

**Boughton, Bryan**

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**From:** Boughton, Bryan  
**Sent:** Tuesday, June 12, 2018 2:00 PM  
**To:** Flores, Sarah Isgur (OPA); Herridge, Catherine  
**Subject:** RE: We are working hard to provide you a statement

We will update our reporting with your statement when we get it. We are moving forward with our story.

Bryan

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

From: Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
Sent: Tuesday, June 12, 2018 1:54 PM  
To: Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>; Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>  
Subject: We are working hard to provide you a statement

I don't think we are far off but obviously my hour has come and gone. The dog is in Canada and we had a lot of other pressing issues this morning that didn't allow people to focus on this until now.

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**Edwards, Jeremy M. (OPA)**

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**From:** Edwards, Jeremy M. (OPA)  
**Sent:** Tuesday, June 12, 2018 10:20 AM  
**To:** jcarney@breitbart.com  
**Cc:** Prior, Ian (OPA)  
**Subject:** Fwd: ASSISTANT ATTORNEY GENERAL MAKAN DELRAHIM DELIVERS REMARKS AT THE OPEN MARKETS INSTITUTE EVENT: ANTITRUST AND THE NEWS

See below. Also, removing Kerri and adding Ian, as he is managing the ATR portfolio.

Sent from my iPhone

Begin forwarded message:

**From:** USDOJ-Office of Public Affairs <[USDOJ-OfficeofPublicAffairs@public.govdelivery.com](mailto:USDOJ-OfficeofPublicAffairs@public.govdelivery.com)>  
**Date:** June 12, 2018 at 10:00:54 AM EDT  
**To:** <[jeremy.m.edwards@usdoj.gov](mailto:jeremy.m.edwards@usdoj.gov)>  
**Subject:** ASSISTANT ATTORNEY GENERAL MAKAN DELRAHIM DELIVERS REMARKS AT THE OPEN MARKETS INSTITUTE EVENT: ANTITRUST AND THE NEWS  
**Reply-To:** <[USDOJ-OfficeofPublicAffairs@public.govdelivery.com](mailto:USDOJ-OfficeofPublicAffairs@public.govdelivery.com)>



FOR IMMEDIATE RELEASE  
TUESDAY, JUNE 12, 2018

**NOTE:** The AAG's remarks as prepared for delivery can be found [here](#).

**ASSISTANT ATTORNEY GENERAL MAKAN DELRAHIM  
DELIVERS REMARKS AT THE OPEN MARKETS INSTITUTE  
EVENT: ANTITRUST AND THE NEWS**

**Stand By Me: The Consumer Welfare Standard and the First  
Amendment**

*Washington, D.C.*

Good Morning, and thanks to Barry Lynn and the Open Markets Institute for the invitation to be with you today. I am honored to be among so many dedicated experts, including my favorite Senate Antitrust Subcommittee Ranking Member, Senator Amy Klobuchar, who will deliver the keynote for this afternoon.

Events like this foster the kind of collegial civil dialogue upon which democratic governance is based. That's particularly true where people may disagree on the details of policy. Barry, I appreciate your kind introduction, even as we may disagree on policy issues, including some we're discussing today.

"Almost" the kindest introduction I've received in this job was from Senator Elizabeth Warren, when my nomination was called to the Senate floor. In her remarks, she described me as the "dream candidate" to lead the Antitrust Division. Very kind words, but, as I said, it was only almost the kindest introduction. Actually, her full statement was that I am a dream candidate "[f]or the giant corporations...who want to amass more power and profits for themselves."

If nothing else, I suppose that shows the power of quoting out of context.

That was ten months ago, and I hope the record of the Antitrust Division warrants a reassessment of that view. I'm proud of what the Division has done to build on its long history of protecting American consumers through enforcement of the antitrust laws. In the last few months we have filed charges against canned tuna executives, including a CEO, for colluding and cheating American consumers out of their grocery money. We've brought an important, and in many ways potentially historic, lawsuit to prevent an aspect of AT&T's anticompetitive acquisition of Time Warner from making it a gatekeeper to competition in cable TV. And, in another case raising vertical concerns, we insisted on structural divestitures to cure similar competitive problems in the merger of Bayer and Monsanto.

That doesn't mean the Antitrust Division is against large corporations either—it simply shows we, in this Administration, are unafraid to go where the facts and the law take us to protect the free markets and American consumers.

Indeed, taking the vertical and horizontal components of the Bayer/Monsanto settlement together, it's the largest divestiture package ever negotiated by a U.S. antitrust agency.

When I think about the “dream candidate” for the Antitrust Division, I put a different gloss on it than Senator Warren did. My aspiration, and what I believe should be the aspiration of any antitrust AAG, is to be a dream candidate for American consumers. An AAG should endeavor to use the prosecutorial powers of the Department of Justice to deliver the best results for consumers, consistent with the latest economic thinking and the laws.

A few years ago that would have been a cliché—of course antitrust enforcers should aspire to protect American consumers. But, suddenly, we find the consumer welfare standard of antitrust law questioned. The bipartisan consensus approach of putting consumers first in antitrust analysis is now under review. It's been said it “blind[s]” us to broader goals, like protecting market structures conducive to democracy.

Of course we at the Antitrust Division hear these recent calls. And it's healthy to periodically review our laws and procedures, as needed. So I welcome the debate. We're told our investigations are too focused on consumers to do the good they could with a broader mandate. We hear that antitrust could be a panacea for a range of economic, social, and democratic ills, if only it set aside the current enforcement philosophy at its core.

We also hear people saying that with a widened mandate, with setting aside the consumer welfare standard, antitrust could help win votes for the candidate or party that promises to use it.

That's just the danger, of course. Antitrust has always had a political allure—cast the blame for your ill of choice on corporate power, and let the unswung hammer of antitrust be the promised solution. It's a populist cry that has slipped in and out of vogue for over a century.

Today's conference focuses on online and media industries, and the impacts on our democratic dialogue of changes in those spaces. Of course, in America we want institutions that make our democracy strong—that seems like a no brainer. So as one line of thinking goes, antitrust enforcers should step beyond consumer welfare and think about what would be good or bad for our democracy, or for values like the free speech the First Amendment protects. The suggestion is that perhaps enforcers should broaden the consumer welfare lens to think about effects on democracy or expression.

