

**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Wednesday, September 13, 2017 2:52 PM  
**To:** Tucker, Rachael (OAG); Gore, John (CRT)  
**Cc:** Raman, Sujit (ODAG)  
**Subject:** DAG QFRs re Election Integrity Commission

John & Rachael:

(b) (5)


Thanks,

Bob

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HOUSE

(MAX – Kilmer 10) In May 2017, President Trump issued an executive order that established the Presidential Advisory Commission on Election Integrity.

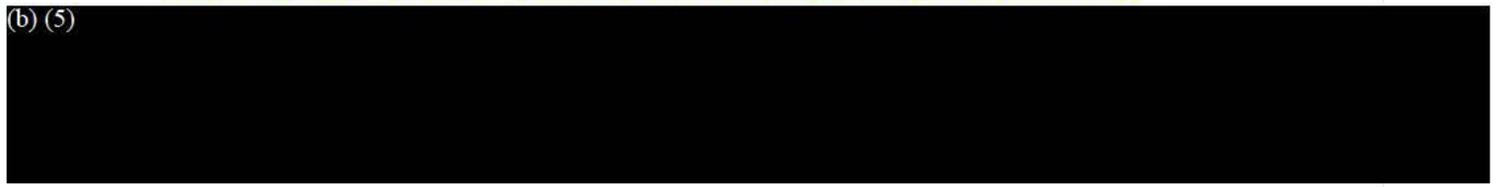
- a. What role did the Attorney General and/or the Deputy Attorney General have advising on the creation of this Commission or the drafting of this Executive Order?

(b) (5)



- b. Will the Department commit to not spending any of its resources on the operation of the Commission, including but not limited to, providing facilities or office space, funding for staff or facilities, travel expenses, or other costs associated with the commission?

(b) (5)



SENATE

(MAX – Leahy 12) The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

a. What role did you and other Justice Department employees play in writing the May 11 Executive Order?

(b) (5)

b. Were career attorneys in the Civil Rights Division consulted? If not, why?

(b) (5)

c. The Executive Order says the commission “shall have staff to provide support for its functions.” Has the Justice Department provided any staff to work full- or part-time for the commission?

(b) (5)

d. Will the commission need congressional appropriations and if so how much has the administration sought in funding, whether at DOJ or elsewhere in the executive branch?

(b) (5)

e. How much has been spent so far on the commission and what is its expected budget?

(b) (5)

Treene, Eric (CRT)

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**From:** Treene, Eric (CRT)  
**Sent:** Wednesday, August 23, 2017 3:15 PM  
**To:** Troester, Robert J. (ODAG)  
**Cc:** Gore, John (CRT); Moossy, Robert (CRT)  
**Subject:** RE: Assistance with QFRs

Bob,

(b) (5)



Eric

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Tuesday, August 22, 2017 9:44 AM  
**To:** Gore, John (CRT) (b) (6); Treene, Eric (CRT) (b) (6); Moossy, Robert (CRT) (b) (6)  
**Subject:** Assistance with QFRs

(b) (5)

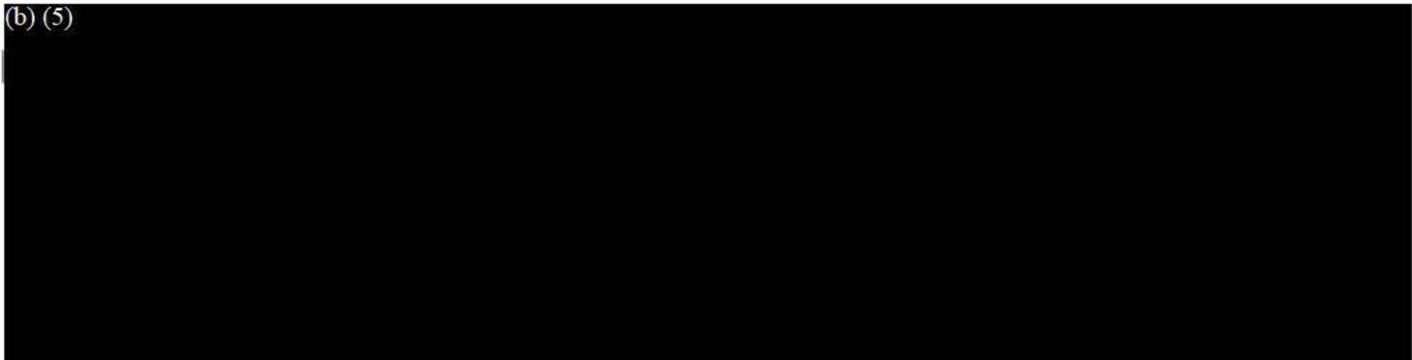


2. (MAX – Coons 12) The FBI reported that hate crimes targeting Muslims increased by 67% in 2015. What resources has the Department of Justice relied upon to address rapid, documented increases in crimes?

(b) (5)



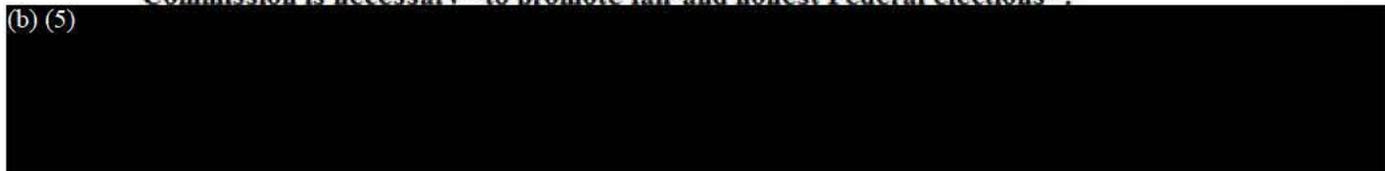
(b) (5)



10. (MAX – Feinstein 21e) In the time since you submitted your responses to my questions on voting rights, President Trump has established a Presidential Advisory Commission on Election Integrity. The Administration claims the purpose of this Commission is "to promote fair and honest Federal elections." The Department also released a Fiscal Year 2018 Budget and Performance Summary. The "FY 2018 Strategy" for the Civil Rights Division states the following with respect to voting rights: "The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections all throughout the country each year." The FY 2018 Strategy makes no reference to investigating allegations of voter suppression or to ensuring that all of those eligible to vote are not disenfranchised.

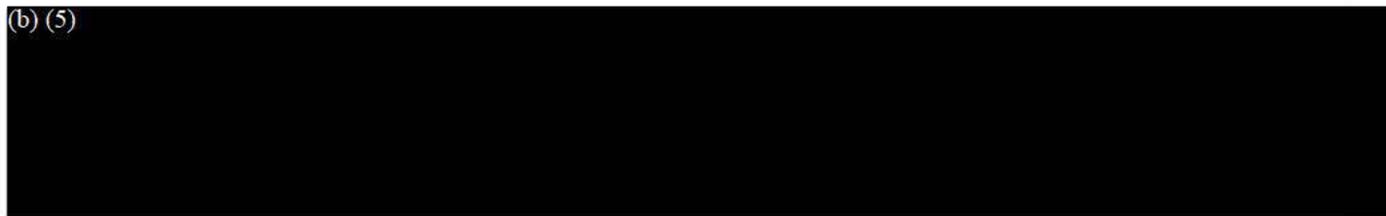
In light of the Justice Department's resources and expertise, do you believe that this Commission is necessary "to promote fair and honest Federal elections"?

(b) (5)



11. (MAX – Feinstein 21i) What will the Civil Rights Division do to ensure that all of those eligible to vote are not disenfranchised?

(b) (5)



**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Wednesday, August 23, 2017 7:27 AM  
**To:** Ferrato, Katherine M. (ODAG)  
**Subject:** Fwd: Questions for the Record: Budget-Related Responses (Senate)

(b) (5)

Begin forwarded message:

**From:** "Ferrato, Katherine M. (ODAG)" <[kferrato@jmd.usdoj.gov](mailto:kferrato@jmd.usdoj.gov)>  
**Date:** August 23, 2017 at 6:20:31 AM EDT  
**To:** "Raman, Sujit (ODAG)" <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)>  
**Cc:** "Troester, Robert J. (ODAG)" <[rtroester@jmd.usdoj.gov](mailto:rtroester@jmd.usdoj.gov)>  
**Subject:** **Re: Questions for the Record: Budget-Related Responses (Senate)**

Not at all. Thank you for the quick turnaround!

On Aug 22, 2017, at 11:28 PM, Raman, Sujit (ODAG) <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)> wrote:

Hi Katie,

(b) (5)

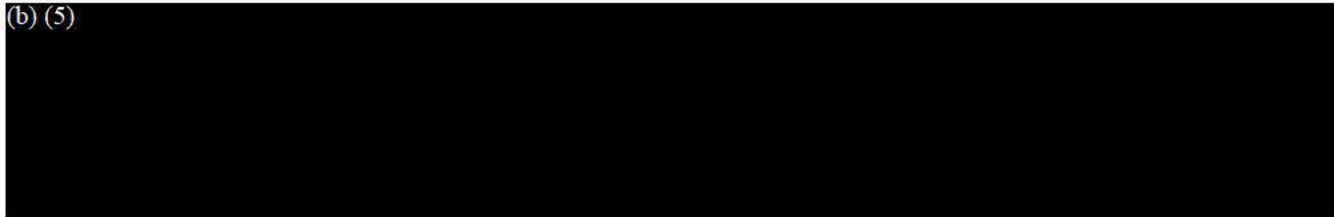
Feinstein 21(e)

**In the time since you submitted your responses to my questions on voting rights, President Trump has established a Presidential Advisory Commission on Election Integrity. The Administration claims the purpose of this Commission is "to promote fair and honest Federal elections." The Department also released a Fiscal Year 2018 Budget and Performance Summary. The "FY 2018 Strategy" for the Civil Rights Division states the following with respect to voting rights: "The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections all throughout the country each year." The FY 2018 Strategy makes no reference to investigating allegations of voter suppression or to ensuring that all of those eligible to vote are not disenfranchised.**

**In light of the Justice Department's resources and expertise, do you believe that this Commission is necessary "to promote fair and honest Federal elections"?**

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(b) (5)

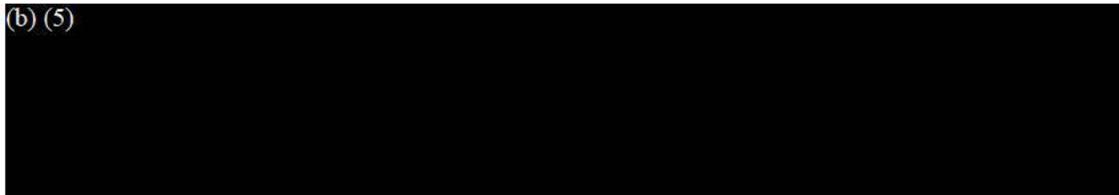


Leahy 12(d)

**The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.**

**Will the commission need congressional appropriations and if so how much has the administration sought in funding, whether at DOJ or elsewhere in the executive branch?**

(b) (5)



Leahy 12(e)

**How much has been spent so far on the commission and what is its expected budget?**

(b) (5)



Shelby 2(a)

(b) (5)



Shelby 2(b)

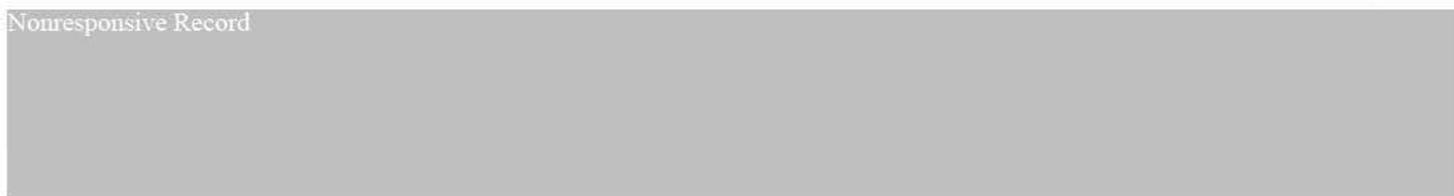
(b) (5)



Thanks,

Sujit

Nonresponsive Record



**Ferrato, Katherine M. (ODAG)**

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**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Wednesday, August 09, 2017 12:56 PM  
**To:** Raman, Sujit (ODAG)  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

Sujit—(b) (5)

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**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Wednesday, August 9, 2017 12:17 PM  
**To:** Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

Hi Sujit—(b) (5)

- a. **What role did the Attorney General and/or the Deputy Attorney General have advising on the creation of this Commission or the drafting of this Executive Order?**

(b) (5)

- b. **Will the Department commit to not spending any of its resources on the operation of the Commission, including but not limited to, providing facilities or office space, funding for staff or facilities, travel expenses, or other costs associated with the commission?**

(b) (5)

(b) (5)

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**From:** Raman, Sujit (ODAG)  
**Sent:** Tuesday, August 8, 2017 2:43 PM  
**To:** Ferrato, Katherine M. (ODAG) <kferrato@jmd.usdoj.gov>  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

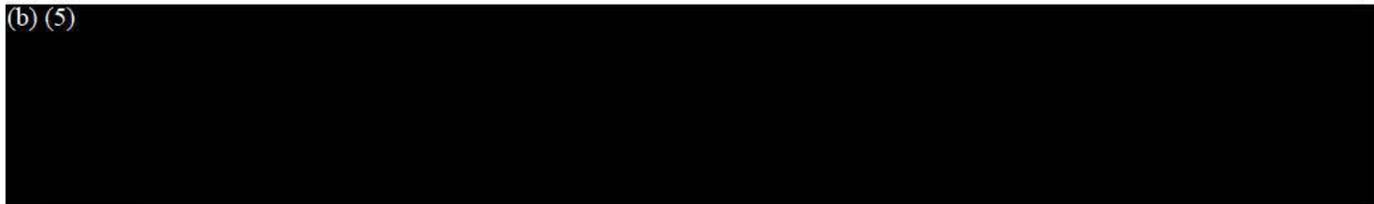
Here are some draft responses:

- 
1. **Were you consulted by President Trump or anyone in the Trump Administration about the establishment of the Presidential Advisory Commission on Election Integrity?**

(b) (5)

- 
1. What role did you and other Justice Department employees play in writing the May 11 Executive Order?

(b) (5)



- 
1. The Executive Order says the commission “shall have staff to provide support for its functions.” Has the Justice Department provided any staff to work full- or part-time for the commission?

(b) (5)



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(b) (5)

Let me know if you need anything else.

Thanks,

Sujit

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**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Tuesday, August 8, 2017 11:16 AM  
**To:** Raman, Sujit (ODAG) <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)>  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

Hi Sujit,

(b) (5)


Let me know if you have any questions.

Best,  
Katie

**From:** Ferrato, Katherine M. (ODAG)

**Sent:** Friday, August 4, 2017 12:51 PM

**To:** Raman, Sujit (ODAG) <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)>

**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

(b) (5)



(b) (5)



(b) (5)



Nonresponsive Records



**Ferrato, Katherine M. (ODAG)**

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**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Tuesday, August 8, 2017 4:33 PM  
**To:** Raman, Sujit (ODAG)  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

Great, thanks

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**From:** Raman, Sujit (ODAG)  
**Sent:** Tuesday, August 8, 2017 4:32 PM  
**To:** Ferrato, Katherine M. (ODAG) <kferrato@jmd.usdoj.gov>  
**Subject:** Re: Message notification: Voice message from Katherine Ferrato 2025144680

Yes.

On Aug 8, 2017, at 4:00 PM, Ferrato, Katherine M. (ODAG) <kferrato@jmd.usdoj.gov> wrote:

Thanks, Sujit!

(b) (5)

<image001.png>

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**From:** Raman, Sujit (ODAG)  
**Sent:** Tuesday, August 8, 2017 2:43 PM  
**To:** Ferrato, Katherine M. (ODAG) <kferrato@jmd.usdoj.gov>  
**Subject:** RE: Message notification: Voice message from Katherine Ferrato 2025144680

Duplicative Material

**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Thursday, August 03, 2017 9:08 AM  
**To:** Raman, Sujit (ODAG)  
**Subject:** RE: URGENT: DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Also, the following Senate questions relate to the same EO. (b) (5)

- Page 23

In the time since you submitted your responses to my questions on voting rights, President Trump has established a Presidential Advisory Commission on Election Integrity. The Administration claims the purpose of this Commission is "to promote fair and honest Federal elections." The Department also released a Fiscal Year 2018 Budget and Performance Summary. The "FY 2018 Strategy" for the Civil Rights Division states the following with respect to voting rights: "The Department will continue to protect voting rights through efforts to detect and investigate voting practices that violate federal laws, through affirmative litigation to enjoin such practices, and through the monitoring of elections all throughout the country each year." The FY 2018 Strategy makes no reference to investigating allegations of voter suppression or to ensuring that all of those eligible to vote are not disenfranchised.

1. Were you consulted by President Trump or anyone in the Trump Administration about the establishment of the Presidential Advisory Commission on Election Integrity?

(b) (5)

- Page 28-29 (b) (5)

#### Voting Rights

The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

1. What role did you and other Justice Department employees play in writing the May 11 Executive Order?

(b) (5)

2. Were career attorneys in the Civil Rights Division consulted? If not, why?

(b) (5)

(b) (5)

3. The Executive Order says the commission "shall have staff to provide support for its functions." Has the Justice Department provided any staff to work full- or part-time for the commission?

(b) (5)

4. Do you think the rare incidences of voter fraud and impersonation merit the creation of this commission?

(b) (5)

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Thursday, August 3, 2017 8:25 AM  
**To:** Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>  
**Subject:** FW: URGENT: DAG QFRs from 6/13/17 House and Senate Appropriations Hearing  
**Importance:** High

Sujit:

(b) (5)

Page 13 of House questions #6:

(MAX Kilmer 10) In May 2017, President Trump issued an executive order that established the Presidential Advisory Commission on Election Integrity.

a. What role did the Attorney General and/or the Deputy Attorney General have advising on the creation of this Commission or the drafting of this Executive Order?

(b) (5)

b. Will the Department commit to not spending any of its resources on the operation of the Commission, including but not limited to, providing facilities or office space, funding for staff or facilities, travel expenses, or other costs associated with the commission?

