOJ around that timeframe. I don't know -- I don't recall when.

[Hamilton Exhibit No. 5

Was marked for identification.]

BY MR. ANELLO:

Q All right. I'm going to show you another email. So this is DOJ00125693. This is another version of the same email chain, and I wanted to direct your attention to the bottom of page three.

A When you say page three --

Q Sorry, the third page.

A -- you mean Bates stamped 695?

Q Yes.

A Okay.

Q So this is an email from February 26, 2:41 p.m. John Zadrozny, he wrote: Gene, and I'm adding Dave, if either or both of you two can be available at 4:00 p.m., we can call one of your numbers so you are in on the conversation. I just don't want to set up a conference line.

A Okay.

Q David Wetmore wrote back, I will be available. And you said, I shall -- I

should be around for a little while.

Why -- do you know why Mr. Zadrozny would not have wanted to set up a conference line?

A No.

Q Were there concerns about the security of conference lines used by the Department of Justice or the White House?

A I have no idea.

Q So this is not a concern you've heard before from him or others at the White House?

A No. I mean, I know that conference lines can be -- I'm generally familiar with principles of operational security, that if someone has a phone number and a conference line access code, you can call in. But I -- other than that, I don't know why he wouldn't want a conference line.

Q Okay.

A It doesn't make sense.

Q There's then some further scheduling emails. And then if you go to the first page, which is 00125693 --

A Okay.

Q -- there's an email from David at the bottom, David Wetmore to you. "Are you on the call?" You respond, "No one called me." He responds, "Odd."

A Okay.

Q Do you have any memory of this email?

A No.

Q Do you have any memory of ever talking to David Wetmore about the Census citizenship question?

A No.

Q Do you know if he played any role in that question?

A No.

BY MS. ANDERSON:

Q What was his portfolio at the White House -- or when he was at the White House and then when he was at DOJ?

A He worked at the Domestic Policy Council. I don't know precisely what all he did on -- in his portfolio. He did a lot of immigration stuff, but I know -- I think -- I seem to recall he did other things too.

Q Okay. So did you work with him in that capacity when you were at DHS?

A Yes, I think so.

Q Okay. And then at DOJ?

A Yeah.

Q And then what was his portfolio when he -- this email seems to indicate that he was at the Department of Justice in February?

A Yes, it does seem to indicate that. So that's good, so he did turn into a DOJ employee again. That's good.

Q What did he work on at DOJ?

A I think he primarily does immigration.

Q Does he work on voting rights at all?

A Not that I can recall. Not that I know of. I'm not aware of John -- or Dave.

BY MR. ANELLO:

Q Who is Theo Wold?

A Theo works -- I think he still works at -- I mean, I think at -- Theo works at the Domestic Policy Council now, I think. Pretty sure.

Q Do you know what his portfolio is there?

A No.

Q Okay.

A He works on a lot of different things, but I don't know specifically.

Ms. Anderson. Do you know where he worked before?

Mr. Hamilton. He came from the Hill. I think he came from Senator Lee's office, I seem to recall.

BY MR. ANELLO:

Q Senator Mike Lee?

A Yeah.

Q I apologize. I literally just asked this. Did you ever talk to Mr. Wold about the citizenship question?

A I don't think so.

Q Who is James Sherk, S-h-e-r-k?

A I think James works at the Domestic Policy Council.

Q Do you know if he ever talked -- do you know what his portfolio is?

A I think James primarily works on regulatory matters.

Q And have you ever talked to James about the Census citizenship question?

A Not that I can recall.

Ms. Sachsman Grooms. Have you ever talked to James about any other topic?

Mr. Hamilton. I think we had a general discussion about regulatory effort at some point in the past, but I don't remember what it was about.

BY MS. ANDERSON:

Q To your knowledge, did the President or anyone else at the White House direct or encourage Secretary Ross to add a citizenship question to the Census?

A I have no idea.

Q To your knowledge, did anyone at the White House or the President direct or encourage the Attorney General to support the addition of a citizenship question?

A Couldn't tell you.

Q Are you aware of any communications between the President and Secretary Ross about the addition of a citizenship question?

A No.

Q Are you aware of any communications between the President and the Attorney General about the addition of a citizenship question?

A No.

Q What about anyone at the White House and the Attorney General?

A No.

BY MR. ANELLO:

Q Aside from the communications we just talked about, are you aware of any communications with anybody at the White House that related to the Census citizenship question?

A Between whom?

Q Between the White House and any agency. Are you aware of any conversations involving the White House? I think we've talked about a handful of conversations with John Zadrozny. Aside from those, are you aware of any conversations?

A No, I don't think so.

Q What about Steve Bannon when he was at the White House?

A No.

[Hamilton Exhibit No. 6

Was marked for identification.]

BY MS. ANDERSON:

Q I'm handing you what's marked as Exhibit 6.

A Okay.

Q I'm handing you a document which is now marked as Exhibit 6. It's DOJ00036385. Is that the document that you have?

A Yes.

Q Okay. On the -- I'm going to direct your attention to the second page, which is an email from April 2nd, 2018, and it is a -- for immediate release, a statement by Attorney General Sessions on today's new lawsuit against the State of California, and it was sent to Stephen Miller.

A Okay.

Q And then right above that there's a email from Stephen Miller to you and several other folks, I think, about less than -- no, a little over 10 minutes later.

A Okay.

Q Stephen Miller writes, quote: Does DOJ have a press release on the actual new lawsuit itself? What is the suit?

Have you ever had any conversations with Stephen Miller about Census or citizenship question?

A I think I answered that earlier.

Q Just --

A I don't remember having any conversation with Stephen.

Q Did you ever become aware of him having conversations with anyone else about Census or a citizenship question?

A I couldn't tell you.

BY MR. ANELLO:

Q Do you recall this email?

A I mean, no, other than I'm on it and it's a press release on something completely different.

Q Do you recall the lawsuit that is under discussion?

A Of course.

Q Did the lawsuit relate in any way to the citizenship question?

A No.

Q Do you know whether the -- this press release raised any questions for Mr. Miller or others that related to the citizenship question?

A No, but I'm reading the Attorney General's quote on 387, and there's a line in there that says: And we are forced spend our resources to defend against lawsuits that are patently meritless, like one now filed by California claiming that adding back a question on citizenship to the Census is unconstitutional after decades of its inclusion.

So that line is there.

Q Do you remember any discussion about why the citizenship question was described in that release?

A Well, no, but, again, I don't know the point of this. The paragraph says: We are forced to spend our resources to bring these lawsuits against States like California that believe they're above the law and are passing facially unconstitutional laws specifically intended to interfere with the Federal Government's ability to carry out its legitimate law enforcement duties. And we are forced to spend our resources, blah, blah, blah.

So it seems to be a resource issue. But I don't -- I couldn't tell you.

Q Okay. But you don't remember any conversations about the citizenship

question relating to the lawsuit --

A No.

Q -- to this lawsuit or to this press release?

A No.

Ms. Anderson. Did you ever have any conversations with someone named Mark Neuman about the citizenship question?

Mr. Hamilton. What was the name?

Ms. Anderson. Mark Neuman.

MR. Hamilton. No.

BY MR. ANELLO:

Q Do you know who that is, N-e-u-m-a-n, Mark Neuman?

A No.

Q He's a member of the President's transition team?

A Mark Neuman? No.

Q He also apparently served as some kind of outside adviser to the Department of Commerce on the issue of the citizenship question?

A I have no idea who he is.

Q Do you remember ever hearing that there were -- that there was more outside advisers providing advice or guidance to the Department of Commerce or to the Department of Justice --

A No.

Q -- relating to the citizenship question?

A Huh-uh, no.

Q Did John Gore ever told you -- ever tell you that he had interactions with folks outside the government relating to the citizenship question?

A No. Not that I can recall.

BY MS. ANDERSON:

Q Did you ever hear of -- did you ever speak to or hear of anyone speaking to Thomas Hofeller?

A No.

Q Also a member of the transition team.

A Okay.

Q Doesn't ring a bell?

A No.

Q Okay.

Mr. Anello. That's H-o-f-e-l-l-e-r.

Mr. Hamilton. He could spell it H-o-e-f-f-l-e-r, and I have no ideas who he is.

