

Martin, Lynne Jordal

From: Martin, Lynne Jordal
Sent: Thursday, July 12, 2018 9:55 AM
To: Prior, Ian (OPA)
Subject: URGENT -- FROM LYNNE, FOX NEWS SR OPINION EDITOR --- RE: Makan ATT Op-Ed.DOCX

Good morning Ian,
We are going to pass on this piece.
All my contact info is below. Don't hesitate to send other opeds our way.
Always happy to hear from you,

Lynne

Senior Editor, Opinion
Fox News
1211 Ave. of the Americas
New York, NY 10036
(o) (b)(6)
(m) (b)(6)

From: Prior, Ian (OPA) [mailto:Ian.Prior@usdoj.gov]
Sent: Thursday, July 12, 2018 5:21 AM
To: Martin, Lynne Jordal <Lynne.JordalMartin@FOXNEWS.COM>
Subject: Makan ATT Op-Ed.DOCX

Hi Lynne,

The NYT ed board printed this evisceration of the DOJ's antitrust divisions for what they claim was a different standard for the Fox-Disney deal than the Att-Time Warner deal: <https://www.nytimes.com/2018/07/01/opinion/disney-fox-deal.html>

They only allowed us 150 word to respond and we would like to do more than that.

So attached is a proposed op-ed from Assistant Attorney General from Antitrust Makan Delrahim.

Let me know if you would run it.

Thanks.

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Martin, Lynne Jordal

From: Martin, Lynne Jordal
Sent: Thursday, July 12, 2018 6:03 AM
To: Prior, Ian (OPA)
Subject: Re: Makan ATT Op-Ed.DOCX

Good morning Ian,
Thank you. We will review this morning.

Lynne Jordal Martin
Sr Editor, Opinion
Fox News

On Jul 12, 2018, at 5:24 AM, Prior, Ian (OPA) <ian.Prior@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000352



As the Assistant Attorney General in charge of the Antitrust Division of the U.S. Department of Justice, I am compelled to respond to the New York Times Editorial Board's baseless contention that it is "harder and harder to believe" that antitrust enforcement decisions are based on facts and law rather than politics. This view relies on a fundamental misunderstanding of merger review and mischaracterizes the recent AT&T-Time Warner and Disney-Fox enforcement actions.

On June 27, the Division announced that after 6 months of review, The Walt Disney Company agreed to divest 22 Regional Sports Networks in order to acquire certain assets from Twenty-First Century Fox, Inc. If a federal court approves it, the settlement will require divestitures in markets where Disney and Fox compete for cable and satellite distribution, preserving cable sports programming competition, as the antitrust laws require.

This is a victory for American consumers and should be heralded as an example of merger parties working effectively with Division investigators to resolve antitrust concerns. Instead, the *New York Times* laments that the Division went "easy" on Disney-Fox, apparently because the Editorial Board believes the investigation should have taken longer than six months, or because it should have proceeded to a trial, like the AT&T-Time Warner merger.

The *Times* suggests that because the Division "spent nearly two years" investigating and litigating the AT&T-Time Warner deal, and just six months reviewing and ultimately reaching a proposed settlement with Disney, the motivations underlying both enforcement decisions should be called into question. The *Times'* comparison rests on a false premise.

First, the *Times'* description of the timing is inaccurate. AT&T announced its acquisition of Time Warner in October 2016. The Division sued to block the merger in November 2017, which was only eight months after the parties complied with the Division's formal requests for information relevant to the transaction. Moreover, AT&T knew within 6 months of producing documents that the Division found parts of the proposed transaction anticompetitive.

While the *Times* suggests that deals of this size usually require a year for antitrust review, it ignores that each merger poses unique facts requiring unique market analysis. The pace of any review is largely in the hands of the merging parties, who control the timing of their Hart-Scott-Rodino filings, as well as the pace and timing of compliance with the Division's information requests. Parties can accelerate the review by pointing the Division to relevant information early in the investigation, promptly scheduling interviews, and remaining open to timely divestitures that resolve antitrust concerns.

No objective observer can describe the Antitrust Division's investigation and suit thirteen months after announcement of the AT&T-Time Warner deal the largest telecommunications merger in history as outside the norm. If the Division had simply approved the AT&T-Time Warner merger, however, the Editorial Board no doubt would have criticized the Division as failing to enforce the nation's antitrust laws. If the Division reached a settlement, the same Editorial Board likely would have called for an investigation of the Division's motives on similarly frivolous grounds.

The bottom line is this: the Division discharges its law enforcement duties faithfully and without regard to politics or the political affiliations of the parties. American consumers and the business world win when the Division and merging parties ethically and expeditiously reach a settlement that protects competition. They also win when the Division takes the necessary time to review problematic mergers and exhaust all efforts to settle a case before suing to block a transaction.

In AT&T-Time Warner, litigation was not the Division's first choice. The Division made multiple settlement offers involving divestitures, but the parties offered and would accept only so-called "behavioral" remedies involving promises to refrain from anticompetitive conduct.

In Disney-Fox, by contrast, the parties' willingness to work cooperatively with the Division, offering up the very types of divestitures which the Division could reasonably expect to achieve through litigation, resulted in an efficient conclusion after six months of review. Such successful results should be praised rather than politicized by the *Times* Editorial Board. Such politicization does a serious disservice to the American public.

Berger, Judson

From: Berger, Judson
Sent: Thursday, July 12, 2018 5:16 AM
To: Gibson, Jake
Cc: Prior, Ian (OPA); Noah.Kotch@FOXNEWS.COM
Subject: Re: What is fox op ed page person again?

Lynne Jordal Martin is best contact:
Lynne.jordalmartin@foxnews.com

Sent from my iPhone

On Jul 11, 2018, at 9:17 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

Noah and Jud...

Who can Ian contact at dotcom about an op-ed from DOJ?

Jake Gibson
Department of Justice Producer
Fox News Washington
(b)(6)

On Jul 11, 2018, at 8:30 PM, Prior, Ian (OPA) <Ian.Prior@usdoj.gov> wrote:

An op ed from Makan responding to NYT accusations that we let the fox Disney merger go through but went hard on att cnn because of political reasons

Ian D. Prior
Principal Deputy Director of Public Affairs
Office: 202.616.0911
Cell: (b)(6)

For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).

On Jul 11, 2018, at 7:29 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

What do you have in mind?

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

On Jul 11, 2018, at 7:18 PM, Prior, Ian (OPA)
<Ian.Prior@usdoj.gov> wrote:

Ian D. Prior
Principal Deputy Director of Public Affairs
Office: 202.616.0911
Cell: (b)(6)

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O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Thursday, July 12, 2018 12:12 PM
To: Waldman, Katie
Cc: Neil Munro
Subject: Re: Can I get a copy of the new DHS statement on DACA to the court?

Sent in separate email

Sent from my iPhone

On Jul 12, 2018, at 11:46 AM, Waldman, Katie (b)(6) wrote:

Adding DOJ

From: Neil Munro <nmunro@breitbart.com>
Sent: Thursday, July 12, 2018 11:44 AM
To: Waldman, Katie (b)(6)
Subject: Can I get a copy of the new DHS statement on DACA to the court?

Katie,

Can I get a copy of the new DHS statement on DACA to the court?

This is where I heard about the new
submission: <https://twitter.com/TheToddSchulte/status/1017368425423925248>

Thanks,

Neil Munro
Breitbart News

Ross, Lee

From: Ross, Lee
Sent: Thursday, July 5, 2018 1:11 PM
To: O'Malley, Devin (OPA)
Subject: RE: You able to chat for 1 question? Lee

That's where my head was going. But I didn't know. Thank you and will bug HHS for deets. Lee

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Thursday, July 05, 2018 1:06 PM
To: Ross, Lee <lee.ross@FOXNEWS.COM>
Subject: Re: You able to chat for 1 question? Lee

HHS would need to give a number and talk about compliance, but they just held a conference call giving a lot of that info.

Sent from my iPhone

On Jul 5, 2018, at 1:05 PM, Ross, Lee <lee.ross@FOXNEWS.COM> wrote:

Sure. What guidance can you pass along about the subject(s) or purpose of tomorrow's status conference with Judge Sabraw in So Dist. Cali? The court advised the dial in info for parties AND reporters.

Thank you, Lee

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Thursday, July 05, 2018 1:01 PM
To: Ross, Lee <lee.ross@FOXNEWS.COM>
Subject: Re: You able to chat for 1 question? Lee

Can you shoot me an email? Just sat down for a meeting.

Sent from my iPhone

On Jul 5, 2018, at 12:51 PM, Ross, Lee <lee.ross@FOXNEWS.COM> wrote:

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Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Tuesday, June 26, 2018 9:57 AM
To: Mears, William; O'Malley, Devin (OPA)
Subject: RE: New "Protecting US Workers Initiative" Settlement for tomorrow
Attachments: Triple H signed settlement.06 26 18.pdf

Bill,

Attached is the signed and executed settlement agreement.

We will be publishing the press release at 10:00am EDT. Thanks.

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202-353-0173
Cell: (b)(6)

From: Laco, Kelly (OPA)
Sent: Monday, June 25, 2018 12:29 PM
To: 'Mears, William' <William.Mears@FOXNEWS.COM>; O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: RE: New "Protecting US Workers Initiative" Settlement for tomorrow

EMBARGOED until tomorrow at 10:00am EDT: Final press release below and attached is the UNSIGNED settlement agreement. I will send you the signed tomorrow once it is executed.

Let me know if there is any more info you need!

Kelly

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202-353-0173
Cell: (b)(6)

**JUSTICE DEPARTMENT SETTLES CLAIMS AGAINST LANDSCAPING COMPANY
FOR DISCRIMINATING AGAINST U.S. WORKERS**

WASHINGTON – The Justice Department today reached a settlement agreement with Triple H Services LLC, (Triple H), a landscaping company based in Newland, North Carolina, that conducts business in Virginia and four other states. The agreement resolves the Department's investigation into whether Triple H discriminated against qualified and available U.S. workers based on their citizenship status by preferring to hire temporary workers with H-2B visas, in violation of the Immigration and Nationality Act (INA).

The Department's investigation found that although Triple H went through the motions of advertising over 450 landscape laborer vacancies in five states, it did so in a manner that misled U.S. workers about the available positions and prevented or deterred some from applying. The Department found that Triple H did not consider

several qualified U.S. workers who applied for positions in Virginia during the recruitment period, and instead hired H-2B visa workers. In several states where jobs were available, the Department found that Triple H prematurely closed the online job application process for U.S. worker applicants, filled positions with H-2B visa workers without first advertising the jobs to U.S. workers in the relevant locations, or advertised vacancies in a manner that did not make the postings visible to job seekers using state workforce agency online services.

The Department concluded that in taking these actions, Triple H effectively denied U.S. workers access to jobs based on its preference for hiring temporary H-2B visa workers to fill the positions. Refusing to consider or hire qualified and available U.S. workers based on their citizenship status violates the INA's anti-discrimination provision, regardless of whether an employer has complied with other rules governing the use of temporary employment-based visa programs.

Under the settlement, Triple H must establish a back pay fund, with a cap of \$85,000, to compensate certain individuals who were harmed by its practices. The agreement also requires Triple H to pay \$15,600 in civil penalties, engage in enhanced recruitment activities to attract U.S. workers, and be subject to Departmental monitoring for a three-year period.

"Federal law prohibits employers from discriminating against U.S. workers in hiring because of their citizenship status," said Acting Assistant Attorney General John Gore. "The Department will continue to fight to ensure that U.S. workers are not disadvantaged because of their citizenship status. I commend Triple H for its cooperation with the Department and its willingness to undertake efforts to recruit U.S. workers that go well beyond the minimum requirements for participation in the H-2B visa worker program."

Today's settlement is part of the Civil Rights Division's Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking enforcement actions against companies that discriminate against U.S. workers in favor of temporary visa workers. Under this Initiative, the Civil Rights Division has opened dozens of investigations, filed one lawsuit, and reached settlement agreements with three employers. Since the Initiative's inception, employers have agreed to pay or have distributed over \$285,000 in back pay to affected U.S. workers. The Division has also increased its collaboration with other federal agencies to combat discrimination and abuse by employers using foreign visa workers.

The Division's Immigrant and Employee Rights Section (IER) is responsible for enforcing the anti-discrimination provision of the INA. Among other things, the statute prohibits citizenship status and national origin discrimination in hiring, firing, or recruitment or referral for a fee; unfair documentary practices; and retaliation and intimidation.

For more information about protections against employment discrimination under immigration laws, call IER's worker hotline at 1-800-255-7688 (1-800-237-2515, TTY for hearing impaired); call IER's employer hotline at 1-800-255-8155 (1-800-237-2515, TTY for hearing impaired); sign up for a free webinar; email IER@usdoj.gov; or visit IER's English and Spanish websites.

Applicants or employees who believe they were subjected to: discrimination based on their citizenship, immigration status, or national origin in hiring, firing, or recruitment or referral for a fee; discrimination in the employment eligibility verification process (Form I-9 and E-Verify) based on their citizenship, immigration status or national origin; or retaliation should contact IER's worker hotline for assistance.

From: Mears, William <William.Mears@FOXNEWS.COM>
Sent: Monday, June 25, 2018 11:45 AM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>; Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: New "Protecting US Workers Initiative" Settlement for tomorrow

Thanks will watch for this...

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Monday, June 25, 2018 11:32 AM
To: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Singman, Brooke <brooke.singman@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>
Subject: RE: New "Protecting US Workers Initiative" Settlement for tomorrow

(b)(6) Adding Brooke and Bill.

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Laco, Kelly (OPA)
Sent: Monday, June 25, 2018 11:31 AM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Cc: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: New "Protecting US Workers Initiative" Settlement for tomorrow

Hi Jake,

I wanted to see if you are interested in writing another "Protecting US Workers Initiative" story. You covered Crop Production Services the last time we had a big IER case
(<http://www.foxnews.com/politics/2017/09/28/doj-files-suit-against-company-for-allegedly-not-hiring-americans.html>)

We have a big settlement coming out tomorrow, with a landscaping company in NC who discriminated against qualified and available U.S. workers based on their citizenship status by preferring to hire temporary workers with H-2B visas, in violation of the Immigration and Nationality Act (INA). The company advertised over 450 landscape laborer vacancies in five states, it did so in a manner that misled U.S. workers about the available positions and prevented or deterred some from applying.

Let me know if this is something you want to write or would like more info on and I can send along the embargoed PR and settlement agreement.

Thanks!

Kelly

Kelly Laco
Office of Public Affairs
Department of Justice
202-353-8170

Office: 202-353-0173

Cell: (b)(6)

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT ("Agreement") is entered into by and between Triple H Services LLC ("Respondent" or "Triple H"), and the United States Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section ("IER") (collectively "the Parties").

I. BACKGROUND

WHEREAS, by letter dated May 1, 2017, IER notified Respondent in writing that it had initiated an independent investigation, DJ# 197-55-70 ("IER Investigation"), to determine whether Respondent had engaged in unfair immigration-related employment practices prohibited by 8 U.S.C. § 1324b ("Act").

WHEREAS, IER concluded based upon the IER Investigation that reasonable cause exists to believe that from at least December 15, 2016, to at least May 15, 2017, Respondent engaged in a pattern or practice of discriminatory recruitment and hiring based on citizenship status by preferring H-2B visa workers over U.S. workers in violation of 8 U.S.C. § 1324b(a)(1).

WHEREAS, this Agreement is intended to facilitate the resolution of IER's investigation and does not constitute an admission by Respondent of any liability or act in violation of 8 U.S.C. § 1324b.

WHEREAS, IER and Respondent wish to resolve IER's reasonable cause findings without further delay or expense and hereby acknowledge that they are voluntarily entering into this Agreement.

NOW, THEREFORE, in consideration of the below mutual promises, and to fully and finally resolve the IER Investigation as of the date of this Agreement, IER and Respondent agree as follows:

II. TERMS OF AGREEMENT

1. This Agreement shall become effective as of the date the last party signs the Agreement, referred to as the "Effective Date." The term of this Agreement is two (2) years following the Effective Date.
2. Respondent shall pay a civil penalty to the United States Treasury in the amount of fifteen thousand six hundred dollars (\$15,600). Respondent shall provide IER with the name, title, email address, and telephone number of the individual responsible for effectuating payment of the civil penalties no later than five (5) business days from the Effective Date.
3. The monies discussed in Paragraph 2 shall be paid via the FedWire electronic fund transfer system within fifteen (15) business days of the Effective Date or receipt of fund transfer instructions from IER, whichever is later. On the day of payment, Respondent

shall confirm payment via email to Erik Lang at erik.lang@usdoj.gov.

4. The provisions of Paragraph 2 notwithstanding, IER shall not seek from Respondent any additional civil penalty for the pattern or practice of discriminatory hiring and recruiting based on citizenship status in violation of 8 U.S.C. § 1324b(a)(1) that is the subject of the IER Investigation through the Effective Date.
5. Respondent shall set aside a back pay fund of eighty-five thousand dollars (\$85,000) to compensate Qualified Individuals who sought employment in Virginia, as described below:
 - (a) A "Qualified Individual," as described in Paragraph 5, shall be any work authorized individual who (i) applied for a position as a landscape laborer with Respondent in Virginia from December 15, 2016 through April 1, 2017 through the Virginia Workforce Commission Job Board (Virginia Workforce Connection); (ii) met the minimal qualifications; and (iii) did not receive an interview from Respondent or decline further consideration.
 - (b) Within thirty (30) calendar days from the Effective Date, IER will send a written notification of this Agreement ("Notice Letter") and an Applicant Back Pay Claim Form ("Claim Form") by U.S. mail and electronic mail (if an email address is available) to the six (6) potential Qualified Individuals identified by IER to determine if each is a Qualified Individual entitled to receive compensation for lost wages due to Respondent's alleged unfair employment practices.
 - (c) Applicants who wish to be considered for back pay relief will have forty-five (45) calendar days from the date of the Notice Letter to return the Claim Form to IER, unless an applicant can demonstrate good cause (as determined by IER) for the failure to return a Claim Form postmarked by the specified deadline.
 - (d) No later than 90 calendar days from the date of the Notice Letter, IER will initially calculate and notify Respondent of the amount of back pay owed to each claimant IER determines to be a Qualified Individual. IER will perform this initial calculation using a formula that multiplies the hourly rate specified in the relevant labor certification application by the number of hours specified in the contract period, less mitigation earnings. If the total amount of back pay that would be owed to Qualified Individuals exceeds \$85,000, IER shall initially calculate a *pro rata* amount of back pay for each Qualified Individual using the fraction that represents the amount of back pay owed to the Qualified Individual compared to the total back pay fund amount. The Parties agree that Respondent's total liability to Qualified Individuals under this Paragraph shall not exceed \$85,000.
 - (e) Within thirty (30) calendar days from the date on which IER notifies Respondent of its initial determinations regarding the amounts owed to

each Qualified Individual pursuant to Paragraph 5(d), Respondent will notify IER in writing if Respondent disagrees with any back pay determination, and provide an explanation for its position along with copies of any supporting documents;

- (f) If Respondent disagrees, under Paragraph 5(e), with IER's back pay determination under Paragraph 5(d), IER will make, in its sole discretion, the final determination regarding the amount to be paid, if any, and will, within thirty (30) calendar days of receiving Respondent's disagreement under Paragraph 5(e), notify Respondent in writing of its final determinations. If necessary, IER's final determination will re-calculate any *pro rata* back pay determinations, taking into account the final number of Qualified Individuals and amounts to be paid;
- (g) If Respondent agrees with IER's back pay determinations under Paragraph 5(d), IER's back pay determinations will become final. Within thirty (30) calendar days of receiving the back pay determination pursuant to Paragraph 5(d), Respondent shall send by first class mail to each Qualified Individual for whom IER has notified Respondent that back pay is to be paid, a Back Pay Determination Letter indicating the amount of back pay to be received. Respondent may enclose with the Back Pay Determination Letter a release of liability for hiring discrimination claims arising from the 2017 hiring season and shall include all applicable tax forms. The Back Pay Determination Letter shall request that the Qualified Individuals return any release and tax forms to Respondent within thirty (30) calendar days. On the same day Respondent mails out the Back Pay Determination Letters, Respondent shall send IER by regular mail or e-mail (with attachments in .PDF format), copies of the letters and addressed envelopes it sends to Qualified Individuals.
- (h) If Respondent disagrees with any of IER's back pay determinations under Paragraph 5(d), Respondent shall, within ten (10) calendar days of receiving IER's final back pay determination under Paragraph 5(f), send each Qualified Individual a Back Pay Determination Letter and enclosures in accordance with the procedures in Paragraph 5(g).
- (i) Within fifteen (15) calendar days from Respondent's receipt of a signed release of liability and applicable tax forms from a Qualified Individual, Respondent shall send the individual the back pay amount (as determined by IER) in the form of a check via certified mail or reliable courier service, accompanied by a payment transmittal notice. On the same day, Respondent shall send a copy of the check and payment transmittal notice to Erik.Lang@usdoj.gov. Respondent shall withhold applicable taxes based on the rates of the current year and shall provide each Qualified Individual with all applicable income tax reporting forms. Respondent is responsible for paying any employer-side taxes or contributions due to the

federal or state government based on the payments made Qualified Individuals pursuant to this Settlement Agreement. Respondent shall follow the applicable instructions contained in IRS Publication 957 and credit the Qualified Individuals' back pay award to calendar quarters of the year when the back wages would have been earned for Social Security purposes.

- (j) Respondent shall submit in advance all written communications to Qualified Individuals relating to this Agreement, including a release of liability, to IER for review and approval, and any release must be limited to the claims referenced in this Agreement.
- (k) Any remaining amount of the \$85,000 back pay fund that has not been distributed to Qualified Individuals pursuant to the process set forth in this paragraph shall revert to Respondent.

6. For the term of this Agreement, Respondent shall engage in required and supplemental recruitment of U.S. workers for all available positions before employing foreign, H-2B visa workers for those positions. These required and supplemental recruitment activities shall include, at a minimum, the following:

- a. Respondent shall not place H-2B visa workers in a state where it has not posted a state workforce agency job order.
- b. Respondent shall provide to IER copies of all advertisements and job postings within seven (7) business days of utilizing them. Such advertisements shall list the name and city of each location at which landscape laborers employed by Respondent will perform grounds maintenance and make clear to U.S. job seekers that they can work at a single location.
- c. Respondent shall not allow an H-2B visa worker who lacks English fluency to supervise a U.S. worker who lacks fluency in the language spoken by the H-2B visa worker. U.S. workers interested in a team leader position will be given preference for such if they are equally or better qualified than an interested H-2B visa worker.
- d. With respect to job orders, and electronic, on-line platforms, including state workforce agency job banks, Respondent shall:
 - i. Ensure that each job order is accessible and visible to job seekers in the area of intended employment;
 - ii. Not disable any functionality of the electronic, on-line platform that would prevent an applicant from applying on-line;
 - iii. Not disable any notifications available as part of the electronic, on-line platform that indicate that there is a new applicant;

- iv. Not close any of its H-2B related job orders until 7 business days before the work start date.
 - e. Respondent shall respond within 3 business days to all U.S. applicants who express interest in an advertised position directly, through a state workforce agency job bank, or in any other manner.
 - f. Respondent shall post a job advertisement (or comparable notice of employment opportunity) on Craigslist.com or a similar job posting site serving each area of intended employment. It shall be posted no earlier than one month before the projected start date of work, and shall not be removed until 10 (ten) calendar days before the start date of work. The job announcement shall list each golf course where Respondent intends to perform grounds maintenance.
 - g. Respondent shall cause to be published two additional print advertisements in a newspaper of general circulation in the "area of intended employment" (as that term is defined by the Department of Labor's H-2B regulations). The first shall be posted no more than one month before the projected start date of work. The second shall be posted no earlier than 14 calendar days before the projected start date of work. The help wanted advertisements shall list the name and city of each location at which landscape laborers employed by Respondent will perform grounds maintenance. Respondent agrees to consider for employment and hire all qualified applicants who apply seven (7) days before the date of need.
 - h. Respondent must also continue to update each recruitment report after submitting it to DOL (as required by 20 C.F.R. §655.48(b)), and then send a copy of each one to IER 14 calendar days after the actual start date of the work described in each job order.
 - i. Respondent shall assess the results of its efforts to recruit U.S. workers within fourteen (14) calendar days after the start date of the work associated with each job posting, and, during the next recruiting period, shall undertake any additional appropriate recruitment efforts it determines are likely to be effective to increase applications from qualified U.S. workers.
7. Within ninety (90) calendar days of receiving a fully signed copy of this Agreement, Respondent shall review its employment policies and revise such policies to prohibit discrimination on the basis of citizenship, immigration status and national origin in the recruitment, hiring and firing processes.
8. Within ninety (90) calendar days of the Effective Date, Respondent shall review its employment policies and revise such policies to clearly articulate its procedures for

deciding which individuals are ineligible for hire due to prior criminal convictions. Upon clarification of its procedures, Respondent shall ensure that all of the employment applications it makes available to the public within a particular state contain the same language conveying the standard and timeframe for ineligibility based on a prior criminal conviction. Respondent shall consistently apply the same procedures and standards to U.S. workers and H-2B visa workers.

