

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Thursday, September 20, 2018 8:41 AM
To: Neil Munro
Subject: FW: Fresno Bee: These sex offenders are begging to be deported. Why does California pay millions to keep them?

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From: Waldman, Katie (b)(6) per DHS
Sent: Wednesday, September 19, 2018 9:43 PM
Subject: Fresno Bee: These sex offenders are begging to be deported. Why does California pay millions to keep them?

These sex offenders are begging to be deported. Why does California pay millions to keep them?

Fresno Bee

By Mackenzie Mays

September 19, 2018 01:32 PM

<https://www.mercedsunstar.com/news/state/california/article218145540.html>

Leo Gutierrez has a healthy kidney waiting for him in El Salvador. But he can't get to it.

Despite his pleas to be deported to his home country, where relatives have offered their organs for transplant, the state of California pays thousands of dollars for him to receive dialysis three times a week at Coalinga State Hospital.

Gutierrez is a sexually violent predator, among nearly 1,300 men in a special class of sex offenders who, under state law, are sent to the Fresno County mental health hospital after serving their prison sentences. He's also one of at least 30 men at the hospital who are undocumented.

"I asked (Immigration and Customs Enforcement) why they don't pick me up. They said the hospital says I'm still paying for a crime. But that's not true. I finished my time in 2001," Gutierrez, 49, said. "I don't know why I did what I did then, but I can't correct it. And all this time, I've been in this place."

Sitting in the visitors room in his khaki uniform, he rubs a bandage-covered clump of swollen arteries and veins on his arm from the treatment, and wonders aloud: "How is this place different from Guantanamo? We're here forever."

The undocumented men at Coalinga State Hospital are in a unique predicament that seems to be nobody's jurisdiction. They aren't prisoners, they are "civil detainees." They entered the country illegally, committed

jurisdiction. They aren't prisoners, they are civil detainees. They entered the country illegally, committed crimes and served their prison sentences. But a state-mandated mental evaluation of sex offenders – a policy that went into effect in 1996 – put them in Coalinga instead of back into society.

The Department of State Hospitals says that it does not track patients' immigration status, and that only a judge can decide if patients are ready to be released; ICE says the decision is up to the state.

While federal immigration authorities claim to put undocumented felons like these men at the top of the list for deportation, their predicament poses tough questions regarding a group for whom advocates are scarce. What if they re-enter the U.S. and reoffend? Is the U.S. at fault if they reoffend in another country once deported? Is the high financial cost of keeping them at Coalinga State Hospital worth the public's peace of mind?

"The state government takes the position that if he's deported, we cannot ensure that he's not committing sex offenses in his home country," said Rudy Kraft, Gutierrez's attorney. "In a sensible system, we would work out a supervision program with the home country and let them decide how to keep an eye on him. But there's no consideration of that."

Kraft is grim about the options he sees for people like his client under current policies.

"There is no way out other than death for undocumented SVPs," he said.

Pariahs of society

Gutierrez said he feels "tired most of the time." His kidneys are shutting down.

His health alone should be enough of a reason to convince a judge that he is not a threat to society, his attorney said, but no luck so far. Earlier this year, he was denied compassionate release, which allows prison sentences to be recalled if an inmate likely has only six months to live.

"The law is not set up for these people," said Kraft, a San Luis Obispo attorney who has been representing sex offenders for nearly 20 years. "The system is rigged against releasing people at all, but for people who are undocumented, the philosophical approach seems to be that no country supervises sex offenders better than we do, so therefore, we must keep them here."

Gutierrez was convicted in 1998 and released early from prison for good behavior, serving three of six sentenced years. He was sent to Atascadero State Hospital before moving into Coalinga State Hospital's custody after it opened in 2005. The hospital is a maximum security facility dedicated to treating the state's SVPs.

Gutierrez would not speak with The Bee about the details of his crimes, which include "lewd and lascivious acts" with a child under 14 years old, according to the Megan's Law website, the state database that tracks sex offenders.

"I don't like to talk about that. I wouldn't do something like that again. I read my Bible a lot now," he said. "Sometimes I understand why nobody wants to help us, but the law is supposed to be there for us. They are ignoring the law."

Twenty states have similar civil commitment programs, including Washington, where a facility on an island houses SVPs, many of whom have been there for more than a decade.

But the constitutionality of the programs have been questioned. In 2015, England refused to extradite a California man who had fled there after committing sex crimes, saying the civil commitment program at Coalinga, where he would have been sent, violated his human rights.

The state's convicted sex offenders are referred to the Department of State Hospitals within six months of their parole to undergo a mental health evaluation to determine if they are an SVP. The men at Coalinga have been diagnosed with a mental disorder and are likely to reoffend, according to the state.

They aren't sentenced to live in the hospital for a specific amount of time, meaning they could live there indefinitely if a judge never decides that they are rehabilitated. Therapy offered at the hospital is meant to be the key to their release, but experts across the country have cast doubt on its effectiveness, pointing to low rehabilitation and release rates. In the history of the hospital, fewer than 200 patients have been released to live freely as registered sex offenders.

Also controversial, the cost: Taxpayers spend more than \$250 million a year out of the state's general budget to operate Coalinga State Hospital — nearly \$110 million more than it costs annually to operate Pleasant Valley State Prison, which is located next door. The facilities share a barbed wire fence.

In Gutierrez's case, the cost is greater. A year of dialysis treatment costs about \$89,000 on average, according to the U.S. Renal Data System. It also costs to transport him each time he leaves the hospital for dialysis. He has been undergoing treatment for kidney disease for a year and a half.

"It's a really difficult situation, and it's costing the taxpayers hundreds of thousands of dollars. But you're balancing community safety against the cost of 'treatment,'" said Richard Quintino, a deputy public defender in Riverside County, who has represented Gutierrez. "It's like you're a criminal defendant with a life sentence without the possibility of parole. You have an opportunity to petition for release if you complete treatment, but the problem is the treatment has been substantially ineffective over the last 20 years."

Quintino — who can call someone's crimes "horrendous" and label that offender "a good guy" in the same breath — has represented more than 60 SVPs in his career but only once has a jury determined that one of his clients could be released from the hospital.

Immigration status adds another layer of confusion to an already gray area of the law for a group of people who lack support, he said. In many ways, it would be easier to be a prisoner than a civil detainee, including in deportation cases, according to Quintino.

"In essence, the case represents a challenge as to whether these laws apply to somebody like Leo," Quintino said. "Even if his request was granted somehow, there is a substantial risk that if he were turned over to ICE, he would not get the medical care that he needs. At the same time, there's a substantial risk to his health and welfare that he may never get deported and could die in custody."

Gutierrez is doubtful that "someone like" him will make it to the top of a transplant list in the U.S.

He said that he was told by the hospital's medical director that no transplant centers would operate on him because he is incarcerated.

"It looks like I'm just going to die here," Gutierrez said.

When asked about his case, state hospitals spokesman Ralph Montano said that if a patient needs an organ transplant, staff will do their "due diligence" to get him on a transplant list.

"Transplant centers, however, have their own criteria for determining whether to accept or reject patients," Montano said.

'Take us instead'

Juan Cordero, a patient aiming to be deported to Mexico, gets frustrated at the irony, thinking of the emotional immigration debates he's watched on TV over the past year from inside Coalinga State Hospital.

"Take us instead. Leave the innocent families," Cordero said in the hospital's visitors' room, which is nearly empty except for attorneys who are meeting with their clients. There are a few vending machines and a small bookshelf holding the Bible, the Koran, Scrabble and Battleship.

"You said we should be a priority," he said, seemingly talking to President Donald Trump.

While California law limits the state's cooperation with ICE, it doesn't apply when dealing with people convicted of serious or violent felonies, including sexual abuse and crimes endangering children.

ICE did not answer specific questions about undocumented patients at Coalinga State Hospital, but a spokesman said the decision regarding their custody is determined by the state of California.

"If ICE has an interest in an individual after being released from custody, our agency would review the case and make appropriate decisions regarding next steps," spokesman Richard Rocha said in an email.

Gov. Jerry Brown's office deferred questions to the Department of State Hospitals, which said only the court that committed the patient to Coalinga State Hospital can release him from state custody.

"DSH will treat a patient at Coalinga State Hospital until the end of his mandated commitment or an intervening court order is received," Montano said in an email. "Patients can be released from the hospital only by a court order."

Cordero has had a court order for deportation more than once yet continues to live at Coalinga.

Los Angeles Immigration Court Judge Rose Peters ordered Cordero be deported back to Mexico in 2001, according to court documents.

After serving two years in prison for raping a woman in 1988, he returned to Folsom State Prison for a longer stint after fleeing the state following a breaking and entering he committed in 1992.

The owner of the house said that he had penetrated her by force with his finger, but he denies that part of the charge. He said he took a deal, and was sentenced to eight years in prison.

After serving his time, he was sitting at an immigration detention center in San Pedro waiting to be deported. But that never happened.

"They went and snatched me from Immigration just to put me under this law. But this law doesn't apply to illegal immigrants," said Cordero, now 62. "I want to be deported but they won't deport me. Immigration says I have to

immigrants," said Cordero, now 52. "I want to be deported but they won't deport me. Immigration says I have to finish my prison sentence, but I paid for the crimes I did. They just want to keep me locked up here for the rest of my life, and they're getting away with it."

The Los Angeles County District Attorney's Office filed a petition in 2001 asking ICE officials not to deport Cordero, and instead allow him to be treated for two years at a mental health facility.

Since then, he's spent 17 years in state custody as a civil detainee, first at Atascadero State Hospital and then at Coalinga once it opened.

In the petition, LA County deputy district attorney Sue Lasicka called Cordero "a violent sex offender who has previously absconded the state" and said he should remain in state custody until his case ends, at which time he would be immediately returned to federal custody for deportation to Mexico.

"Mr. Cordero has been in the United States since he was 13 years old. He was deported on May 16, 1987, only to return again and perpetrate rapes in this country," Lasicka said then. "Treatment would be in the best interests of the citizens of California."

The LA County DA's Office declined to comment, saying Cordero's case is still pending.

Cordero has corresponded several times with federal officials since then. On Feb. 24, 2015, the ICE office in Fresno sent an immigration detainer to Coalinga State Hospital, requesting that Cordero be released from custody within 48 hours and deported to Mexico, according to documents obtained by The Bee.

The Department of Homeland Security checked several boxes as to why Cordero is subject to removal then: he has a prior felony conviction; he has illegally re-entered the country after a previous removal and he "poses a significant risk to national security, border security or public safety."

In December 2017, Cordero wrote a letter to the FBI in Los Angeles, asking why orders for his deportation had been ignored and questioning "under whose authority" is he being kept at Coalinga.

He thinks that he was released from prison at just the wrong time – after the sexually violent predator law was passed and while Coalinga State Hospital was being built.

"They're making an example out of us," he said. "We're guinea pigs, and this is just a warehouse. I really don't want to die here."

Who's in charge?

Dr. Deirdre D'Orazio, a psychiatrist who has worked with Coalinga patients, helped author a report by the California Coalition of Sexual Offending that breaks down the history of the SVP law and the arguments for and against it.

Those who oppose it say that it's still unclear if the therapy programs actually work, and that money would be better spent toward preventing the crimes from happening instead of trying to repair them after the fact.

"The labeling of a sub-group of sex offenders as 'Sexually Violent Predators' conveys to the public that these individuals are dangerous and inhuman 'monsters' who can never change," the report says on behalf of critics. "It is very costly, dangerous and difficult for these individuals to reintegrate into the community, no matter how much

is very costly, dangerous and difficult for these individuals to reintegrate into the community no matter how much treatment they complete."

But supporters of the law say the state should do whatever it takes to protect people from rapists and child molesters.

"The community cannot allow violent sex offenders to walk among us preying on others simply because it requires taxpayer money..." the report says. "Some may claim that the civil commitment is not fair. It is fair when considering the impact that sex offending has upon an individual and our society, and fairness is guaranteed by law."

But for D'Orazio, the solution for the undocumented SVPs is much more simple.

"If their safety needs and rehabilitative needs could be met in their country of origin, they should be deported," she said. "And it's less cost to California."

D'Orazio said the existence of undocumented SVPs at Coalinga puts into question the basic premise of the hospital.

"If we have a system to prevent recidivism in California – from reoffending sexually when they're released – and they're just going to be deported when they're released, that's an issue," she said.

Several immigration and prison rights advocates did not return requests for comment for this story. Fresno Assemblyman Joaquin Arambula, a Democrat, and Sen. Anthony Cannella, a Republican, who both represent Coalinga, also did not comment.

Sully Bryan, an immigration attorney in Fresno, said in a typical case, when an undocumented person commits a serious crime, ICE takes over once the felon has served his time. But these stories aren't typical, she said, noting the seriousness of sex crimes, especially against children.

"I think the question here is, who's in control? Who's in charge?" Bryan said. "ICE has the authority to put a hold on them after they've served their sentence. They can take them into custody. It's just whether they want to or not."

Like Cordero, Dougal Samuels has had a few close calls with ICE. But never close enough to get him back to Jamaica.

Samuels, 62, was released from prison in 1997, after being sentenced nine years in prison for raping a child under 14 years old.

But "nine years turned into 31 years," he said, pointing to his time in state mental health hospitals since then.

Samuels, who entered the U.S. illegally when he was young, said he was in ICE custody after prison, and had signed papers saying he understood he was about to be deported, but then "the state told them I should be under this new law."

After that, it's been years of confusing phone calls with immigration authorities, attorneys, Jamaican counsel – anybody who can give him answers about how he can get out.

"Everybody seems to agree with me, but nobody is doing anything. Everybody passes the bucket," Samuels said. "I've tried every way I can to get Immigration to turn me over. For 20 years, they've given me the runaround."

Samuels said he knows there is no sympathy for SVPs, but that the law is the law.

"It's hard to amend a mistake like that. But after, you try your best to live your life. And God forgives," he said. "Because what we have done is wrong, everyone has just turned their back on us."

Mackenzie Mays is The Bee's investigative reporter. Previously, she worked at the Charleston Gazette-Mail in West Virginia, her home state. In 2018, she won a McClatchy President's Award, a George Gruner Award and was a national finalist for the Education Writers Association Awards.

How we reported this story

The reporting for this story happened over the course of about three months. Access to sources was restricted: The reporter had to conduct interviews by phone during certain windows of time, and couldn't easily reach interviewees, since patients at Coalinga State Hospital often share a land line phone among four men per unit. They are not allowed access to the internet or cell phones. Court documents and personal files were sent to a reporter from the hospital via standard mail by patients who wanted to share their stories. The reporter then sent copies of the documents to verify their legitimacy with the court or agency they were connected to.

The Department of State Hospitals would not allow the reporter to interview patients inside the hospital unless it was in the visitors' room. The reporter was not allowed to bring a phone, recording device or camera – only her ID for a background check and the keys to her car. The hospital provided the reporter with a pen and paper to take notes.

Many of the court cases involving SVPs are sealed, so the reporter worked with attorneys in several counties across the state to tell the stories of patients now residing in Fresno County. Some attorneys chose not to return emails or phone calls regarding their clients.

Many immigrant rights groups, elected officials and prison rights groups did not return requests for comment on this issue. The Bee reached out to the American Civil Liberties Union, the Immigrant Legal Resource Center, the National Prison Project, the National Lawyers Guild-Central Valley Chapter, the California Immigrant Policy Center, Centro Legal de la Raza and more.

The first question posed to ICE officials about this matter was May 1. An official statement was given on Sept. 6.

Gibson, Jake

From: Gibson, Jake
Sent: Wednesday, September 19, 2018 11:32 AM
To: Laco, Kelly (OPA)
Subject: RE: Heather Mac Donald

Awesome!

Thanks

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Wednesday, September 19, 2018 11:31 AM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Heather Mac Donald

Heather Mac Donald: heathermacdonald@manhattan-institute.org

Heather Mac Donald is the Thomas W. Smith Fellow at the Manhattan Institute, a contributing editor of City Journal, and a New York Times bestselling author. She is a recipient of the 2005 Bradley Prize. Ms. Mac Donald's work at City Journal has covered a range of topics, including higher education, immigration, policing, homelessness and homeless advocacy, criminal-justice reform, and race relations. Her writing has appeared in the Wall Street Journal, Washington Post, New York Times, Los Angeles Times, The New Republic, and The New Criterion. Ms. Mac Donald's newest book, *The Diversity Delusion: How Race and Gender Pandering Corrupt the University and Undermine Our Culture* (2018), argues that toxic ideas first spread by higher education have undermined humanistic values, fueled intolerance, and widened divisions in our larger culture.

A nonpracticing lawyer, Ms. Mac Donald clerked for the Honorable Stephen Reinhardt, U.S. Court of Appeals for the Ninth Circuit, and was an attorney-advisor in the Office of the General Counsel of the U.S. Environmental Protection Agency and a volunteer with the Natural Resources Defense Council. She has frequently testified before U.S. House and Senate Committees.

Ms. Mac Donald holds a B.A. in English from Yale University, graduating with a Mellon Fellowship to Cambridge University, where she earned an M.A. in English and studied in Italy through a Clare College study grant. She holds a J.D. from Stanford University Law School.

Kelly Laco
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jbinder@breitbart.com

From: jbinder@breitbart.com
Sent: Tuesday, September 18, 2018 4:49 PM
To: Laco, Kelly (OPA)
Subject: Re: DOJ/DOL Memorandum of Understanding

Great. Thanks.

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

From: "Laco, Kelly (OPA)" <Kelly.Laco@usdoj.gov>
Sent: Tuesday, September 18, 2018 4:40pm
To: "jbinder@breitbart.com" <jbinder@breitbart.com>
Subject: Re: DOJ/DOL Memorandum of Understanding

Yes the embargo has passed. Let me know if you need any additional info.

On Sep 18, 2018, at 4:22 PM, "jbinder@breitbart.com" <jbinder@breitbart.com> wrote:

Hi Kelly, ok that's 1:30ET, so I'm assuming the embargo has now passed, correct?
Thanks.

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

From: "Laco, Kelly (OPA)" <Kelly.Laco@usdoj.gov>
Sent: Tuesday, September 18, 2018 1:08pm
To: "jbinder@breitbart.com" <jbinder@breitbart.com>
Subject: RE: DOJ/DOL Memorandum of Understanding

John,

We are announcing the 4th settlement under DOJ's Protecting US Workers Initiative at 1:30pm.
The press release + signed settlement are **embargoed until 1:30pm**.

Let me know if you have any questions.

Thanks!

Kelly Laco
Office of Public Affairs
Department of Justice
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**JUSTICE DEPARTMENT ANNOUNCES FOURTH SETTLEMENT PROTECTING
U.S. WORKERS FROM DISCRIMINATION**

WASHINGTON – The Justice Department today reached a settlement agreement with Palmetto Beach Hospitality LLC (Palmetto), a company that provides housekeeping services to hotels in

Beach Hospitality LLC (Palmetto), a company that provides housekeeping services to hotels in the Myrtle Beach, South Carolina area. The agreement resolves the Department's investigation into whether Palmetto unlawfully denied employment to qualified and available U.S. workers because it preferred to hire temporary foreign workers with H-2B visas. It is the fourth settlement under 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.

The Department's investigation determined that Palmetto failed to consider applications from qualified U.S. workers for its housekeeper positions, even though employers are required to recruit and hire available and qualified U.S. workers before they receive permission to hire temporary foreign workers under the H-2B visa program. After ignoring applications from U.S. workers, Palmetto represented to the U.S. Department of Labor (DOL) that it could not find qualified U.S. workers and obtained authorization to employ temporary visa workers.

"The Department of Justice will fight to ensure that U.S. workers are not denied jobs because an employer has a discriminatory preference for hiring temporary visa workers," said Acting Assistant Attorney General John Gore of the Civil Rights Division. "I commend Palmetto for its cooperation with the Department's investigation, and its agreement to engage in domestic recruitment efforts far surpassing the minimal recruiting requirements to participate in the H-2B visa worker program."

Failing to consider or hire qualified U.S. workers based on their citizenship status violates the anti-discrimination provision of the Immigration and Nationality Act (INA), regardless of whether an employer has complied with other rules governing the use of temporary employment-based visa programs.

Under the settlement, Palmetto must engage in several types of enhanced recruiting and job advertising efforts to attract qualified U.S. workers, far beyond those required by the H-2B visa rules. Palmetto also must set aside \$35,000 to pay any wages lost by U.S. workers whose applications it improperly rejected or ignored, pay \$42,000 in civil penalties to the United States, and be subject to departmental monitoring.

Under the Protecting U.S. Workers Initiative, the Civil Rights Division has opened dozens of investigations, filed one lawsuit, and reached settlement agreements with four employers. Since the Initiative's inception, employers have agreed to pay or have distributed over \$320,000 in back pay to affected U.S. workers. The Division has also increased its collaboration with other federal agencies, including a new [formalized partnership](#) with DOL 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](#).

More information on how employers can avoid unlawful citizenship status discrimination is

available [here](#). 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. Subscribe to [GovDelivery](#) to receive updates from IER.

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 can [file a charge](#) or contact IER's worker hotline for assistance.

###

From: jbinder@breitbart.com <jbinder@breitbart.com>
Sent: Wednesday, August 1, 2018 1:30 PM
To: Laco, Kelly (OPA) <klaco@imd.usdoj.gov>
Subject: RE: DOJ/DOL Memorandum of Understanding

Hi Kelly, thanks for sending!

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

From: "Laco, Kelly (OPA)" <Kelly.Laco@usdoj.gov>
Sent: Wednesday, August 1, 2018 9:10am
To: "JBinder@Breitbart.com" <JBinder@Breitbart.com>
Subject: DOJ/DOL Memorandum of Understanding

Hi John,

I understand you've covered DOJ's Protecting US Workers Initiative, specifically the Settlement with Crop Production Services.

I wanted to bring your attention to a major step in the expansion of that initiative that happened just yesterday. DOJ and DOL teamed up and made a [formalized](#) partnership to protect US workers from discrimination and combat visa abuse. The partnership is focused on identifying [employers](#), who may be discriminating against US workers, and the MOU is attached.

In February 2017, the Civil Rights Division launched the Protecting U.S. Workers Initiative, which is aimed at targeting, investigating, and taking enforcement measures against companies that discriminate against U.S. workers in favor of foreign visa workers. Under this Initiative, the Civil Rights Division has opened dozens of investigations; filed one lawsuit; and reached settlement agreements with three employers (**see below**). Since the Initiative's inception, employers have agreed to pay or distributed over \$285,000 in back pay to affected U.S. workers.

June 26, 2018: (Settlement) Triple H Landscaping—largest settlement so far under the Protecting U.S. Workers Initiative <https://www.iustice.gov/opa/br/iustice->

[department-settles-claims-against-landscaping-company-discriminating-against-us](#)

December 18, 2017: (Settlement) Crop Production Services:

<https://www.justice.gov/opa/pr/justice-department-settles-us-worker-discrimination-claims-against-colorado-agricultural>

The settlement is part of the Division's Protecting U.S. Workers Initiative, an initiative aimed at targeting, investigating, and bringing enforcement actions against companies that discriminate against U.S. workers in favor of foreign visa workers.

May 23, 2017: (Settlement) Carrillo Farm Labor, LLC:

https://www.justice.gov/opa/pr/justice-department-settles-us-worker-discrimination-claims-against-new-mexico-farm?utm_medium=email&utm_source=govdelivery

DOJ/and other agencies team up to protect U.S. workers:

May 11, 2018: The Justice Department and USCIS Formalize Partnership to Protect U.S. Workers From Discrimination and Combat Fraud

<https://www.justice.gov/opa/pr/justice-department-and-uscis-formalize-partnership-protect-us-workers-discrimination-and>

October 11, 2017: Departments of Justice and State Partner to Protect U.S. Workers from Discrimination and Combat Fraud

<https://www.justice.gov/opa/pr/departments-justice-and-state-partner-protect-us-workers-discrimination-and-combat-fraud>

Let me know if there is anything else you may need, or if you are interested in covering!

Thanks!

Kelly

Kelly Laco

Office of Public Affairs

Department of Justice

Office: 202-353-0173

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SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is entered into by and between Palmetto Beach Hospitality LLC (“Palmetto”), 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 July 5, 2017, IER notified Palmetto in writing that it had initiated an independent investigation, DJ# 197-67-56 (“IER Investigation”), to determine whether Palmetto preferred hiring temporary, nonimmigrant, visa holders over U.S. workers based upon their citizenship status in violation of the Immigration and Nationality Act’s anti-discrimination provision, 8 U.S.C. § 1324b (“Act”).

WHEREAS, IER concluded based on the IER Investigation that reasonable cause exists to believe that from at least December 15, 2016, to at least March 11, 2017, Palmetto engaged in a pattern or practice of discriminatory recruitment and hiring based on citizenship status by preferring to hire H-2B visa workers for housekeeping positions instead of qualified, available U.S. workers, in violation of 8 U.S.C. § 1324b(a)(1).

WHEREAS, IER and Palmetto 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 Palmetto 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 three (3) years following the Effective Date.
2. Palmetto shall pay a civil penalty to the United States Treasury in the amount of forty-two thousand dollars (\$42,000.00). Palmetto 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 in eight (8) quarterly payments of five thousand, two hundred fifty dollars (\$5,250) via the FedWire electronic fund transfer system. Palmetto shall make the first payment by September 28, 2018, or within ten (10) days of receipt of fund transfer instructions from IER, whichever is later. Palmetto shall make seven (7) subsequent payments by the last business day of every three-month period thereafter, with the final payment due by June 30, 2020. On the day of each

payment, Palmetto shall confirm payment via email to Erik Lang at erik.lang@usdoj.gov and Craig Fansler at craig.fansler@usdoj.gov. Nothing in this Paragraph shall prevent Palmetto from making any or all payments earlier, and no penalty shall be assessed for early payment.

4. The provisions of Paragraph 2 notwithstanding, IER shall not seek from Palmetto 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 thirty-five thousand dollars (\$35,000) to compensate Qualified Individuals who sought employment, as described below:
 - a. A “Qualified Individual,” as described in this Paragraph, shall include any U.S. citizen, U.S. national, lawful permanent resident, asylee, or refugee who (i) applied for a position as a Housekeeper with Palmetto through the South Carolina Workforce Agency from December 15, 2016 through March 11, 2017 either through the South Carolina On-line Job Bank (SCWorks On-line Services) or by contacting Respondent directly; (ii) met the minimal qualifications; and (iii) did not decline and/or withdraw from consideration or receive an offer of employment from Palmetto.
 - b. Within fifteen (15) calendar days from the Effective Date, Palmetto shall provide IER with the name and contact information (including e-mail addresses), for all individuals who applied for housekeeping positions with Palmetto between December 15, 2016, and March 11, 2017, and whom Palmetto did not make an offer of employment. In providing this information, Palmetto shall also inform IER whether the individual declined and/or withdrew from consideration for employment and provide any documentary evidence of such declination or withdrawal that it possesses.
 - c. 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”) to all U.S. applicants Palmetto has identified pursuant to Paragraph 5(b), and to any other applicants of whom IER is aware, to determine if they are Qualified Individuals entitled to receive compensation for lost wages due to Palmetto’s alleged unfair employment practices.
 - d. 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 or postmark a Claim Form by the specified deadline.