Mr. Anello. Yes. But the person doing our transcript has to spell it correctly.

BY MR. ANELLO:

Q Are you aware of -- strike that.

Are you aware -- so you mentioned that you had a discussion with Mr. Kobach during the transition about the citizenship question, correct, or you got an email from him?

A I got an unsolicited email from him.

Q Did you have any further conversations with him after the transition about this topic?

A No.

Q Okay. Did you ever hear that adding a citizenship question to the 2020 Census could be advantageous for congressional apportionment purposes?

A I have heard the public discourse in the media and allegations in the lawsuits

about the issue generally, but before that, not really.

Q So -- let's say before any lawsuits were filed, so let's say before March of -- before the March 2018 decision memo came out from Secretary Ross, had you ever heard any discussions or participated in any discussions about whether adding a citizenship question to the Census could impact congressional apportionment?

A Not that I can recall.

Q Or whether adding a citizenship question to the Census -- again, did you participate or hear of conversations about how adding a citizenship question to the Census could advantage Republicans or disadvantage Democrats?

A Not that I can recall.

Q How about whether adding a citizenship question to the Census could provide more representation for non-Hispanic Whites and would provide -- and with less representation for Hispanics?

A Not that I can recall.

Q Did you ever become aware of a memorandum that was related to the Census citizenship question that was written in 2015?

Mr. Gardner. So that's really vague.

BY MR. ANELLO:

Q Okay. Did you ever become aware of a memorandum by Thomas Hofeller that was written in 2015 and related to the Census citizenship question?

A No. I testified I have no idea who Thomas H-o-f-f-l-e-r --

Q One F.

A One F, sorry. I have no idea who he is. I am not aware of any memo. I'm not aware of anything about the guy.

Q Okay. Are you aware of a memorandum written on the topic of the

Census -- of adding a citizenship question to the Census and how that might impact redistricting efforts?

A No.

Q When you reviewed a copy of the draft letter from the Department of Justice to the Census Bureau --

A Okay.

Q -- in 2017 --

A Okay.

Q -- were you told that any information contained in that letter came from any source outside of the Department of Justice?

Mr. Gardner. You can say yes or no.

Mr. Hamilton. No.

BY MR. ANELLO:

Q Were you told anything about sort of where the information in that draft letter came from?

A No. I have no idea. I would assume Department of Justice.

Q Do you assume that for a particular reason?

A We typically write our own letters.

Q Would it be unusual for the Department of Justice to write a letter based on text or research that was done by somebody outside the Department of Justice?

A I have no idea.

Q You said you usually write your own letters.

A In my experience, we write our own letters. I have no idea if other people do different -- anything different. I couldn't tell you.

Q Okay. So it had been your experience DOJ writes its own letters?

A Yeah.

Q So in your experience, it would be unusual for DOJ to issue a letter that it had not written?

Ms. Antell. Well, I think he said in his experience, but I don't think you can expand that to the rest of the Department of Justice.

Mr. Anello. I didn't expand it. I'm saying in his own experience.

Ms. Antell. I just -- I don't --

Mr. Hamilton. All I can tell you is that the only letters that I'm aware of are letters, you know, that, like, I've helped write for the Attorney General on different issues and things, and those came from us. I don't know what everyone else does. I couldn't tell you.

Mr. Anello. Understand. But the letters that you've worked on, as you just said, those came from us, meaning those came from within the Department of Justice?

Mr. Hamilton. Yeah.

Mr. Anello. When Mr. Kobach reached out to you during the transition, did he tell you or indicate that he was in touch with anybody else in the transition team on this issue of the citizenship question? Do you remember?

Mr. Hamilton. I don't -- I don't remember him saying anything about who he was -- or if he was talking to anybody else.

Ms. Anderson. Are you aware of any conversations that happened within the administration about whether adding a citizenship question would impact immigration policy or immigration enforcement?

Mr. Hamilton. No.

Ms. Anderson. Were you aware of any documents that came from the Department of Commerce to the Department of Justice about the citizenship question

issue?

Mr. Hamilton. No.

Ms. Anderson. Okay.

BY MR. ANELLO:

Q So you said you were not aware of any discussions about the citizenship question impacting immigration policy. Is that correct?

A I don't recall having any discussions about that.

Q Okay. How about impacting immigration enforcement?

A I don't recall having any discussions about that.

Q When you were at the Department of Justice, you were -- you said you were the senior-most immigration adviser -- or sorry, you are at the Department of Justice.

You are the senior-most immigration adviser at the Department?

A For the Attorney General, yeah.

Q Okay. Was that the case in December of 2017?

A Yeah.

Q So I want to ask you about a memo -- sorry. Do you mind getting Exhibit 4?

This is a memo that we understand is a draft memo, as we understand, was written on -- I believe it was December 16, 2017, so 4 days after the letter on the citizenship question was sent to the Census Bureau.

A Okay.

Q Are you familiar with this memo?

Mr. Gardner. I noticed there were no page labels on this. Where did this come from?

Mr. Anello. This is a public document.

Mr. Gardner. Okay.

Mr. Anello. Yeah.

Mr. Hamilton. A public document from -- that relates -- okay.

BY MR. ANELLO:

Q So are you familiar with this memo?

A I think I've seen it before.

Q When did you see it?

A I don't remember exactly.

Q You don't remember exactly? In what context did you see it then?

A I think DHS may have sent a memo to us to look at. I think this might have been it. But what does this have to do with the citizenship question?

Q So who at -- sorry. Who at DHS sent this to you?

A What does this have to do with the citizenship question?

Ms. Antell. Before we go any further -- yes.

Mr. Hamilton. There's nothing on any of these pages that has anything to do with citizenship. So --

Mr. Anello. I appreciate if you would answer the question. I think that this is pertinent --

Mr. Hamilton. I would appreciate it if you don't waste my time.

Ms. Antell. So I certainly understand that you have interest in this, and it sounds like Mr. Hamilton may have seen this at some point. Is there something in this that's directly related to the citizenship question?

Mr. Anello. I don't know. That's why we're asking these questions, among other reasons.

Ms. Antell. Okay. Is there anything in the language of this that relates to the citizenship question?

Mr. Anello. The language of the memo?

Ms. Antell. Yes.

Mr. Anello. The language of the memo talks about a number of different immigration issues --

Ms. Antell. Okay. So --

Mr. Anello. -- and it appears to be discussing those issues in December 16, 2017, 4 days after the citizenship question memo was issued, a memo that the witness has apparently reviewed. I don't know if there's a connection between these two things, and that's one of the reasons that we want to ask about them.

Mr. Gardner. I think --

Mr. Anello. And I don't see any reason -- this document has been public I think for 6 months, and the witness has said that he's reviewed the document.

Mr. Gardner. I -- I --

Mr. Anello. And I --

Mr. Gardner. I'm sorry.

Mr. Anello. I don't understand any reason that we couldn't ask these questions.

Mr. Gardner. I think the simplest way to do it is to ask him if there's any connection between this and the citizenship question.

Mr. Anello. That's a question we can ask.

Ms. Sachsman Grooms. I mean, he's still in the very beginning of laying a foundation of what the document even is.

Mr. Gardner. Sure.

Ms. Sachsman Grooms. So I think --

Mr. Gardner. The fact is we made Mr. Hamilton available to ask your questions about the citizenship question, and that's what he's here to do. To the extent that there

is no tether to that -- that issue, we don't think it would be appropriate for him to answer questions about that, certainly not today.

Mr. Anello. If he has knowledge of this document, I don't see why we can't ask him about it.

Mr. Gardner. Not if it's not within the scope of the topics for which he --

Mr. Anello. It is within the scope.

Mr. Gardner. You just said you haven't even --

Mr. Anello. You cut me off, first of all. Second of all, our request letter did not say we were going to limit every single question to the citizenship question. That is absolutely the focus of this interview. That's why we are here. We think this may be related to it, but it's an issue that is important and we have questions about it either way.

So I intend to ask about the document. I'm very interested in understanding whether it's related to the citizenship question, and I intend to lay a foundation to find that out. But we have a number of questions about this document that I think we have a right to ask.