9. During the term of this Agreement, Respondent shall provide, for review and approval, any changes in employment policies as they relate to nondiscrimination on the basis of citizenship, immigration status and national origin to IER at least thirty (30) calendar days prior to the effective date of such revised policies.
10. During the term of this Agreement, Respondent shall retain a photocopy or electronic copy of every job application and resume that is submitted to Respondent, including but not limited to those accessible through a state workforce agency job bank that relate to a Respondent job order.
11. During the Term of this Agreement, Respondent shall keep a written, record of the action(s) it took with respect to each application and resume identified in the previous Paragraph, including whether or not the individual was interviewed, offered a job, hired, or not selected and the reason(s) for the non-selection.
12. During the Term of this Agreement, Respondent shall keep a copy of all H-2B-related forms, documents, applications, petitions, letters, and responses to requests for more information that it submits to and receives from the U.S. Department of Labor and U.S. Citizenship and Immigration Services.
13. Within ninety (90) calendar days from the Effective Date, all individuals with any responsibility for recruiting, advertising, hiring, interviewing, or onboarding, shall receive IER-provided free training on their obligation to comply with 8 U.S.C. § 1324b.
 - a. The trainings shall consist of viewing a remote IER webinar presentation, which IER shall provide on a date mutually agreeable to the parties;
 - b. All employees will be paid their normal rate of pay during the training, and the training will occur during their normally scheduled workdays and work hours. Respondent shall bear all costs associated with these training sessions;
 - c. During the term of this Agreement, all new staff hired or promoted by Respondent into positions with any responsibility listed Paragraph 13, after the training described in Paragraph 13(a) has been conducted, shall review a recorded version of the webinar within sixty (60) calendar days of hire or promotion; and

- d. Respondent shall confirm the initial webinar participation required in Paragraph 13(a), and subsequent viewings of the webinar training required by Paragraph 13(c), via email to erik.lang@usdoj.gov within ten (10) calendar days of completion of each training session.
- 14. During the term of this Agreement, IER reserves the right to make reasonable inquiries to Respondent as necessary to determine Respondent's compliance with this Agreement. As a part of such review, IER may require written reports concerning compliance, inspect Respondent's premises, examine witnesses, and examine and copy Respondent's documents.
- 15. Nothing in this Agreement limits IER's right to inspect Respondent's Forms I-9 within three business days pursuant to 8 C.F.R. § 274a.2(b)(2)ii.
- 16. If IER has reason to believe that Respondent is in violation of any provision of this Agreement, IER may, in its sole discretion, notify Respondent of the potential violation without opening an investigation. Respondent will then have thirty (30) business days from the date of IER's notification to cure the violation to IER's satisfaction before IER deems Respondent to be in violation of this Agreement.
- 17. This Agreement does not affect the right of any individual to file a charge alleging an unfair immigration-related employment practice against Respondent, IER's authority to investigate or file a complaint on behalf of any such individual, or IER's authority to conduct an independent investigation of Respondent's employment practices.
- 18. This Agreement resolves any and all differences between the Parties with respect to all Respondent locations relating to the IER Investigation, DJ # 197-55-70, through the Effective Date.
- 19. This Agreement may be enforced in the United States District Court for the Western District of North Carolina. This paragraph, or the initiation of a lawsuit to enforce the Agreement under this paragraph, including any counterclaims asserted, does not constitute and should not be construed as a waiver of sovereign immunity or any other defense the United States might have against a claim for enforcement. For the purposes of an action to enforce this Agreement, the Parties agree that the obligations set forth in each and every provision of Part II of this Agreement are material.

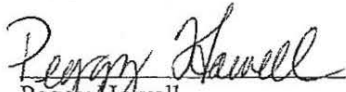
III. OTHER TERMS

- 20. Should any provision of this Agreement be declared or determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected and the term or provision shall be deemed not to be a part of this Agreement. The Parties shall not, individually or in combination with another, seek to have any court declare or determine that any provision of this Agreement is invalid. For purposes of interpreting this Agreement, both Parties shall be deemed to have drafted it.

21. The Parties agree that, as of the Effective Date, litigation concerning the violations of 8 U.S.C. § 1324b that IER has reasonable cause to believe that Respondent committed is not reasonably foreseeable. To the extent that any party previously implemented a litigation hold to preserve documents, electronically stored information, or things related to this matter, the party is no longer required to maintain such a litigation hold. Nothing in this paragraph relieves either party of any other obligations imposed by this Agreement.
22. The Parties shall bear their own costs, attorneys' fees and other expenses incurred in this action.
23. This Agreement sets forth the entire agreement between the Parties and fully supersedes any and all prior agreements or understandings between the parties pertaining to the subject matter herein. Any modifications to the Agreement must be in writing and signed or affirmed by both Parties.
24. This Agreement may be executed in multiple counterparts, each of which together shall be considered an original but all of which shall constitute one agreement. The Parties shall be bound by facsimile signatures.

Triple H Services, L.L.C.

By:



Peggy Howell

General Manager/Chief Financial Officer

Dated: 6/22/18

Immigrant and Employee Rights Section

By:



Jodi Danis
Special Litigation Counsel

Dated: 6/26/18

C. Sebastian Aloit
Special Litigation Counsel

Erik W. Lang
Trial Attorney

Tran-Chau Le
Equal Opportunity Specialist

Chris Carter

From: Chris Carter
Sent: Tuesday, June 26, 2018 9:39 AM
To: Laco, Kelly (OPA)
Subject: Re: A.G. Sessions

Thank you!

Sent from my iPhone

> On Jun 26, 2018, at 9:34 AM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>

> Thanks Chris--I've passed this along to my colleague, Ian Prior, who should be able to assist with your inquiry.

>

> Hope you're doing well!

>

> Kelly Laco

> Office of Public Affairs

> Department of Justice

> Office: 202-353-0173

> Cell: (b)(6)

>

>

> -----Original Message-----

> From: Chris Carter <Chris.Carter@oann.com>

> Sent: Monday, June 25, 2018 6:03 PM

> To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>

> Subject: A.G. Sessions

>

> Hello Kelly,

> How are you? I hope things have settled since we met in Denver. I wanted to know with the recent request in congress regarding House Intel Chair Devon Nunes and his request for documents. Would A.G. Session would speak with me about it? If I am not mistaken Mr. Rosenstein was responsible for turning over documents to congress as of 5pm today. I am in NYC right now but would come to DC tonight if he could speak to me tomorrow.

> Thanks,

> Christopher Carter

> National Correspondent OANN

Gibson, Jake

From: Gibson, Jake
Sent: Tuesday, June 26, 2018 6:42 AM
To: Flores, Sarah Isgur (OPA)
Subject: Re: DOJ response

I sent it out.
All good.
Thanks much.

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

On Jun 25, 2018, at 9:40 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Jake emailed me to ask me about it earlier today as he has every day (b)(6)

On Jun 25, 2018, at 6:11 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

(b)(6)

Please also circulate to Bill Mears who is covering and myself.

Thank you

Sent from my iPhone

On Jun 25, 2018, at 9:10 PM, Flores, Sarah Isgur (OPA)
<Sarah.Isgur.Flores@usdoj.gov> wrote:

Jake got it

On Jun 25, 2018, at 6:06 PM, Herridge, Catherine
<Catherine.Herridge@FOXNEWS.COM> wrote:

Good evening -

Do you have this letter to also share with us?
<https://twitter.com/jonathanvswan/status/1011394691501021018>

Sent from my iPhone

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Herridge, Catherine

From: Herridge, Catherine
Sent: Monday, June 25, 2018 9:44 PM
To: Flores, Sarah Isgur (OPA)
Cc: Prior, Ian (OPA); Mears, William; Gibson, Jake; Chamberlain, Samuel
Subject: Re: DOJ response

(b)(6)

To avoid unnecessary delay, and to present DOJ response, thank you for sending to all copied here for distribution.

Sent from my iPhone

On Jun 25, 2018, at 9:40 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000482



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 25, 2018 7:32 PM
To: Laura.Jarrett@cnn.com; Jake.Gibson@FOXNEWS.COM; jonathan@axios.com
Subject: Fwd: Response to 24 June Nunes letter
Attachments: Response to 24 June Chairman Nunes letter.pdf; ATT00001.htm

Attached has been transmitted to HPSCI.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nunes:

This responds to your letter to the Deputy Attorney General, dated and received Sunday, June 24, 2018, concerning issues related to the Committee's April 30, 2018, subpoena and multiple subsequent requests made to the Department of Justice (Department) and the Federal Bureau of Investigation (FBI), including on June 15, 2018.

Your letter asks whether the Department and the FBI "intend to obey" the law. We believe that is exactly what the Department and the FBI have been doing as we have been responding to the Committee's subpoenas and requests. Our efforts to accommodate the Committee while discharging the Executive Branch's constitutional responsibilities to control the disclosure of national security information and protect the integrity of ongoing investigations have been fully consistent with the law. *See, e.g., Dep't of Navy v. Egan*, 484 U.S. 518, 527 (1988); *Position of the Executive Department Regarding Investigative Reports*, 40 Op. Att'y Gen. 45, 46 (1941); *Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act*, 10 Op. O.L.C. 68, 75-78 (1986).

The Department follows the policy set forth in President Reagan's 1982 memorandum to agency heads concerning their responses to congressional oversight, under which the Executive Branch engages in good faith negotiation with congressional committees pursuant to the long-established accommodation process, in which Congress and the Executive Branch each seek to accommodate the legitimate needs of the other branch. This policy has been recognized by the courts as "an implicit constitutional mandate" applying to both branches. *United States v. AT&T*, 567 F.2d 121, 127 (D.C. Cir. 1977).

Your letter raised two other questions. As you know, the FBI is one of many components of the Department. The Department and the FBI work closely in protecting the American people by enforcing the law and defending the interests of the United States according to the law. It is

The Honorable Devin Nunes
Page Two

the Department's general practice to coordinate responses to Congress in a manner consistent with Department policy to ensure that the most accurate and responsive information available is provided. Many of your requests relate to documents and information regarding issues surrounding confidential human sources that are solely in the custody and control of the FBI. The FBI responded to your request of June 15, 2018, because the FBI retains and has the ability to produce the documents requested in a manner consistent with its obligation to protect confidential human sources and methods. The Department also has provided documents and answers to your inquiries, including in productions made last week.

With respect to your question concerning the use of confidential human sources, the FBI already has responded to this request, including in a classified written response to this question on Friday June 22, 2018.

Please do not hesitate to contact this office for assistance with this or any other matter.

Very truly yours,



Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Adam Schiff
Ranking Member

The Honorable Christopher A. Wray
Director, Federal Bureau of Investigation

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 25, 2018 1:01 PM
To: Gibson, Jake
Subject: Re: New Nunes letter to Rosenstein deadline Monday 5pm

Yes records are outstanding but not those.

The documents were at both briefings. The documents were left behind at the second briefing for further review (and brought back that night). House and senate leadership agreed to gang of 8.

On Jun 25, 2018, at 9:54 AM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

FYI-

From: "Herridge, Catherine" <Catherine.Herridge@FOXNEWS.COM>
Date: June 25, 2018 at 11:05:26 AM EDT
To: "Gibson, Jake" <Jake.Gibson@FOXNEWS.COM>
Cc: 069 -Politics <politics3@FOXNEWS.COM>, "030 -Root (FoxNews.Com)" <root@FOXNEWS.COM>, 050 -Senior Producers <seniorproducers@FOXNEWS.COM>, 202 -FBN Editorial <FBNEditorial@FOXNEWS.COM>
Subject: RE: New Nunes letter to Rosenstein deadline Monday 5pm

A Committee source says in response ---

The Monday 5pm deadline stands.

No physical records have provided about the use of confidential sources prior to the official opening of the Russia collusion case July 2016, they remain under subpoena. Briefings or info provided at Congressional leadership level – known as Gang of Eight -- do not satisfy the subpoena.

Request requires records be made available to all house intel committee and relevant staff not restricted to Gang of Eight.

If you read the Ryan weekend statement carefully, you will see that records are outstanding. See bold.

AshLee Strong: "Our efforts have resulted in the committees finally getting access to information that was sought months ago, **but some important requests remain to be completed.**"

From: Gibson, Jake

To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Cc: 069 -Politics <politics3@FOXNEWS.COM>; 030 -Root (FoxNews.Com)
<root@FOXNEWS.COM>; 050 -
Subject: Re: New Nunes letter to Rosenstein deadline Monday 5pm

DOJ Officials say Nunes' second question in his letter has already been answered by the FBI.

Specifically, they say that question was addressed in the meetings held between Nunes, and other House members and Sr DOJ/FBI Officials.

They also point to Paul Ryan's statement from Saturday.

Catherine sent this out yesterday.

AshLee Strong: "Our efforts have resulted in the committees finally getting access to information that was sought months ago, but some important requests remain to be completed. Additional time has been requested for the outstanding items, and based on our understanding of the process we believe that request is reasonable. We expect the department to meet its full obligations to the two committees."

Jake Gibson
Department of Justice Producer
Fox News Washington
(b)(6)

On Jun 24, 2018, at 3:52 PM, Herridge, Catherine
<Catherine.Herridge@FOXNEWS.COM> wrote:

for urgent - house intel chair Nunes argues that the DOJ response wrongly limits intel to congressional leadership or Gang of Eight alleging effort to limit access. We understand information is not so highly classified only for eyes Gang of Eight.

Also DOJ must directly answer whether confidential human sources and how many were deployed against Trump campaign prior to July 31 2016 when FBI officially opened the Russia case and money spent.

Deadline Monday at 5

FYI

<CHM ltr to DAG - 24 June 18.pdf>

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 25, 2018 10:47 AM
To: McDonnell, Brigid Mary
Subject: Re: Touching Base

Probably not--sorry

> On Jun 25, 2018, at 7:34 AM, McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM> wrote:

>

> Hey Sarah -

> Let me know if there might be an opportunity for the AG to join Shannon this week.

> Thx!

>

> Brigid Mary McDonnell

> Fox News Channel

> Cell: (b)(6)

>

> This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

>

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Sunday, June 24, 2018 3:32 PM
To: Gibson, Jake
Subject: Re: Nunes Letter responding to DOJ with new Monday 7/25 deadline

The second question was previously answered by the bureau.

On Jun 24, 2018, at 1:21 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

Hi there!

Desk and shows asking for any DOJ reax to new Nunes letter...

Jake Gibson
Department of Justice Producer
Fox News Washington
(b)(6)

Begin forwarded message:

From: "Hays, Guerin" <Guerin.Hays@FOXNEWS.COM>
Date: June 24, 2018 at 11:07:47 AM EDT
To: "Gibson, Jake" <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Nunes Letter responding to DOJ with new Monday 7/25 deadline

<image002.jpg>

From: Hays, Guerin
Sent: Sunday, June 24, 2018 10:45 AM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Nunes Letter responding to DOJ with new Monday 7/25 deadline

<https://twitter.com/MariaBartiromo/status/1010893974536704001>

<image003.jpg>

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are without defect.

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

June 24, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

Dear Deputy Attorney General Rosenstein:

The Committee is in receipt of the two letters (classified and unclassified) from the Federal Bureau of Investigation (FBI) which were transmitted on June 22, 2018, at 7:37 p.m. and 11:10 p.m., respectively. While the late-night letters, once again received by the Committee just before the deadline, address many of the questions outlined in the Committee's outstanding subpoenas, they have raised more questions than answers. These questions include whether the FBI and Department of Justice (DOJ) leadership intend to obey the law and fully comply with duly authorized congressional subpoenas.

Pursuant to the Committee's subpoena issued on April 30, 2018, which was served on Attorney General Sessions and then delegated to you due to the Attorney General's recusal, all components of the DOJ, including but not limited to the FBI, were required to provide full and complete access to all responsive documents to the Committee. However, you have unilaterally restricted access to these materials to the "Gang of Eight." As the Committee has repeatedly stated, this is unacceptable. Moreover, the alleged referral of the "Committee's request for transcripts or summaries of conversations between human source(s) and Trump campaign officials" to the Director of National Intelligence does not relieve the FBI and DOJ from full compliance with the Committee's subpoena.

Furthermore, the Committee is concerned that the letters lack a comprehensive response with respect to questions about the use of confidential human sources during a certain timeframe, and the narrowly tailored language represents a wholly insufficient response to the Committee's requests.

For more than a year, the Committee has been struggling to get the DOJ, including the FBI, to comply with duly issued subpoenas. In many instances, information provided to the Committee has been incomplete, and the Committee is later told that additional responsive information was not provided because it was not specifically requested. The Committee, however, should be required to ask "the magic question" in order to obtain all relevant and responsive documents that have already been compelled.

The Committee again must enforce the terms agreed to by you and Director Wray or your respective agencies. However, the June 22 communications came exclusively

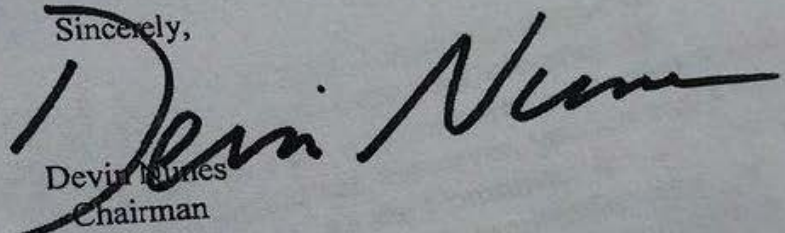
and not from you or the DOJ, leaving the Committee unclear about who is assuming ultimate responsibility for fulfilling our requests.

Finally, we request that you provide the Committee with responses to the following questions by 5:00 p.m. on Monday, June 25, 2018:

- Who—you or Director Wray—is responsible for compliance with the Committee's subpoenas and requests that have been issued to the DOJ, including the FBI?
- Did the FBI use informants against members or associates of the Trump campaign and if so, how many informants were used and how much money was spent on their activities?

Please do not hesitate to contact Committee staff at (202) 225-4121 should you have any questions.

Sincerely,



Devin Nunes
Chairman

Copy to: The Honorable Christopher A. Wray, Director, Federal Bureau of Investigation

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Friday, June 22, 2018 5:47 AM
To: Pfeiffer, Alex
Cc: Flores, Sarah Isgur (OPA); Fields, Daryl (USATXW)
Subject: Re: Reports of Dropped or Dismissed Charges in SDTX

They sent out a statement last night

Adding daryl

Sent from my iPhone

On Jun 22, 2018, at 12:55 AM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

Hey - But the Western District is doing it.

"The email was sent by Franco to all defense lawyers who are part of the Western District of Texas Criminal Justice Association. Franco could not immediately be reached for comment, but Daryl Fields, a spokesman for the U.S. Attorney of the Western District of Texas, sent a statement to NBC on Thursday saying that all pending 1325 and 1326 cases would be dismissed, with exceptions for cases with serious criminal histories. He later said that he was retracting the statement but would not confirm if the office will dismiss the cases, saying he planned to send out another statement to clarify.

Franco's memo read: "Be advised that the US Attorney's Office will move (or have already moved) to dismiss all 1325 and 1326 cases where children were separated from their parent. Going forward, they will no longer bring criminal charges against a parent or parents entering the United States if they have their child with them."

<https://www.wfmynews2.com/article/news/nation-now/border-district-to-drop-charges-against-immigrants-separated-from-children-email-says/465-b3f055d4-f85b-45da-a5a8-9647a5750395>

What is up with that?

Thanks,
Alex Pfeiffer
Associate Producer
Tucker Carlson Tonight

On Jun 21, 2018, at 3:09 PM, O'Malley, Devin (OPA)

<Devin.O'Malley@usdoj.gov> wrote:

Attributable to the US Attorney's Office in SDTX: "The U.S. Attorney's Office for the Southern District of Texas (SDTX) did not dismiss any immigration violation cases in McAllen federal court today. Media reports alleging SDTX cases were dropped or dismissed are inaccurate and misleading."

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, June 21, 2018 10:12 PM
To: Murray, Andrew
Subject: Re: Interview Request for AG Sessions to appear on "Fox & Friends"

Thanks we'll pass for now

On Jun 21, 2018, at 9:13 PM, Murray, Andrew <Andrew.Murray@FOXNEWS.COM> wrote:

Hi Sarah,

We saw Attorney General Sessions on CBN, and wanted to invite him to appear on "Fox & Friends" for a LIVE interview when he is available to join us for a LIVE 5-7 minute discussion.

Thanks in advance,

Andrew Murray
Producer, Politics
"Fox & Friends"
Fox News Channel
1211 Avenue of the Americas, 2nd Floor
New York, NY 10036
Office: (b)(6)
Cell # 1 (b)(6)
Cell # 2 (b)(6)
FAX: (212) 301-3421
Email: andrew.murray@foxnews.com
@andrewmurray1

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, June 21, 2018 8:43 PM
To: Herridge, Catherine
Cc: Maguire, Jacqueline (BH) (FBI); Mckee, Susan T. (DO) (FBI); Cratty, Carol A. (DO) (FBI); Prior, Ian (OPA); Mears, William; Gibson, Jake
Subject: Re: records request

Yes please

On Jun 21, 2018, at 8:35 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Confirming attribution
Justice Department official?

Sent from my iPhone

On Jun 21, 2018, at 7:59 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

I wont discuss specific documents. But the agreed upon deadline by those in the room was this Friday.

xxx

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

From: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Sent: Thursday, June 21, 2018 7:47 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Cc: Maguire, Jacqueline (BH) (FBI) (b)(6); Mckee, Susan T. (DO) (FBI) (b)(6); Cratty, Carol A. (DO) (FBI) (b)(6); Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>; Mears, William <William.Mears@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Re: records request

Sarah - Thank you for responding and advising attribution.

To avoid confusion, please address the Sunday deadline question and the request for records about intelligence activities before July 31 2016.

Copied below for clarity —

Fox News is told that Director Wray and DAG Rosenstein were given three days (until Sunday June 17) to provide records about intelligence activities, and the FBI's alleged use of confidential

human sources prior to July 31 2016 when the FBI officially opened the Russia case.

1. We were told no records about pre July 2016 intelligence activities have been provided. Is that correct? If so, what explains the further delay? Will the pre July 31 2016 recorded be promised for a future date?

Thank you for the help and consideration.
Catherine

Sent from my iPhone

On Jun 21, 2018, at 7:27 PM, Flores, Sarah Isgur (OPA)
<Sarah.Isgur.Flores@usdoj.gov> wrote:

Last Friday, we agreed to provide a specific documents by Friday or explain why we couldn't. That process is underway, including delivery of many of the requested documents yesterday and today.

xxxx

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

From: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Sent: Thursday, June 21, 2018 5:44 PM
To: Pham, Jacqueline <JACQUELINE.PHAM@FOXNEWS.COM>;
Maguire, Jacqueline (BH) (FBI) (b)(6); Mckee, Susan T.
(DO) (FBI) (b)(6); Cratty, Carol A. (DO) (FBI)
(b)(6); Flores, Sarah Isgur (OPA)
<siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Cc: Mears, William <William.Mears@FOXNEWS.COM>; Gibson, Jake
<Jake.Gibson@FOXNEWS.COM>
Subject: RE: records request

Checking back.