I'd like to focus my remarks today on two responses to that suggestion. First we

I would like to focus my remarks today on the response to that suggestion. First, we shouldn't go down that road, because enforcement actions purportedly aimed at supporting our democracy carry too great a risk of inadvertently undermining our constitutional values. Second, we don't need to go beyond the consumer welfare standard, because it can get the job done on its own. Allow me to take those one at a time.

The first point is that there are serious risks to democracy in abandoning the consumer welfare standard. I heard the FCC Chairman, a few months ago, state that he and the FCC stand by the First Amendment. That is generous of him...! I can assure you that at the Justice Department, we stand by the entire Bill of Rights! The values enshrined in the Constitution and Bill of Rights are the foundation of our democracy.

I was born in Iran, and emigrated with my parents to escape the persecution of religious minorities and independent thought. I know from real experience the value of a government that believes in and practices those rights we cherish in the First Amendment. It's important, and we shouldn't take it for granted.

The problem with incorporating these values into antitrust enforcement decisions is the risks that doing so would be counterproductive. It's the issue Justice Brandeis explained in his famous *Olmstead* dissent:

Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. .... The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.

That admonition, in fact, is inscribed on the floor of the U.S. Capitol. The message for enforcers is that in the zealous pursuit of justice through prosecution, we risk prosecuting unjustly.

That risk in antitrust enforcement is significant. Enforcement decisions targeting democratic ends would invite a self-defeating exercise of prosecutorial subjectivity. Republican and Democrat prosecutors, or those of any party or political orientation, carry with them their own perceptions of what is good and bad for our democracy and for society at large. The Constitution insists they set those views aside in exercising their prosecutorial discretion, not embrace them as rules of decision.

As the Supreme Court explained in its 1963 *Philadelphia National Bank* decision, antitrust enforcers aren't tasked with some "ultimate reckoning of social or economic debits and credits," but rather Congress has focused us on preserving our competitive economy. By giving us focus, the consumer welfare standard reduces the risk of what Brandeis called "dangers to liberty" from well-meaning enforcers.

Nor is that a small risk or merely a theoretical proposition. For example, when we were preparing our complaint in the AT&T/Time Warner case, we received a curious request from a state antitrust enforcer. They told us they would only join

... request from a state antitrust official. They told us they would only join our case if we provided written assurances that no divestiture would go to Fox or to Rupert Murdoch. They actually wanted to direct the divestiture based on the viewpoint of the buyer, not on what benefits competition or consumers, as defined by the consumer welfare standard. We, of course, rejected the request, because it would have been unconstitutional to accede to it.

The irony in that case is rich. The career staff put together a straightforward consumer welfare analysis that showed that merger would unlawfully raise prices for cable TV subscribers and harm online innovation. That consumer welfare story was then presented at trial, including with supporting economic analysis by a distinguished economist. The harms of that transaction, following a consumer welfare rubric, were simply too great to accept, or try to fix with ineffective behavioral remedies.

The famous newscaster David Brinkley said that “a successful man is one who can lay a firm foundation with the bricks others have thrown at him.” Take a look at the bricks that have been thrown by some recent merging parties and think about the implications of a world where judgments about expression comprise part of the antitrust analysis. If we actually did open up antitrust analysis to considerations of what is good or bad for democracy or free speech, we would invite these attacks in case after case and lend them credibility. Without question, antitrust enforcement does not benefit from the allegations that would flow from abandoning the consumer welfare standard.

Open Markets’ own issue papers underscore this concern. On the Institute’s website is a feature titled “Democracy & Monopoly” that purports to explain how more vigorous enforcement could support our democracy. After a brief historical overview, it points out the perceived problem with under-enforcement: it says that “Charles and David Koch provide a stark example.” The essay then describes over several paragraphs ten different political positions the Koch brothers have supported. It doesn’t say what anticompetitive conduct their companies have engaged in, or how they have impacted the competitive process, but it does point out that they’ve contributed to people “teaching Ayn Rand” and “funding [] Tea Party organizations.”

Is that really where we want antitrust enforcement to go? Whether it’s the Kochs or George Soros or anyone else, political positions should have no role in determining the propriety of antitrust enforcement actions. If we take antitrust down the path of considering who is funding Ayn Rand lectures, or the Clinton Foundation for that matter, we will have taken a dramatically wrong turn, in my view.

Elyse Dorsey and her co-authors express a related concern in a recent paper. As they describe, the consumer welfare standard has helped to inoculate antitrust enforcement from the kind of rent-seeking and lobbying behavior all too common in government agencies. Abandoning consumer welfare and opening the door to

broader arguments would, ironically, make antitrust agencies more open to the exercise of corporate influence and capture.

The consumer welfare standard also provides a principled basis for decision and discussion necessary to the rule of law. D.C. Circuit Judge Doug Ginsburg and Taylor Owings, who now serves as one of my Counsels in our Front Office, recently described the necessity of due process protections in antitrust enforcement, like transparency and the right to confront evidence. These core values would be difficult to achieve in antitrust enforcement absent a consistent and definable standard such as the focus on consumer welfare provides.

Let me summarize the issue as Alexander Hamilton did, as a question of self-control. He said the “great difficulty” in framing a government is that “you must first enable the government to control the governed; and in the next place, oblige it to control itself.” The consumer welfare standard, along with judicial review and Congressional oversight, provides a means to control the tremendous power granted to antitrust enforcers.

All of that’s to say that there could be real risks to core democratic values from abandoning the consumer welfare standard in pursuit of broader societal and democratic goals.

That raises the question—is the risk worth taking? Some may think it is. I submit, however, that there’s no need to accept the risks of abandoning the consumer welfare standard because it is more than capable of meeting the challenges we face.

Next, allow me to address why I think our current standard is up to the task.

First of all, even when applying a consumer welfare standard, antitrust enforcement can benefit our democracy and support media markets conducive to discourse. The competitive economy the consumer welfare standard is designed to protect supports those goals.