Ms. Antell. So I think we are certainly prepared to answer any questions that you may have. Certainly, the first question is in -- is to Mr. Hamilton's knowledge is this related to the citizenship question, and maybe we will move from there.

[12:13 p.m.]

Mr. Anello. Okay. So we'll repeat the question. Who at the Department of Homeland Security sent you this document?

Ms. Antell. So, again, that's not the question.

Mr. Anello. I'm laying a foundation.

Ms. Sachsman Grooms. We're laying a foundation for what the document is.

Ms. Antell. So where's the --

Ms. Sachsman Grooms. You don't get to conduct the way we conduct our investigation.

Ms. Antell. I certainly understand that, and I --

Ms. Sachsman Grooms. And you don't get to say what questions we ask or don't ask as we are laying a foundation of what a document is so that we can then ask some additional followup questions. So if you could just let us do it, I'm sure we'll get to a point where we can have the conversation about whether it's related. Okay?

Go ahead.

BY MR. ANELLO:

Q Who at the Department of Homeland Security sent this memo to the Department of Justice?

A I don't recall.

Q Do you know who at the Department of Homeland Security drafted the memo?

A I don't. I don't know.

Q Okay. On December 16, 2017, who at Department of Homeland Security was in charge of drafting policy options to respond to the border surge of illegal immigrants?

A Could've been a number of folks. I have no idea.

Q Who would be the most likely folks, based on your experience at the time?

A I don't know.

Q You have no idea?

A Well, DHS has multiple immigration components. They have an Office of Policy, they have an Office of General Counsel, they have a secretary's office. They have all kinds of places where this could've been -- that could've written something. I don't know who did it.

Q Was there someone -- again, we're talking December 16, 2017. Was there somebody in charge of this particular issue at the Department of Homeland Security that you interacted with at the time?

A There were and there are lots of people at DHS who worked in immigration policy that I interacted with.

Q So this memorandum is policy options to respond to border surge of illegal immigration. As of December 2017, who was your primary point of contact at the Department of Homeland Security --

Ms. Antell. I'm sorry. We're just not prepared to answer questions about this today. If this is a topic that you'd like to talk about in the future, we're certainly prepared to have that discussion.

Mr. Anello. I haven't even laid the foundation for how he got the document.

Ms. Antell. And I understand that. But I've never seen this before. We weren't --

Mr. Anello. This document was published, I believe, in maybe January, February. It's been out there. The witness has said he has seen it before.

If you guys need a minute to read it, I'm happy to give you a minute to read the

document.

Ms. Antell. I'm sorry. I think --

Mr. Hamilton. So how about I tell you this? And maybe this will help focus your questioning. I am not aware of anything in this document -- nothing in this document triggers anything at all related to the citizenship question. I'm not aware of any immigration nexus to immigration enforcement, surge of illegal immigration, anything. No discussions ever dealing with the citizenship issue.

Mr. Anello. Okay.

Mr. Hamilton. So, I mean, like, the connection is not there. I have never discussed the issues at the same time. It's never been something I've even heard about.

Mr. Anello. Okay. Can you tell me who at the Department of Homeland Security was your primary point of contact on the issues discussed in this memo?

Ms. Antell. So, again, we're not going to answer questions about this. Mr. Hamilton has just explained that he is aware of no nexus between this --

Mr. Anello. That doesn't get to the issues, necessarily, that I need to understand. Laying the foundation for this might reveal a connection that he does not remember or is not aware of, and it's important that we have the ability to lay that foundation.

If you guys want to talk after we lay the full foundation and we understand what he knows about this document, where it came from, when he saw it, what he did with it, I'm happy to then have that conversation afterwards. But you're cutting me off repeatedly before we can ask even a basic question about the document. So it's going to make this process a lot harder, not easier.

Ms. Antell. I doubt --

Mr. Anello. So I'd ask again that we be allowed to ask these very basic questions of the witness. I'm not aware of any privilege being cited. This is a public document

that the witness has seen before that he apparently played a role in reviewing 4 days after the December 12, 2017, memo on the citizenship question.

So I don't think this is a rabbit hole. I think it's important that we at least lay the foundation. I don't think this is going to take too long. I understand you may have time issues. We can always come back after -- I know you have a call at 12:15. We can always come back and ask these questions afterwards. But I think we need to have the ability to at the very least lay the foundation, and then we can go from there.

Mr. Hamilton. What's the date on the document, by the way?

Ms. Antell. Well, can we --

Mr. Anello. There was an NBC News story that identified it, as we have written -- I think we have copies of the story if you want to see it. So I couldn't --

Ms. Antell. That's fine. You can ask him.

Ms. Sachsman Grooms. So, again, that's what we're doing, is laying the foundation.

Could you tell us when you saw this document?

Ms. Antell. So we're at 12:15, and we did agree that we need to go and take a call. I do understand your interest in this, and we can certainly resume --

BY MR. ANELLO:

Q I'd like to come back and continue these questions. But before we take a break, I'd like to ask one question, which is, if you look at the comments on the side here, there's a number of comments that say HG(1), HG(2), HG(3), HG(4).

A Okay.

Q Can you just take a minute and look at the comments, let's just say, on the first page?

A Sure.

Q We won't make you read the whole document, given that I know you have to take a break.

A Okay.

Q Did you write those comments?

A I don't know. I might've. But I don't specifically recall.

Q "HG," is that Hamilton comma Gene?

A It might've been my -- I don't know. I mean, typically, when we get things from other departments to review, I collect comments and consolidate feedback from across the departments.

Q Is that what you did in this instance?

A I don't know. I don't remember.

But, again, this citizenship question on the Census has nothing to do with illegal immigration.

Q I understand that. You've made your view on that clear. But I'm trying to just get an answer to the question that I asked.

A And I think I just answered your question.

Q Well, my question is whether these were your comments.

A And I just told you I don't know if they were all my comments. I don't know if some of them are mine or if any portion of them are mine. I couldn't tell.

Q They're all the same user. So I guess -- I don't want to put words in your mouth. Are you saying that either you might have drafted them or you might have compiled them? Is that what you're saying?

A It's possible.

Ms. Sachsman Grooms. When you input things into Word and do track changes and do put comments, does it come up as "HG"?

Ms. Antell. So, again, you had one more question. We're now far beyond that. And we do have this additional engagement we need to run to. So can we take our 1-hour break now?

Ms. Sachsman Grooms. Yeah, we just have one outstanding question --

Ms. Antell. No.

Mr. Anello. We just haven't gotten an answer to this question.

Ms. Greer. Well, you have. You just don't like the question -- the answer to the question.

Mr. Anello. No, I don't think we have. I think he --

Ms. Antell. You can certainly come back --

Ms. Sachsman Grooms. We are just trying to understand if he's "HG" when he does inputting on any document.

Ms. Antell. So we're now a few minutes late over the time that we agreed.

Ms. Sachsman Grooms. So we could debate it, or he could just answer the question.

Ms. Antell. Or we could just stop, as I've requested.

Mr. Castor. They're coming back in an hour. So just do your call or get a sandwich and --

Ms. Sachsman Grooms. I'm curious if he's "HG" when he does inputting.

Mr. Anello. Could we just do the "yes" or "no"? Could we just do the "yes" or "no" on that? And then we can go to break. I think that might resolve this.

Mr. Hamilton. I'm not sure. I have no idea.

Mr. Anello. You don't know whether you come up as "HG"?

Mr. Hamilton. I don't know.

Mr. Anello. Okay.

[Recess.]

[1:21 p.m.]

Ms. Anderson. All right. We're back on the record at 1:21 p.m.

BY MR. ANELLO:

Q So we wanted to ask a couple questions relating to some of the conversations and documents that you've had. We just want to make sure we have a good sense of some of your email practices to make sure we understand where these conversations would've taken place.

So you mentioned that you believe you received an email, unsolicited, from Mr. Kobach during the transition. Do you know to what email account that would've come?

A Is it my transition?

Q Transition? Transition.gov or something like that?

A Dot-gov.

Q Did you use that email address exclusively for transition-related --

A Yes.

Q -- communications?

A Yes.

Q Okay. Did you use your personal email during the transition?

A No.