(b) (5)

Duplicative

**Readler, Chad A. (CIV)**

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**From:** Readler, Chad A. (CIV)  
**Sent:** Thursday, August 03, 2017 8:50 AM  
**To:** Hunt, Jody (OAG); Tucker, Rachael (OAG); Brand, Rachel (OASG); Panuccio, Jesse (OASG)  
**Subject:** OAG Agenda

Here's the agenda I'm proposing for today's meeting with the AG, which Civil is excited to host. (b) (5)

[REDACTED]

[REDACTED]

(b) (5)

[REDACTED]

Chad A. Readler  
Acting Assistant Attorney General, Civil Division  
U.S. Department of Justice

(b) (6)

**Tyson, Jill C. (OLA)**

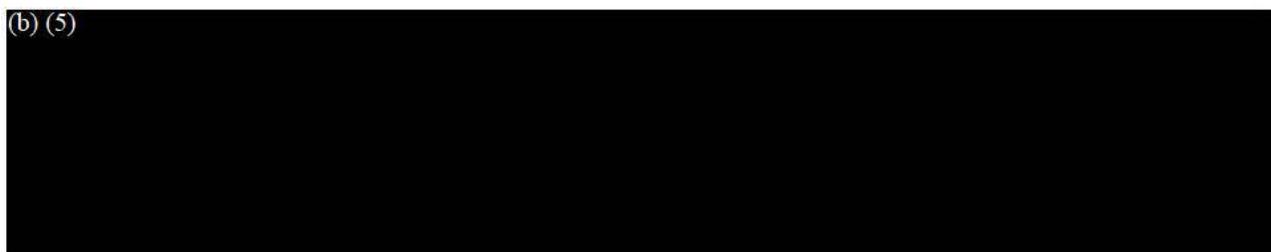
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**From:** Tyson, Jill C. (OLA)  
**Sent:** Wednesday, August 2, 2017 12:15 PM  
**To:** Wilson, Karen L (OLA); Escalona, Prim (OLP)  
**Subject:** Presidential Advisory Commission on Election Integrity - Wray QFR

1. President Trump recently announced the formation of a Presidential Advisory Commission on Election Integrity.

a. Do you believe that voter fraud occurs on a large scale in the United States?

(b) (5)

A large black rectangular redaction box covers the response to question a.

b. Do you believe that 3 to 5 million votes were cast fraudulently in the 2016 election?

(b) (5)

A black rectangular redaction box covers the response to question b.

If your answer to either of these question is yes, what is the specific evidence that supports your belief?

(b) (5)

A black rectangular redaction box covers the response to the follow-up question.

Jill C. Tyson  
Deputy Assistant Attorney General  
Office of Legislative Affairs  
U.S. Department of Justice  
(202) 514-3597  
[Jill.C.Tyson@USDOD.gov](mailto:Jill.C.Tyson@USDOD.gov)

White House Press Office

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**From:** White House Press Office  
**Sent:** Tuesday, August 1, 2017 4:49 PM  
**To:** Hankey, Mary Blanche (OAG)  
**Subject:** Press Briefing by Press Secretary Sarah Sanders, 8/1/2017, #4

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

August 1, 2017

PRESS BRIEFING  
BY PRESS SECRETARY SARAH SANDERS

James S. Brady Press Briefing Room

2:26 P.M. EDT

MS. SANDERS: All smiles, all the time. Good afternoon.

Q Good afternoon.

MS. SANDERS: Somebody is polite out there. (Laughter.)

In about an hour, the President will join Small Business Administrator Linda McMahon and his daughter Ivanka for a special event highlighting the role small businesses play as major drivers of our economy. Around 58 million people are employed by small businesses around the country, accounting for nearly half of the United States employment. That's 58 million individuals whose families count on small businesses to keep food on the table, send their children to college, or save for the future.

And that's why we have an entire agency led by an incredibly successful businesswoman, dedicated specifically to promoting small businesses. During the last administration, small business found themselves under assault from a federal government that seemed determined to keep piling on regulations and compliance requirements until it became impossible to keep their doors open.

Obamacare's mandate saddled many with healthcare costs they simply couldn't afford, and every year these business owners see new additions to the tax code that force them to spend additional time and money to file. The President is committed to ending these anti-

growth policies and unleashing the American economy. We will continue to work with Congress to repeal Obamacare's oppressive mandates. And along with our partners in Congress, we will deliver bold tax reform that provides relief for middle-income individuals, more competitive model for businesses, and a simplification for everyone.

And we will continue the President's ambitious plans to eliminate unnecessary regulations which disproportionately affect small businesses. We look forward to hearing from the small businesses this afternoon about how the Trump administration can continue to be an advocate for them.

And with that, we'll keep it short today, and I'll take your questions now.

Alex.

Q I wanted to ask about a comment Senator Lindsay Graham made this morning. He said it was wrong that there's no good military option regarding North Korea. He said there's a military option to destroy North Korea's program and North Korea itself. Would the White House be supportive of that option?

MS. SANDERS: I'm sorry?

Q Would the White House be supportive of that option to destroy North Korea's program and North Korea itself?

(Phone interruption.)

MS. SANDERS: Is somebody lost? Are those directions? Sorry, just keep hearing somebody's phone talking or something. Yeah, it's very distracting.

Q Lindsay Graham said that the only military option against North Korea is to destroy North Korea's program and North Korea itself.

MS. SANDERS: Look, the President obviously has been very outspoken about how he feels about North Korea. We're weighing all options, keeping all options on the table. And as we've said many times before, we're not going to broadcast what we're going to do until that happens.

Q (Inaudible) option?

MS. SANDERS: I'm sorry?

Q So destroying the country like Lindsay Graham says is an option?

MS. SANDERS: Look, that's not what I'm saying. What I'm sayin

is the President has been very outspoken about the need to stop North Korea. We've been very focused on stopping the nuclear program, stopping the missiles, stopping the aggression. That still continues to be the focus, and we're keeping those -- all options on the table in order to do that.

Q Sarah, according to the Washington Post, the President tried to change the narrative of what went down in Don Jr.'s meeting with the Russian lawyer. Can you address that story and tell us, did the President really try to do that?

MS. SANDERS: Look, the statement that Don Jr. issued is true. There's no inaccuracy in the statement. The President weighed in as any father would, based on the limited information that he had. This is all discussion, frankly, of no consequence. There was no follow-up. It was disclosed to the proper parties, which is how the New York Times found out about it to begin with.

The Democrats want to continue to use this as a PR stunt and are doing everything they can to keep this story alive and in the papers every single day. The President, the American people -- they voted America first, not Russia first, and that's the focus of our administration.

John.

Q Can you clarify the degree to which the President weighed in?

MS. SANDERS: He certainly didn't dictate, but he -- like I said, he weighed in, offered suggestion like any father would do.

Q Did he not know what the intelligence was --

MS. SANDERS: Steven.

Q I want to follow up on that. Was he aware at the time that Don Jr. had had a meeting that was based on the pretext that he would be promised information that was negative about Hillary Clinton when he suggested that the statement only say that the meeting was primarily about Russian adoption policy?

MS. SANDERS: Like I said, the statement that was issued was true, and there were no inaccuracies in the statement.

I think what the bigger question is -- everybody wants to try and make this some story about "misleading." The only thing I see misleading is a year's worth of stories that have been fueling a false narrative about this Russia collusion, and a phony scandal based on anonymous sources.

And I think that is -- if we're going to talk about misleading, that's that only thing misleading I see in this entire process. You

guys are focused on a meeting that Don Jr. had no consequence when the Democrats actually colluded with a foreign government like Ukraine. The Democrat-linked firm, Fusion GPS, actually took money from the Russian government while it created the phony dossier that's been the basis for all of the Russia scandal fake news. And if you want to talk further about a relationship with Russia, look no further than the Clintons. As we've said time and time again --

Q But you won, Sarah.

MS. SANDERS: -- Bill Clinton was paid half-a-million dollars to give a speech to a Russian bank and was personally thanked by Putin for it. Hillary Clinton allowed one-fifth of America's uranium reserve to be sold to a Russian firm whose investors were Clinton Foundation donors, and the Clinton campaign chairman's brother lobbied against sanctions on Russia's largest bank and failed to report it. If you guys want to talk about having relations, which you seem obsessed with doing, look no further than there.

If you want to talk about somebody who has actually been tough on Russia, look at President Trump. He wants more fracking, more coal, more energy, a stronger military, a stronger defense. Those things aren't good for Russia. I think the distinctions are very clear, and you guys want to create a narrative that just doesn't exist.

Q Sarah --

Q Sarah --

MS. SANDERS: Hey, guys --

Q Why hasn't the President signed the Russia bill?

MS. SANDERS: Glenn, go ahead.

Q Sarah, sort of a follow-up on what you were talking about our obsession with Russia and the responsibility laying with the Clintons. There's a report out today, based on a lawsuit that was filed, that says that Sean Spicer met with a campaign donor and a journalist from Fox News where they were pushing around this story that Seth Rich, this low-ranking DNC staffer that was murdered, was perhaps the one responsible for the WikiLeaks breach.

Two questions. Sean put out a statement; he said it was just a brief meeting. He said the guy didn't know the President. The lawsuit alleges that the President knew about it and had an influence on the story. Did the President know about the story, pre-publication, and did he have an influence on the way the story was written?

MS. SANDERS: The President had no knowledge of the story, and it's completely untrue that here at -- the White House involvement in the story. And beyond that, this is ongoing litigation, and I'd

refer you to the actual parties involved, which aren't the White House.

Q To follow up, does it disturb you that the Press Secretary for the President of the United States -- you just gave this incredibly passionate pushback on us for focusing on Russia. Does it disturb you -- you just sped right past this -- does it disturb you that there's an allegation out there and a lawsuit, and Sean Spicer admitted meeting with these two individuals, that this was discussed in your White House? That this particular --

MS. SANDERS: He met with members of the media. I don't find that to be a strange thing.

Q He met with a member of the media that was pushing --

MS. SANDERS: You guys are all members of the media.

Q He was pushing a story that was later retracted because it was false. He met with that reporter and he met with a campaign donor. Does it disturb you? Does it say anything about this White House, if you entertain that kind of story?

MS. SANDERS: It doesn't bother me that the Press Secretary would take a meeting with somebody involved in the media about a story. None of that was disclosed. They had a conversation and that was the end of it. You guys come to us with stories all day. I've taken meetings with the majority of the people in this room. I don't always know the nature of the story of which you're coming to talk to me about. But it's my job to talk to you, to listen. And I'm responding. The President didn't have knowledge of this story. The White House didn't have any involvement in the story. And beyond that, it's ongoing litigation that doesn't involve anybody in the building, and so I'd refer you to the parties that it does.

Q Sarah, I have two questions for you, because I want to follow up on something you said yesterday, after my first question. You were on that flight back from the G20. Did you advise the President to be truthful in that statement that he was helping --

MS. SANDERS: I wasn't part of the conversation regarding the statement.

Q You were not in the room at the time, or in the area at that time?

MS. SANDERS: I was in the air. I was on the plane, but I wasn't part of the conversation, so I can't speak to anything beyond that part.

Q Yesterday, you said that the President was joking about his comments, putting suspects' heads -- telling police officers they shouldn't cover their heads in putting them in the car. Was he

making a joke about police brutality?

MS. SANDERS: Not at all. I think you guys are jumping and trying to make something out of nothing. He was simply making a comment, making a joke. And it was nothing more than that.

Q Sarah, what's so funny?

Q What's funny about that, Sarah?

Q Should he apologize for that joke?

Q On that same issue, the head of the DEA wrote immediately after the President made those remarks -- to officers of the DEA -- telling them to disregard them, and saying he had an obligation to speak up when something wrong happened.

MS. SANDERS: It wasn't a directive. It was a joke. There's a very big difference.

Q So why was that not clear --

MS. SANDERS: Olivier.

Q Has the President signed the Russia, North Korea, and Iran sanctions bill?

MS. SANDERS: I'm sorry, has he signed it?

Q Yes.

MS. SANDERS: He has not. But as we put out a statement earlier this week, he will. And we'll let you know when the details and final plan --

Q What's the delay? What's the delay here? You guys have had this since Friday. What's holding him back?

MS. SANDERS: There's nothing holding him back. There's a review process, a legal process. They're going through that, and he'll sign the bill and we'll let you guys know.

Margaret.

Q Thanks, Sarah. I had two questions. The first is, there's a really interesting story out, just before the briefing began, by Defense One, talking about Air Force One, and it says that the U.S. Air Force has found an alternative to get the price down, as President Trump wanted, and that was to buy a pair of Boeing 747 jetliners that were abandoned by a bankrupt Russian airline. Can you verify the accuracy of the story? Do you know if that's correct?

MS. SANDERS: I can't at this time. That's something I'd have to check into and get back to you.

to check into and get back to you.

Q Okay. And then I also wanted just sort of an update on the new Chief of Staff, General Kelly. Can you talk to us sort of, in broad strokes, about the calls and outreach that he's made so far to leadership in Congress, folks outside of Congress, any governors, that sort of thing? Can you talk to us broadly about the message that he's sending and the people that he's talking to both inside and outside of the administration?

MS. SANDERS: I know he's spoken to a number of members of Congress as well as a large number of individuals within the staff. He's taking time to get to know everyone here in the building that he hasn't met previously through his other role. And working through setting up new processes and kind of setting the tone, I think, for White House that, under his leadership, will be very focused on the President's agenda, as we've been doing the last six months. We're going to continue on that track and we're going to do that under General Kelly, and we're very excited to work alongside him in that process.

Hallie.

Q Sarah, on the President's agenda -- and I'm just sitting here and I heard you list off a list of reasons of why you think that the media should be focusing on Democrats and not the President. Am I not to belabor an obvious point, but Hillary Clinton is certainly not in the Oval Office; Donald Trump is. And there seems to be a trust deficit that is being created with some on Capitol Hill.

And I want to tell you what Lindsay Graham said this morning on "The Today Show." He says, "If this is true" -- this Washington Post reporting -- "it was a bad decision by the President, which will make us ask more questions. When you get caught in a lie about one thing, that makes it hard to say we'll just let the other stuff go." Is this what is hurting the President's legislative agenda, this credibility issue on the Hill?

MS. SANDERS: I think what's hurting the legislative agenda is Congress's inability to get things passed.

Q Can you elaborate on that a little bit, Sarah? Because clearly there is a concern from some Republicans that the President is not always being as truthful as he could be. How does he plan to address that?

MS. SANDERS: I think by being truthful and transparent as he has every single day.

Go ahead.

Q Thank you, Sarah. I'd like to return to North Korea. With North Korea continuing to escalate nuclear tensions, can we expect any actions from the administration to ratchet up pressure of action

on China?

MS. SANDERS: As we've said, we're not going to broadcast movements on things like that before they take place. But we're going to continue to work with our allies, continue to work with our partners. And again, the goals are to stop the nuclear program, stop the missiles, stop the aggression with North Korea. We're going to continue looking at the best options and ways to accomplish that.

Q Can you say what some of those options might be?

MS. SANDERS: Not at this time.

John. Sorry, John Gizzi, you had your hand up when I first went back --

Q Thank you, Sarah.

MS. SANDERS: I'm happy to go to somebody else named John.

Q You said yesterday that -- I think you said yesterday that there would be no reshuffle in the Cabinet, meaning General Sessions would not move over to the Homeland Security. Is that correct?

MS. SANDERS: Correct.

Q And does that also mean that Secretary of State Kris Kobach, the vice-chairman of the President's Commission on Electoral Integrity, would stay in his position and not be considered for Homeland Security?

MS. SANDERS: I'm not aware of any movements for him. But as always, when we have a personnel announcement, I'd be happy to share it with you.

Jon Decker. Since we're in the Johns --

Q Thank you, Sarah. I was hoping just to follow up on North Korea. I was hoping you could clarify the administration's message that it has for North Korea. The other day, the President said, when asked about North Korea, "We will take care of them. We will take care of everything." And a little bit ago, the Secretary of State, Secretary of State Tillerson, said that the U.S. is trying to convince North Korea that the U.S. is not your enemy. So which one is it? Is the President focused on North Korea as an adversary, or is Secretary Tillerson correct that the U.S. is trying to send this message that the U.S. is not North Korea's enemy?

MS. SANDERS: Look, like I just said a few minutes ago, the big priorities here, which we've laid out -- I think this is the third or fourth time I've done it just today -- is to stop the nuclear program, stop the missiles, stop the aggression. That's what we're focused on in regards to North Korea, and we're going to continue

pushing on that, and continue working with our allies and partners to accomplish that and do what is necessary to achieve it.

Q Are they an adversary? Does the President --

MS. SANDERS: Look, I think in some ways they get to decide by the actions that they take. If they want to stop their nuclear program, stop the game, stop the missiles, stop the aggression, then I think we may be able to find ways to move forward. But those are the priorities of this administration.

Dave.

Q Sarah, thanks. Secretary Mnuchin had a meeting on the Hill this morning with Senate leaders about the debt ceiling. Apparently according to reports, they didn't get anywhere. Obviously this has the potential to affect the stock market rally that the President is so pleased with.

MS. SANDERS: I think the whole country is pleased with it.

Q Yes, that's true. Do you have any reason to believe at this point that you're going to get the debt ceiling issue done by the end of September?

MS. SANDERS: Look, to ensure that we have robust economic growth and promote fiscal discipline, the Trump administration believes it's important to raise the debt ceiling as soon as possible. Over the past two decades, members of Congress and Presidents from both parties have raised the debt ceiling 15 times, and we look forward to working with Congress to ensure that full faith and credit of the United States government.

Q Sarah.

MS. SANDERS: April.

Q Thank you.

MS. SANDERS: Since you said my name so politely. (Laughter.)

Q Thank you, Sarah.

MS. SANDERS: Somewhat sarcastic.

Q Me being sarcastic? No, never.

MS. SANDERS: Go ahead, April.

Q All right. Sarah, when it comes to this joke that the President said on Friday, you have many organizations -- you have police organizations, the NAACP, and the American citizens share they're upset about this. Could there be an apology from the

President? And what does he view as reasonable when he's not joking when it comes to use of force from police?

MS. SANDERS: I would have to ask on that specific question.

Q But do you think that the President is remorseful for what he said because of the outcry from Friday?

MS. SANDERS: I think the President supports our law enforcement and he supports the protection of the citizens of this country, and he wants to empower our law enforcement to be able to do their job. I don't think there's anything beyond that.

Zeke.

Q Thanks, Sarah. First, following up on Olivier's question, he mentioned that there's a legal review of this legislation, but the White House has already said that the President will sign it. So what is the nature of that review, if presumably there was some review before putting out that statement?

MS. SANDERS: As with any very particularly complex piece of legislation like this is, there's a legal review. And once we sign that, we'll work through and put more of the details of that process out.

Q And separately, one more for you. Last month, the President delivered a warning to Congress a couple of times not to take vacation in August. What is the status of the President's August plans? Does he plan to leave Washington? For how long? And what will he be doing during that timeframe?

MS. SANDERS: We'll continue to keep you guys updated on his August schedule as those details are finalized.

Andrew.

Q Thank you, Sarah. The Coast Guard Commandant says that he won't turn his back on transgender troops, which would seem to preclude adherence to the President's directive on Twitter. Does the White House consider that he's refusing to follow an order?

