

a. Do you challenge the studies Justice Breyer cited?

No.

b. If so, on what basis?

c. Do you believe that the race of either the victim or the defendant affects the likelihood that a defendant will receive the death penalty?

This is not an issue that I have studied in depth, although I am aware of studies that suggest race plays a role in whether a defendant receives the death penalty.

12. According to a May 22 article on *AL.com*, Alabama Attorney General Steve Marshall has filed a lawsuit in the Northern District of Alabama arguing that it is unconstitutional for the Census Bureau to count non-citizens as part of the decennial census. The lawsuit is captioned *State of Alabama v. United States Department of Commerce*. Your name does not appear on the complaint, though the complaint is signed by an Assistant Solicitor General, Eric Palmer, suggesting that the Solicitor General's office was involved in drafting the complaint. (Mike Cason, *AG Steve Marshall, Rep. Mo Brooks sue Census Bureau over immigrant rule*, AL.COM (May 22, 2018))

a. To date, have you had any involvement with the case or the complaint filed by the State of Alabama in *State of Alabama v. United States Department of Commerce*? If so, what is—or has been—the nature of your involvement?

Although I am limited in what I may say in response to this question because of various privileges, including attorney client privilege under Alabama Rule of Professional Conduct 1.8, the Attorney General routinely seeks my advice on significant matters and I regularly review major briefs and pleadings whether or not I am involved in the matter at issue.

b. Whether or not you were directly involved, did you ever discuss with anyone in the Alabama Solicitor General's Office, Attorney General's Office, or with any other local, state, or federal official, whether to challenge the constitutionality of counting all residents in any given state as part of the decennial census?

I have discussed the case with employees of the Alabama Attorney General's Office. I was also in a meeting in which the litigation was discussed with the Congressman who is a co-plaintiff in the lawsuit.

c. What is the constitutional basis for Alabama's assertion that only citizens should be counted as part of the decennial census?

I am not familiar enough with the legal theories in the complaint to answer this question so I would refer you to the complaint.