- e. No later than ninety (90) calendar days from the date of the Notice Letter, IER will initially calculate and notify Palmetto 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, and subtracts the pay that the Qualified Individual earned from an alternate employer during the contract period (i.e., mitigation earnings). If the total amount of back pay that would be owed to Qualified Individuals exceeds thirty-five thousand dollars (\$35,000), 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 Palmetto's total liability to Qualified Individuals under this Paragraph shall not exceed thirty-five thousand dollars (\$35,000).
- f. Within thirty (30) calendar days from the date on which IER notifies Palmetto of its initial determinations regarding the amounts owed to each Qualified Individual pursuant to Paragraph 5(e), Palmetto will notify IER in writing if Palmetto disagrees with any back pay determination, and provide an explanation for its position along with copies of any supporting documents.
- g. If Palmetto disagrees under Paragraph 5(f) with IER's back pay determination under Paragraph 5(e), 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 Palmetto's notice of disagreement under Paragraph 5(f), notify Palmetto 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.
- h. If Palmetto does not notify IER of any disagreements under Paragraph 5(f), IER's back pay determinations will become final thirty (30) calendar days from its initial back pay determinations under Paragraph 5(e). If Palmetto notifies IER of any disagreements under Paragraph 5(f), IER's back pay determinations will become final thirty (30) calendar days from IER's final back pay determination under Paragraph 5(g). Palmetto shall, within thirty (30) calendar days of the date that IER's back pay determination becomes final, send each Qualified Individual by first class mail and email a Back Pay Determination Letter indicating the amount of back pay to be received. Palmetto 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 Palmetto within thirty (30)

calendar days and contain a self-addressed return envelope with sufficient postage. On the same day Palmetto mails out the Back Pay Determination Letters, Palmetto 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.

- i. Within fifteen (15) calendar days from Palmetto's receipt of a signed release of liability and applicable tax forms from a Qualified Individual, Palmetto 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, Palmetto shall send a copy of the check and payment transmittal notice to Erik.Lang@usdoj.gov. Palmetto 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. Palmetto 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. Palmetto 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.
 - j. All written communications from Palmetto to Qualified Individuals relating to this Agreement, including a release of liability, shall be submitted to IER for prior review and approval, and any release must be limited to the claims referenced in this Agreement.
 - k. Any remaining amount of the thirty-five thousand dollar (\$35,000) back pay fund that has not been distributed to Qualified Individuals pursuant to the process set forth in this paragraph shall revert to Palmetto.
6. For the term of this Agreement, Palmetto shall engage in required and supplemental recruitment of U.S. workers for all available positions before employing H-2B visa workers for those positions. These required and supplemental recruitment activities shall include, at a minimum, the following:
- a. Unless Palmetto identifies to IER in writing sufficient facts to support that it is not a job contractor under the H-2B regulations (20 C.F.R. § 655 Subpart A), Palmetto shall comply with all job contractor filing requirements.
 - b. With respect to job orders, and electronic, on-line platforms, including state workforce agency job banks, Palmetto shall:
 - i. Ensure that each job order is accessible and visible to job seekers in each area of intended employment;

- ii. Contact all applicants who express interest on-line and give each full consideration for employment;
 - iii. Enable any functionality of the electronic, on-line platform that allows a job seeker to apply on-line;
 - iv. Enable any notifications available as part of the electronic, on-line platform that indicate that there is a new applicant;
 - v. Not close any of its H-2B related job orders until seven (7) business days before the work start date.
- c. Palmetto shall respond within 72 hours 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 and give each job seeker full consideration for employment.
- d. Palmetto shall maintain a list of all print or online locations where it places job advertisements. Within fourteen (14) calendars of any request, Palmetto shall provide this list to IER during the term of this Agreement.
- e. Palmetto shall post a job advertisement (or comparable notice of employment opportunity) on a job posting website and in at least two (2) physical locations no earlier than one month before the projected start date of work, and not remove such postings sooner than ten (10) business days before the start date of work, or until all positions are filled by U.S. workers, whichever is earlier. The job announcement shall list each hotel or physical address where Palmetto intends to supply workers. Palmetto shall also arrange for and describe a procedure for applicants to apply in person.
- f. Palmetto shall cause to be published two print advertisements in a newspaper of general circulation that serves the public in the area where the work is located. The first shall be posted no earlier than one month before the projected start date of work. The second shall be posted no earlier than ten (10) business days before the projected start date of work. The help wanted advertisements shall list each hotel or location where Palmetto intends to supply workers. Palmetto shall also arrange for and describe a procedure for applicants to apply in person.
- g. Palmetto must also continue to update each recruitment report after submitting it to DOL (as required by 20 C.F.R. §655.48(b)), and send a copy of each one to IER fourteen (14) business days after the actual start date of the work described in each job order.
- h. Palmetto shall assess the results of its efforts to recruit U.S. workers within fourteen (14) business days after the start date of the work associated with each job posting, and, during the next recruiting period, shall document and undertake any additional appropriate recruitment

efforts it determines are likely to be effective to increase applications from qualified U.S. workers. If requested by IER, Palmetto shall make its assessment and any additional recruitment efforts available to IER within thirty (30) calendar days.

7. Within thirty (30) calendar days of the Effective Date, Palmetto 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. During the term of this Agreement, Palmetto 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.
9. During the term of this Agreement, Palmetto shall retain a copy of every job application and resume that is submitted to Palmetto, including but not limited to those accessible through a state workforce agency job bank that relate to a Palmetto job order.
10. During the Term of this Agreement, if Palmetto utilizes the H-2B program, Palmetto 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 successfully contacted, interviewed, offered a job, hired, or not selected, and the reason(s) for the non-selection.
11. During the Term of this Agreement, Palmetto 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/or receives from the U.S. Department of Labor and U.S. Citizenship and Immigration Services.
12. Within ninety (90) calendar days from the Effective Date, all of Palmetto's employees, contractors, and agents with any responsibility for recruiting and/or hiring workers employed by Palmetto, 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 employer 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. Palmetto shall bear all costs associated with these training sessions.
 - c. During the term of this Agreement, all new staff hired or promoted by Palmetto into positions with any responsibility for the activities listed

above, after the training described in this paragraph has been conducted, shall review a recorded version of the webinar within sixty (60) calendar days of hire or promotion.

- d. Palmetto shall confirm the initial webinar participation required in Paragraph 12(a), and subsequent viewings of the webinar training required by Paragraph 12(c), via email to erik.lang@usdoj.gov and craig.fansler@usdoj.gov within ten (10) business days of completion of each training session.
13. During the term of this Agreement, IER reserves the right to make reasonable inquiries to Palmetto as necessary to determine Palmetto's compliance with this Agreement. As a part of such review, IER may require written reports concerning compliance, inspect Palmetto's premises, examine witnesses, and examine and copy Palmetto's documents.
14. Nothing in this Agreement limits IER's right to inspect Palmetto's Forms I-9 within three (3) business days pursuant to 8 C.F.R. § 274a.2(b)(2)(ii).
15. If IER has reason to believe that Palmetto is in violation of any provision of this Agreement, IER may, in its sole discretion, notify Palmetto of the potential violation without opening an investigation. Palmetto will then have thirty (30) calendar days from the date of IER's notification to cure the violation to IER's satisfaction before IER deems Palmetto to be in violation of this Agreement.
16. This Agreement does not affect the right of any individual to file a charge alleging an unfair immigration-related employment practice against Palmetto, 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 Palmetto's employment practices.
17. This Agreement resolves any and all differences between the parties with respect to Palmetto relating to the IER Investigation, DJ # 197-67-56 through the Effective Date.
18. This Agreement may be enforced in the United States District Court for the District of South 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

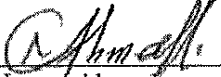
19. Should any provision of this Agreement be declared or determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected and the term or provision shall be deemed not to be a part of this Agreement. Palmetto and IER shall not, individually 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.

20. 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 Palmetto 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.
21. The Parties shall bear their own costs, attorneys' fees and other expenses incurred in this action.
22. 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.
23. 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.

Palmetto Beach Hospitality, L.L.C.

By:




Naseer Ahmed
Owner

Dated: 9/17/2018

Immigrant and Employee Rights Section

By:



Jodi Danis
Special Litigation Counsel

Dated: 9/18/18

C. Sebastian Aloom
Special Litigation Counsel

Craig Fansler and Erik W. Lang
Trial Attorneys

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION
IMMIGRANT AND EMPLOYEE RIGHTS SECTION
AND
THE DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FOREIGN LABOR CERTIFICATION
REGARDING
INFORMATION SHARING AND CASE REFERRAL**

I. PARTIES:

a. The Parties to this Memorandum of Understanding (MOU) are:

1. The Department of Justice (DOJ), Civil Rights Division, Immigrant and Employee Rights Section (IER).

The Department of Justice's Civil Rights Division prosecutes violations of civil rights statutes and enforces federal statutes and executive orders that prohibit, among other things, unlawful discrimination in voting, education, employment, housing, police services, public accommodations and facilities, and federally funded and conducted programs.

IER is the Section within the Civil Rights Division that is responsible for enforcing the anti-discrimination provision of the Immigration and Nationality Act (INA), 8 U.S.C. § 1324b, which prohibits: (1) covered persons or entities that employ four or more employees from discriminating against certain work-authorized individuals on the basis of citizenship status in hiring, firing, or recruitment for a fee; (2) covered persons or entities that employ four to fourteen employees from discriminating against work-authorized individuals on the basis of national origin in hiring, firing, or recruitment for a fee; (3) covered persons or entities from engaging in unfair documentary practices in the employment eligibility verification (Form I-9 and E-Verify) process on the basis of citizenship status or national origin; and (4) covered persons or entities from retaliating against individuals who engage in protected activity relating to the rights and privileges secured under 8 U.S.C. § 1324b. Through its enforcement of this statute, IER protects U.S. workers from discrimination based on citizenship status or national origin.

Injured parties or their authorized representatives may file charges with IER alleging a violation of 8 U.S.C. § 1324b within 180 days of the alleged discrimination. In addition, IER also may initiate independent investigations (without the filing of a charge) if there is reason to believe that a violation of 8 U.S.C. § 1324b has occurred. Although independent investigations typically involve alleged discriminatory policies that potentially affect many employees or applicants, IER may also conduct independent investigations when even one person is allegedly discriminated against.

2. The Department of Labor (DOL), Employment and Training Administration (ETA), Office of Foreign Labor Certification (OFLC).

The Department of Labor's Employment and Training Administration administers a variety of grant and regulatory programs that fund and support job training, labor market information, unemployment insurance, and other employment services provided by state and local workforce agencies.

OFLC, located within ETA, protects the wages and working conditions of U.S. workers and U.S.-based foreign workers by administering the following immigrant and nonimmigrant visa programs authorized by the INA: the Permanent Labor Certification Program; the H-1B, H-1B1, and E-3 Labor Condition Applications Program; the Temporary Labor Certification Programs for H-2A agricultural workers and H-2B nonagricultural workers, respectively; and the review of employer attestations to employ foreign nationals as crewmembers under a D-1 visa. Statutory and regulatory provisions require employers seeking to employ foreign nationals on a permanent or temporary basis to first apply to the Secretary of Labor for a labor certification or approval of a "labor condition application," depending on the type of visa the employer is requesting for the worker. OFLC regulations provide guidance on, among other things, the processing of applications, periods of validity, employer responsibilities, and sanctions for noncompliance of program requirements.

- b. Nomenclature: Any references to "DOL" in this MOU mean ETA and OFLC only, and no other agency or sub-agency component of the Department of Labor.

II. PURPOSE

The purpose of this MOU is to memorialize the Parties' agreement under which:

- a. OFLC will refer to IER cases of potential discrimination in violation of the law that IER enforces and provide designated IER employees access to databases to facilitate IER's investigations of potential violations of the law that IER enforces in accordance with separately mutually agreeable day-to-day implementation procedures and protocols; and
- b. IER will inform OFLC of cases of suspected noncompliance with the laws and regulations OFLC administers and provide designated OFLC employees information in accordance with separately mutually agreeable day-to-day implementation procedures and protocols.

III. LEGAL AUTHORITIES

The information sharing and enhanced cooperation among the Parties to this MOU are authorized under, and comply with, the provisions of the following:

- a. Title 5, United States Code, Section 552a, the Privacy Act of 1974.
- b. Title 8, United States Code, Sections 1101(a)(15)(D), (E), and (H); 1182(a)(5), (n), (t); 1184, 1188 [INA §§ 101(a)(15)(D), (E), and (H); 212(a)(5), (n), (t); 214; 218].
- c. Title 8, United States Code, Section 1324b [INA § 274B].
- d. Title 20, Code of Federal Regulations, Parts 655 and 656.

Other Relevant Guidelines: Office of Management and Budget Circular A-130, Managing Information as a Strategic Resource.

IV. ACCESS TO RECORDS AND DATA SYSTEMS

IER recognizes that the OFLC records and data systems to which IER will be granted access pursuant to the information-sharing provisions of this MOU are covered by the Privacy Act. Accordingly, authorized IER staff will only access these records and data systems to conduct a specific search for information related to an identified law enforcement matter, and shall follow the mutually agreeable implementation protocols and procedures to certify and ensure Privacy Act compliance that the Parties separately develop. Upon request by IER, OFLC will provide technical training and education for IER staff to access OFLC's records and data systems, and to properly utilize the search functions to retrieve pertinent data.

IER also agrees to maintain records it obtains through access to OFLC's data systems in accordance with IER's Privacy Act obligations. Furthermore, IER recognizes that it bears any and all responsibility, including liability, for any claims associated with violations of the Privacy Act to the extent any violations occur as a direct result of IER's access to OFLC's records and data systems.

IER will not knowingly take any measures that create cybersecurity risks related to systems and information covered by this MOU, and will promptly cease such actions and notify appropriate OFLC or DOL personnel if it becomes aware of such security risks or breaches. Each Party agrees that any application or system on which that data and information resides, as well as the handling of all data and information, will be managed and operated in compliance with all relevant federal security and confidentiality laws, regulations, and policies.

IER will not knowingly take any measures that compromise system or user operation and performance, and will promptly cease such actions and notify appropriate OFLC or DOL personnel if it becomes aware of such issues.

V. PRIVACY SAFEGUARDS, RESTRICTIONS ON DISCLOSURE, AND RECORD RETENTION

a. Privacy Safeguards and Restriction on Disclosure

1. All Personally Identifiable Information (PII) exchanged in accordance with this MOU shall be covered by Privacy Act and all other applicable legal protections.
2. PII will be protected by administrative, technical, and physical safeguards appropriate to the sensitivities of the information.
3. IER and DOL agree to maintain reasonable physical, electronic, and procedural safeguards designed to appropriately protect the information shared under this MOU against loss, theft, or misuse, as well as unauthorized access, disclosure, copying, use, modification, or deletion.
4. IER and DOL will advise all personnel having access to the information shared under this MOU of the confidential nature of the information and that safeguards are required to protect the information.
5. IER and DOL agree that DOL's prior written consent will be obtained for any forwarding or disclosure of the information obtained pursuant to this MOU, beyond DOL or DOJ. Similarly, IER and DOL agree that IER's prior written consent will be obtained for any forwarding or disclosure by DOL of information obtained pursuant to this MOU, beyond DOL or DOJ.
6. IER and DOL, including all personnel with access to the information, will be appropriately trained regarding the proper handling of PII and proper care of the information systems to ensure the overall safeguarding and security of the information. IER and DOL will cross-train to ensure that each agency's employees, including contractors with access to any of the information, have completed privacy training on the handling of PII, which includes information on applicable laws, regulations, and policies related to information privacy and security, as well as on immigration-specific confidentiality protections as required.
7. The Parties agree to comply with the Federal Information Security Management Act (FISMA), 44 U.S.C. § 3541 et seq., as amended by the Federal Information Security Modernization Act of 2014 (Pub. L. 113-283); Federal Information Processing Standards (FIPS), Mandatory Security Processing Standards 199 & 200; related Office of Management and Budget (OMB) circulars and memoranda, including revised Circular A-130, Managing Information as a Strategic Resource (July 28, 2016) and Memorandum M-06-16, Protection of Sensitive Agency Information (June 23, 2006); National Institute of Standards and Technology (NIST) directives; and the Federal Acquisition Regulations (FAR). These laws, regulations, and directives provide requirements for safeguarding Federal information systems

and PII used in Federal agency business processes, as well as related reporting requirements.

VI. OFLC INFORMATION SHARING RESPONSIBILITIES

- a. OFLC will designate a point of contact (POC) to ensure cooperation, communication, and coordination with IER.
- b. If OFLC becomes aware of information suggesting potential noncompliance, by covered individuals or entities, with the laws that IER enforces, OFLC will refer that information to IER and/or encourage the harmed individual(s) to call IER's hotline. If OFLC continues to be involved in a matter that has been referred to IER, it will coordinate its activities regarding that matter with IER to the greatest extent possible.
 1. If OFLC encounters potential victims of discrimination under the law IER administers, OFLC shall provide them with information about IER's hotline (800) 255-7688 or (800) 237-2515 (TTY for hearing impaired), a copy of IER's charge form, or information on how to access IER's charge form, available at <https://www.justice.gov/crt/filing-charge>.
 2. If OFLC learns of a matter from a State Workforce Agency (SWA) that may fall within IER's jurisdiction and that has not yet been reduced to writing, it will encourage the SWA to contact IER's hotline and ask to speak to a referral duty attorney. If OFLC receives a written complaint from an SWA about a matter that may fall within IER's jurisdiction, it will encourage the SWA to refer the written complaint to IER in accordance with subparagraph (b)(i).
- c. Should it wish to request information from IER's investigation file, OFLC will transmit a request to the IER POC designated in accordance with the mutually agreeable implementation protocols and procedures the agencies separately establish in furtherance of this MOU.
- d. Consistent with applicable laws, regulations, and policies, and the availability of OFLC resources, OFLC will commit personnel and resources sufficient to support this MOU.

VII. IER INFORMATION SHARING RESPONSIBILITIES

- a. IER will designate one or more points of contact to ensure cooperation, communication, and coordination with OFLC.
- b. If IER becomes aware of information suggesting potential employer or agent noncompliance with the labor certification process, IER will promptly share that information with the appropriate designated OFLC POC. If IER continues to investigate a matter that falls under the jurisdiction of OFLC, IER will coordinate its activities regarding that matter with OFLC to the greatest extent possible.
- c. Should it wish to request additional information from OFLC, IER will transmit a request to the appropriate OFLC POC through a letter designated as a law enforcement request that references this MOU. As noted in Section IV, IER will only access the records and data systems to which it is granted access consistent with applicable OFLC guidelines, policies, and procedures.
- d. IER shall notify OFLC if information provided by OFLC under Section IV results in IER's initiation of an investigation into whether a person or entity discriminated against U.S. workers.
- e. Consistent with applicable laws, regulations, and policies, and the availability of IER resources, IER will commit personnel and resources sufficient to support this MOU.

VIII. OTHER PROVISIONS

- a. If the referring Party has retained jurisdiction over any aspect of a matter at the time of referral to the other Party, both Parties will coordinate their activities to the greatest extent practical and share information so as to minimize duplication of effort and any risk that a Party's activities may adversely affect the other.
- b. Nothing in this MOU is intended to conflict with the missions of, or existing laws, regulations or other guidance binding on, OFLC and/or IER. If a term of this MOU is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOU shall remain in full force and effect. If a Party identifies any such inconsistency, it shall bring it to the attention of the other Party in order to modify the MOU as may be necessary.
- c. This MOU is not intended to create any rights, privileges, or benefits, substantive or procedural, enforceable by any individual or organization against the United States; its departments, agencies, or other entities; its officers or employees; or any other person.

IX. EFFECTIVE DATE AND DURATION OF AGREEMENT

The terms of this MOU will take effect on the date of the last signature of the Parties. Unless terminated by either Party in accordance with the terms described in Section X, below, this MOU shall remain in full force and effect for a period lasting no more

than three (3) years. On or before the expiration date, the Parties may mutually agree in writing to an extension of this MOU or develop a new MOU.

X. MODIFICATION AND TERMINATION

This MOU may be modified by the mutual, written consent of the Parties.

This MOU may be terminated by either Party upon 60 days advance written notice. In the event one Party requests termination of this MOU, the Parties will confer within the 60-day period to discuss the reason for the Party's request to terminate, and to attempt to resolve the issue(s) giving rise to the request. If the Parties are unable to resolve the issues, the termination will be effective at the expiration of the 60-day period or at a later date agreed to by the Parties. A Party may withdraw its request to terminate this agreement at any time prior to the expiration of the 60-day period.

XI. REVIEW

The Parties agree to review this MOU within one (1) year of the effective date to determine whether any modifications are necessary to more effectively accomplish the goals of the MOU. Failure to conduct a review, however, will not result in the termination of this MOU.

XII. INTEGRATION CLAUSE

This MOU and any jointly-approved concurrent or subsequent Addenda and Appendices constitute the entire agreement between the Parties with respect to its subject matter. There have been no representations, warranties, or promises made outside this MOU. This MOU shall take precedence over any other documents that may be in conflict with it with respect to providing or exchanging data on matters of labor certification or immigrant or employee rights.

XIII. RIGHT OF ACTION AND COSTS

This MOU does not create any private rights of action on the part of third parties.

Each Party agrees to bear its respective costs associated with the implementation of the terms and conditions of this MOU.

XIV. FUNDING

Notwithstanding any other provision herein, this MOU does not obligate either Party to expend funds or enter into any other agreement to commit or expend funds, nor does it serve as a basis for the transfer of funds. Nothing in this MOU shall be interpreted as limiting, superseding, or otherwise affecting either Party's normal operations or decisions in carrying out its statutory or regulatory duties. The Parties expressly acknowledge that this in no way implies that Congress will appropriate funds for such expenditures.


XV. PERSONS TO CONTACT

The Parties agree to assist each other to carry out this MOU through the points of contact set out in Appendix A and, through such contacts, provide responses to program, data or other technical problems or inquiries. The Parties agree they will notify each other of any changed contact information.

XVI. AUTHORIZED SIGNATURES

The signatories below warrant and represent that they have the competent authority on behalf of their respective agencies to enter into the obligations set forth in this agreement.

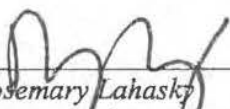
U.S. Department of Justice



John M. Gore
Acting Assistant Attorney General
Civil Rights Division
7/31/18

Date

U.S. Department of Labor



Rosemary Lahasky
Deputy Assistant Secretary
Employment and Training Administration
7/24/18

Date

Attachment:

Addenda

Bream, Shannon

From: Bream, Shannon
Sent: Tuesday, September 18, 2018 3:53 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Invitation to off the record lunch with the Attorney General

Hi, Sarah -

I'm planning to attend. Looking forward to it.

Best,
Shannon

Shannon D. Bream
Anchor, *Fox News @ Night*
Chief Legal Correspondent
Fox News Channel

Sent from my iPhone

On Sep 7, 2018, at 4:25 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Dear DC Fox team,

The Attorney General would like to invite all of you to lunch on September 25th at 12pm at the Department. Please let us know if you will be able to attend and we will have your names at security and an escort to bring you to his formal dining room. I'd leave about 15 minutes to get through security.

Look forward to seeing you all,
Sarah

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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Gibson, Jake

From: Gibson, Jake
Sent: Tuesday, September 18, 2018 3:40 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: This accurate?

Okay.
Thanks.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Tuesday, September 18, 2018 3:39 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Re: This accurate?

I'd ask raimondi. I don't know.

On Sep 18, 2018, at 3:18 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

New, interesting, significant from the WSJ: The Justice Department has ordered key Chinese state media firms to register as foreign agents
<https://www.wsj.com/articles/justice-department-has-ordered-key-chinese-state-media-firms-to-register-as-foreign-agents-1537296756> ... via @WSJ
[2:59 PM - Sep 18, 2018](#)

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Boughton, Bryan

From: Boughton, Bryan
Sent: Tuesday, September 18, 2018 2:57 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Lunch on the 25th

Great. See you next week.

From: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Sent: Tuesday, September 18, 2018 2:52 PM
To: Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>
Subject: RE: Lunch on the 25th

Yes youre good!

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>
Sent: Tuesday, September 18, 2018 2:37 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Lunch on the 25th

Sarah,

Just wanted to check in to make sure you received responses from those invited. Please let me know if you need me to remind anyone.

Thank you.

Bryan

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.

Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Tuesday, September 18, 2018 8:30 AM
To: McDonough, Constance
Cc: Laco, Kelly (OPA)
Subject: Re: Good Morning Sarah -- Fox News Camera Crew Update for today's 2p DOJ Pool event

Sounds good. We'll make sure they're on the list. Thank you!!

Sent from my iPhone

On Sep 18, 2018, at 07:28, McDonough, Constance <Constance.mcdonough@FOXNEWS.COM> wrote:

Good Morning Sarah,
I believe my planning desk RSVP'd two crews for our 1400 DOJ pool event today but I need to switch out one of the camera men. (b)(6) will be replacing (b)(6) (b)(6). (b)(6) will still be attending. Please let me know when you get this and if there is anything else I need to provide. Thank you!!

Constance McDonough
Fox News Channel
(b)(6)

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Herridge, Catherine

From: Herridge, Catherine
Sent: Monday, September 17, 2018 8:08 PM
To: (b)(3), (b)(6); Brian P. Hale; Flores, Sarah Isgur (OPA)
Cc: Gibson, Jake; dni-pao
Subject: RE: declassification and timing

Thank you Kellie for keeping us updated. This information is in our system.

For planning only – will there be a heads up on a release, and distribution method.

From: (b)(3), (b)(6)
Sent: Monday, September 17, 2018 7:48 PM
To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>; Brian P. Hale (b)(3), (b)(6); Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Cc: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; dni-pao <dni-pao@dni.gov>
Subject: Re: declassification and timing

Hi Catherine,

Nothing we can offer as far as timing goes. However, here is our quote in response to the announcement:

Attributable to ODNI Spokesperson Kellie Wade:

“As requested by the White House, the ODNI is working expeditiously with our interagency partners to conduct a declassification review of the documents the President has identified for declassification”

Best,
Kellie

Kellie Wade
Media Relations Officer, S&E
Office of the Director of National Intelligence
(b)(3), (b)(6)

From: "Herridge, Catherine" <Catherine.Herridge@foxnews.com>
Date: Monday, September 17, 2018 at 5:47:47 PM
To: "Brian P. Hale" (b)(3), (b)(6); "Flores, Sarah Isgur (OPA)" <Sarah.Isgur.Flores@usdoj.gov>
Cc: "Gibson, Jake" <Jake.Gibson@foxnews.com>; "dni-pao" <dni-pao@dni.gov>
Subject: RE: declassification and timing

+ Amanda

Sent from [Mail](#) for Windows 10

From: Herridge, Catherine
Sent: Monday, September 17, 2018 5:39:46 PM
To: Brian P. Hale; Flores, Sarah Isgur (OPA)
Cc: Gibson, Jake
Subject: declassification and timing

Hi Brian and Sarah –

We are checking on timing.
Is the release imminent, or are records now in ODNI and DOJ hands for declassification that could take some time?

We are on deadline for 6.
Thank you.

Statement from the Press Secretary

At the request of a number of committees of Congress, and for reasons of transparency, **the President has directed the Office of the Director of National Intelligence and the Department of Justice (including the FBI) to provide for the immediate declassification of the following materials:** (1) pages 10-12 and 17-34 of the June 2017 application to the FISA court in the matter of Carter W. Page; (2) all FBI reports of interviews with Bruce G. Ohr prepared in connection with the Russia investigation; and (3) all FBI reports of interviews prepared in connection with all Carter Page FISA applications.

In addition, President Donald J. Trump has directed the Department of Justice (including the FBI) to publicly release all text messages relating to the Russia investigation, without redaction, of James Comey, Andrew McCabe, Peter Strzok, Lisa Page, and Bruce Ohr.

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Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Monday, September 17, 2018 6:39 PM
To: Joost, Nathalie; Sutton, Sarah E. (OPA); Creighton, Kelly M (OPA)
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Great, thanks!

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

From: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>
Sent: Monday, September 17, 2018 6:36 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>; Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Creighton, Kelly M (OPA) <kcreighton@jmd.usdoj.gov>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Our crew will be photographer (b)(6) and audio tech will be (b)(6).
They'll be at the Visitors Center at 1pm
Thanks so much Kelly!

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]
Sent: Monday, September 17, 2018 6:32 PM
To: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>; Creighton, Kelly M (OPA) <Kelly.M.Creighton@usdoj.gov>
Cc: 531-DCDeskOps <DCdeskops@foxnews.com>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Yes, we will patch the pool to the Great Hall.

Please have crew arrive at 1:00pm at the Visitors Center and provide me the names of those coming.

No parking onsite.