MS. SANDERS: I haven't heard those comments or had a chance to speak with any about it, but I know that the goal is to work with all of the relevant departments, primarily the Department of Defense, to lawfully implement that new policy.

Q Sarah, you just told April that you would have to ask the President if an apology would be appropriate. Are you saying you will ask him and get back to us?

MS. SANDERS: No, I said I would have to in order to answer the question.

Q Well, could you please?

Q Would you?

MS. SANDERS: I'll let you know if I do.

Q Also, on General Kelly -- you said yesterday that everybody is now reporting to the President through him. Is that an accurate characterization?

MS. SANDERS: Right, like I said that General Kelly has full authority in the White House.

Q So does that mean nobody can wander in to the White House on their own? Is he going to post somebody outside the Oval Office?

MS. SANDERS: I don't think anybody can wander into the White House on their own without Secret Service stepping in.

Q Excuse me -- into the Oval Office. Can his daughter? Can his son-in-law? Can Steven Bannon wander into the Oval Office without --

MS. SANDERS: I don't think anybody just wanders into the Oval Office. Look, this is the White House. He's the President of the United States of America, and there are processes --

Q But it's pretty informal here normally, right? I mean, people talk to him. They don't wait to get approval to talk to him.

MS. SANDERS: Look, General Kelly is going to work with the entire team as he's been doing over the last couple days. He's done a great job of sitting down and talking to individuals about the needs that they have, the conversations, and putting a structure in place. There's nothing abnormal about that.

Q Can top staff talk to the President without the approval of General Kelly?

MS. SANDERS: I don't know that I would say "approval" is the correct word, but I certainly don't think it's like we're getting permission slips signed. But I do think that there is something to having a structured process in order -- just to make things run more smoothly at the White House.

Q What's the President's reaction to two opposition leaders being jailed in Venezuela?

MS. SANDERS: Sorry, can you say that again?

Q What is the President's reaction to the two opposition leaders being jailed in Venezuela now after the sanctions from yesterday?

MS. SANDERS: Overnight, the regime of the Venezuelan dictator Maduro detained two leading opposition figures following its outrageous seizure of power through sham elections this weekend. The Vice President spoke with Mr. Lopez just last week, and he and Mr. Ledezma are political prisoners held unjustly by the Maduro regime. The United States condemns the actions of the Maduro dictatorship, and we hold Maduro personally responsible for the health and safety of both men and any other seized by his dictatorship.

Q Is the President already considering increasing the sanctions and perhaps going after their oil exports?

MS. SANDERS: Again, I'm not going to broadcast. As Secretary Mnuchin said yesterday, we'll consider all options and keep you guys updated.

Q On healthcare, you said earlier that what's keeping the President's agenda from going is Congress and their votes. The President has said he wants to see healthcare done before anything else, and yet that's not the message we've seen from the Senate Majority Leader Mitch McConnell in the last few days. Can you explain the discrepancy between the President and senior Republican leadership on the Hill when it comes to what should be done next?

MS. SANDERS: As we've said before, we can do a lot of different things at one time. We're continuing to focus --

Q But they're (inaudible) these things first.

MS. SANDERS: We're continuing to try to push a new healthcare system. We know that Obamacare is failing. We know that inaction is simply not okay. We want to continue to make that a priority. We want to work with Congress to do that. We may look for other ways to improve healthcare in the meantime.

We're also continuing to focus on tax reform. We've been doing tax reform listening sessions for the last month. We've had countless meetings with members of Congress, other organizations, talking about tax reform, infrastructure. We're going to continue to focus on all of those priorities and move them forward.

Q Will the President support Congress taking CSR payments out of his hands? There's been some suggestion, again, among senior Republicans that this is appropriate to do given the President's threats to stop these payments. They're saying they should be taken out of the executive branch.

MS. SANDERS: I'd have to get back to you on that.

Q Can you, please? Because this is something that's being discussed pretty aggressively on Capitol Hill. John Thune has talked about it. Orrin Hatch has talked about it.

MS. SANDERS: I'm happy to get back to you about it.

Q Thanks.

MS. SANDERS: Peter.

Q Sarah, very quickly on Seth Rich. Does the President believe the predicate about original Fox News reporting that Seth Rich was responsible for the release of DNC emails to WikiLeaks?

MS. SANDERS: I'm not sure, Peter.

Thanks, guys. We've got a small business event coming up shortly, and hopefully you'll all tune in.

END

2:48 P.M

EDT

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**Gore, John (CRT)**

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**From:** Gore, John (CRT)  
**Sent:** Monday, July 31, 2017 4:35 PM  
**To:** Troester, Robert J. (ODAG)  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

(b) (6)

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**From:** Gore, John (CRT)  
**Sent:** Monday, July 31, 2017 4:28 PM  
**To:** Herren, Chris (CRT) (b) (6); Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>  
**Cc:** Foran, Sheila (CRT) (b) (6); Ndumele, Nicole Lee (CRT)  
(b) (6); Helfman, Tara (CRT) (b) (6)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

(b) (5)

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

(b) (6)

---

**From:** Herren, Chris (CRT)  
**Sent:** Monday, July 31, 2017 3:07 PM  
**To:** Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>  
**Cc:** Foran, Sheila (CRT) (b) (6); Ndumele, Nicole Lee (CRT)  
(b) (6); Gore, John (CRT) (b) (6); Helfman, Tara (CRT)  
(b) (6)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Thanks for sharing. (b) (5)

---

**From:** Policy, CRT (CRT)  
**Sent:** Monday, July 31, 2017 2:03 PM  
**To:** Herren, Chris (CRT) (b) (6); Helfman, Tara (CRT) (b) (6)  
**Cc:** Foran, Sheila (CRT) (b) (6); Ndumele, Nicole Lee (CRT)

(b) (6); Policy, CRT (CRT) <[CRT.Policy@crt.usdoj.gov](mailto:CRT.Policy@crt.usdoj.gov)>; Gore, John (CRT)  
(b) (6)  
Subject: RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Chris,

Please see OLC's draft responses below. (b) (5)

Thank you,  
Arati

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Here are OLC's draft answers for those questions. (b) (5)

The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

1. What role did you and other Justice Department employees play in writing the May 11 Executive Order? (b) (5)

(b) (5)

2. Were career attorneys in the Civil Rights Division consulted? If not, why? (b) (5)

(b) (5)

3. The Executive Order says the commission "shall have staff to provide support for its functions." Has the Justice Department provided any staff to work full- or part-time for the commission? (b) (5)

(b) (5)

4. Do you think the rare incidences of voter fraud and impersonation merit the creation of this commission? (b) (5)

(b) (5)

From: Gore, John (CRT)

Sent: Monday, July 31, 2017 12:23 PM

To: Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>; Helfman, Tara (CRT) (b) (6)

Cc: Foran, Sheila (CRT) (b) (6); Ndumele, Nicole Lee (CRT)

(b) (6); Ruisanchez, Alberto (CRT) (b) (6); Treene, Eric (CRT) (b) (6); Moossy, Robert (CRT) (b) (6); Herren, Chris (CRT) (b) (6)

Subject: RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

(b) (5)

Thanks.

John M. Gore

Acting Assistant Attorney General

Civil Rights Division

U.S. Department of Justice

(b) (6)

(b) (6)

From: Policy, CRT (CRT)

Sent: Monday, July 31, 2017 11:39 AM

To: Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>; Helfman, Tara (CRT) (b) (6)

Cc: Foran, Sheila (CRT) (b) (6); Ndumele, Nicole Lee (CRT)

(b) (6); Ruisanchez, Alberto (CRT) (b) (6); Treene, Eric (CRT) (b) (6); Moossy, Robert (CRT) (b) (6); Gore, John (CRT) (b) (6)

Subject: RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

(b) (5)

Sorry for the oversight.

Arati Naik Jain

Legislative and Policy Analyst

Civil Rights Division

U.S. Department of Justice

(b) (6)

From: Policy, CRT (CRT)

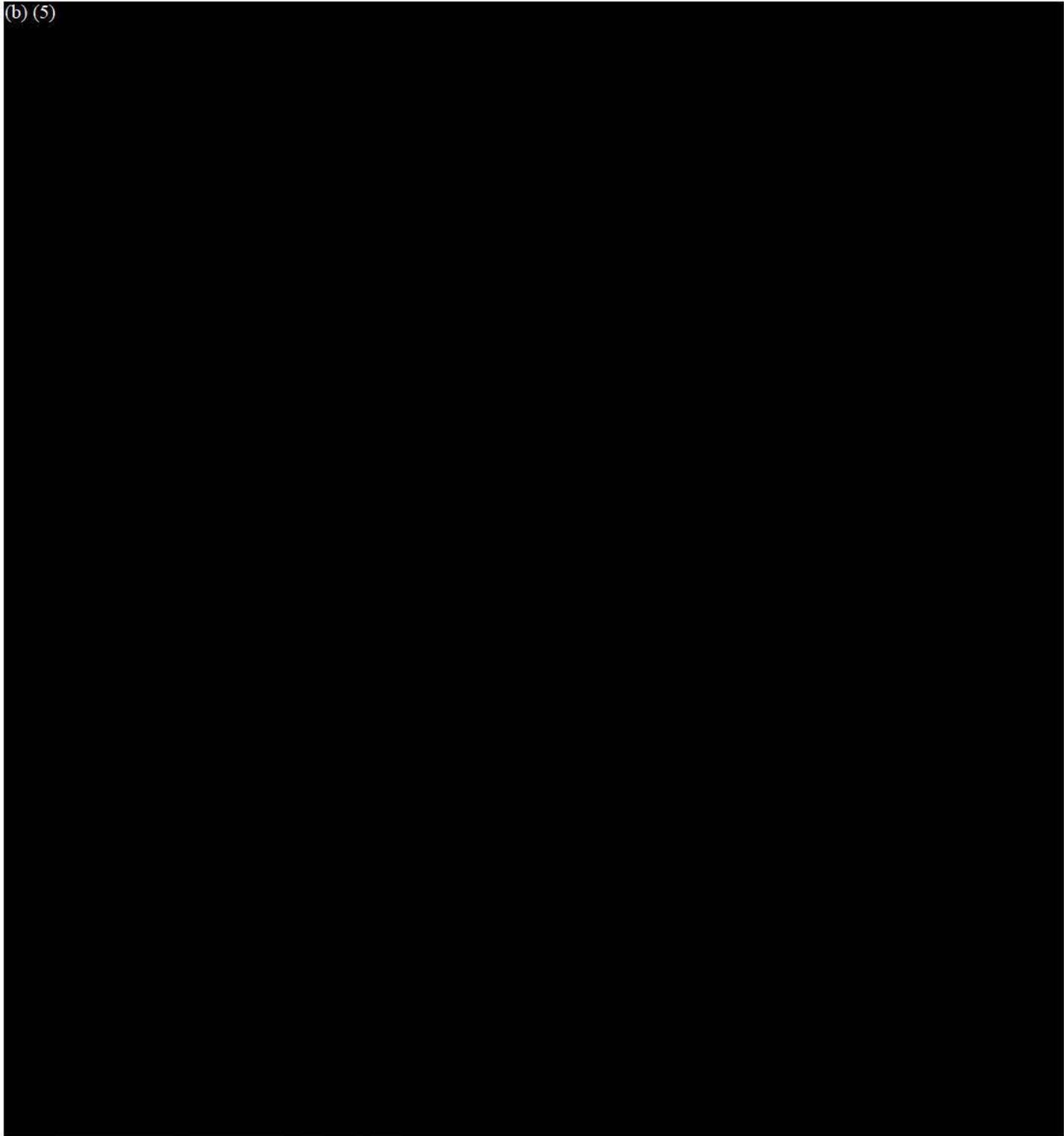
Sent: Monday, July 31, 2017 11:33 AM

To: Helfman, Tara (CRT) (b) (6)

Cc: Policy, CRT (CRT) <CRT.Policy@crt.usdoj.gov>; Foran, Sheila (CRT) (b) (6)



(b) (5)



Arati Naik Jain  
Legislative and Policy Analyst  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

White House Press Office

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**From:** White House Press Office  
**Sent:** Wednesday, July 19, 2017 1:01 PM  
**To:** Hankey, Mary Blanche (OAG)  
**Subject:** Remarks by President Trump and Vice President Pence at the Presidential Advisory Commission on Election Integrity Meeting

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

July 19, 2017

REMARKS BY PRESIDENT TRUMP  
AND VICE PRESIDENT PENCE  
AT THE PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY MEETING

Eisenhower Executive Office Building

11:28 A.M. EDT

THE VICE PRESIDENT: Well, good morning. Please be seated. On behalf of the First Family, welcome to the White House. And welcome to the inaugural meeting of the Presidential Advisory Commission on Election Integrity.

Just over two months ago, on May the 11th, President Trump signed an executive order to create a commission to, in his words, help to "promote fair and honest federal elections" -- the foundation of our democracy.

Election integrity matters to every American. President Calvin Coolidge reminded us, in his words, that the "whole system of American government rests on the ballot box." And President Reagan declared that the "right to vote is the crown jewel of American liberties."

By establishing this commission, President Trump is taking action to ensure that the ballot box remains inviolate, and that the crown jewel shines brighter than ever before.

At the President's direction, I'll have the honor to serve as chairman of this commission. And it's a privilege to convene this first meeting today. President Trump knows that the integrity of our electoral system transcends party lines, and I'm grateful this

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commission has brought together a distinguished group of bipartisan election experts and public officials from federal, state, and the local level. And together, this bipartisan group will perform a truly non-partisan service to the American people.

I'd especially like to recognize our vice-chairman, who you'll hear more from after the President's remarks, a man whose long service has established him as a national leader on election integrity, Kansas Secretary of State Kris Kobach. I also, as a point of personal privilege, would like to express my thanks and appreciation to Indian's Secretary of State, Connie Lawson, who joins us as a part of this panel.

President Trump knows that the principle of "one person, one vote" is foundational to the American system of democracy. This commission has been charged to study the registration and voting processes used in federal elections. The commission will identify the laws, rules, policies, activities, strategies, and practices that will enhance the American people's confidence in the integrity of our electoral system. We'll also explore the vulnerabilities in our system that could lead to improper voter registration and even improper voting.

This commission, let me be clear -- this commission has no preconceived notions or preordained results. We're fact-finders. And in the days ahead, we will gather the relevant facts and data, and at the conclusion of our work, we will present the President with a report of our findings.

I'm confident this commission will have a healthy and robust debate, but the President and I expect nothing less, because respectful debate is also a hallmark of our democracy. And I know that we'll find many areas of common ground, as well.

I'm pleased to report that the commission has already started its work, requesting publicly available data, and we are grateful for the more than 30 states that have already indicated their intention to provide this information, pursuant to the laws of their states.

Today is just the first of several meetings that the commission will hold in the coming months. Today we will hear from each of the commission's members. Each of you brings a unique perspective based on your experience and your research, and we welcome your participation and your insights.

I'd like to note that our commission includes five current and former secretaries of state. And Secretary Kobach and I look forward to working with each one of you, as the chief election officers from across America, to foster a collaborative and respectful relationship for the benefit of your states' voters and our nation's electoral process.

And finally, as the Commission on Election Integrity begins its

work, I'd like to personally invite the American people to offer their public comments and input on our work, and the challenges and opportunities that face our electoral system.

We want to hear the voice of the American voter -- because that's really what this is all about. You know, it's the greatest privilege of my life to serve as Vice President to a President who cares so deeply about the integrity of America's elections and the right of each and every American to see the sanctity of their vote protected.

This President knows that the success of our democracy depends on the American people's confidence in this electoral system. And the President and I are both confident that this bipartisan commission will make the strongest democracy in the history of the world even stronger.

And so with gratitude for his commitment to fair and honest elections, it is my high honor and distinct privilege to introduce to all of you the 45th President of the United States of America, President Donald Trump.

THE PRESIDENT: Thank you very much. Please, be seated. Mr. Vice President, distinguished guests, and members of the media: I'm honored to welcome you here today as the bipartisan Presidential Advisory Commission on Election Integrity prepares to conduct its first official meeting. Very, very important.

This commission is tasked with the sacred duty of upholding the integrity of the ballot box and the principle of "one citizen, one vote." Every time voter fraud occurs, it cancels out the vote of a lawful citizen and undermines democracy. Can't let that happen. Any form of illegal or fraudulent voting, whether by non-citizens or the deceased, and any form of voter suppression or intimidation must be stopped.

I'm pleased that more than 30 states have already agreed to share the information with the commission and the other states. That information will be forthcoming. If any state does not want to share this information, one has to wonder what they're worried about. And I asked the Vice President, I asked the commission: What are they worried about? There's something. There always is.

This issue is very important to me because, throughout the campaign and even after it, people would come up to me and express their concerns about voter inconsistencies and irregularities, which they saw. In some cases, having to do with very large numbers of people in certain states. All public officials have a profound responsibility to protect the integrity of the vote. We have no choice. If we want to make America great again, we have to protect the integrity of the vote and our voters.

This is not a Democrat or a Republican issue, it's an American

issue. It's about the concern of so many Americans that improper voting has taken place and canceling out the votes of lawful American citizens. That is why President Theodore Roosevelt once said, it is the affair of every honest voter, wherever born, to see that no fraudulent voting is allowed anywhere.

I want to thank Vice President Pence for chairing the commission. I also want to thank Kansas Secretary of State Kris Kobach for serving as vice-chair. It's going to be a lot of work. They're going to work very hard over a fairly short period of time. And I want to thank you both very much -- Kris, Mike.

This is a bipartisan panel consisting of both Republican and Democratic leaders and experts on voter integrity. I'd like to personally thank each of our panel members for serving. Really do appreciate it.

In addition to the chair and vice-chair, this distinguished bipartisan panel includes: Indiana Secretary of State Connie Lawson -- thank you; New Hampshire Secretary of State, Bill Gardner -- thank you; Maine Secretary of State, Matthew Dunlap; former Ohio Secretary of State, Ken Blackwell; Election Assistance Commissioner, Christy McCormick; former Arkansas State Representative, David Dunn -- thank you, David; Wood County West Virginia Clerk, Mark Rhoades; Heritage Foundation Senior Legal Fellow and Manager of the Election Law Reform Initiative -- a real expert -- Hans von Spakovsky; President and General Counsel of the Public Interest Legal Foundation -- great group -- J. Christian Adams; and Jefferson County, Alabama Probate Judge, Alan King. Thank you. Thank you very much.

Each of you has been entrusted with a great responsibility of helping to advance the cause of fair, honest, and lawful elections. Your work will help protect our democracy. This will be a very transparent process. It's going to be very open for everybody to see. You will approach this important task with a very open mind and with no conclusions already drawn. You will fairly and objectively follow the facts wherever they may lead.