From: Herridge, Catherine
Sent: Thursday, June 21, 2018 3:57 PM
To: Pham, Jacqueline <JACQUELINE.PHAM@FOXNEWS.COM>; Mckee,
Susan T. (DO) (FBI) (b)(6); Cratty, Carol A. (DO) (FBI)
(b)(6); Flores, Sarah Isgur (OPA)
<Sarah.Isgur.Flores@usdoj.gov>; Prior, Ian (OPA)
<Ian.Prior@usdoj.gov>
Cc: Mears, William <William.Mears@FOXNEWS.COM>; Gibson, Jake
<Jake.Gibson@FOXNEWS.COM>; Herridge, Catherine
<Catherine.Herridge@FOXNEWS.COM>
Subject: records request

Good afternoon –

We are following up on Bill's earlier email.

We have learned new details this afternoon about last Friday's meeting involving the House Speaker, FBI Director, DAG Rosenstein as well as three house committee chairmen (Gowdy, Goodlatte and Nunes.)

Fox News is told that Director Wray and DAG Rosenstein were given three days (until Sunday June 17) to provide records about intelligence activities, and the FBI's alleged use of confidential human sources prior to July 31 2016 when the FBI officially opened the Russia case.

1. We were told no records about pre July 2016 intelligence activities were provided. Is that correct? If so, what explains the further delay?
2. Will FBI and DOJ meet tomorrow's deadline for the remaining records?
3. If the deadline cannot be met, are FBI/DOJ reaching out to the committees to reach an accommodation?

We are preparing our report for 6pm this evening, and will, of course, update our reporting as soon as a response becomes available.

Thank you
Catherine

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Pfeiffer, Alex

From: Pfeiffer, Alex
Sent: Thursday, June 21, 2018 1:22 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: WAPO Story

Okay, thanks.

On Jun 21, 2018, at 1:17 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

DHS issuing statement shortly im told

xxx

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Thursday, June 21, 2018 12:51 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Re: WAPO Story

CBP isn't under DOJ, so maybe they could have changed their referral policy. Could that be the case?

On Jun 21, 2018, at 12:44 PM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

Okay, has anything changed then that would lead WaPo to write this? Or was this unnamed CBP official mistaken?

On Jun 21, 2018, at 12:43 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Yes

xxx

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Thursday, June 21, 2018 12:42 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

Subject: Re: WAPO Story

Thanks for this.

So if an adult comes to the border illegally regardless of whether they have a child in tow or not, they will be prosecuted?

On Jun 21, 2018, at 12:38 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

The Washington Post never reached out to the Department. Their story is not accurate. There has been no change to the Department's zero tolerance policy to prosecute adults who cross our border illegally instead of claiming asylum at any port of entry at the border.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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Saagar Enjeti

From: Saagar Enjeti
Sent: Thursday, June 21, 2018 1:19 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Reaction to Washington Post story?

I saw it. thx

Saagar Enjeti
White House Correspondent



P: [202-531-7527](tel:202-531-7527)
T: @esaagar

On Thu, Jun 21, 2018 at 1:18 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

<https://twitter.com/sarahfloresdoj/status/1009839871450669056?s=21>

xxx

Sarah Isgur Flores

Director of Public Affairs

(b)(6)

From: Saagar Enjeti <enjeti@dailycaller.com>
Sent: Thursday, June 21, 2018 12:48 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Reaction to Washington Post story?

Sarah,

Can DOJ confirm it is no longer prosecuting families at the Southwest border?

Saagar Enjeti

White House Correspondent

P: (b)(6)

T: @esaagar

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, June 21, 2018 1:15 PM
To: Fenton, Amy
Subject: RE: Dana Perino show

No sorry

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

-----Original Message-----

From: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Sent: Thursday, June 21, 2018 1:10 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Dana Perino show

Hey!

I saw your tweet about the WaPo report -- let me know if you (or Secy Sessions) are around tomorrow and may be available to join the show to chat about the DOJ response to the EO etc.

Thanks!

Amy Fenton
(b)(6)

-----Original Message-----

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Tuesday, June 12, 2018 9:45 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: Re: Dana Perino show

(b)(6)

> On Jun 12, 2018, at 9:42 PM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

>

> Sounds good. Just wanted to put the ball in your court.

> Sounds good. Just wanted to put the bug in your ear.

> Also side note — (b)(6)

>

>

> On Jun 12, 2018, at 21:26, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

>

> Thanks--I'll probably lay low for now but will let you know if that changes. And loooove dana obviously!

>

>> On Jun 12, 2018, at 9:08 PM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

>>

>> Hi Sarah!

>>

>> It's been a bit— hope you are doing well. I just wanted to touch base because I'm seeing a few stories pop re: Rosenstein. I believe Jake Gibson spoke to you in the past about joining Dana Perino's show, but I just wanted to reintegrate that if you or someone else from DOJ would like to discuss, I'm sure we would be happy to make room. Her show is at 2pET.

>>

>> Let me know if you have any questions. Thanks!

>>

>> Amy Fenton

>> (b)(6)

>>

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Fenton, Amy

From: Fenton, Amy
Sent: Tuesday, June 12, 2018 9:59 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Dana Perino show

Haha! (b)(6)

Also If you ever have an off the record guidance for Dana so we cover the story fully, I'm happy to pass along or get you in contact with her directly.

Amy Fenton

(b)(6)

On Jun 12, 2018, at 21:47, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000519



Pfeiffer, Alex

From: Pfeiffer, Alex
Sent: Wednesday, June 20, 2018 4:09 PM
To: O'Malley, Devin (OPA)
Subject: Re: Inquiry from Tucker Carlson Tonight about employee that harassed Sec. Nielsen

Okay, well thanks for getting back to me.

On Jun 20, 2018, at 4:03 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

DOJ does not comment on personnel

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Kaplan (Levine), Karrah

From: Kaplan (Levine), Karrah
Sent: Wednesday, June 20, 2018 1:57 PM
To: Flores, Sarah Isgur (OPA)
Cc: Prior, Ian (OPA)
Subject: Re: AG Sessions with Bill Hemmer tonight?

Thank you for letting me know!

Karrah Kaplan
Senior Booking Producer
Martha MacCallum's "The Story"

(b)(6)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, June 20, 2018 1:55 PM
To: Kaplan (Levine), Karrah
Cc: Prior, Ian (OPA)
Subject: Re: AG Sessions with Bill Hemmer tonight?

Sorry probably not

On Jun 20, 2018, at 1:54 PM, Kaplan (Levine), Karrah <Karrah.kaplan@FOXNEWS.COM> wrote:

Hi Sarah!

I know this is last minute, but Bill is hosting for Martha and we are wondering if the AG would want to come on with Bill tonight to discuss immigration stuff?

Thank you as always for considering!

Karrah Kaplan
Senior Booking Producer
"The Story" with Martha MacCallum

(b)(6)

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Singman, Brooke

From: Singman, Brooke
Sent: Wednesday, June 20, 2018 11:49 AM
To: Flores, Sarah Isgur (OPA)
Cc: Prior, Ian (OPA)
Subject: RE: Peter Strzok

Can I find this on DOJ website?>

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Wednesday, June 20, 2018 11:47 AM
To: Singman, Brooke <brooke.singman@FOXNEWS.COM>
Cc: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Subject: Re: Peter Strzok

We can't comment on specific personnel issues. But please read the rules governing the termination of career civil servants, which should provide some indication of the order of operation and the process followed after a finding by the IG.

On Jun 20, 2018, at 11:37 AM, Singman, Brooke <brooke.singman@FOXNEWS.COM> wrote:

Hi Sarah and Ian,

Hope you're well.

Attorney General Sessions said last week that he was open to firing people should their names come up in an unfavorable light in the inspector general's report.

Why hasn't the attorney general fired Peter Strzok from the FBI?

Deadline is 1p EST.

Thank you,

Brooke Singman
Politics Reporter, Fox News Channel

(b)(6)

Brooke.singman@foxnews.com

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, June 20, 2018 11:29 AM
To: Laura.Jarrett@cnn.com; Jake.Gibson@FOXNEWS.COM
Subject: Fwd: Investor's Business Daily: Editorial: Anyone Notice That Trump Is Now Tied With 'Popular' Obama On Job Approval?

Fascinating!

Begin forwarded message:

From: RNC War Room <Warroom@gop.com>
Date: June 19, 2018 at 8:59:41 PM EDT
To: undisclosed-recipients;;
Subject: Investor's Business Daily: Editorial: Anyone Notice That Trump Is Now Tied With 'Popular' Obama On Job Approval?

Anyone Notice That Trump Is Now Tied With 'Popular' Obama On Job Approval?

Investor's Business Daily

Editorial Board

June 19, 2018 – 11:22 AM

<https://www.investors.com/politics/editorials/trump-approval-rating-gallup-poll-obama-popularity/>

Popularity: President Trump can't get a break from negative press coverage, but somehow his approval rating continues to edge upward. In fact, it's now tied with where the "extremely popular" President Obama was at this point in his first term.

The latest Gallup poll puts Trump's [job approval at 45%](#). That's the highest it's been since he took office, and it's up from 37% at the start of the year. Although you'd barely know it from the press Trump gets, his approval number has been on a slow but relatively steady rise all year.

Not only that, but Trump's approval in this poll is now equal to Obama's at the same point in Obama's presidency. Gallup had [Obama at 45% approval](#) by late June 2010.

The difference is that while Trump's approval has been climbing, Obama's was dropping steadily over the course of his first term.

When Obama took office, he had an approval rating of 67%. By August of that year, it had fallen to 50%. A year later it was down to 43% in Gallup's poll.

By this point in Obama's presidency, his average approval was 47.9% and falling, according to [Real Clear Politics](#). By October of 2010, it dropped down to 44%. Trump's average is currently 43.7%, and on the uptrend.

Even more striking is the fact that the public's approval of Obama was sagging even while his press coverage was overwhelmingly positive.

A [Pew Research Center study](#) that came out last fall found that in Obama's first two months in office positive stories outweighed negative ones by two to one. A separate analysis by the Center for Media and Public Affairs found that over his first year in office almost 70% of the coverage about Obama himself was positive, as were 54% of the stories about his job performance.

And that's to say nothing of the adoration heaped on Obama by celebrities and media pundits.

Over Trump's first two months, by contrast, 62% of the stories were negative and 33% neutral. A mere 5% were positive. And if you took Fox News out of the mix, the share of positive coverage probably would almost entirely disappear. It's unlikely that Trump's coverage has improved any since.

But even as Obama's approval numbers sagged, the press continued to describe him as popular. The Washington Post called him "the popular president" in May, when his approval rating had dropped below 50%. In July, the New York Times quoted a consultant — without mockery — as saying "he's still an extremely popular president."

The IBD/TIPP Poll has consistently shown Trump's approval below the Real Clear Politics average. But his approval had been climbing in our poll as well. His 36% approval rating in June is up from 33% last October. What's more, the [IBD/TIPP Presidential Leadership Index](#) — a broader approval measure — shows a steady rise since October, when it stood at 36.5, to June's 41.1.

Opposite Trends

What explains the two divergent popularity trends? Perhaps it's because the public eventually sees behind the media smoke screen to what's actually happening around them.

In Obama's case, his economic policies left the economy struggling long after the recession had ended. He was also entirely dismissive of Republicans, spent like there was no tomorrow, and devoted most of his time and energy pushing for ObamaCare, which the public hated.

For Trump, in contrast, the economy is booming, jobs are plentiful, [household incomes are at record highs](#), optimism is up across the board — for which the public credits Trump. And he appears to be doing well internationally.

We suspect that even if Trump's approval did manage to climb above 50% in all the polls, the press would refuse to ever call him "popular." It certainly wouldn't do anything to dispel the intense hostility of his critics. They have a hard enough time describing him as "legitimate."

Disclaimer: The Republican National Committee provided the above article as a service to its employees and other selected individuals. Any opinions expressed therein are those of the article's author and do not necessarily reflect the views and opinions of the RNC.

DeVito, Andrea

From: DeVito, Andrea
Sent: Wednesday, June 20, 2018 11:10 AM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Fox News Sunday with Chris Wallace

Thanks Sarah.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Wednesday, June 20, 2018 11:07 AM
To: DeVito, Andrea <Andrea.DeVito@FOXNEWS.COM>
Subject: RE: Fox News Sunday with Chris Wallace

We'll pas at this point

xxxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: DeVito, Andrea <Andrea.DeVito@FOXNEWS.COM>
Sent: Wednesday, June 20, 2018 9:01 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Fox News Sunday with Chris Wallace

Hi Sarah—hope you are well. I would like to put in a request for an exclusive interview with AG Sessions for this coming Sunday, live at 9am ET to discuss immigration. I have also put the request in with the WH. Thanks for considering us. Let me know what you think.

Andrea

(b)(6)

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O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 19, 2018 10:54 PM
To: Martin, Lynne Jordal
Subject: Re: FIXED! Re: Embarrassed

Thank you!

Sent from my iPhone

On Jun 19, 2018, at 10:45 PM, Martin, Lynne Jordal <Lynne.JordalMartin@FOXNEWS.COM> wrote:

Devin,
I have updated the piece and re-published it. It should be Live in about 15 minutes. And now off to get some rest! Hope you get some, too.
Best,
Lynne

Lynne Jordal Martin
Sr Editor, Opinion
Fox News

On Jun 19, 2018, at 8:44 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Thank you!

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Martin, Lynne Jordal <Lynne.JordalMartin@FOXNEWS.COM>
Sent: Tuesday, June 19, 2018 8:43 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: Embarrassed

Hi Devin,
Yes, of course! I am not at home right now but expect to be in an hour or less...
Will fix tonight!

Lynne Jordal Martin
Sr Editor, Opinion
Fox News

On Jun 19, 2018, at 8:25 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Hi Lynne-

I'm so embarrassed. I must have sent you an old version of the op-ed. It said "Tuesday," but it should probably read "Last week." We also changed the name to "Place to Worship," not "Freedom to Worship." Do you think you could make a quick fix online?

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

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Fanning, Elizabeth

From: Fanning, Elizabeth
Sent: Tuesday, June 19, 2018 9:00 PM
To: O'Malley, Devin (OPA)
Subject: RE: Tucker's face right now!!!

What a time to be alive

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Tuesday, June 19, 2018 8:44 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: Tucker's face right now!!!

I'm dying.

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Tuesday, June 19, 2018 8:43 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: RE: Tucker's face right now!!!

This was something.....

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Tuesday, June 19, 2018 8:43 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: Tucker's face right now!!!

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

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that this chain of its attachments are without defect.

Kerry Picket

From: Kerry Picket
Sent: Tuesday, June 19, 2018 7:44 PM
To: Flores, Sarah Isgur (OPA)
Subject: DNA Tests to verify familial relationships of UAC's

Tony Perkins says that AG Sessions is discussing this with members on cap hill as a way to verify relationships with immigrant children and illegal alien adults who have them in tow at the border. Is this true? And is DHS involved with these talks?

--
Kerry Picket

Reporter

Kerry@DailyCaller.com

[@KerryPicket](#)

THE DAILY CALLER

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 19, 2018 5:01 PM
To: Kristina Wong; Prior, Ian (OPA); Press
Subject: RE: Confirm?

That's an FBI question

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Kristina Wong <kwong@breitbart.com>
Sent: Tuesday, June 19, 2018 4:58 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>; Press <Press@jmd.usdoj.gov>
Subject: Confirm?

Hi, can you confirm Strzok was escorted out of FBI HQs this afternoon as part of the disciplinary process?

Thank you!

Kristina

--

Kristina Wong
Pentagon reporter, Breitbart News
(202) 716-0072
@kristina_wong

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 19, 2018 4:44 PM
To: Jarrett, Laura; Gibson, Jake; Williams, Pete (NBCUniversal); Reid, Paula; Levine, Mike; Horwitz, Sari; Tucker, Eric; Sadie Gurman
Subject: FW: DRIVER AND FOUR OTHERS CHARGED IN TEXAS CRASH THAT RESULTED IN THE DEATHS OF FIVE ILLEGAL ALIENS

FLAGGING

XXXX

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: USDOJ-Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Tuesday, June 19, 2018 3:46 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: DRIVER AND FOUR OTHERS CHARGED IN TEXAS CRASH THAT RESULTED IN THE DEATHS OF FIVE ILLEGAL ALIENS

John F. Bash
United States Attorney
Western District of Texas

FOR IMMEDIATE RELEASE
TUESDAY, JUNE 19, 2018
WWW.JUSTICE.GOV/USAO-WDTX
CONTACT: DARYL FIELDS
PHONE: (210) 384-7440

**DRIVER AND FOUR OTHERS CHARGED IN TEXAS CRASH
THAT RESULTED IN THE DEATHS OF FIVE ILLEGAL ALIENS**

DEL RIO, TX - In Del Rio today, federal authorities charged five individuals, including 20-year-old Jorge Luis Monsivais, Jr., of Eagle Pass, TX, for their roles in a smuggling scheme that resulted in the deaths of five illegal aliens, announced United States Attorney John F. Bash, U. S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) Special Agent in

Charge Shane Folden, U.S. Border Patrol Del Rio Sector Chief Patrol Agent Felix Chavez and Dimmit County Sheriff Marion Boyd.

A federal complaint charges the defendants with transporting illegal aliens and conspiracy to transport and harbor illegal aliens resulting in serious bodily injury and death. Upon conviction, the offense is punishable by life imprisonment or death, a \$250,000 fine, and five years of supervised release.

On June 17, 2018, U.S. Border Patrol agents initiated immigration inspections on three vehicles—a 2013 Tahoe, a 2007 Suburban, and a 2008 Tahoe—traveling in a convoy on FM 2644 between El Indio, TX and Carrizo Springs, TX.

According to the criminal complaint, the 2013 Tahoe yielded while the other two led Border Patrol agents and Dimmit County Sheriff's deputies on high speed chases. While traveling east bound on Highway 85, Monsivais, the driver of the 2007 Suburban, crashed as he entered the town of Big Wells, TX. According to the complaint, Monsivais was traveling with 13 suspected illegal aliens—including one juvenile—at the time of the crash. Four of them died at the scene. Nine were transported to a hospital for medical care. One died on the way to the hospital. One was released to the custody of the U.S. Border Patrol after receiving medical attention. Seven remain hospitalized, including the juvenile.

The criminal complaint alleges that the driver of the 2008 Tahoe evaded law enforcement before purposefully coming to a stop. Several people absconded from the vehicle. U.S. Border Patrol agents detained the driver, a 17-year-old juvenile, and captured ten suspected illegal aliens in the area.

In addition to Monsivais, the criminal complaint charges the driver of the 2013 Tahoe, 55-year-old Mexican citizen Marcial Gomez Santana; and occupants, 45-year-old Mexican citizen Mariela Reyna; Marcial's son, 21-year-old Rudy Gomez of Hockley, TX; and, Marcial's daughter, 19-year-old Johana Gomez of Houston, TX, as conspirators in the smuggling venture. All five charged in the federal criminal complaint remain in custody.

Of the 23 illegal aliens involved in this scheme, 21 are Mexican nationals and two are Honduran nationals. At this time, six of the 23 illegal aliens are being held on federal complaints as material witnesses. This investigation continues. No other federal charges have been filed. The juvenile driver is in the custody of Dimmit County authorities.

The U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) is leading this investigation together with the U.S. Customs and Border Protection's Border Patrol—Del Rio Sector and the Dimmit County Sheriff's Office. Assistant United States Attorney Paul Harle is prosecuting this case on behalf of the Government.

A criminal complaint is merely a charge and should not be considered as evidence of guilt. The defendants are considered innocent until proven guilty in a court of law.

#

Do not reply to this message. If you have questions, please use the contacts in the message.

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 19, 2018 2:05 PM
To: McDonnell, Brigid Mary
Subject: RE: Fox w/ Shannon

So my big idea fell through. Will need to find another one now....unfortunately, we don't have anything particularly good planned for the next couple weeks at this point.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>
Sent: Monday, June 18, 2018 6:17 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Fox w/ Shannon

Hey Sarah—
Just wanted to circle back on this...

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Thursday, June 14, 2018 7:26 PM
To: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>
Subject: RE: Fox w/ Shannon

Going on a trip would be great. Let's discuss possibilities around that early next week? Might have something with potential next Friday....

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>
Sent: Wednesday, June 13, 2018 7:13 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Fox w/ Shannon

Hi Sarah—

If you OR the AG would be avail to join us tomorrow after the IG report, would love to make it happen. Additionally, if there's an opportunity to have the AG on soon or to go on a trip with him when he's discussing one of his issues he's been championing please let me know.

Thank you!

Brigid Mary McDonnell

Fox News @ Night w/ Shannon Bream

Cell: (b)(6)

@BrigidMaryMcD

BrigidMary.McDonnell@FoxNews.com

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McDonnell, Brigid Mary

From: McDonnell, Brigid Mary
Sent: Thursday, June 14, 2018 7:46 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Fox w/ Shannon

Sounds great - thx!

Brigid Mary McDonnell
Fox News Channel
Cell: (b)(6)

On Jun 14, 2018, at 7:25 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000542



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 19, 2018 2:04 PM
To: Talarico, Julie
Subject: RE: AG Sessions on America's Newsroom

Great to know. We're probably going to see how the hill talks shake out to decide on next steps.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Talarico, Julie <Julie.Talarico@FOXNEWS.COM>
Sent: Tuesday, June 19, 2018 8:57 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: AG Sessions on America's Newsroom

Hi Sarah –

Hope you've been awesome!

Just wanted to touch base really fast. America's Newsroom new format now includes a "headliner" segment in our 10am hour. It is a longer interview with both Bill and Sandra, at either 10am or 10:30am. Would absolutely love to get the Attorney General on this very soon, especially with everything going on at the border. Let me know if we can work something out. Thanks!

Julie Talarico

Associate Producer/Booker
America's Newsroom with Bill Hemmer and Sandra Smith
Fox News Channel
Desk: (b)(6)
Mobile: (b)(6)
julie.talarico@foxnews.com



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jpollak@breitbart.com

From: jpollak@breitbart.com
Sent: Tuesday, June 19, 2018 1:13 PM
To: Sarah Isgur Flores
Subject: Of interest: Pollak: How the Left Misinterprets the Bible to Promote Open Borders

<http://www.breitbart.com/big-government/2018/06/19/pollak-how-the-left-misinterprets-the-bible-to-promote-open-borders/>

Pollak: How the Left Misinterprets the Bible to Promote Open Borders



 Leviticus 19 (Joel Pollak / Breitbart News)

19 Jun 2018

The left is outraged that Attorney General Jeff Sessions would dare to cite the New Testament in support of the Trump administration's policies of enforcing immigration laws at the country's borders.

Many have responded by citing the Old Testament injunction in Leviticus 19 to welcome the stranger. However, they are misinterpreting the verse. A more accurate interpretation of the passages in Leviticus actually supports the administration's policy.

Leviticus 19:33-34 reads as follows (Chabad [translation](#)):

33. When a stranger sojourns with you in your land, you shall not taunt him.

34. The stranger who sojourns with you shall be as a native from among you, and you shall love him as yourself; for you were strangers in the land of Egypt. I am the Lord, your God.

Rev. Dr. Margaret Aymer and Laura Nasrallah [write](#) in the *Washington Post* that these lines “argue for care for the stranger and the immigrant.”

This is a case, however, where reading the Bible in translation misses some of the original meaning. The Bible uses a Hebrew word used for “stranger,” “גֵּר” (“ger”), which is also the word for “convert.”

The implication is that the “stranger” who “sojourns with you” does not merely live among you, but also agrees to obey your God and your laws.

That is how the rabbinical commentators understand the phrase, noting that it is forbidden to remind a “ger” that he used to worship idols and that he had now undertaken the study of

the Torah that God had given the Jews.

So, yes — the Bible commands us to “care for the stranger and the immigrant.” But the implication is that they will first agree to obey our laws.

That is the thrust of the Trump administration’s policy: to provide a path for those legal immigrants who agree to honor the laws of the United States, and to prosecute those whose first act is to defy them.

Joel B. Pollak is Senior Editor-at-Large at Breitbart News. He was [named](#) to Forward’s 50 “most influential” Jews in 2017. He is the co-author of [How Trump Won: The Inside Story of a Revolution](#), which is available from Regnery. Follow him on Twitter at [@joelpollak](#).