Q Okay. Did you use text messages or other forms of messaging services during the transition to talk about transition issues?

A No, I don't think so, other than, "Hey, where are you? Do you want to go to lunch?"

Q "Do you have a K-Cup?"

A "How about a K-Cup?"

Q How about with Mr. Kobach in particular? Do you remember using any

other form of communication with him?

A No.

Q Okay.

Fast-forward to DHS, 2017. Did you use any form of communication other than your official DHS email account to have communications about any work-related issues?

A And my phone to talk?

Q Sorry. I mean for written communications.

A For written communications? No.

Q Okay.

How about, thinking specifically about this citizenship question, when you were at DHS, do have you any memory of having any communications, any written communications, using your personal email?

A No.

Q Using text messaging or other messaging services?

A No.

Q Okay.

Do you know whether you communicated in writing at all with Mr. Comstock?

A If I did, it would be on a work email. But I don't seem to recall.

Q Okay.

So fast-forwarding to DOJ --

A Okay.

Q -- in your current role there, do you use personal email ever to communicate with people inside or outside the Department about work-related issues?

A No.

Q Have you ever done that, used personal email to communicate regarding the

Census citizenship question?

A No.

Q How about with anybody at the White House?

A No.

Q With John Zadrozny in particular, have you ever communicated with him using personal email?

A No.

Q Or using text messaging or messaging services?

A Not that I can recall.

Q How about Stephen Miller?

A No.

Ms. Sachsman Grooms. Have you ever received a communication from anybody at the White House where they were using their personal email?

Mr. Hamilton. I don't think so.

Mr. Anello. Aside from the White House, are you aware of anybody else in the administration that communicated regarding the citizenship question on a personal email account or using text messages or anything?

Mr. Hamilton. I honestly couldn't tell you. I have no idea.

[Hamilton Exhibit No. 8

Was marked for identification.]

Mr. Anello. So this is exhibit -- what are we up to?

Ms. Anderson. Eight.

Mr. Anello. Exhibit 8, DOJ00036371.

BY MR. ANELLO:

Q So this is an email from July 23, 2018. And it starts with an email from

Errical Bryant, OAG, who's the director of scheduling. And it says, "Sec. Ross would like to talk to the AG regarding the Citizenship questions. Any issues with setting up later today?" And that was sent to Matt Whitaker and to Danielle Cutrona.

Was that the time Mr. Whitaker was the chief of staff?

A Yep.

Q And Errical then forwarded this to you and wrote, "Would this be your issue."

A Uh-huh.

Q And you wrote, "Me and Rachael."

A Okay.

Q And then there's some followup.

So what did you mean when you said "me and Rachael"?

A I don't recall exactly, but I think that -- so this is July of 2018. At this point, I think we had been involved in litigation, and it had been alleged that this was an immigration issue. So, based on those allegations, I became more aware. Had to keep the boss, you know, advised if it affected immigration at all.

Q So, functionally, what did you do regarding this issue during that period?

A Nothing really, other than keeping abreast of the litigation.

Q Did you have conversations with officials at other departments regarding the citizenship question during this period, after March 2018, let's say?

A I don't think so.

Q Do you know whether this conversation between Secretary Ross and the Attorney General went forward?

A I don't. I don't remember.

Q Aside from that earlier conversation in 2017 that we discussed earlier, are

you aware of any conversations between the Attorney General -- Attorney General Sessions, I should say -- and Secretary Ross on the citizenship question?

A No. I mean, not specifically. No.

Q Did you sit in on any, for example?

A I don't recall sitting in any discussions.

Q I'd like to get your understanding. So the citizenship question, I think you're -- are you familiar with what the question asks?

A I presume it asks if you're a citizen or not.

Q Right. Do you know whether the Department of Homeland Security is permitted to use data gathered from the citizenship question on the Census to enforce the immigration laws?

A I don't know specifically if they would or wouldn't be.

Q Do you have any awareness of the rules governing whether Census data can be used for immigration enforcement?

A Not really. I vaguely think that there are some restrictions that are applied to the information generally that's provided on the Census form, but I don't know.

Q Has that issue ever come up? Did it ever come up when you were at DHS? Did anybody ever ask you, even if it was beyond the issue of citizenship, whether Census data could be used for immigration enforcement purposes?

A Not that I can recall.

Q Did it ever come up -- has it come up at the Department of Justice?

Mr. Gardner. About whether DHS can use the information?

Mr. Anello. Yeah, let's say, whether the Federal Government can use the information for immigration enforcement purposes.

Mr. Hamilton. Not that I can recall.

Mr. Anello. Based on your -- you are an expert on immigration law. Based on your expertise, do you have a view on that?

Mr. Gardner. Lack of foundation.

Mr. Anello. Well, he's told us he's the senior-most immigration advisor to the Attorney General and previously was the senior-most immigration advisor to the Secretary of Homeland Security. So I think he qualifies.

Mr. Gardner. That doesn't establish anything about how Census information is used. So lack of foundation.

BY MR. ANELLO:

Q Well, that's the question.

The question is, do you have a view on whether Census data may be used for immigration enforcement purposes?

A Do I have a view as to whether it may be used?

Q Correct. Legally. Whether it would be legal to use.

A I don't know enough about it to know if legally -- I couldn't answer that question for today. I'd have to do some research.

Q Do you know if anybody in the current administration has done an analysis, a legal analysis, of that issue?

A Not that I can think of. That would be, to be frank with you, a waste of resources.

Q Why would that be a waste of resources?

A DHS already knows generally the location of millions of unlawfully present aliens in the United States. I don't know why they would want to use the information from the Census form to find out more for enforcement purposes. That doesn't seem to make sense.

Q Are there other purposes related to immigration that it would be useful to have that data, from your perspective?

A I mean, I could give you a hypothetical, but --

Q Sure.

A I mean, it could be helpful to use with USCIS to know where they need to allocate resources in terms of their field offices located across the country. They have a large noncitizen population. It's possible that they might have a need for USCIS's services.

Q Are you aware of any proposals to use citizenship data for that purpose?

A No.

Q Are you aware of any proposals -- and I mean proposals that may have been discussed within the administration -- to use citizenship data from the Census for any purpose related to immigration?

A No.

Q Putting aside the specifics, the specifics of the December 12 DOJ letter, are you aware of any proposals within the administration to use the Census citizenship data for any other purpose?

A I haven't heard of any.

Mr. Anello. I'd like to go back to the document and see if we can continue to authenticate it, the one that I was -- was that exhibit 7?

Ms. Antell. So, with respect to exhibit 7, I do understand that you have a number of questions about this document. I think you have come back after the break and asked questions that are directly tied to the Census, and we'd like to proceed and answer any questions you might have that are tied to the Census. And, you know, Mr. Hamilton has, I think, been quite open to answering those questions. So is it possible to

wait until the end, if have you any other questions, to discuss this topic, this document?

Mr. Anello. I don't think we have other issues.

Ms. Antell. So this document -- which everyone in the room acknowledges there's nothing, on its face, that has anything to do with the citizenship question, correct?

Okay. So the point is we're here to talk about the citizenship question. Mr. Hamilton has answered apparently all of your questions related to the citizenship question and the Commerce Department's decision to reinstate it. He has also said that, to his knowledge, there's no relationship between the citizenship question and this document. So I don't think we have anything else to answer about this.

This does relate directly to another investigation that your committee is undertaking. You have an open inquiry on this, and it seems to me that that would be the appropriate arena in which to ask questions about this document.

Mr. Anello. Okay. So I hear your point. We were interrupted when we were simply trying to authenticate this document. And I think what we have established is that the witness was involved in reviewing, if not editing -- I think there was a question about whether he edited -- but Mr. Hamilton was involved in reviewing a draft letter on the citizenship question while he was at DOJ, while he was the senior immigration advisor to the Attorney General. That letter went out 4 days before this memo came out.

Ms. Antell. So you've said --

Mr. Anello. I'm sorry. Let me just finish. Can I just finish?

Ms. Antell. Yes, please.

Mr. Anello. Mr. Hamilton does not recall conversations related to immigration and the citizenship question, but I don't believe we got a blanket "no" that they didn't happen. I think what he said is he doesn't recall.