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

From: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>
Sent: Monday, September 17, 2018 6:23 PM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Creighton, Kelly M (OPA) <kcreighton@jmd.usdoj.gov>; Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>

sarah.e.sutton@usdoj.gov; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Hi Sarah,
Just checking back on this + looping in everyone I know at DOJ who might be involved

From: Joost, Nathalie
Sent: Monday, September 17, 2018 5:10 PM
To: 'sarah.e.sutton@usdoj.gov' <sarah.e.sutton@usdoj.gov>
Cc: 531-DCDeskOps <DCdeskops@foxnews.com>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?
Importance: High

Hi Sarah,
Fox will be your pool for tomorrow's event in the Great Hall.
Can you please have your technical staff make the proper patches for us - in the multi-media department and in the DOJ Briefing Rack Room?
Can you also please let us know what time you'd like our crew to arrive, and if you can accommodate a parking space for them?
Many thanks in advance,
Nathalie

ATTORNEY GENERAL SESSIONS WILL GIVE REMARKS AT THE CEREMONY FOR THE ATTORNEY GENERAL'S AWARD FOR DISTINGUISHED SERVICE IN POLICING
***** MEDIA ADVISORY *****

WASHINGTON -- Attorney General Jeff Sessions will give remarks on Tuesday, September 18, 2018 at the Ceremony for the Attorney General's Award for Distinguished Service in Policing.

WHO:

Attorney General Jeff Sessions

WHAT:

Attorney General Jeff Sessions will give remarks at the Ceremony for the Attorney General's Award for Distinguished Service in Policing.

WHEN:

TUESDAY, September 18, 2018

2:00 p.m. EDT

WHERE:

Department of Justice

Great Hall

950 Pennsylvania Avenue, NW

Washington, DC 20530

(Mandated Camera P00// Final access time for print media: 1:55 pm EDT)

OPEN PRESS

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 Sarah Sutton at sarah.e.sutton@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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Gibson, Jake

From: Gibson, Jake
Sent: Monday, September 17, 2018 6:34 PM
To: Laco, Kelly (OPA)
Cc: Joost, Nathalie
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Thanks!

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Monday, September 17, 2018 6:34 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Cc: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Yup just responded – let me know what else you all might need.

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

From: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Sent: Monday, September 17, 2018 6:32 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Cc: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>
Subject: FW: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Kelly... Might you know anything about this?

From: Joost, Nathalie
Sent: Monday, September 17, 2018 6:23 PM
To: 'sarah.e.sutton@usdoj.gov' <sarah.e.sutton@usdoj.gov>; 'Creighton, Kelly M (OPA)' <Kelly.M.Creighton@usdoj.gov>; 'Kelly.Laco@usdoj.gov' <Kelly.Laco@usdoj.gov>
Cc: 531-DCDeskOps <DCdeskops@foxnews.com>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Duplicative Material - See Bates Stamp Page 20200323-0001507



Joost, Nathalie

From: Joost, Nathalie
Sent: Monday, September 17, 2018 6:32 PM
To: Laco, Kelly (OPA)
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

THANKS KELLY!

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Monday, September 17, 2018 6:32 PM
To: Joost, Nathalie <Nathalie.Joost@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>;
Creighton, Kelly M (OPA) <Kelly.M.Creighton@usdoj.gov>
Cc: 531-DCDeskOps <DCdeskops@foxnews.com>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Hi Sarah - Fox will be your pool tomorrow - can you pls pass along logistics?

Duplicative Material - See Bates Stamp Page 20200323-0001507



Saagar Enjeti

From: Saagar Enjeti
Sent: Monday, September 17, 2018 5:42 PM
To: Flores, Sarah Isgur (OPA)
Subject: What time can we expect documents?

Saagar Enjeti
White House Correspondent



P: (b)(6)
T: @esaagar

Gibson, Jake

From: Gibson, Jake
Sent: Monday, September 17, 2018 5:28 PM
To: O'Malley, Devin (OPA)
Subject: Fwd: Statement from the Press Secretary

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

Begin forwarded message:

From: White House Press Office <whitehouse-noreply@messages.whitehouse.gov>
Date: September 17, 2018 at 5:25:25 PM EDT
To: <jake.gibson@foxnews.com>
Subject: Statement from the Press Secretary
Reply-To: <whitehouse-noreply@messages.whitehouse.gov>

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
September 17, 2018

Statement from the Press Secretary

At the request of a number of committees of Congress, and for reasons of transparency, the President has directed the Office of the Director of National Intelligence and the Department of Justice (including the FBI) to provide for the immediate declassification of the following materials: (1) pages 10-12 and 17-34 of the June 2017 application to the FISA court in the matter of Carter W. Page; (2) all FBI reports of interviews with Bruce G. Ohr prepared in connection with the Russia investigation; and (3) all FBI reports of interviews prepared in connection with all Carter Page FISA applications.

In addition, President Donald J. Trump has directed the Department of Justice (including the FBI) to publicly release all text messages relating to the Russia investigation, without redaction, of James Comey, Andrew McCabe, Peter Strzok, Lisa Page, and Bruce Ohr.

###

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The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 · 202-456-1111

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Carlton, Lindsay

From: Carlton, Lindsay
Sent: Monday, September 17, 2018 3:24 PM
To: Laco, Kelly (OPA); Sutton, Sarah E. (OPA)
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Sounds great, we're looking forward to it.

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Monday, September 17, 2018 11:12 AM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Thanks for the info and see you tomorrow at 9:30am!

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

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Tuesday, September 11, 2018 4:20 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>; Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

The reporter that will be prompting the questions will be with us on Tuesday her name is Elizabeth Llorente. She's a fantastic journalist who did our last exclusive web series on [Hasidic Jews](#) that did outstanding for our site.

You can see more of her work here; <http://www.foxnews.com/person/l/elizabeth-llorente-651041685.html>

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Tuesday, September 11, 2018 12:39 PM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Hi Lindsay,

Great, thanks for checking in. Who from Fox will be prompting the questions and will they be in his ear or accompanying the team?

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

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>

Sent: Tuesday, September 11, 2018 12:22 PM

To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>; Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>

Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Hello

Just checking in for next Tuesday's interview. We will make sure we are there for 930a sharp.

Thank you again,
Lindsay

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]

Sent: Tuesday, September 04, 2018 4:05 PM

To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>

Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Lindsay,

Great, my cellphone is (b)(6). Since it often takes some time to get through the security screen, if you all could arrive at 9:30am on the 18th, to allow an hour for security and set up, that would be great.

I can pick you up from the Visitors Center between 9th and 10th streets NWs on Constitution Avenue at 9:30.

Let me know if you have any additional questions!

Kelly

Kelly Laco

Office of Public Affairs

Department of Justice

Office: 202-353-0173

Cell: (b)(6)

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>

Sent: Tuesday, September 4, 2018 3:57 PM

To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>

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

Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Great. Here is the list of people who will be coming, myself Lindsay (b)(6) (I only use Carlton, my maiden name at work), our reporter who will be conducting the interview Elizabeth Llorente, and our camera op, (b)(6).

And just to be clear, we can have time (20/30 mins) to set up the cameras before AG comes in to start his interview, correct?

Can I also get a cell phone number for you or Kelly to have on hand for that day, in case of anything? Mine is (b)(6).

Thank you again, we're looking forward to it.

Lindsay

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Thursday, August 30, 2018 4:38 PM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Cc: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Got it. He has 30 minutes in his schedule for the interview, so I you all need 5 minutes to set up then I think around 20 minutes.

I'm adding my coworker Kelly in case I'm traveling this day.

You will want to enter the Department at the visitor's entrance on Constitution Avenue NW between 9th and 10th Streets. Please send us the names of those who will be coming for the interview so we can make sure to let security at the visitor's center know.

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Wednesday, August 29, 2018 10:36 AM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

We'd like 30 minutes to set-up if possible. And how long will we have the AG for the interview?

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Tuesday, August 28, 2018 1:43 PM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Awesome! The interview will take place in his conference room. How long will you all need to set up prior to him arriving right at 10:30 am?

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 1:38 PM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Great, we can definitely make the 18th work at 10:30am. Please let me know the next steps in terms of location and what time we can arrive to set-up.

Thank you again,
Lindsay

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Tuesday, August 28, 2018 9:20 AM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>; Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Lindsay,

Does September 18th at 10:30 am work for you all?

Thanks!

Sarah Sutton

U.S. Department of Justice
Office of Public Affairs

Office: (202) 616-0079

Cell: (b)(6)

Email: sarah.e.sutton@usdoj.gov

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Monday, August 27, 2018 9:34 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Cc: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions
Importance: High

Good morning.

I wanted to follow-up to see if we can start looking at some possible dates for our interview with Sessions.

Anytime in the near future that he can carve out 20 minutes for us would work.

Thank you again,
Lindsay

From: Carlton, Lindsay
Sent: Wednesday, August 22, 2018 9:13 AM
To: 'Flores, Sarah Isgur (OPA)' <Sarah.Isgur.Flores@usdoj.gov>; Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Cc: Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Fantastic.

Sarah, please let me know the next dates and times Sessions is available for this sit-down interview. As I mentioned, we can travel to his office/wherever is convenient for him for this or do it in one of our studios in NYC if he will be in town.

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Tuesday, August 21, 2018 7:37 PM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Cc: Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Yes we're interested. Adding Sarah who can help work out the details.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Monday, August 20, 2018 10:34 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

Our footage would be shared with the channel, so I'm sure some of his sound bites would get picked up (once our story goes live on the site first).

There is also always an opportunity for the channel to air the full package, depending.

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, August 20, 2018 9:45 AM
To: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Subject: RE: *Fox News Interview Request- Attorney General Jeff Sessions

This is interesting. Will any of it be used on air?

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM>
Sent: Monday, August 20, 2018 9:40 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: *Fox News Interview Request- Attorney General Jeff Sessions
Importance: High

Good morning Sarah,

I wanted to reach out to see if Attorney General Jeff Sessions would be interested and available to speak with Fox News about the opioid crisis in the U.S. and his plan of action on how to stop it.

This would be for a sit-down on-camera interview that we can conduct at his office or in our studio if he is here in NYC in the upcoming weeks.

We are producing an exclusive web series on the opioid crisis, part one will focus on the stories of chronic pain patients and their struggles with opioid prescriptions; part two will be from the doctor's perspective on why they should and shouldn't be prescribing opioids to patients, and part three, where we would use Session's interview, will be all about what should be done now to address this crisis head on.

We would need him for about 25/30 minutes for the interview, 5 minutes to set up once he arrives and a 15/20 minute interview.

Ideally, we would like to schedule this interview during the week at any time he has availability in the next 4-5 weeks.

In July, FoxNews.com delivered 1.455 billion page views. This series will get front page placement and be sure to rack up the hits in unique visitors as well.

Please let me know your thoughts on this opportunity as soon as you can.

I look forward to working on this with you,
Lindsay

Lindsay Carlton
Senior Producer
FoxNews.com
Fox News Channel
1211 Ave of Americas/ 14th flr
New York, NY 10036
[@LCCARLTON](#)

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Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Monday, August 27, 2018 9:36 AM
To: Carlton, Lindsay
Cc: Flores, Sarah Isgur (OPA)
Subject: Re: *Fox News Interview Request- Attorney General Jeff Sessions

I have reached out to the AG's scheduler and haven't heard back yet. I'll ping them again, and circle back!

Sent from my iPhone

On Aug 27, 2018, at 09:35, Carlton, Lindsay <Lindsay.Carlton@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200323-0001521



Doherty, Brian

From: Doherty, Brian
Sent: Friday, September 14, 2018 9:55 PM
To: Laco, Kelly (OPA); Flores, Sarah Isgur (OPA)
Cc: McDonnell, Brigid Mary; Sutton, Sarah E. (OPA)
Subject: RE: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Copy that—please do!

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Friday, September 14, 2018 2:04 PM
To: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>; Doherty, Brian <Brian.Doherty@FOXNEWS.COM>
Cc: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Brian -- we're not able to make it work next week, but will circle back if anything changes. Appreciate it!

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, September 13, 2018 12:37 PM
To: Doherty, Brian <Brian.Doherty@FOXNEWS.COM>
Cc: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: Re: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Monday perhaps? Let us check. Kelly can you touch base w Alexa on this?

On Sep 13, 2018, at 11:35 AM, Doherty, Brian <Brian.Doherty@FOXNEWS.COM> wrote:

...we could pre tape it in the 7pm or 9pm hr .

It'd be for about 6min w/ Bream

Thank you!

Brian

Subject: Media Advisory: Alexander to Participate in Justice Department's Forum on Free Speech In Higher Education



For Planning Purposes Only

Contact: Christina Mandreucci, (202) 224-8848

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

Alexander to Participate in Justice Department's Forum on Free Speech In Higher Education

WASHINGTON, September 13, 2018 – Senate education committee chairman Lamar Alexander (R-Tenn.) will have a conversation with Deputy Attorney General Rod Rosenstein at the Justice Department's Forum on Free Speech in Higher Education on **Monday, September 17, 2018, at approximately 3:00 p.m. ET.**

See more details and RSVP information in DOJ advisory below:



ATTORNEY GENERAL SESSIONS WILL DELIVER REMARKS ON THE ADMINISTRATION'S CONTINUED COMMITMENT TO PROTECTING FIRST AMENDMENT FREEDOMS AT THE JUSTICE DEPARTMENT'S FORUM ON FREE SPEECH IN HIGHER EDUCATION

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

WASHINGTON -- Attorney General Jeff Sessions will deliver remarks at the Justice Department's Forum on Free Speech in Higher Education on **Monday, September 17, 2018.** The Forum will bring together DOJ officials, congressional leaders, constitutional law scholars, academics, and prominent public intellectuals to engage in a discussion on First Amendment issues. It will feature two panel sessions, a conversation between Deputy Attorney General Rod Rosenstein and Senate Education Committee Chairman Lamar Alexander (R-Tenn.), and a keynote address by Nadine Strossen, former President of the ACLU.

WHO:

DOJ officials, congressional leaders, constitutional law scholars, academics, and prominent public intellectuals.

WHAT:

The Justice Department's Forum on Free Speech in Higher Education

Introduction and Remarks

- Attorney General Jeff Sessions
- Acting Associate Attorney General Jesse Panuccio

- Acting Assistant Attorney General John Gore of the Civil Rights Division

Session I: Free Speech and Campus Culture

- Moderator: John Gore, Acting Assistant Attorney General, Civil Rights Division
- Heather MacDonald, Thomas W. Smith Fellow, Manhattan Institute & Contributing Editor, City Journal
- Robert Shibley, Executive Director, Foundation for Individual Rights in Education
- Lee Tyner, General Counsel, Texas Christian University
- Eugene Volokh, Gary T. Schwartz Distinguished Professor of Law, UCLA School of Law

Session II: The Path Forward

- Moderator: Katie Benner, New York Times
- Emily M. Dickens, Corporate Secretary & Chief of Staff, Society for Human Resource Management (formerly Senior Vice President and General Counsel, Thurgood Marshall College Fund; Assistant Vice President for Federal Relations, University of North Carolina System)
- Heather Heying, Author, Evolutionary Biologist, Professor in Exile (formerly Professor at Evergreen State College)
- Vincent Phillip Muñoz, Tocqueville Associate Professor of Religion & Public Life, University of Notre Dame
- Amy Wax, Robert Mundheim Professor of Law, University of Pennsylvania Law School

Session III: A Conversation on the Congressional View

- Deputy Attorney General Rod Rosenstein
- Senate Education Committee Chairman Lamar Alexander (R-Tenn.)

Keynote Address

- Nadine Strossen, John Marshall Harlan II Professor of Law, New York Law School & Former President, American Civil Liberties Union

WHEN:

MONDAY, September 17, 2018

9:30 a.m. EDT

WHERE:

Department of Justice

Great Hall

950 Pennsylvania Avenue, NW

Washington, DC 20530

(Camera Preset: 9:00 am EDT // Final access time for print media without gear: 9:15 am EDT)

OPEN PRESS

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 Kelly Laco at kelly.laco@usdoj.gov AND press@usdoj.gov. Media must enter the Department at the visitor's entrance on Constitution Avenue NW between 9th and 10th Streets. Media may begin arriving at 8:30 a.m. EDT and cameras must be pre-set by 9:00 a.m. EDT.

###



If you would rather not receive future communications from Senator Lamar Alexander, let us know by clicking [here](#).

Senator Lamar Alexander, 455 Dirksen Senate Office Building, Washington, DC 20510 United States

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Doherty, Brian

From: Doherty, Brian
Sent: Thursday, September 13, 2018 12:43 PM
To: Flores, Sarah Isgur (OPA)
Cc: McDonnell, Brigid Mary; Sutton, Sarah E. (OPA); Laco, Kelly (OPA)
Subject: RE: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Ok great! Monday would of course work

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, September 13, 2018 12:37 PM
To: Doherty, Brian <Brian.Doherty@FOXNEWS.COM>
Cc: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>; Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Subject: Re: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Duplicative Material - See Bates Stamp Page 20200323-0001524



Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Thursday, September 13, 2018 12:42 PM
To: Flores, Sarah Isgur (OPA); Doherty, Brian
Cc: McDonnell, Brigid Mary; Sutton, Sarah E. (OPA)
Subject: RE: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Yes, I will check thanks!

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

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, September 13, 2018 12:37 PM
To: Doherty, Brian <Brian.Doherty@FOXNEWS.COM>
Cc: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>; Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: Re: Hi Sarah, how are you? Shannon wanted to see if the AG would be willing to sit down & discuss the concerns of free speech in higher education

Duplicative Material - See Bates Stamp Page 20200323-0001524



Gibson, Jake

From: Gibson, Jake
Sent: Thursday, September 13, 2018 4:59 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: RE: FW:

Okay.
Thanks.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, September 13, 2018 4:58 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Re: RE: FW:

Yes the White House provides it to them I believe

On Sep 13, 2018, at 3:55 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

Do all the senators on the Judiciary Committee get access to that background file?
I'm assuming they do...?

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, September 13, 2018 4:39 PM
To: Mike Levine <Mike.Levine@abc.com>; cstrohm1@bloomberg.net; Laura Jarrett <Laura.Jarrett@cnn.com>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Cc: O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov>
Subject: Fwd: FW:

Making sure y'all got this from the FBI

Begin forwarded message:

From: "Maguire, Jacqueline (BH) (FBI)" (b)(6)
Date: September 13, 2018 at 3:28:30 PM CDT
To: "Flores, Sarah Isgur (OPA) (JMD)" <Sarah.Isgur.Flores@usdoj.gov>
Subject: FW:

Upon receipt of the information on the night of September 12, we included it as part of Judge Kavanaugh's background file, as per the standard process.

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or its attachments are without defect.

Gibson, Jake

From: Gibson, Jake
Sent: Thursday, September 13, 2018 12:53 PM
To: Pettit, Mark T. (OPA)
Subject: Re: DAG speech coverage today

(b)(6)

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

On Sep 13, 2018, at 12:48 PM, Pettit, Mark T. (OPA) <Mark.T.Pettit@usdoj.gov> wrote:

Hey Jake, what is your cell?

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

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Caronia, Hayley

From: Caronia, Hayley
Sent: Wednesday, September 12, 2018 7:40 PM
To: Flores, Sarah Isgur (OPA)
Subject: Fox News Statement Request

Hello,

I'm reaching out from Fox News Channel to see if the DOJ has any comment on the following article:
<https://saraacarter.com/damning-new-strzok-text-to-page-the-times-is-angry-with-us-about-the-wp-scoop/>

Our deadline is 9pm tonight.

Thank you,
Hayley

HAYLEY CARONIA - FOX NEWS CHANNEL
1211 6TH AVENUE NY, NY 10036

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, September 12, 2018 1:48 PM
To: Limbaugh, Christen
Subject: Re: HANNITY REQUEST FOR COMMENT ON HIGGINS STORY

Nope

On Sep 12, 2018, at 10:33 AM, Limbaugh, Christen <christen.limbaugh@FOXNEWS.COM> wrote:

Hi Sarah,

Christen Bloom here with the Hannity staff at Fox News. Monica Crowley just published the op-ed below about an alleged whistleblower named Richard Higgins. Would the DOJ like to offer a comment on the story? We look forward to hearing from you.

Thank you,

Christen Bloom

<http://thehill.com/opinion/campaign/406080-exclusive-whistleblower-speaks-out-on-intelligence-communitys-anti-trump>

Opinion: Whistleblower speaks out on intelligence community's anti- Trump abuses

BY MONICA CROWLEY, OPINION CONTRIBUTOR — 09/12/18 08:30 AM EDT [439](#)
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

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© Greg Nash

After the New York Times published an anonymous op-ed by someone

claiming to be actively, deliberately and continuously torpedoing President Trump's agenda from a top position within his administration, the author was hailed as a patriotic whistleblower. Never mind that the president was duly elected, or that he's delivering a booming economy and muscular national security policies, or that the writer's efforts to undermine him are clearly treacherous. The author was celebrated for selflessly assisting a covert coup to eliminate the singular menace sitting in the Oval Office.

In the spring of 2017, a different kind of insider whistleblower came forward. Unlike the Times author, he had the guts to put his name to his concerns. But instead of being cheered, he was summarily fired — because he warned of exactly the kind of insidious Trojan horse threat the op-ed writer (and countless other internal “resisters”) posed to the president and his agenda.

Richard Higgins, an irregular-warfare expert with decades of intelligence experience, was serving in the National Security Council's strategic planning office when he says he was alerted by “good guys at FBI” about a high-level, coordinated effort to subvert the president. He drafted a memo, “POTUS and Political Warfare,” which detailed “withering information campaigns” directed against Trump by “‘deep state’ actors, globalists, bankers, Islamists and establishment Republicans.” (See his memo here: <https://unconstrainedanalytics.org/potus-and-political-warfare>.) This was far beyond normal politics, he wrote; it was an assault at “an unprecedented level” designed to remove “a seated president through the manipulation of the news cycle.”

The memo eventually reached Trump, who reportedly agreed with its assessment. Within 48 hours, Higgins was terminated by then-national security adviser H.R. McMaster's deputy and escorted out of the building. Trump was said to have been “furious” when told of Higgins' firing.

Sixteen months later, the Times writer confirmed Higgins' account that there is, in fact, a clandestine, unelected cabal willfully thwarting the Trump presidency.

In an exclusive interview, Higgins tells me that while he's been vindicated, “I underestimated how egregious the abuses of power actually were.”

Early on, his memo “called out — without specifically naming — what we now know as Operation Crossfire Hurricane,” the FBI counterintelligence investigation targeting the Trump campaign by using smears paid for by his political opponents and abuse of the Foreign Intelligence Surveillance

Act (FISA) process.

Further, after Trump's stunning election victory, the Republican establishment was allowed to staff out his new administration — an epic mistake, according to Higgins: "These bad actors have shielded the Obama holdovers from dismissal, tolerated the bureaucratic slow-rolling by corrupt government officials, populated the administration with their own loyalists, and prevented qualified, actual Trump supporters from being hired. Not to mention the Trump supporters the media and establishment loyalists co-conspired to push out once hired," he says.

"This toxic betrayal mixed with a media that covers for corrupt leaders in the FBI and DOJ, while hurling itself into one manufactured fake story after another, makes this an unprecedented crisis."

Asked how these forces are specifically operating, he replies: "Their aim is to kill the issues he was elected on. We're still in Afghanistan. We don't have the border wall or even funding for it. We still have ObamaCare ... the DOJ (Department of Justice) and FBI are leaving the rule of law in tatters while the Republican establishment allows a nearly 18-month-long unprecedented, extra-legal [special counsel Robert] Mueller spectacle to continue unabated. Mueller's deep-state rear-guard action exists to cover the retreat of corrupt officials"

Further, he says, "while the hard left presently controls the Democratic Party, leaders of the intelligence community" — including former CIA Director John Brennan and former FBI Director James Comey — "appear to have attempted to use our most sensitive intelligence capabilities to sabotage both the election process and the Trump presidency." And the Republican Party's leadership, he adds, "appears to have taken a business-as-usual approach that, at best, amounts to the passive tolerance of sedition."

Higgins doesn't make these charges casually.

"I hope the President re-reads the memo and makes his staff read it," he says, "because I stand by that assessment. [He] intuitively knows that there are active saboteurs around him."

The danger, of course, is that Trump ends up trusting very few — inhibiting his effectiveness, precisely the resisters' goal. What can he and others do to root out these subversives?

"The abuses of power by the DOJ, FBI, IC [intelligence community] and other institutions...require a bona fide special counsel. There is no doubt that these abuses present a true national security crisis," he explains.

“As far as the internal opponents, there are vetting processes and personnel changes that can be made. The first order of business is dismantling the establishment Republican infrastructure controlling White House personnel.”

Higgins says the consequences of failing to eliminate the internal threat are dire. “First, the emerging two-tiered justice system” — one protective of the elite, the other for everyone else — “will ensure that these abuses happen again.

“Second, faith in government will collapse among Trump supporters. Having been betrayed by the politicians they elected, a demographic large enough to elect a president will become completely disenfranchised.

“History will understand that the Republican Party served as the defeat mechanism of the American experiment in that they got elected on issues that they never intended to address.”

He characterizes this moment as “pivotal, but we may not fully understand the significance of current events for decades”

Given the public confirmation of his initial warning, he offers a fresh one: “We are fighting for this country’s future as well as her past. I warned senior [officials] on the national security transition that we were storming Omaha Beach on Jan. 20, 2017. They didn’t listen, and they didn’t survive the first wave. We still have to take that beach. The very same principles are at stake.”

The president ignores this alarm again at his — and the country’s — peril.

Monica Crowley is a senior fellow at the London Center for Policy Research, based at King’s College in New York City, which examines national security, energy, risk-analysis and other public policy issues.

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Daniel Horowitz

From: Daniel Horowitz
Sent: Wednesday, September 12, 2018 11:10 AM
Subject: Our Founders never thought the courts had the final say — and neither should we

Our Founders never thought the courts had the final say — and neither should we

Daniel Horowitz · September 12, 2018

<https://www.conservativereview.com/news/our-founders-never-thought-the-courts-had-the-final-say-and-neither-should-we/>

"Whenever a free people should give up in absolute submission to any department of government, retaining for themselves no appeal from it, their liberties were gone." ~[Abraham Lincoln](#), citing Thomas Jefferson
As a conservative who believes both in conservative policy outcomes and the authentic interpretation of the Constitution and the Fourteenth Amendment, I wish we had nine Clarence Thomases on the Supreme Court and like-minded judges on the lower courts. I wish every policy emanating from Congress or state legislatures that I felt violated my interpretation of the Constitution would immediately be placed in front of this eminent tribunal with life tenure so that it could be vetoed. Yet I recognize that this is a system more tyrannical than the one we fought in 1776. However, it is indeed the system we now face, except that the overwhelming majority of judges – both Republican and Democrat – do not interpret the Constitution but make it up as they go.

A republic or a dictatorship of the robes?

It is clear that Democrats believe the courts are the final say on every constitutional question – no matter how absurd their ruling is. They further believe that once a court uses this phantom "veto" power a single time on the progressive side of the question, even when that ruling is overturning 200 years of laws, political practices, customs, and prior court precedent, it is unassailable, not just by the other branches of government but even by a subsequent court.

Republicans disagree with the latter point, as they feel another court can overturn a previous court, but they fundamentally accept the premise that a court opinion in an individual case can set broad precedent that is self-executing and universally binding as the law on everyone and out of reach of the other two branches. As both Sen. John Cornyn, R-Texas, and Judge Kavanaugh indicated during questioning last week, the only recourse for Congress is to attempt to pass a constitutional amendment.

This is simply not true and is a threat to the very foundation of our system of government. It is true that there is a concept of *res judicata* – finality in judgement – for individual plaintiffs in civil and criminal cases. But if the courts in that process are going to engage in review of legislation and broad political issues affecting the entire country in order to resolve a case or controversy, there was never any understanding that we'd apply *res judicata* to judicial review.

The truth is that court opinions are *not* self-executing and universally binding as broad legal and political precedent on the other two branches. There are numerous tools at the disposal of Congress to prospectively and retrospectively check the judiciary through legislation, not by constitutional amendment, and the federal courts only have the jurisdiction vested in them by Congress.