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Monday, June 18, 2018 6:34 PM
To: Dooley, Peggy
Cc: Martin, Lynne Jordal
Subject: Re: Attorney General Sessions oped

Thank you both so much

Sent from my iPhone

On Jun 18, 2018, at 6:01 PM, Dooley, Peggy <peggy.dooley@FOXNEWS.COM> wrote:

Devin, this is set to go live at 4am ET – thank you,
Peggy

Attorney General Sessions: President Trump knows religious freedom is a right, not a policy preference - <http://www.foxnews.com/opinion/2018/06/19/attorney-general-sessions-president-trump-knows-religious-freedom-is-right-not-policy-preference.html>

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Conti, Andrew

From: Conti, Andrew
Sent: Monday, June 18, 2018 3:29 PM
To: Flores, Sarah Isgur (OPA)
Cc: Woodhull, Lauren; Firth, Thomas
Subject: RE: PRODUCER INTRO FOR TONIGHT'S INGRAHAM ANGLE INTERVIEW - AG SESSIONS

Got it, thanks

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Monday, June 18, 2018 3:28 PM
To: Conti, Andrew <Andrew.conti@FOXNEWS.COM>
Cc: Woodhull, Lauren <Lauren.woodhull@FOXNEWS.COM>; Firth, Thomas <thomas.firth@FOXNEWS.COM>
Subject: Re: PRODUCER INTRO FOR TONIGHT'S INGRAHAM ANGLE INTERVIEW - AG SESSIONS

We'll probably be there closer to 10--his makeup is usually very quick.

On Jun 18, 2018, at 2:25 PM, Conti, Andrew <Andrew.conti@FOXNEWS.COM> wrote:

Hi Sarah,
Thanks again for all your help setting up tonight's interview with the AG. We have AG Sessions scheduled from our DC studio (400 ncap). AG Sessions segment will hit around 10:15p, right after we report all the news that broke today. My colleague Lauren, who is on this email, will take over from here and produce tonight's segment. Please arrive by 9:45p. The AG will be able to hear Laura's Angle tonight and will be clear by 10:30p. Again, we very much appreciate the interview tonight. As you know, Laura is hosting tonight from Los Angeles. I have your cell as (b)(6). Thanks and have a great show.
Best,
Andrew

Andrew P. Conti
Fox News Channel
(b)(6) - direct
(b)(6) - cell

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 18, 2018 1:46 PM
To: Gibson, Jake
Subject: Re: Segment

Lollll WHAT DOCUMENTS?? They need to show you the subpoena and then what is outstanding.

On Jun 18, 2018, at 12:21 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

FOX NEWS ALERT.

house republicans stepping up their fight to get the justice department to turn over documents to congress.

((WALL))

HOUSE OVERSIGHT COMMITTEE CHAIRMAN TREY GOWDY -- WARNING THE DOJ THAT LAWMAKERS WILL BE TAKING ACTION THIS WEEK --

IF THE D-O-J FAILS TO COMPLY WITH A SUBPOENA,
SEEKING DOCUMENTS SURROUNDING THE 20-16 ELECTION.

chairman GOWDY SUGGESTING LAWMAKERS COULD move to hold D-O-J

OFFICIALS IN CONTEMPT:

((PAUSE FOR SOT))

GOWDY: We're going to get compliance or the house of representatives is going to use its full arsenal of weapons to gain compliance this is too important it was too important before the ig report the ig report has even heightened the need for us to understand what happened in 2016

((ON CAM))

HOUSE INTELLIGENCE CHAIRMAN DEVIN NUNES ALSO VOWING THAT
LAWMAKERS WON'T BACK DOWN.

WATCH:

((PAUSE FOR SOT))

NUNES: If documents do not begin to be turned over tomorrow and a clear way and path forward for everything else is not clear here in the next couple days, there's going to be hell to pay by [Wednesday morning](#)

((ON CAM))

OFFICIALS FROM THE D-O-J AND F-B-I DID NOT HAVE AN IMMEDIATE COMMENT.

((NEXIO))

ROBERT DRISCOLL, FORMER DEPUTY ASSISTANT ATTORNEY GENERAL UNDER PRESIDENT GEORGE W. BUSH.

((REMOTE))

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

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Robbins, Christina

From: Robbins, Christina
Sent: Monday, June 18, 2018 11:17 AM
To: Flores, Sarah Isgur (OPA); Ehram, Lauren (OPA)
Subject: DOJ guest Tuesday or another day this week?

Hi –

Can the Attorney General join Harris Faulkner about the debate about funding the wall and the separation of children from parents at the southern border? We can do any time this week in the 1p hour.

If the AG can't join, Sarah, can you join us?

Christina Svolopoulos Robbins

DC Booking Supervisor / Producer

Fox News Channel

Direct: (b)(6)

Cell: (b)(6)

Email: Christina.Robbins@FoxNews.com

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Martin, Lynne Jordal

From: Martin, Lynne Jordal
Sent: Monday, June 18, 2018 8:51 AM
To: O'Malley, Devin (OPA)
Subject: RE: Attorney General Op-ed

Good morning Devin!

Thank you! We will look this over right away...

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Monday, June 18, 2018 8:41 AM
To: Martin, Lynne Jordal <Lynne.JordalMartin@FOXNEWS.COM>
Subject: Attorney General Op-ed

Hi Lynne-

I thought FOX may be a good venue for the attached op-ed by the Attorney General. While it may seem like a nuanced issue, it's an overall fight on free exercise of religion that this is a part of.

Let me know your thoughts or if you have any questions or concerns.

Thanks

Devin

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

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Our Founders recognized that religion and religious people play a key role in strengthening our society. They feed the hungry, heal the sick, and comfort the grieving. They teach right behavior and give meaning to life. They are present at birth and at death.

That's why the Founders gave the public expression of religious belief a triple protection in our Constitution by protecting the "free exercise" of religion—not just worship in secret—banning an established religion, and ensuring the freedom of speech.

Under President Donald Trump, the federal government is affirming these protections and the contribution that religious individuals make to this country.

Since his election, President Trump has been an unwavering defender of religious liberty. He has promised that under a Trump Administration, "the federal government will never, ever penalize any person for their protected religious beliefs."

At the Department of Justice, we are taking these fundamental principles seriously, and we are putting them into action.

For example, our Solicitor General argued before the Supreme Court in support of the Colorado baker who was sued for refusing to bake a cake for a same sex wedding. Earlier this month, the Court ruled in favor of the baker, 7 to 2.

We have settled 24 civil cases with approximately 90 plaintiffs regarding the previous administration's wrongful application of the contraception mandate to objecting religious employers. Last month, a district court in Colorado issued a permanent injunction in the case involving the Little Sisters of the Poor, a group of nuns who serve the elderly poor. Because this injunction is permanent, the government can never again violate the Little Sisters' rights in this way. These cases should never have been necessary in the first place. Religious groups should not have to go to the courts to protect their rights.

Soon after he took office, President Trump directed me to issue legal guidance for all executive agencies about how to apply the religious liberty protections in federal law. I issued that guidance in October, and it makes clear that religious exercise is not just some policy preference: it is an inalienable right.

The guidance reiterates that our government may not discriminate against or between religious groups.

For example, religious organizations must be on equal footing with one another and with secular organizations when it comes to government grant funding.

That's why, in January, we filed a brief in a Montana court to defend parents who claim that the state discriminated against their children by barring them from a private school scholarship program because they attend a religious school.

Religious schools and other institutions must also be on equal footing with one another and with secular institutions when it comes to zoning laws.

It is not enough to say people have freedom of worship but not the freedom to buy land, build a church, or expand the property they already have. For freedom of religion to be real, people need a proper space where they can worship, pray, or preach.

When I was in the Senate, we passed a law called the Religious Land Use and Institutionalized Persons Act (RLUIPA), which prevents cities and towns from discriminating against religious organizations in land use and zoning decisions. RLUIPA lets the Department step in when churches, synagogues, mosques, or religious schools are treated differently from other public spaces.

Since it was enacted in 2000, RLUIPA has helped us defend many religious groups across the nation. It has enabled us to protect Orthodox Jews in New York, Muslims in Minnesota, Greek Orthodox Christians in Wisconsin, and many others.

Today I am announcing a new initiative to help us carry out RLUIPA. It's called the Freedom to Worship Initiative. Under this initiative, the Department of Justice will seek to raise awareness about RLUIPA through public events across America and through better training for local officials and our federal prosecutors. These efforts will help us bring more RLUIPA cases—and it will help us win them. I also hope that if more people know their rights—and if more public officials know what the law requires—more cities and towns across America will accommodate people of faith without the involvement of the Department.

Our Founders reserved a space for people of faith in the first lines of the First Amendment. Under President Trump's strong leadership, this Department of Justice is ensuring that people of faith can find have a fair shot at finding space in every town and every city in America.

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 18, 2018 2:13 AM
To: Laura.Jarrett@cnn.com; Jake.Gibson@FOXNEWS.COM; Pete Williams
Subject: FPPO AND EMBARGOED
Attachments: nsa.pdf

Last few paragraphs address separation at the border. Figure cables may want to carry live. He takes the stage at 915--so my best guess is 935 for that part to start.

(He will still be making edits in the am but the attached should give you a good idea of where things probably will go)

>

Remarks of AG Sessions to the NSA Annual Conference
New Orleans, LA
June 18, 2018

Thank you, Jonathan [Thompson], for that kind introduction. And thank you for your friendship and for your leadership at the National Sheriffs' Association. You are one of the most respected and effective leaders in Washington.

I also want to recognize Sheriff Harold Eavenson, president of NSA. It is good to see you again. Thank you once again for your more than 30 years in law enforcement and service to the people of Texas, as well as your support for the Department of Justice.

I should also mention Sheriff Bob Gualtieri from Florida—he is one of the 16 Florida sheriffs who have worked out an agreement with ICE to help them deport criminal aliens out of the Sunshine State. Aliens are held under the color of federal authority—that protects these sheriffs from being sued for doing their jobs.

I also want to thank Secretary Nielsen and Congressman Scalise for being here.

It is an honor to be with you all once again. With more than 20,000 members and 75 years of history, the National Sheriffs' Association is one of the largest and oldest law enforcement groups in America.

I had a chance to talk with Jonathan and a few others last month at a roundtable on opioids, where we discussed how the Department of Justice can support you in your efforts to stop this epidemic.

Before I say anything else, I want to take a moment to remember Deputy Sheriff William Gentry who served for 13 years in the Highland County Sheriff's Office in Florida. Last month, he gave his life in the line of duty.

His loss is a reminder that law enforcement faces danger each and every day. You put yourselves in harm's way so that the rest of us can live in peace. You are the thin blue line between life and death, between safety and lawlessness.

This is a difficult job, but when rules are fairly and consistently enforced, life is better for all—particularly for our poor and minority communities.

Most people obey the law. They just want to live their lives. They're not going to go out and commit violent crimes or felonies.

As my former boss, President Reagan used to say, “most serious crimes are the work of a relatively small group of hardened criminals.”

That is just as true today as it was back then.

That's why we've got to be smart and fair about how we identify criminals and who we put behind bars and for how long.

This association, Jonathan, and your leaders have studied these issues for years. Getting this issue right is extremely important. Lives are at stake.

I want to call your attention to something important. A few weeks ago, the Department of Justice's Bureau of Justice Statistics released a new report on the recidivism rate of inmates released from state prisons in 30 states.

This is the longest-term study that BJS has ever done on recidivism and perhaps the largest. It was designed by the previous administration. The results are clear and very important. The results are of historic importance. The reality is grim indeed.

The study found that 83 percent of 60,000 state prisoners released in 2005 were arrested again within nine years. That's five out of every six.

The study shows that two-thirds of those – a full 68 percent – were arrested within the first three years. Almost half were arrested within a year – *one year* – of being released.

The study estimates that the 400,000 state prisoners released in 2005 were arrested nearly 2 million times during the nine-year period – an average of five arrests each.

Virtually none of these released prisoners were arrested merely for probation or parole violations: 99 percent of those arrested during the 9-year follow-up period were arrested for something other than a probation or parole violation.

In many cases, former inmates were arrested for an offense at least as serious – if not more so – as the crime that got them in jail in the first place.

It will not surprise you that this is often true for drug offenders.

Many believe that most drug offenders are young experimenters or persons who made a mistake. We want to believe they can learn their lesson and will not offend again. But the study shows something different.

Seventy-seven percent of all released drug offenders were arrested for a *non-drug* crime within nine years. Presumably, many were arrested for drug crimes also.

Importantly, nearly half of those arrests were for a violent crime.

These are grim findings indeed.

Understanding the reality of crime requires clear eyes.

This study was a product of the *previous* administration's methodology. Indeed, the methods of information gathering and statistical analysis have been used for years. In fact, a comparable report was released under President Obama.

This tells us that recidivism is no little matter. It is a fact of life that must be understood.

But overall, the good news is that the professionals in law enforcement know what works in crime. We've been studying this and working on this for 40 years.

From 1964 to 1980, the violent crime rate tripled. Robbery tripled. Rape tripled. Aggravated assault nearly tripled. Murder doubled.

And then, from 1991 to 2014, violent crime dropped by half. Murder dropped by half. So did aggravated assault. Rape decreased by more than a third, and robbery plummeted by nearly two-thirds.

That wasn't a coincidence. Between that big rise in crime and that big decline in crime, President Reagan and the great Attorney General Ed Meese went to work.

There was the elimination of parole, the Speedy Trial Act, the elimination of bail on appeal, increased bail for dangerous criminals before trial, the issuing of sentencing guidelines, and in certain cases, mandatory minimum sentences.

We increased funding for the DEA, FBI, ATF, and federal prosecutors. And most states and cities followed Reagan's lead. Professionalism and training dramatically increased in local law enforcement.

These were the biggest changes in law enforcement since the founding of this country. These laws were critical to re-establishing public safety.

When a criminal knows with certainty that he is facing hard time, he is a lot more willing to confess and cooperate with prosecutors. On the other hand, when the sentence is uncertain and up to the whims of the judge, criminals are a lot more willing to take a chance.

Many of our cases in federal court involve quite significant offenders we worked with you to apprehend.

The certainty of a significant and fixed sentence helps us get criminals to hand over their bosses, the kingpins and the cartel leaders—and removing entire gangs and criminals from the street. Left unaddressed these organizations only get richer, stronger, more arrogant and violent placing whole neighborhoods in fear.

Law enforcement officers understand that. Sheriff Eavenson and NSA have been critical allies in the fight to preserve mandatory minimums for a long time—and I want to thank you for your strong advocacy. Many doubt their value.

Maybe this is obvious, but a recidivist can't hurt the community if he is incarcerated. A lot of people who would have committed crimes in the 1990s and 2000s didn't because they were locked up in a cell. Murders were cut in half after 1980.

How many did not die or suffer because of the historic decline in crime?

Look, our goal is not to fill up the prisons. Our goal is to reduce crime and to keep every American safe. We should not as a policy keep persons in prison longer than necessary. But clear and certain punishment does in fact make America safer.

The day I was sworn in as Attorney General, President Trump sent me a clear order. And, let me tell you, Donald Trump knows how to give a clear order. He told me to “reduce crime in America.” Not to preside over ever-increasing crime. Take action and bring down crime.

In the last two years of the Obama administration, the overall violent crime rate went up by nearly seven percent.

Robberies went up. Assaults went up nearly 10 percent. Rape went up by nearly 11 percent. Shockingly, murder increased by more than 20 percent. All after decades of decline.

President Trump is having none of it. He said bring down crime. Make this country safe.

Improved professionalism in all areas of law enforcement and some excellent legislation were major factors in the long crime decline.

Congress helped us then and we need their help now.

One of the most important laws that President Reagan signed into law was the Armed Career Criminal Act.

That's the law that requires a minimum 15-year sentence for felons caught with a firearm after their third robbery or burglary conviction.

These are not so-called “low-level, nonviolent drug offenders” who are being picked on. These are criminals who have committed multiple serious offenses.

In 2015—after 30 years on the books—one critical line of the law was struck down by the Supreme Court as being too vague.

But because of this impactful ruling, every federal prosecutor lost one of their most valuable tools and they ask me for help regularly.

Just one example is Jeffrey Giddings of Oregon. He had more than 20 convictions since 1991. He was let out of jail after the Court ruling and only 18 days later shot a police officer and held two fast food employees hostage. He has now been sentenced to another 30 years in prison. And the last thing he did before being put back in jail was to lash out in a tirade of profanity at police.

That officer should never have been shot. Jeffrey Giddings should have been behind bars.

More than 1,400 criminals—each convicted of three felonies—have been let out of jail in the three years since the Court ruling. And so far, more than 600 have been arrested again.

On average, these 600 criminals have been arrested three times since 2015. A majority of those who have been out of prison for two years have already been arrested again.

Here in Louisiana, nearly half of the released ACCA offenders released because of this court ruling have already been rearrested or returned to federal custody.

These numbers are staggering, but they are still likely an underrepresentation of these criminals' illegal activity. Any sheriff in this room will tell you that criminals rarely get caught on their first offense. We can only imagine how many innocent people have been victimized.

Releasing these hardened criminals into our communities before they serve their minimum term is not fair to crime victims. And it is not fair to law enforcement.

You and your deputies shouldn't have to go into danger time and again to arrest the same people.

In this noble calling, all of us in this room are leaders. The NSA is fulfilling its responsibility in this regard. We must communicate sound principles to our policy leaders and to the American people when it comes to reducing crime:

- A small number of people commit most of the crimes;

- Those who are jailed for crimes are very likely to commit more crimes—often escalating to violent crimes—after their release; and
- Congress and our legislatures must consider legislation that protects the public by ensuring that we incapacitate those criminals and deter others.
- And so the point is this: we should always be looking for effective and proven ways to reduce recidivism, but we must also recognize that simply reducing sentences without reducing recidivism unfairly creates more victims.

This Department of Justice under President Trump is committed to working with you to deliver justice for crime victims and consequences to criminals. We want to be a force multiplier for you.

The President has ordered us to back the women and men in blue and to reduce crime in America. And that's what we intend to do. We embrace that mission and enforce the law with you.

I'd like to discuss one last thing when it comes to enforcing our laws before I leave you. There is an important conversation occurring in this country about whether we want to be a country of laws or whether we want to be a country without borders. It is one of the reasons the American people elected President Trump—to end the lawlessness at our southern border.

Importantly, during the last administration, they decided that they would arrest some people who crossed the border illegally but anyone who brought a child with them would be given immunity from arrest and prosecution.

Word got out about this loophole with predictable results. The number of illegal aliens crossing with children went from X to X—that's a 5-fold increase—in just the last 4 years. This cannot continue.

We do not want to separate children from their parents. We do not want adults to bring children into this country unlawfully, placing them at risk.

But we do have a policy of prosecuting those who flout our laws to come here illegally instead of waiting their turn to apply or claiming asylum at any border crossing. We cannot and will not encourage people to bring their children by giving them blanket immunity from our laws.

After the policies of the last 8 years, we had hundreds of thousands of unaccompanied minors coming through our borders—which has led to a resurgence of the violent MS-13 gang terrorizing high schools and even middle schools in Maryland and Long Island. We also saw a surge of illegal aliens crossing with children expecting to be allowed to cross illegally without fear of penalty and whose children were then eligible for DACA.

In total, HHS is spending over a billion taxpayer dollars a year caring for these minors. That is an enormous cost that we bear because we sent a message to the world that we would accept any child and encouraged those crossing illegally to bring children if they did not want to face prosecution and deportation.

We have a generous system that admits over a million people a year with legal status. But when we ignore our laws at the border we obviously encourage hundreds of thousands of people a year to likewise ignore our laws and illegally enter our country, creating an enormous burden on our law enforcement, our schools, our hospitals, and social programs.

President Trump has said this cannot continue. We do not want to separate parents from their children. If we build the wall, if we pass legislation to end the lawlessness, we won't need to make these terrible choices. We will have a system where those who need to apply for asylum can do so and those who want to come to this country will apply legally. The American people are generous people who want our laws enforced. That is what we intend to do, and we ask Congress to be our partners in this effort.

Thank you again for having me here today. It is always an honor to speak to you—the front lines of our nation’s law enforcement. Because you and I know what works. We’ve reduced crime in America before; we can do it again.

And in this joint effort, you can be certain about this: we have your backs and you have our thanks.

Gibson, Jake

From: Gibson, Jake
Sent: Sunday, June 17, 2018 9:49 AM
To: Flores, Sarah Isgur (OPA)
Subject: Fwd: URGENT: FNS-Trey Gowdy tells Chris there was a meeting Friday with House members & FBI/DOJ Officials-where Speaker Ryan demanded they comply with the subpoena request

Subject: URGENT: FNS-Trey Gowdy tells Chris there was a meeting Friday with House members & FBI/DOJ Officials-where Speaker Ryan demanded they comply with the subpoena request

House Oversight Chairman Trey Gowdy (R-SC) tells Chris there was a Speaker Ryan led meeting Friday night with members of the DOJ and FBI, including Rod Rosenstein and Christopher Wray where Speaker Ryan made it clear that "there's going to be action on the floor of the House this week if FBI and DOJ do not comply with our subpoena request."

09:14:26 GOWDY: There is no ambiguity, the Speaker of the House was really clear: you're going to comply or there's going to be floor action, and I think they got the message.

WALLACE: And floor action would be?

GOWDY: The full panoply of constitutional weapons available to the people's house.

WALLACE: Including contempt of Congress?

GOWDY: Um, that would be among them, yes Sir. I don't want the drama I want the documents. (25)

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

Browne, Pamela

From: Browne, Pamela
Sent: Friday, June 15, 2018 8:38 PM
To: SpecialCounselPress
Cc: Herridge, Catherine; Prior, Ian (OPA); Mears, William; Upson, Cyd; Flores, Sarah Isgur (OPA)
Subject: Re: DAG/SC 2017 request for review/Comey actions

Thank you.

Pamela K. Browne

Senior Executive Producer
Director, Long-Form Series and Specials
FOX News

1211 Avenue of the Americas/16th Floor
New York, New York 10036

T-(b)(6)

C-(b)(6)

> On Jun 15, 2018, at 8:15 PM, SpecialCounselPress <SpecialCounselPress@usdoj.gov> wrote:

>

> Hi Catherine. We will decline to comment as well.

>

> Joshua Stueve

> Spokesman

> Special Counsel's Office

>

>> On Jun 15, 2018, at 5:53 PM, Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov> wrote:

>>

>> Nothing from us

>>

>>> On Jun 15, 2018, at 5:04 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

>>>
>>> Good afternoon -
>>>
>>> These 2017 letters seek review of former Director Comey's actions, to determine if he is a "credible witness" before further investigative steps are taken.
>>>
>>> We understand that ODAG Schools confirmed DAG Rosenstein's receipt of the letter.
>>>
>>> For DOJ, was there further consideration of the request, and any action taken, that can be publicly disclosed?
>>>
>>> Peter, the Kasowitz letter was hand delivered to SC Mueller. Can you confirm receipt, and whether the request was considered or further action taken.
>>>
>>> Thank you for the assistance.
>>> Catherine
>>> This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.
>>> <Scan09012017_132011.pdf>

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john@johnmdowd.com

VIA E-MAIL

September 1, 2017

The Honorable Rod Rosenstein
Deputy Attorney General
U.S. Department of Justice
9th & Pennsylvania Avenue
Washington, DC 20530

Re: Request for Federal Grand Jury Investigation of Former FBI Director James B. Comey

Dear Deputy Attorney General Rosenstein:

I was recently advised that Special Counsel Robert Mueller is inexplicably not investigating the official misconduct of former FBI Director James Comey involving his unlawful conduct and testimony set forth in our complaining letter of June 27, 2017 attached hereto for your perusal and consideration. It is particularly troubling that it was Mr. Comey's plainly deliberate, unlawful conduct and false Congressional testimony which precipitated your appointment of Special Counsel Mueller. Indeed, Mr. Comey publicly bragged about it.

I further understand that the Department of Justice has failed to open and commence a full Federal Grand Jury investigation into the obviously corrupt closing of the e-mail investigation of Secretary Clinton including the highly irregular and bizarre conduct of Mr. Comey and then Attorney General Lynch. Nor has it addressed the corruption investigation of the Clinton Foundation being conducted by the FBI's crack Group 15 corruption team.