We know there are a number of conversations around this time with immigration

staffers, including Mr. Zadrozny at the White House, that DOJ suggested related to immigration, because we got the document that was part of -- excuse me -- that related to the citizenship question, because they were part of a document production related to that. But Mr. Hamilton doesn't recall the conversation.

So there are a lot of unanswered questions that Mr. Hamilton doesn't seem to have a recollection of. So I don't think we know exactly the extent of the conversations that he may have had, just based on the recollection that he may not have at this point. And that's fine.

But we have a document that he appears to have been involved in drafting right around the same time, and I think it's fair to just ask him basic authentication questions to understand where the document came from and who was involved in drafting it and what his role is.

And then if we've established after that that there are no further questions that are relevant to this topic, then we're happy to have a further discussion about it. But we haven't really even gotten through the authentication because we've been interrupted a few times.

So I would just ask if we could go ahead and continue that, and then if you guys feel like you don't want to let Mr. Hamilton or Mr. Hamilton doesn't want to answer any more questions about it and he wants to potentially come back again or talk about it at a different time, we're happy to have that discussion.

But I do think -- I guess I don't really see why we can't just continue to go through that verification that we had before and try to understand what this document is and where it came from.

Ms. Antell. So my first question is, there's no date on this. There's no email transmitting this. You've represented that it came in December.

Mr. Anello. So I don't know that to be the case, but we could ask the witness that. And we also have an article, an NBC News story, that states it comes from December 16, I think, 2017. But NBC News could be incorrect, and Mr. Hamilton may have different views on it, which he's obviously welcome to share with us.

If you'd like to see the article, we can introduce it as an exhibit. This is 9.

[Hamilton Exhibit No. 9

Was marked for identification.]

Mr. Anello. There may be information here about, you know, where they got the date. I don't know.

BY MR. ANELLO:

Q So I'll direct your attention to -- oh, I guess it depends on the copy. This one is the bottom of page 2, but I think on your copy it's the top of page 3.

It says: "In the draft memo, called 'Policy Options to Respond to Border Surge of Illegal Immigration' and dated Dec. 16, 2017, officials from the Departments of Justice and Homeland Security lay out a blueprint of options, some of which were later implemented and others that have not yet been put into effect."

Ms. Antell. So can I just note that the, I guess, exhibit 8, the "Policy Options to Respond to Border Surge of Illegal Immigration," has no date on it.

Mr. Anello. Noted.

Ms. Antell. So how do we know that it's the same?

Mr. Anello. That's the question that we posed.

Mr. Gardner. I'm not really quite understanding how he would know what NBC is referring to in this news article.

Ms. Sachsman Grooms. We're not asking him about --

Mr. Anello. We're not asking him about that. We're asking --

Mr. Gardner. If he knows the date of this document? I mean, if you want to ask that limited question, go for it.

Mr. Anello. Okay.

So do you -- could we start again? Because it's been a little bit interrupted. We didn't actually want to jump right to the date. Would it be okay if we start with the authentication again and just try to get this --

Mr. Gardner. Well, then why not just ask about the date first?

Mr. Anello. We're asking the questions. I'm not sure why we have to ask the question about the date first.

Mr. Gardner. Well, because I think we're having difficulty understanding the relevance of this to the questions about --

Mr. Anello. We have reason to believe -- what you're looking at, we have reason to believe it was on -- if this memo came out just 4 days after the December 12 memo. I think it's clear that we have reason to believe that. We don't know if it's true, and that's why we're posing the question. But that's one of questions we have.

Other questions would involve who wrote it, what role Mr. Hamilton played in it. Because to the extent, for example, that the same folks involved in this were involved in the citizenship question, that would be relevant information for us.

And so I think these are all fair questions. I take your point that we don't know for sure when the document was written; we only have what was published by NBC News. But I'm not sure why we can't just go in a straightforward way and ask our questions.

Ms. Antell. Well, Mr. Hamilton has said he didn't know who wrote that.

BY MR. ANELLO:

Q Mr. Hamilton, do you know who the author of this document is?

A No.

Q Do you know what agency this document came from?

A Department of Homeland Security.

Q Okay. And have you seen this document before?

A I can recall seeing this document before.

Q When did you see this document before?

A I don't know. Late 2017.

Q Late 2017?

A Early 2018. Somewhere in there.

Q Would you say it was before or after you left DHS and joined the

Department of Justice?

A After.

Q After you left. So you were at the Department of Justice at the time.

A Correct.

Q In your current role.

A Correct.

Q Okay. And do you recall who provided you a copy of this document or how you received the document?

A No.

Q Okay.

You said you don't know who at DHS wrote the document but you know that the document came from DHS. Is that correct?

A Yes.

Q How do you know that it came from DHS?

A Because I remember it came from DHS.

Q And the subject line -- the topic -- the title of the document -- there we go -- is "Policy Options to Respond to Border Surge of Illegal Immigration." Is that an issue that you were working on at the time at the Attorney General's Office?

Ms. Antell. So, again, I just -- I understand that you believe there is a nexus. I'm not --

Mr. Anello. No. I haven't gotten to the question yet.

Ms. Antell. But that is the question.

Mr. Anello. No, that's not the question.

Ms. Antell. And I --

Mr. Anello. The question is going to be --

Ms. Antell. If you'd like to ask this question in the context of the committee's other investigation, that is certainly a conversation we can have. I don't see how this relates.

Mr. Anello. Okay. The question that I was going ask was whether this is an issue he worked on, whether he worked at DHS on this issue at the time. Then I'd like to find out who the people at DHS were that he worked on this issue with. That's the question I have. I think that's a relevant question. I've already explained why it'd be relevant.

So could the witness please -- Mr. Hamilton, can you please tell us who at DHS was the point of contact for you on the issues discussed in this memo?

Ms. Antell. Mr. Hamilton has told you that -- from my recollection, from what we've talked about today, Mr. Hamilton has said that he didn't talk to anyone at DHS with respect to the citizenship question after coming over to the Department of Justice.

Mr. Anello. He told us he didn't recall that. We have reason to believe he may have. But he told us he didn't recall that.

You may have reason to believe that he did as well.

Ms. Sachsman Grooms. Yes. Mr. Gore came in and told us about a conversation.

Ms. Antell. It's not Mr. Gore's recollection. This is Mr. Hamilton's recollection.

Mr. Anello. That's correct, and we're trying to refresh it. Either Mr. Gore was entirely incorrect or perhaps Mr. Hamilton doesn't remember. And so part of this is understanding who his contacts were at DHS at the time on immigration issues. It's relevant.

Ms. Greer. You said you wanted to lay a foundation for the document.

Mr. Anello. Yes.

Ms. Greer. -- two different issues that are irrelevant to the foundation of this document.

Mr. Anello. I asked for the foundation of the document. I believe I was interrupted and not allowed to finish the question.

The question I had was -- Mr. Hamilton explained to us that he didn't know who drafted this document.

But I think you also told us that you did have contact with people at DHS at the time on immigration issues. I presume you had contact on issues involving the surge of illegal immigration and perhaps even policy options to respond to that. Is that correct?

Mr. Hamilton. I've had lots of discussions with DHS about immigration issues.

Mr. Anello. So, in late 2017, which I think is the time -- or early 2018 -- I think that was the time period you said you think you saw this document -- who were your primary points of contact on the issues described in the document, specific to the document, at DHS?

Ms. Antell. The document -- again, I'm sorry to interrupt, but the document

which is 100 percent related to a different topic based on its face.

Mr. Anello. You know what? I feel like we're getting different feedback from the other folks on the other side of the table. What I'm attempting to do is simply understand where this document came from and what Mr. Hamilton's role in the document is. That's really all I'm asking. I haven't asked a single question about the substance of the document.

Mr. Gardner. But he's answered both those questions. He said he doesn't know who the author was. He said he did see the document, and he doesn't recall whether these are his comments.

Mr. Anello. Why is this the hill to die on, who his contacts were at DHS on the issue of immigration? I don't understand why that is information he can't answer.

Ms. Greer. Because you're asking specifically about a different subject other than the topic that we're here to discuss today.

Mr. Anello. Immigration?