I look forward to the findings and recommendations your report will produce, and I share your report as soon as I can and as soon as possible with the American people so the full truth will be known and exposed, if necessary, in the light of day. We call on every state to give its full support and total cooperation in this effort. Most of them have really done brilliantly, and we appreciate it. And the rest, all of that information will be forthcoming.

Thank you very much, Mr. Vice President. Thank you. And, Kris thank you. Panel, thank you very much. We appreciate it. Do a great job. Thank you. (Applause.) Thank you. Thank you very much.

END

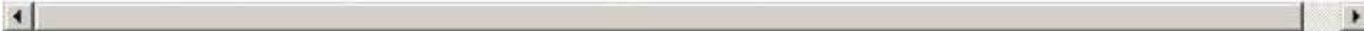
11:39 A.M.

EDT

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**Talley, Brett (OLP)**

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**From:** Talley, Brett (OLP)  
**Sent:** Friday, July 14, 2017 5:59 PM  
**To:** Escalona, Prim (OLP)  
**Subject:** RE: (b) (5)

(b) (5)

1. As head of the Criminal Division in 2004, you worked on the Justice Department's "Ballot Access and Voting Integrity Initiative," which sought to "protect the integrity of the election process by increasing the Department's efforts and effectiveness in combating election fraud."

All of us agree that when incidents of election fraud occur, they should be investigated and prosecuted to the fullest extent of the law. However, we know that these incidents are rare. A 2014 analysis by law professor Justin Levitt found only 31 incidents of voter fraud out of hundreds of millions votes cast since 2000.

- a. *Do you believe that widespread voter fraud exists in the United States?*

(b) (5)

- b. *Did your experiences in the Ballot Access and Voting Integrity Initiative lead you to believe that our elections have been tainted by widespread voter fraud?*

(b) (5)

- c. *President Trump has said that 3 to 5 million people voted illegally in the 2016 election. Do you agree with the President's statement?*

(b) (5)

2. *In May, the President created a so-called "election integrity" commission, which even he has admitted—via Twitter—is solely focused on the issue of voter fraud. Given the rarity of election fraud, many of us are concerned that this commission was created to suppress the vote.*

*We have seen this game before. Just look at North Carolina, where Republicans passed a sweeping law purportedly designed to "combat voter fraud and promote public confidence in the electoral system." A three-judge federal circuit court disagreed, finding that the legislature had "target[ed] African Americans with almost surgical precision" and "enacted... the law with discriminatory intent."*

***Will you commit to ensuring there is a full and comprehensive investigation of any steps taken by the commission or individuals associated with the commission that appear to be in violation of the Voting Rights Act or other Federal laws?***

(b) (5)

(b) (5)

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**From:** Escalona, Prim (OLP)  
**Sent:** Friday, July 14, 2017 5:50 PM  
**To:** Talley, Brett (OLP) <[btalley@jmd.usdoj.gov](mailto:btalley@jmd.usdoj.gov)>  
**Subject:** RE: (b) (5)

Great. (b) (5) Thank you!

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**From:** Talley, Brett (OLP)  
**Sent:** Friday, July 14, 2017 5:50 PM  
**To:** Escalona, Prim (OLP) <[pescalona@jmd.usdoj.gov](mailto:pescalona@jmd.usdoj.gov)>  
**Subject:** RE: (b) (5)

Yes.

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**From:** Escalona, Prim (OLP)  
**Sent:** Friday, July 14, 2017 5:49 PM  
**To:** Talley, Brett (OLP) <[btalley@jmd.usdoj.gov](mailto:btalley@jmd.usdoj.gov)>  
**Subject:** (b) (5)

(b) (5)

**Tyson, Jill C. (OLA)**

---

**From:** Tyson, Jill C. (OLA)  
**Sent:** Friday, July 14, 2017 5:47 PM  
**To:** Escalona, Prim (OLP)  
**Subject:** RE: voter q

(Blumenthal 4) President Trump recently announced the formation of a Presidential Advisory Commission on Election Integrity.

- a. Do you believe that voter fraud occurs on a large scale in the United States?
- b. Do you believe that 3 to 5 million votes were cast fraudulently in the 2016 election?
- c. If your answer to either of these question is yes, what is the specific evidence that supports your belief?

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**From:** Escalona, Prim (OLP)  
**Sent:** Friday, July 14, 2017 5:37 PM  
**To:** Tyson, Jill C. (OLA) <jctyson@jmd.usdoj.gov>  
**Subject:** voter q

1. **Do you agree, as a factual matter, with President Trump's claim that 3 to 5 million people voted illegally in the 2016 election?**

(b) (5)

A large black rectangular redaction box covers the content of the email body below the question.

[zterwilliger@jmd.usdoj.gov](mailto:zterwilliger@jmd.usdoj.gov)

---

**From:** zterwilliger@jmd.usdoj.gov  
**Sent:** Sunday, July 09, 2017 10:37 PM  
**To:** Raman, Sujit (ODAG)  
**Subject:** Re: EO update

Thanks very much. All I needed- thank you.

> On Jul 9, 2017, at 10:28 PM, Raman, Sujit (ODAG) <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)> wrote:

>

>

> Zach,

>

> I hope you had a good weekend. (b) (5)

>

(b) (5)

> I hope this is helpful. I will be in the office tomorrow AM so am happy to discuss in person if you would prefer. Please let me know with any questions.

>

> Sujit

>

>

> (b) (5)

House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies Holds  
Hearing on the Department of Justice Fiscal 2018 Budget

CULBERSON:

The Commerce, Justice, Science, Appropriation Subcommittee will come to order. Deputy Attorney General Rosenstein, it's a pleasure to welcome you today to your first appearance before the Committee as we consider the president's 2018 budget request for the Department of Justice. We appreciate you being here and we especially appreciate your service to the country. We're particularly indebted to all of our federal state and local law enforcement officers and honor them for their tireless, invaluable, and courageous service to keep the people of the United States safe and sound in our communities and our country.

Last month we observed National Police Week, the lowering of American flags to half-staff on Police Officer Memorial Day was a vivid reminder of the sacrifice and the risks undertaken every single day by our men and women in uniform and law enforcement community who put themselves at risk to keep us all safe.

Our Committee is arm-in-arm in our determination to do everything in our power to support our men and women in uniform to ensure that they're protected, that they have everything that they need to help them succeed in their vital mission of protecting American lives and property.

Deputy Attorney General Rosenstein brings to his position a distinguished record of public service within the Department including most recent as the U.S. Attorney for Maryland. I admire the energy that you and Attorney General Sessions are bringing to the Department and am encouraged to see your leadership and addressing these critical issues as immigration enforcement, border security, restoring respect to the rule of law above all because our liberty, we all know our liberty lies in law enforcement, in the work that you do in fighting terrorism and taking a reinvigorated and strategic approach to combating violent crime and targeting offenders and in supporting our state and local law enforcement officers.

In fiscal year 2018 Mr. Rosenstein, this Subcommittee will strive to protect, to provide the Department of Justice the resources that you need to support your federal law enforcement mission including combating cybercrime, terrorism, espionage, gangs, and human and drug trafficking. Of course, we expect that our constituents' very precious and hard-earned tax dollars will be employed frugally and strategically, consistent with federal law.

The needs are great and it is critical set priorities and leverage scarce resources. I look forward to working with the Department throughout the year as the appropriation process moves forward. Today, we will follow the five minute rule in order to keep the hearing moving along.

But before we proceed, I'd like to recognize our ranking member, the gentleman from New York, Mr. Serrano, for any remarks he'd like to make.

Nonresponsive Records

KILMER:

OK. Let me shift gears. I want to ask about voting rights. In 2013 in *Shelby County versus Alabama* -- versus Holder, the Supreme Court essentially struck down Section V of the Voting Rights Act which required jurisdictions with a documented history and ongoing record of race discrimination and voting to pre-clear any voting changes with you, the Department of Justice or a three-judge federal court before their implementation.

Following the Shelby decision, previously covered jurisdictions implemented changes to their voting laws which made it burdensome for millions of people around this country to participate in the process. Earlier this year, I led an effort with 70 of my colleagues in a letter to President Trump urging that any investigation that he conducts into alleged voter fraud also include an investigation of voter suppression. We never received a response to that letter.

And just over a month ago, the president announced his advisory commission on election integrity which intends to only investigate these non-substantiated allegations of widespread voter fraud. So my question to you is, in light of the president's newly formed commission, how do you plan to allocate Department resources to enforce the Voting Rights Act and combat the proliferation of voter suppression laws in Shelby County?

ROSENSTEIN:

Congressman, it's my understanding that the commission you're referring to is not within the Department of Justice. And what I'd like to do is reassure you within the Department of Justice, we have responsibility for protecting the voting rights of all Americans and we will. When voting rights and our election system are strengthened, our democracy is strengthened.

So the Department of Justice continues to carefully investigate and review any claims of voter suppression or violation of the Voting Rights Act. And we'll take appropriate actions to prevent and combat any such violations or voter suppression in all of its forms. The issue that you raised at the start of your question is a more complicated issue of how to respond when states implement what they view as appropriate ways to protect the integrity of the vote and in some cases those are challenged as to what the impact may be. And that litigation will play out.

But that's a separate issue from the Department's commitment and responsibility to enforce violations of law with regard to people's voting rights and so, as I say, we don't have a rule that I know of with regard to the president's election integrity task force but we do have a responsibility to protect people's rights to vote and we'll continue to do that.

Nonresponsive Records



# Presidential Documents

Title 3—

Executive Order 13799 of May 11, 2017

The President

## Establishment of Presidential Advisory Commission on Election Integrity

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote fair and honest Federal elections, it is hereby ordered as follows:

**Section 1. *Establishment.*** The Presidential Advisory Commission on Election Integrity (Commission) is hereby established.

**Sec. 2. *Membership.*** The Vice President shall chair the Commission, which shall be composed of not more than 15 additional members. The President shall appoint the additional members, who shall include individuals with knowledge and experience in elections, election management, election fraud detection, and voter integrity efforts, and any other individuals with knowledge or experience that the President determines to be of value to the Commission. The Vice President may select a Vice Chair of the Commission from among the members appointed by the President.

**Sec. 3. *Mission.*** The Commission shall, consistent with applicable law, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President that identifies the following:

(a) those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;

(b) those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and

(c) those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

**Sec. 4. *Definitions.*** For purposes of this order:

(a) The term "improper voter registration" means any situation where an individual who does not possess the legal right to vote in a jurisdiction is included as an eligible voter on that jurisdiction's voter list, regardless of the state of mind or intent of such individual.

(b) The term "improper voting" means the act of an individual casting a non-provisional ballot in a jurisdiction in which that individual is ineligible to vote, or the act of an individual casting a ballot in multiple jurisdictions, regardless of the state of mind or intent of that individual.

(c) The term "fraudulent voter registration" means any situation where an individual knowingly and intentionally takes steps to add ineligible individuals to voter lists.

(d) The term "fraudulent voting" means the act of casting a non-provisional ballot or multiple ballots with knowledge that casting the ballot or ballots is illegal.

**Sec. 5. *Administration.*** The Commission shall hold public meetings and engage with Federal, State, and local officials, and election law experts, as necessary, to carry out its mission. The Commission shall be informed by, and shall strive to avoid duplicating, the efforts of existing government entities. The Commission shall have staff to provide support for its functions.

**Sec. 6. Termination.** The Commission shall terminate 30 days after it submits its report to the President.

**Sec. 7. General Provisions.** (a) To the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission on a reimbursable basis.

(b) Relevant executive departments and agencies shall endeavor to cooperate with the Commission.

(c) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the Commission, any functions of the President under that Act, except for those in section 6 of the Act, shall be performed by the Administrator of General Services.

(d) Members of the Commission shall serve without any additional compensation for their work on the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, to the extent permitted by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(e) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(g) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,  
May 11, 2017.

**Parker, Rachel (OASG)**

---

**From:** Parker, Rachel (OASG)  
**Sent:** Monday, May 08, 2017 4:29 PM  
**To:** Murray, Brian (OASG); McHenry, James (OASG)  
**Cc:** Panuccio, Jesse (OASG)  
**Subject:** RE: Request for review of proposed Executive Order on Election Integrity  
**Attachments:** (b) (5)

Hi all –

(b) (5) Please let me know if you have any questions.

Rachel

---

**From:** Parker, Rachel (OASG)  
**Sent:** Friday, April 21, 2017 7:21 PM  
**To:** Murray, Brian (OASG) <bmurray@jmd.usdoj.gov>; McHenry, James (OASG) <jmchenry@jmd.usdoj.gov>  
**Cc:** Panuccio, Jesse (OASG) (b) (5)  
**Subject:** Fwd: Request for review of proposed Executive Order on Election Integrity

FYI -- wanted to make sure you saw this.

Begin forwarded message:

**From:** "Hart, Rosemary (OLC)" (b) (6)  
**Date:** April 21, 2017 at 6:57:08 PM EDT  
**To:** "Raman, Sujit (ODAG)" <sraman@jmd.usdoj.gov>, "Parker, Rachel (OASG)" <racparker@jmd.usdoj.gov>  
**Subject:** FW: Request for review of proposed Executive Order on Election Integrity

Sujit and Rachel: (b) (5)

Thanks,  
Rosemary

---

**From:** Hart, Rosemary (OLC)  
**Sent:** Friday, April 21, 2017 6:12 PM  
**To:** Toomey, Kathleen (CRT) (b) (6); Olorunnipa, Funmi E. (CIV) (b) (6); Macklin, Jay (USAEO) (b) (6); Mann, James (CRM) (b) (6); Baker, James A. (OGC) (FBI) (b) (6)  
**Cc:** Stewart, Scott (OLC) (b) (6); (b) (6) - per OLC; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Parker, Rachel (OASG) <racparker@jmd.usdoj.gov>  
**Subject:** Request for review of proposed Executive Order on Election Integrity

(b) (5)

[REDACTED]  
(b) (5)  
[REDACTED]  
[REDACTED]

Let me know if you have any questions.

Thanks,  
Rosemary

**Cutrona, Danielle (OAG)**

---

**From:** Cutrona, Danielle (OAG)  
**Sent:** Tuesday, March 28, 2017 10:00 AM  
**To:** Hanrahan, Peggi (OAG)  
**Subject:** Fwd: Emailing - Letter to AG Sessions on Civil Rights Division.pdf  
**Attachments:** Letter to AG Sessions on Civil Rights Division.pdf; ATT00001.htm

For JBS

Begin forwarded message:

**From:** Christian Adams (b) (6)  
**Date:** March 28, 2017 at 9:51:33 AM EDT  
**To:** <[danielle.cutrona@usdoj.gov](mailto:danielle.cutrona@usdoj.gov)>  
**Subject:** FW: Emailing - Letter to AG Sessions on Civil Rights Division.pdf

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**From:** Christian Adams (b) (6)  
**Sent:** Tuesday, March 28, 2017 9:35 AM  
**To:** '[danielle.cutronoa@usdoj.gov](mailto:danielle.cutronoa@usdoj.gov)' <[danielle.cutronoa@usdoj.gov](mailto:danielle.cutronoa@usdoj.gov)>  
**Subject:** Emailing - Letter to AG Sessions on Civil Rights Division.pdf

Danielle: Please find a letter signed by 25 signatories to the Attorney General regarding the coming pick for Assistant Attorney General for Civil Rights. Would you please see to it that General Sessions receives a copy? We would be very appreciative. We are also available to explain in greater detail in person any of the details of the letter. Thank you very much for your time and courtesy.

J. Christian Adams  
Public Interest Legal Foundation

March 28, 2017

**RE: Restore lawful enforcement policies in the Civil Rights Division**

Dear Attorney General Sessions:

We, the undersigned wish to congratulate you on your new post as U.S. Attorney General and seek to offer guidance on leadership considerations for the next Assistant Attorney General for the Civil Rights Division.

As you know, the “crown jewel” of the Department, the Civil Rights Division, celebrates its 60<sup>th</sup> anniversary in 2017. We encourage you to look forward to the next 60 years and discern what good works the Division may do for generations to come.

Our nation is changing. The mosaic image of America is growing richer in color and detail as each decade passes. For these reasons, the American people deserve a Division that seeks to represent and protect all citizens. It also deserves a Division that follows the law and recognizes the dangers of an oppressive federal government outside the bounds of the law when it comes to our elections, businesses and criminal justice system.

Together, we have witnessed longstanding conventions held from the mid-20<sup>th</sup> century prove outmoded in recent years and discovered new fronts in need of protection where civil rights are concerned with particular respect to voting. Discrimination, dilution, and poor processes will always be constants, yet the victims can vary in our contemporary era. The next Assistant Attorney General should be cognizant of this reality and be prepared to offer constitutional leadership promoting the Rule of Law and equal protection for all.

During the Obama administration, the Division served purely ideological ends with rigidity unmatched in other federal offices. Entrenched federal bureaucrats jettisoned precepts like equal enforcement in favor of political and racialized dogmas with a zeal that risks litigation failure and invites court sanctions. Worst of all, the Division has placed itself in the passenger seat while political allies bring faulty actions against states working to protect their voters.

We offer three general areas of concern demonstrating the need for internal reforms.

**The Civil Rights Division has relegated its leadership role to political activists. This must end.**

Perhaps one of the greatest myths pushed by the Obama DOJ’s apologists was the claim of being the driving force for voter protection. That administration’s record paints an entirely different picture. In the eight year period, hardly any cases were filed under the Voting Rights and

National Voter Registration Acts.<sup>1</sup> At no time did the division bring a suit against voting discrimination or intimidation on its own. Yet, the public perception was that the previous Attorneys General were somehow vigorous champions of civil rights.

The past eight years have shown what “leading from behind” can do to state interests in protecting voters when dedicated activists are acting as signal callers. Voter identification suits were needlessly brought and lost such as in South Carolina; a single, racially-focused redistricting case can drag almost a decade; and millions of taxpayer dollars were wasted perverting voting laws to engineer political advantage.

**The ideological rot impacting the Civil Rights Division was already laid bare by the Office of Inspector General. It’s time to make changes.**

After a four year investigation, the U.S. Department of Justice Office of the Inspector General released a review of operations within the Voting Section of the Civil Rights Division in March 2013.<sup>2</sup> The 250 page report detailed the toxic manner in which the Division placed preferences on voting rights victim cohorts and bullied employees from daring to enforce the law in a colorblind fashion.