We now learn that then Director Comey drafted his unauthorized, improper and dishonest, conclusion to the Clinton e-mail investigation three months before the clearly superficial and inadequate investigation was even conducted. We also learn the Records Division of the FBI has reached the absurd conclusion that the public is no longer interested in the Clinton e-mail scandal and chosen to cut off public access. The arrogance and abuse of power is overwhelming.

In short, it appears the fix was in, a cover-up is in place and the reputations of the FBI and the Department of Justice are now tarnished and hang in the balance.

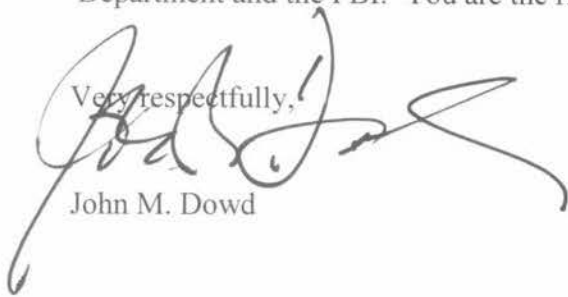
In 1976, I had the honor of conducting, with senior field FBI Inspectors and a Federal Grand Jury, the U.S. Recording Investigation which exposed financial corruption and misuse of official positions at the highest levels of the Federal Bureau of Investigation over a period of forty years. Attorney General Bell released that Report of that investigation to the public which became required reading within the FBI under Judge Webster.

Today, you are faced with a terrible blight on our Department of Justice which must be addressed to restore and inspire confidence in the Department. Accordingly, I respectfully urge you to direct immediately a full and fair Federal Grand Jury investigation aided by senior FBI inspectors, of all this conduct so there can be no question that the Department of Justice and the FBI, at all times act with integrity in their service to the American people.

It is important that you and the AG and FBI Director Wray separate yourself from the tainted continuum of the past and reset the public's much needed confidence in the integrity of the Department and the FBI. You are the right team with which to entrust this crucial challenge"

Very respectfully,

John M. Dowd

A handwritten signature in black ink, appearing to read 'John M. Dowd', written over the typed name.

KASOWITZ BENSON TORRES LLP

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SILICON VALLEY
WASHINGTON DC

June 27, 2017

By Hand

Robert S. Mueller
Special Counsel
United States Department of Justice
The Patriot Plaza
395 E Street, SW
Washington, D.C. 20024

Re: The conduct and sworn testimony of Former FBI Director James B. Comey

Dear Mr. Mueller:

This firm is personal counsel to President Donald J. Trump. This letter outlines various facts disabling Mr. James Comey's credibility and his testimony and claims about the President.

On June 8, 2017, Mr. Comey made a staggering and illuminating disclosure: after the President exercised his constitutional authority to remove Mr. Comey as FBI Director, Mr. Comey directed various surrogates to leak to the press his privileged and confidential conversations with the President (in violation of 18 U.S.C. § 641 and FBI employment agreements)¹ for the express purpose of "prompt[ing] the appointment of a special counsel"² -- a

¹ Mr. Comey's misappropriation and dissemination of information and memos he secured and created in his capacity as FBI Director is a clear violation of FBI employment terms which, among other things, provide: "I will not reveal, by any means, any information or material from or related to FBI files or any other information acquired by virtue of my official employment to any unauthorized recipient without prior official written authorization by the FBI." See FBI Employment Agreement, FD-291, available at <https://www.fbi.gov/file-repository/fd-291.pdf/view>. His actions also constitute a clear violation of 18 USC § 641, which makes it a crime to steal, convert or convey "any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof." See, e.g., *United States v. DiGilio*, 538 F.2d 972, 978 (3d Cir. 1976) ("asportation of records owned by the United States" constituted a violation of § 641); cf. *Pfeiffer v. C.I.A.*, 60 F.3d 861, 864 (D.C. Cir. 1995) (report drafted by CIA employee was "indisputably the property of the Government.").

² See *Open Hearing: Former Director James Comey, FBI, Hearing before the Senate Select Committee on Intelligence*, 115th Cong. 125-26 (2017) (June 8, 2017 testimony of James Comey, Director, Federal Bureau of Investigation) (hereinafter the "Comey June 8 Testimony") ("And so I asked a friend of mine to share the content of the memo with a reporter. Didn't do it myself, for a variety of reasons. But I asked him to, because I thought that might prompt the appointment of a special counsel. And so I asked a close friend of mine to do it.")

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special counsel Mr. Comey previously saw no need for before being terminated, and whose desired appointment by him could only be viewed as retributive. The significance of this disclosure and Mr. Comey's related testimony cannot be underestimated. Mr. Comey claimed, in prepared and oral testimony, that he promised the President "honest loyalty," an account the President disputes.³ But if Mr. Comey did make such a statement, it was obviously a lie.

There is no "honest loyalty" in an FBI Director surreptitiously leaking to civilians his privileged and confidential conversations with the President, or misappropriating and disseminating his confidential FBI memos or their contents about those meetings. There is no "honest loyalty" in using those civilians as surrogates to feed stolen information and memos to the press to achieve a personal, political, and retributive objective of harming a sitting president. There is no "honest loyalty" in Mr. Comey telling the President that DOJ and FBI protocols prevented him from publicly disclosing that the President was not under investigation while Mr. Comey was simultaneously violating those protocols and rules in leaking his conversations with the President to private surrogates. There is no "honest loyalty" in making a public announcement concerning the scope of the investigation that reinforced -- instead of dispersed -- the false belief that the President was under investigation. And there is no "honest loyalty" in appearing before Congress to level allegations against the President that Mr. Comey had never before expressed to anyone and contradicted repeatedly in words and actions for over half a year before he was removed as Director.

Beyond Mr. Comey's untrue pledge of "honest loyalty," his testimony and actions over the last year reveal an FBI director unbounded by law and regulation, driven by his own personal interests and emotions, willing to provide embellished and incorrect testimony, and in the words of former Clinton Deputy Attorney General Jamie Gorelick, engaged in "a kind of reality TV . . . antithetical to the interests of justice."⁴ The proof is overwhelming.

For example, when Mr. Comey unilaterally announced the termination of the Clinton email investigation, he did so without securing permission from his superiors at DOJ whose authority he was purporting to usurp. When he later tried to defend his decision before Congress, he never disclosed that he took this unprecedented action based, in part, on documents indicating there was a secret deal between then-Attorney General Lynch and the Clinton campaign to not let the Clinton investigation "go too far," or that at the time he made that

³ See *Open Hearing: Former Director James Comey, FBI, Hearing before the Senate Select Committee on Intelligence*, 115th Cong. 125-26 (2017) (June 8, 2017 statement of James Comey, Director, Federal Bureau of Investigation) (hereinafter the "Comey June 8 Prepared Remarks"); see also Comey June 8 Testimony ("Cornyn: [Y]ou agreed upon honest loyalty, or something like that. Is that the characterization? Comey: Yes").

⁴ See Jamie Gorelick and Larry Thompson, *James Comey is Damaging Our Democracy*, *The Washington Post* (Oct. 29, 2016).

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announcement he had not even determined whether those documents were authentic or accurate or otherwise investigated the explosive facts they suggested.⁵ That his immediate response to such allegations was not to investigate them, or notify Congress and others at DOJ, but to shut down the investigation just as the documents suggested the Attorney General had promised, raises extremely troubling questions that have never been investigated, let alone answered. Mr. Comey's willingness to abide such troubling information without meaningful investigation or alarm stands in stark contrast to his extreme extracurricular efforts to "prompt the appointment of a special counsel" against President Trump immediately after being terminated; this despite his not having seen the need for any special counsel while actually serving as FBI Director. At a minimum, this contrast depicts a person with a strong instinct for self-preservation and a malleable moral compass.

Likewise, in attempting to defend to Congress his October 28, 2016 letter reopening the Clinton investigation days before the election, Mr. Comey testified he had no choice because the FBI had just recovered "hundreds and thousands of emails, some of which contain[ed] classified information."⁶ This was a self-serving exaggeration of monumental proportions. In fact, according to the FBI, there were only a handful of emails at issue, only two of which were classified.⁷

Similarly, on January 6, 2017, in his first official briefing with President-elect Trump, Mr. Comey requested a separate private meeting in which he confronted the President-elect with phony but highly embarrassing allegations concerning his personal life. According to Mr.

⁵ See Matt Apuzzo, Michael S. Schmidt, Adam Goldman, and Eric Lichtblau, *Comey Tried to Shield the F.B.I. From Politics. Then He Shaped an Election*, *The New York Times* (Apr. 22, 2017) ("Early last year, F.B.I. agents received a batch of hacked documents, and one caught their attention. The document, which has been described as both a memo and an email, was written by a Democratic operative who expressed confidence that Ms. Lynch would keep the Clinton investigation from going too far, according to several former officials familiar with the document."); Karoun Demirjian and Devlin Barrett, *How a dubious Russian document influenced the FBI's handling of the Clinton probe*, *The Washington Post* (May 24, 2017) ("A secret document that officials say played a key role in then-FBI Director James B. Comey's handling of the Hillary Clinton email investigation has long been viewed within the FBI as unreliable and possibly a fake, according to people familiar with its contents."); see also *Oversight of the Federal Bureau of Investigation, Hearing before the Senate Judiciary Committee*, 115th Cong. 125-26 (2017) (May 3, 2017 statement of James Comey, Director, Federal Bureau of Investigation) (hereinafter the "Comey May 3 Testimony") ("The normal way to do it would be have the Department of Justice announce it, and I struggled, as we got closer to the end of it, with—a number things had gone on, some of which I cannot talk about yet, that made me worry that the Department leadership could not credibly complete the investigation and decline prosecution without grievous damage to the American people's confidence in the justice system."); June 22, 2017 Senate Judiciary Committee letter to Amanda Renteria (although the [Washington Post] article claimed that the FBI "concluded" by August 2016 that the document was unreliable, the article noted "Wasserman Schultz, Benardo and Renteria said they have never been interviewed by the FBI about the matter" and that "the FBI did not interview anyone mentioned in the Russian document about its claims").

⁶ See Comey May 3 Testimony.

⁷ Michael S. Schmidt, *F.B.I. Clarifies Comey's Testimony on Clinton Emails*, *The New York Times* (May 9, 2017).

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Comey, immediately upon leaving the meeting he began a practice of preparing a memo record even though there has been no suggestion that anything unusual occurred, and he had never done anything similar with President Obama. Over the course of the next several months he kept memos of his communications with the President, leaked the content of those communications to surrogates, and not only failed to correct the public misconception that the President was under investigation, but made dramatic public statements reinforcing that incorrect and harmful perception.⁸ These actions are difficult to understand except as part of an effort to use his position as FBI Director to affect the President's ability to act, including his ability to replace the FBI Director while the public perceives the President is under investigation.

Finally, over the course of the last year, Mr. Comey has repeatedly offered embellished, exaggerated, inaccurate, and most of all, self-serving testimony and private accounts about, among other things: his reasons for usurping the DOJ's prosecutorial authority over the Clinton investigation and his reopening of the investigation on the eve of the election; his "chameleon" like efforts to remain unnoticed at a White House event and "disgust" at being acknowledged along with others by the President;⁹ his leaks of privileged and confidential information to manipulate the administration and news coverage; the reasons for his controversial actions; and his conversations with the President.

Over the last six months, Mr. Comey has offered a repeat performance of his handling of the Clinton email investigation by acting unilaterally and with a gross disregard for the statutory and constitutional limits of his office and his responsibilities to those above in the chain of command. The impunity with which Mr. Comey obviously felt he was entitled to operate is terrifying for any senior government official, but perhaps most so for the Director of the FBI. The requests for private meetings to confront a President with embarrassing information, the secret recordkeeping concerning the President's conversations, and the leaks to manipulate press and politics conjure up a darker day at the FBI and undermine its standing today.

We respectfully submit that Mr. Comey's deliberate and corrupt efforts to undermine the authority of this President, set forth more fully below, were undertaken for his own benefit and should be rejected without further inquiry.

⁸ See Comey June 8 Testimony; Comey June 8 Prepared Remarks.

⁹ Dan Gundersman, *Friend of James Comey says former FBI director was 'disgusted' after President Trump's White House hug*, *New York Daily News* (May 19, 2017).

A. Comey's Pattern of Unilateral and Unbridled Action.

Over the last year, Mr. Comey has engaged in a pattern of calculated unilateral action unbounded by governing law, regulation and practice, and plainly motivated by personal and political self-interest.

First, as set forth fully in Deputy Attorney General Rod Rosenstein's May 9, 2017 memorandum to Attorney General Sessions, then-Director Comey "was wrong to usurp the Attorney General's authority on July 5, 2016, and announce his conclusion that the case should be closed without prosecution"; wrong to ignore the "well-established process for other officials to step in" if, as Mr. Comey claimed, the Attorney General was conflicted; wrong to "*sua sponte*" "hold a press conference to release derogatory information about the subject of a declined criminal investigation"; and wrong to write a letter to Congress on October 28, 2016, announcing that the FBI was again investigating Secretary Clinton instead of "quietly open[ing] a criminal investigation" according to "the long standing policy that we refrain from publicizing non-public information."

In each of these actions, Mr. Comey exhibited an extraordinary and unprecedented willingness, indeed need, to act unilaterally and without regard for the limits of his jurisdiction and legal authority. There is also an obvious political and personal self-interest served by each decision.

For example, in unilaterally usurping the DOJ's prosecutorial authority to end or pursue the Clinton investigation, Mr. Comey did not even inform, let alone ask permission from, his immediate superiors at DOJ. His public excuse for this action was that, among other things, he was in possession of documents indicating that Attorney General Lynch had entered into a corrupt agreement with the Clintons not to pursue a prosecution, and that if such information became public it would undermine the credibility of any DOJ decision not to prosecute Secretary Clinton.¹⁰ Although news reports (likely based on information from Comey) indicated the FBI feared the documents were phony, Comey did not order the most basic investigatory steps to determine this critical fact before terminating the investigation, nor did he investigate whether any such corrupt agreement existed.¹¹ His immediate response was not to investigate the new facts, but to stop the pending investigation. Of course, this decision not only secured the objective the documents said Mr. Comey's boss had promised the Clintons, but by Mr. Comey's own admission, it insulated his boss from potentially dangerous scrutiny if she had made that decision.

Mr. Comey continued his Machiavellian behavior after President Trump was elected. In his first formal interaction with President-elect Trump, Mr. Comey requested a private, one-on-one meeting with the President-elect after a joint security briefing at Trump Tower. In that

¹⁰ See *supra* fn. 5.

¹¹ *Id.*

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private meeting, Mr. Comey, conjuring images of former FBI Director J. Edgar Hoover, confronted the President-elect with an uncorroborated “dossier” containing a fake account of scandalous behavior by the President in Moscow years earlier. Although Mr. Comey’s testimony does not indicate anything unusual about the security briefing or private meeting that day, he inexplicably stated that he “felt compelled to document my first conversations with the President-Elect in a memo,” “began to type it on a laptop in an FBI vehicle outside Trump Tower the moment I walked out of the meeting,” and “[c]reating written records immediately after one-on-one conversations with Mr. Trump was my practice from that point forward,” even though “[t]his had not been my practice in the past” with President Obama.¹²

But over the course of the following six months, the record, including Mr. Comey’s testimony and the public accounts of his surrogates, suggests that Mr. Comey’s memos and other actions were part of an effort to influence the news and the President, and particularly to sustain an investigative cloud over his head that would make it difficult for him to fire Mr. Comey. Indeed, Mr. Comey’s testimony and the news reports from his surrogates reveal that they explicitly discussed the risk that he would be removed and were planning leaks of his interview memos in that event.¹³ And, ultimately, this is exactly what they did when Mr. Comey was fired. But Mr. Comey began such leaks to at least his surrogates no later than March 2017.

While Mr. Comey’s leaks violated the law and the FBI’s employment terms, he was simultaneously citing DOJ rules and policies to stonewall the President’s repeated pleas for a public disclosure that he was not under investigation to clear the cloud over his administration. Making matters worse, on March 20, 2017, Mr. Comey made what *The New York Times* described as an “extraordinary” announcement that the FBI was investigating whether people associated with the Trump Campaign had colluded in Russian election interference. Despite his repeated assurances to the President over the prior three months that he was not under investigation, the President’s repeated pleas to make that fact public, and Mr. Comey’s testimony that he had DOJ approval to make this “extraordinary” announcement, Mr. Comey not only declined to clarify that there was no investigation of the President, but he used broad language that only reinforced the inaccurate perception that the President was under investigation. And this was precisely what occurred in the news coverage. This was plainly no mistake, but a calculated decision, which, taken in the context of Mr. Comey’s other actions, once again raises the specter of an FBI Director using his position and power to manipulate a President.

Of course, Mr. Comey’s willingness to use his position to serve his own personal and political interests was completely unveiled when he was removed as FBI Director. When he was removed, he and his surrogates immediately executed on their retaliatory plan for the express purpose of, in Mr. Comey’s own testimony, “prompt[ing] the appointment of a special counsel,”

¹² Comey June 8 Prepared Remarks.

¹³ See Michael Schmidt, *In a Private Dinner, Trump Demanded Loyalty. Comey Demurred*, *The New York Times* (May 11, 2017) (“Mr. Comey described details of his refusal to pledge his loyalty to Mr. Trump to several people close to him on the condition that they not discuss it publicly while he was F.B.I. director. But now that Mr. Comey has been fired, they felt free to discuss it on the condition of anonymity.”).

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even though he had never suggested one was necessary before he was removed and was happy to proceed in his position without one. This blatant abuse of his position in the FBI, the confidences he had with the President as a result of that position, and the information he became privy to as a result of that confidence, reveals a manipulative, unprincipled, and rogue individual who believes he can act with impunity, and who is undeniably not trustworthy as a witness or otherwise. Indeed, over the past year, Mr. Comey's repeated failures to provide truthful testimony bear out this conclusion.

B. Comey's Pattern of Inaccurate and Incomplete Testimony.

Over the course of the last year, Mr. Comey has testified numerous times concerning the Russia investigation that is now the responsibility of the Special Counsel. During that time, Mr. Comey has exhibited a pattern of exaggerated, embellished, and materially incomplete and self-serving testimony that cripples the credibility of his accounts on matters large and small.

1. Comey's Testimony Defending His July 5, 2016 Announcement.

On July 5, 2016, Mr. Comey convened an impromptu press conference without seeking permission from, or even notifying, the Department of Justice, in which he unilaterally declared not only that the FBI was closing its investigation into the Clinton email server, but that no prosecution would be pursued because "no reasonable prosecutor" would do so.¹⁴ On May 24, the *Washington Post* reported, citing "current and former officials," that Mr. Comey relied on certain purportedly Russian documents in deciding to conduct this unprecedented election-year announcement and, in fact, that these officials believed the documents "left him little choice" because they included an email reflecting a promise from then-Attorney General Lynch to the Clinton campaign to not permit the email investigation to "go too far."¹⁵ According to these sources familiar with Comey's thinking, he felt he needed to usurp the Attorney General's prosecutorial authority because if she were to make such a decision and these emails were to be released, it would undermine the public's confidence in the judicial system.¹⁶

According to these same sources, however, at the time he made this announcement, the FBI feared that the emails were unreliable and were potentially Russian forgeries.¹⁷ Nevertheless, according to Senator Lindsey Graham, in attempting to defend his unprecedented unilateral action, Mr. Comey "never once told a member of the House or Senate that he thought

¹⁴ See July 5, 2016 Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System.

¹⁵ Karoun Demirjian and Devlin Barrett, *How a dubious Russian document influenced the FBI's handling of the Clinton probe*, *The Washington Post* (May 24, 2017).

¹⁶ *Id.*

¹⁷ *Id.*

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the email was false” or that the FBI feared that it was false.¹⁸ There is obviously an enormous difference between the credibility of a claim based on authentic and true information and a claim based on phony or uncorroborated suspect information, and Mr. Comey’s concealment of this distinction in defending his unprecedented decision to the public and Congress is a materially misleading omission. As Senator Graham explained: “I can’t imagine a scenario where it’s OK for the FBI Director to jump in the middle of an election based on fake emails generated by the Russians and not tell Congress.”¹⁹

Even more troubling, those same prior reports indicated that before Comey made that July announcement, the FBI had failed to take the most basic steps to actually determine whether the email was authentic, and it now appears the emails may be authentic.^{20,21} If true, Comey’s unilateral and unprecedented announcement terminating the investigation, without even investigating the authenticity of the emails, raises serious questions as to whether Comey’s announcement may have consummated precisely the corrupt agreement reflected in those emails; why he took no steps to investigate whether such a corrupt agreement existed or to notify Congress about it; why he would have rushed to make his unprecedented announcement without knowing the facts; and why he never disclosed this issue of potentially enormous public importance in his public testimony. Certainly, this self-serving omission of information left the public with a materially misleading and incomplete account of this historic and highly controversial action, and shielded Mr. Comey from even more intense criticism and scrutiny than he was and continues to receive for his actions.

2. Comey’s Testimony Defending His October 28, 2017 Letter.

Similarly, in attempting to defend his subsequent October 28, 2017 letter announcing that he had reopened the FBI’s Clinton email server investigation, Mr. Comey testified on May 3, 2017 before the Senate Judiciary Committee that he felt compelled to notify Congress because the FBI had learned that Clinton aide Huma Abedin had forwarded “hundreds and thousands of emails, some of which contain[ed] classified information,” to her spouse Anthony Weiner. However, the FBI later informed Congress that Mr. Comey’s testimony was false and misleading because only a “small number” of emails had been forwarded, and only two contained classified

¹⁸ Eli Watkins, *Graham: It’s ‘stunning’ Comey never told Congress about fake email*, CNN (May 28, 2017), available at <http://www.cnn.com/2017/05/28/politics/lindsey-graham-james-comey/index.html>.

¹⁹ *Id.*

²⁰ *See supra* fn. 5.

²¹ The potential for collusion between the Attorney General and the Clinton Campaign with respect to the email server investigation is particularly concerning since the Justice Department did not make normal investigative tools like grand juries available to the FBI in that investigation. This lack of support plainly impaired the FBI’s ability to robustly pursue the investigation as evidenced by, among other things, its inability to secure unfettered access to computer records and compel witness testimony.

information. Once again, Mr. Comey provided materially false and misleading testimony that had the self-serving effect of making his highly-criticized actions seem more reasonable and appropriate. Left unanswered from this inaccurate testimony was the real reason for his decision and whether he was, for example, concerned that the FBI's New York Office's unexpected possession of these emails would have shown that Mr. Comey's unilateral closing of the investigation almost four months earlier had been ill-advised, premature, and possibly improper.²²

3. Comey's Testimony Denying He Leaked Information.

On May 3, 2017, Mr. Comey testified that he had "never" acted as an "anonymous source in news reports about matters relating to the Trump investigation or the Clinton investigation" and never "authorized someone else at the FBI to be an anonymous source in news reports about the Trump investigation or the Clinton investigation."²³ However, Mr. Comey's June 8 testimony and the public record reveal that no later than March 2017, he was sharing with civilian surrogates detailed accounts of his meetings with the President, which were the subject of purported contemporaneous FBI memos he had prepared in his capacity as FBI Director. Moreover, according to these accounts, Mr. Comey shared these details with his surrogates with the understanding that they be released to the press were he removed as FBI Director, which is exactly what happened. While Mr. Comey's testimony might have been technically correct, it was plainly incomplete and misleading to not have disclosed that he had, in fact, leaked this information to surrogates for the obvious purpose of leaking it in the future in the event he were removed as FBI director.

Moreover, there is evidence of leaks from Mr. Comey long before his May 3, 2017 testimony. For example, on January 10, 2017, the New York Times reported the details of Mr. Comey's January 6, 2010 one-on-one meeting with the President in Trump Tower at which Mr. Comey reported on the so-called Steele Dossier and its embarrassing fictitious account of President Trump having engaged in scandalous behavior in Moscow years earlier.²⁴ Since only President Trump and Mr. Comey were in that meeting, it appears he or his surrogates were some of the sources for these reports, which is contrary to his May 3, 2017 testimony. Notably, when Congressman Peter King asked Mr. Comey about the leaks concerning this private meeting

²² It has also been reported that Comey and the FBI had received but did not review a complete set of the Clinton emails, including the thirty-thousand that they had otherwise not been able to recover from the primary sources. See Adam Goldman and Matt Apuzzo, *How the F.B.I. Reviewed Thousands of Emails in One Week*, *The New York Times* (Nov. 7, 2016).