Ms. Greer. That's the issue. Yes. We're here --

Ms. Sachsman Grooms. That's your interpretation, that the citizenship question and immigration are totally unrelated. That is not the view of the committee. The committee is investigating whether the citizenship topic and the immigration topic are related.

We understand that, from Mr. Gore, not from this witness -- because this witness does not recall -- this witness set up conversations with Mr. Gore and individuals from DHS. And so if we want to know who his contacts at DHS were on different topics, I think that's directly relevant to the questions that we're asking.

And these are our -- we don't really have to explain the purposes for our investigation or why we ask any particular question. That's not the purpose of this.

We are conducting an investigation. We have questions. These are our questions. We'd like to move forward with them. I don't think they're going to take that much longer. And we can kind of finish them, which I think would be my suggestion.

I'm not sure what the -- I mean, I can't imagine that the people he spoke with at the Department of Homeland Security on this topic is, like, a secret. So we would like to inquire further.

Ms. Greer. To be clear, based on that description, anything that Mr. Hamilton worked on that touched immigration within the administration is certainly not our understanding of what the topic of today's interview is about.

So just because it's immigration and the committee is alleging that immigration is tied to the Census question does not open the door to the relevance of any immigration-related questions.

Ms. Sachsman Grooms. I mean, we have not asked any immigration-related questions. We've asked a pretty specific set of questions.

So if we could move forward on this topic. We haven't really gone into, like, what conversations he had with Jeff Sessions on any immigration-related topic. That would be, obviously, a very interesting conversation to have, and I'm happy to have a conversation about having that conversation. But that's not where we're at. We're just at a pretty basic level of understanding who his contacts were at the Department of Homeland Security on this topic.

Ms. Antell. On a completely separate topic than the topic we're here to discuss.

Mr. Anello. Again --

Ms. Antell. You're asking about a memo, and you'd like to know who he talked about on -- who his contacts were with respect this topic. This is a topic that you have an open investigation on, and we understand there's, frankly, a subpoena to the

Department of Justice on this very topic. And if that is something you'd like to take up at a later date or you want to talk about, then we certainly understand that there's an avenue for that.

Mr. Anello. We would like a reply to the subpoena, but that's not what we were here to talk today. Today we're here to talk to Mr. Hamilton about his role in the citizenship question. And we are very interested in the extent to which -- I mean, look, we started this interview by learning that Mr. Hamilton was the senior-most immigration advisor at DHS. And, in that capacity, he had conversations about the citizenship question.

He then became the senior-most immigration advisor to the Attorney General and, in that capacity, had multiple conversations within the Department and possibly with the White House and possibly with DHS, although there wasn't a recollection of that, on this topic.

Four days after the most significant event at DOJ happened regarding the citizenship question, this issue comes down. And we'd like to know whether there's a potential relationship here, and we just haven't been able to ask the questions to get that.

I understand Mr. Hamilton's perspective is that there is not a relationship, but we'd like to authenticate that by understanding the provenance of the document, and then we'll decide if we have more questions. These are legitimate questions we have.

And I guess the question is, when the Department is telling us, you know, they're saying you're not willing to answer the question, I don't really understand what the objection is. If there's an objection, tell us, and we can respond to it. But I'm not sure I understand what the objection is.

You're saying it's a different topic. I understand that's your view. Our view is

there's a potential relationship here. We'd like to ask the questions. If you guys are objecting, maybe just tell us what the objection is. "It's a different topic" is not really an objection.

Ms. Greer. Well, it is. And we're here voluntarily to discuss topic A, and you're asking about topic B. And I understand you're trying to probe a connection between topic A and topic B, but, to some extent, we have to rest with the witness's recollection that there is no -- that's his answer. And additional questions might waste a lot of time and committee energy, but that doesn't change what the witness's answer is.

Mr. Anello. It doesn't change the witness's answer to the question that was asked, but we haven't gotten an answer to the questions we haven't asked yet or we've not been able to get an answer to.

So I'm not sure what else to say here. If you guys are instructing the witness not to answer the questions, if that's the instruction -- I haven't heard the instruction. If not, I'd like to proceed with the questions.

Ms. Antell. Yeah. I think we'd like to just take a break to discuss this.

Mr. Anello. Five minutes?

Ms. Antell. Yeah, that's fine.

[Discussion off the record.]

Ms. Anderson. Back on the record.

Mr. Gardner. Let's take it question by question. We'll see where we go.

Mr. Anello. Okay.

BY MR. ANELLO:

Q I think you had told us before the break that you did not know who at DHS authored this document, the draft memorandum, but you did recall that it came from DHS, correct?

A Yes.

Q Okay. And the title of the memorandum is "Policy Options to Respond to Border Surge of Illegal Immigration."

Do you recall during roughly the period when you remember seeing this memorandum, which I think you said was late '17 to early '18, do you remember who at DHS were your points of contact on policy issues involving illegal immigration?

A I worked with a lot of people, and I continue today -- for example, just about everybody in the Secretary's office, to the General Counsel's office, to people in Policy, senior leadership at CBP, senior leadership at USCIS. So there's, I don't know, 30, 40 people that I worked with.

Q So this document appears to be a pretty comprehensive set of policy options. And it discusses DHS, it discusses ICE, it discusses CBP, DOJ. Given the comprehensive nature of this, do you have a sense of who -- which office, let's say, would have drafted it?

A No.

Q No idea?

A No.

Q Okay. Was there somebody at DHS that you had conversations with addressing the range of policy options, as opposed to specific options that might have been applicable to particular offices at DHS?

Mr. Gardner. I'm sorry. I didn't understand that question.

BY MR. ANELLO:

Q Right. So Mr. Hamilton said that he talked to many, many people in many, many offices at DHS. And I'm trying to narrow down the folks at DHS that you might have had conversations with on the subject matters described in this memorandum.

And the point I was making is that this memorandum describes a range of policy options at a fairly high level. So I'm asking whether that jogs your memory as to who you might have discussed these issues with.

A No. It's the same as what I just said. I coordinated -- it could've been with any number of folks.

Q Can you please look at comment number one?

A Okay.

Q Did you read it?

A Yep.

Q Okay. Did you write that comment?

A I don't remember.

Q Do you recall whether you shared those sentiments at the time that are expressed in that comment?

Mr. Gardner. Do you mean that he held them?

Mr. Anello. Correct.

Mr. Gardner. Okay.

Mr. Hamilton. Prosecuting people who smuggle aliens into the United States, that's a Federal crime. So, sure, that seems fine.

Mr. Anello. So do you agree with the comment?

Mr. Hamilton. I agree that it's a good idea to prosecute people who violate the laws of the United States.

Mr. Anello. Okay. But the comment says other things as well. Do you agree with everything in the comment?

Mr. Gardner. Objection. Over-broad.

Mr. Anello. Okay. We can go sentence by sentence.

Mr. Gardner. At this point, I want to be flexible and cooperative with you all, and, you know, we have in good faith let Mr. Hamilton answer some questions about this document. But, at this juncture, we're not prepared to have Mr. Hamilton go through each of these comments and express his views about these.

Mr. Anello. Yeah. I guess I still view this as laying a foundation. We're really trying to understand whether these comments are his.

Mr. Gardner. No, and I -- he testified that he doesn't recall if they were his. He expressly said that multiple times.

Mr. Anello. But to the extent he agrees with everything written in them, that'd be pretty helpful information for us to know.

Mr. Gardner. I understand that you think it would be helpful, but, again, there's no tether between that and the topics upon which Mr. Hamilton's here today.

Look, I'm not agency counsel for the litigation reflected in exhibit No. 7, and we're just not prepared today to have him talk substantively about this exhibit. I know you want to --

Mr. Anello. No. Again, I'm not -- my intention's not actually to talk about it. My intention is to understand whether, in reading these comments, it jogs Mr. Hamilton's recollection that he may have actually drafted these.

Mr. Gardner. If you ask him that question, I'll let him answer that. But that's not the question you've asked.

Mr. Anello. Well, I'll ask that question.

Have you read all of comment one?

Mr. Hamilton. Yes.

Mr. Anello. Okay. Does it jog your memory as to whether you wrote that comment?

Mr. Hamilton. No.

Mr. Anello. Why don't you take a look at comment two.