The Supreme Court’s Northern Pacific case is instructive. It is often quoted for the proposition that the antitrust laws are a “comprehensive charter of economic liberty” that rest on the premise that competition itself “yield[s] the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress.” Essentially, the consumer welfare standard focuses on allocative efficiency, prices, quality, and innovation.

Justice Black went on, however, to say that “at the same time [it] provid[es] an environment conducive to the preservation of our democratic political and social institutions.” That’s an important proposition. At the same time that we are enforcing the antitrust laws focused on consumer welfare, we are maintaining a free market structure that’s good for our democracy more broadly. That doesn’t mean, however, that we should take the risk of adding those goals directly into the underlying legal analysis of particular cases.

Many laws serve social values, even where those values are not themselves liability or enforcement standards. The tort system, for example, has the important benefit of civil dispute resolution. It keeps people with conflicts from fighting it out or, as Alexander Hamilton did, dueling with pistols. Yet, no rule of tort law adjudication considers relevant the likelihood of particular litigants to resort to violence. That value is a byproduct of the legal regime, but not a case-specific element of consideration.

To frame it in economic terms, a consumer welfare standard that focuses liability determinations on harms to competition and consumers creates positive externalities for American democracy.

That's how antitrust supports our core values, without risking them by incorporating them directly into decisional rules.

Jon Sallet, a Deputy AAG in the prior administration, has a forthcoming article on a similar consideration as it appears in the legislative history and in Brandeis' views of antitrust enforcement. As Sallet explains, while "the purposes of antitrust law can be broad; the mechanism of antitrust is legal." As prosecutors, our job is to apply "enforceable legal standards that identify harmful industrial conduct in a manner that vindicates social and democratic values." Consumer welfare for us is that standard.

It's also important to emphasize that the current standard is capable of addressing the enforcement challenges presented by emerging digital technologies.

Those advocating abandoning consumer welfare have often attacked a straw man—they describe the standard as requiring a myopic focus singularly on downstream consumer prices, to the exclusion of non-price values and the competitive process. This narrow approach, in turn, can be attacked for inability to confront technological changes that are redefining our democracy. Recent enforcement experience, however, I submit belies that notion.

The D.C. Circuit described the breadth of the consumer welfare standard last year in affirming the United States' victory challenging the merger of health insurers Anthem and Cigna. "[P]roduct variety, quality, innovation, and efficient market allocation—all increased through competition—are ... protected forms of consumer welfare." Likewise, the antitrust laws protect competition even in markets that are not end-consumer facing, such as the labor markets alleged in our recent and on-going actions against employer no-poach agreements.

The current standard also recognizes that consumer harm can arise from conduct that distorts the competitive process. For example, in the Division's Complaint challenging information sharing agreements between DIRECTV, AT&T, and other potential distributors of the Dodgers channel, this harm was called out explicitly. The Complaint alleged that the agreements "deprived LA area Dodgers fans of a

competitive process.”

Innovation effects have been an ongoing, but relatively recent, focus of the Antitrust Division. I explained a few weeks ago in Rome how innovation is central to consumer welfare. The divestitures obtained in the Bayer/Monsanto transaction demonstrate this focus. In response to the Division’s concerns that the transaction would impact research and development in seeds and crop protection products valuable to farmers across America, the Division obtained significant divestitures, as I noted earlier. Several aspects of the divestitures specifically target preventing a loss in innovation from the transaction. All of this was done through the application of a consumer welfare lens.

Likewise, the consumer welfare standard is capable of innovation itself—as markets and technologies and economic understanding evolve, so does its application. As I’ve spoken about recently, revealed consumer preferences can help us ascribe consumer values to zero-cost goods like those provided by some Internet platforms. As we consider consumer welfare in new kinds of markets, the standard allows for its application to new markets, just as it did in the Microsoft case in the 1990s.

I’ll conclude with a quote from Ronald Reagan. The nine most terrifying words in the English language, he often said, are “I’m from the government and I’m here to help.” The Gipper had a perhaps more plain-spoken way of echoing Justice Brandeis’ caution about the dangers to liberty in the well-meaning encroachment of government.

As you consider the health of our democracy and the role of media platforms and other institutions in it, I urge you to recall the surest path to undermining the First Amendment: exercising government power based on viewpoint. The consumer welfare standard does not blind us as enforcers; it focuses our decisions on appropriate considerations like price, output, innovation, quality, and choice. Enforcement of the free markets for the benefit of consumers can be achieved with greater success, and greater fidelity to the rule of law, within the contours of the consumer welfare standard, than without.

Thank you.

# # #

AT

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**John Carney**

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**From:** John Carney  
**Sent:** Tuesday, June 12, 2018 10:13 AM  
**To:** Kupec, Kerri (JMD)  
**Cc:** Edwards, Jeremy M. (OPA)  
**Subject:** Open Market Institute speech

Do you guys have the text of Makan's speech at the Open Market Institute this morning? If so, can you send it my way?

Thanks.

—John

John Carney  
Editor, Finance & Economics  
Breitbart News  
(b)(6)  
[Jcarney@breitbart.com](mailto:Jcarney@breitbart.com)  
@carney

Gibson, Jake

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**From:** Gibson, Jake  
**Sent:** Monday, June 11, 2018 5:39 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Jarrett, Laura  
**Subject:** Re: active shooter reported

Wow....

Not a boring day at all over there!

(b)(6)

Jake Gibson  
Department of Justice Producer  
Fox News Washington

(b)(6)

On Jun 11, 2018, at 5:33 PM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

No gunshots.

The hallways are clear. They are now clearing rooms.

On Jun 11, 2018, at 5:31 PM, Zapotosky, Matt <[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)> wrote:

Does anyone have any idea what sparked this? I was walking out of the building at I guess what have would been about the time of (or maybe just before) report, and I can't say I heard gunshots outside. Anyone hear any inside?