²³ Comey May 3 Testimony.

²⁴ Scott Shane, Adam Goldman and Matthew Rosenberg, *Trump Received Unsubstantiated Report That Russia Had Damaging Information About Him*, *The New York Times* (January 10, 2017).

during Mr. Comey's March 20, 2017 testimony, Mr. Comey deflected the question by stating that he did not want to "confirm something that was in a newspaper."²⁵

**4. Mr. Comey's Claims About the January 22, 2017
Law Enforcement White House Meeting.**

Finally, it is notable that the accounts Mr. Comey fed his surrogates were, like his testimony, self-serving and incredible. For example, on January 22, 2017, just days after the inauguration, Comey attended a meeting of law enforcement agencies at the White House. Through his surrogate Ben Wittes, Comey later publicly reported that he "really didn't want to go" because he feared it would aggravate Democratic hostility toward him.²⁶ To avoid being "singled-out", Comey's surrogate explained "he [stood] in the part of the room as far from Trump as it is physically possible" and wore a blue suit so he could blend into the blue drapes like a "chameleon." Despite these elaborate measures, Comey's surrogate reported that he was "disgusted" when the President "singled him out" for praise and a "hug" in an "intentional[] attempt[] to compromise him in public" in a way "calculated to maximally drive home [the] sensitivity" of Democrats.²⁷

This dramatic tale bears no relation to the actual event, which can be watched on YouTube.²⁸ First, the video reveals that Comey, far from hiding, was conspicuously standing directly across from the President, in his direct line of sight, and apart from others.

Second, it is clear that Mr. Comey was not "singled-out" in a "calculated" manner, but, rather, was acknowledged as almost an afterthought during spontaneous comments the President made acknowledging others he had noticed in the room. Specifically, immediately before acknowledging Mr. Comey, the President was in the process of inviting the attendees to pose for pictures when he began acknowledging, off-the-cuff, several Customs and Border Patrol officers, then praised their leader at Homeland Security, Secretary John Kelly. Then, looking directly ahead, the President spontaneously noticed and acknowledged the Director of the Secret Service, asked him to come forward, acknowledged the protection his agency was providing the President, embraced him, and invited him to remain standing with the President and Vice-President. The President then began returning to his remarks before noticing Mr. Comey standing directly across from him and, in an obvious effort not to slight the FBI Director, having just acknowledged the Secret Service Director, paused again from his remarks and said, "Oh and

²⁵ See *Open Hearing on Russian Active Measures Investigation, Hearing before the House Permanent Select Committee on Intelligence*, 115th Cong. 125-26 (2017) (March 20, 2017 testimony of James Comey, Director, Federal Bureau of Investigation) (hereinafter the "Comey March 20 Testimony").

²⁶ James Comey felt it was his job to protect the FBI from Trump, says friend, *PBS* (May 19, 2017), available at <http://www.pbs.org/newshour/bb/james-comey-felt-job-protect-fbi-trump-says-friend/>.

²⁷ *Id.*

²⁸ <https://www.youtube.com/watch?v=vIPqoRKQyKk>.

there is Jim. He has become more famous than me.” It does not appear from the video that the President invited Mr. Comey to come forward, but instead appears that Mr. Comey undertook to do so just as the Secret Service chief had just done. A handshake, not a hug, ensued, after which time Mr. Comey returned to his previous location. The account of this exchange, which Mr. Comey fed to his surrogates, is bizarrely grandiose and detached from what actually happened.

5. Comey’s Testimony That He Only Leaked His Conversations With the President In Response to the President’s “Tapes” Tweet.

On June 8, 2017, Comey testified that he directed that his surrogates leak the contents of his memos regarding his conversations with the President in response to a May 12, 2017 tweet concerning the potential that the President’s conversations with Mr. Comey had been recorded. Once again, Mr. Comey’s self-serving explanation, obviously intended to justify his leaks, is demonstrably false.

The public record reflects that on May 11, 2017, the day before the tweet and two days after he was removed as director, Mr. Comey’s surrogates leaked the details of his January 27, 2017 dinner with the President to *The New York Times*, as he and they had previously planned to do -- those leaked accounts are virtually identical to Mr. Comey’s June 8, 2017 prepared testimony, which he testified he prepared with the aid of his purportedly contemporaneous memos. Thus, contrary to his testimony, it is clear that Mr. Comey’s surrogates were referencing the memos almost verbatim and were leaking the details of his meetings before the tweet, and not in response to it.

6. Comey’s Testimony That He Was “Directed” To Stop Investigation.

On June 8, 2017, Mr. Comey further testified that he felt the President had “directed” him to stop his investigation into General Flynn’s statements to the FBI about his conversation with the Russian ambassador. However, Mr. Comey admitted that he never told either the Attorney General or Deputy Attorney General at the time that he believed he had received any such direction; instead he claimed he only told his senior FBI leadership team. But, two days after Mr. Comey was removed, the most senior member of his FBI leadership team (Deputy Director McCabe) contradicted this account by testifying that “there has been no effort to impede our investigation to date.”²⁹ This followed Mr. Comey’s testimony on May 3, 2017, just six days before his termination, that “it would be a big deal to tell the FBI to stop doing something . . . for a political reason. That would be a very big deal. It’s not happened in my experience.”³⁰

²⁹ See *Worldwide Threats Hearing, Hearing before the Senate Select Committee on Intelligence*, 115th Cong. 125-26 (2017) (May 11, 2017 testimony of Andrew McCabe, Acting Director, Federal Bureau of Investigation)

³⁰ Comey May 3 Testimony.

Moreover, in March, Comey was telling his surrogates that he felt that “we’ve . . . got [the President] trained” in the established communication protocols, and the next day he told an audience at a speech that “you’re stuck with me for about another six and a half years,” belying any sentiment that he was suffering under the pressure of a Presidential directive he was refusing to execute.³¹ Indeed, Mr. Comey’s June 8, 2017 prepared statement and testimony makes clear that after the President’s two purported conversations in which he mentioned General Flynn, he never brought up the topic again. Moreover, Mr. Comey’s June 8, 2017 testimony states that after the March 30, 2017 call in which he claims the President again stressed his desire for a public disclosure that the President was not under investigation, Comey testified he called Deputy Attorney General Boente to “report the substance of the call from the President and said I would await his guidance.”³² Mr. Comey’s prepared statement did not indicate he told the Deputy Attorney General that he felt he was under an inappropriate Presidential directive, and, in fact, his statement materially omitted the fact that he informed Deputy Attorney General Boente in that call that that he did not view the President’s communications as obstructive although it was uncomfortable and necessitated additional counseling on the appropriate process to be followed.

All of these facts belie the newly-minted account Mr. Comey articulated only after he was fired and had, by his own admission, leaked information in order to “prompt the appointment of a special counsel,” despite never suggesting a special counsel was necessary while FBI Director.

7. Comey’s Testimony That He Was Fired Because of Russia.

On June 8, 2017, Comey testified that he knew he was fired because of the Russia investigation because the President had said so. However, the President never made any such admission. Instead, in the television interview to which Comey was apparently referring, the President actually said the opposite: that he had terminated Comey because “he was not the right guy for the job” despite the fact that it might extend the Russian investigation, which the President stated he “expected” would continue.³³

**8. Comey’s Testimony That He Was Not Informed
About the Parameters of Attorney General Session’s Recusal.**

In his June 8, 2017 testimony, Comey testified that he was not aware of “any kind of memorandum issued from the Attorney General to the FBI outlining the parameters of his

³¹ See *Daily Mail* video, available at <http://www.dailymail.co.uk/embed/video/1426117.html>.

³² Comey June 8 Prepared Remarks.

³³ http://www.realclearpolitics.com/video/2017/05/11/president_trumps_full_interview_with_lester_holt.html.



KASOWITZ BENSON TORRES LLP

Robert S. Mueller
Special Counsel
Page 13

recusal.” However, that evening the Department of Justice issued a press release disputing Mr. Comey’s testimony: “On March 2, 2017, the Attorney General’s Chief of Staff sent the attached email specifically informing Mr. Comey . . . of the recusal and its parameters.”³⁴

In sum, there are disabling problems with the credibility of Mr. Comey and his testimony concerning his conduct over the last year and communications with the President. There is substantial evidence Mr. Comey was using his position as FBI Director to interfere with the President’s ability to exercise his unfettered constitutional authority, in particular his authority to appoint and replace the FBI Director. And there is no question that Mr. Comey improperly used the privileged and confidential information he obtained from the President as FBI Director to retaliate against the President after he was terminated. Mr. Comey is not a credible witness, and no potential investigation should be pursued based on claims he has made.

Sincerely,


Marc E. Kasowitz 

³⁴ <https://www.justice.gov/opa/pr/departments-justice-issues-statement-testimony-former-fbi-director-james-comey>.

Conti, Andrew

From: Conti, Andrew
Sent: Friday, June 15, 2018 1:26 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: background stuff

Got it, for background only. Confirmed Thanks much.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Friday, June 15, 2018 1:21 PM
To: Conti, Andrew <Andrew.conti@FOXNEWS.COM>
Subject: background stuff

As I said, speech is still going through revisions—but this will be for Monday am in NOLA

Thurs/fri immigration speeches:

<https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-lackawanna-college-immigration-and-law>

<https://www.justice.gov/opa/speech/attorney-general-sessions-addresses-recent-criticisms-zero-tolerance-church-leaders>

asylum announcement from Monday:

<https://www.justice.gov/opa/speech/attorney-general-sessions-delivers-remarks-executive-office-immigration-review-legal>

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee. If you are not the addressee indicated in this message (or responsible for delivery of the message to the addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

Draft #5 Reuss/Stafford/Cutrona/AG/Anderson
6/14/18 4:30 p.m.
1934 Words (19 minutes)

**Remarks of Attorney General Sessions to the National Sheriffs' Association
Annual Conference
New Orleans, LA
June 18, 2018**

Thank you, Jonathan [Thompson], for that kind introduction. And thank you for your friendship and for your leadership at the National Sheriffs' Association.

I also want to recognize Sheriff Harold Eavenson, president of NSA. It is good to see you again. Thank you once again for your more than 30 years in law enforcement and service to the people of Texas, as well as your support for the Department of Justice.

I also want to thank Secretary Nielsen and Congressman Scalise for being here.

It is an honor to be with you all once again. With more than 20,000 members and 75 years of history, the National Sheriffs' Association is one of the largest and oldest law enforcement groups in America.

I had a chance to talk with Jonathan and a few others last month at a roundtable on opioids, where we discussed how the Department of Justice can support you in your efforts to stop this epidemic. I believe that, together, we are making a lot of progress.

Before I say anything else, I want to take a moment to remember Deputy Sheriff William Gentry who served for 13 years in the Highland County Sheriff's Office in Florida. Last month, he gave his life in the line of duty.

We are grateful for his service to this country and I know that you are praying for his family just like I am.

Deputy Sheriff Gentry's loss is a reminder that law enforcement faces danger each and every day. You put yourselves in harm's way so that the rest of us can live in peace. You are the thin blue line between life and death, between safety and lawlessness.

That makes our open society and our entire American way of life possible.

Most people obey the law. They just want to live their lives. They're not going to go out and commit violent crimes or felonies.

As my former boss, President Reagan used to say, "most serious crimes are the work of a relatively small group of hardened criminals."

That is just as true today as it was back then.

That's why we've got to be smart about who we allow on our streets and who we put behind bars.

A few weeks ago, the Department of Justice's Bureau of Justice Statistics released a new report on the recidivism rate of inmates released from state prisons in 30 states. This is the longest-term study that BJS has ever done on recidivism. It was designed by the previous administration. The results are clear and very important. The results are historic.

The study found that 83 percent of 60,000 state prisoners released in 2005 were arrested again within nine years. That's five out of every six.

But it gets worse. The study shows that two-thirds of those a full 68 percent were arrested within the first three years. Almost half were arrested within a year *one year* of being released.

The study estimates that the 400,000 state prisoners released in 2005 were arrested nearly 2 million times during the nine-year period an average of five arrests each.

Virtually none of these released prisoners were arrested merely for probation or parole violations: 99 percent of those arrested during the 9-year follow-up period were arrested for something other than a probation or parole violation. In many cases, former inmates were arrested for an offense at least as serious if not more so as the crime that got them in jail in the first place.

It will not surprise you that this is often true for drug offenders.

Some politicians would have us believe that most drug offenders are just innocent kids who made a mistake or two. They say they're unlikely to reoffend if their sentences are reduced or if they can just get into the right reentry program. But the study shows something different it proves that the notion of so-called low-level drug offenders being unfairly locked away is just a myth.

Seventy-seven percent of all released drug offenders were arrested for a *non drug* crime within nine years.

Nearly half of those arrests were for a violent crime.

I can already hear the critics. They will say the report is biased or mean-spirited or something like that. But the study was a product of the *previous* administration's methodology. The methods of information gathering and statistical analysis have been used for years. In fact, a comparable report was released under President Obama.

The so-called experts who defend the drug dealers and traffickers are the same people that claim to discover a new solution to recidivism every few years.

The good news is that the professionals in law enforcement know what works. We've been studying this and working on this for 40 years.

From 1964 to 1980, the violent crime rate tripled. Robbery tripled. Rape tripled. Aggravated assault nearly tripled. Murder doubled.

And then, from 1991 to 2014, violent crime dropped by half. Murder dropped by half. So did aggravated assault. Rape decreased by more than a third, and robbery plummeted by nearly two-thirds.

That wasn't a coincidence. Between that big rise in crime and that big decline in crime, President Reagan and the great Attorney General Ed Meese went to work.

There was the elimination of parole, the elimination of bail on appeal, increased bail for dangerous criminals before trial, the issuing of sentencing guidelines and in certain cases mandatory minimum sentences. We increased funding for the DEA, FBI, ATF, and federal prosecutors. And most states and cities followed Reagan's lead.

I was a federal prosecutor before these laws went into effect and I was a federal prosecutor after these laws went into effect. I saw the transformation firsthand. These were the biggest changes in law enforcement since the founding of this country. These laws were critical to re-establishing law and order.

When a criminal knows with certainty that he is facing hard time, he is a lot more willing to cooperate with prosecutors and cut a deal. On the other hand, when the sentence is uncertain and up to the whims of the judge, criminals are a lot more willing to take a chance.

The certainty of a significant and fixed sentence helps us get criminals to hand over their bosses, the kingpins and the cartel leaders and it does, in fact, have a deterrent effect.

Law enforcement officers understand that. Sheriff Eavenson and NSA have been critical allies in the fight to preserve mandatory minimums for a long time and I want to thank you for your strong advocacy.

Maybe this is obvious, but a recidivist can't hurt the community if he is incarcerated. A lot of people who would have committed crimes in the 1990s and 2000s didn't. Not out of the kindness of their heart but because they were locked up in a cell.

Look, our goal is not to fill up the prisons. Our goal is to reduce crime and to keep every American safe. We should not as a policy keep persons in prison longer than necessary. We can wish it were not so, but clear and certain punishment does in fact make America safer.

The day I was sworn in as Attorney General, President Trump sent me a clear order. And, let me tell you, Donald Trump knows how to give a clear order. He told me

to “reduce crime in America.” Not to preside over ever-increasing crime. Take action and bring down crime.

At the end of the Obama years, crime was on the rise in America.

In the last two years of the Obama administration, the violent crime rate went up by nearly seven percent.

Robberies went up. Assaults went up nearly 10 percent. Rape went up by nearly 11 percent. Murder increased by more than 20 percent.

But enforcing the law and imposing strong penalties for criminals turned the tide before and it will do so again under President Trump.

Congress should help us in this effort.

One of the most important laws that President Reagan signed into law was the Armed Career Criminal Act. That’s the law that requires a minimum 15-year sentence for felons caught with a firearm after their third robbery or burglary conviction.

These are not so-called “low-level, nonviolent drug offenders” who are being picked on. These are criminals who have committed serious offenses over and over again.

In 2015 after 30 years on the books one line of the law was struck down by the Supreme Court as being too vague.

So we need Congress to rewrite the law and fix this.

The Court’s decision was clearly wrong. The law hadn’t been too vague for prosecutors like me to apply thousands upon thousands of times over three decades. But because of this impactful ruling, every federal prosecutor lost one of their most valuable tools.

That has had real consequences.

Just one example is Jeffrey Giddings of Oregon. He had more than 20 convictions since 1991. He was let out of jail after the Court ruling and only 18 days later shot a police officer and held two fast food employees hostage. He has now been sentenced to another 30 years in prison. And the last thing he did before being put back in jail was to lash out in a tirade of profanity at police.

That officer should never have been shot. Jeffrey Giddings should have been behind bars.

More than 1,400 criminals each convicted of three felonies have been let out of jail in the three years since the Court ruling. And so far, more than 600 have been

arrested again. On average, these 600 criminals have been arrested three times since 2015. A majority of those who have been out of prison for two years have already been arrested again.

Here in Louisiana, nearly half of the released ACCA offenders released because of this court ruling have already been rearrested or returned to federal custody.

These numbers are staggering, but they are still likely an underrepresentation of these criminals' illegal activity. Any sheriff in this room will tell you that criminals rarely get caught on their first offense. We can only imagine how many innocent people were victimized before they were arrested again.

In fact, it wouldn't surprise me if some of your deputies or even people in this room have had to go into dangerous situations to go after these criminals.

Releasing these criminals into our communities is not fair to crime victims. It is not fair to the law-abiding people who have to live in fear. And it is not fair to law enforcement.

You shouldn't have to go into danger time and again to arrest the same people.

I've been in and around law enforcement for nearly 40 years. And I know what you'd probably say to that. You'd say, that's our job and that's what we're going to do.

And you're right. Together, we are going to go after every criminal in America, whether it's their first offense or their five-hundredth offense.

This Department of Justice under President Trump is committed to working with you to bring justice to crime victims and consequences to criminals. We want to be a force multiplier for you. The President has ordered us to back the women and men in blue and to reduce crime in America. And that's what we intend to do and I said it on day one.

You and I know what works. We've reduced crime in America before. I firmly believe that we can do it again.

And in this join effort, you can be certain about this: we have your backs and you have our thanks.

Edwards, Jeremy M. (OPA)

From: Edwards, Jeremy M. (OPA)
Sent: Friday, June 15, 2018 10:00 AM
To: Dukeman, Paige
Cc: USDOJ-OfficeofPublicAffairs@public.govdelivery.com; 531-DCDeskOps; Bannon-Winthrop, Shawn C. (JMD)
Subject: RE: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Sounds good. Moving Kelly to bcc as I will be the primary POC for this event. Thanks!

Jeremy M. Edwards
Office of Public Affairs

(b)(6)

For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).

From: Dukeman, Paige <Paige.dukeman@FOXNEWS.COM>
Sent: Friday, June 15, 2018 9:57 AM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Cc: Edwards, Jeremy M. (OPA) <jmedwards@jmd.usdoj.gov>; USDOJ-OfficeofPublicAffairs@public.govdelivery.com; 531-DCDeskOps <DCdeskops@foxnews.com>; Bannon-Winthrop, Shawn C. (JMD) <sbannonwinthrop@jmd.usdoj.gov>
Subject: RE: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Sounds like this has gone pool and will be shot by ABC, so we no longer need to send a crew. Thanks all!

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]
Sent: Friday, June 15, 2018 8:58 AM
To: Dukeman, Paige <Paige.dukeman@FOXNEWS.COM>
Cc: Edwards, Jeremy M. (OPA) <Jeremy.M.Edwards@usdoj.gov>; USDOJ-OfficeofPublicAffairs@public.govdelivery.com; 531-DCDeskOps <DCdeskops@foxnews.com>; Bannon-Winthrop, Shawn C. (JMD) <Shawn.C.Bannon-Winthrop@usdoj.gov>
Subject: RE: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Adding Shawn who is taking care of that.

I am traveling with the AG.

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202.352.0172

Office: 202-330-0113
Cell: (b)(6)

From: Dukeman, Paige <Paige.dukeman@FOXNEWS.COM>
Sent: Friday, June 15, 2018 8:52 AM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Cc: Edwards, Jeremy M. (OPA) <jmedwards@jmd.usdoj.gov>; USDOJ-OfficeofPublicAffairs@public.govdelivery.com; 531-DCDeskOps <DCdeskops@foxnews.com>
Subject: RE: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Good morning Kelly – confirming that the patch can be made for today's 2p event? Thanks!

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]
Sent: Thursday, June 14, 2018 6:42 PM
To: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>
Cc: Edwards, Jeremy M. (OPA) <Jeremy.M.Edwards@usdoj.gov>; USDOJ-OfficeofPublicAffairs@public.govdelivery.com; 531-DCDeskOps <DCdeskops@foxnews.com>
Subject: Re: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Thanks! Working to patch that in.

On Jun 14, 2018, at 5:50 PM, Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM> wrote:

OOPS, looping in Kelly on THIS email.

From: Joost, Nathalie
Sent: Thursday, June 14, 2018 5:49 PM
To: 'jeremy.m.edwards@usdoj.gov' <jeremy.m.edwards@usdoj.gov>
Cc: 'USDOJ-OfficeofPublicAffairs@public.govdelivery.com' <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>; 531-DCDeskOps <DCdeskops@foxnews.com>
Subject: FOX NEWS RSVP: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

Hi Jeremy,

Fox News Channel plans to send a crew to tomorrow's event in the Great Hall. Looping in Kelly Laco to see if she can make the necessary patch for us to be able to go live via Great Hall fiber. Our crew will be (b)(6) and (b)(6).

Thanks in advance,
Nathalie
(b)(6)

From: USDOJ-Office of Public Affairs [<mailto:USDOJ->

[OfficeofPublicAffairs@public.govdelivery.com\]](mailto:OfficeofPublicAffairs@public.govdelivery.com)

Sent: Thursday, June 14, 2018 4:34 PM

To: 087-DC desk email <dc.desk@FOXNEWS.COM>

Subject: ATTORNEY GENERAL SESSIONS TO DELIVER OPENING REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S WORLD ELDER ABUSE AWARENESS DAY EVENT

FOR PLANNING PURPOSES ONLY
THURSDAY, JUNE 14, 2018

**ATTORNEY GENERAL SESSIONS TO DELIVER OPENING
REMARKS AT THE U.S. DEPARTMENT OF JUSTICE'S
WORLD ELDER ABUSE AWARENESS DAY EVENT**

******* MEDIA ADVISORY *******

WASHINGTON – Attorney General Jeff Sessions, on **Friday, JUNE 15, 2018**, will deliver the opening remarks at the World Elder Abuse Awareness Day event at the Department of Justice in the Great Hall.

WHO:

Attorney General Jeff Sessions

WHAT:

Attorney General Jeff Sessions will deliver the opening remarks at the World Elder Abuse Awareness Day event at the Department of Justice in the Great Hall. Immediately following the opening remarks, Deputy Secretary of Agriculture Stephen Censky will deliver remarks, followed by a panel discussion moderated by Associate Deputy Attorney General Antoinette T. Bacon. Panel participants include Marc Krickbaum, United States Attorney for the United States District Court for the Southern District of Iowa, Brent Elrod, National Program Leader, National Institute of Food and Agriculture (USAID), and Daniel Adame, Criminal Investigations Group Inspector in Charge for the U.S. Postal Inspection Service. The event will also feature personal accounts from individuals affected by elder fraud.

WHEN:

Friday, June 15, 2018
2:00 p.m. EDT

WHERE:

Department of Justice
Robert F. Kennedy Building
Great Hall
950 Constitution Ave, NW

Washington, D.C.

OPEN PRESS

The event will be livestreamed at: www.justice.gov/live

NOTE: All media must RSVP and present government-issued photo I.D. (such as a driver's license) as well as valid media credentials.

Please RSVP with the email address of the person(s) attending the event, so that we may reach them directly if details change.

The RSVP and any inquiries regarding logistics should be directed to jeremy.m.edwards@usdoj.gov

#

Do not reply to this message. If you have questions, please use the contacts in the message or call the Office of Public Affairs at 202-514-2007.