Ms. Antell. Is it your plan to go through all 16 of the comments?

Mr. Anello. Not necessarily, no.

Mr. Hamilton. Okay. Do you have a question?

BY MR. ANELLO:

Q Yes. Does this jog your memory as to whether you drafted this comment --

A No.

Q -- after you read it? So you don't recall if you drafted this?

A No.

Q All right.

Let's skip ahead to, I guess, the third page of the document, comment number 10.

Can you read that?

Actually, why don't I -- I'll just read that one out loud. This is in reference to item number six, it looks like, on the previous page, "Eliminate Abuses in the SIJ Program."

"This is all good to do -- and is something that should have been done all along. But it doesn't address the heart of SIJ visa abuse. I recall that we had discussed a number of options when I was still there -- including having the Secretary withhold her statutory consent in any case in which the minor was living with one parent or legal guardian." And then it goes on.

Does that comment jog your memory that you might have drafted this?

A It seems vaguely familiar, this comment.

Q In what way does it seem vaguely familiar?

A I mean, I know it's an issue that we've discussed in the past.

Q Okay.

I would also note, you know, the comment says that "I recall we had discussed a number of options when I was still there -- including having the Secretary withhold her statutory consent."

Now, you had previously been at the Department of Homeland Security, correct?

A Right. And so that line is what makes me -- I think I remember discussing this issue.

Q Okay. Do you remember you who discussed it with?

A Would've been the same range of folks.

Q Sorry, just to clarify, did you say you recall discussing it around the time of this memo at DOJ? Or you recall discussing it previously when you were at DHS?

A Previously.

Q Okay.

Let's take a look at comment 13. "I would suggest family detention capacity should be the priority, but perhaps somewhat modified from what we have now in terms of facilities that can handle family units on a short-term basis -- and that can eventually be converted to single adult facilities."

Do you know if you wrote that comment?

A No.

Q If you look at the next page, page 5, comment 15 on "Mandatory Detention of Arriving Aliens Who Claim Credible Fear," the comment says: "I know folks don't want to prejudge things, but 'could' isn't the word I would choose here."

That's referring to a comment that says DHS could rescind the memo thereafter, after a reference to a SCOTUS decision, pending SCOTUS decision.

A Okay.

Q Do you recall if you wrote that comment?

A No.

Q Do you recall if that was an issue that you discussed at the time?

A What issue? Rescinding the memo?

Q So, the issue of mandatory detention of arriving aliens who claim credible fear or any of the items discussed in the paragraph or the comment.

A Sure. Those are issues that have been discussed numerous times.

Q Let me just show you one more, number 16, this next comment. It's comment 16, and it's item 16.

It says, "This, too, is a legally binding requirement from an EO. But it won't have any effect on UACs, and likely a more limited effect on family units (but it could be helpful). We need to expand ER, but maybe after separating family units, prosecuting parents, and doing the other things first."

Is that your comment?

A I don't know.

Q You don't know. Okay.

Have you had a chance to look at this whole memo today or just the ones that I've taken you through?

A I think we've gone through almost everything here.

Q Well, why don't I give you a minute to look at the ones we haven't talked about, and you can let us know if that jogs -- let us know when you're finished. If you want to just focus on the comments, that's fine.

Ms. Greer. Is the question -- are you trying to jog the witness's memory as to whether he wrote specific portions or whether this document had any connection to the citizenship questions, the nexus?

Mr. Anello. Those are both good questions.

Ms. Greer. Okay. Well, I'm just trying to understand what he's --

Mr. Anello. There's not been a question asked yet.

Ms. Greer. Okay.

Mr. Hamilton. Do you have a question?

Mr. Anello. Yes. So, if you've read all the comments, do you now -- does it jog your memory as to whether you are the person who drafted those comments?

Mr. Hamilton. No.

Mr. Anello. Do you think somebody else -- do you think you drafted them? Do you think somebody else drafted them?

Mr. Hamilton. I might've been involved with some of them. I just -- I don't -- I don't recall.

Mr. Anello. Okay. Do you recall discussions about any of these topics in late 2017?

Ms. Antell. And are we talking about the memo or just generally the topics?

Mr. Anello. The topics described in the memo.

Mr. Gardner. And with whom? Just so I understand your question.

Mr. Anello. With others at the Department of Justice or the Department of Homeland Security.

Mr. Gardner. If you know, you can answer that.

Mr. Hamilton. Yes.

BY MR. ANELLO:

Q Did any of those discussions involve discussions about citizenship data?

A No.

Q Okay. Who did you discuss the issues with?

A Again, I have generally discussed a number of immigration issues with a

number of folks at DHS and DOJ.

Q So you said you recall discussions, but do you recall who those discussions were with specifically?

A No. I mean, I couldn't begin to try to recall every single discussion about -- the range of issues that are listed in this memo are pretty broad. So I couldn't begin to tell you who I talked with about the specific topics in this context.

Q You don't remember any, or you can't? I guess the question is, do you remember any such conversations during that time period and with whom?

A I do remember general discussions, but I can't remember any specific discussions.

Q I feel like there's a lack -- go ahead.

Mr. Gardner. I think the problem is, as you note, this memo covers a number of different topics, and so it's a very broad question the way it's phrased.

BY MR. ANELLO:

Q Do you remember any conversations during this time period -- and I think you said in late '17 or early '18 is when you remembered seeing this document. Do you remember conversations that encompassed either all or many of the topics that were covered in this, as opposed to, you know, one-off conversations or one that may have either covered each of these topics or covered many of the topics during that period?

A I don't recall -- again, I don't recall specific discussions, but suffice it to say that all these issues are immigration-related issues, and there are numerous discussions all the time about the range of issues related to any number of these topics. I just don't have any specifics to give you.

Q Okay. And just to be really clear -- I think you've answered this already, but I want to make sure. You don't remember any specific discussions about this

memorandum?

A No.

BY MS. ANDERSON:

Q When you were discussing these issues, would you primarily do that on the phone, like, by calling someone at DHS, or would you do it via email?

A It depends.

Q What would you say your default would be?

A I mean, there is no default. Sometimes you talk on the phone, sometimes you meet in person, sometimes we send an email. It just really depends.

Q Okay. But fair to say that some conversations happened via email and some happened on the phone?

A Probably all of the above. In-person meetings, phone calls, emails. I mean, this is a range of immigration-related topics, and, I mean, we have a general practice of talking about immigration-related topics.

Mr. Anello. Do you remember any conversations with anyone at the White House, again, from the same time period we're talking about, the period that you remembered seeing this memo, about the range of policy options to address the surge in illegal immigration?

Ms. Antell. So now we have really moved pretty far beyond the citizenship question. He has answered the question about with whom he spoke. And I understand your interest in this, I understand why you want to go down this, but I just don't think, at this point, we are prepared to have that kind of a conversation today.

Mr. Anello. Well, I guess I asked -- I appreciate that point. I asked the witness to respond, unless there's an instruction not to respond, about conversations he had with the White House on this.

Mr. Gardner. So you're asking if conversations occurred?

Mr. Anello. I asked if he had any conversations in late 2017 or early 2018, the time period when he remembers seeing this memo, that addressed the range of policy options to respond to the border surge of illegal immigration.

Mr. Gardner. You can answer that with a "yes" or "no."

Mr. Hamilton. Yes.

Mr. Anello. Okay. And who did you speak with?

Mr. Gardner. Let's go off for a second.

[Discussion off the record.]

Mr. Gardner. I appreciate your patience.

Look, I appreciate your view that you had foundational questions to ask about exhibit 7. Mr. Hamilton has answered all the foundational questions about who drafted this, who drafted the comments, the context behind this. We are getting further from that now, in terms of conversations with the White House about the substance of this. That's not why Mr. Hamilton voluntarily appeared today, and he's not prepared to answer those kind of questions.

So if you have questions about the citizenship question, about his role in that process, he's here today to answer those questions. He's been available all day to answer those questions. He has answered those questions. But if we're going to proceed down this path, being this far afield, then we're done today.

Mr. Anello. So, just to be clear, our goal is not to delve into the specific -- any of these -- you know, there's, like, 20 issues here. Our goal is not to delve into any specific issue. Our goal is to really -- we're trying to understand the document, where it fit in, and what was going on at the time.