Investigators noted that the Division, then led by AAG Tom Perez, maintained a culture of holding that they did not believe civil rights laws should protect all Americans. Investigators were also not amused by the “petty and juvenile personal attacks” some Division employees posted on public websites about coworkers they shared legal disagreements with, particularly against employees who were openly Christian. Far beyond collegial banter, the report found that such statements were “highly offensive and potentially threatening” to others. Noted in the report:

The highly offensive comments included suggestions that the parents of one former career Section attorney were Nazis, disparaging a career manager’s physical appearance and guessing how he/she would look without clothing, speculation that another career manager was watching pornography in her office, and references to “Yellow Fever,” in connection with allusions to marital infidelity involving two career Voting Section employees, one of whom was described as “look[ing] Asian.”

Perhaps most demonstrable of how close Division staff were to third party allies, the report stated, “We also found incidents in which Voting Section career staff shared confidential Section information with outside civil rights attorneys, some of whom were working on matters where they were adverse to the Department.”

Worst of all, former Assistant Attorney General Perez specifically refused to implement the recommendations of the Inspector General when it comes to hiring. Specifically, the Inspector

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<sup>1</sup>U.S. Department of Justice; Voting Section Litigation (accessed March 1, 2017), [https://www.justice.gov/crt/voting\\_section\\_litigation](https://www.justice.gov/crt/voting_section_litigation)

<sup>2</sup>DOJ OIG; A Review of the Operations of the Voting Section of the Civil Rights Division (March 2013), <https://oig.justice.gov/reports/2013/s1303.pdf>

General recommended that “demonstrated commitment to civil rights” resulted in the perception that attorney hires were only made from employees of left-wing groups. In this case, perception and reality were synonymous. The Assistant Attorney Generals in each component Division must preserve or reacquire hiring authority and not leave the decisions in the hands of career bureaucrats who are reliably opposed to President Trump’s agenda.

**The Division has repeatedly been admonished for unethical behavior by the federal courts. We deserve better.**

In 2006, the DOJ Office of Legislative Affairs compiled a list of episodes upon request where Division attorneys’ “legal work was either admonished in a court opinion or where the Division paid attorneys’ fees or settlement fees over its involvement in a lawsuit.”<sup>3</sup> The letter detailed 11 cases from 1993 to 2000 where the federal government was required to pay \$4,107,595.09 in fees and court costs after bringing faulty actions. Roughly half of the taxpayer burden belonged in the Voting Section alone. Repeatedly, employees abused their former powers under the Voting Rights Act by mandating racial gerrymandering in states like Florida, Georgia, Louisiana, and South Carolina to create partisan advantages. State and individual parties saw repeat success in overturning these matters, leaving the courts to require that \$2.5 million public dollars be paid out at the conclusion of litigation.

The letter provides additional insight into the culture of collegiality that is shared between Division staff and third party activist organizations. In a 1993 Georgia redistricting case, the court found that an America Civil Liberties Union attorney was in “constant contact” with DOJ staff communicating in “disturbing” tones that were “informal and familiar”, as opposed to an “advocate submitting proposals to higher authorities.”

Looking forward, the next Assistant Attorney General should be committed to returning the Civil Rights Division to equal enforcement of all federal voting statutes strictly to advance the Rule of Law rather than partisan gamesmanship. Listed below are brief examples of immediate strategic shifts to pursue.

- Return to race-neutral Voting Rights Act enforcement that seeks to block discriminatory policies and procedures based on demonstrable impacts rather than mere statistical analysis.
- Put an end to politically-driven pursuits against state photo voter identification requirements, citizenship verification in voter registration, and common-sense adjustments to early voting periods.
- Return to enforcing federal statutes barring against voter intimidation. Repeatedly, the Obama DOJ failed to act.
- Return to enforcing Section 8 of the National Voter Registration Act requiring that voter rolls meet federal maintenance standards.

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<sup>3</sup>DOJ OLA letter to Rep. James F. Sensenbrenner dated April 12, 2006  
([https://www.scribd.com/document/48673021/2006\\_0412\\_Ltr\\_to\\_House\\_of\\_Rep\\_re\\_Voting\\_Rights\\_Act\\_Procedures](https://www.scribd.com/document/48673021/2006_0412_Ltr_to_House_of_Rep_re_Voting_Rights_Act_Procedures))

If the persistent, flagging voter participation rates are any indication, the American electorate is crying out to see protection against political enforcement of the law. The road to reform will be a rough one requiring time and perseverance. The next AAG certainly cannot be a proponent of the status quo by any means.

Thank you for the attention given to these observations. Together, we look forward to further, fruitful conversations as you consider this most critical staffing position.

Respectfully,  
(Title and affiliation for informational purposes only)

J. Christian Adams  
Public Interest Legal Foundation

Roger Clegg  
Center for Equal Opportunity

Hans von Spakovsky  
The Heritage Foundation

Kris Kobach  
Kansas Secretary of State

William Perry Pendley  
Mountain States Legal Foundation

Pete Hutchison  
Landmark Legal Foundation

Terry Pell  
Center for Individual Rights

Tim Wildmon  
President of American Family Association

Sandy Rios  
Director of Governmental Affairs  
American Family Association

Cleta Mitchell  
Chair, Public Interest Legal Foundation

Tim Fay

Dr. John C. Eastman, Founding Director,  
The Claremont Institute's Center for  
Constitutional Jurisprudence

Quin Hillyer  
Veteran conservative columnist

Sidney Powell  
Attorney & Author of *Licensed to Lie*

Paul Mirengoff  
Attorney

George Rasley  
Editor, ConservativeHQ.com

Allen Roth, President  
Secure America Now

Emmett McGroarty, Esq.  
Senior Fellow, American Principles Project

Susan Carleson  
American Civil Rights Union

Ken Masugi  
Johns Hopkins University, Center for  
Advanced Governmental Studies

James Simpson  
Author, Columnist

Rick Manning  
President, Americans for Limited Gov.

Bishop E.W. Jackson, Sr.  
President and Founder of S.T.A.N.D

Katie Holland

Joel C. Mandelman  
fmr. counsel  
U.S. Comm. on Civil Rights

**Hankey, Mary Blanche (OAG)**

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**From:** Hankey, Mary Blanche (OAG)  
**Sent:** Tuesday, March 07, 2017 12:52 PM  
**To:** John Mashburn (b) (6) White House Email ; Flynn, Matthew  
**Cc:** Uli, Gabriella M. EOP/WHO  
**Subject:** Agenda for Urban League/Civil Rights Leaders Meeting at DOJ

John and Matt-See below for meeting participants and agenda. Please let me know if you have any questions.

**Participants:**

- Marc H. Morial, President and CEO, National Urban League
- Melanie L. Campbell, President and CEO, National Coalition on Black Civic Participation and Convener, Black Women's Roundtable
- Kristen Clarke, President and Executive Director, Lawyers' Committee for Civil Rights Under Law
- Wade Henderson, President and CEO, Leadership Conference on Civil and Human Rights
- Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc.
- The Rev. Al Sharpton, Founder and President, National Action Network
- Donald Cravins, Executive Director, National Urban League Washington Bureau

**Agenda:**

- I. Hate Crimes Enforcement
- II. Voting Rights/Section 3 Cases/Voting Rights Restoration Act
- III. Criminal Justice Reform/Smart On Crime Initiative
- IV. Police Community Issues/Police Consent Decrees/Baltimore, Ferguson, Chicago, North Charleston
- V. Criminal Civil Rights Prosecutors
  - a. Eric Garner
  - b. Walter Scott/Michael Slager
- VI. Private Prisons
- VII. Violence Against Women Enforcement
- VIII. Transgender Guideline
- IX. OJP/Youth Mentoring Program
- X. Travel Reg. - New Executive Order

- X. Travel Ban – New Executive Order
- XI. Civil Rights Division – Staffing and Enforcement
- XII. Proposed POTUS Voter Fraud Task Force

Mary Blanche Hankey  
U.S. Department of Justice  
White House Liaison  
[mary.blanche.hankey@usdoj.gov](mailto:mary.blanche.hankey@usdoj.gov)  
202-353-4435

Camden Hybart

---

**From:** Attorney General's Email Address  
**Sent:** Friday, March 03, 2017 4:17 PM  
**To:** Attorney General's Email Address  
**Subject:** Fwd: voter fraud commission  
**Attachments:** Balch\_Logo\_17db8ea2-760c-49c3-b0ff-19f80bb6a179.jpg

----- Forwarded message -----

**From:** Peggi Hanrahan (b) (6)  
**Date:** Wed, Feb 22, 2017 at 9:10 PM  
**Subject:** Fwd: voter fraud commission  
**To:** Sessions Jefferson Attorney General's Email Address

From Ed Haden

Sent from my iPhone

Begin forwarded message:

**From:** "Haden, Ed" (b) (6)  
**Date:** February 22, 2017 at 8:50:14 PM EST  
**To:** Peggi Hanrahan (b) (6)  
**Subject:** Fwd: voter fraud commission

Peggi:  
Please give this to JBS.  
Ed

Sent from my iPhone

[[image]]

Ed R. Haden, Partner, Balch & Bingham LLP  
1901 Sixth Avenue North \* Suite 1500 \* Birmingham, AL 35203-4642  
t: (b) (6) f: (205) 488-5648 e: (b) (6)  
[www.balch.com](http://www.balch.com)<<http://www.balch.com>>

Begin forwarded message:

**From:** "von Spakovsky, Hans" (b) (6)  
(b) (6)

Date: February 22, 2017 at 7:36:03 PM CST

To: (b) (6)

Ed Haden (b) (6) >

Cc: (b) (6)

Subject: voter fraud commission

(b) (6) Ed,

(b) (6) got a very disturbing phone call about the voter fraud commission that Vice President Pence is heading. We are told that the members of this commission are to be named on Tuesday. We're also hearing that they are going to make this bipartisan and include Democrats. There isn't a single Democratic official that will do anything other than obstruct any investigation of voter fraud and issue constant public announcements criticizing the commission and what it is doing, making claims that it is engaged in voter suppression. That decision alone shows how little the WHouse understands about this issue.

There are only a handful of real experts on the conservative side on this issue and not a single one of them (including (b) (6) and me) have been called other than Kris Kobach, Secretary of State of Kansas. And we are told that some consider him too "controversial " to be on the commission. If they are picking mainstream Republican officials and/or academics to man this commission it will be an abject failure because there aren't any that know anything about this or who have paid any attention to this issue over the years.

(b) (6) and I are concerned that this commission is being organized in a way that will guarantee its failure. We are astonished that no one in the WH has even bothered to consult with us or (b) (6) despite the fact that the three of us have written more on the voter fraud issue than anyone in the country on our side of the political aisle. I think you know from the white paper we sent you that based on our experience we have thought long and hard about what needs to be done.

(b) (6) My cell is (b) (6) if you need to reach me.

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)

[heritage.org](http://heritage.org)<<http://heritage.org>>

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CONFIDENTIALITY: This email and any attachments may be confidential and/or privileged and are therefore protected against copying, use, disclosure or distribution. If you are not

the intended recipient, please notify us immediately by replying to the sender and double deleting this copy and the reply from your system.

**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Wednesday, September 13, 2017 12:42 PM  
**To:** Raman, Sujit (ODAG)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

Sujit – (b) (5)

Let's talk.

---

**From:** Raman, Sujit (ODAG)  
**Sent:** Monday, July 31, 2017 3:45 PM  
**To:** Gannon, Curtis E. (OLC) (b) (6)  
**Cc:** Troester, Robert J. (ODAG) <rтроester@jmd.usdoj.gov>  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

Thanks, Curtis.

I've copied my colleague Bob Troester, who helps oversee CRT. Please let me know if you need anything else.

Sujit

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**From:** Gannon, Curtis E. (OLC)  
**Sent:** Monday, July 31, 2017 2:44 PM  
**To:** Raman, Sujit (ODAG) <[sraman@jmd.usdoj.gov](mailto:sraman@jmd.usdoj.gov)>  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

Sujit,

(b) (5)

Thanks,

Curtis

**From:** Gannon, Curtis E. (OLC)  
**Sent:** Monday, July 31, 2017 1:48 PM  
**To:** Hart, Rosemary (OLC) (b) (6); Naik Jain, Arati (CRT) (b) (6)  
**Cc:** Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC) (b) (6); Forrester, Nate (OLC) (b) (6)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Here are OLC's draft answers for those questions. (b) (5)

The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

1. What role did you and other Justice Department employees play in writing the May 11 Executive Order? (b) (5)

(b) (5)

2. Were career attorneys in the Civil Rights Division consulted? If not, why? (b) (5)

(b) (5)

3. The Executive Order says the commission "shall have staff to provide support for its functions." Has the Justice Department provided any staff to work full- or part-time for the commission? (b) (5)

(b) (5)

4. Do you think the rare incidences of voter fraud and impersonation merit the creation of this commission? (b) (5)

(b) (5)

(b) (5)

---

**From:** Hart, Rosemary (OLC)  
**Sent:** Monday, July 31, 2017 1:43 PM  
**To:** Naik Jain, Arati (CRT) (b) (6)  
**Cc:** Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC) (b) (6); Forrester, Nate (OLC) (b) (6); Gannon, Curtis E. (OLC) (b) (6)  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing  
**Importance:** High

Hi, Arati: I'm looping in OLC's legislative team. (b) (5)

Thanks,  
Rosemary

---

**From:** Policy, CRT (CRT)  
**Sent:** Monday, July 31, 2017 1:22 PM  
**To:** Hart, Rosemary (OLC) (b) (6)  
**Cc:** Policy, CRT (CRT) <[CRT.Policy@crt.usdoj.gov](mailto:CRT.Policy@crt.usdoj.gov)>  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing  
**Importance:** High

Hi Rosemary,

(b) (5)

Thank you,  
Arati

Arati Naik Jain  
Legislative and Policy Analyst  
Civil Rights Division  
U.S. Department of Justice  
(b) (6)

Duplicative

# United States Senate

WASHINGTON, DC 20510

August 9, 2017

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

John Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Sessions and Acting Assistant Attorney General Gore:

As the Senate Committee on the Judiciary prepares for its hearing on President Trump's nominee to lead the Department of Justice's (DOJ) Civil Rights Division (CRT), we write to request your commitment to protecting the integrity and independence of the Division and its career attorneys, and to seek assurances that mistakes and misdeeds of the past will not be repeated by this Administration. We also have questions and concerns about news reports that the Division has requested the submission of resumes from CRT career lawyers who wish to be considered for the Division's new anti-affirmative action initiative.<sup>1</sup>

Our concerns are not hypothetical; they are rooted in the pattern of partisan personnel decisions and documented political interference that prevailed during the George W. Bush Administration – a pattern which threatens to repeat itself now. As you know, the Department of Justice has a duty to uphold the rule of law—not to serve a particular political ideology by pursuing partisan initiatives or making hiring decisions based on political affiliation. The Civil Rights Division was created to defend the civil rights of all Americans, and the politicization of its work and workforce is not only at odds with the mission of the Division but also potentially illegal.

As you know, a joint Office of Inspector General and Office of Professional Responsibility (OIG/OPR) report issued in July 2008 found that Bradley Schlozman, first as a Deputy Assistant Attorney General and subsequently as Principal Deputy Assistant Attorney General and Acting Assistant Attorney General, made false statements before the Senate Judiciary Committee and broke federal law and Department policy by “consider[ing] political and ideological affiliations in hiring career attorneys and in other personnel actions affecting career attorneys in the Civil Rights Division.”<sup>2</sup> The report also found that Mr. Schlozman inappropriately considered

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<sup>1</sup> <https://www.nytimes.com/2017/08/01/us/politics/trump-affirmative-action-universities.html>

<sup>2</sup> U.S. Department of Justice, Office of the Inspector General & Office of Professional Responsibility (“OIG/OPR Report”), *An Investigation of Allegations of Politicized Hiring and Other Improper Personnel Actions in the Civil Rights Division* (July 2, 2008), at 57-58, 64.

political and ideological affiliations both in hiring new attorneys and in transferring and assigning cases among career attorneys in the sections he supervised.<sup>3</sup> Among other egregious evidence of his improper political motives, Mr. Schlozman's emails revealed his "plans . . . to gerrymander all those crazy libs out of the [Voting] section" and replace them with "real Americans" and "right-thinking Americans" who could "be trusted."<sup>4</sup>

In light of recent news, we are concerned that illegal politicization of the Civil Rights Division is underway once again. Although Mr. Schlozman no longer works at the Department, some of his colleagues from that era have supported politicizing the Civil Rights Division. One of those former officials, Hans von Spakovsky, now with the Heritage Foundation, said that "[c]leaning . . . up [the Department of Justice] will be as difficult as cleaning out the Augean stables. Hercules had to divert two rivers to wash out the filth, and it will take a similarly massive effort at Justice to wash out the politics and progressive liberal activism that infests the agency from top to bottom."<sup>5</sup> Meanwhile, J. Christopher Adams, another of Mr. Schlozman's former CRT colleagues and a Bush-era Voting Section alumnus, has laid out on his blog a three-step proposal for "draining the swamp" based on lessons learned from the Bush Administration's "failure to take swift remedial action" against career attorneys.<sup>6</sup> To get around civil service protections, Mr. Adams has gone so far as calling on Congress to pass a Reduction in Force aimed at "dislodging" career staff.<sup>7</sup>

In a March letter organized by Mr. Adams's Public Interest Legal Foundation, Mr. Adams, Mr. von Spakovsky, and Kris Kobach – now Vice Chair of President Trump's Presidential Advisory Commission on Election Integrity– called on President Trump's Justice Department to rid CRT of so-called "ideological rot" by stripping career attorneys of hiring and firing authority and vesting such authority in Trump's political appointees.<sup>8</sup> Mr. von Spakovsky's and Mr. Adams's efforts are particularly alarming now that both have been appointed to this commission, which appears to be coordinating with CRT's Voting Section.<sup>9</sup>

As others have noted, this recommendation appears to call for a return to the improper and illegal personnel practices of the Bush era, when hiring, firing, and assignment decisions in CRT were made based on whether a career attorney was perceived to be "on the [right] team." As explained in the 2008 OIG/OPR joint report, both federal law – the Civil Service Reform Act (CSRA) – and DOJ policy prohibit discrimination in federal employment based on political and ideological affiliations.<sup>10</sup> The CSRA further provides that "[a]ll employees and applicants for

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<sup>3</sup> *Id.* at 33-35, 42-43

<sup>4</sup> *Id.* at 20-21 n.13, 34, 44 n.37.

<sup>5</sup> <http://www.heritage.org/government-regulation/commentary/taming-the-bureaucratic-beast-the-herculean-task-ahead-president>

<sup>6</sup> <https://pjmedia.com/jchristianadams/2016/11/13/transition-takes-draining-the-swamp-wont-be-as-easy-as-you-think/>

<sup>7</sup> *Id.*

<sup>8</sup> <https://www.scribd.com/document/343306400/Letter-to-AG-Sessions-on-Civil-Rights-Division>

<sup>9</sup> On June 28, 2017, the Commission sent a letter to election officials in all 50 states with an extraordinarily broad demand for sensitive personal voter information. On that same date, the chief of CRT's Voting Section also sent a letter to 44 state election officials asking for information about state-level procedures for maintaining voter registration lists. Several Senators requested further information about the apparent coordination between the Commission and CRT, but that request remains unanswered.