Ultimately, each branch of government has a responsibility to interpret the Constitution as it relates to its respective powers, and each has tools and avenues through which to assert itself. The judiciary has the fewest and *weakest*, and the legislature has the strongest and most numerous. Judges can merely issue judgment in a case that has legitimate standing before a court of law. If the constitutional rationale used in a case in order to reach an opinion portends a specific precedent on a constitutional matter affecting the rest of the country and the other branches, it's the right and responsibility of everyone to push back against that

when they believe it is wrong.

That is the system of government we adopted in 1789, yet now the courts have sustained, enduring, and exclusive or final power to veto legislation or policies and can often even dictate new policies.

The question of who decides the Constitution was obvious to our Founders

From the beginning years of our republic until the 20th century, the question of who is the final arbiter of the Constitution was not an important question to answer. The disagreements over policy rarely spilled into disagreements over the Constitution, and in the few instances they did, they weren't over broad and consequential issues. It wasn't like today, when you have one side that believes what is antithetical to an inalienable right is a right and what is a right is not a right; what is a federal power belongs to the states and what belongs to the state is actually federal. You didn't have people who believed that redefining marriage, life, human sexuality, and national borders is in the Constitution.

As such, when in the course of a case or controversy the courts opined on a constitutional question (which actually happened in the 1790s before *Marbury*), the other branches would usually (but not always) defer to the judiciary. The issues weren't overly consequential, the opinions were often persuasive, and overall Congress was so powerful that it never feared, with the power to legislate and the power of the purse, that the courts would one day rule the country. Additionally, Congress regularly anchored everything it did to constitutional moorings and never dared outsource that to the Supreme Court. As the [Congressional Research Service explains](#), "the early history of the United States is replete with examples of all three branches of the federal government playing a role in constitutional interpretation."

There were some, especially Thomas Jefferson and the anti-federalists, who feared that judicial review would grow into into judicial exclusivity, but nobody ever thought the courts would be the final say, especially if they concocted revolutionary adulterations of the Constitution and the contours of fundamental rights.

Judicial supremacists as heirs to the Dred Scott legacy

Because the proponents of slavery viewed human beings as property, slavery was not only a political dispute but a constitutional one, as slaveholders asserted that the Missouri Compromise of 1820, which barred slavery in most of the new territories, denied them their property rights. The Supreme Court in *Dred Scott v. Sandford* ruled that the Missouri Compromise indeed violated the constitutional property rights of Mr. Sandford. This was the first moment when it became relevant to ask who is the final arbiter of the Constitution, especially when the court was so wrong and with such devastating consequences. That was the critical point of debate between Abraham Lincoln and Stephen Douglas in the 1858 Illinois Senate race. Lincoln was right, yet both parties of the political swamp, including most of the "conservative" legal profession today, have adopted the Douglas/Dred Scott view.

At the first debate in Ottawa, Illinois, Douglas accused Lincoln of waging "warfare" against the Supreme Court, "the highest judicial tribunal on earth" whose "decision becomes the law of the land, binding on you, on me, and on every other good citizen whether we like it or not."

Lincoln showed Douglas's hypocrisy: that he never propagated such a novel and tyrannical notion of governance until he needed it to promote slavery, and that his entire career stood against this proposition. He noted how the very same Douglas who felt the court's opinion – that banning slavery was akin to banning property rights – was "the law of the land" claimed to support the individual territories themselves banning slavery if they so chose. But if the Supreme Court's ruling that black slaves were property was a self-executing Constitutional proclamation binding on every branch of government and universally binding on non-parties, then how could Douglas's popular sovereignty get off the ground? That was the trap Lincoln set for Douglas throughout the infamous debates.

According to Lincoln, where the high court fits into the structure of constitutional construction is very simple. The Constitution, not any one branch of government, is the law of the land. Thus, when a court renders an opinion, it is only binding on that party and only serves as precedent within the judicial branch of government.

Despite the *Dred Scott* decision, Lincoln as president signed laws prohibiting slavery in the territories, and, as head of the executive branch, he not only declined to treat black people as property, he treated them as citizens and issued them official government documents, such as passports. Those issues are within the province of the other branches of government, who must interpret the Constitution as they understand it. Sadly, not only did Lincoln lose the 1858 Senate election to Douglas, he lost the fight over what would

eventually become the most consequential political question of our time. Our current view of the judiciary is a legacy of the insidious plot to maintain slavery.

Why did the Founders think about the final say on the Constitution?

Much to the consternation of Thomas Jefferson, there were some at our founding who felt that the other branches should defer to the judiciary when they rendered a constitutional opinion in a given case, but that was merely a *political* view, not a legal one. Nobody could suggest that the judiciary serves as an absolute veto the same way the president has a veto on Congress or the same way James Madison originally wanted to construct the veto power, as a shared venture between the president and the Supreme Court. Such a binding and vital role would have needed explicit affirmation in the Constitution. It's clearly not anywhere in Article III.

What greater authority on this topic than James Madison? This is the man who originally proposed that the Supreme Court be joined with the president for the purpose of vetoing legislation in a "council of revision," instead of (not in addition to) the solo presidential veto. But once our current system was adopted, thanks to the Connecticut Compromise, and an independent executive with a solo veto on Congress was created, no rational person conceived of the additional layer of a judicial veto. Madison explained in a June 17, 1789, floor speech that, although in practical cases "the exposition of the laws and the Constitution devolves upon the judicial," there is no "principle" upon which it can be "contended" that "any one department draws from the [C]onstitution greater powers than another, in marking out the limits of the powers of the several departments."

Thus, the fact that many believed that the judiciary, for its purposes and its own branch of government, can ignore a law it deemed unconstitutional, makes it obvious that the other branches most certainly had a similar obligation to ignore unconstitutional court opinions for its purposes. What happens when there is disagreement? Ultimately, each one uses its powers to vie for the public support of its position. "If the constitutional boundary of either be brought into question, I do not see that any one of these independent departments has more right than another to declare their sentiments on that point," said Madison.

So, what happens when the legislature and the president disagree? Do we call in the courts as the final and ultimate arbiter, as nearly everyone on both sides of the Kavanaugh confirmation hearing believed? Not at all. Madison wrote in his anonymous "Helvidius" essays (number 2), debating Hamilton on the Washington administration's posture towards France, that such friction is healthy and part of the process. "It may happen also that different independent departments, the legislative and executive, for example, may in the exercise of their functions, interpret the constitution differently, and thence lay claim each to the same power. This difference of opinion is an inconvenience not entirely to be avoided. It results from what may be called, if it be thought fit, a concurrent right to expound the constitution." Hence, the branches fight it out. This is healthy republicanism, as imperfect as it is, much superior to North Korean-style vestment of all power in the unelected branch of government we have today.

When answering the question of "what is to control Congress when backed and even pushed on by a majority of their Constituents" to enact something unconstitutional, [Madison said](#) that ultimately the power resides with the people. "Nothing within the pale of the Constitution but sound argument & conciliatory expostulations addressed both to Congress & to their Constituents." Again, petitioning a court is definitively *one of those avenues*, but not the *final* avenue. As [Jefferson said](#) toward the end of his life, "Each of the three departments has equally the right to decide for itself what is its duty under the Constitution without regard to what the others may have decided for themselves under a similar question." Ultimately, public engagements and elections will wind up tipping the balance of power to one side.

Restoring this balance of power away from judicial supremacism as our Founders envisioned does not require a constitutional amendment the same way it would if we wanted to alter a presidential veto or congressional control over the purse. The notion of the Supreme Court as a categorical veto of law and policy for the purposes of the other branches is likely the most dangerous legal fiction in American history.

Besides, nothing ever forces the other branches to actively give force to unconstitutional opinions, such as using funds or sending our law enforcement to police the ever-evolving rights discovered by the judicial tribunal.

Until this question is resolved, we will continue to suffer from a dysfunctional government unbecoming of a

republic.

Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Wednesday, September 12, 2018 12:09 AM
To: Maltas, Mike
Cc: Robinson, Kenya (OPA)
Subject: RE: Fox News RSVP: AG Sessions remarks to the (NNOAC), Sep. 12

Great, thanks!

From: Maltas, Mike <Mike.Maltas@FOXNEWS.COM>
Sent: Tuesday, September 11, 2018 5:29 PM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Cc: Robinson, Kenya (OPA) <krobinson@jmd.usdoj.gov>
Subject: RE: Fox News RSVP: AG Sessions remarks to the (NNOAC), Sep. 12

Fox News video photog (b)(6) (covering unilaterally). Thanks

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Tuesday, September 11, 2018 3:16 PM
To: Maltas, Mike <Mike.Maltas@FOXNEWS.COM>
Cc: Robinson, Kenya (OPA) <Kenya.Robinson@usdoj.gov>
Subject: Re: Fox News RSVP: AG Sessions remarks to the (NNOAC), Sep. 12

Sounds good! Thanks!

Sent from my iPhone

On Sep 11, 2018, at 14:07, Maltas, Mike <Mike.Maltas@FOXNEWS.COM> wrote:

Absolutely. We tend wait for the nets to vote on pooling before finalizing coverage assignments. That's usually in 5pm hour. Sometimes we get a jump on the assignment though. Will send as soon as possible.
Thanks

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Tuesday, September 11, 2018 3:01 PM
To: Maltas, Mike <Mike.Maltas@FOXNEWS.COM>
Cc: Robinson, Kenya (OPA) <Kenya.Robinson@usdoj.gov>
Subject: Re: Fox News RSVP: AG Sessions remarks to the (NNOAC), Sep. 12

Correct. And thanks! Could you send the names of the crew attending so I can make sure ATF security has them?

Sent from my iPhone

On Sep 11, 2018, at 13:35, Maltas, Mike <Mike.Maltas@FOXNEWS.COM> wrote:

Attn: Sarah Sutton

Hi Sarah,

Fox News would like to RSVP for tomorrow's remarks by AG Jeff Sessions to the NNOAC. If the event doesn't go network pool (or we get assigned as pool) we'll send a crew name. I gather time on site is 11:30 for screening and a 12-12:30 preset for the 1:30pm speech.

Thanks

Mike Maltas

Fox News

400 N. Capitol St., NW

Washington, DC 20002

Office: 202.824.6327

Cell: (b)(6)

Mike.maltas@foxnews.com

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Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Tuesday, September 11, 2018 8:37 PM
To: Maltas, Mike
Cc: Robinson, Kenya (OPA)
Subject: Re: Fox News RSVP: AG Sessions remarks to the (NNOAC), Sep. 12

Great, thanks!

Sent from my iPhone

On Sep 11, 2018, at 16:31, Maltas, Mike <Mike.Maltas@FOXNEWS.COM> wrote:

Fox News video photog (b)(6) (covering unilaterally). Thanks

Duplicative Material - See Bates Stamp Page 20200323-0001559



Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, September 11, 2018 10:04 PM
To: Carey, Alyssa
Subject: Re: Hannity Fox News Statement Request

I'm not sure I understand. Is there a question? It looks from the story that there was a draft oped at FBI on election interference.

On Sep 11, 2018, at 8:38 PM, Carey, Alyssa <Alyssa.Carey@FOXNEWS.COM> wrote:

Hello again Sarah,
Would you like to provide a statement to us on this article that just posted?

https://urldefense.proofpoint.com/v2/url?u=https-3A_saraacarter.com_breaking-2Dpage-2Dand-2Dstrzok-2Dtexts-2Dreveal-2Dthey-2Ddiscussed-2Dwriting-2Da-2Dfolksy-2Dop-2Ded-2Don-2Drussia_&d=DwMFaQ&c=cnx1hdOQtepEQkpermZGwQ&r=YJZJL6C3n4dRK_xNz-SMFideqb1UznuumudPFXxP3kE&m=TfsbnpDQ1FCjNW2tCkZ9YhTkjUJ8nF95UAQ3zELBieU&s=Wm kM-ytZhZUG9RVKON-mdycoK6qCsXe08A_S_FN7hPc&e=

Thank you,
Alyssa

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Herridge, Catherine

From: Herridge, Catherine
Sent: Tuesday, September 11, 2018 7:16 PM
To: Flores, Sarah Isgur (OPA)
Cc: Gibson, Jake; Arroyo, Michael
Subject: Ohr testimony

Good evening –

We are checking back on whether the department will be providing any comment about Bruce Ohr, and his recent testimony or whether you are referring reporters to an outside attorney.

We do not have new information for a web story tonight we are producing tonight, but Mr. Ohr, and the allegations about the handling of the dossier come up again, and we wanted to check back.

Thank you
Catherine

From: Herridge, Catherine
Sent: Wednesday, September 05, 2018 3:17 PM
To: 'Flores, Sarah Isgur (OPA)' <Sarah.Isgur.Flores@usdoj.gov>
Cc: Lavinsky, John S. (OIG) <John.S.Lavinsky@usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: Ohr testimony/AG Sessions/IG Horowitz

Thank you for responding.

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Wednesday, September 05, 2018 2:14 PM
To: Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>
Cc: Lavinsky, John S. (OIG) <John.S.Lavinsky@usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: Re: Ohr testimony/AG Sessions/IG Horowitz

We'll decline

On Sep 5, 2018, at 10:51 AM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

Good afternoon,

This follow up letter about the DOJ Ohr testimony was sent to AG Sessions, and IG Horowitz yesterday.

Please confirm receipt of the attached congressional query.

We would be grateful for department comment, or background for context.

Thank you for the consideration.

Catherine V. Herridge

Chief Intelligence Correspondent

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<9.4.2018 letter from MRM to AG.PDF>

MARK MEADOWS
11TH DISTRICT, NORTH CAROLINA

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
CHAIRMAN, SUBCOMMITTEE ON
GOVERNMENT OPERATIONS

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

COMMITTEE ON FOREIGN AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515-3311

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WASHINGTON, DC 20515
(202) 225-6401

200 NORTH GROVE STREET, SUITE 90
HENDERSONVILLE, NC 28792
(828) 693-5660

www.house.gov/meadows

September 4, 2018

The Honorable Jeff. Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue NW, Suite 4706
Washington, D.C. 20530

Dear Mr. Sessions:

As you know, Inspector General Michael E. Horowitz announced in March his office would initiate a review examining the Justice Department and Federal Bureau of Investigation's compliance with legal requirements, and with applicable DOJ and FBI policies and procedures, in applications filed with the U.S. Foreign Intelligence Surveillance Court related to Carter Page, an associate of the Trump campaign. Additionally, you recently announced the appointment of US Attorney John W. Huber to investigate a series of matters connected to the 2016 election and its aftermath.

During a series of transcribed interviews with witnesses central to our joint congressional investigation into these issues, we have learned of potentially critical information the OIG and Mr. Huber should consider.

First, a recent transcribed interview conducted with career DOJ attorney Bruce Ohr raises grave concerns related to his role as a conduit between Christopher Steele and the FBI as Steele compiled an opposition research dossier on behalf of the Democratic National Committee and the Hillary Clinton campaign. At multiple points in his transcribed interview, in describing his contacts with Mr. Steele and the FBI, Mr. Ohr flagged instances in which the FBI and Department of Justice potentially broke from established protocol to further their investigation of the Trump campaign. For example, Mr. Ohr described how his contemporaneous notes documenting his meetings with Mr. Steele noted Steele's animus toward then-candidate Trump (*i.e.* that Steele "was desperate that Donald Trump not get elected and was passionate about him not being president").

Second, Mr. Ohr's testimony revealed he had recorded how the status of his wife, Nellie, as a contractor for Fusion GPS (the opposition research firm collecting derogatory information about candidate Trump) presented a potential conflict of interest. In August 2016, months before the FISC approved FISA surveillance of Carter Page, Mr. Ohr recorded this apparent conflict of interest and his firsthand evidence of Mr. Steele's bias.

According to Mr. Ohr's testimony, his concerns related to Mr. Steele's bias and his own apparent conflict of interest do not appear to have been included in the FISA materials approved to surveil Carter Page. Despite Mr. Ohr's concerns related to the dossier, as well as the FBI and DOJ's failure to corroborate its contents, former Deputy Attorney General Sally Yates and other high-ranking officials at the Department of Justice signed off on the initial FISA application and subsequent renewals.

Despite the detailed account Mr. Ohr's testimony provided in terms of the role he played to provide sensitive information to the FBI related to the Trump campaign's alleged contacts with Russia, Mr. Ohr testified neither he nor his wife has been interviewed by Special Counsel Mueller as part of his investigation. As such, I write to encourage Mr. Horowitz and Mr. Huber to include Mr. Ohr's involvement in these events in their parallel investigations, as his testimony has brought new concerns to light regarding whether the FBI and DOJ followed proper protocol in the filing of U.S. Foreign Intelligence Surveillance Court applications related to Carter Page.

Sincerely,



Mark Meadows
Member of Congress

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, September 11, 2018 2:52 PM
To: Carey, Alyssa
Subject: Re: Hannity Fox News Statement Request

Nope.

On Sep 11, 2018, at 2:51 PM, Carey, Alyssa <Alyssa.Carey@FOXNEWS.COM> wrote:

Hello Sarah,

Just checking to see if the DOJ has any statement to provide on the article below:
<http://www.foxnews.com/politics/2018/09/11/strzok-page-texts-on-media-leak-strategy-fuel-trump-fury-at-doj-nothing-is-being-done.html>

Our deadline is 9pm et.
Thanks!
Alyssa

Alyssa Carey
"Hannity"

C: (b)(6)

W: (b)(6)

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, September 11, 2018 11:57 AM
To: mboyle
Subject: RE: Google Turned Out Latino Voters They Thought Would Vote for Clinton

The Department does not confirm or deny investigations.

(Off the record: in this case, it looks like it would probably be an FEC violation--not a criminal violation)

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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

From: mboyle <mboyle@breitbart.com>
Sent: Tuesday, September 11, 2018 11:47 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Google Turned Out Latino Voters They Thought Would Vote for Clinton

<https://www.breitbart.com/big-government/2018/09/10/silent-donation-corporate-emails-reveal-google-executives-efforts-to-swing-election-to-hillary-clinton-with-latino-outreach-campaign/>

Hi Sarah,

Wanted to see if the DOJ intends to investigate this matter and in particular whether Google committed any campaign finance crimes by conducting itself in this manner.

Let me know thanks and hope all is well.

Sent from my iPhone

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Tuesday, September 11, 2018 10:21 AM
To: Neil Munro
Subject: RE: terminations

Definitions are below the chart, and the applicable regulation I believe is 8 CFR 1003.31.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Tuesday, September 11, 2018 10:19 AM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: terminations

What does "asylum others" in this chart mean?

<https://www.justice.gov/eoir/page/file/1061526/download>

Thanks

On Sep 10, 2018, at 1:22 PM, Neil Munro <nmunro@breitbart.com> wrote:

http://trac.syr.edu/phptools/immigration/court_backlog/apprep_outcome_stay.php

On Sep 10, 2018, at 1:16 PM, O'Malley, Devin (OPA)
<Devin.O'Malley@usdoj.gov> wrote:

Termination Termination of proceedings dismisses the case related to a particular charging document. Sometimes the parties may agree to jointly terminate proceedings and must then present a joint motion to the immigration judge for review and decision. Additionally, if an immigration judge finds that a respondent is not removable as charged or that the respondent has established eligibility for citizenship, the immigration judge must terminate proceedings. It is important to

citizenship, the immigration judge may terminate proceedings. It is important to note, however, that terminated cases do not exempt the respondent from future proceedings under a new charging document, and termination does not confer any status upon the respondent. While not a form of protection or relief from removal, an immigration judge's decision to terminate proceedings may enable a respondent to be granted voluntary departure by DHS or to pursue other relief claims.

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

Re, Gregory

From: Re, Gregory
Sent: Monday, September 10, 2018 6:25 PM
To: Flores, Sarah Isgur (OPA); Gibson, Jake; O'Malley, Devin (OPA)
Subject: Re: Fox News inquiry RE: Rosenstein letter from Mark Meadows

Thanks!

From: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Sent: Monday, September 10, 2018 3:11:40 PM
To: Gibson, Jake; O'Malley, Devin (OPA)
Cc: Re, Gregory
Subject: RE: Fox News inquiry RE: Rosenstein letter from Mark Meadows

We'll decline. Also in future will make more sense to work through us directly by emailing Jake or Catherine has our contact info. The main press inbox always takes longer to get to us.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Re, Gregory <gregory.re@FOXNEWS.COM>
Sent: Monday, September 10, 2018 4:25 PM
To: Press <Press@jmd.usdoj.gov>
Subject: Fox News inquiry RE: Rosenstein letter from Mark Meadows

Dear DOJ press office--

I'm working on a story for Fox News with Catherine Herridge, and we wanted to see if the DOJ has any comment concerning a letter sent today to DAG Rod Rosenstein by GOP Rep. Mark Meadows. The letter refers to a "systemic" culture of leaking at the FBI and DOJ and suggests that the leaks, including an April discussion with AP reporters, may have occurred to harm President Trump. Thank you for any comment you could provide that would help our readers better understand the issue, in particular with any more insight you could provide about efforts being made to clamp down on such leaks, if any. Our story is set for publication soon but would be updated with any comment you provide.

Best,

Gregory Re

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, September 10, 2018 5:07 PM
To: Wallace, Jay
Cc: O'Donnell, Erin
Subject: Re: Invitation to off the record lunch with the Attorney General

Wonderful thank you!

On Sep 10, 2018, at 4:53 PM, Wallace, Jay <jay.wallace@FOXNEWS.COM> wrote:

Hi Sarah – I will be there. Thank you.

From: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Sent: Friday, September 7, 2018 4:25 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Bream, Shannon <shannon.bream@FOXNEWS.COM>; Baier, Bret <bret.baier@FOXNEWS.COM>; Wallace, Jay <jay.wallace@FOXNEWS.COM>; Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Carlson, Tucker <Tucker.Carlson@FOXNEWS.COM>; Wallace, Chris <Chris.Wallace@FOXNEWS.COM>; Ingraham, Laura <Laura.Ingraham@FOXNEWS.COM>; Sammon, Bill <bill.sammon@FOXNEWS.COM>; Perino, Dana <Dana.perino@FOXNEWS.COM>; MacCallum, Martha <Martha.MacCallum@FOXNEWS.COM>
Cc: Pettit, Mark T. (OPA) <Mark.T.Pettit@usdoj.gov>
Subject: Invitation to off the record lunch with the Attorney General

Dear DC Fox team,

The Attorney General would like to invite all of you to lunch on September 25th at 12pm at the Department. Please let us know if you will be able to attend and we will have your names at security and an escort to bring you to his formal dining room. I'd leave about 15 minutes to get through security.

Look forward to seeing you all,
Sarah

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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endorsed by either of them. No representation is made that this email or its attachments are without defect.

Neil Munro

From: Neil Munro
Sent: Monday, September 10, 2018 1:22 PM
To: O'Malley, Devin (OPA)
Subject: Re: terminations

http://trac.syr.edu/phptools/immigration/court_backlog/apprep_outcome_stay.php

On Sep 10, 2018, at 1:16 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Termination Termination of proceedings dismisses the case related to a particular charging document. Sometimes the parties may agree to jointly terminate proceedings and must then present a joint motion to the immigration judge for review and decision. Additionally, if an immigration judge finds that a respondent is not removable as charged or that the respondent has established eligibility for citizenship, the immigration judge may terminate proceedings. It is important to note, however, that terminated cases do not exempt the respondent from future proceedings under a new charging document, and termination does not confer any status upon the respondent. While not a form of protection or relief from removal, an immigration judge's decision to terminate proceedings may enable a respondent to be granted voluntary departure by DHS or to pursue other relief claims.

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

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Monday, September 10, 2018 8:50 AM
To: Neil Munro
Subject: RE: Can you have someone talk me through the EOIR statistics? I want to write ...

Sure.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Friday, September 7, 2018 2:58 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: Can you have someone talk me through the EOIR statistics? I want to write ...

You mailbox is full.
Friday at 11.00?

On Sep 6, 2018, at 7:48 AM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Neil free free to call any time or throw out a certain time you wish to speak at.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Wednesday, September 5, 2018 1:41 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: Can you have someone talk me through the EOIR statistics? I want to write ...

OK, so what about Thursday?

Neil
(b)(6)

On Sep 4, 2018, at 4:55 PM, Neil Munro <nmunro@breitbart.com> wrote:

What about Wednesday?

On Aug 31, 2018, at 5:02 PM, Neil Munro <nmunro@breitbart.com> wrote:

Great.

On Aug 31, 2018, at 4:34 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Yes, we can do it on Tuesday?

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Friday, August 31, 2018 3:50 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Fwd: Can you have someone talk me trough the EOIR statistics? I want to write ...

Devin,

Can you have someone guide me through the EOIR statistics?

<https://www.justice.gov/eoir/workload-and-adjudication-statistics>

I want to write another listicle about Sessions's record.

Yours,

Neil Munro
Breitbart News

Neil Munro

From: Neil Munro
Sent: Friday, September 7, 2018 9:37 PM
To: O'Malley, Devin (OPA)
Subject: Re: Can you have someone talk me through the EOIR statistics? I want to write ...

Well, let's try Monday at 11.00?

Neil Munro

On Sep 7, 2018, at 2:57 PM, Neil Munro <nmunro@breitbart.com> wrote:

Duplicative Material - See Bates Stamp Page 20200323-0001576



Neil Munro

From: Neil Munro
Sent: Wednesday, August 29, 2018 10:14 PM
To: O'Malley, Devin (OPA)
Subject: Can you have someone talk me trough the EOIR statistics? I want to write ...

Devin,

Can you have someone guide me through the EOIR statistics?

<https://www.justice.gov/eoir/workload-and-adjudication-statistics>

I want to write another listicle about Sessions's record.

Yours,

Neil Munro
Breitbart News

Leach, Matt

From: Leach, Matt
Sent: Sunday, September 9, 2018 6:43 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Fox News Request: Investigation into NYT OP-ED

Copy that. Sorry to double up..thanks for getting back to me!

Matt Leach
White House Producer, Fox News
Cell: (b)(6)

On Sep 9, 2018, at 6:38 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

I responded to this question on Friday to Jake Gibson and other fox folks--doj does not confirm or deny invt.

On Sep 9, 2018, at 12:22 PM, Leach, Matt <matt.leach@FOXNEWS.COM> wrote:

Hey Sarah,

Wondering if the DOJ has any statement on the Vice President's view that an investigation into who the NYT op-ed writer is "would be appropriate"? Any plans for an investigation?

Thanks!

Matt Leach
White House Producer, Fox News
matt.leach@foxnews.com
(b)(6)

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Saturday, September 8, 2018 11:23 AM
To: Jake.Gibson@FOXNEWS.COM
Subject: Follow up on FISA

Demers was out of town all last week which meant the dag approved all FISAs. It's the lowest authorized person who is in town who does the signing.

Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Saturday, September 8, 2018 11:20 AM
To: Maltas, Mike
Subject: RE: Fox News RSVP: ATTORNEY GENERAL SESSIONS REMARKS TO THE LARGEST CLASS OF INCOMING IMMIGRATION JUDGES IN HISTORY FOR THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Sounds good. Thanks!

From: Maltas, Mike <Mike.Maltas@FOXNEWS.COM>
Sent: Saturday, September 8, 2018 11:05 AM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: Fox News RSVP: ATTORNEY GENERAL SESSIONS REMARKS TO THE LARGEST CLASS OF INCOMING IMMIGRATION JUDGES IN HISTORY FOR THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Sarah,
Fox News would like to RSVP videophotog (b)(6) for this Monday event. He'll be on site 0645 to make the preset deadline of 0745.

Thank you
Mike Maltas
Fox News Channel

From: USDOJ-Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Friday, September 7, 2018 7:01 PM
To: 087-DC desk email
Subject: ATTORNEY GENERAL SESSIONS WILL GIVE REMARKS TO THE LARGEST CLASS OF INCOMING IMMIGRATION JUDGES IN HISTORY FOR THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

 This content is a placeholder for a document or image that failed to load.