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**From:** Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Sent:** Monday, June 11, 2018 5:29:22 PM  
**To:** Levine, Mike  
**Cc:** Williams, Pete (NBCUniversal); kelly cohen; Triay, Andres; Jarrett, Laura; Gibson, Jake; Barrett, Devlin; Zapotosky, Matt; Gurman, Sadie; Tucker, Eric  
**Subject:** Re: active shooter reported

[EXTERNAL EMAIL]

I'll tweet when we have the all clear. I'm w the head of detail now getting updates. They are still sweeping.

On Jun 11, 2018, at 5:24 PM, Flores, Sarah Isgur (OPA)  
<[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)> wrote:

That is mpd swat with all clear. Mpd is still clearing hallways.

On Jun 11, 2018, at 5:14 PM, Levine, Mike  
<[Mike.Levine@abc.com](mailto:Mike.Levine@abc.com)> wrote:

Anyone find it kinda funny that JPS is still running around chasing an apparent ghost while MPD has packed up and moved out??

On Jun 11, 2018, at 5:04 PM, Williams, Pete (NBCUniversal) <[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)> wrote:

Metro PD says all clear

---

**From:** Flores, Sarah Isgur (OPA)  
[<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Monday, June 11, 2018 5:03 PM  
**To:** kelly cohen  
<[kcohen@washingtonexaminer.com](mailto:kcohen@washingtonexaminer.com)>;  
Triay, Andres <[TriayA@cbsnews.com](mailto:TriayA@cbsnews.com)>  
**Cc:** Levine, Mike <[Mike.Levine@abc.com](mailto:Mike.Levine@abc.com)>;  
Williams, Pete (NBCUniversal)  
<[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)>; Jarrett,  
Laura <[Laura.Jarrett@cnn.com](mailto:Laura.Jarrett@cnn.com)>; Gibson,  
Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>;  
Barrett, Devlin  
<[Devlin.Barrett@washpost.com](mailto:Devlin.Barrett@washpost.com)>;  
Zapotosky, Matt  
<[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)>;  
Gurman, Sadie <[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)>;  
Tucker, Eric <[etucker@ap.org](mailto:etucker@ap.org)>  
**Subject:** [EXTERNAL] RE: active shooter reported

Yeah JPS just yelled at me for sticking my head out of my door. So I guess we're all waiting.

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

**From:** kelly cohen  
<[kcohen@washingtonexaminer.com](mailto:kcohen@washingtonexaminer.com)>  
**Sent:** Monday, June 11, 2018 5:02 PM  
**To:** Triay, Andres <[TriayA@cbsnews.com](mailto:TriayA@cbsnews.com)>  
**Cc:** Flores, Sarah Isgur (OPA)  
<[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>; Levine, Mike  
<[Mike.Levine@abc.com](mailto:Mike.Levine@abc.com)>; Williams, Pete  
(NBCUniversal)  
<[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)>; Jarrett,  
Laura <[Laura.Jarrett@cnn.com](mailto:Laura.Jarrett@cnn.com)>; Gibson,  
Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>;  
Barrett, Devlin  
<[Devlin.Barrett@washpost.com](mailto:Devlin.Barrett@washpost.com)>;  
Zapotosky, Matt  
<[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)>;  
Gurman, Sadie <[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)>;  
Tucker, Eric <[etucker@ap.org](mailto:etucker@ap.org)>  
**Subject:** Re: active shooter reported

laura and i are waiting for all clear from sarah

-kelly cohen

(b)(6)

(sent from ?, pardon typos)

On Jun 11, 2018, at 5:01 PM, Triay, Andres  
<[TriayA@cbsnews.com](mailto:TriayA@cbsnews.com)> wrote:

Locals telling us their sweep is done.

---

**From:** Flores, Sarah Isgur  
(OPA)  
[\[mailto:Sarah.Isgur.Flores@usdoj.gov\]](mailto:Sarah.Isgur.Flores@usdoj.gov)  
**Sent:** Monday, June 11, 2018  
5:00 PM  
**To:** Levine, Mike  
<[Mike.Levine@abc.com](mailto:Mike.Levine@abc.com)>  
**Cc:** Williams, Pete  
(NBCUniversal)  
<[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)>;  
Triay, Andres  
<[TriayA@cbsnews.com](mailto:TriayA@cbsnews.com)>;  
Jarrett, Laura  
<[Laura.Jarrett@cnn.com](mailto:Laura.Jarrett@cnn.com)>;  
Gibson, Jake  
<[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>;  
Barrett, Devlin  
<[Devlin.Barrett@washpost.com](mailto:Devlin.Barrett@washpost.com)>;  
Zapotosky, Matt  
<[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)>

[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)  
> Kelly Cohen  
<[kcohen@washingtonexaminer.com](mailto:kcohen@washingtonexaminer.com)>; Gurman, Sadie  
<[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)>;  
Tucker, Eric <[etucker@ap.org](mailto:etucker@ap.org)>  
**Subject:** RE: active shooter  
reported

Yes but JPS is still clearing the  
building.

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

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**From:** Levine, Mike  
<[Mike.Levine@abc.com](mailto:Mike.Levine@abc.com)>  
**Sent:** Monday, June 11, 2018  
4:59 PM  
**To:** Flores, Sarah Isgur (OPA)  
<[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Williams, Pete  
(NBCUniversal)  
<[pete.williams@nbcuni.com](mailto:pete.williams@nbcuni.com)>;  
Triay, Andres  
<[TriayA@cbsnews.com](mailto:TriayA@cbsnews.com)>;  
Jarrett, Laura  
<[Laura.Jarrett@cnn.com](mailto:Laura.Jarrett@cnn.com)>;  
Gibson, Jake  
<[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)  
>; Barrett, Devlin  
<[Devlin.Barrett@washpost.com](mailto:Devlin.Barrett@washpost.com)  
>; Zapotosky, Matt  
<[matt.zapotosky@washpost.com](mailto:matt.zapotosky@washpost.com)  
>; Kelly Cohen  
<[kcohen@washingtonexaminer.com](mailto:kcohen@washingtonexaminer.com)>; Gurman, Sadie  
<[sadie.gurman@wsj.com](mailto:sadie.gurman@wsj.com)>;  
Tucker, Eric <[etucker@ap.org](mailto:etucker@ap.org)>  
**Subject:** Re: active shooter  
reported

Apparently all clear just  
given? Anyone heard that?

