

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON,**

Plaintiff,

v.

U.S. DEPARTMENT OF COMMERCE,

Defendant.

Civil Action No. 18-CV-03022 (JEB)

Pursuant to 28 U.S.C. § 1746, I, **ERIC BRANSTAD**, hereby declare as follows:

1. I served as Senior White House Adviser in the United States Department of Commerce (DOC) from January 2017 until January 2018.
2. On May 1, 2017, I was accompanying Secretary of Commerce Wilbur Ross (Secretary) on an official trip, when an adviser to the Secretary forwarded to me an email containing deliberative comments and analysis by a senior DOC official, Earl Comstock, of draft testimony for John H. Thompson, Director of the U.S. Census Bureau, before the House of Representatives Appropriations Committee's Subcommittee on Commerce, Justice, Science and Related Agencies, and an attachment containing the draft testimony. The adviser stated that the Secretary needed this printed "as soon as possible" so he could review it. The forwarded email from Mr. Comstock also indicated that he urgently needed the Secretary to review and approve the testimony.

3. At that moment, the Secretary and I, along with other members of the Secretary's party, were in route to an event at a private residence. I knew that we would not have access to a governmental computer system and printer for a number of hours. I also was aware that DOC policy prohibited the sharing of pre-decisional and deliberative information with individuals who are not federal employees, and that I did not have authorization to do so then or at any other time. Nevertheless, I personally thought it important that the Secretary have immediate access to a printed copy. So, without discussing the matter with my colleagues, I forwarded the email to Rick Gates, a private individual, who was already at the private residence to which we were driving, requesting that he print out the email and attachment to give to the Secretary upon his arrival minutes later. As I indicated in that email, we were "almost there," so I knew that I could retrieve the printed copies of the email and draft testimony shortly.
4. Upon arrival, I obtained the copies from Mr. Gates and provided them to the Secretary. I did not tell the Secretary or other DOC personnel, at that time or subsequently, that I had arranged to print out these materials at a private residence.
5. To the best of my knowledge, no one other than DOC personnel received the content of the printed materials., Further, to the best of my knowledge, Messrs. Gates and Thomas Barrack, the owner of the residence, never looked at the content of the forwarded email or attachment, nor disseminated it to anyone else. It was based on this understanding that I did not endeavor to take any further action with respect to these materials having been sent to Mr. Gates solely for my ability to provide them to the Secretary.

6. I understood at the time I forwarded the email to Mr. Gates that I was not authorized by the Secretary or DOC to do this. I had no intent to make an authorized disclosure on behalf of DOC by my actions. I also understood at the time that DOC policy required that pre-decisional and deliberative materials remain restricted to governmental personnel and governmental systems. I acted completely on my own, though with the sole intention to ensure the Secretary had timely access to documents requiring his immediate attention.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of September, 2019.

A handwritten signature in black ink, appearing to read "Eric Branstad", written over a horizontal line.

ERIC BRANSTAD