FOR PLANNING PURPOSES ONLY
FRIDAY, SEPTEMBER 7, 2018

**ATTORNEY GENERAL SESSIONS WILL GIVE REMARKS TO
THE LARGEST CLASS OF INCOMING IMMIGRATION
JUDGES IN HISTORY FOR THE EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW**

IMMIGRATION REVIEW

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

WASHINGTON -- Attorney General Jeff Sessions will give remarks to the largest class of immigration judges in history for the Executive Office for Immigration Review (EOIR) on **Monday, September 10, 2018.**

WHO:

Attorney General Jeff Sessions

WHAT:

Attorney General Jeff Sessions will give remarks to the largest class of immigration judges in history for the EOIR.

WHEN:

MONDAY, September 10, 2018

8:45 a.m. EDT

WHERE:

Skyline Tower

5107 Leesburg Pike

Falls Church, VA 22041

(Camera Preset for: 7:45 am EDT // Final access time for print media without gear: 8:00 am EDT)

OPEN PRESS

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

The RSVP and any inquiries regarding logistics should be directed to Sarah Sutton at sarah.e.sutton@usdoj.gov. Please RSVP with the email address of the person(s) attending the event, so that we may reach them directly if details change.

#

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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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.

Wallace, Chris

From: Wallace, Chris
Sent: Friday, September 7, 2018 5:21 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Invitation to off the record lunch with the Attorney General

Count me in.
Thanks Sarah.

Sent from my iPad

On Sep 7, 2018, at 4:25 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Dear DC Fox team,

The Attorney General would like to invite all of you to lunch on September 25th at 12pm at the Department. Please let us know if you will be able to attend and we will have your names at security and an escort to bring you to his formal dining room. I'd leave about 15 minutes to get through security.

Look forward to seeing you all,
Sarah

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, September 7, 2018 11:38 AM
To: Jarrett, Laura; Gibson, Jake
Subject: NYC

Oct 22nd is the date we are looking at to go to NYC w me, Whitaker, Danielle, and boyd.

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, September 7, 2018 11:34 AM
To: Gibson, Jake
Subject: RE: lunch w the AG

How about Sept 25th at noon?

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, August 31, 2018 3:15 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: lunch w the AG

Am thinking of having some off the record lunches in Sept with folks. This is the tentative list of invitees for Fox. Any thoughts—additions/subtractions:

Jake
Laura I
Shannon
Chris Wallace
Bret
Doocy
Tucker
Jay Wallace

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

Carey, Alyssa

From: Carey, Alyssa
Sent: Thursday, September 6, 2018 8:06 PM
To: Flores, Sarah Isgur (OPA)
Subject: Hannity Statement Request

Hi Sarah,
Hope all is well.

Can you please provide a statement on this article just posted:

<http://thehill.com/opinion/white-house/405484-bruce-ohrs-efforts-to-secretly-reshape-the-trump-probe-started-earlier-in>

Our deadline is 9pm et.

Thanks!

Alyssa

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, September 6, 2018 5:57 PM
To: Gibson, Jake
Subject: Re: Transcript of Matt Gaetz and Rod Rosenstein Exchange at Committee Hearing

He's referring to the confirmation of John Demers as the other person who is authorized to sign FISA applications. If for any reason John is unavailable, it would fall once again to the dag.

On Sep 6, 2018, at 5:51 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

The question is about the highlighted part of the transcript below.

From Catherine:

In his recent testimony, DAG Rosenstein testified that he was "relieved" of his responsibilities to sign FISA application. We are seeking further context, whether it was Rosenstein's decision to step away pending the IG Horowitz FISA investigation, or it was ordered.

At the event today, members said they believed it was initiated by Rosenstein...

+++++

House Judiciary Committee Hearing on Oversight of FBI and DOJ Actions Surrounding the 2016 Elections

Hearing held on June 28, 2018

+++++

GAETZ:

I'm sorry; I've got to reclaim my time, Mr. Rosenstein.

The FISA renewal that you signed -- list for me the people who briefed you on the substance of that -- of that FISA renewal to go and spy on people.

ROSENSTEIN:

So, Mr. Gaetz, here's one thing I think it's important for you to understand. People can make all kinds of allegations publicly. I am quite confident about my conduct throughout this investigation. That matter is under review by the inspector general. We'll see what the inspector general finds.

GAETZ:

Did you sign the FISA renewal that was submitted to

Did you read the FISA application before you signed it?

ROSENSTEIN:

I'm not going to comment about any FISA application.

GAETZ:

So you won't say to this committee whether or you even read the document you signed that authorized spying on people associated with the Trump campaign?

ROSENSTEIN:

I-- I dispute your characterization of what that FISA is about, sir.

GAETZ:

Did you read or did you not read it?

ROSENSTEIN:

I'll be happy to review -- I'll be happy to discuss the details with you, but as I told you, sir...

GAETZ:

Well, did Peter Strzok brief you on it?

ROSENSTEIN:

No.

GAETZ:

Did Lisa Page brief you on it?

ROSENSTEIN:

No.

GAETZ:

Did Sally Moyer brief you on it?

ROSENSTEIN:

Now, let me explain the process, if I may.

GAETZ:

Well, did Trisha Anderson brief you on it?

ROSENSTEIN:

No FBI personnel briefed me on it. The process, sir, is that these FISA application and renewals first come up through the FBI chain of command. They are sworn under oath by a career federal agent. I'm not the affiant.

GAETZ:
You signed it.

ROSENSTEIN:
I'll explain the process to you.

GAETZ:
Did you thoroughly review it, yes or no?

ROSENSTEIN:
I want to explain the process to you.

GOODLATTE:
The time.

GAETZ:
I'm out of time. Did you thoroughly review it?

GOODLATTE:
The time of the gentleman has expired. The witness will be permitted to answer the question.

ROSENSTEIN:
I'd like to explain the process. Director Wray can explain it to you, sir. My responsibility, at that time, was to approve the filing of FISA applications, because only three people in the department are authorized to be the final signoff: the attorney general, the deputy, and the assistant attorney general for national security who -- at the time, the position was vacant.

So it was my responsibility to do that. I have, fortunately, been relieved of that responsibility. Director Wray still does it every day. And I don't know exactly what his process is, sir.

But we sit down with a team of attorneys from the Department and Justice, all of whom review that, provide a briefing for us about what's in it. And, sir, I've reviewed that one in some detail, and I can tell you, sir, that the information that's public about that doesn't match with my understanding of the one that I signed.

But I think it's appropriate to let the inspector general complete that investigation. These are serious allegations, and I don't do the investigation. I'm not the affiant. I'm reviewing the finished product, sir.

GAETZ:
Are they investigating you?

ROSENSTEIN:
If the inspector general finds that I did something wrong, then I'll respect that judgment. But I think it's highly, highly unlikely, sir, given the way the process works.

GAETZ:
I yield back.

[Source: CQ Newsmakers Transcripts]

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Emanuel, Mike

From: Emanuel, Mike
Sent: Thursday, September 6, 2018 4:25 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Hello, Sarah

Thank you.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, September 6, 2018 4:07 PM
To: Emanuel, Mike <Mike.Emanuel@FOXNEWS.COM>
Subject: Re: Hello, Sarah

He did not and I'd refer you to Sarah sanders tweet.

On Sep 6, 2018, at 2:44 PM, Emanuel, Mike <Mike.Emanuel@FOXNEWS.COM> wrote:

Has the Attorney General been asked if he wrote the Op-Ed? Has he commented?
Just checking. Thank you.

Mike
++++

Mike Emanuel
Chief Congressional / Senior Political Correspondent
Fox News

(b)(6) -mobile
(b)(6) -bureau

@MikeEmanuelFox

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O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Thursday, September 6, 2018 3:04 PM
To: jake.gibson@foxnews.com

The media's wild obsession with the identity of the anonymous coward is recklessly tarnishing the reputation of thousands of great Americans who proudly serve our country and work for President Trump. Stop. If you want to know who this gutless loser is, call the opinion desk of the failing NYT at 212-556-1234, and ask them. They are the only ones complicit in this deceitful act. We stand united together and fully support our President Donald J. Trump.

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

Gibson, Jake

From: Gibson, Jake
Sent: Thursday, September 6, 2018 2:43 PM
To: Flores, Sarah Isgur (OPA)
Subject: Sessions not the author of op-ed?

Laura's tweet...

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, September 6, 2018 10:58 AM
To: Burman, Blake; Catherine Herridge; Jake.Gibson@FOXNEWS.COM
Cc: Raimondi, Marc (OPA)
Subject: Re: Hi Sarah-- can you confirm?

Marc handles national security cases

On Sep 6, 2018, at 10:08 AM, Burman, Blake <Blake.burman@FOXBUSINESS.COM> wrote:

Hey good morning. This was a story we covered. Is this accurate? Much thanks.

JUST IN: U.S. Department of Justice to indict North Korean hackers it accuses of cyberattack on Sony - senior official tells [@Reuters](#)

Blake Burman

Senior Washington Correspondent

Fox Business Network

(b)(6) (cell)

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Herridge, Catherine

From: Herridge, Catherine
Sent: Thursday, September 6, 2018 10:14 AM
To: Flores, Sarah Isgur (OPA); Prior, Ian (OPA)
Cc: Gibson, Jake
Subject: please let us know if you are providing guidance/timing on announcement at DOJ

We have a crew standing by. Thank you.

BC-US—APNewsAlert, 16

WASHINGTON (AP) -- AP source: Justice Department to announce charges in connection with North Korea's hack of Sony Pictures.

AP-WF-09-06-18 1406GMT

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, September 5, 2018 4:15 PM
To: Carey, Alyssa
Subject: Re: Hannity Statement Request

We'll decline. But note that dozens of congressman have seen the unredacted FISAs.

On Sep 5, 2018, at 2:52 PM, Carey, Alyssa <Alyssa.Carey@FOXNEWS.COM> wrote:

Hello Sarah,
Hope all is well.
Can you please provide a statement to us on this article by 9pm et?
<https://saraacarter.com/president-trump-may-declassify-the-20-fisa-docs-congress-wants/>

Thanks!
Alyssa

Alyssa Carey
"Hannity"
C:(b)(6)
W:(b)(6)

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, September 3, 2018 7:58 PM
To: Jake.Gibson@FOXNEWS.COM; Laura Jarrett
Bcc: Raj.S.Shah@who.eop.gov
Subject: A statement from me on kavanaugh production

"The Department of Justice, which has advised both Democratic and Republican administrations on the application of the Presidential Records Act and constitutional privileges, was responsible for determining which documents were produced to the Senate Judiciary Committee.

The volume, depth, and breadth of the production of Judge Kavanaugh's documents far surpasses the much smaller and narrower productions for previous nominees."

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Saturday, September 1, 2018 4:25 PM
To: Gibson, Jake
Subject: Re: DOJ Discloses No FISA Court Hearings Held on Carter Page

Any warrants--FISA or no. And obviously it would be up to the judge. Or in this case FOUR of them.

On Sep 1, 2018, at 4:23 PM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

So is that your understanding?
Generally no hearings for FISA warrants?
Never hearings for FISA warrants?
What is the correct info?

Thanks!

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

On Sep 1, 2018, at 3:58 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Lol see Andrew mccarthys tweets. Nobody ever holds hearings for warrants.

On Sep 1, 2018, at 9:51 AM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

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

Begin forwarded message:

From: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Date: August 31, 2018 at 2:18:31 PM EDT
To: Undisclosed recipients;;
Subject: DOJ Discloses No FISA Court Hearings Held on Carter Page

FOR IMMEDIATE RELEASE
Contact: 202.646.5100

August 31, 2018

Judicial Watch: Justice Department Discloses No FISA Court Hearings Held on Carter Page Warrants

'[N]o such hearings were held with respect to the acknowledged FISA applications. Accordingly, no responsive hearing transcripts exist.'

(Washington, DC) – [Judicial Watch](#) today announced that in response to a Judicial Watch [Freedom of Information Act \(FOIA\) lawsuit](#), the Justice Department (DOJ) admitted in a [court filing](#) last night that the Foreign Intelligence Surveillance Court held no hearings on the Foreign Intelligence Surveillance Act (FISA) spy warrant applications targeting Carter Page, a former Trump campaign part-time advisor who was the subject of four controversial FISA warrants.

In the [filing](#) the Justice Department finally revealed that the Foreign Intelligence Surveillance Court held no hearings on the Page FISA spy warrants, first issued in 2016 and subsequently renewed three times:

[National Security Division] FOIA consulted [Office of Intelligence] ... to identify and locate records responsive to [Judicial Watch's] FOIA request.... [Office of Intelligence] determined ... that there were no records, electronic or paper, responsive to [Judicial Watch's] FOIA request with regard to Carter Page. [Office of Intelligence] further confirmed that the [Foreign Intelligence Surveillance Court] considered the Page warrant applications based upon written submissions and did not hold any hearings.

The Department of Justice previously [released](#) to Judicial Watch the heavily redacted Page [warrant applications](#). The initial Page FISA warrant was granted just weeks before the 2016 election.

The DOJ [filing](#) is in response to a Judicial Watch [lawsuit](#) for the FISA transcripts (*Judicial Watch v. U.S. Department of Justice* (No. 1:18-cv-01050)).

In February, Republicans on the House Intelligence Committee released a [memo](#) criticizing the FISA targeting of Carter Page. The memo details how the "minimally corroborated" Clinton-DNC dossier was an essential part of the FBI and DOJ's applications for surveillance warrants to spy on Page.

Judicial Watch [recently filed](#) a request with the Foreign

Intelligence Surveillance Court seeking the transcripts of all hearings related to the surveillance of Carter Page.

“It is disturbing that the Foreign Intelligence Surveillance courts rubber-stamped the Carter Page spy warrants and held not one hearing on these extraordinary requests to spy on the Trump team,” said Judicial Watch President Tom Fitton. “Perhaps the court can now hold hearings on how justice was corrupted by material omissions that Hillary Clinton’s campaign, the DNC, a conflicted Bruce Ohr, a compromised Christopher Steele, and anti-Trumper Peter Strzok were all behind the ‘intelligence’ used to persuade the courts to approve the FISA warrants that targeted the Trump team.”

###

Jill Sutherland Farrell
Dir. Public Affairs
Judicial Watch Inc.
425 Third St SW, Suite 800
Washington, DC 20024
Desk 202-646-5188
Cell (b)(6)
www.judicialwatch.org
@judicialwatch

Founded in 1994, Judicial Watch Inc. is a constitutionally conservative, nonpartisan educational foundation that promotes transparency, accountability and integrity in government, politics and the law. JW is perhaps the most active FOIA requestor and litigator operating today.

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Daniel Horowitz

From: Daniel Horowitz
Sent: Thursday, August 30, 2018 3:38 PM
To: Laco, Kelly (OPA)
Subject: RE: Press Release + Filing

Ok, I was just wondering if you had any quote I can attribute to a top official noting that this is going to be a more widespread focus and how this is changing from past administrations.

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Thursday, August 30, 2018 3:32 PM
To: Daniel Horowitz <dhorowitz@crtv.com>
Subject: RE: Press Release + Filing

As a matter of policy, DOJ does not confirm or deny the existence or nonexistence of investigations.

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

From: Daniel Horowitz <dhorowitz@crtv.com>
Sent: Thursday, August 30, 2018 2:12 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: Press Release + Filing

Are there other cases from other prominent universities you are looking into?

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Thursday, August 30, 2018 11:30 AM
To: Daniel Horowitz <dhorowitz@crtv.com>
Subject: RE: Press Release + Filing

Attached is a backgrounder (not for distribution or attribution) that may be helpful!

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

From: Laco, Kelly (OPA)
Sent: Thursday, August 30, 2018 11:29 AM
To: 'Daniel Horowitz' <dhorowitz@crtv.com>
Subject: RE: Press Release + Filing

Yes, As a condition[1] of receiving millions of dollars in taxpayer funding every year, Harvard specifically agrees to not discriminate on the basis of race in its admissions decisions.

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

From: Daniel Horowitz <dhorowitz@crtv.com>
Sent: Thursday, August 30, 2018 11:24 AM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: Press Release + Filing

So to be clear, this is only a problem because they take public funding and would be subject to title VI as a result?

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Thursday, August 30, 2018 10:31 AM
To: Daniel Horowitz <dhorowitz@crtv.com>
Subject: Press Release + Filing

Daniel,

Please see the press release and filing today attached, please let me know if you need any more info!

Thanks!

Kelly

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

**JUSTICE DEPARTMENT FILES STATEMENT OF INTEREST
IN HARVARD DISCRIMINATION CASE DEFENDING CLAIM THAT
HARVARD INTENTIONALLY DISCRIMINATES ON THE BASIS OF RACE
IN ADMISSIONS**

WASHINGTON – The Department of Justice today filed a Statement of Interest on the side of the plaintiff in *Students For Fair Admissions, Inc. v. President And Fellows Of Harvard College* in the U.S. District Court for the District of Massachusetts. The plaintiff, Students For Fair Admissions, an organization of students and parents, alleges that Harvard College intentionally discriminates against Asian-American applicants when making admissions decisions. The plaintiff seeks relief from Harvard’s alleged discrimination under Title VI of the Civil Rights Act of 1964, a cornerstone civil rights law that prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance. The Department opened a Title VI investigation into Harvard’s admissions process in 2017 based upon a complaint filed by more than 60 Asian-American organizations.

The United States’ Statement of Interest filed today argues that Harvard has failed to show that it does not unlawfully discriminate against Asian Americans.

As a condition^[1] of receiving millions of dollars in taxpayer funding every year, Harvard specifically agrees to not discriminate on the basis of race in its admissions decisions. However, the students and parents who brought this suit have presented compelling evidence that Harvard's use of race unlawfully discriminates against Asian Americans. In today's filing, the United States urges the court to grant the plaintiffs the opportunity to prove these claims at trial.

In filing the Statement of Interest, Attorney General Jeff Sessions provided the following statement:

"No American should be denied admission to school because of their race. As a recipient of taxpayer dollars, Harvard has a responsibility to conduct its admissions policy without racial discrimination by using meaningful admissions criteria that meet lawful requirements. The Department of Justice has the responsibility to protect the civil rights of the American people. This case is significant because the admissions policies at our colleges and universities are important and must be conducted lawfully."

Harvard admits that it uses race to decide whether to admit certain applicants to the college. Under Supreme Court precedent, Harvard must demonstrate that its use of race does not result in illegal discrimination. Harvard has failed to do so, and the Department filed a Statement of Interest that argues the plaintiffs should be allowed to proceed to a trial.

While Harvard admits to using race in its admissions process, it has failed to provide any meaningful criteria to explain how it weighs race against other factors in a candidate's application (e.g., test scores and extracurricular activities), and how it limits its use of race to ensure that no illegal discrimination occurs. Supreme Court precedent requires Harvard to provide such an explanation, which it has failed to do in this case.

Further, the evidence shows that Harvard uses a "personal rating" that may be biased against Asian Americans. Based solely on a review of the applicant's file, Harvard scores its applicants based on "subjective" factors such as "likability" and being a "good person" with "human qualities." Harvard admits that, on average, it scores Asian-American applicants lower on this "personal rating" than applicants of other races.

Substantial evidence also demonstrates that Harvard admissions officers and committees consistently monitor and manipulate the racial makeup of incoming classes, which has resulted in stable racial demographics in Harvard's admitted classes from year to year. The Supreme Court has called such attempts to "racially balance" the makeup of a student body "patently unconstitutional."

Finally, the Justice Department has determined that Harvard—while using race to make admissions decisions for more than 45 years—has never seriously considered alternative, race-neutral ways to compile a diverse student body, which it is required to do under existing law.

More information about the Civil Rights Division and the civil rights laws it enforces is available at www.usdoj.gov/crt.

###

18-1128

[1] See 42 U.S.C. § 2000d; *Gratz v. Bollinger*, 539 U.S. 244, 275-76 & n.23 (2003) ("[D]iscrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.").

^[1] See 42 U.S.C. § 2000d; *Gratz v. Bollinger*, 539 U.S. 244, 275-76 & n.23 (2003) (“[D]iscrimination that violates the Equal Protection Clause of the Fourteenth Amendment committed by an institution that accepts federal funds also constitutes a violation of Title VI.”).

Harvard Statement of Interest Backgrounder

Supreme Court Precedent

The Supreme Court has “limited” its approval of the voluntary use of race in university admissions policies to a “temporary” period, and promised to bring such policies to an end when they are “no longer . . . necessary.” *Grutter v. Bollinger*, 539 U.S. 306, 342-43 (2003).

- Until that time, Supreme Court precedent requires that universities engage in “serious, good faith consideration of workable race-neutral alternatives” before turning to a use of race in their admissions process. *Id.* at 339-40.
 - This first step requires universities to conduct a “careful inquiry” into whether they can achieve their diversity-related goals without using race. *Fisher v. Univ. of Texas*, 570 U.S. 297, 312 (2013).
 - Under current law, a university may use race in its admissions policy only as a last resort to achieve its diversity-related goals, and must periodically reassess the workability of race-neutral alternatives. *Grutter*, 539 U.S. at 339-40.

Even where the university has considered and rejected race-neutral alternatives, the Supreme Court has placed a heavy burden on the university to justify its use of race in admissions decisions. In particular, the university must prove that its use of race satisfies strict scrutiny. Strict scrutiny is one of the highest burdens in the law. In this context, strict scrutiny requires the university to prove that its use of race is “narrowly tailored” to advancing the “compelling interest” in securing the educational benefits of “a diverse student body.” *Id.* at 328.

United States’ Position in the Statement of Interest

Harvard receives millions of dollars in taxpayer funding every year. With every taxpayer dollar that it accepts, Harvard promises not to discriminate on the basis of race in its admissions decisions. The evidence in this case, however, shows that Asian Americans face a significant disadvantage in Harvard’s admissions process compared to applicants of other races. Harvard proudly acknowledges that it uses race to decide which applicants will receive admission to, and the significant educational benefits of, its elite institution. Harvard therefore bears the burden to show that its use of race satisfies strict scrutiny, but it has failed to satisfy that burden here.

DOJ argues that for at least four reasons, the Court should deny Harvard’s Motion for Summary Judgment:

1. Harvard Has Failed to Carry Its Demanding Burden to Show That Its Use of Race is Narrowly Tailored

1. Harvard has not provided meaningful criteria to cabin and guide its use of race in making admissions decisions. In fact, Harvard cannot even explain how it is using race in its admissions decisions or how much weight it gives an applicant’s race. *See* pp. 7-11.

2. Harvard uses a personal rating that significantly harms Asian-Americans’ chances of admission and may be infused with racial bias. Harvard scores each applicant’s personal rating on “subjective” factors such as a “positive personality,” “likability,” and being a “good person” with “human qualities.” Harvard admits that, on average, it scores Asian-American applicants lower on the personal rating than white applicants.

Harvard makes two claims that its personal rating is not infused with racial bias against Asian Americans.

- First, it claims that its admissions officers do not consider race in assigning the personal rating. But its own Dean of Admissions and admissions staff testified otherwise, and its own instructions to admissions officers facilitate consideration of race as part of a holistic review of the applicant’s entire “background and life story.”
- Second, Harvard’s proffered expert claims that the personal rating’s penalty against Asian-American applicants reflects “individualized unobservable factors” among such applicants. Yet when an internal Harvard report found that the personal rating might be infected with racial bias against Asian Americans and sought authorization to study the issue further, Harvard buried it. *See pp. 11-20.*

3. The Supreme Court has made clear that racial quotas and “racial balancing” in admissions are illegal, but evidence indicates that Harvard engages in racial balancing. Harvard aims for the same racial demographics, by percentage, in its admitted class from year to year. Harvard sets admissions targets using racial data, and its admissions officers, subcommittees, and the full committee consider race throughout the admissions process, including when making final admissions decisions. The result is a remarkably stable racial balance in Harvard’s admitted classes year in and year out. *See pp. 20-27.*

Percentage of the Admitted Class by Race				
	Class of 2014	Class of 2015	Class of 2016	Class of 2017
Asian American	18%	18%	20%	20%
African American	11%	12%	10%	11%
Hispanic American	10%	12%	11%	11%
Native American	3%	2%	2%	2%
White	48%	49%	52%	53%

II. The Record Contains Substantial Evidence That Harvard Is Determined To Continue Its Use Of Race Indefinitely Despite Available Race-Neutral Alternatives

4. Harvard has been using race in its admissions decisions for more than 45 years, and it appears determined to continue using race indefinitely because it has never engaged in “serious, good faith consideration of workable race-neutral alternatives.” *Grutter*, 539 U.S. at 339-40. Harvard waited more than 11 years after the Supreme Court directed universities to consider race-neutral alternatives, and until it was threatened with litigation, to do anything about this legal obligation. The sum total of Harvard’s consideration of race-neutral alternatives has been the formation of two committees that were predetermined against race-neutral alternatives and whose only work product was a single statistical forecast. *See pp. 27-35.*

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

No. 1:14-cv-14176-ADB

REDACTED

**UNITED STATES' STATEMENT OF INTEREST IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Daniel Horowitz

From: Daniel Horowitz
Sent: Thursday, August 30, 2018 11:26 AM
To: Laco, Kelly (OPA)
Subject: RE: Press Release + Filing

Also, I can pre-record for any other day's show if need be so if any time work's for the assistant AG, let me know.

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Thursday, August 30, 2018 10:31 AM
To: Daniel Horowitz <dhorowitz@crtv.com>
Subject: Press Release + Filing

Duplicative Material - See Bates Stamp Page 20200323-0001619



Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Thursday, August 30, 2018 10:35 AM
To: Daniel Horowitz
Subject: RE: Press Release + Filing

No, it just went out!


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

From: Daniel Horowitz <dhorowitz@crtv.com>
Sent: Thursday, August 30, 2018 10:33 AM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: Press Release + Filing

Is it embargoed?

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Thursday, August 30, 2018 10:31 AM
To: Daniel Horowitz <dhorowitz@crtv.com>
Subject: Press Release + Filing

Duplicative Material - See Bates Stamp Page 20200323-0001619



Laco, Kelly (OPA)

From: Laco, Kelly (OPA)
Sent: Wednesday, August 29, 2018 7:01 PM
To: Daniel Horowitz
Cc: Sutton, Sarah E. (OPA)
Subject: RE: Book Radio Hit Tomorrow 8/30 - Daniel Horowitz

Will do!

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

From: Daniel Horowitz <dhorowitz@crtv.com>
Sent: Wednesday, August 29, 2018 6:45 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Cc: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: RE: Book Radio Hit Tomorrow 8/30 - Daniel Horowitz

Ok, still be sure to send me the release and we can at least do something in print.

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Wednesday, August 29, 2018 6:30 PM
To: Daniel Horowitz <dhorowitz@crtv.com>
Cc: Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: RE: Book Radio Hit Tomorrow 8/30 - Daniel Horowitz

Daniel,

I sincerely apologize for having to do this so late minute, but something came up in Gore's schedule, so I think we will have to reschedule doing a hit tomorrow.

I will be in touch on a time that works in the future and appreciate you being so willing to have him on!

Thanks very much,

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

From: Daniel Horowitz <dhorowitz@crtv.com>
Sent: Wednesday, August 29, 2018 4:04 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Cc: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>

Subject: RE: Book Radio Hit Tomorrow 8/30 - Daniel Horowitz

Thanks so much for reaching out, Kelly.
Would any time in the 3 pm eastern hour work?

Call-in is (b)(6)

Thanks and keep me posted.

From: Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov>
Sent: Wednesday, August 29, 2018 3:57 PM
To: Daniel Horowitz <dhorowitz@crtv.com>
Cc: Sutton, Sarah E. (OPA) <Sarah.E.Sutton@usdoj.gov>
Subject: Book Radio Hit Tomorrow 8/30 - Daniel Horowitz

Hi Daniel,

Off the record, for planning purposes only: Tomorrow, the Civil Rights Division, under the leadership of AG Sessions, will be making a national announcement revolving around a high profile court filing. I'd like to work with you to get Acting Assistant Attorney General John Gore of the Civil Rights Division to tape on your show tomorrow to discuss the Department's actions.

I am planning to get you the EMBARGOED press release outlining the Department's announcement this evening or early tomorrow morning at the latest.