On Jun 11, 2018, at 4:51 PM,  
Flores, Sarah Isgur (OPA)

Flores, Sarah Isgur (DFA)  
<[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)

> wrote:

Off the record:  
We are sheltering  
in place. If you  
are in the building  
please stay where  
you are. I cannot  
verify whether it  
is accurate.

xxx

Sarah Isgur Flores  
Director of Public  
Affairs

(b)(6)

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**Mears, William**

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**From:** Mears, William  
**Sent:** Monday, June 11, 2018 4:53 PM  
**To:** Prior, Ian (OPA)  
**Subject:** Active shooter situation at DOJ? Fox News inquiry

Any guidance you can provide is appreciated.

Bill Mears  
Fox News Producer

(b)(6)

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## Herridge, Catherine

---

**From:** Herridge, Catherine  
**Sent:** Monday, June 11, 2018 10:20 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Hadden, Gavin; Gibson, Jake; Boughton, Bryan  
**Subject:** RE: TV: 'That's the Meaning of Oversight': Turley Says Nunes Has a Right to See FBI's Trump Informant Docs

We will use senior DOJ official unless you advise otherwise.  
Thank you

---

**From:** Flores, Sarah Isgur (OPA) [mailto:[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)]  
**Sent:** Monday, June 11, 2018 10:12 AM  
**To:** Herridge, Catherine <[Catherine.Herridge@FOXNEWS.COM](mailto:Catherine.Herridge@FOXNEWS.COM)>  
**Cc:** Hadden, Gavin <[Gavin.Hadden@FOXNEWS.COM](mailto:Gavin.Hadden@FOXNEWS.COM)>; Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>; Boughton, Bryan <[Bryan.Boughton@FOXNEWS.COM](mailto:Bryan.Boughton@FOXNEWS.COM)>  
**Subject:** Re: TV: 'That's the Meaning of Oversight': Turley Says Nunes Has a Right to See FBI's Trump Informant Docs

I'd prefer the gang of 8 part on background bc I'm a fan of professor turley and the goal is not to embarrass him but rather inform your reporting.

The briefing for Thursday is fine either way.

On Jun 11, 2018, at 10:08 AM, Herridge, Catherine <[Catherine.Herridge@FOXNEWS.COM](mailto:Catherine.Herridge@FOXNEWS.COM)> wrote:

Sarah,

Is any of this on the record or background?  
Thank you

---

**From:** Flores, Sarah Isgur (OPA) [mailto:[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)]  
**Sent:** Monday, June 11, 2018 10:03 AM  
**To:** Hadden, Gavin <[Gavin.Hadden@FOXNEWS.COM](mailto:Gavin.Hadden@FOXNEWS.COM)>; Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>; Herridge, Catherine <[Catherine.Herridge@FOXNEWS.COM](mailto:Catherine.Herridge@FOXNEWS.COM)>  
**Cc:** Boughton, Bryan <[Bryan.Boughton@FOXNEWS.COM](mailto:Bryan.Boughton@FOXNEWS.COM)>  
**Subject:** Fwd: TV: 'That's the Meaning of Oversight': Turley Says Nunes Has a Right to See FBI's Trump Informant Docs

FYI: gang of 8 was created by federal statute. It is not "informal." 50 U.S.C. § 3093(c)(2)

TV: 'That's the Meaning of Oversight': Turley Says Nunes Has a Right to See FBI's Trump Informant Docs

Media: Fox News, Fox & Friends

Byline: N/A

Date: 11 June 2018

Hyperlink: <http://insider.foxnews.com/2018/06/11/jonathan-turley-devin-nunes-push-doj-provide-documents-fbi-trump-campaign-informant>

Jonathan Turley agrees with House Intelligence Committee Chairman Devin Nunes (R-Calif.) that Congress has a right to see documents related to the FBI's alleged use of an informant in President Trump's 2016 campaign.

In a letter sent Friday to Deputy Attorney General Rod Rosenstein, Nunes gave the Justice Department until Tuesday to provide the records, saying failure to do so is "obstruction of a lawful congressional investigation."

On "Fox & Friends," Turley, a George Washington University constitutional law professor, said Nunes is correct that the records should be provided to all House and Senate oversight committee members, rather than just the so-called "Gang of Eight" -- which refers to Republican and Democratic leaders in both houses of Congress as well as top lawmakers from the intelligence panels.

"The 'Gang of Eight' is completely informal, it's sort of made up," Turley said. "The group of members that have a right to see this and a need to see it are the two oversight committees in the House and Senate, including the committee of Nunes."

He pointed out that the committees -- which are supposed to have direct oversight over the DOJ and FBI -- have been viewed as "paper tigers" for decades, and Nunes is the first chairman in a long time to be this aggressive.

"That's the meaning of oversight," Turley said.

He noted that the FBI and DOJ have a long and checkered history of classifying things that are embarrassing, and the American public -- not just the oversight committees -- needs to see the facts.

"We'll make up our own decision, but I think what the public is tired of is to have all of these ciphers on both sides interpreting evidence that we can't see. It's gotten to the point where the public needs to see this material and reach our own conclusions."

END

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kwong@breitbart.com

---

**From:** kwong@breitbart.com  
**Sent:** Friday, June 8, 2018 9:11 PM  
**To:** Prior, Ian (OPA)  
**Subject:** question...

Hope this is not a stupid question...

Since the DOJ seized Ali Watkins' records, if there is evidence of another leaker of classified information, could that theoretically be investigated?

Kristina

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, June 8, 2018 4:32 PM  
**To:** Ian Mason  
**Cc:** Pettit, Mark T. (OPA)  
**Subject:** Re: Update: U.S. v. James A. Wolfe

Doj official or spokesperson

On Jun 8, 2018, at 2:29 PM, Ian Mason <[imason@breitbart.com](mailto:imason@breitbart.com)> wrote:

To whom, if anyone, is this statement attributable?