<sup>10</sup> OIG/OPR Report at 4.

employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation,” and that “[e]mployees should be . . . protected against arbitrary action, personal favoritism, or coercion for partisan political purposes.”<sup>11</sup> Congress enacted these laws to protect civil servants from exactly the sort of political gamesmanship perpetrated by Mr. Schlozman, which his former colleagues seem eager to see repeated now.

In the aftermath of the Bush-era personnel scandal, the Department took several actions, and OIG/OPR made recommendations, to ensure compliance with federal civil service laws and Department policy. According to a March 2008 memorandum from the Attorney General, beginning in the summer of 2007, new political employees at the Department were briefed on “Merit System Principles and Prohibited Personnel Practices” as part of their orientation process.<sup>12</sup> Along those lines, OIG/OPR recommended that the Department also regularly provide training on merit system principles and prohibited personnel practices in the Civil Service Reform Act, federal regulations, and Department policies to personnel with a role in hiring or supervising career employees.<sup>13</sup> OIG/OPR also recommended that the Department issue periodic statements to all employees about what constitute prohibited personnel practices under federal law, regulations, and Department policy, and provide information to employees about how they can report violations and where they can seek redress.<sup>14</sup>

Now, as the Civil Rights Division prepares for new leadership, it is imperative that this crown jewel of the Department of Justice remain free from the improper and unlawful politicization it experienced in the Bush era, which threatens it again today. To that end, we ask that you respond to the following questions and requests by August 30, 2017:

- Why is CRT’s new anti-affirmative action program being managed by the Division’s front office rather than by the Educational Opportunities Section? Historically, has any other enforcement initiative of the Division that relates exclusively to the work of a single section of the Civil Rights Division been managed instead by the front office? In its solicitation for detailees to this program, why did the Division waive its ordinary requirement that a Division employee must have been in his or her section for two or more continuous years before being eligible for a detail?
- What coordination or communication, if any, has the Division or other DOJ leadership conducted with respect to this program with Secretary of Education Betsy DeVos or other officials at the Department of Education? Please provide copies of all written communications between the Department of Education and the Department of Justice related to affirmative action strategy.
- Why did the Division solicit the submission of resumes for lawyers who wish to be considered for that program? Has the Division ever requested resumes from its own attorneys for an internal initiative in the past? What specific information contained in such resumes does the Division intend to consider? In light of the inappropriately

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<sup>11</sup> 5 U.S.C. § 2301(b)(2), (8)

<sup>12</sup> <https://www.justice.gov/sites/default/files/ag/legacy/2008/09/05/ag-031008.pdf>

<sup>13</sup> *Id.*

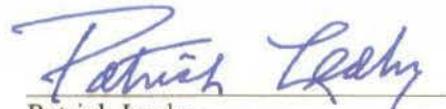
<sup>14</sup> *Id.*

politicized transfer and case assignment decisions detailed in the 2008 OIG/OPR report, what measures has the Division taken to ensure compliance with the law?

- Are political appointees in the Civil Rights Division briefed on “Merit System Principles and Prohibited Personnel Practices” as part of their orientation process? Please describe this briefing in detail and provide any relevant training materials.
- Consistent with the recommendations of OIG/OPR, does the Department regularly provide training on merit system principles and prohibited personnel practices in the Civil Service Reform Act, federal regulations, and Department policies to personnel with a role in hiring or supervising career employees? Please describe this training in detail and provide any relevant training materials.
- Consistent with the recommendations of OIG/OPR, does the Department issue periodic statements to all employees about what constitute prohibited personnel practices under federal law, regulations, and Department policy, and provide information to employees about how they can report violations and where they can seek redress? If so, please provide a sample(s) of such statements.
- For each component section in the Civil Rights Division, which specific individuals make hiring, firing, and case assignment recommendations and/or decisions regarding career attorneys? To the extent these responsibilities are shared between career and political staff, please describe in detail the allocation of responsibilities and authority, as well as the decision-making process.
- During the last Administration, in response to concerns raised by the OIG, CRT adopted an “Experienced Attorney and Attorney Manager Hiring Policy” to ensure, among other things, a “fair, transparent and merit based hiring process.”<sup>15</sup> Is that policy still being followed for all career experienced attorneys and attorney manager positions? If not, please explain why the policy, or any part thereof, has been discontinued and provide the new policy for hiring these individuals.

Sincerely,

  
Sheldon Whitehouse  
United States Senator

  
Patrick Leahy  
United States Senator

<sup>15</sup> <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/13/attyhire.pdf>



Richard J. Durbin  
United States Senator



Al Franken  
United States Senator



Richard Blumenthal  
United States Senator



Mazie K. Hirono  
United States Senator

**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Tuesday, August 22, 2017 9:51 AM  
**To:** Raman, Sujit (ODAG)  
**Subject:** FW: Questions for the Record: Budget-Related Responses (Senate)  
**Attachments:** Senate Budget QFRs Tracker.pdf; DRAFT Senate\_Budget QFRs (08.21.17).docx

Sujit:

(b) (5)



(b) (5)



Bob

---

**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Monday, August 21, 2017 9:01 PM  
**To:** Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Troester, Robert J. (ODAG) <rtroester@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Cook, Steven H. (ODAG) <shcook@jmd.usdoj.gov>; Ohr, Bruce (ODAG) <brohr@jmd.usdoj.gov>; Crowell, James (ODAG) <jcrowell@jmd.usdoj.gov>; Medina, Amelia (ODAG) <ammedina@jmd.usdoj.gov>  
**Cc:** Wahdan, Rana S. (OLA) <rswahdan@jmd.usdoj.gov>  
**Subject:** FW: Questions for the Record: Budget-Related Responses (Senate)

Duplicative Material



**Ferrato, Katherine M. (ODAG)**

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**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Thursday, August 17, 2017 6:09 PM  
**To:** Medina, Amelia (ODAG)  
**Subject:** RE: Leahy QFRs - Presidential Advisory Commission on Election Integrity. (b) (5)  
[REDACTED]  
**Attachments:** Senate and House QFRs (08.17.17).xlsx

Just spoke with Shannon. (b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

---

**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Thursday, August 17, 2017 5:46 PM  
**To:** Medina, Amelia (ODAG) <ammedina@jmd.usdoj.gov>  
**Subject:** RE: Leahy QFRs - Presidential Advisory Commission on Election Integrity. (b) (5) [REDACTED]

(b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Medina, Amelia (ODAG)  
**Sent:** Thursday, August 17, 2017 5:18 PM  
**To:** Ferrato, Katherine M. (ODAG) <kferrato@jmd.usdoj.gov>  
**Subject:** RE: Leahy QFRs - Presidential Advisory Commission on Election Integrity. (b) (5) [REDACTED]

Ok thanks. (b) (5) [REDACTED]  
[REDACTED]

---

**From:** Ferrato, Katherine M. (ODAG)  
**Sent:** Thursday, August 17, 2017 5:03 PM  
**To:** Medina, Amelia (ODAG) <ammedina@jmd.usdoj.gov>  
**Subject:** FW: Leahy QFRs - Presidential Advisory Commission on Election Integrity. (b) (5) [REDACTED]  
[REDACTED]

FYSA. (b) (5) [REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Slusher, Michelle (JMD)  
**Sent:** Thursday, August 17, 2017 4:36 PM  
**To:** Wahdan, Rana S. (OLA) <[rswahdan@jmd.usdoj.gov](mailto:rswahdan@jmd.usdoj.gov)>; Ferrato, Katherine M. (ODAG) <[kferrato@jmd.usdoj.gov](mailto:kferrato@jmd.usdoj.gov)>  
**Cc:** Munro, Shannon L. (JMD) <[smunro@jmd.usdoj.gov](mailto:smunro@jmd.usdoj.gov)>; Thompson, John (JMD) <[JoThompson@jmd.usdoj.gov](mailto:JoThompson@jmd.usdoj.gov)>  
**Subject:** Leahy QFRs - Presidential Advisory Commission on Election Integrity. (b) (5)

(b) (5)  
[Redacted]  
[Redacted]  
[Redacted] These are also attached for your review.

Thanks,  
Michelle

**Lead-In Information From Original Document**

The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

**Leahy 12d**

Will the commission need congressional appropriations and if so how much has the administration sought in funding, whether at DOJ or elsewhere in the executive branch?

**Leahy 12e**

How much has been spent so far on the commission and what is its expected budget

**From:** Gannon, Curtis E. (OLC)  
**Sent:** Monday, July 31, 2017 3:54 PM  
**To:** Newman, Ryan (OLP) <[RNewman@jmd.usdoj.gov](mailto:RNewman@jmd.usdoj.gov)>  
**Cc:** Colborn, Paul P (OLC) (b) (6)  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs -- Conversations with President and Voting Rights

Ryan,

(b) (5)

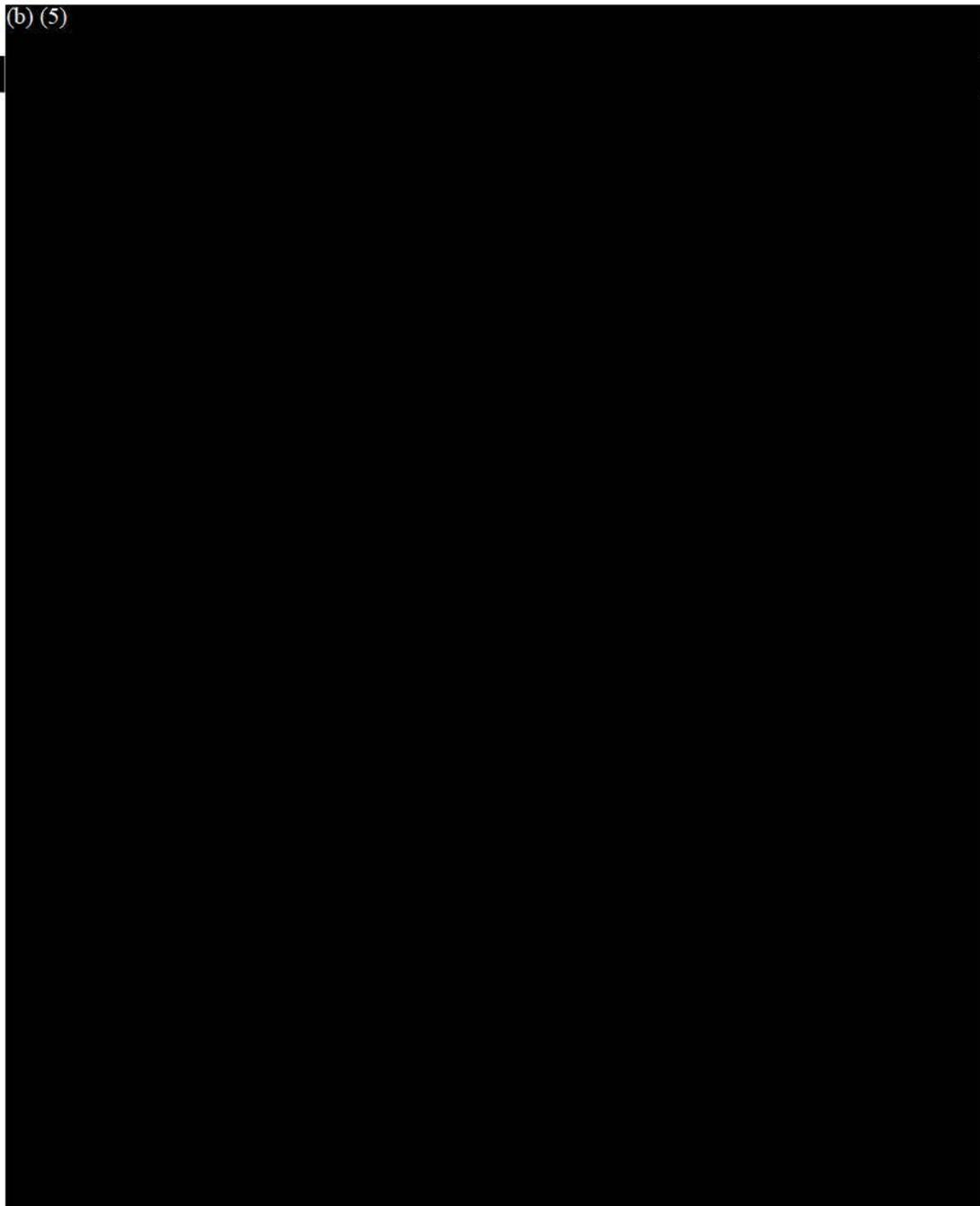
**Justice Department Policy Re: Conversations with the President**

Attorney General Sessions has said that it is Department of Justice policy to not disclose to Congress private conversations with the President.

1. Can you provide this Committee a copy of this policy? (b) (5)
2. When was this policy adopted? (b) (5)
3. Who crafted this policy? (b) (5)
4. What were the factors considered when this policy was adopted by the Department of Justice? (b) (5)

(b) (5)

(b) (5)



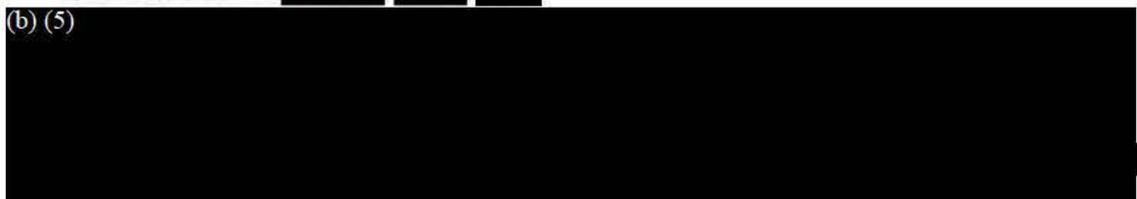
(b) (5)



The President's May 11, 2017, Executive Order created a Presidential Advisory Commission on Election Integrity. Rather than protecting the right to vote in this country this commission seems directed at finding cases of voter fraud and impersonation which are very rare and much less common than voter disenfranchisement through strict voter ID laws.

1. What role did you and other Justice Department employees play in writing the May 11 Executive Order? (b) (5)  

(b) (5)



(b) (5)

2. Were career attorneys in the Civil Rights Division consulted? If not, why? (b) (5)

(b) (5)

3. The Executive Order says the commission "shall have staff to provide support for its functions." Has the Justice Department provided any staff to work full- or part-time for the commission? (b) (5)

(b) (5)

4. Do you think the rare incidences of voter fraud and impersonation merit the creation of this commission? (b) (5)

(b) (5)

(b) (5)

Thanks,

Curtis

Duplicative

**Troester, Robert J. (ODAG)**

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**From:** Troester, Robert J. (ODAG)  
**Sent:** Monday, July 31, 2017 6:12 PM  
**To:** Ferrato, Katherine M. (ODAG); Medina, Amelia (ODAG)  
**Subject:** Fwd: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

I clear for CRT

Begin forwarded message:

**From:** "Gannon, Curtis E. (OLC)" (b) (6)  
**Date:** July 31, 2017 at 5:01:07 PM EDT  
**To:** "Policy, CRT (CRT)" <[CRT.Policy@crt.usdoj.gov](mailto:CRT.Policy@crt.usdoj.gov)>, "Escalona, Prim (OLP)" <[pescalona@jmd.usdoj.gov](mailto:pescalona@jmd.usdoj.gov)>, "Troester, Robert J. (ODAG)" <[rtroester@jmd.usdoj.gov](mailto:rtroester@jmd.usdoj.gov)>  
**Cc:** "Whitaker, Henry C. (OLC)" (b) (6), "Hart, Rosemary (OLC)" (b) (6), "Koffsky, Daniel L (OLC)" (b) (6), "Forrester, Nate (OLC)" (b) (6)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Thanks, Arati. (b) (5)

[REDACTED]

---

**From:** Policy, CRT (CRT)  
**Sent:** Monday, July 31, 2017 4:37 PM  
**To:** Gannon, Curtis E. (OLC) (b) (6); Hart, Rosemary (OLC) (b) (6)  
**Cc:** Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC) (b) (6); Forrester, Nate (OLC) (b) (6); Policy, CRT (CRT) <[CRT.Policy@crt.usdoj.gov](mailto:CRT.Policy@crt.usdoj.gov)>  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Additionally, (b) (5)

[REDACTED]

Arati Naik Jain  
Legislative and Policy Analyst  
Civil Rights Division  
U.S. Department of Justice  
(b) (6)

---

**From:** Naik Jain, Arati (CRT)  
**Sent:** Monday, July 31, 2017 4:13 PM

To: Gannon, Curtis E. (OLC) (b) (6); Hart, Rosemary (OLC)  
(b) (6)  
Cc: Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC)  
(b) (6); Forrester, Nate (OLC) (b) (6); Policy, CRT  
(CRT) <[CRT.Policy@crt.usdoj.gov](mailto:CRT.Policy@crt.usdoj.gov)>  
Subject: RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations  
Hearing

Thank you. (b) (5)

Thank you,  
Arati

Arati Naik Jain  
Legislative and Policy Analyst  
Civil Rights Division  
U.S. Department of Justice  
(b) (6)

---

From: Gannon, Curtis E. (OLC)  
Sent: Monday, July 31, 2017 1:48 PM  
To: Hart, Rosemary (OLC) (b) (6); Naik Jain, Arati (CRT)  
(b) (6)  
Cc: Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC)  
(b) (6); Forrester, Nate (OLC) (b) (6)  
Subject: RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations  
Hearing

Duplicative Material

**Policy, CRT (CRT)**

---

**From:** Policy, CRT (CRT)  
**Sent:** Monday, July 31, 2017 5:16 PM  
**To:** Gannon, Curtis E. (OLC)  
**Cc:** Escalona, Prim (OLP); Troester, Robert J. (ODAG); Whitaker, Henry C. (OLC); Hart, Rosemary (OLC); Koffsky, Daniel L (OLC); Forrester, Nate (OLC); Helfman, Tara (CRT)  
**Subject:** Re: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Adding Tara Hellman, Senior Counsel in CRT's front office.