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Pfeiffer, Alex

From: Pfeiffer, Alex
Sent: Thursday, June 14, 2018 4:27 PM
To: Prior, Ian (OPA)
Cc: O'Malley, Devin (OPA)
Subject: Re: IG press contact

Thanks, I appreciate it.

> On Jun 14, 2018, at 4:26 PM, Prior, Ian (OPA) <Ian.Prior@usdoj.gov> wrote:

>

> (b)(6) John Lavinsky (OIG)

>

> John Lavinsky

>

> Ian D. Prior

> Principal Deputy Director of Public Affairs > Department of Justice > Office: 202.616.0911 > Cell:

> (b)(6)

>

> For information on office hours, access to media events, and standard ground rules for interviews, please click here.

>

>

> -----Original Message-----

> From: O'Malley, Devin (OPA)

> Sent: Thursday, June 14, 2018 4:00 PM

> To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>

> Cc: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>

> Subject: Re: IG press contact

>

> Ian may know

>

> Sent from my iPhone

>

>> On Jun 14, 2018, at 3:48 PM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

>>

>> Hey Devin - What is a good press contact for the IG?

>>

>> Thanks

>>

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>>

Pfeiffer, Alex

From: Pfeiffer, Alex
Sent: Thursday, June 14, 2018 4:11 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Tucker Carlson Tonight inquiry about Pete Strzok

Okay, thanks for getting back to me.

> On Jun 14, 2018, at 4:09 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

>

> I'll refer you to the FBI--he would not be covered by the same rules as McCabe and would have to be fired through their process and director wray.

>

>> On Jun 14, 2018, at 3:40 PM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

>>

>> Hey Sarah - I assume today has been a pretty busy day for you, sorry about that. I have two questions for the DOJ.

>>

>> Is Peter Strzok getting fired? If so, why not?

>>

>> Thanks,

>> Alex Pfeiffer

>> Associate Producer

>> Tucker Carlson Tonight

>>

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>>

Pettit, Mark T. (OPA)

From: Pettit, Mark T. (OPA)
Sent: Thursday, June 14, 2018 3:09 PM
To: jean.lee@FOXNEWS.COM
Subject: RE: NEIL CAVUTO/FOX NEWS INTERVIEW REQUEST

Hello Jean,
Thank you so much for reaching out! Unfortunately we will not be able to fulfill your request.
Best,
Mark Pettit

Mark T. Pettit
Confidential Assistant
Office of Public Affairs
U.S. Department of Justice
Office: 202.514.1449
Cell: (b)(6)

From: Lee, Jean <jean.lee@FOXNEWS.COM>
Sent: Thursday, June 14, 2018 2:58 PM
To: Press <Press@jmd.usdoj.gov>
Subject: NEIL CAVUTO/FOX NEWS INTERVIEW REQUEST

Hello,

I hope this email finds you well. I know AG Sessions has a very busy schedule, but does he have any availability in the 4pmET hour tomorrow to join Neil Cavuto in discussing this report? Please let me know if we can make something work!

Thanks,

Jean Lee

Fox News Channel
Booker, "Your World with Neil Cavuto"
Office: (b)(6)
Cell: (b)(6)

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Mears, William

From: Mears, William
Sent: Thursday, June 14, 2018 1:55 PM
To: Prior, Ian (OPA)
Subject: Fox News Inquiry

Ian:

Is it possible to email a PDF of the IG report right at 2pm to me and Catherine Herridge, and to be able to report on this right at 2pm? Our concern is accessing the report right at 2pm online, when the server may crash because of heavy user overload.

We don't want to be waiting while others have the report. Thanks for any consideration.

Bill Mears
Supreme Court Producer
Fox News Channel
william.mears@foxnews.com

(b)(6) (o)
(b)(6) (c)



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Robbins, Christina

From: Robbins, Christina
Sent: Thursday, June 14, 2018 10:54 AM
To: Ehram, Lauren (OPA); Flores, Sarah Isgur (OPA)
Subject: Req for statement / any info you want to share -

Hi!

Does the DOJ have a statement/response to the Republicans on House Intel's letter to Deputy AG Rod Rosenstein about the DOJ limiting the meeting about the FBI informant docs to just the "Gang of 8"? Anything you want me to have for review or to show when talking to a republican on that committee who signed the letter? We are speaking to one in the 1p hour today.
If so – please send my way. Thanks!

Christina Svolopoulos Robbins
DC Booking Supervisor / Producer
Fox News Channel
Direct: (b)(6)
Cell: (b)(6)
Email: Christina.Robbins@FoxNews.com

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Herridge, Catherine

From: Herridge, Catherine
Sent: Wednesday, June 13, 2018 8:58 PM
To: Flores, Sarah Isgur (OPA); Prior, Ian (OPA)
Cc: Gibson, Jake; Mears, William
Subject: Re: New HPSCI letter to Rosenstein

In case it is not clear, the republicans reject the briefing as meeting their records request requirements.

Our latest information is that chairman Nunes plans to attend.
Apologies for any confusion

Sent from my iPhone

On Jun 13, 2018, at 7:40 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Good evening –

We just received this HPSCI letter and wanted to check in.

Are you in receipt of the letter, and can DOJ offer response/comment on the substance?

Signed by all committee republicans, it rejects Thursday Gang of Eight briefing. It says intel not of sufficient sensitivity to warrant Gang of Eight, and accuses DOJ of using Gang of Eight construct to limit access/blocking all members and staffers.

Thank you!

<HPSCI GOP Member ltr to DAG re 12 June AAG ltr - 13 June 18.pdf>

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UNCLASSIFIED
Congress of the United States
Washington, DC 20515

June 13, 2018

The Honorable Rod Rosenstein
Deputy Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20530

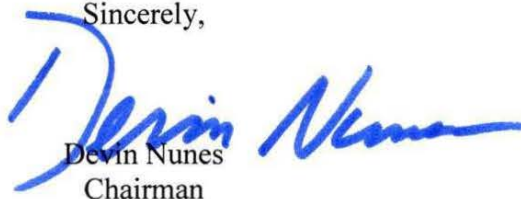
Dear Deputy Attorney General Rosenstein:

The House Permanent Select Committee on Intelligence (the Committee) is in receipt of the letter dated June 12, 2018 from Assistant Attorney General Stephen E. Boyd, indicating that the Department of Justice (DOJ) will continue to defy the Committee's valid subpoena related to the alleged misuse of authorities under the Foreign Intelligence Surveillance Act by the DOJ and Federal Bureau of Investigation. The letter improperly prevents members of the Committee and designated staff from reviewing lawfully subpoenaed documents directly related to the Committee's ongoing investigation.

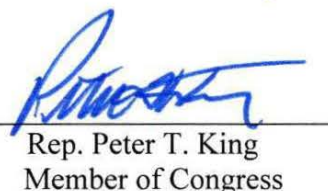
We find DOJ's response unacceptable and an affront to the oversight powers of the House of Representatives. DOJ's access restrictions have no basis in law and DOJ fails to recognize this Committee's constitutional role in conducting oversight. As the Chairman's June 8th letter made clear, the use of the "Gang of Eight" to limit congressional access to intelligence information applies only to covert action activities approved and reported by the President. The documents subpoenaed by the Committee are not covert action materials and as DOJ has represented are classified at the SECRET level. The DOJ's continued reliance on this inappropriate legal construct can only be understood as an intentional means to limit our constitutional oversight duties.

Accordingly, we demand that the DOJ permit all members of the Committee and designated staff immediate access to the subpoenaed documents. Any response that falls short of this request, is an obstruction of the Committee's efforts to investigate fully this significant matter.

Sincerely,


Devin Nunes
Chairman


Rep. K. Michael Conaway
Member of Congress

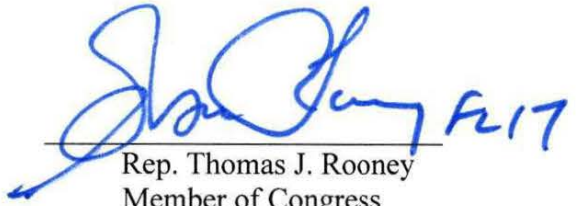

Rep. Peter T. King
Member of Congress

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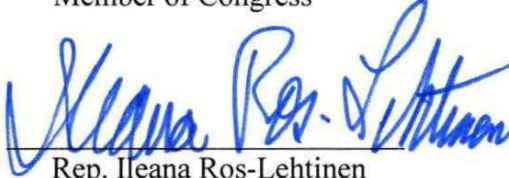
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Rep. Frank A. LoBiondo
Member of Congress



Rep. Thomas J. Rooney
Member of Congress



Rep. Ileana Ros-Lehtinen
Member of Congress




Rep. Michael R. Turner
Member of Congress



Rep. Brad R. Wenstrup
Member of Congress



Rep. Chris Stewart
Member of Congress



Rep. Rick Crawford
Member of Congress



Rep. Trey Gowdy
Member of Congress



Rep. Elise M. Stefanik
Member of Congress



Rep. Will Hurd
Member of Congress

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, June 13, 2018 1:43 PM
To: Catherine.Herridge@FOXNEWS.COM
Cc: Bryan.Boughton@FOXNEWS.COM
Subject: Why is Brower's statement not in your story?

I understand he called you with a statement yesterday. As a person in the room who no longer works at doj, it would seem relevant since people can't say he has been pressured to tow the party line as an employee.

Hadden, Gavin

From: Hadden, Gavin
Sent: Wednesday, June 13, 2018 8:49 AM
To: Flores, Sarah Isgur (OPA)
Cc: Boughton, Bryan; Gibson, Jake; Herridge, Catherine
Subject: RE: Fox and friends this am

Thank for alerting me on that - I will have that taken down.

-----Original Message-----

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Wednesday, June 13, 2018 8:49 AM
To: Hadden, Gavin <Gavin.Hadden@FOXNEWS.COM>
Cc: Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Subject: Re: Fox and friends this am

Ok I was going off the clip you tweeted which ends with "doj hasn't commented"

> On Jun 13, 2018, at 8:47 AM, Hadden, Gavin <Gavin.Hadden@FOXNEWS.COM> wrote:

>

> Thank you Sarah.

>

> Right after Ainsley said that she read a doj response. Also Steve said it as well.

>

> Thank you for alerting the timing - will make sure they know.

>

> -----Original Message-----

> From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]

> Sent: Wednesday, June 13, 2018 8:44 AM

> To: Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Hadden, Gavin

<Gavin.Hadden@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Herridge, Catherine

<Catherine.Herridge@FOXNEWS.COM>

> Subject: Fox and friends this am

>

> this meeting was in January--not this week as fox hosts keep reporting.

>

> And then Ainsley said we hadn't responded? I sent a lengthy response--and FBI and Brower responded as well. Why did none of that make it on air?

>

> Can someone send a network update to clarify your reporting?

>

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>

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 12, 2018 7:52 PM
To: Fanning, Elizabeth
Cc: O'Malley, Devin (OPA)
Subject: Re: question for tonight

Thanks!

On Jun 12, 2018, at 7:35 PM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Airing at 8:29.

Thanks very much!!

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Tuesday, June 12, 2018 7:05 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Cc: O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov>
Subject: Re: question for tonight

Roger

On Jun 12, 2018, at 6:53 PM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Tucker wanted me to let you know he will have to ask about this but wanted to put it on your radar!

<http://www.foxnews.com/politics/2018/06/12/rosenstein-threatened-to-subpoena-gop-led-committee-in-chilling-clash-over-records-emails-show.html>

Rosenstein threatened to 'subpoena' GOP-led committee in 'chilling' clash over records, emails show

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Jonathan Miller

From: Jonathan Miller
Sent: Tuesday, June 12, 2018 7:08 PM
To: Sutton, Sarah E. (OPA)
Subject: Re: New asylum policy

Thank you Sarah

Sent from my iPhone

On Jun 12, 2018, at 6:34 PM, Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov> wrote:

 [The United States Department of Justice](#)

MONDAY, JUNE 11, 2018

NOTE: The Attorney General's opinion in the Matter of A-B is attached [here](#).

Attorney General Jeff Sessions today signed his order and opinion in the Matter of A-B. Please attribute the following statement to a Justice Department spokesman:

"Our nation's immigration laws provide for asylum to be granted to individuals who have been persecuted, or who have a well-founded fear of persecution, on account of their membership in a 'particular social group,' but most victims of personal crimes do not fit this definition—no matter how vile and reprehensible the crime perpetrated against them. The Department of Justice remains committed to reducing violence against women and enforcing laws against domestic violence, both in the United States and around the world."

Key Excerpts:

"In reaching these conclusions, I do not minimize the vile abuse that the respondent reported she suffered at the hands of her ex-husband or the harrowing experiences of many other victims of domestic violence around the world. I understand that many victims of domestic violence may seek to flee from their home countries to extricate themselves from a dire situation or to give themselves the opportunity for a better life. But the 'asylum statute is not a general hardship statute.' Velasquez, 866 F.3d at 199 (Wilkinson, J., concurring).

As Judge Wilkinson correctly recognized, the Board's recent treatment of the term 'particular social group' is 'at risk of lacking rigor.' Id. at 198. Nothing in the text of the INA supports the suggestion that Congress intended 'membership in a particular social group' to be 'some omnibus catch-all' for solving every "heart-rending situation." Id."

“...an applicant seeking to establish persecution on account of membership in a “particular social group” **must satisfy two requirements**. First, the applicant must demonstrate membership in a group, which is composed of members who share a common immutable characteristic, is defined with particularity, and is socially distinct within the society in question. And second, **the applicant’s membership in that group must be a central reason for her persecution.**”

“When, as here, the alleged persecutor is someone unaffiliated with the government, the applicant must show that flight from her country is necessary because her home government is unwilling or unable to protect her.”

“Such applicants must establish membership in a particular and socially distinct group that exists independently of the alleged underlying harm, demonstrate that their persecutors harmed them **on account of their membership in that group rather than for personal reasons**, and establish that the government protection from such harm in their home country is so lacking that their persecutors’ actions can be attributed to the government.”

“Where the persecutor is not part of the government, the immigration judge must consider both the reason for the harm inflicted on the asylum applicant and the government’s role in sponsoring or enabling such actions. An alien may suffer threats and violence in a foreign country for any number of reasons relating to her social, economic, family, or other personal circumstances. Yet the asylum statute does not provide redress for all misfortune.”

Re: the Matter of R-A-: “The Board held that the mere existence of shared circumstances would not turn those possessing such characteristics into a particular social group.”

“A particular social group must not be ‘amorphous, overbroad, diffuse, or subjective,’ and ‘not every ‘immutable characteristic’ is sufficiently precise to define a particular social group.’ M-E-V-G-, 26 I&N Dec. at 239.”

#

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From: Jonathan Miller <jmiller@crtv.com>
Sent: Tuesday, June 12, 2018 6:32 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Cc: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: Re: New asylum policy

Thanks so much guys. Any way I could get the backgrounder by tomorrow 11a?

Sent from my iPhone

On Jun 12, 2018, at 2:27 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Adding Sarah to send our backgrounder...

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Ehrsam, Lauren (OPA)
Sent: Tuesday, June 12, 2018 2:26 PM
To: Jonathan Miller <jmiller@crtv.com>
Cc: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: New asylum policy

Adding Devin to help!

On Jun 12, 2018, at 1:18 PM, Jonathan Miller <jmiller@crtv.com> wrote:

Hey Lauren,

Many in the media are trying to make you guys out to be evil for this. The [New Yorker even said](#) you're "completely unravelling the U.S. Asylum system."

Here's a tweet echoing those same sentiments: <https://twitter.com/evanhalper/status/1006255813273452544?s=21>

My instincts tell me this is not the full story. Any insight you could provide on this?

Best,
Jon

—

Jon R. Miller
White House Correspondent
CRTV, LLC
O (b)(6)
C (b)(6)
E jmiller@crtv.com

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 12, 2018 6:46 PM
To: Fanning, Elizabeth
Subject: You have to show this to Tucker

<https://twitter.com/elisefoley/status/1006625044871737349>

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

Fanning, Elizabeth

From: Fanning, Elizabeth
Sent: Tuesday, June 12, 2018 6:35 PM
To: Laco, Kelly (OPA)
Subject: RE: tucker tomorrow

Great, thank you!

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Tuesday, June 12, 2018 6:24 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: tucker tomorrow

Yes! They are setting up!

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202-353-0173
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Tuesday, June 12, 2018 6:22 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: tucker tomorrow

Everyone in ok?

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Tuesday, June 12, 2018 12:00 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: Re: tucker tomorrow

Can you let them know to get here at 550? The visitors center closes at 6, and want to make sure they have no issues! Thanks!

On Jun 11, 2018, at 9:07 PM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Crew for tomorrow

(b)(6) and (b)(6)

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Monday, June 11, 2018 7:37 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: tucker tomorrow

Perfect, thanks!

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202-353-0173
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Monday, June 11, 2018 7:32 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: tucker tomorrow

Its me!! my cell is (b)(6)

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]
Sent: Monday, June 11, 2018 7:28 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: tucker tomorrow

Should be fine, just link me up with the producer that is working tomorrow in the case we need to get in touch, thanks!

Kelly Laco
Office of Public Affairs
Department of Justice
Office: 202-353-0173
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Monday, June 11, 2018 7:25 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: tucker tomorrow

Hi Kelly,

I don't think we have a produer to send over for this. The crew is very good. are you ok with that?

Thanks!

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Fanning, Elizabeth

From: Fanning, Elizabeth
Sent: Tuesday, June 12, 2018 1:03 PM
To: Laco, Kelly (OPA)
Subject: Re: tucker tomorrow

Sure thing!

Sent from my iPhone

On Jun 12, 2018, at 13:02, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000645



Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Monday, June 11, 2018 9:39 PM
To: Fanning, Elizabeth
Subject: Re: tucker tomorrow

Thanks! I've definitely worked with (b)(6) before.

On Jun 11, 2018, at 9:07 PM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000645



Ian Mason

From: Ian Mason
Sent: Tuesday, June 12, 2018 5:40 PM
To: Flores, Sarah Isgur (OPA)
Cc: Prior, Ian (OPA)
Subject: Re: Fox DAG Story

Thanks so much!

-----Original Message-----

From: "Flores, Sarah Isgur (OPA)" <Sarah.Isgur.Flores@usdoj.gov>
Sent: Tuesday, June 12, 2018 5:29pm
To: "Prior, Ian (OPA)" <Ian.Prior@usdoj.gov>
Cc: "Ian Mason" <imason@breitbart.com>
Subject: Re: Fox DAG Story

Here's what I gave them. But yeah, no official complaint was ever filed which tells me that they know this wasn't legitimate.

From dept official: The Deputy Attorney General never threatened anyone in the room with a criminal investigation. The FBI Director, the senior career ethics advisor for the Department, and the Assistant Attorney General for Legislative Affairs who were all present at this meeting are all quite clear that the characterization of events laid out here is false. The Deputy Attorney General was making the point—after being threatened with contempt — that as an American citizen charged with the offense of contempt of Congress, he would have the right to defend himself, including requesting production of relevant emails and text messages and calling them as witnesses to demonstrate that their allegations are false. That is why he put them on notice to retain relevant emails and text messages, and he hopes they did so. (We have no process to obtain such records without congressional approval.) When the Deputy Attorney returns to the United States, he will request that the House General counsel conduct an internal investigation of these Congressional staffers' conduct.

Also:

--No complaint was ever filed w IG or GC
--Nunes went to dinner with dag and mutual friend that night and nunes never raised or complained about conduct during meeting.

On Jun 12, 2018, at 5:07 PM, Prior, Ian (OPA) <IPrior@jmd.usdoj.gov> wrote:

Adding Sarah on this

Ian D. Prior
Principal Deputy Director of Public Affairs
Office: 202.616.0911
Cell: (b)(6)

For information on office hours, access to media events, and standard ground rules for interviews, please click [here](#).

On Jun 12, 2018, at 5:07 PM, Ian Mason <imason@breitbart.com> wrote:

Ian,

Anything further on this subpoena threat stuff at Fox? That whole report seems fishy/overblown to me. Anything more on background as for context? Anything specific in response to Jarrett's "Likely an Abuse of Power & Obstruction" tweet?

Thanks,
Ian Mason
Breitbart News

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 12, 2018 5:29 PM
To: imason@breitbart.com
Subject: Fwd: Nunes letter scan
Attachments: 2018-6-12 Access to documents - Nunes 4046538.pdf; ATT00001.htm

From dept official:

The next briefing with the Gang of Eight, which includes Chairman Nunes and is authorized under 50 U.S.C. § 3093(c)(2), will be on Thursday afternoon at the Senate. There has been some confusion in the press about this point: the members had access to documents responsive to Chairman Nunes' request during the briefing on May 24. During that briefing, members also had the opportunity to ask questions. This week's briefing will provide the answers to those questions. During initial scheduling discussions last week, the Department offered Monday and Tuesday for the briefing. The group, including the Speaker of the House and Senate Majority Leader, however, asked us to schedule the briefing for Thursday to accommodate members' schedules. The letter that Chairman Nunes sent to the Department demanding access to documents that had already been provided on May 24 was received at close of business on Friday well after scheduling discussions with Congressional leadership were underway. It is not clear to us why he set a deadline for documents to which he already had access on a date that Congressional leaders had already asked us to move.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

JUN 12 2018

Dear Mr. Chairman:

This responds to your letter to the Deputy Attorney General dated June 8, 2018, requesting access to specific documents you believe to be related to the Committee's ongoing investigation. Specifically, you request access to documents for all Committee members and designated staff.

The Department of Justice (Department) takes seriously the Committee's oversight responsibilities and has provided unprecedented access to documents related to the Committee's work. On May 24, 2018, the Department, in conjunction with the Office of the Director of National Intelligence and the Federal Bureau of Investigation, provided the Committee's Chairman and Ranking Member a comprehensive briefing on the requested subject matter and made supporting documents available for review. The same briefing and same documents were provided on the same day to the remainder of the Gang of Eight. Upon receiving follow up requests to view documents, the Department offered to brief the Gang of Eight and provide responsive documents again on Tuesday, June 12, 2018. Unfortunately, due to scheduling constraints of House and Senate leaders, the briefing and document viewing for the Gang of Eight must occur on June 14, 2018. All Gang of Eight offices, including yours, have been informed of the time and location for this briefing and document review.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Adam Schiff
Ranking Member

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 12, 2018 4:11 PM
To: Fanning, Elizabeth
Subject: FW: MATTER OF A-B | ATTORNEY GENERAL JEFF SESSIONS' OPINION

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: USDOJ-Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Monday, June 11, 2018 3:41 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: MATTER OF A-B | ATTORNEY GENERAL JEFF SESSIONS' OPINION

✕ The United States Department of Justice

MONDAY, JUNE 11, 2018

NOTE: The Attorney General's opinion in the Matter of A-B is attached [here](#).

Attorney General Jeff Sessions today signed his order and opinion in the Matter of A-B. Please attribute the following statement to a Justice Department spokesman:

"Our nation's immigration laws provide for asylum to be granted to individuals who have been persecuted, or who have a well-founded fear of persecution, on account of their membership in a 'particular social group,' but most victims of personal crimes do not fit this definition—no matter how vile and reprehensible the crime perpetrated against them. The Department of Justice remains committed to reducing violence against women and enforcing laws against domestic violence, both in the United States and around the world."

Key Excerpts:

"In reaching these conclusions, I do not minimize the vile abuse that the respondent reported she suffered at the hands of her ex-husband or the harrowing experiences of many other victims of domestic violence around the world. I understand that many victims of domestic violence may seek to flee from

world. I understand that many victims of domestic violence may seek to flee from their home countries to extricate themselves from a dire situation or to give themselves the opportunity for a better life. But the 'asylum statute is not a general hardship statute.' Velasquez, 866 F.3d at 199 (Wilkinson, J., concurring).

As Judge Wilkinson correctly recognized, the Board's recent treatment of the term 'particular social group' is 'at risk of lacking rigor.' Id. at 198. Nothing in the text of the INA supports the suggestion that Congress intended 'membership in a particular social group' to be 'some omnibus catch-all' for solving every "heart-rending situation." Id."