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

From: "Pettit, Mark T. (OPA)" <[Mark.T.Pettit@usdoj.gov](mailto:Mark.T.Pettit@usdoj.gov)>  
Sent: Friday, June 8, 2018 4:13pm  
To: "Pettit, Mark T. (OPA)" <[Mark.T.Pettit@usdoj.gov](mailto:Mark.T.Pettit@usdoj.gov)>  
Cc: "Flores, Sarah Isgur (OPA)" <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
Subject: FW: Update: U.S. v. James A. Wolfe

James A. Wolfe, 57, of Ellicott City, Md., made his first appearance today in federal court following his indictment on three counts of making false statements in violation of Title 18, United States Code, Section 1001. The indictment was returned in the U.S. District Court for the District of Columbia. Because Mr. Wolfe was arrested late June 7 in Maryland, his first appearance today was in the U.S. District Court for the District of Maryland. He appeared at the federal courthouse in Baltimore before Magistrate Judge Magistrate Judge J. Mark Coulson. He pleaded not guilty to the charges.

Mr. Wolfe was released on personal recognizance under a number of conditions, including relinquishing his passport and a prohibition of travel outside of the District of Columbia and Maryland. He is next scheduled to appear at 1:45 p.m. on Tuesday, June 12, 2018 in the U.S. District Court for the District of Columbia. That hearing will be before Magistrate Judge Robin M. Meriweather.

A copy of the indictment is attached. Because this is a pending case, the U.S. Attorney's Office has no further comment at this time.

**SEALED**

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

**Holding a Criminal Term  
Grand Jury Sworn in on May 3, 2018**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal No.:</b>
	)	
<b>v.</b>	)	<b>Violation: 18 U.S.C. § 1001</b>
	)	<b>(False Statement)</b>
<b>JAMES A. WOLFE</b>	)	

**INDICTMENT**

The Grand Jury charges:

Case: 1:18-cr-00170  
Assigned To : Judge Jackson, Ketanji Brown  
Assign. Date : 6/7/2018  
Description: INDICTMENT

**COUNT ONE**

At all times relevant to this Indictment, unless otherwise indicated:

**BACKGROUND**

1. Between in or around May 1987 and in or around December 2017, the defendant, JAMES A. WOLFE, was employed as the Director of Security for the United States Senate Select Committee on Intelligence (SSCI), located within the Hart Senate Office Building, in the District of Columbia. As SSCI Director of Security, WOLFE was responsible for receiving, maintaining, and managing all classified information provided to the SSCI by the Executive Branch of the United States.

2. "Classified information" is information the unauthorized disclosure of which reasonably could be expected to cause identifiable or describable damage to the national security of the United States. The unauthorized disclosure of SECRET information reasonably could be expected to cause serious damage to the national security. The unauthorized disclosure of TOP SECRET information reasonably could be expected to cause exceptionally grave damage to the national security.

**Pfeiffer, Alex**

---

**From:** Pfeiffer, Alex  
**Sent:** Friday, June 8, 2018 2:50 PM  
**To:** O'Malley, Devin (OPA)  
**Subject:** Re: Tucker Carlson Tonight inquiry re SPLC and FBI

Okay, thanks.

On Jun 8, 2018, at 2:49 PM, O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)> wrote:

I think you'd have to ask the FBI.

Email Sam Shero at (b)(6)

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

---

**From:** Pfeiffer, Alex <[Alex.Pfeiffer@FOXNEWS.COM](mailto:Alex.Pfeiffer@FOXNEWS.COM)>  
**Sent:** Friday, June 8, 2018 11:28 AM  
**To:** O'Malley, Devin (OPA) <[domalley@jmd.usdoj.gov](mailto:domalley@jmd.usdoj.gov)>  
**Subject:** Tucker Carlson Tonight inquiry re SPLC and FBI

Hey Devin - Hope all is well with you and that you aren't too hungover after last night's victory. I have some questions for a story I'm working on.

What is the extent of the FBI's working relationship with the FBI? <https://www.mediamatters.org/blog/2014/03/27/no-the-fbi-hasnt-ditched-the-southern-poverty-1/198645>

Has anything changed during the Trump administration?

Thanks,  
Alex Pfeiffer  
Associate Producer  
Tucker Carlson Tonight

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## Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, June 8, 2018 12:28 PM  
**To:** Laura.Jarrett@cnn.com; Jake.Gibson@FOXNEWS.COM  
**Subject:** Fwd: How a reporter's romance with her source muddies the FBI's seizure of her records

Begin forwarded message:

**From:** DoJ Real Time News Clips <[alert-doj@rendon.com](mailto:alert-doj@rendon.com)>  
**Date:** June 8, 2018 at 10:14:29 AM MDT  
**To:** "Sarah Isgur Flores; Director, Office of Public Affairs, DOJ" <[sarah.isgur.flores@usdoj.gov](mailto:sarah.isgur.flores@usdoj.gov)>  
**Subject:** How a reporter's romance with her source muddies the FBI's seizure of her records  
**Reply-To:** Rendon Alert Desk <[alert@rendon.com](mailto:alert@rendon.com)>

### [How a reporter's romance with her source muddies the FBI's seizure of her records](#)

Washington Post - Callum Borchers - Jun 08, 2018 11:44

President Trump's administration excels at muddying the water, and the arrest of a former Senate aide, following an inquiry in which federal agents seized records from a New York Times reporter,...

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**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Friday, June 8, 2018 11:23 AM  
**To:** Chris Carter  
**Subject:** Re: Should be up by 845

Thanks for having him on!

> On Jun 8, 2018, at 9:19 AM, Chris Carter <Chris.Carter@oann.com> wrote:

>

> Thank you so much! He was great!

>

> Sent from my iPhone

>

>> On Jun 8, 2018, at 8:49 AM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>

>> Heading to you in 5.

>>

>>> On Jun 8, 2018, at 8:36 AM, Laco, Kelly (OPA) <klaco@jmd.usdoj.gov> wrote:

>>>

>>>

>

**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Thursday, June 7, 2018 11:07 PM  
**To:** Chris Carter  
**Subject:** Re: Interview room

Okay we'll meet you there in a few

> On Jun 7, 2018, at 9:06 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>

> No. I'm at room 1028z.