Thank you,  
Arati

On Jul 31, 2017, at 5:01 PM, Gannon, Curtis E. (OLC) (b) (6) wrote:

Duplicative Material



**Gore, John (CRT)**

---

**From:** Gore, John (CRT)  
**Sent:** Monday, July 31, 2017 4:34 PM  
**To:** Troester, Robert J. (ODAG)  
**Cc:** Treene, Eric (CRT)  
**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

(b) (5)

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

(b) (6)

---

**From:** Troester, Robert J. (ODAG)  
**Sent:** Monday, July 31, 2017 4:33 PM  
**To:** Gore, John (CRT) (b) (6)  
**Cc:** Treene, Eric (CRT) (b) (6)  
**Subject:** Re: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

(b) (5)

On Jul 31, 2017, at 4:28 PM, Gore, John (CRT) (b) (6) wrote:

Thanks, Bob. (b) (5)

John M. Gore  
Acting Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

(b) (6)

---

**From:** Troester, Robert J. (ODAG)  
**Sent:** Monday, July 31, 2017 4:10 PM  
**To:** Gore, John (CRT) (b) (6)  
**Cc:** Treene, Eric (CRT) (b) (6)  
**Subject:** FW: DUE 12 PM TUESDAY - DAG QFRs -- Voting Rights (Commission on Election Integrity)

John - (b) (5)

[REDACTED]

Bob

---

**From:** Gannon, Curtis E. (OLC)

**Sent:** Monday, July 31, 2017 1:48 PM

**To:** Hart, Rosemary (OLC) (b) (6); Naik Jain, Arati (CRT)

(b) (6)

**Cc:** Whitaker, Henry C. (OLC) (b) (6); Koffsky, Daniel L (OLC)

(b) (6); Forrester, Nate (OLC) (b) (6)

**Subject:** RE: DUE 12 PM TUESDAY - DAG QFRs from 6/13/17 House and Senate Appropriations Hearing

Duplicative Material



Gore, John (CRT)

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**From:** Gore, John (CRT)  
**Sent:** Wednesday, July 19, 2017 4:15 PM  
**To:** Flores, Sarah Isgur (OPA); Parker, Rachel (OASG)  
**Subject:** FW: Vanita Gupta column on Civil Rights Division  
**Attachments:** The Voter Purges Are Coming - The New York Times.pdf;  
nvra.draft.response.docx; NVRA.Draft.Response.2.docx

Sarah:

(b) (5)

Devin O'Malley, a Justice Department spokesman, said the department's review of list maintenance procedures hadn't been done in many years.

"The Department of Justice is committed to free and fair elections for all Americans. Congress enacted the NVRA's list-maintenance provisions specifically to advance that goal. The Department had not conducted a review of state and local list-maintenance activities under the NVRA for many years," he said in a statement. "The Department looks forward to working with state and local election officials to facilitate appropriate list-maintenance activities toward our common goal of free and fair elections for all voters."

[http://www.huffingtonpost.com/entry/department-of-justice-voter-purge\\_us\\_595d22b1e4b0da2c7326c38b](http://www.huffingtonpost.com/entry/department-of-justice-voter-purge_us_595d22b1e4b0da2c7326c38b)

(b) (5)

I look forward to discussing this. Thanks.

John M. Gore  
Deputy Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

(b) (6)

(b) (6)

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, July 19, 2017 4:09 PM  
**To:** Brand, Rachel (OASG) <rbrand@jmd.usdoj.gov>; Gore, John (CRT) <John.Gore@crt.usdoj.gov>; Panuccio, Jesse (OASG) <jpanuccio@jmd.usdoj.gov>  
**Subject:** RE: Vanita Gupta column on Civil Rights Division

(b) (5)

xxx

Sarah Isgur Flores  
Director of Public Affairs  
202.305.5808

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**From:** Brand, Rachel (OASG)  
**Sent:** Wednesday, July 19, 2017 3:04 PM  
**To:** Gore, John (CRT) (b) (6); Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Panuccio, Jesse (OASG) (b) (5)  
**Subject:** FW: Vanita Gupta column on Civil Rights Division

FYI. (b) (5)

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**From:** R Brand (b) (6) Rachel Brand's Personal Email  
**Sent:** Wednesday, July 19, 2017 2:01 PM  
**To:** Brand, Rachel (OASG) <rbrand@jmd.usdoj.gov>  
**Subject:** Fwd: Vanita Gupta column on Civil Rights Division

Begin forwarded message:

**From:** "Woodruff, Betsy" <[Betsy.Woodruff@thedailybeast.com](mailto:Betsy.Woodruff@thedailybeast.com)>  
**Date:** July 19, 2017 at 11:45:01 AM EDT  
**To:** R Brand (b) (6) Rachel Brand's Personal Email  
**Subject:** Vanita Gupta column on Civil Rights Division

Hey Rachel,

I'm doing a piece on the DOJ's response to this Vanita Gupta NYT op-ed saying the Civil Rights Division is gearing up to purge the voter rolls  
(<https://www.nytimes.com/2017/07/19/opinion/donald-trump-voting-rights-purge.html>)

Just wanted to let you know since it's your purview...do you have any thoughts on background about it? or ideas of folks I should reach out to about it? It's a pretty astounding thing to say about the CRD

Betsy Woodruff  
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**The New York Times** | <https://nyti.ms/2uxxwVS>

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The Opinion Pages | OP-ED CONTRIBUTOR

# The Voter Purges Are Coming

By VANITA GUPTA JULY 19, 2017

The Trump administration's election-integrity commission will have its first meeting on Wednesday to map out how the president will strip the right to vote from millions of Americans. It hasn't gotten off to the strongest start: Its astonishing request last month that each state hand over voters' personal data was met with bipartisan condemnation. Yet it is joined in its efforts to disenfranchise citizens by the immensely more powerful Justice Department.

Lost amid the uproar over the commission's request was a letter sent at the same time by the Justice Department's civil rights division. It forced 44 states to provide extensive information on how they keep their voter rolls up-to-date. It cited the 1993 National Voter Registration Act, known as the Motor-Voter law, which mandates that states help voters register through motor vehicle departments.

The letter doesn't ask whether states are complying with the parts of the law that expand opportunities to register. Instead it focuses on the sections related to maintaining the lists. That's a prelude to voter purging.

Usually the Justice Department would ask only a single state for data if it had evidence the state wasn't complying with Motor-Voter. But a blanket request to every state covered under that law is virtually unprecedented. And unlike the

commission, the Justice Department has federal statutory authority to investigate whether states are complying with the law.

These parallel efforts show us exactly how the Trump administration will undertake its enormous voter suppression campaign: through voter purges. The voter rolls are the key. Registration is one of the main gateways to political participation. It is the difference between a small base of voters pursuing a narrow agenda and an electorate that looks like America.

Here's how the government will use voters' data. It will create a national database to try to find things like double-voters. But the commission won't be able to tell two people with the same name and birthday apart. Such errors will hit communities of color the hardest. Census data shows that minorities are overrepresented in 85 of the 100 most common last names.

Purging voters is part of a larger malicious pattern that states have employed across the country. Georgia and Ohio are being sued for carrying out early versions of what we can expect from the Trump administration.

To enact his plan, President Trump has assembled the voter suppression dream team of Kris Kobach, Ken Blackwell, Hans von Spakovsky and J. Christian Adams, who have all made wildly inflated claims about voter fraud.

Mr. Kobach has been at the vanguard of a crusade against Motor-Voter and has been sued at least three times for making it harder for Kansans to vote. Before the 2016 election, he illegally blocked tens of thousands of voters from registering. Mr. Blackwell rejected registration forms because they were printed on paper he thought was too thin. Mr. von Spakovsky has led numerous unsuccessful legal efforts to diminish voter participation and to fight voting rights. Mr. Adams published personal information about people whom he wrongly accused of committing multiple felonies in a flawed hunt for fraud.

The commission's efforts have been similarly sloppy so far. At least seven lawsuits claim it has violated federal and constitutional law, including privacy rights or transparency laws.

The litigation and pushback from the states that have refused to turn over voters' data have slowed the efforts down, for now. But my biggest fear is that the government will issue a report with "findings" of unsupported claims of illegal voting, focused on communities of color.

These wild claims won't be just hot air. Members of Congress will seize on them to turn back protections in federal law. States will enact new barriers to the ballot box. Courts will point to the commission's work to justify their decisions.

The irony is that there are serious threats to our voting systems, from cyberattacks to aging machines to Russian interference to discriminatory voter ID laws at the state level. Those are the real problems, but that's not what the commission was created to address.

In response to all this, citizens are pulling themselves off voter rolls out of fear that their personal information will be leaked. A Denver elections official said her office has seen a 2,150 percent increase in voter registration withdrawals. Taking ourselves off the rolls means sacrificing our voices and giving the Trump administration exactly what it wants.

We need to push back. Local election registrars are really in control of the rolls and have the final say on most purges. We need to organize in our communities and ensure they hear our concerns. Voting experts must debunk the administration's false claims of fraud. Civil rights law firms should continue to do battle in courtrooms. Local politicians from both parties ought to stand firm against pressure from Washington. Rest assured that the Leadership Conference on Civil and Human Rights coalition, and our allies, will be in the thick of this fight.

Vanita Gupta, the president and chief executive of the Leadership Conference on Civil and Human Rights, was a head of the civil rights division at the Justice Department in the Obama administration.

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**Congress of the United States**  
**Washington, DC 20515**

July 18, 2017

Vice President Michael Pence  
The White House  
1600 Pennsylvania Ave, N.W.  
Washington, D.C.

Dear Mr. Vice President:

As the ranking members of the House committees of jurisdiction, we write to you to express our grave concerns regarding the June 28, 2017, request by Kris Kobach, the Vice Chair of the Presidential Advisory Commission on Election Integrity (“Commission”) that all 50 States and the District of Columbia provide him with sensitive voter information. We also write to express our concerns with Mr. Kobach’s position on the Commission, his actions to date, and several conflicts of interest that should prevent him from serving as Vice Chair.

The clear majority of our state election administrators—including numerous Republican elected officials—oppose the Vice Chair’s request, which was made directly after a secret, unofficial meeting of the Commission’s members. The request failed to specify to the public how that information would be used, and provided no clear or sufficient safeguards to protect sensitive voter information. These actions openly flout federal privacy and transparency laws.

Furthermore, Mr. Kobach has repeatedly claimed, falsely, that widespread voter fraud exists and advertises his work on the Commission to promote his own campaign for governor of Kansas. These actions undermine the integrity of the Commission and raise significant concerns that the Commission will be used as a tool for voter suppression.

We understand that the Commission has asked states to “hold off” on submitting their voter information while a federal court considers a motion for a restraining order filed by the Electronic Privacy Information Center (“EPIC”). Any temporary halt is insufficient. We request that you rescind Mr. Kobach’s request for voter information, ask Mr. Kobach to step down from the Commission, and use the July 19 Commission meeting to announce these changes and explain, in a forthright manner, how the Commission intends to carry out its mission.

**The Mission of the Presidential Advisory Commission on Election Integrity (“PACEI”)**

Pursuant to Executive Order 13799, the mission of the Presidential Advisory Commission on Election Integrity (“PACEI”) is to “consistent with applicable law, study the registration and voting processes used in Federal elections.” E.O. 13799 requires the Commission to submit a report to the President that identifies the following:

- (a) those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;
- (b) those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and
- (c) those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.<sup>1</sup>

On June 28, 2017, Mr. Kobach requested detailed voter histories from the Secretary of State or the Chief Election Officer of all 50 states and the District of Columbia. He requested that they provide to the Commission publicly available voter roll information, including:

[T]he full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.<sup>2</sup>

Mr. Kobach's letter seeks to collect and aggregate the sensitive, personal information of voters across the country, in the span of two weeks. It did not provide any information about procedures in place to protect voter privacy or the security and integrity of state voter data.

This request is unprecedented. Never before has any federal official made such a sweeping request to state election officials for private, personal voter records.

Election officials in at least 45 states, including many Republican election officials, have refused to comply with the Vice Chair's request, either fully or in part, citing state privacy laws, federalism concerns, or serious doubts about the true motivation behind the Commission's intentions for the voter information. The request appears to violate numerous state laws regarding the privacy and collection of voter information. The former Deputy Assistant Attorney General of the Department of Justice's Civil Rights Division decried Mr. Kobach's actions, noting that Mr. Kobach's request is "massively irresponsible" and possibly illegal.<sup>3</sup>

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<sup>1</sup> Exec. Order No. 13799, "Establishment of Presidential Advisory Commission on Election Integrity," 82 Fed. Reg. 22389 (May 16, 2017).

<sup>2</sup> Letter from Kris W. Kobach, Vice Chair, PACEI, to the Honorable John Merrill, Secretary of State, Alabama (June 28, 2017) (online at [apps.npr.org/documents/document.html?id=3881818-SOS-Letter](https://apps.npr.org/documents/document.html?id=3881818-SOS-Letter)).

<sup>3</sup> *All Your Voter Data Are Belong to Us, Take Care* (June 30, 2017) (online at [takecareblog.com/blog/all-](https://takecareblog.com/blog/all-your-voter-data-are-belong-to-us-take-care)

Mr. Kobach's request has also deeply alarmed voters, who are reportedly contacting election officials with fears about the Administration's intent and, of greatest worry, requests to cancel their voter registrations to protect private data.<sup>4</sup>

### Security Concerns

Mr. Kobach's request to state election officials raises serious and significant cybersecurity concerns. In fact, Michael Chertoff, Secretary of Homeland Security under President George W. Bush, has warned that the Vice Chair's plans to collect and aggregate sensitive voter information risks running afoul of the President's May 11<sup>th</sup> cybersecurity executive order—which is focused on improving database safeguards.<sup>5</sup> Specifically, in a recent op-ed in the *Washington Post*, former Secretary Chertoff warned that the personal identifying information would be a tempting target for identity theft and criminal activity, both domestic and foreign, and advised that, if the Commission proceeded with the collection of sensitive data, “the Administration should honor its own recent cybersecurity executive order and ensure that the data is not stolen by hackers or insiders.”<sup>6</sup>

Mr. Kobach's letter directs state officials to send sensitive personal information for hundreds of millions of voters to the Commission by highly insecure means—either to a government email address (ElectionIntegrityStaff@ovp.eop.gov), or to a file exchange system, Safe Access File Exchange (“SAFE”).

In his letter, Mr. Kobach stated that the SAFE system “is a secure FTP site the federal government uses for transferring large data files.” However, accessing the SAFE system through Google Chrome leads to a warning screen with a notification that the site is insecure. The SAFE website itself cautions that:

SAFE uses the TLS (Transport Layer Security) protocol when files are uploaded or downloaded. However, users should be aware that the limited use PIN employed to access a SAFE package, is sent via email. Therefore, the PIN is only as secure as the email system.<sup>7</sup>

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your-voter-data-are-belong-to-us).

<sup>4</sup> *Hundreds Withdraw Colorado Voter Registrations in Response to Compliance with Commission Request*, The Denver Channel, (July 7, 2017) (online at [www.thedenverchannel.com/news/politics/hundreds-withdraw-colorado-voter-registrations-in-response-to-compliance-with-commission-request](http://www.thedenverchannel.com/news/politics/hundreds-withdraw-colorado-voter-registrations-in-response-to-compliance-with-commission-request)); *Worried Voters Try to “Unregister” After Trump Voter-Roll Request*, The Orland Sentinel, (July 7, 2017) (online at [www.orlandosentinel.com/news/politics/political-pulse/os-florida-voter-rolls-data-20170707-story.html](http://www.orlandosentinel.com/news/politics/political-pulse/os-florida-voter-rolls-data-20170707-story.html)).

<sup>5</sup> Michael Chertoff, *Trump's voter data request poses an unnoticed danger*, The Washington Post (July 5, 2017) (online at [www.washingtonpost.com/opinions/trumps-voter-data-request-poses-an-unnoticed-danger--to-national-security/2017/07/05/470efce0-60c9-11e7-8adc-fea80e32bf47\\_story.html?utm\\_term=.3f7829cd24f2](http://www.washingtonpost.com/opinions/trumps-voter-data-request-poses-an-unnoticed-danger--to-national-security/2017/07/05/470efce0-60c9-11e7-8adc-fea80e32bf47_story.html?utm_term=.3f7829cd24f2)).

<sup>6</sup> *Id.*

<sup>7</sup> AMRDEC SAFE, Knowledge Base Page, “How secure is SAFE?” (online at

In addition to this specific concern about the means of data transmission, we are generally troubled by the attempt to amass extensive voter data in a single, centralized database. The Commission has not offered any plan to protect its proposed nation-wide voter database, even after federal officials have confirmed that voter databases in at least 21 states were hacked in last year's election by Russia. A January 2017 report by the Director of National Intelligence detailed Russia's brazen attacks on our nation's election systems and ominously warned that Russia will use what it learned in 2016 to meddle in future elections.<sup>8</sup> Instead of building a highly insecure nation-wide database, the Commission should focus its attention on providing guidance and best practices to secure America's election infrastructure from foreign interference.

Rather than taking steps to protect sensitive data, in his initial letter to states, Mr. Kobach stated that he planned to make the information that he collected public, stating: "Please be aware that any documents that are submitted to the full Commission will also be made available to the public."<sup>9</sup>

After facing a lawsuit, Mr. Kobach filed a declaration with the court, stating that: "For voter roll data, I intended that the states use the Safe Access File Exchange ("SAFE"), which is a secure method of transferring large files up to two gigabytes (GB) in size."<sup>10</sup> He also declared that "The Commission intends to maintain the data on the White House computer system."<sup>11</sup> Mr. Kobach later stated: "As this is a Presidential advisory commission, the White House is responsible for collecting and storing data for the Commission ... The Commission's Designated Federal Officer (an employee within the Office of the Vice President) will work with White House Information Technology staff to facilitate collection and storage."<sup>12</sup>

The Commission has also failed to follow best practices for protecting private information, as established in the E-Government Act. The Commission has refused to develop a Privacy Impact Statement to describe either how the Commission intends to use the information collected or how it will safeguard the sensitive private information of American voters. While White House lawyers have explained that the Commission is not legally required to file the Privacy Impact Statement because the Commission is not an "agency" under the E-Gov Act, this argument ignores the underlying issue—the Commission's refusal to disclose to the public how,

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<https://safe.amrdec.army.mil/safe/Help.aspx?Article=3>).

<sup>8</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections*, ii – iii (January 2017) (ICA 2017 – 01D), (online at [www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](http://www.dni.gov/files/documents/ICA_2017_01.pdf)).

<sup>9</sup> Letter from Kris W. Kobach, Vice Chair, PACEI, to the Honorable John Merrill, Secretary of State, Alabama (June 28, 2017) (online at [apps.npr.org/documents/document.html?id=3881818-SOS-Letter](http://apps.npr.org/documents/document.html?id=3881818-SOS-Letter)).