"...an applicant seeking to establish persecution on account of membership in a "particular social group" **must satisfy two requirements.** First, the applicant must demonstrate membership in a group, which is composed of members who share a common immutable characteristic, is defined with particularity, and is socially distinct within the society in question. And second, **the applicant's membership in that group must be a central reason for her persecution.**"

"When, as here, the alleged persecutor is someone unaffiliated with the government, the applicant must show that flight from her country is necessary because her home government is unwilling or unable to protect her."

"Such applicants must establish membership in a particular and socially distinct group that exists independently of the alleged underlying harm, demonstrate that their persecutors harmed them **on account of their membership in that group rather than for personal reasons**, and establish that the government protection from such harm in their home country is so lacking that their persecutors' actions can be attributed to the government."

"Where the persecutor is not part of the government, the immigration judge must consider both the reason for the harm inflicted on the asylum applicant and the government's role in sponsoring or enabling such actions. An alien may suffer threats and violence in a foreign country for any number of reasons relating to her social, economic, family, or other personal circumstances. Yet the asylum statute does not provide redress for all misfortune."

Re: the Matter of R-A-: "The Board held that the mere existence of shared circumstances would not turn those possessing such characteristics into a particular social group."

"**A particular social group must not be 'amorphous, overbroad, diffuse, or subjective,' and 'not every 'immutable characteristic' is sufficiently precise to define a particular social group.'** M-E-V-G-, 26 I&N Dec. at 239."

#

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O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 12, 2018 3:54 PM
To: Fanning, Elizabeth
Subject: FW: JUSTICE DEPARTMENT SECURES MORE CAMPUS FREE SPEECH VICTORIES

FYI....Michigan policy changes below.

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Devin O'Malley, USDOJ Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Tuesday, June 12, 2018 3:48 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: JUSTICE DEPARTMENT SECURES MORE CAMPUS FREE SPEECH VICTORIES

 [View Project Status Department of Justice](#)

TUESDAY, JUNE 12, 2018

Please see the following update on the Justice Department's efforts to protect free speech on college campuses:

Yesterday, the Justice Department filed a Statement of Interest in [*Speech First, Inc. v. Schlissel*](#), a case that alleges the University of Michigan's speech policies prohibit and punish speech protected by the First and Fourteenth Amendments. The University defended its policies, claiming the Justice Department "seriously misstated University of Michigan policy and painted a false portrait of speech on [Michigan's] campus."

However, after the Justice Department's filing, the University of Michigan updated its speech policies. Most notably, the University removed the language stating, "the most important indication of bias is your own feelings." The University provides a fuller explanation of its new policies [here](#).

On September 26, 2017, Attorney General Jeff Sessions [announced](#) that the Justice Department would file a Statement of Interest in a campus free speech case-- [*Uzuegbunam v. Preczewski*](#).

On May 25, 2018, a federal district court ruled that Georgia's Governor's

On May 25, 2018, a federal district court noted that Georgia Gwinnett College "amended its Speech Zone and Speech Code Policies" after the Justice Department's Statement of Interest supporting the plaintiffs' suit. You can find the order [here](#).

The Justice Department has also helped secure victories in two other campus free speech cases, [YAF v. Napolitano](#) and [Shaw v. Burke](#).

Please attribute the following statement to Justice Department spokesman Devin O'Malley:

"Our nation's public universities and colleges were established to promote diversity of thought and robust debate, so we must not accept when they instead use their authority to stifle these principles on their campuses. Attorney General Jeff Sessions is committed to promoting free speech on college campuses, and the Department is proud to have played a role in the numerous campus free speech victories this year. The Justice Department will continue to seek opportunities to defend free speech--no matter the political ideology espoused--in order to defend our nation's great traditions and the ability of its citizens to engage in meaningful discourse."

#

Do not reply to this message. If you have questions, please use the contacts in the message or call the Office of Public Affairs at 202-514-2007.

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O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 12, 2018 3:37 PM
To: Fanning, Elizabeth
Subject: RE: Checking in

The below is still in draft form...

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: O'Malley, Devin (OPA)
Sent: Tuesday, June 12, 2018 3:37 PM
To: 'Fanning, Elizabeth' <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: Checking in

Sending you something on your question below. We will also be announcing this on the show, if you are ok with that (can talk through it with you over the phone):

DEPARTMENT OF JUSTICE ANNOUNCES PLACE TO WORSHIP INITIATIVE

WASHINGTON – The Department of Justice today announced the “Place to Worship Initiative,” which will focus on protecting the ability of houses of worship and other religious institutions to build, expand, buy, or rent facilities—as provided by the land use provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA).

In announcing the initiative, Attorney General Sessions provided the following statement:

"The Constitution doesn't just protect freedom to worship in private--it protects the public exercise of religious belief," Attorney General Sessions said. "Under the laws of this country, government cannot discriminate against people based on their religion--not in law enforcement, not in grant-making, not in hiring, and not in local zoning laws. President Trump is an unwavering defender of the right of free exercise, and under his leadership, the Department of Justice is standing up for the rights of all Americans. By raising awareness about our legal rights, the Freedom to Worship Initiative will help us bring more civil rights cases, win more cases, and prevent discrimination from happening in the first place."

The first community outreach event under the initiative will be held on June 25, in Newark, New Jersey, led by the U.S. Attorney's Office for the District of New Jersey. The Department today is also launching a new [web page](#), including an information page and easily accessible complaint portal, a new Q and A document on RLUIPA, and other materials. In addition, the Department is holding a webinar on June 26 for providing training and resources for U.S. Attorney's offices, and has created a new RLUIPA tool kit.

RLUIPA is a federal law that protects religious institutions from unduly burdensome or discriminatory land use regulations. Specifically, RLUIPA bars land use regulations that impose a substantial burden on religious exercise without a compelling justification, requires governments to treat houses of worship as favorably as

nonreligious assemblies, and bars governments from discriminating among religions and from totally or unreasonably excluding houses of worship.

The Justice Department also announced today that it brought a RLUIPA complaint [\[link to Press Release\]](#) against the Borough of Woodcliff Lake and the Woodcliff Lake Zoning Board of Adjustment in New Jersey.

Persons who believe their rights under RLUIPA have been violated may contact the U.S. Attorney's Office Civil Rights Hotline at (855) 281-3339 or the Civil Rights Division Housing and Civil Enforcement Section at (800) 896-7743.

More information about RLUIPA, including questions and answers about the law and other documents, may be found at <http://www.justice.gov/crt/rluiipa>.

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Tuesday, June 12, 2018 1:29 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: RE: Checking in

How did they change the policy?

From: O'Malley, Devin (OPA) [<mailto:Devin.O'Malley@usdoj.gov>]
Sent: Tuesday, June 12, 2018 1:20 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Subject: RE: Checking in

<https://www.justice.gov/opa/pr/justice-department-files-statement-interest-michigan-free-speech-case>
<https://www.freep.com/story/opinion/contributors/2018/06/12/sessions-university-michigans-harassment-rules-threaten-speech/693726002/>

I'll also be sending something out this afternoon about a win we got in another case. Also, after we filed the statement of interest, Michigan changed their policies.

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Tuesday, June 12, 2018 1:17 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: RE: Checking in

Would you send me over any info you have on the Michigan story?
Thanks!

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]
Sent: Sunday, June 10, 2018 8:47 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Cc: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Subject: Checking in

Hi Liz-

Hope you had a good weekend. Just wanted to check in with you about the AG's hit tomorrow, as I know there is a lot of fluidity with the President being in Singapore. Let us know if you have any clarity on timing. Thanks!

Devin

Devin M. O'Malley
Department of Justice
Office of Public Affairs
Office: (202) 353-8763
Cell: (b)(6)

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Fanning, Elizabeth

From: Fanning, Elizabeth
Sent: Monday, June 11, 2018 5:00 PM
To: Flores, Sarah Isgur (OPA)
Cc: Laco, Kelly (OPA); O'Malley, Devin (OPA)
Subject: RE: Checking in

Great, thank you! works for us. I will send you crew information once it is confirmed tomorrow.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Monday, June 11, 2018 4:39 PM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Cc: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>; O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov>
Subject: RE: Checking in

Did we say yes to this? if not, yes!

xxx

Sarah Isgur Flores
Director of Public Affairs
(b)(6)

From: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Sent: Monday, June 11, 2018 3:13 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Cc: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>; O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: RE: Checking in

Can you guys do 715pm? im working out the logistics of sending a crew over to you

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Monday, June 11, 2018 11:15 AM
To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>
Cc: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>; O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov>
Subject: Re: Checking in

Yeah I think we can make it work

On Jun 11, 2018, at 11:13 AM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Will do I'm still checking to see if we have people we can send over there. If we can't do it there can be come to 400?

Sent from my iPhone

On Jun 11, 2018, at 10:59, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

Liz,

Please let me know what time works tomorrow to send a crew to pretape at DOJ. I will need the full name of every person coming.

I will be POC for their entry, so please let me know if you need more info. Please have them arrive at the Visitors Center on Constitution Ave between 9th and 10th streets NW.

Thanks!

Kelly Laco

Office of Public Affairs

Department of Justice

Office: 202-353-0173

Cell: (b)(6)

From: Flores, Sarah Isgur (OPA)

Sent: Monday, June 11, 2018 9:41 AM

To: Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>

Cc: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>; Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>

Subject: Re: Checking in

Huh. They claimed they talked to someone over there bc of potus remarks tonight on North Korea. None of this ringing any bells?

But regardless tomorrow is fine for us assuming tucker would cover potus tonight-- let me know about pretape. Doesn't have to be very early. We'd need a camera and producer to come to doj. Adding kelly for logistical support.

S

On Jun 11, 2018, at 8:54 AM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

I checked with Justin and he didn't know about the move but that should be fine if it's what you guys and the WH want. I'm not sure about Tucker's schedule for a pretape (checking) but doing it from DOJ should be fine is it staffed or do we send a crew?

Sent from my iPhone

On Jun 10, 2018, at 21:47, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Also if he's going to be in Maine--it might make more sense to pretape from doj.

On Jun 10, 2018, at 9:44 PM, Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov> wrote:

Sounds like White House talked to Justin and moved us to Tuesday? Let us know!

On Jun 10, 2018, at 9:02 PM, Fanning,
Elizabeth
<Elizabeth.Fanning@FOXNEWS.COM>
wrote:

Will do! I'll know more
tomorrow around 2 or 3.
Tucker is now going to be
hosting from Maine. He will
be there for a while.

Have a great night!

Sent from my iPhone

On Jun 10, 2018, at 20:47,
O'Malley, Devin (OPA)
<Devin.O'Malley@usdoj.gov>
wrote:

Duplicative Material -
See Bates Stamp Page
20200407-0000660



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, June 12, 2018 2:19 PM
To: Herridge, Catherine
Cc: Prior, Ian (OPA); Sammon, Bill; Boughton, Bryan; Grzech, Cherie; Gibson, Jake; Mears, William
Subject: Re: Fox News Query -- 1/10/18 meeting

Also on background from a department official:

--no formal complaint was ever filed w the GC or IG.
--the dag and nunes went to dinner with a mutual friend the night of this meeting and the chairman didn't raise any concerns about the conversation at that dinner

On Jun 12, 2018, at 1:02 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Sarah,

The deadline has passed, and we are posting shortly. We would still like to hear from you.

Thank you.

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, June 11, 2018 7:32 PM
To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Cc: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>; Sammon, Bill <bill.sammon@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Grzech, Cherie <cherie.grzech@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>
Subject: Re: Fox News Query -- 1/10/18 meeting

Yes but your raising a totally new issue and telling me I need to ask the speakers office about it. So I am--but I can't make them answer me--the obvious option is for you to tel me what the complaint was to the speaker and when it was made. These seem like obvious questions you should have the answer to for your own reporting. And again, is point about the Nunes quote is strange since he was in the room for the incident you initially described but based on his quote seems not to be in the room for whatever this other incident is. I don't see how I can respond based on some quotes without this highly relevant context.

On Jun 11, 2018, at 6:45 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Sarah,

We hope you will answer our questions about the January 10 meeting, and the allegations against DAG Rosenstein.

We want to hear DOJ's side of the story which is why we have given the Department so much time. To further accommodate DOJ, we will extend the

deadline until noon Tuesday.

Please know that if there is no response, we do plan to proceed, and will update our reporting when a DOJ response becomes available.

You already have direct quotes from two congressional investigators, laying out their account of the January 10 meeting. They are at the bottom of the email chain. We also discussed the allegations at an in person meeting.

Our questions are again copied here.

1. Does the DOJ accept or dispute the account?
2. If the account is disputed, what elements are in dispute, and on what basis?
3. If the DOJ accepts the account, what justified the DAG's statements apparently threatening to "subpoena" records?
4. Does the FBI accept or dispute the account?
5. If the account is disputed, what elements are in dispute, and on what basis?
6. If the FBI accepts the account, what justified the Director's statements?

As a housekeeping matter, please indicate whether you will be responding on behalf of FBI or we need to reach out independently.

Thank you for the further consideration.
Catherine

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, June 11, 2018 3:44 PM
To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>; Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Cc: Sammon, Bill <bill.sammon@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Grzech, Cherie <cherie.grzech@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>
Subject: RE: Fox News Query -- 1/10/18 meeting

As follow up, we have reached out and are waiting to hear back from the speakers' office. But until we do or you share with us what you are reporting, we don't really know what to respond to because the statement from the chairman doesn't say what this is about. He was in the room for every interaction we are aware of with the DAG but this statement refers to only his staff's thoughts without his own. So I'm assuming this is now referring to a different meeting or something that Chairman Nunes wasn't present for or else he would be expressing his own assessment rather than saying this was based on staff interaction with the executive branch.

With all that being said, yes, at this point we would need more time to hear back from the speakers' office to determine what the complaint was and when it was sent and what if anything was done with it since we were never made aware and no formal complaint was filed with the two places that one would file a complaint—the GC and the IG.

S

xxxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Sent: Monday, June 11, 2018 1:59 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Cc: Sammon, Bill <bill.sammon@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Grzech, Cherie <cherie.grzech@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>
Subject: RE: Fox News Query -- 1/10/18 meeting

Sarah,

We hope you will respond to our questions, about the January 10 meeting, first provided on May 22nd.

If you have further questions about the congressman's statement, please direct them to the appropriate offices.

Thank you

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, June 11, 2018 1:41 PM
To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>; Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Cc: Sammon, Bill <bill.sammon@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Grzech, Cherie <cherie.grzech@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>
Subject: RE: Fox News Query -- 1/10/18 meeting

This is new info—what was referred to the speakers office and when? All you mentioned before was the general counsel, which said no formal complaint was ever filed—same with the DOJ IG, which would be the other appropriate place to file this. We never heard from the speakers office about this—so I'm particularly confused by this new twist.

xxxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Sent: Monday, June 11, 2018 1:28 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>

Cc: Sammon, Bill <bill.sammon@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Grzech, Cherie <cherie.grzech@FOXNEWS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Mears, William <William.Mears@FOXNEWS.COM>; Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Subject: FW: Fox News Query -- 1/10/18 meeting

Sarah and Ian,

Trust you are well and can help.

We have an on the record statement from Congressman Nunes. In our original request May 22, we included lengthy quotes from the January emails, and in the spirit of transparency, we are providing the full Nunes statement here.

Chairman Nunes statement: "The Intelligence Committee considers staff concerns at the most serious level, especially those involving interactions with the executive branch. Based on the justified concerns expressed by our lead staff investigators, we referred this matter to the Speaker's Office."

We are requesting a response by 6pm this evening to the questions we first submitted to you on May 22 (copied below.) We once again extend an invitation to DAG Rosenstein to speak with us on camera.

If you cannot respond to the questions, accept the interview request, or need additional time, please indicate alternative ways your side can be adequately represented in our reporting.

When we first talked in May, the FBI's Jacqueline Maguire indicated the DOJ response would cover the bureau as well. Let us know if that is the case, or we need to reach out to FBI separately.

1. Does the DOJ accept or dispute the account?
2. If the account is disputed, what elements are in dispute, and on what basis?
3. If the DOJ accepts the account, what justified the DAG's statements apparently threatening to "subpoena" records?
4. Does the FBI accept or dispute the account?
5. If the account is disputed, what elements are in dispute, and on what basis?
6. If the FBI accepts the account, what justified the Director's statements?

Thank you
Catherine V. Herridge
Chief Intelligence Correspondent
(b)(6)

From: Herridge, Catherine
Sent: Tuesday, May 22, 2018 6:44 PM
To: Maguire, Jacqueline (BH) (FBI) (b)(6); 'Flores, Sarah Isgur (OPA)'

<Sarah.Isgur.Flores@usdoj.gov>

Cc: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>; McKee, Susan T. (DO) (FBI) (b)(6); Ames, Andrew C. (DO) (FBI) (b)(6); Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Browne, Pamela <pamela.browne@foxnews.com>; Upson, Cyd <Cyd.Upson@FOXNEWS.COM>; Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Subject: Fox News Query -- 1/10/18 meeting

Good evening –

Trust you can help or get our questions to the right person.

We have reviewed email traffic with the House General Counsel, and others, that memorialize an account of a 1/10/18 meeting. The email was drafted by house intelligence committee investigator Kash Patel and states the January meeting included DAG Rosenstein, Director Wray, Chairman Nunes, ADAG Schools, AAG Boyd, AD Brower among others.

We are including extensive quotes from the emails for context, and to assist answering our questions.

On the purpose of the meeting, Patel writes:

“The meeting was a request from DOJ/FBI to have Director Wray address the sensitivity of a particular classified document the Committee had requested during our investigation into DOJ/FBI.

Patel writes the meeting got off to a tense start:

“The meeting began with, Greg Brower, a named witness in our ongoing investigation, walking into the meeting room, even though we previously (discussed) disused he should not be present. The DAG challenged us on Brower’s presence, and as soon as I said he is a fact witness in an ongoing investigation, the DAG proceeded to cut me off and castigate me personally, without justification, about how he (the DAG) was offended we would ask Brower to be a witness and sought an immediate explanation of our investigation. We of course, provided none, as it is not our obligation to do so, especially given the ongoing resistance we have received from DOJ/FBI across the board and their abusive actions we have uncovered regarding the FISA process. Thereafter, Brower himself addressed the Chairman and informed him he was puzzled as to why he would be a witness and said he would be happy to come in and testify to ‘all that he knows nothing about.’

On statements by DAG Rosenstein, Patel writes:

“Moving past the Brower issue, the DAG criticized the Committee for sending our requests in writing and was further critical of the Committee’s request to have DOJ/FBI do the same when responding. Going so far as to say that if the Committee likes being litigators, then ‘we [DOJ] too (are) our litigators, and we will subpoena your records and your emails,’ referring to HPSCI and Congress overall. The DAG stated an investigation against the Committee and its staff would be forthcoming, should we continue course. “

On ending subpoenas, Patel writes:

“The DAG was further critical of the Committee’s subpoenas issued to DOJ/FBI, intimating that all those need to end. Lastly, the DAG stated he believed if sensitive sources were revealed to staff (Kash), I would somehow immediately out them in public and personally show up to interview them, wherever they may live. Notwithstanding the fact that I was the only former terrorism prosecutor in

never mentioning the fact that I was the only former terrorism prosecutor in the entire room to have ever actually conducted CT operations and prosecutions encompassing the type of work being discussed, and as an officer of the court for almost 15 years, I never conducted myself in such an unprofessional manner. The DAG had absolutely no basis to make these claims against myself or the Committee. "

Patel told the House GC and others, the account was based on his contemporaneous notes.

A second house staffer on the email chain backed up Patel's account, writing:

"Let me just add that watching the Deputy Attorney General launch a sustained personal attack against a congressional staffer in retaliation for vigorous oversight was astonishing and disheartening.

Also, having the nation's #1 (for these matters) law enforcement officer threaten to "subpoena your calls and emails" was downright chilling. (Viewed in its most favorable light, that comment manifested an intent to vigorously defend a contempt action, but I also read it as a not-so-veiled threat to unleash the full prosecutorial power of the state against us.) "

Asked whether the DAG could claim he was referring to how DOJ would defend any committee litigation, Patel writes:

"I took at it as the DAGs clearly articulated course of action should the committee continue its investigation in the current manner, which he found unacceptable and improper. It was not in response to how they would defend litigation (ie contempt or the like) It was about leaks, source contact, and other alleged disclosures by the committee. As in since he's convinced we are leaking and improperly contacting their sources, and the director clarified for him on that by saying 'we' would come after anyone for such actions with everything they had, should it be found to occur."

Our questions are below:

1. Does the DOJ accept or dispute the account?
2. If the account is disputed, what elements are in dispute, and on what basis?
3. If the DOJ accepts the account, what justified the DAG's statements apparently threatening to "subpoena" records?
4. Does the FBI accept or dispute the account?
5. If the account is disputed, what elements are in dispute, and on what basis?
6. If the FBI accepts the account, what justified the Director's statements?

We are extending an on camera interview to all parties involved. If you cannot respond to the questions, or accept the interview request, we are respectfully requesting a written statement. If none of these options are possible, please indicate alternative ways your side can be adequately represented in our reporting.

Thank you for the consideration and for confirming receipt of our questions. We are respectfully requesting a response by Wednesday May 23 at 5:00 pm.

Catherine V. Herridge
Chief Intelligence Correspondent
Fox News

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Boughton, Bryan

From: Boughton, Bryan
Sent: Tuesday, June 12, 2018 2:16 PM
To: Flores, Sarah Isgur (OPA)
Cc: Herridge, Catherine; Prior, Ian (OPA); Sammon, Bill; Grzech, Cherie; Gibson, Jake; Mears, William; Kupec, Kerri (OPA); Maguire, Jacqueline (BH) (FBI)
Subject: Re: Fox News Query -- 1/10/18 meeting

Thank you.

On Jun 12, 2018, at 14:14, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

From a department official:

The Deputy Attorney General never threatened anyone in the room with a criminal investigation. The FBI Director, the senior career ethics advisor for the Department, and the Assistant Attorney General for Legislative Affairs who were all present at this meeting are all quite clear that the characterization of events laid out here is false. The Deputy Attorney General was making the point—after being threatened with contempt — that as an American citizen charged with the offense of contempt of Congress, he would have the right to defend himself, including requesting production of relevant emails and text messages and calling them as witnesses to demonstrate that their allegations are false. That is why he put them on notice to retain relevant emails and text messages, and he hopes they did so. (We have no process to obtain such records without congressional approval.) When the Deputy Attorney returns to the United States, he will request that the House General counsel conduct an internal investigation of these Congressional staffers' conduct.

On Jun 12, 2018, at 1:02 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000661



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 11, 2018 7:36 PM
To: Bryan.Boughton@FOXNEWS.COM
Subject: Fwd: Fox News Query -- 1/10/18 meeting

I'm not trying to be cute here but if I have to do my own fact gathering, then that takes time. It seems odd that fox wouldn't want to know what the complaint was or when it happened.

Also the nunes quote is truly bizarre if this is referring to an event that he himself was present for, don't you think?

Begin forwarded message:

From: "Flores, Sarah Isgur (OPA)" <siflores@jmd.usdoj.gov>
Date: June 11, 2018 at 7:31:54 PM EDT
To: "Herridge, Catherine" <Catherine.Herridge@FOXNEWS.COM>
Cc: "Prior, Ian (OPA)" <IPrior@jmd.usdoj.gov>, "Sammon, Bill" <bill.sammon@FOXNEWS.COM>, "Boughton, Bryan" <Bryan.Boughton@FOXNEWS.COM>, "Grzech, Cherie" <cherie.grzech@FOXNEWS.COM>, "Gibson, Jake" <Jake.Gibson@FOXNEWS.COM>, "Mears, William" <William.Mears@FOXNEWS.COM>
Subject: Re: Fox News Query -- 1/10/18 meeting

Duplicative Material - See Bates Stamp Page 20200407-0000661



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, June 11, 2018 2:09 PM
To: Herridge, Catherine
Cc: Prior, Ian (OPA); Sammon, Bill; Boughton, Bryan; Grzech, Cherie; Gibson, Jake; Mears, William
Subject: Re: Fox News Query -- 1/10/18 meeting

Wait I'm confused. So you don't know what if anything was referred to the speakers office? So what will you be reporting?

On Jun 11, 2018, at 2:00 PM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000663