>

> Sent from my iPhone

>

>> On Jun 7, 2018, at 9:05 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>

>> Yea I am actually might bring a FBI guy with me. Are you on 19 now?

>>

>>> On Jun 7, 2018, at 9:04 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>

>>> Ps. Are you here? We can meet and i can show...

>>>

>>> Sent from my iPhone

>>>

>>>> On Jun 7, 2018, at 9:00 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>

>>>> Thanks—checking with the security guys and will get back to you!

>>>>

>>>> I think it should be fine.

>>>>

>>>>> On Jun 7, 2018, at 8:59 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>>

>>>>> Still on west side.

>>>>>

>>>>> Sent from my iPhone

>>>>>

>>>>>> On Jun 7, 2018, at 8:57 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>>>

>>>>>> What is the room # on 19?

>>>>>>

>>>>>>> On Jun 7, 2018, at 8:56 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>>> On Jun 7, 2018, at 8:36 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>>>

>>>>>> The issue this room is not good for shooting. It's very small. We can make it work but there is a much better room on 19 that looks much better.

>>>>>> Your call.

>>>>>> Thx,

>>>>>> CC

>>>>>>

>>>>>> Sent from my iPhone

>>>>>>

>>>>>>> On Jun 7, 2018, at 8:44 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>>>>

>>>>>>> I think it's better for our security team if you stay on 10.

>>>>>>>

>>>>>>>> On Jun 7, 2018, at 8:42 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>>>>>

>>>>>>>>> Just got to the hotel. This room on the 10th floor is very small. Very tight. I might be able to get something better-would it be possible to change floors?

>>>>>>>>>

>>>>>>>>>

>>>>>>>>>> Sent from my iPhone

>>>>>>>>>>

>>>>>>>>>>

>>>>>>>>>>

>

**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Thursday, June 7, 2018 11:04 PM  
**To:** Chris Carter  
**Subject:** Re: Interview room

Confirmed for the 19th floor.

Be ready for a K9 sweep at 7:45am.

> On Jun 7, 2018, at 9:01 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>

> That's great. This room looks like crap.

>

> Sent from my iPhone

>

>> On Jun 7, 2018, at 9:00 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000749



Chris Carter

---

**From:** Chris Carter  
**Sent:** Thursday, June 7, 2018 10:59 PM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: Interview room

1928

Sent from my iPhone

> On Jun 7, 2018, at 8:53 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>

> I'm checking with the detail, it's more of a security issue. What room on 19?

>

>> On Jun 7, 2018, at 8:47 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>

>> We need to move the room to floor 19. The other room is too small to shoot in with a king bed in it. Can we do this?

>>

>> Sent from my iPhone

>>

>>> On Jun 7, 2018, at 8:44 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>

>>> I think it's better for our security team if you stay on 10.

>>>

>>>> On Jun 7, 2018, at 8:42 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>

>>>> Just got to the hotel. This room on the 10th floor is very small. Very tight. I might be able to get something better-would it be possible to change floors?

>>>>

>>>>

>>>> Sent from my iPhone

>>

## Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Thursday, June 7, 2018 10:25 PM  
**To:** John.roberts@foxnews.com  
**Subject:** Fwd: News Release: Former U.S. Senate Employee Indicted on False Statements Charges  
**Attachments:** Wolfe, James USAO-DC 6-7-28.pdf; ATT00001.htm; Wolfe, James - Indictment - June 2018.pdf; ATT00002.htm; Wolfe, James - Unsealing Order - June 2018.pdf; ATT00003.htm

"I always tried to give you as much information that I could and to do the right thing with it so you could get that scoop before anyone else."

Begin forwarded message:

**From:** "Miller, William (USADC)" (b)(6)  
**Subject:** News Release: Former U.S. Senate Employee Indicted on False Statements Charges

## United States Attorney's Office

*District of Columbia*

**U.S. Attorney Jessie K. Liu**

 cid:image001.png@01D291E4DCA704F0

FOR IMMEDIATE RELEASE  
Thursday, June 7, 2018  
Public Affairs  
202-252-6933  
Website: [www.usdoj.gov/usao/dc](http://www.usdoj.gov/usao/dc)

### **FORMER U.S. SENATE EMPLOYEE INDICTED ON FALSE STATEMENTS CHARGES**

*Longtime Director of Security for the Senate Select Committee on Intelligence  
Accused of Lying to FBI About Repeated Contacts with Reporters*

WASHINGTON – A former staff employee of the Senate Select Committee on Intelligence (SSCI) has been indicted and arrested on charges of making false statements to special agents of the FBI during the course of an investigation into the unlawful disclosure of classified information, announced Assistant Attorney General for National Security John C. Demers, U.S. Attorney for the District of Columbia Jessie K. Liu, and Timothy M. Dunham, Special Agent in Charge of the Counterintelligence Division of the FBI’s Washington Field Office.

James A. Wolfe, 58, of Ellicott City, Md., was indicted by a federal grand jury on three counts of violating Title 18, United States Code, Section 1001. At the time he made the alleged false statements to the FBI, Wolfe was Director of Security for the SSCI, a position he held for approximately 29 years. As SSCI Director of Security, Wolfe was entrusted with access to classified SECRET and TOP SECRET information provided by the Executive Branch, including the U.S. Intelligence Community, to the SSCI. In this position, Wolfe was responsible for safeguarding all classified information in the possession of the SSCI.

Wolfe is alleged to have lied to FBI agents in December 2017 about his repeated contacts with three reporters, including through his use of encrypted messaging applications. Wolfe is further alleged to have made false statements to the FBI about providing two reporters with non-public information related to the matters occurring before the SSCI.

“The Attorney General has stated that investigations and prosecutions of unauthorized disclosure of controlled information are a priority of the Department of Justice. The allegations in this indictment are doubly troubling as the false statements concern the unauthorized disclosure of sensitive and confidential information,” said Assistant Attorney General Demers. “Those entrusted with sensitive information must discharge their duties with honesty and integrity, and that includes telling the truth to law enforcement.”