<sup>10</sup> Declaration of Kris W. Kobach, 3 (July 5, 2017), *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity, et al.*, D.D.C. (No. 1:17-cv-1320 (CKK)) (online at [epic.org/privacy/litigation/voter/epic-v-commission/EPIC-v-Commission-TRO-declaration-of-Kris-Kobach.pdf](http://epic.org/privacy/litigation/voter/epic-v-commission/EPIC-v-Commission-TRO-declaration-of-Kris-Kobach.pdf)).

<sup>11</sup> *Id.*

<sup>12</sup> *DOJ Says Lawsuit Over Collection of Voter Data Has No Legs, Promises to Secure Data*, CNN (July 6, 2017) (online at [www.cnn.com/2017/07/06/politics/justice-department-response-epic-lawsuit/](http://www.cnn.com/2017/07/06/politics/justice-department-response-epic-lawsuit/)).

or if, it will protect private voter data.<sup>13</sup> Such a disclosure is essential to imparting to the American public that you and the other members of the Commission are serious about avoiding actions that could undermine confidence in the integrity of the voting processes used in Federal elections.

### **Violation of Federal Advisory Committee Act**

Your initial, secret “organizational call with members of the Presidential Advisory Commission” appears to have violated the Federal Advisory Committee Act (FACA). FACA requires the Commission to provide “timely notice” of every meeting in the Federal Register and to open every meeting to the public.<sup>14</sup>

On June 28, 2017, the Office of the Vice President reported publicly that you had held a private phone call that morning with the members of the Commission. According to your office’s “readout” of the meeting:

Vice Chair of the Commission and Kansas Secretary of State Kris Kobach told members a letter will be sent today to the 50 states and District of Columbia on behalf of the Commission requesting publicly-available data from state voter rolls and feedback on how to improve election integrity.<sup>15</sup>

FACA also requires the Commission to make its records available to the public.<sup>16</sup> No such information or records have been made available to the public at this time.

### **Damaging False Statements and Violations of the Hatch Act**

We further demand that the Vice Chair of the Commission be removed from his position because of false public statements about voter fraud and his use of his official position to further his political campaign for governor of Kansas.

Mr. Kobach has repeatedly made false public statements about the existence of widespread voter fraud in our federal elections. For example, Mr. Kobach has repeatedly asserted in the past that voting by “aliens” is rampant. He is also reportedly the source of President Trump’s assertions that he believed he lost the popular voter because of voter fraud.<sup>17</sup>

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<sup>13</sup> *Id.*

<sup>14</sup> Federal Advisory Committee Act §10(a)-(b), 5 U.S.C. app. II.

<sup>15</sup> The White House, *Readout of the Vice President’s Call with the Presidential Advisory Commission on Election Integrity* (June 28, 2017) (online at [www.whitehouse.gov/the-press-office/2017/06/28/readout-vice-presidents-call-presidential-advisory-commission-election](http://www.whitehouse.gov/the-press-office/2017/06/28/readout-vice-presidents-call-presidential-advisory-commission-election)).

<sup>16</sup> Federal Advisory Committee Act §10(b), 5 U.S.C. app. II.

<sup>17</sup> *The Man Behind Trump’s Voter-Fraud Obsession*, The New York Times, (June 13, 2017) (online at [www.nytimes.com/2017/06/13/magazine/the-man-behind-trumps-voter-fraud-obsession.html](http://www.nytimes.com/2017/06/13/magazine/the-man-behind-trumps-voter-fraud-obsession.html)).

After the November election, he told reporters “I think the president-elect is absolutely correct when he says the number of illegal votes cast exceeds the popular-vote margin between him and Hillary Clinton.”<sup>18</sup>

Those false and unsubstantiated statements undermine faith in our election system, which is counter to the mission of the Commission. In addition, a Kansas Judge recently sanctioned and fined Mr. Kobach \$1,000 in a voting rights case for making “patently misleading representations to the court” regarding the content of documents that were subject to discovery.<sup>19</sup>

Mr. Kobach also appears to have violated the Hatch Act by using his official Commission role to promote his 2018 gubernatorial candidacy and solicit campaign contributions.

The Hatch Act prohibits any executive branch employee from “using his official authority or influence for the purpose of interfering with or affecting the result of an election.”<sup>20</sup> As a special government employee (“SGE”), Mr. Kobach is subject to the Hatch Act because of his role with the PACEI. While a SGE can run for partisan political office (unlike full-time employees), he must maintain strict separation between his candidacy and federal government service.

Mr. Kobach appears not to have maintained that strict separation. The Hatch Act complaint filed by the Lawyers’ Committee for Civil Rights Under Law cites the following examples:

- On June 30, 2017, Mr. Kobach was interviewed by Fox News and MSNBC as an official representative of the PACEI.<sup>21</sup> He promoted these interviews in advance on his Twitter page (which is paid for by Kansas for Kobach), and the interviews were later posted on his Facebook and Twitter pages.
- The “About” page of his campaign website highlights Mr. Kobach’s role on the Commission, boasting: “He continues to work with the President on matters of election fraud, immigration, and national security. President Trump knows there is no greater leader on these issues, which is why he named Kris to serve as the Vice Chair of the Presidential Commission on Election Integrity.”
- The “News” page of his campaign website links to several stories that focus on Mr. Kobach’s work on the PACEI.

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<sup>18</sup> *Id.*

<sup>19</sup> *Fish v. Kobach*, No. 16-2105-JAR, 7 (D. Kan. June 23, 2017) (order imposing sanctions).

<sup>20</sup> Hatch Act, 5 U.S.C. § 7323.

<sup>21</sup> *MSNBC Live with Velsi and Ruhle*, MSNBC (June 30, 2017); *Tucker Carlson tonight*, Fox News (June 30, 2017).

- Mr. Kobach has also promoted his Commission role in campaign appearances. He appeared on local television for a “let’s have a beer and talk” the day he launched his campaign for governor, and discussed his role as Vice Chair of the Commission and the work he expected the Commission to perform.<sup>22</sup>

Mr. Kobach’s partisan activity and his recent sanctions for dishonesty before a court of law cast a shadow over the Commission and undermine its integrity. Mr. Kobach should step down as Vice-Chair and be replaced with an individual who can be trusted to ensure that the Commission operates in a bipartisan manner to protect voter information and to protect the right of Americans to vote.

### **Voter Suppression**

We have serious concerns that Mr. Kobach’s purpose in gathering state voter rolls is to conduct a data-matching project that matches each state voter list with other federal databases, in an attempt to discover and then potentially purge purported “fraudulent registrations.” Your own spokesman, Marc Lotter, confirmed to ProPublica that “the state voter information will be run ‘through a number of different databases, looking for the possibility for areas where voter rolls could be strengthened.’”<sup>23</sup>

The data the Commission seeks, however, is ill-suited to accurate matching. Election experts advise that using the data the Commission seeks will result in “thousands of false positives” that could “significantly overstate the amount of double voting and voting by non-citizens.”<sup>24</sup>

Mr. Kobach already runs a voter matching program, called the Interstate Voter Registration Crosscheck program, which is notorious for its high rate of errors. A recent Stanford University study found Crosscheck produced “200 false positives for every actual double registration.”<sup>25</sup>

In addition, on the same day that Mr. Kobach sent these letters to states, the Department of Justice sent a letter to 44 states demanding detailed information on their voter list maintenance procedures. The Justice Department letter did not request any information about state

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<sup>22</sup> Lawyers’ Committee for Civil Rights Under Law, *Lawyers’ Committee for Civil Rights Under Law Files Hatch Act Complaint Against Kris Kobach* (July 3, 2017) (online at [lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-files-hatch-act-complaint-kris-kobach/](http://lawyerscommittee.org/press-release/lawyers-committee-civil-rights-law-files-hatch-act-complaint-kris-kobach/)).

<sup>23</sup> *Election Experts See Flaws in Trump Voter Commission’s Plan to Smoke out Fraud*, ProPublica, (July 6, 2017) (online at [www.propublica.org/article/election-experts-see-flaws-trump-voter-commissions-plan-to-smoke-out-fraud](http://www.propublica.org/article/election-experts-see-flaws-trump-voter-commissions-plan-to-smoke-out-fraud)).

<sup>24</sup> *Id.*; see also *What is Kris Kobach Up To?*, Politico (July 3, 2017) (online at [www.politico.com/magazine/story/2017/07/03/what-is-kris-kobach-up-to-215332](http://www.politico.com/magazine/story/2017/07/03/what-is-kris-kobach-up-to-215332)).

<sup>25</sup> See *Election Experts See Flaws*.

compliance with the provision of the National Voter Registration Act, which requires that motor vehicle and public assistance agencies register new voters. We are concerned that the Department of Justice and the Commission will use inaccurate and false positive matches to inaccurately inflate estimates of voter fraud.

The Commission would better serve American voters if it focused on the growth of voter suppression laws that have spread since the Supreme Court undermined the protections of the Voting Rights Act in *Shelby County v. Holder*.<sup>26</sup> In 2017 alone, at least 99 bills restricting access to registration and voting have been introduced in 31 states, including bills making it more difficult for students and others to claim residency, and bills limiting absentee or early in-person voting.<sup>27</sup> During the 2016 general election, there were at least 868 fewer polling places in states that were previously “covered jurisdictions” under Section 5 of the Voting Rights Act, including Arizona, Texas and North Carolina.<sup>28</sup>

States continue to pursue imposing restrictive voter identification requirements, despite their known discriminatory impact on voters on the basis of race and other protected characteristics. In Texas, based on expert testimony and data analysis, the Fifth Circuit Court of Appeals upheld a lower court finding “that about 608,000 registered voters in Texas lacked the types of identification required by the law, with a disproportionate number being black or Hispanic.”<sup>29</sup>

The Commission should explore increasing access to voting, not perpetuating the false and damaging notion that massive voter fraud exists in our nation’s elections. We will fiercely oppose any attempt by this Administration to suppress the vote and undermine the protections guaranteed by the U.S. Constitution, the National Voter Registration Act, the Voting Rights Act, and other important voter protection laws.

### **Questions and Request for Documents**

We request that in your meeting on July 19, you address publicly the following questions:

1. How will the Commission ensure future compliance with all applicable laws, including privacy and transparency laws?

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<sup>26</sup> 133 S. Ct. 2612 (2013).

<sup>27</sup> Brennan Center for Justice, Voting Laws Roundup 2017 (online at [www.brennancenter.org/analysis/voting-laws-roundup-2017](http://www.brennancenter.org/analysis/voting-laws-roundup-2017)).

<sup>28</sup> The Leadership Conference Fund, *The Great Poll Closure*, 4 (Nov. 2016) (online at [civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf](http://civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf)).

<sup>29</sup> *Federal Court Rules Texas’ ID Law Violates Voting Rights Act*, The New York Times (July 20, 2016) (online at [www.nytimes.com/2016/07/21/us/federal-court-rules-texas-id-law-violates-voting-rights-act.html](http://www.nytimes.com/2016/07/21/us/federal-court-rules-texas-id-law-violates-voting-rights-act.html)).

2. Will the Commission produce and make public a Privacy Impact Statement prior to any future collection of information?
3. How does the Commission intend to protect any sensitive voter or voting information it receives?
4. In his Declaration to the D.C. District Court in the EPIC lawsuit, Mr. Kobach declares that “the Commission intends to maintain the data on the White House computer system.” For what purpose(s) will the White House use any collected data? Who will have access to it? What restrictions will be placed on its use?
5. Does the Commission intend to fully comply with Executive Order 13800, the President’s Executive Order on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructures (dated May 11, 2017)?
6. The Department of Homeland Security has the responsibility to protect national critical infrastructure from cyber attacks. Has the Commission been in contact with or consulted with the Department of Homeland Security?
7. Did the Commission consult with the Department of Homeland Security or any experts inside or outside of the federal government regarding the decision to collect and aggregate sensitive voter information in one database?
8. Will the Commission hire professional, objective data professionals to manage and analyze any data collected? Will these professionals undergo a security background investigation prior to working with the data?
9. Has the Commission or any of its Members had any communication with any individual at the Voting Section of the Department of Justice regarding its June 28, 2017 request to 44 states for detailed information on voter maintenance procedures?
10. Has the Commission or any of its Members discussed the Commission and its work with any individual at the Department of Justice?
11. Is the Commission committed to examining acts of voter suppression and intimidation, and to make recommendations on protecting and expanding voter’s access to the polls and the ballot?
12. What steps will the Commission take to ensure that its Members do not engage in partisan political activity while serving on the Commission?

13. Please explain your decision not to join Mr. Kobach in sending letters to all 50 States and the District of Columbia requesting sensitive voter information.

In addition to responding to these questions, please provide to us the documents described below. For all communications requested, please include internal Commission communications as well as communications between the Commission (including members, staff, or other employees) and external parties, including federal or state government officials or employees, employees or other representatives of private organizations, or any other non-Commission persons.

1. All documents and communications regarding or relating to the purposes and goals of the Commission;
2. all documents and communications regarding or relating to Mr. Kobach's June 28, 2017, letter to all 50 States and the District of Columbia requesting sensitive voter data;
3. all documents and communications regarding or relating to Commission meetings, including all meeting agendas and meetings minutes or other memorialization of meeting topics and discussions;
4. all documents and communications regarding or relating to Commission discussions with individuals at the Department of Justice;
5. all documents and communications regarding or relating to Commission discussions with individuals at the Department of Homeland Security;
6. all documents and communications regarding or relating to procedures in place or plans to implement procedures to protect data in the Commission's possession;
7. all documents and communications regarding or relating to Commission policies for the use of state voter data;
8. all documents and communications regarding or relating to compliance with relevant federal and state statutes and regulations; and
9. all documents and communications regarding or relating to the duties, roles, or responsibilities of Commission members, including any restrictions on members' activities.

In addition to addressing the above questions in your upcoming meeting, please provide to us written responses by July 26, 2017, and please provide the requested documents by August 1, 2017.

The right to vote and right to participate in government are sacred and fundamental to the strength of our democracy. We must all collectively be engaged in protecting those rights. Thank you for your assistance.

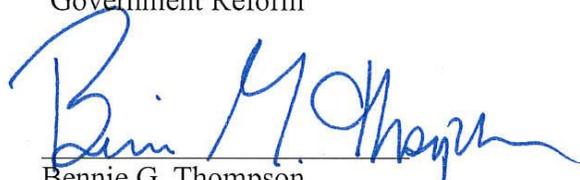
Sincerely,



Elijah E. Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform



John Conyers, Jr.  
Ranking Member  
Committee on the Judiciary



Bennie G. Thompson  
Ranking Member  
Committee on Homeland Security



Robert A. Brady  
Ranking Member  
Committee on House Administration

- cc: Vice Chair Kris Kobach, PACEI
- cc: Indiana Secretary of State Connie Lawson
- cc: New Hampshire Secretary of State Bill Gardner
- cc: Maine Secretary of State Matthew Dunlop
- cc: Mr. Ken Blackwell
- cc: Ms. Christy McCormick, Commissioner, Election Assistance Commission
- cc: Mr. David Dunn
- cc: Mr. Mark Rhodes, Clerk, Woods County, West Virginia
- cc: Mr. Hans von Spakovsky
- cc: Mr. J. Christian Adams
- cc: Mr. Alan Lamar King
- cc: Chairman Trey Gowdy, House Committee on Oversight & Government Reform
- cc: Chairman Michael McCaul, House Committee on Homeland Security
- cc: Chairman Bob Goodlatte, House Committee on the Judiciary
- cc: Chairman Gregg Harper, Committee on House Administration

**O'Malley, Devin (OPA)**

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**From:** O'Malley, Devin (OPA)  
**Sent:** Friday, June 30, 2017 1:56 PM  
**To:** Hovakimian, Patrick (OASG); Cox, Stephen (OASG); Flores, Sarah Isgur (OPA)  
**Cc:** Panuccio, Jesse (OASG)  
**Subject:** RE: Question from the Rachel Maddow Show

From DOJ spokesperson Devin O'Malley, "The Department of Justice is committed to free and fair elections for all Americans. Congress enacted the NVRA's list-maintenance provisions specifically to advance that goal. The Department had not conducted a review of state and local list-maintenance activities under the NVRA for many years. The Department looks forward to working with state and local election officials to facilitate appropriate list-maintenance activities toward our common goal of free and fair elections for all voters."

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

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**From:** Hovakimian, Patrick (OASG)  
**Sent:** Friday, June 30, 2017 1:54 PM  
**To:** Cox, Stephen (OASG) <[scox@jmd.usdoj.gov](mailto:scox@jmd.usdoj.gov)>; Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Panuccio, Jesse (OASG) (b) (5); O'Malley, Devin (OPA) <[domalley@jmd.usdoj.gov](mailto:domalley@jmd.usdoj.gov)>  
**Subject:** RE: Question from the Rachel Maddow Show

Devin - (b) (5)

Thanks.

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**From:** Cox, Stephen (OASG)  
**Sent:** Friday, June 30, 2017 1:07 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Hovakimian, Patrick (OASG) <[phovakimian@jmd.usdoj.gov](mailto:phovakimian@jmd.usdoj.gov)>; Panuccio, Jesse (OASG) (b) (5)  
**Subject:** Re: Question from the Rachel Maddow Show

Pat--

(b) (5)

Sent from my iPhone

On Jun 30, 2017, at 12:56 PM, Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

(b) (5)

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Sarah Isgur Flores  
Director of Public Affairs  
202.305.5808

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**From:** Conaway, Laura (NBCUniversal) [<mailto:Laura.Conaway@nbcuni.com>]  
**Sent:** Friday, June 30, 2017 12:04 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** Question from the Rachel Maddow Show

Hi, Sarah.

I'm hoping you can help me with something that crossed my inbox yesterday.

The Rhode Island Secretary of State says her office got a letter from the Civil Rights Division asking for information about Rhode Island's procedures for maintaining the state's voter registration list.

Can you please tell me a little more about that? Is this something DOJ is asking from every state at this time? How frequently does DOJ make this kind of request? Is the request connected to the request for state information from the President's election integrity commission?

Thank you very much.

Laura Conaway  
The Rachel Maddow Show  
212.664.1286

From a press release by the Rhode Island Secretary of State:

*Our office has received two requests dated June 28, 2017 for voter registration information. One request is from the U.S. Department of Justice – Civil Rights Division asking for “information regarding the State’s procedures for compliance with statewide voter registration list maintenance provisions of the National Voter Registration Act and the Help America Vote Act.” As I told Rhode Islanders yesterday, we have been working to maintain the accuracy of our voter lists and I will share the great work we are doing with the U.S. Department of Justice.*

*The second request comes from the Vice Chair of the Presidential Advisory Commission on Election Integrity, Kris Kobach, who is also the Secretary of State of Kansas. Secretary Kobach was fined for misleading the courts in his own state of Kansas, where his attempts to disenfranchise Kansas voters have been overturned by the courts. It is deeply troubling that he has been given oversight of this commission by the President.*