Please let me know what segments you have available tomorrow to schedule John Gore into your show and please provide your call in #. The backup number on our end will be my cell, (b)(6).

Thank you,

Kelly

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

Reuss, Andy (OPA)

From: Reuss, Andy (OPA)
Sent: Wednesday, August 29, 2018 3:39 PM
To: Singman, Brooke
Subject: RE: Fox News request - McKeever v. Sessions

Hi Brooke,

The Department will decline to comment.

Thank you!
Andy Reuss
Department of Justice

From: Singman, Brooke <brooke.singman@FOXNEWS.COM>
Sent: Wednesday, August 29, 2018 10:41 AM
To: Reuss, Andy (OPA) <areuss@jmd.usdoj.gov>
Subject: Fox News request - McKeever v. Sessions

Hi Andy,

Hope you're well.
Bradley Hinshelwood recommended I reach out to you.

I am looking for comment on the government's position in the McKeever v. Sessions case. I spoke at length with Mr. McKeever who is seeking the release of secret grand jury testimony in the Galindez case. He says the government is arguing against the release and "does not want this story told."

Can you give me a comment on behalf of the Justice Department?

Obviously media reports are suggesting that this ruling could be paramount, also, in the Special Counsel's investigation as it could prohibit him from releasing any kind of public report on the Russia investigation.

If you have any legal context in regard to how this affects the Mueller investigation, that would be extremely helpful.

My deadline is going to be 12:15p EST.

Thank you very much.

Best,
Brooke Singman
Politics Reporter, Fox News Channel

(b)(6)

Brooke.singman@foxnews.com

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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.

O'Malley, Devin (OPA)

From: O'Malley, Devin (OPA)
Sent: Wednesday, August 29, 2018 7:57 AM
To: jake.gibson@foxnews.com
Subject: FW: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Can you call me on this?

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

From: Navas, Nicole (OPA)
Sent: Wednesday, August 29, 2018 7:56 AM
To: Hagee, Lauren A. (DO) (FBI) (b)(6)
Cc: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>; (b)(6) (NY) (FBI) (b)(6); Raimondi, Marc (OPA) <mraimondi@jmd.usdoj.gov>; NPO <NPO@FBI.GOV>; Mckee, Susan T. (DO) (FBI) (b)(6); Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Stickels, Jillian B. (DO) (FBI) (b)(6); Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: Re: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Good morning,

Can someone get back to Edmund Demarche with Fox News?

Email: eddie.demarche@foxnews.com

Cell: (b)(6)

Ref: President Trump's tweet regarding China hacking Hillary Clinton's email. Looking for a comment.

Thank you,

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

On Aug 28, 2018, at 10:55 PM, Hagee, Lauren A. (DO) (FBI) (b)(6) wrote:

Hi all

As an update, Devin and I talked. We're going to stay the course with a no comment and off the record guidance to our regulars.

Have a good night.

Lauren

Lauren Hagee
National Press Office
Federal Bureau of Investigation

(b)(6)

All correspondence contained in this e-mail, to include all names and associated contact information, may be subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552

----- Original message -----

From: "O'Malley, Devin (OPA)" <Devin.O'Malley@usdoj.gov>

Date: 8/28/18 9:44 PM (GMT-05:00)

To: "Hagee, Lauren A. (DO) (FBI)" (b)(6)

Cc: "Navas, Nicole (OPA) (JMD)" <Nicole.Navas@usdoj.gov>, (b)(6) (NY) (FBI)" (b)(6), "Raimondi, Marc (OPA) (JMD)" <Marc.Raimondi@usdoj.gov>, NPO <NPO@FBI.GOV>, "Mckee, Susan T. (DO) (FBI)" (b)(6) "Sutton, Sarah E. (OPA) (JMD)" <Sarah.E.Sutton@usdoj.gov>, "Stickels, Jillian B. (DO) (FBI)"

(b)(6), "Hornbuckle, Wyn (OPA) (JMD)" <Wyn.Hornbuckle@usdoj.gov>

Subject: Re: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Ok this just got a little more serious on

Twitter: <https://twitter.com/realDonaldTrump/status/1034610829860261895?s=20>

What info did fbi use to kill the wsj follow story? We are all going to need that ASAP.

Thanks!

Sent from my iPhone

On Aug 28, 2018, at 7:28 PM, Hagee, Lauren A. (DO) (FBI) (b)(6) wrote:

Hi Devin,

We agree with you. We thought briefly about calling Richard about the story and decided it might cause more harm than help. Sometimes reporters are just going to run the story!

Lauren

Lauren Hagee
National Press Office
Federal Bureau of Investigation

(b)(6)

All correspondence contained in this e-mail, to include all names and associated contact information, may be subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552

----- Original message -----

From: "O'Malley, Devin (OPA)" <Devin.O'Malley@usdoj.gov>
Date: 8/28/18 7:15 PM (GMT-05:00)
To: "Navas, Nicole (OPA) (JMD)" <Nicole.Navas@usdoj.gov>, "Hagee, Lauren A. (DO) (FBI)" (b)(6), (b)(6) (NY) (FBI)" (b)(6); "Raimondi, Marc (OPA) (JMD)" <Marc.Raimondi@usdoj.gov>
Cc: NPO <NPO@FBI.GOV>, "Mckee, Susan T. (DO) (FBI)" (b)(6); "Sutton, Sarah E. (OPA) (JMD)" <Sarah.E.Sutton@usdoj.gov>, "Stickels, Jillian B. (DO) (FBI)" (b)(6); "Hornbuckle, Wyn (OPA) (JMD)" <Wyn.Hornbuckle@usdoj.gov>
Subject: RE: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Despite our best efforts here, Richard wrote that story. He's planning another follow on it soon, but he did provide me much in the form of details. Frankly, I don't think it's worth it for the FBI to try to talk him off any story because it's likely to just make its way into said story. Let me know if you all think differently, and I can make an introduction.

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

From: Navas, Nicole (OPA)
Sent: Tuesday, August 28, 2018 6:13 PM
To: Hagee, Lauren A. (DO) (FBI) (b)(6); (b)(6) (NY) (FBI) (b)(6); Raimondi, Marc (OPA) <mraimondi@jmd.usdoj.gov>
Cc: Press <Press@jmd.usdoj.gov>; NPO <NPO@FBI.GOV>; Mckee, Susan T. (DO) (FBI) (b)(6); Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Stickels, Jillian B. (DO) (FBI) (b)(6); O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>
Subject: RE: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Thanks, Lauren

From: Hagee, Lauren A. (DO) (FBI) (b)(6)
Sent: Tuesday, August 28, 2018 6:10 PM
To: (b)(6) (NY) (FBI) (b)(6); Raimondi, Marc (OPA) <mraimondi@jmd.usdoj.gov>; Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Press <Press@jmd.usdoj.gov>; NPO <NPO@FBI.GOV>; Mckee, Susan T. (DO) (FBI) (b)(6); Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>; Stickels, Jillian B. (DO) (FBI) (b)(6)
Subject: RE: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email

server

Hi all,

We have gotten two inquiries on this article today (WSJ and NBC), and responded with a no comment. I also managed to walk both outlets away from the story. As far as I understand, neither will be reporting it at all.

Adam Shaw has not reached out to us yet. Based on an email from ICIG, it sounds like he is definitely planning a story. I can reach out to him with our no comment.

Lauren Hagee

National Press Office
Federal Bureau of Investigation

(b)(6)

All correspondence contained in this e-mail, to include all names and associated contact information, may be subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

From: (b)(6) (NY) (FBI)
Sent: Tuesday, August 28, 2018 6:04 PM
To: Raimondi, Marc (OPA) (JMD) <Marc.Raimondi@usdoj.gov>; Navas, Nicole (OPA) (JMD) <Nicole.Navas@usdoj.gov>; Hagee, Lauren A. (DO) (FBI) (b)(6)
Cc: Press (JMD) <Press@usdoj.gov>; NPO <NPO@FBI.GOV>; Mckee, Susan T. (DO) (FBI) (b)(6); Sutton, Sarah E. (OPA) (JMD) <Sarah.E.Sutton@usdoj.gov>; Stickels, Jillian B. (DO) (FBI) (b)(6)
Subject: RE: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

+Lauren Hagee and Jillian Stickels

From: Raimondi, Marc (OPA) [<mailto:Marc.Raimondi@usdoj.gov>]
Sent: Tuesday, August 28, 2018 5:58 PM
To: Navas, Nicole (OPA) (JMD) <Nicole.Navas@usdoj.gov>
Cc: Press (JMD) <Press@usdoj.gov>; NPO <NPO@FBI.GOV>; Mckee, Susan T. (DO) (FBI) (b)(6); (b)(6) (NY) (FBI) (b)(6); Sutton, Sarah E. (OPA) (JMD) <Sarah.E.Sutton@usdoj.gov>
Subject: Re: Inquiry from Fox News in ref Daily Caller report on HRC's hacked email server

Defer to FBI to no comment.

Marc Raimondi
U.S. Department of Justice
202-353-5418

On Aug 28, 2018, at 5:18 PM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:

Not CRM. +Marc and FBI to advise if will decline comment and/or

point out what's inaccurate in article. thanks

From: Press
Sent: Tuesday, August 28, 2018 1:08 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: FW: Inquiry from Fox News

JME

From: Shaw, Adam <Adam.Shaw@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 12:30 PM
To: Press <Press@jmd.usdoj.gov>
Subject: Inquiry from Fox News

To whom it may concern,

My name is Adam Shaw with Fox News. I am looking to confirm details of a Daily Caller story reporting that Hillary Clinton's private email server was hacked by a Chinese front company and since 2015 a copy of every email she sent and received was forwarded to them.

<https://dailycaller.com/2018/08/27/china-hacked-clinton-server/>

I am looking to see if there is any comment on this report? Additionally, a source has indicated that this is currently under some form of investigation by the DOJ – is this correct, and if so are there more details on what that investigation involves?

Thank you

Adam Shaw
Politics Reporter
FoxNews.com

1211 Avenue of the Americas
New York, NY 10036
Cell –(b)(6)
Adam.Shaw@FoxNews.com

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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: Tuesday, August 28, 2018 8:31 PM
To: McDonnell, Brigid Mary
Subject: RE: Comment for tonight?

No but FBI has put out statement that the Moffa reporting was incorrect and as I understand it Mr. Meadows wasn't in the Moffa interview—so his thoughts would be second hand.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 6:56 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Comment for tonight?

Hi Sarah—

We have Rep. Jordan on tonight discussing the Bruce Ohr hearings & today's reporting on Moffa. Any comment from the DOJ?
Thank you!

MOFFA TODAY –

Moffa reax - GOP rep touches off firestorm with claim FBI leaked info, used stories to get FISA warrants

<http://www.foxnews.com/politics/2018/08/28/fbi-agent-says-bureau-leaked-stories-then-used-them-to-get-fisa-warrants.html>

FROM REP JORDAN'S TEAM-

He'll want to talk about the FISA application and things that the FBI didn't disclose. Rep. Jordan will highlight two key facts that the FBI knew but didn't disclose. Namely, that Steele had extreme bias against President Trump and that the FBI was aware of the Ohrs' involvement.

Brigid Mary McDonnell

Fox News @ Night w/ Shannon Bream

Cell: (b)(6)

@BrigidMaryMcD

BrigidMary.McDonnell@FoxNews.com

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, August 28, 2018 8:30 PM
To: Woloshin, Stephanie
Cc: Limbaugh, Christen
Subject: RE: FOX NEWS STATEMENT

Nope☺

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Woloshin, Stephanie <stephanie.woloshin@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 8:19 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Cc: Limbaugh, Christen <christen.limbaugh@FOXNEWS.COM>
Subject: FOX NEWS STATEMENT

Hello,

I am reaching out from Fox News looking to see if you have a statement on this article
<https://saraacarter.com/bruce-ohr-fbi-knew-about-bias-before-getting-a-fisa-on-carter-page/>

Our deadline is 9pm et tonight 8/28.

Thanks,
Stephanie

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, August 28, 2018 2:12 PM
To: Singman, Brooke; Gibson, Jake
Subject: RE: moffa

It still looks like you have no one in the room and I note that the source you put first is the one that is directly contradicted by all later sources.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Singman, Brooke <brooke.singman@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 2:08 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Subject: RE: moffa

Hi Sarah,

We have updated the story with new information.

<http://www.foxnews.com/politics/2018/08/28/gop-rep-touches-off-firestorm-with-claim-fbi-leaked-info-used-stories-to-get-fisa-warrants.html>

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Tuesday, August 28, 2018 2:07 PM
To: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>; Singman, Brooke <brooke.singman@FOXNEWS.COM>
Subject: moffa

Off the record. But I think you should know Meadows wasn't in the interview. And I'm told that other members and staff who were in the interview can confirm nothing like that was said. At some point soon here the transcript going to be released—so I'd go get other sources who were actually in the room or this potentially could be quite embarrassing.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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Gibson, Jake

From: Gibson, Jake
Sent: Tuesday, August 28, 2018 11:50 AM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Moffa testimony

Copy that.

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

On Aug 28, 2018, at 11:49 AM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

I guess go to Jackie since its her guy. I'm just told the whle thing is wrong.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>
Sent: Tuesday, August 28, 2018 11:48 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Re: Moffa testimony

Singman has an article up on it... on FOXNEWS.com

You have any info you want me to get into that story?

Jake Gibson
Department of Justice Producer
Fox News Washington

(b)(6)

On Aug 28, 2018, at 11:32 AM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

I'm told he said nothing even in the ballpark of what daily caller is describing. FBI is going to push back and we are also trying to get transcript.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

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Sutton, Sarah E. (OPA)

From: Sutton, Sarah E. (OPA)
Sent: Monday, August 27, 2018 8:27 PM
To: Wells, Justin
Cc: McNally, Kelly
Subject: Re: Tucker Carlson Show

Thanks for getting back to me!

Look forward to working with you all in the future.

Sent from my iPhone

On Aug 27, 2018, at 15:56, Wells, Justin <justin.wells@FOXNEWS.COM> wrote:

Hi Sarah,

We might be interested in the story down the road.

I'm copying our Senior Producer & Booker Kelly McNally here as well.

Thanks,
Justin

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Monday, August 27, 2018 11:47 AM
To: Wells, Justin <justin.wells@FOXNEWS.COM>
Subject: RE: Tucker Carlson Show

Hey Justin,

Would you all be interested in having Ian Prior, former Deputy Director of Public Affairs at DOJ, on your show sometime this week to discuss denaturalization filings?

We are trying to correct some of the messaging for whom we are denaturalizing. These are people who purposefully, fraudulently applying for citizenship, and many of them have prior crimes they did not disclose. I included some of our press releases below that show some examples of some of the people we have denaturalized.

[August 22, 2018 - Justice Department Secures Denaturalization of Convicted War Criminal Who Fraudulently Obtained Refugee Status and U.S. Citizenship](#)
[November 17, 2017 - Denaturalization Sought Against Five Child Sexual Abusers in Florida, Illinois, and Texas](#)
[June 29, 2017 - Justice Department Secures the Denaturalization of a Repeat Child Sex Abuser](#)
[August 13, 2018 - Justice Department Secures Denaturalization of Guardian Convicted of Sexual Abuse of A Minor](#)
[January 18, 2018 - Justice Department Seeks to Obtain Denaturalization of Man with Alleged Participation in Extrajudicial Killings during the Balkans Conflict](#)
[April 4, 2018 - Justice Department Seeks to Denaturalize Two Foreign-Convicted War Criminals Who Fraudulently Obtained Refugee Status and Naturalized into U.S. Citizenship](#)
[January 18, 2018 - Justice Department Seeks to Obtain Denaturalization of Man with Alleged Participation in Extrajudicial Killings during the Balkans Conflict](#)

Additionally, we're getting attacked from [members](#) across the aisle.

Let me know if you all are interested, or need anything else from me.

Thanks!

Sarah Sutton

U.S. Department of Justice
Office of Public Affairs

Office: (202) 616-0079

Cell: (b)(6)

Email: sarah.e.sutton@usdoj.gov

From: Wells, Justin <justin.wells@FOXNEWS.COM>
Sent: Friday, August 24, 2018 3:16 PM
To: Sutton, Sarah E. (OPA) <sesutton@jmd.usdoj.gov>
Subject: RE: Tucker Carlson Show

Hi Sarah,

Yes. I'm the EP of Tucker's show.

Let me know what you need and thank you.

<image001.png>

Justin Wells

Senior Executive Producer, Tucker Carlson Tonight

t: (b)(6) | m: (b)(6) | e: justin.wells@foxnews.com | w: [Tucker Carlson Tonight](#)

<image002.png> <image003.png>

From: Sutton, Sarah E. (OPA) [<mailto:Sarah.E.Sutton@usdoj.gov>]
Sent: Friday, August 24, 2018 3:14 PM
To: Wells, Justin <justin.wells@FOXNEWS.COM>
Subject: Tucker Carlson Show

Hey Justin,

I received your info from a Fox colleague. Are you the producer for the Tucker Carlson Tonight show?

Thanks!

Sarah Sutton

U.S. Department of Justice
Office of Public Affairs

Office: (202) 616-0079

Cell: (b)(6)

Email: sarah.e.sutton@usdoj.gov

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Neil Munro

From: Neil Munro
Sent: Monday, August 27, 2018 2:34 PM
To: O'Malley, Devin (OPA)
Subject: Re: What is AG Sessions' role in drafting the regulation to repalce the Flores settlement?

That will do.

On Aug 27, 2018, at 2:25 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

On background as a source familiar- DOJ officials are intimately involved in the drafting and coordination of the Flores regs.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Monday, August 27, 2018 2:23 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: What is AG Sessions' role in drafting the regulation to repalce the Flores settlement?

Devin,

What is AG Sessions' role in drafting the regulation to repalce the Flores settlement?

I ask because I want to put him in the lede para in my article about the pending regulation.

<https://www.federalregister.gov/documents/search?conditions%5Bterm%5D=0970-AC42++>

<https://www.reginfo.gov/public/do/eoDetails?rid=128311>

<https://www.reginfo.gov/public/do/eAgendaSearchResult?pagenum=1>

Of course I'd like to get some details about the content and timing, but I'm mostly looking for anything newsy to show Sessions is working on Trump's agenda.

Yours,

Neil Munro
Breitbart

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, August 27, 2018 9:59 AM
To: Robinson, Michael; (b)(6) - Sarah Flores Personal Email
Subject: RE: Question

(b)(6) - Email Address

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Robinson, Michael <Michael.Robinson@FOXNEWS.COM>
Sent: Monday, August 27, 2018 8:38 AM
To: (b)(6) - Sarah Flores Personal Email
Subject: Question
Importance: High

Do you know who the current contact is for Carly Fiorina?

Michael Robinson
Fox Business Network

O (b)(6)
M (b)(6)
Michael.Robinson@FOXBUSINESS.COM

21st Century Fox
News Corporation Headquarters
1211 Avenue of the Americas
12th Floor
New York, NY 10036

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Robbins, Christina

From: Robbins, Christina
Sent: Saturday, August 25, 2018 11:23 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Can the AG join us to talk about Sen. McCain?

What about Maria Bartiromo tomorrow in the 10a ET hour? on Fox News Channel.
A phone interview would be fine too... if he can't go to studio.

Christina Svolopoulos Robbins

DC Booking Supervisor / Producer

Fox News Channel

Direct: (b)(6)

Cell: (b)(6)

Email: Christina.Robbins@FoxNews.com

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Saturday, August 25, 2018 11:20 PM
To: Robbins, Christina <Christina.Robbins@FOXNEWS.COM>
Subject: Re: Can the AG join us to talk about Sen. McCain?

He's asleep--sorry!

On Aug 25, 2018, at 11:19 PM, Robbins, Christina <Christina.Robbins@FOXNEWS.COM> wrote:

Hi Sarah –

Can the Attorney General join us on the phone to talk about Sen. McCain? If he's willing – we're doing wall-to-wall coverage until 12a ET.

Jon Scott is hosting.

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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Robbins, Christina

From: Robbins, Christina
Sent: Friday, August 24, 2018 9:17 PM
To: Flores, Sarah Isgur (OPA)
Subject: Re: random question - not related to DOJ

Thank you!!!

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

On Aug 24, 2018, at 8:02 PM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

Sorry for delay! Frank: (b)(6) - Email Address

xxx

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

From: Robbins, Christina <Christina.Robbins@FOXNEWS.COM>
Sent: Wednesday, August 22, 2018 4:06 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: random question - not related to DOJ

Hi!

I'm putting together a "go-to" list of the best people to talk about Sen. John McCain. I remember Carly was a surrogate for his campaign in 08. What is the best way to reach her these days? I want to see if she would be willing to talk to us when we get the sad news.

How are you doing over there? Lots of news (still). You guys must NEVER stop.

Sending you strength and hugs!

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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Doherty, Brian

From: Doherty, Brian
Sent: Friday, August 24, 2018 2:55 PM
To: Flores, Sarah Isgur (OPA)
Cc: McDonnell, Brigid Mary
Subject: RE: Hi Sarah, would AG Sessions be avail for an int this evening or tmrw evening on Shannon's show?

Ok thank u!

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 5:58 PM
To: Doherty, Brian <Brian.Doherty@FOXNEWS.COM>
Cc: McDonnell, Brigid Mary <BrigidMary.McDonnell@FOXNEWS.COM>
Subject: Re: Hi Sarah, would AG Sessions be avail for an int this evening or tmrw evening on Shannon's show?

Sorry--but I've pitched y'all for a lot of cool things coming up this fall. Fingers crossed!

On Aug 23, 2018, at 2:38 PM, Doherty, Brian <Brian.Doherty@FOXNEWS.COM> wrote:

...to discuss prison reform & the president's unhappiness w/ the AG?
We could pre tape at 7:15 or 9:15pm in studio.
Thanks!
Brian

Brian Doherty
Coordinating Producer, News @ Night w/ Shannon Bream
FOX News@Night w/ Shannon Bream
400 North Capitol St NW
Suite 550
Washington, DC 20001
Wk: (b)(6)
Cell: (b)(6)
brian.doherty@foxnews.com

=====

AMERICA has chosen....
FOX NEWS is # 1 in ratings. # 1 with viewers.

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, August 24, 2018 1:10 PM
To: Koerber, Ashley
Cc: Baier, Bret
Subject: RE: Bret Baier tonight?

No sorry

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Koerber, Ashley <Ashley.koerber@FOXNEWS.COM>
Sent: Friday, August 24, 2018 11:27 AM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Cc: Baier, Bret <bret.baier@FOXNEWS.COM>
Subject: RE: Bret Baier tonight?

Hey Sarah!

Any chance for today?

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Thursday, August 23, 2018 4:09 PM
To: Baier, Bret <bret.baier@FOXNEWS.COM>
Cc: Koerber, Ashley <Ashley.koerber@FOXNEWS.COM>
Subject: Re: Bret Baier tonight?

I don't think we can make this happen! I'm sorry but we are interested nevertheless. So let's stay in touch when things calm down a little.

On Aug 23, 2018, at 2:50 PM, Baier, Bret <bret.baier@FOXNEWS.COM> wrote:

Thanks - we'd love to make it happen.

Bret Baier
Chief Political Anchor, Fox News Channel
Executive Editor, "Special Report w/ Bret Baier"

On Aug 23, 2018, at 2:42 PM, Koerber, Ashley <Ashley.koerber@FOXNEWS.COM> wrote:

Great let us know!

Ashley Moir (Koerber)
Booking Producer
Special Report w/ Bret Baier
Fox News Channel, DC Bureau

FOX NEWS Channel - DC Bureau

(b)(6) (cell)

Sent from my iPhone

On Aug 23, 2018, at 14:32, Flores, Sarah Isgur (OPA)
<Sarah.Isgur.Flores@usdoj.gov> wrote:

Waiting for AG to get back to ask him. I've said no to everyone else but you're different obviously....

On Aug 23, 2018, at 1:45 PM, Baier, Bret <bret.baier@FOXNEWS.COM> wrote:

We could keep it in certain areas. Do it on set. Live or on tape — we are flexible.

Would love to make it happen

Thanks for consideration

Bret.

Bret Baier
Chief Political Anchor, Fox News Channel
Executive Editor, "Special Report w/ Bret Baier"

On Aug 23, 2018, at 1:43 PM, Koerber, Ashley
<Ashley.koerber@FOXNEWS.COM> wrote:

Hey Sarah,

Any chance Attorney General Sessions is available to join Bret on Special Report tonight?

Please get back to us when you can — thanks!

-Ashley

Ashley Moir (Koerber)
Booking Producer
Special Report w/ Bret Baier
Fox News Channel — DC Bureau
(b)(6) (cell)

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Baier, Bret

From: Baier, Bret
Sent: Thursday, August 23, 2018 4:18 PM
To: Flores, Sarah Isgur (OPA)
Cc: Koerber, Ashley
Subject: RE: Bret Baier tonight?

Thanks for trying.

We're game whenever is possible.

If anything changes for tonight – let us know.

Best,

Bret

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 4:09 PM
To: Baier, Bret <bret.baier@FOXNEWS.COM>
Cc: Koerber, Ashley <Ashley.koerber@FOXNEWS.COM>
Subject: Re: Bret Baier tonight?

Duplicative Material - See Bates Stamp Page 20200323-0001707




Koerber, Ashley

From: Koerber, Ashley
Sent: Thursday, August 23, 2018 4:15 PM
To: Flores, Sarah Isgur (OPA); Baier, Bret
Subject: RE: Bret Baier tonight?

Ah ok – no worries! Thanks for considering us.
Please let us know if anything changes! We'd love to have him on anytime.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 4:09 PM
To: Baier, Bret <bret.baier@FOXNEWS.COM>
Cc: Koerber, Ashley <Ashley.koerber@FOXNEWS.COM>
Subject: Re: Bret Baier tonight?

Duplicative Material - See Bates Stamp Page 20200323-0001707



Koerber, Ashley

From: Koerber, Ashley
Sent: Thursday, August 23, 2018 4:02 PM
To: Flores, Sarah Isgur (OPA); Baier, Bret
Subject: RE: Bret Baier tonight?

Hey! Any update?

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 2:33 PM
To: Baier, Bret <bret.baier@FOXNEWS.COM>
Cc: Koerber, Ashley <Ashley.koerber@FOXNEWS.COM>
Subject: Re: Bret Baier tonight?

Duplicative Material - See Bates Stamp Page 20200323-0001708



Gibson, Jake

From: Gibson, Jake
Sent: Friday, August 24, 2018 10:37 AM
To: Flores, Sarah Isgur (OPA)
Subject: Re: Today

Copy that.

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

> On Aug 24, 2018, at 10:22 AM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

>

> nope

>

> ***

> Sarah Isgur Flores

> Director of Public Affairs

> (b)(6)

>

>

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

> From: Gibson, Jake <Jake.Gibson@FOXNEWS.COM>

> Sent: Friday, August 24, 2018 9:57 AM

> To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>

> Subject: Re: Today

>

> Anything on Sessions' schedule today?

> I'm being asked...

>

>

> Jake Gibson

> Department of Justice Producer

> Fox News Washington

> (b)(6)

>

>> On Aug 24, 2018, at 9:50 AM, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

--

>>

>> We're gonna lay low today--thanks

>>

>>> On Aug 24, 2018, at 9:42 AM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

>>>

>>> Good morning -

>>>

>>> Please reach out if there is more to add from yesterday's statement, or an on camera interview is possible.

>>>

>>> We are live outside main justice today.

>>>

>>> Thank you for the consideration

>>> Catherine

>>>

>>> Sent from my iPhone

>>>

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DeVito, Andrea

From: DeVito, Andrea
Sent: Thursday, August 23, 2018 1:33 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Fox News Sunday

Thanks Sarah.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 1:30 PM
To: DeVito, Andrea <Andrea.DeVito@FOXNEWS.COM>
Subject: RE: Fox News Sunday

We'll pass thanks

xxxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: DeVito, Andrea <Andrea.DeVito@FOXNEWS.COM>
Sent: Thursday, August 23, 2018 1:29 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: Fox News Sunday

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. We can do it as a remote if he is not going to be in DC. Chris is off and Sandra Smith is the anchor. Let me know what you think.