And so the question was with whom Mr. Hamilton spoke at the White House

regarding the range of policy options described in this memo. That's what we're trying to understand.

Mr. Gardner. That's divorced from the memo. And, again --

Mr. Anello. It's not necessarily divorced from the memo.

Mr. Gardner. Well, the way your last question was phrased, it absolutely was divorced from the memo. You said, look, you know, who did you discuss, you know, these policy options with at the White House, whether they're in the memo or outside of the memo.

But more fundamental than that, I appreciate your view on these things, but we are now past the point where we are productively using Mr. Hamilton's time to discuss the topic on which he's here today voluntarily, which is the citizenship question.

If you have any additional questions about the citizenship question, let me be clear: Mr. Hamilton is here, and he's prepared to answer the questions to the best of his ability. If we're going down the path of talking about policy options related to border surge of illegal immigrants, that's not why Mr. Hamilton's here today and we're done.

Mr. Anello. We have just a handful of other questions on this topic, including the one I just asked, which we would like to ask. So if you're instructing the witness not to answer, then we'll go from there. But if you're not making the instruction, we would like to ask the question.

Mr. Gardner. I understand your preference, Russ, but he's not available today to talk about the contents of this document that has, on its face, nothing to do with the citizenship question and, as Mr. Hamilton clearly testified, has nothing to do with the citizenship question. I understand your view, but --

Mr. Anello. So the question -- just so we have it on the record, the question we

asked was: With whom at the White House did Mr. Hamilton speak about the range of policy options relating to the surge of illegal immigration around the time that this memo was received? And I think the answer we're getting back is, he's not permitted to answer that question.

Mr. Gardner. He's not available today to answer these questions that are clearly outside the scope of the reasons why Mr. Hamilton voluntarily appeared today, which is to discuss DOJ's involvement in the citizenship question.

Mr. Anello. The only other question that I wanted to ask then -- so I have that answer on the record. The only question was whether Mr. Hamilton is aware of the purpose of this memo or what this memo was used for at the time.

I think you said you remembered receiving it. You remembered reviewing it, I believe. You said you might have been involved with the comments. Do you know what the purpose of the memo was or what it was used for?

Mr. Gardner. You can answer that with a "yes" or "no."

Mr. Hamilton. Ask it again.

Mr. Anello. Do you recall what the purpose of this memo was?

Mr. Gardner. You can answer that with a "yes" or "no."

Mr. Hamilton. Yes.

Mr. Anello. Okay. What was the purpose of the memo?

Mr. Gardner. Again, we're far afield from the purpose by which Mr. Hamilton voluntarily appeared today.

Mr. Anello. Do you recall what the memo was used for?

Mr. Gardner. You can answer that with a "yes" or "no."

Mr. Hamilton. No.

Mr. Anello. You don't recall what it was used for.

Mr. Hamilton. It's not my memo. I don't know.

Mr. Anello. But it's a memo you saw at the time, correct?

Mr. Hamilton. Yes.

Mr. Anello. So you saw it at the time, but you don't know what it was used for?

Mr. Hamilton. No.

Mr. Anello. Do you know why you were asked to review it?

Mr. Gardner. You can answer with a "yes" or "no."

Mr. Hamilton. No, I don't know.

Mr. Anello. Okay. I mean, you or whoever wrote the comments marked "HG" appear to have spent a lot of time reviewing this and provided very detailed comments. Do you have any idea why?

Mr. Gardner. Objection. Lack of foundation.

Ms. Antell. So I think we're done answering questions about this memo. If you have more questions about the citizenship question or if the Republicans have questions that you'd like to ask, we're happy to answer those questions, but we're done discussing this memo today. We're just not prepared to answer questions about it today.

Mr. Anello. I'm not going to ask a question if I'm not permitted to ask a question.

Does anybody else have questions that you'd like to ask that we're permitted to ask?

Mr. Castor. Just, if I may, you mentioned that there's other litigation going on concerning -- name some issues mentioned in the memo. And so if the Department's going bring in witnesses to talk about this topic voluntarily, you have to go through an analysis about what you can talk about, what you can't talk about, issues related thereto. Is that right?

Mr. Gardner. That's exactly correct.

Mr. Castor. Okay. I'm just concerned from a -- if you look at this transcript, it's going to seem like all of a sudden this memo's taking on an outsized -- the role of this memo's significance is sort of -- we're getting carried away with talking about the memo. And so if the Department needs to go back and, you know, think through these things, that might be the best way to proceed.

Ms. Sachsman Grooms. So you think they should come back another time?

Mr. Castor. What's that?

Ms. Sachsman Grooms. Have them come back another --

Mr. Castor. Come back with further, you know -- well, just what their position is on this. I mean, I don't know that Josh knows here today, you know, what the issues are involved with some of the other pieces of litigation.

[2:23 p.m.]

Mr. Gardner. I mean, you're exactly right. And I want to be very clear with this. I mean, we really did make Mr. Hamilton available today for discussing the citizenship question, and I think the record reflects that he answered every question that was in his ability to do that.

I recognize there's a difference of opinion about whether exhibit 7 falls within the scope of that or not, but, in our judgment, it clearly doesn't. And I'm just not prepared today to have Mr. Hamilton testify about a document that I think, in my judgment, is clearly out of scope.

Mr. Anello. I mean, we understand your position. This is a voluntary interview. And if you're not going to permit the witness to answer this question, then that's a position the Department has taken.

We disagree. We feel that the fact that he was involved in both of these issues at almost the exact same time and the fact that there are real significant questions out there as to the purpose behind the citizenship question and whether it related to immigration, I think it is absolutely fair to understand what else was going on on that front at the time.

And I believe the questions we asked were really pretty foundational as to who was involved in having discussions, who was involved in the document. We did not get into any, you know, detailed policy questions.

Mr. Gardner. Sure. And to be clear --

Mr. Anello. I understand your position, but that's why we're asking the question.

Mr. Gardner. And to be sure, our position is that we did allow Mr. Hamilton to answer what we considered foundational questions about exhibit 7, giving you the provenance of it, and based on the answers to those set of questions.

So, unless there are any further questions about the citizenship question, I think we're done.

Mr. Castor. Just so the record reflects, I mean, I think the witness did give us a lot of probative information about this memo. He looked at it. He provided some, you know, genuine testimony about what he remembers. And the record doesn't always reflect the body language of the witness, but he -- it looked like he was giving it a genuine effort to recall what's in the memo. And his testimony here today seems reflective of a genuine effort to answer these questions.

To the extent the Department has concerns about some other questions, that shouldn't be reflected negatively on the witness.

Mr. Anello. Do you have any questions on your side, Stephen?

Mr. Castor. No.

Mr. Anello. Susanne, anything else?

Ms. Sachsman Grooms. Nothing.

Mr. Anello. Anybody else have anything they want to say before we go off the record?

[Whereupon, at 2:30 p.m., the interview was concluded.]

ERRATA SHEET

INSTRUCTIONS: After reading the interview transcript, please note any change, addition, or deletion on this sheet. DO NOT make any marks or notations on the actual transcript. Use additional paper if needed.

Investigation Name	Census Investigation
Witness Name	Gene Hamilton
Date of Interview	May 30, 2019

PAGE	LINE	CORRECTION	APPROVED*
18	20	Change “many” to “census”	Y
27	2, 3, 4, 13,19,	Change “Rachel” to “Racheal”	Y
28	6	Change “Rachel” to “Racheal”	Y
29	9	Change “Rachel” to “Racheal”	Y
30	4, 5,15, 20	Change “Rachel” to “Racheal”	Y
31	7	Change “Rachel” to “Racheal”	Y
32	1, 14, 20	Change “Rachel” to “Racheal”	Y
33	2	Change “Rachel” to “Racheal”	Y
33	19	Change “passed” to “talked past”	Y
34	11	Change “Rachel” to “Racheal”	Y
44	11, 21, 24	Change “Rachel” to “Racheal”	Y
50	7, 10, 21, 23	Change “Rachel” to “Racheal”	Y
89	5	Add “US” before “CIS”	Y

* For COR Majority Staff use only.