Thanks,
Andrea

(b)(6)

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Bowman, Jennifer

From: Bowman, Jennifer
Sent: Thursday, August 23, 2018 1:32 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: MR. SESSIONS AT WHITE HOUSE?

Thank you.

Jennifer Bowman | White House Producer | Fox News Channel
C:(b)(6) | C2:(b)(6)

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Thursday, August 23, 2018 1:30 PM
To: Bowman, Jennifer <Jennifer.Bowman@FOXNEWS.COM>
Subject: RE: MR. SESSIONS AT WHITE HOUSE?

Yes and yes

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

From: Bowman, Jennifer <Jennifer.Bowman@FOXNEWS.COM>
Sent: Thursday, August 23, 2018 1:29 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: MR. SESSIONS AT WHITE HOUSE?

Sarah,

Trying to confirm that AG Sessions is currently at the White House for a meeting on Prison Reform? Can you confirm he is here and whether it is for that meeting.

Jennifer Bowman | White House Producer | Fox News Channel
C:(b)(6) | C2:(b)(6)

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krodriguez@breitbart.com

From: krodriguez@breitbart.com
Sent: Wednesday, August 22, 2018 10:10 PM
To: O'Malley, Devin (OPA)
Subject: RE: RE:

Awesome, thank you!

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

From: "O'Malley, Devin (OPA)" <Devin.O'Malley@usdoj.gov>
Sent: Wednesday, August 22, 2018 10:07pm
To: "Katherine Rodriguez" <krodriguez@breitbart.com>
Subject: RE: RE:

Great! Hans von Spakovsky at Heritage and J. Christian Adams at Election Law Center may be good folks to reach out to:

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow Institute for Constitutional Government The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002

(b)(6)

Christian Adams
Election Law Center

(b)(6)

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

From: Katherine Rodriguez <krodriguez@breitbart.com>
Sent: Wednesday, August 22, 2018 10:04 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: RE:

Yes they said it was okay!

Sent from my iPhone

On Aug 22, 2018, at 9:59 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Hi Katherine-

Any luck with your editors?

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

From: O'Malley, Devin (OPA)
Sent: Wednesday, August 22, 2018 4:31 PM
To: 'krodriguez@breitbart.com' <krodriguez@breitbart.com>
Subject:

Background

- In July 2011, the Department of Justice under the Obama Administration initiated a compliance review of Randolph County, Georgia, and an on-site survey of the County's buildings, programs, and services was conducted in August 2011.
- On July 24, 2012, the Justice Department [announced](#) an out-of-court settlement agreement with Randolph County "to ensure civic access for people with disabilities." The press release stated that **"the department will actively monitor compliance with the agreements until it has confirmed that all required actions have been completed."**
- As part of the [settlement agreement](#), the County agreed to remove barriers to polling places that it owned; to request that, for polling places not owned by the County, the owners remove barriers within nine months; to then survey the facilities to determine whether barriers had been removed; and, for those polling places for which barriers were not removed, to provide an alternate polling place with no barriers to access. **Removing applicable polling places altogether without providing an accessible substitute is not a component of the settlement agreement.**
- According to paragraph 76 of the settlement agreement, "this Agreement will remain in effect for three (3) years or until the parties agree that all actions required by the Agreement have been completed, whichever is later."
- On October 14, 2014, Vanita Gupta was [announced](#) to serve as Acting Assistant Attorney General for the Civil Rights Division. Gupta, now the President & CEO of The Leadership Conference on Civil and Human Rights, has been a frequent critic of the Trump Administration and the current Department of Justice. In one [interview with C-SPAN](#), Gupta says the following, "we went from an administration that was really leaning forward, **where we were aggressively enforcing civil rights laws** at a time when the country was really focused on some of the civil rights challenges of our time and policing and voting rights..."
- According to a source familiar with the settlement agreement, a letter was sent to James Bradley of the [Randolph County Board of Commissioners](#) on December 1, 2016. That letter stated, "Relying upon the evidence submitted by the County, thus far, **the Department is no longer requiring yearly reports to be submitted. However, the obligation to complete all remedial actions remains.**"
- However, according to an August 22, 2018 [Associated Press report](#), Randolph County only "used a grant to fix violations at the courthouse **but didn't address the other violations identified in the report,**" according to Randolph County's "longtime" attorney, Tommy Coleman. AP also wrote that, according to Coleman, **"no one from the Justice Department ever reached out seeking updates, so the county didn't provide them."**

- *AP*'s report comes as Randolph County **“is considering a proposal to eliminate seven of the nine polling places in the county.”** According to the *AP* “census figures show the county’s population is more than 61 percent black, double the statewide percentage.”
- It appears that while Gupta touts her leadership and aggressive civil rights enforcement during her tenure at the Justice Department, the reality is that in at least one instance, the Civil Rights Division under Gupta was asleep at the wheel. **This lax enforcement has apparently led to the potential disenfranchisement of 75% of Randolph County.**
- **And it seems as though Gupta and her allies on the left have recognized this potential vulnerability to their legacy.** [Think Progress posted a bizarre piece](#) this morning attempting to whitewash Gupta’s sign off on the letter that was sent to Randolph County. The post appears to accuse the Justice Department under the Trump Administration of enforcing Americans with Disabilities Act (ADA) violations in the hopes that jurisdictions will shut down polling places. The reality is that a **lack of leadership** from Vanita Gupta caused Randolph County’s polling places to not only be neglected for those with disabilities, but also to be shut down ahead of the 2016 elections.

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

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, August 21, 2018 5:23 PM
To: Pfeiffer, Alex
Subject: RE: Inquiry regarding FBI/SPLC

Huh. Well. Bummer for me☺

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Tuesday, August 21, 2018 5:19 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Inquiry regarding FBI/SPLC

I don't really think changing stuff on websites is that significant tbh

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Tuesday, August 21, 2018 5:17 PM
To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Subject: RE: Inquiry regarding FBI/SPLC

The website changes at least? That seemed like a big step and took off a lot of other groups as well.

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Tuesday, August 21, 2018 3:29 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Inquiry regarding FBI/SPLC

Ohhh yeah okay yes Jackie did get back to me...not with the most stuff though but alright

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Tuesday, August 21, 2018 3:27 PM
To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Subject: RE: Inquiry regarding FBI/SPLC

They didn't send anything to you??? Jackie said she spoke to you yesterday!

xxx

Sarah Isgur Flores

Director of Public Affairs

(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Tuesday, August 21, 2018 3:17 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Inquiry regarding FBI/SPLC

So... nothing?

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, August 20, 2018 5:54 PM
To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Subject: RE: Inquiry regarding FBI/SPLC

Me too!

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Monday, August 20, 2018 5:52 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Inquiry regarding FBI/SPLC

Well we are waiting till tomorrow. So hopefully it is something worthwhile! And you aren't being annoying, don't worry.

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, August 20, 2018 5:51 PM
To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Subject: RE: Inquiry regarding FBI/SPLC

Id put it at over 50% that you'd get something worthwhile...but not much over it. Sorry for being annoying. Totally your call whether to wait—I wont blame you 😊

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)

From: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Sent: Monday, August 20, 2018 5:35 PM
To: Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>
Subject: RE: Inquiry regarding FBI/SPLC

What'd they say?

From: Pfeiffer, Alex
Sent: Monday, August 20, 2018 3:49 PM

SENT: Monday, August 20, 2018 2:42 PM

To: 'Flores, Sarah Isgur (OPA)' <Sarah.Isgur.Flores@usdoj.gov>

Subject: RE: Inquiry regarding FBI/SPLC

Haha okay sounds like a plan. Thanks.

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

Sent: Monday, August 20, 2018 2:48 PM

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

Subject: Re: Inquiry regarding FBI/SPLC

I'll go down and talk to some folks in the next hour and see if I can persuade them this needs to be substantive. If I lose that battle you can go tonight. I don't want you to hold it only for me to get overruled:)

On Aug 20, 2018, at 2:46 PM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

We can hold off until tomorrow if you guys are giving us actual answers. Does 3pm EST tomorrow work?

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

Sent: Monday, August 20, 2018 2:39 PM

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

Subject: Re: Inquiry regarding FBI/SPLC

Deadline tonight? I think I can get you some good answers but I've got a lot of random things going today so tonight could be tough.

On Aug 20, 2018, at 2:12 PM, Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM> wrote:

Hi – Hope all is well. I've reached out to the FBI with this inquiry but haven't heard back. So thought I'd shoot you an email.

So...in two different statements from the DOJ it was suggested that FBI work with the SPLC would end.

First there was one from you back in July when our show first covered this story. "The Attorney General has directed the FBI to reevaluate their relationships with groups like this to ensure the FBI does not partner with any group that discriminates."

And then a little over a week ago at a speech, AG Sessions said, "You know I'm from Alabama—the home of the Southern Poverty Law Center, an organization that did important work in the South, vital work at a pivotal time...But when I spoke to ADF last year, I learned that the Southern Poverty Law Center had classified ADF as a 'hate group.'... They have used this designation as a weapon and they have wielded it against conservative organizations that refuse to accept their orthodoxy and choose instead to speak their conscience. They use it to bully and intimidate groups like yours which fight for the religious freedom, the civil rights, and the constitutional rights of others...Let me say this loud and clear: at the Department of Justice, we will not partner with hate groups. Not on my watch. I have ordered a review at the Department of Justice to make sure that we do not partner with any groups that discriminate. We will not partner with groups that unfairly defame Americans for standing up for the Constitution or their faith."

So has the FBI changed how it with the SPLC?

Documents released by the FBI's FOIA vault on the SPLC showed that the agency has received law enforcement briefings from the group and considers it "credible." Does the FBI continue to receive briefings from the SPLC? And does it consider its "hate group" designations credible? Can the FBI provide any more details on the relationship?

Best,
Alex Pfeiffer
Associate Producer
Tucker Carlson Tonight

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Pfeiffer, Alex

From: Pfeiffer, Alex
Sent: Monday, August 20, 2018 2:40 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Inquiry regarding FBI/SPLC

It's not actually clear if it is tonight. Might be. I'll be able to get some answers on that soon.

Would be tied together with us reporting DHS has paid SPLC for training.

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]
Sent: Monday, August 20, 2018 2:39 PM
To: Pfeiffer, Alex <Alex.Pfeiffer@FOXNEWS.COM>
Subject: Re: Inquiry regarding FBI/SPLC

Duplicative Material - See Bates Stamp Page 20200323-0001729



Neil Munro

From: Neil Munro
Sent: Tuesday, August 21, 2018 2:27 PM
To: O'Malley, Devin (OPA)
Subject: Re: I'd like to write about this -- please call.

OK, but the ACLU also seems to be asking that the court order DHS to bring migrants from home into the U.S. so they can help children file for the child's asylum.

The judge also barred further repatriations, apparently to ensure that migrants still with DHS can get more advice from the ACLU's lawyers.

All of this clogs up detention space, and makes it more difficult to DHS/DoJ to send the 2,500 home and to turn back the next month's supply of migrants.

So far, we see only a few hundred parents are home, around 200 children and youths remain in the United States, and almost 2,000 parent/child pairs are either still in DHS custody or have been released into the United States.

That does not look like the judge is allowing border enforcement to proceed.

Neil

On Aug 21, 2018, at 2:09 PM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

Not really. The below was provided as guidance. If anything, the judge granted the joint motion from the government and ACLU that essentially says parents can have the choice to keep the family together in DHS detention or they could choose to place their child in hhs care. This would not be done after the asylum claims were heard though, and it does not have anything to do with A-B.

Sent from my iPhone

On Aug 21, 2018, at 11:27 AM, Neil Munro <nmunro@breitbart.com> wrote:

No other answers?

On Aug 21, 2018, at 7:59 AM, O'Malley, Devin (OPA)

On Aug 21, 2018, at 7:55 AM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

I don't have a court transcript yet. I don't believe the court has said anything about the Matter of A-B, and even if he did do anything, it would be limited to the class.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Monday, August 20, 2018 12:48 PM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: I'd like to write about this -- please call.

Davin,

I need to talk to someone, perhaps on a not-for-attribution basis. Any written response I get will be too vague & too slow to generate a big response from readers.

Judge Sabraw seems to be expanding the legal dispute so he can help children apply for asylum, and to then declare that Sessions' asylum-reform memo is somehow unconstitutional.

Here is what I want to get answers on:

Is the judge using the case to help migrants win asylum?

How many migrants might be allowed to stay — or return — to help their child plead for asylum?

Is the judge creating a situation where families are split once children win asylum claims and their parents return home?

Also, can you send me the court transcript for Friday?

Yours,

Neil Munro
Breitbart

On Aug 20, 2018, at 11:18 AM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

I am in meetings until 1:30 or so, but if you send over some questions I can try to get answers.

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

From: Neil Munro <nmunro@breitbart.com>
Sent: Monday, August 20, 2018 11:17 AM
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>
Subject: Re: I'd like to write about this -- please call.

Can we talk about this?

Devin,

I'd like to write about this -- please call.

It seems extraordinary.

https://www.washingtonpost.com/national/judge-tells-us-officials-aclu-to-come-up-with-asylum-plan/2018/08/17/1b979944-a28d-11e8-a3dd-2a1991f075d5_story.html?utm_term=.7945c2e42f4b

Neil Munro
Breitbart
(b)(6)

Caronia, Hayley

From: Caronia, Hayley
Sent: Monday, August 20, 2018 6:34 PM
To: Flores, Sarah Isgur (OPA)
Subject: RE: Fox News Statement Request

Unfortunately, we were unable to obtain an official press release on the book. Here is the blurb:

Shattering the myth that the FBI leadership is immune to the twin lures of political power and money—from the team behind *Clinton Cash*.

If you ask most Americans what they think about the FBI, they would tell you it's far and away the government agency they trust the most. The Bureau has, for decades, sold an image of itself as efficient, professional, unbiased, and untouchable by corruption.

That portrait is a sham.

Seamus Bruner and the Government Accountability Institute have spent years cataloging the widespread conflict-of-interests of the D.C. political class. They have found massive self-enrichment and political bias at the highest levels of government—including the Justice Department and the FBI. Indeed, the nation's most important law enforcement agency has become so compromised that every major investigation should face intense scrutiny from the public, the media, and from Congress.

James Comey, Robert Mueller, Andrew McCabe, and the rest of the recent FBI leadership should be forced to answer for the way the Bureau has abused the public trust under their watch.

Thanks!

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, August 20, 2018 3:28 PM
To: Caronia, Hayley <hayley.caronia@FOXNEWS.COM>
Subject: Re: Fox News Statement Request

Yeah I don't know who that is or anything about the book--so would need a lot more info.

On Aug 20, 2018, at 3:27 PM, Caronia, Hayley <hayley.caronia@FOXNEWS.COM> wrote:

A new book by Seamus Bruner. I should be able to get a press release at some point today that I can send over to you if you'd like.

Thank you

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Monday, August 20, 2018 3:13 PM
To: Caronia, Hayley <hayley.caronia@FOXNEWS.COM>
Subject: Re: Fox News Statement Request

I haven't heard of this--who's the author/what is this?

On Aug 20, 2018, at 3:11 PM, Caronia, Hayley <hayley.caronia@FOXNEWS.COM> wrote:

Hello,

I am reaching out from Fox News looking to see if Rod Rosenstein has a statement on the upcoming book *Compromised: How Money and Politics Drive FBI Corruption*

Our deadline is 6pm et tomorrow.

Thanks,

Hayley

Hayley Caronia

• Fox News Channel •

1211 6th Avenue NY, NY 10036

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Fenton, Amy

From: Fenton, Amy
Sent: Monday, December 11, 2017 9:50 AM
To: Prior, Ian (OPA)
Subject: Re: Dana Perino Request for Attorney General

I think so, but I'm still waiting for confirmation from my boss. I'll let you know as soon as I do.

Thank you for being so patient.

Amy Fenton

(b)(6)

On Dec 11, 2017, at 08:30, Prior, Ian (OPA) <Ian.Prior@usdoj.gov> wrote:

Can we do Thursday?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, December 8, 2017 5:24 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

Let be circle back with the team and get back to you soon
Thank you!

On Dec 8, 2017, at 17:20, Prior, Ian (OPA) <Ian.Prior@usdoj.gov> wrote:

Yes shell still do it. Thursday or Friday?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, December 8, 2017 5:07 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

Apologies in advance for the bounce backs that you will get.

But I think we could try for then. I know Dana really wants to have her on. If she is available either of those days I'll check back to make sure we can firm details on my end.

On Dec 8, 2017, at 14:18, Prior, Ian (OPA) <ian.Prior@usdoj.gov> wrote:

So are you thinking Thursday or Friday?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, December 8, 2017 12:58 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Unfortunately with Dana's schedule and with so many things breaking before our show, we are not able to pretape. What about later in the week?

Amy Fenton
(b)(6)

From: Prior, Ian (OPA) [<mailto:ian.Prior@usdoj.gov>]
Sent: Friday, December 8, 2017 10:55 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: Re: Dana Perino Request for Attorney General

Rachel will be in NYC on Wed, but not at 2. Could she tape a segment?

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 Dec 7, 2017, at 2:11 PM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

Hi Ian,

So it looks like Dana will not be coming down to DC anymore. Sorry. I wanted to see if there may be a day next week that we could have Rachel on? Let me know! Thank you!

Amy Fenton

(b)(6)

From: Fenton, Amy
Sent: Tuesday, November 28, 2017 3:39 PM
To: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Thank you for understanding. And Okay. All of that is influx as I said, so when it becomes more finalized I will let you know. Hopefully soon.

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Tuesday, November 28, 2017 3:38 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

Yes let's definitely try and schedule on set. I know Rachel would like that so much more!

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Tuesday, November 28, 2017 3:18 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Hi Ian,

I am so sorry, but with the North Korea news and the influx tax bill, I worry we are not going to have enough time to talk to Rachel tomorrow. Dana is so very interested in this story and knows that she wants to have Rachel on soon, but is worried that tomorrow her segment will get and won't get the time/dedication it deserves.

I hope you can pass along my apologies and that we can find a time maybe next week or the week after to have her on. Dana is possibly coming down to DC the 14-15, so maybe we could have her on set?

Let me know. And again, I am so sorry to notify you so late. I know we were all looking forward to have this discussed.

Amy

From: Fenton, Amy
Sent: Tuesday, November 28, 2017 11:01 AM
To: 'Prior, Ian (OPA)' <Ian.Prior@usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Awesome! Thank you so much for passing it along! I will circle back later today if I get more details for you.

And to make sure – the DC Bureau will work correct?

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Tuesday, November 28, 2017 10:59 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

Here is the NPR clip: <http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=c5f95f76-6501-4b4b-832d-7858ac8174d3>

Here are two recent op-eds that may be helpful – also happy to prebrief anyone on the phone about 702:

Ex-Homeland Security official: FISA checks on known terror suspects are a matter of life and death

By Stewart A. Baker | Fox News

<http://www.foxnews.com/opinion/2017/11/14/ex-homeland-security-official-fisa-checks-on-known-terror-suspects-are-matter-life-and-death.html>

Don't Rebuild the Surveillance 'Wall'

Proposals to amend FISA's Section 702 would tie the hands of investigators, as in the days before 9/11.

By Michael B. Mukasey

<https://www.wsj.com/articles/dont-rebuild-the-surveillance-wall-1510185520>

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Monday, November 27, 2017 5:24 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

We set times in the morning of, but we are planning on Wednesday! And great, I will check out NPR tonight. I think the interview should be about 4-6 minutes depending. And yes, DC bureau remote correct?

remote correct.

Amy Fenton

(b)(6)

On Nov 27, 2017, at 17:14, Prior, Ian (OPA) <Ian.Prior@usdoj.gov> wrote:

Still on for Wed? There should be an NPR interview on 702 that posts tonight with Rachel which could give you a good sense of things.

If we are on, what time? How long do you think? I assume remote in studio.

Thx

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Wednesday, November 22, 2017 4:05 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Yes! It is on our calendar and I think so – barring breaking news of course. But yes!

And happy thanksgiving!

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Wednesday, November 22, 2017 11:21 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

We still thinking this will work?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, November 17, 2017 12:03 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Let's mark it down. We can touch base closer to hammer out details. Thank you for working with us.

And I should have said this earlier congrats on moving over to the DOJ – I used to have you on Stirewalt's and the weekend show. It's nice to work with you again!

Amy Fenton

(b)(6)

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Friday, November 17, 2017 12:02 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

Yep

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, November 17, 2017 11:55 AM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

The 29th?

Amy Fenton

(b)(6)

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Friday, November 17, 2017 10:49 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

How about that Wed after TG?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, November 17, 2017 9:50 AM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Definitely. I think tying it to the Op-ed would actually work. But let me know

Amy Fenton

(b)(6)

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Friday, November 17, 2017 9:48 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

There will likely be an Attorney General op-ed (possibly signed jointly with FBI Director Wray) that posts Monday or Tuesday of that week.

I think the angle is almost "What is keeping the third ranking official in Justice Dept up all night" and then she can launch into the urgency (only 4 weeks left) etc.

Im not sure there is a specific event, but it is a daily thing where she is briefing House members and Senators on the importance of this program, which im sure Dana knows very well.

Let me check schedule

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Friday, November 17, 2017 9:44 AM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Yes! Let's – Any day right now the week after thanksgiving looks good – or the week after that. Is there a big event she will be working on that we can tie it to? Or a push the administration is doing to reauthorize section 702?

Amy Fenton

(b)(6)

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Friday, November 17, 2017 9:42 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

Want to try and lock in a date after thanksgiving?

want to try and lock in a date after thanksgiving:

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Monday, November 13, 2017 4:37 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

That's perfect! Thank you!

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Monday, November 13, 2017 4:37 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Subject: RE: Dana Perino Request for Attorney General

Yes, let me get back to you tomorrow?

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](#).

From: Fenton, Amy [<mailto:Amy.Fenton@FOXNEWS.COM>]
Sent: Monday, November 13, 2017 4:13 PM
To: Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Hi Ian,

Just wanted to follow up. I think we may move this to the week after Thanksgiving since taxes seem to be leading the way this week. Is there a day we could get this on the calendar the week of November 27?

From: Fenton, Amy
Sent: Friday, November 10, 2017 12:35 PM
To: 'Prior, Ian (OPA)' <Ian.Prior@usdoj.gov>
Cc: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Subject: RE: Dana Perino Request for Attorney General

Hi Ian,

I am checking – but my guess would be either Monday or Wednesday. And it would be in the 2pm hour – we set times the day of, so I can't confirm an exact hit time. But I can always make a note of scheduling conflicts. And would this be from the DC Bureau?

From: Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]
Sent: Friday, November 10, 2017 11:41 AM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Cc: Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

What days/times were you thinking? Schedule permitting she can do. Probably best to avoid Tues.

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 Nov 10, 2017, at 10:58 AM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

Thanks! Dana would love to have Rachel on the show if she is available early next week. Let me know!

From: Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Thursday, November 09, 2017 7:02 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Cc: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

Of course on AG. And Ian can check her schedule.

On Nov 9, 2017, at 6:49 PM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

Let me touch base with Dana and get back to you. Is there a day that works better next week? And we still would love to be considered for an interview with the Attorney General – whenever possible.

Thanks

Amy

From: Flores, Sarah Isgur (OPA)
[<mailto:Sarah.Isgur.Flores@usdoj.gov>]
Sent: Thursday, November 09, 2017 6:35 PM
To: Fenton, Amy <Amy.Fenton@FOXNEWS.COM>
Cc: Prior, Ian (OPA) <Ian.Prior@usdoj.gov>
Subject: Re: Dana Perino Request for Attorney General

I wonder if you'd consider having Rachel Brand our associate AG on to talk 702. She's truly an expert and very good on tv too.

On Nov 9, 2017, at 4:06 PM, Fenton, Amy
<Amy.Fenton@FOXNEWS.COM> wrote:

Hi Sarah,

Happy almost Friday! Jake Gibson passed along your contact to me. I hope you enjoy working with him as much as I do. I just moved over to Dana Perino's show which air at 2pmET from NY. She is interested in having the Attorney General on soon – maybe next week or the week after-- to talk new of day and the soon-to-be-intense debate over renewing Section 702 surveillance. I heard what happened in the last interview, and I would never let that happen. If there are any major shifts in topic request, I would keep you posted. Let me know if you have any questions.

Amy Fenton
The Daily Briefing w/ Dana Perino

(b)(6)

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Prior, Ian (OPA)

From: Prior, Ian (OPA)
Sent: Thursday, December 7, 2017 2:13 PM
To: Fenton, Amy
Subject: Re: Dana Perino Request for Attorney General


Let me check

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 Dec 7, 2017, at 2:11 PM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200323-0001752



Prior, Ian (OPA)

From: Prior, Ian (OPA)
Sent: Friday, November 10, 2017 11:24 AM
To: Fenton, Amy
Cc: Flores, Sarah Isgur (OPA)
Subject: Re: Dana Perino Request for Attorney General

Will check

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 Nov 10, 2017, at 10:58 AM, Fenton, Amy <Amy.Fenton@FOXNEWS.COM> wrote:

Duplicative Material - See Bates Stamp Page 20200323-0001759



Neil Munro

From: Neil Munro
Sent: Friday, August 31, 2018 5:01 PM
To: O'Malley, Devin (OPA)
Subject: Q. re. Sabraw case

Devin,

Can you explain this item from a CNN report on the Sabraw process?

The administration attorneys say that many of the children want to be sent home and have agreed to leave voluntarily, but the attorneys representing the entire group of children have been slow to sign off on departures under the judge's order. The attorneys ask the judge to expedite the process so the kids can be sent back to their home countries to reunite with their parents.

<https://www.cnn.com/2018/08/30/politics/family-separations-hundreds-children-separated/index.html>

Are the mentioned lawyers trying to separate families so the kids can file for asylum separately?
Who are those lawyers?

Yours,

Neil Munro
Breitbart

Murphy, Tim

From: Murphy, Tim
Sent: Thursday, August 30, 2018 5:24 PM
To: McDonnell, Brigid Mary
Cc: Laco, Kelly (OPA); Wallace, Christopher
Subject: FW: Thanks !!!!

Looping in our Booker, Brigid Mary, on this scenario.

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Thursday, August 30, 2018 5:08 PM
To: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>; Murphy, Tim <Tim.Murphy@FOXNEWS.COM>
Subject: RE: Thanks !!!!

Can you do the hit from Wisconsin Ave studio? I can get Mike Gonzalez on—he can be there in about 25 mins.

Please let me know!

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

From: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Sent: Thursday, August 30, 2018 4:39 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>; Murphy, Tim <Tim.Murphy@FOXNEWS.COM>
Subject: RE: Thanks !!!!

Yes we definitely need- jonathan hunt covering this for us tonight. I'm going to link you up with Tim Murphy- our producer on this story. Thank you.

From: Laco, Kelly (OPA) [mailto:Kelly.Laco@usdoj.gov]
Sent: Thursday, August 30, 2018 4:29 PM
To: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Subject: RE: Thanks !!!!

Thanks Chris—unfortunately Ian won't be able to make a hit after all today. I am working on seeing if we can get the plaintiff's lawyer on instead—will circle back.

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

From: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>

From: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Sent: Thursday, August 30, 2018 1:52 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: Re: Thanks !!!!

Flexible
Can be later too

Sent from my iPhone

On Aug 30, 2018, at 1:51 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

Chris,

Ian is checking if 5pm hour works right now—when do you need confirmation on time by?

Thanks!

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

From: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Sent: Thursday, August 30, 2018 1:17 PM
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>
Subject: RE: Thanks !!!!

Hi Kelly,
Can he come over for a pre-record at around 5pm?
Kind Regards & Very Respectfully,
CW

Chris Wallace
Executive Producer
Fox News @ Night with Shannon Bream
(b)(6)
<http://www.foxnews.com/shows/fox-news-night.html>
<http://www.foxnews.com/person/w/christopher-wallace.html>

From: Laco, Kelly (OPA) [<mailto:Kelly.Laco@usdoj.gov>]
Sent: Thursday, August 30, 2018 11:51 AM
To: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Subject: RE: Thanks !!!!

Hi Chris,

I just gave you a call, but hoping we can touch base on booking our former Deputy Director of Public Affairs and Trial Attorney, Ian Prior, on Shannon's show tonight to discuss the

Department's filing of a Statement of Interest this morning in the Harvard Affirmative Action case.

Filing and backgrounder attached.

Happy to chat over the phone – I'm on my cell (b)(6).

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

From: Wallace, Christopher <Christopher.Wallace@FOXNEWS.COM>
Sent: Tuesday, March 6, 2018 3:20 PM
To: Laco, Kelly (OPA) <klaco@imd.usdoj.gov>
Subject: Thanks !!!!

Chris Wallace
Executive Producer
Fox News @ Night with Shannon Bream
(b)(6)

<http://www.foxnews.com/person/w/christopher-wallace.html>

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Harvard Statement of Interest Backgrounder

Supreme Court Precedent

The Supreme Court has “limited” its approval of the voluntary use of race in university admissions policies to a “temporary” period, and promised to bring such policies to an end when they are “no longer . . . necessary.” *Grutter v. Bollinger*, 539 U.S. 306, 342-43 (2003).

- Until that time, Supreme Court precedent requires that universities engage in “serious, good faith consideration of workable race-neutral alternatives” before turning to a use of race in their admissions process. *Id.* at 339-40.
 - This first step requires universities to conduct a “careful inquiry” into whether they can achieve their diversity-related goals without using race. *Fisher v. Univ. of Texas*, 570 U.S. 297, 312 (2013).
 - Under current law, a university may use race in its admissions policy only as a last resort to achieve its diversity-related goals, and must periodically reassess the workability of race-neutral alternatives. *Grutter*, 539 U.S. at 339-40.

Even where the university has considered and rejected race-neutral alternatives, the Supreme Court has placed a heavy burden on the university to justify its use of race in admissions decisions. In particular, the university must prove that its use of race satisfies strict scrutiny. Strict scrutiny is one of the highest burdens in the law. In this context, strict scrutiny requires the university to prove that its use of race is “narrowly tailored” to advancing the “compelling interest” in securing the educational benefits of “a diverse student body.” *Id.* at 328.

United States’ Position in the Statement of Interest

Harvard receives millions of dollars in taxpayer funding every year. With every taxpayer dollar that it accepts, Harvard promises not to discriminate on the basis of race in its admissions decisions. The evidence in this case, however, shows that Asian Americans face a significant disadvantage in Harvard’s admissions process compared to applicants of other races. Harvard proudly acknowledges that it uses race to decide which applicants will receive admission to, and the significant educational benefits of, its elite institution. Harvard therefore bears the burden to show that its use of race satisfies strict scrutiny, but it has failed to satisfy that burden here.

DOJ argues that for at least four reasons, the Court should deny Harvard’s Motion for Summary Judgment:

1. Harvard Has Failed to Carry Its Demanding Burden to Show That Its Use of Race is Narrowly Tailored

1. Harvard has not provided meaningful criteria to cabin and guide its use of race in making admissions decisions. In fact, Harvard cannot even explain how it is using race in its admissions decisions or how much weight it gives an applicant’s race. *See* pp. 7-11.

2. Harvard uses a personal rating that significantly harms Asian-Americans’ chances of admission and may be infused with racial bias. Harvard scores each applicant’s personal rating on “subjective” factors such as a “positive personality,” “likability,” and being a “good person” with “human qualities.” Harvard admits that, on average, it scores Asian-American applicants lower on the personal rating than white applicants.

Harvard makes two claims that its personal rating is not infused with racial bias against Asian Americans.

- First, it claims that its admissions officers do not consider race in assigning the personal rating. But its own Dean of Admissions and admissions staff testified otherwise, and its own instructions to admissions officers facilitate consideration of race as part of a holistic review of the applicant’s entire “background and life story.”
- Second, Harvard’s proffered expert claims that the personal rating’s penalty against Asian-American applicants reflects “individualized unobservable factors” among such applicants. Yet when an internal Harvard report found that the personal rating might be infected with racial bias against Asian Americans and sought authorization to study the issue further, Harvard buried it. *See pp. 11-20.*

3. The Supreme Court has made clear that racial quotas and “racial balancing” in admissions are illegal, but evidence indicates that Harvard engages in racial balancing. Harvard aims for the same racial demographics, by percentage, in its admitted class from year to year. Harvard sets admissions targets using racial data, and its admissions officers, subcommittees, and the full committee consider race throughout the admissions process, including when making final admissions decisions. The result is a remarkably stable racial balance in Harvard’s admitted classes year in and year out. *See pp. 20-27.*

Percentage of the Admitted Class by Race				
	Class of 2014	Class of 2015	Class of 2016	Class of 2017
Asian American	18%	18%	20%	20%
African American	11%	12%	10%	11%
Hispanic American	10%	12%	11%	11%
Native American	3%	2%	2%	2%
White	48%	49%	52%	53%

II. The Record Contains Substantial Evidence That Harvard Is Determined To Continue Its Use Of Race Indefinitely Despite Available Race-Neutral Alternatives

4. Harvard has been using race in its admissions decisions for more than 45 years, and it appears determined to continue using race indefinitely because it has never engaged in “serious, good faith consideration of workable race-neutral alternatives.” *Grutter*, 539 U.S. at 339-40. Harvard waited more than 11 years after the Supreme Court directed universities to consider race-neutral alternatives, and until it was threatened with litigation, to do anything about this legal obligation. The sum total of Harvard’s consideration of race-neutral alternatives has been the formation of two committees that were predetermined against race-neutral alternatives and whose only work product was a single statistical forecast. *See pp. 27-35.*

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

No. 1:14-cv-14176-ADB

REDACTED

**UNITED STATES' STATEMENT OF INTEREST IN OPPOSITION
TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, August 30, 2018 10:12 AM
To: Gibson, Jake
Subject: accomplishments
Attachments: Accomplishments.docx

xxx

Sarah Isgur Flores
Director of Public Affairs

(b)(6)



Department of Justice

“We are in the midst of a multi-front battle: an increase in violent crime, a rise in vicious gang activity, an opioid epidemic that is taking an American life every ten minutes, and threats from terrorism—combined with a culture in which family and discipline seem to be eroding further and a disturbing disrespect for the rule of law.”

—Attorney General Jeff Sessions

ACCOMPLISHMENTS AND DIRECTIVES

Combatting the Rise in Violent Crime

“Our goal is not to fill up the courts or fill up the prisons. Our goal is not to manage crime or merely to punish crime. Our goal is to reduce crime, just as President Trump directed us to do. Our goal is to make every community safer—especially the most vulnerable.”

Combatting the Opioid Crisis

“Today, we are facing the deadliest drug crisis in American history. These trends are shocking and the numbers tell us a lot—but they aren’t just numbers. They represent moms and dads, brothers and sisters, neighbors and friends. And make no mistake combatting this poison is a top priority for President Trump and his administration, and you can be sure that we are taking action to address it.”

Restoring a Lawful System of Immigration

“Under the President’s leadership, this administration has made great progress in the last few months toward establishing a lawful and constitutional immigration system. This makes us safer and more secure.”

Supporting Law Enforcement

“Back in February, just weeks after taking office, President Trump issued an executive order that asked DOJ to enhance the protection and safety of our law enforcement. This is a critical mission for us. Law enforcement is a noble profession and one that demands respect.”

Protecting Our National Security

“While the threats we face are diverse and evolving, terrorist ideologies have one thing in common: their disregard for the dignity of human life and they share an obsession with forcing everyone into their twisted ideology. And the terrorists know they can’t persuade people using reason, so they use coercion and intimidation. They seek acquiescence and inaction. But they will fail. We will not yield. We will never yield our freedom, our moral autonomy, or our country.”

Restoring the Rule of Law

“We inherited from our Founders—and have advanced—an unsurpassed legal heritage, which is the foundation of our freedom, safety, and prosperity. As the Attorney General, it is my duty to ensure that the laws of the United States are enforced and that the Constitutional order is upheld. No greater good can be done for the overall health and well-being of our Republic than preserving and strengthening the impartial rule of law.”

Defending Civil Rights for All Americans

“So I pledge to you: As long as I am Attorney General, the Department of Justice will continue to protect the civil rights of all American—and we will not tolerate the targeting of any community in our country.”

Defending Religious Liberty

“Our government must serve every American alike and give each the equal protection of the law. Government may not discriminate against people because of their religion—whether in rulemaking or in enforcement of the law, or in employment, grant making, or contracting, or in any other action. And it is not only government that must live up to this principle: The Civil Rights Act prevents employers from discriminating on the basis of religion too.”



Department of Justice

COMBATTING THE RISE IN VIOLENT CRIME

“Our goal is not to fill up the courts or fill up the prisons. Our goal is not to manage crime or merely to punish crime. Our goal is to reduce crime, just as President Trump directed us to do. Our goal is to make every community safer especially the most vulnerable.”

Attorney General Jeff Sessions at the Major Cities Chiefs Association 2017 Fall Meeting

Expanding Project Safe Neighborhoods

The Attorney General announced the expansion of Project Safe Neighborhoods, which encourages U.S. Attorneys’ offices to work with the communities they serve to develop customized crime reduction strategies. One study showed that in its first 7 years, PSN reduced violent crime overall by 4.1 percent with case studies showing reductions in certain areas of up to 42 percent.

“PSN is not just one policy idea among many. This is the centerpiece of our crime reduction strategy. There is great support for it among our experienced agents and prosecutors throughout the country and importantly, our local partners.” Attorney General Jeff Sessions, October 21, 2017

Dismantling MS-13 and Violent Transnational Gangs

MS-13 is one the most violent and ruthless gangs on the streets today. The Attorney General designated MS-13 as a priority for our Organized Crime Drug Enforcement Task Forces, allowing our federal law enforcement to utilize an expanded toolkit in its efforts to dismantle the organization. And in 2017, the Department of Justice has secured convictions against more than 1,200 gang members.

“MS-13 members brutally rape, rob, extort, and murder. Guided by their motto “kill, rape, and control” they leave misery, devastation, and death in their wake. But at the U.S. Department of Justice, we have a motto too: ‘justice for victims and consequences for criminals.’ This is our motto and that is our mission.” [Attorney General Jeff Sessions, October 23, 2017](#)

Restoring Trust to Our Federal Prosecutors

The Attorney General returned to longstanding DOJ charging policy for our federal prosecutors, trusting them once again to charge the most serious, readily provable offense. And he directed federal prosecutors to focus on reducing violent crime and to use our federal laws to take violent offenders off our streets. In the quarter immediately following that directive, federal prosecutors increased the number of criminals charged with illegal possession of firearms by 23 percent.

“Instead of barring prosecutors from faithfully enforcing the law, this charging policy empowers these trusted professionals to apply the law fairly and allows them to use discretion where a strict application of the law would result in an injustice. That is how good law enforcement has always worked.” Attorney General Jeff Sessions, June 20, 2017



Department of Justice

COMBATTING THE OPIOID CRISIS

“Today, we are facing the deadliest drug crisis in American history. These trends are shocking and the numbers tell us a lot but they aren’t just numbers. They represent moms and dads, brothers and sisters, neighbors and friends. And make no mistake combatting this poison is a top priority for President Trump and his administration, and you can be sure that we are taking action to address it.”

–Attorney General Jeff Sessions announcing \$59 Million in grants to combat opioid epidemic

Filed Statement of Interest in Opioid Lawsuit

The plaintiffs include numerous cities, municipalities, and medical institutions that have borne the costs of the prescription opioid crisis. The plaintiffs seek to recover the costs associated with providing treatment and public safety measures relating to the opioid epidemic from those who allegedly used false, deceptive, or unfair marketing practices for prescription opioid drugs. The Department will argue that the federal government—through various federal health programs and law enforcement efforts—has borne substantial costs from the opioid epidemic and seeks reimbursement.

Created the Opioid Fraud and Detection Unit

The Attorney General announced the formation of the Opioid Fraud and Abuse Detection Unit, a new Department of Justice program to utilize data to help combat the devastating opioid crisis that will work alongside 12 experienced Assistant United States Attorneys. These prosecutors have been assigned to opioid “hot-spots” for three year terms to focus solely on investigating and prosecuting health care fraud related to prescription opioids, including pill mill schemes and pharmacies that unlawfully divert or dispense prescription opioids. He also directed every US Attorney to assign an Opioid Coordinator who will customize our anti-opioid strategy in every district in America.

Announced the Joint Criminal Opioid Darknet Enforcement (J-CODE) Team

J-CODE more than doubled the FBI’s investment in fighting online opioid trafficking. The FBI is dedicating dozens more Special Agents, Intelligence Analysts, and professional staff to J-CODE so that they can focus on this one issue of online opioid trafficking.

Created the Prescription Interdiction & Litigation (PIL) Task Force

The PIL Task Force will combat the opioid crisis at every level of the distribution system. At the manufacturer level, the PIL Task Force will use all available criminal and civil remedies available under federal law to hold opioid manufacturers accountable for unlawful practices. The PIL Task Force will build on and strengthen existing Department of Justice initiatives to ensure that opioid manufacturers are marketing their products truthfully and in accordance with Food and Drug Administration rules.

Pursued Major Criminal Indictments

The Attorney General announced the seizure of the largest criminal marketplace on the Internet, AlphaBay, which was used to sell deadly illegal drugs throughout the world. He also announced the largest ever health care fraud enforcement action, involving 412 charged defendants across 41 federal districts for their alleged participation in health care fraud schemes involving approximately \$1.3 billion in false billings. The Department also announced the first-ever indictments of Chinese nationals and their North American-based traffickers and distributors for separate conspiracies to distribute fentanyl and other opioids in the United States.



Department of Justice

RESTORING THE RULE OF LAW TO OUR IMMIGRATION SYSTEM

“We are a people of compassion and we are a people of law. But there is nothing compassionate about the failure to enforce immigration laws. Enforcing the law saves lives, protects communities and taxpayers, and prevents human suffering. Failure to enforce the laws in the past has put our nation at risk of crime, violence and even terrorism. The compassionate thing is to end the lawlessness, enforce our laws, and, if Congress chooses to make changes to those laws, to do so through the process set forth by our Founders in a way that advances the interest of the nation.”

–Attorney General Jeff Sessions, September 5, 2017

Filed Preemption Lawsuit against the State of California

The Attorney General announced a legal action against the State of California based upon the enactment and implementation of certain provisions of three California laws, which intentionally obstruct and discriminate against the enforcement of federal immigration law. The complaint contends that the laws in question are preempted by federal law and impermissibly target the Federal Government, and therefore violate the Supremacy Clause of the United States Constitution. As a result, the Justice Department is seeking to permanently enjoin these state statutes, which endanger the lives of our federal law enforcement officers and undermine the rule of law.

Ending Taxpayer-Funded Grants to Sanctuary Jurisdictions

The Attorney General announced new conditions for Edward Byrne Memorial Justice Assistance Grants that will increase information sharing between federal, state, and local law enforcement and ensuring public safety. The Department of Justice also awarded “bonus points” to COPS Hiring Program applicants that agreed to share information and cooperate with federal immigration authorities in order to encourage more jurisdictions across the country to partner with the federal government to make our communities safer.

Surging Immigration Judges to Detention Facilities

Following the President’s Executive Order, over 100 immigration judges were sent to Department of Homeland Security detention facilities across the country, including along the southern border. Those judges completed 2,800 more cases than the number of cases they would have completed at their home courts. The Attorney General also issued a memorandum to all employees in the immigration courts, outlining principles to ensure that the adjudication of immigration cases serves the national interest by reducing delays and ensuring the fair, expeditious, and uniform treatment of cases.

Supporting State and Local Jurisdictions that Assist Federal Immigration Law Enforcement

The Department is supporting the State of Texas in a lawsuit filed by Texas cities trying to block a state law to prohibit localities from preventing information sharing with federal immigration officials.

Mandated the Re-prioritization of Criminal Immigration Enforcement

The Department of Justice created a “Border Security Coordinator” position in each of the 94 United States Attorney’s Offices that will be responsible for coordinating and implementing increased criminal immigration enforcement. The Department of Justice has instructed prosecutors to seek, to the extent practicable, judicial orders of removal and a term of supervised release against criminal aliens. The Department of Justice also instructed each United States Attorney on the southwest border to develop guidelines for prosecuting improper entry cases and deterring first-time improper entrants.



Department of Justice

SUPPORTING LAW ENFORCEMENT

Helping law enforcement do their jobs, helping the police get better, and celebrating the noble, honorable, essential and challenging work of our law enforcement communities will always be a top priority of President Trump and this Department of Justice. We will always seek to affirm the critical role of police officers in our society and we will not participate in anything that would give comfort to radicals who promote agendas that preach hostility rather than respect for police.

Attorney General Jeff Sessions, August 28, 2017

Back the Blue

Last year, we saw a staggering 61 percent increase in the number of law enforcement officers killed in the line of duty because of a felony, and on average, more than 150 officers were assaulted in the line of duty every single day. Supporting law enforcement is a top priority, which is why last month, the Attorney General announced \$98 million in funding awards to 179 law enforcement agencies across the nation, which allows those agencies to hire 802 additional full-time law enforcement officers.

"You deserve the support and respect of every American, and I'm here today on behalf of President Trump and the Department of Justice to say thank you. I am proud to stand with you. The Department of Justice is proud to stand with you. We have your back. We understand one thing, criminals are the problem, law officers are the solution." Attorney General Jeff Sessions, October 19, 2017

Executive Order 13809

President Trump signed Executive Order 13809 to ensure state and local law enforcement's access to surplus life-saving equipment from the Defense Department such as armored vehicles, Kevlar vests, and other safety equipment. These programs, like the Department of Defense's 1033 program that Congress signed into law more than 25 years ago, have recycled more than \$5.4 billion in used gear and equipment that taxpayers had already purchased, and made it available to repurpose in the fight against terrorism, crime, and disaster relief.

Policy Directive on Civil Asset Forfeiture

Civil asset forfeiture is a key tool that helps law enforcement defund organized crime, take back ill-gotten gains, and prevent new crimes from being committed, and it weakens the criminals and the cartels. Even more importantly, it helps return property to the victims of crime. Civil asset forfeiture takes the material support of the criminals and instead makes it the material support of law enforcement so that funds that were once used to take lives are now being used to save lives. The Attorney General also created the position of Director of Asset Forfeiture Accountability to review and coordinate all aspects of the Department's Asset Forfeiture Program, and work with appropriate Department of Justice components to ensure compliance, review complaints, and advance the integrity, efficiency, and effectiveness of the program.



Department of Justice

NATIONAL SECURITY

“While the threats we face are diverse and evolving, terrorist ideologies have one thing in common: their disregard for the dignity of human life and they share an obsession with forcing everyone into their twisted ideology. And the terrorists know they can’t persuade people using reason, so they use coercion and intimidation. They seek acquiescence and inaction. But they will fail. We will not yield. We will never yield our freedom, our moral autonomy, or our country.”

Attorney General Jeff Sessions at the 16th Anniversary of the September 11 Terrorist Attacks

Trump v. International Refugee Assistance Project; Trump v. Hawaii Supreme Court Brief

The Department of Justice defended the President’s lawful Executive Order a vital tool to protect our national security and ensure that we know who is coming into our country.

“Through Article II of the Constitution, the founders of our country vested the Executive Branch with a great responsibility: to ensure the national security of our country. I am committed to defending the President’s ability to exercise that responsibility.” [Attorney General Jeff Sessions, June 26, 2017](#)

Preventing Leaks of Classified Materials Threatening National Security

The Attorney General and the Director of National Intelligence announced new efforts by National Insider Threat Task Force to stop the staggering number of leaks undermining the ability of our government to protect this country.

“Finally, here is what I want to tell every American today: This nation must end the culture of leaks. We will investigate and seek to bring criminals to justice. We will not allow rogue anonymous sources with security clearances to sell out our country any longer.” [Attorney General Jeff Sessions, August 4, 2017](#)

Supporting the Reauthorization of Title VII of the Foreign Intelligence Surveillance Act

The Attorney General has urged Congress to promptly reauthorize, in clean and permanent form, Title VII of the Foreign Intelligence Surveillance Act, which allows the Intelligence Community, under a robust regime of oversight by all three branches of Government, to collect vital information about international terrorists, cyber actors, individuals and entities engaged in the proliferation of weapons of mass destruction and other important foreign intelligence targets located outside the United States..

Curtailing the Threat of Warrant-Proof Encryption

The Department of Justice has emphasized the threat of “warrant-proof” encryption, which can defeat the constitutional balance by elevating privacy above public safety.



Department of Justice

RESTORING THE RULE OF LAW

“We inherited from our Founders and have advanced an unsurpassed legal heritage, which is the foundation of our freedom, safety, and prosperity. As the Attorney General, it is my duty to ensure that the laws of the United States are enforced and that the Constitutional order is upheld. No greater good can be done for the overall health and well-being of our Republic than preserving and strengthening the impartial rule of law.”

Attorney General Jeff Sessions on the rescension of Deferred Action for Childhood Arrivals policy

Spoke out against Nationwide Injunctions

The Attorney General called on the Supreme Court to put an end to nationwide injunctions and end government-by-litigation. He noted that these orders threaten the proper respect for separation of powers, and the very functioning of the other two branches of the federal government. President Trump has been hit with over 20 in just over one year in office, which is more than President Obama had in eight years.

Prohibited Settlement Payments to Third Parties

Under the last Administration, the Department of Justice repeatedly required settling parties to pay settlement funds to third party organizations that were not directly involved in the litigation or harmed by the defendant’s conduct. The Attorney General ended this practice to ensure that any settlement funds should go first to the victims and then to the American people—and not to third-party special interest groups.

Withdrew Title IX Guidance and Title VII Memo

The Attorney General withdrew previous policies that inappropriately expanded Title IX and Title VII to include protections on the basis of gender identity that Congress had not provided for in law. The Attorney General is committed to ensuring the proper interpretation and enforcement of the law and to its protections for all students, including LGBTQ students.

Ended Deferred Action for Childhood Arrivals Policy

The Attorney General announced that the policy known as DACA was being rescinded as an unconstitutional exercise of authority by the Executive Branch that amounted to an open-ended circumvention of our immigration laws.

Ended Payments under Affordable Care Act for Cost-Sharing Reductions

The Attorney General provided legal guidance that the cost-sharing payments issued to insurers were not authorized under the Affordable Care Act and usurped Congress’ spending power under the Constitution. On October 25, 2017, a District Judge in the Northern District of California ruled against a motion that would force the Trump Administration to pay the subsidies.

Ended Regulation-by-Guidance

The Attorney General has prohibited all Department of Justice components from issuing any guidance that purports to impose new obligations on any party outside the Executive Branch. We will review and repeal existing guidance documents that violate this common sense principle.



Department of Justice

DEFENDING CIVIL RIGHTS FOR ALL AMERICANS

“So I pledge to you: As long as I am Attorney General, the Department of Justice will continue to protect the civil rights of all Americans and we will not tolerate the targeting of any community in our country.”

Attorney General Jeff Sessions at the 2017 Hate Crimes Summit

Reviewing University’s Admission Policies and Practices

The Department of Justice’s Civil Rights Division received and is reviewing a complaint by a coalition of more than 60 Asian-American associations that alleges racial discrimination against Asian-Americans in a university’s admission policy and practice.

Assisting in Kedarie Johnson Murder

The Department of Justice sent an experienced federal hate crimes lawyer to assist in the prosecution a man charged with murdering transgender high school student Kedarie Johnson in Burlington, Iowa.

First-of-its-kind Prosecution under Hate Crimes Prevention Act

The Department of Justice received a guilty plea from and secured a 49-year sentence for a Mississippi man who targeted and murdered a victim because of their gender identity. This was the first case prosecuted under the Hate Crimes Prevention Act involving a victim targeted because of gender identity.

Prosecuting Transnational Human Trafficking Cases and Protecting the Victims

In April 2017, the Department convicted eight members of an international criminal organization, known as the Rendon-Reyes Trafficking Organization, on federal charges arising from their scheme to force young women and girls from Mexico and Latin America into prostitution. For over a decade, the defendants smuggled their victims into the United States, then used force, threats of force, fraud, deception, and coercion to compel them to engage in prostitution for the defendants’ profit, generating criminal proceeds which the defendants laundered back to Mexico. This is just one example of the Department’s commitment to fight human trafficking.

Announced Largest Elder Fraud Enforcement Action in American History

Each year, an estimated \$3 billion are stolen or defrauded from millions of American seniors. Through “grandparent scams,” fake prizes or even threats, criminals prey on some of the most vulnerable Americans to steal their hard-earned savings and their peace of mind. With the help of our partners at all levels of government and in the private sector, the Department charged more than 200 defendants for committing elder fraud schemes and brought civil actions against dozens more. These defendants allegedly robbed more than one million Americans of more than half a billion dollars.



Department of Justice

DEFENDING RELIGIOUS LIBERTY

“Our freedom as citizens has always been inextricably linked with our religious freedom as a people. It has protected both the freedom to worship and the freedom not to believe. Every American has a right to believe, worship, and exercise their faith. The protections for this right, enshrined in our Constitution and laws, serve to declare and protect this important part of our heritage.”

Attorney General Jeff Sessions on federal protections for religious liberty

Guidance on Protections for Religious Liberty under Federal Law

The Attorney General issued a memorandum to all executive departments and agencies summarizing 20 principles of religious liberty and providing an appendix with interpretive guidance of federal law protections for religious liberty to support those principles.

“The constitutional protection of religious beliefs and the right to exercise those beliefs have served this country well, have made us one of the most tolerant countries in the world, and have also helped make us the freest and most generous. President Trump promised that this administration would ‘lead by example on religious liberty,’ and he is delivering on that promise.” [*Attorney General Jeff Sessions, October 6, 2017*](#)

***Masterpiece Cake Shop, Ltd. v. Colorado Civil Rights Commission* Supreme Court Brief**

The Department of Justice argued at the Supreme Court that a baker could not be unconstitutionally required to participate in a ceremony by creating a custom cake that would violate his sincerely held religious beliefs.

Affordable Care Act Contraceptive Mandate Settlement Agreements

The Department of Justice settled lawsuits with 96 plaintiffs who brought suits claiming that the contraceptive mandate in the Affordable Care Act was an unlawful burden on their religious liberty.



Department of Justice

PROTECTING FREE SPEECH

“A national recommitment to free speech on campus and to ensuring First Amendment rights is long overdue. Which is why, starting today, the Department of Justice will do its part in this struggle. We will enforce federal law, defend free speech, and protect students’ free expression.”

Attorney General Jeff Sessions on statement of interest filed in Uzuegbunam v. Preczewski

Settled with Groups Improperly Targeted by the IRS

The Department of Justice entered into settlements in cases brought by groups whose tax-exempt status was significantly delayed by the Internal Revenue Service based on inappropriate criteria.

“Chief Justice John Marshall wrote ‘that the power to tax involves the power to destroy ... [is] not to be denied.’ And it should also be without question that our First Amendment prohibits the federal government from treating groups differently based solely on their viewpoint or ideology.... Any entitlement to tax exemption should be based on the activities of the organization and whether they fulfill requirements of the law, not the policy positions adopted by members or the name chosen to reflect those views.” [Attorney General Jeff Sessions, October 26, 2017](#)

Filed Statement on Interest in Two Campus Speech Cases

In one case, students at Georgia Gwinnett College challenged a school policy that prohibits speech that “disturbs the ... comfort of person(s),” even when a student has obtained prior authorization from campus officials to speak in one of the two small “free-speech zones” that totaled 0.0015% of the campus. The students argue that the school has endorsed a heckler’s veto to silence their speech. The Department of Justice filed a Statement of Interest arguing that the plaintiff’s claims represented violations of their First and Fourteenth Amendment rights.

“University officials and faculty must defend free expression boldly and unequivocally. Last month, I promised a recommitment to free speech on campus and to ensuring First Amendment rights. The Justice Department continues to do its part in defending free speech, protecting students’ free expression, and enforcing federal law.” [Attorney General Jeff Sessions, October 24, 2017](#)