“Mr. Wolfe’s alleged conduct is a betrayal of the extraordinary public trust that had been placed in him,” said U.S. Attorney Liu. “It is hoped that these charges will be a warning to those who might lie to law enforcement to the detriment of the United States.”

“All individuals in positions of trust must be held to the highest of standards, as the American public deserves no less,” said Special Agent in Charge Dunham. “As alleged in this indictment, Mr. Wolfe failed to meet those standards in his repeated lies to federal agents concerning the unauthorized disclosure of information. His arrest demonstrates that this conduct will not be tolerated, and those that engage in it will be held accountable.”

Wolfe was arrested on June 7, 2018, and is expected to make his first appearance Friday, June 8, in the U.S. District Court for the District of Maryland. The case is entitled *United States v. James A. Wolfe*, and the matter has been assigned to the Honorable Ketanji Brown Jackson in the U.S. District Court for the District of Columbia.

The charges in the indictment are merely allegations, and every defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt. The maximum penalty for each count of making a false statement to federal law enforcement agents is five years in prison. The maximum statutory sentences are prescribed by Congress and are provided here for informational purposes. The

prescribed by Congress and are provided here for informational purposes. The sentencing of the defendant, if he is later convicted, will be determined by the court after considering the advisory Sentencing Guidelines and other statutory factors.

The investigation into this matter is being conducted by the FBI's Washington Field Office. The case is being prosecuted by Assistant U.S. Attorneys for the District of Columbia, with assistance from the Counterintelligence and Export Control Section, National Security Division of the U.S. Department of Justice.

18-142

##

**Copies of the press release and indictment are attached, along with the Court's unsealing order.**

**Bill Miller**  
**Public Information Officer**  
**U.S. Attorney's Office for the District of Columbia**  
**(b)(6) (Direct)**  
**202-252-6933 (Main)**  
**(b)(6)**

**SEALED**

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

**Holding a Criminal Term  
Grand Jury Sworn in on May 3, 2018**

<b>UNITED STATES OF AMERICA</b>	)	<b>Criminal No.:</b>
	)	
<b>v.</b>	)	<b>Violation: 18 U.S.C. § 1001</b>
	)	<b>(False Statement)</b>
<b>JAMES A. WOLFE</b>	)	

**INDICTMENT**

The Grand Jury charges:

Case: 1:18-cr-00170  
Assigned To : Judge Jackson, Ketanji Brown  
Assign. Date : 6/7/2018  
Description: INDICTMENT

**COUNT ONE**

At all times relevant to this Indictment, unless otherwise indicated:

**BACKGROUND**

1. Between in or around May 1987 and in or around December 2017, the defendant, JAMES A. WOLFE, was employed as the Director of Security for the United States Senate Select Committee on Intelligence (SSCI), located within the Hart Senate Office Building, in the District of Columbia. As SSCI Director of Security, WOLFE was responsible for receiving, maintaining, and managing all classified information provided to the SSCI by the Executive Branch of the United States.

2. "Classified information" is information the unauthorized disclosure of which reasonably could be expected to cause identifiable or describable damage to the national security of the United States. The unauthorized disclosure of SECRET information reasonably could be expected to cause serious damage to the national security. The unauthorized disclosure of TOP SECRET information reasonably could be expected to cause exceptionally grave damage to the national security.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JAMES A. WOLFE

)  
)  
) Case: 1:18-cr-00170  
) Assigned To : Judge Jackson, Ketanji Brown  
) Assign. Date : 6/7/2018  
) Description: INDICTMENT

**ORDER TO SEAL**

Having considered the Government's Motion to Seal the Indictment, Bench Warrant, and Related Paperwork ("Motion to Seal"), and for good cause stated therein, the Court makes the following findings:

1. Sealing the Indictment, Bench Warrant, the Motion to Seal, and this Order in the above-captioned matter will further the legitimate prosecutorial interest in locating and obtaining custody of defendant James A. Wolfe.
2. The public docketing at this time of the Indictment, the Bench Warrant, the Motion to Seal, and this Order, could compromise the government's ability effectively to obtain custody of the defendant, who remains at large.
3. Accordingly, these facts present a legitimate basis for sealing the Indictment, the Bench Warrants, the Motion to Seal, and this Order to Seal.

Based on the foregoing findings of fact, the Motion is hereby  
GRANTED, and it is hereby ORDERED that, in the above-captioned matter, the Indictment, the Bench Warrant, the Motion to Seal, and this Order to Seal shall be sealed by the Clerk of the Court, except that the United States Government may disclose the existence and/or contents of the Indictment, Bench Warrants and this Order to Seal to appropriate law



U.S. Department of Justice

**Jessie K. Liu**  
*United States Attorney for the  
District of Columbia*  
Judiciary Center  
555 Fourth St. N.W.  
Washington, D.C. 20530

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## PRESS RELEASE

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**FOR IMMEDIATE RELEASE**

Thursday, June 7, 2018

**For Information Contact:**

**Public Affairs**

**(202) 252-6933**

<http://www.justice.gov/usao/dc/index.html>

### **Former U.S. Senate Employee Indicted on False Statements Charges** **Longtime Director of Security for the Senate Select Committee on Intelligence** **Accused of Lying to FBI About Repeated Contacts with Reporters**

WASHINGTON A former staff employee of the Senate Select Committee on Intelligence (SSCI) has been indicted and arrested on charges of making false statements to special agents of the FBI during the course of an investigation into the unlawful disclosure of classified information, announced Assistant Attorney General for National Security John C. Demers, U.S. Attorney for the District of Columbia Jessie K. Liu, and Timothy M. Dunham, Special Agent in Charge of the Counterintelligence Division of the FBI's Washington Field Office.

James A. Wolfe, 58, of Ellicott City, Md., was indicted by a federal grand jury on three counts of violating Title 18, United States Code, Section 1001. At the time he made the alleged false statements to the FBI, Wolfe was Director of Security for the SSCI, a position he held for approximately 29 years. As SSCI Director of Security, Wolfe was entrusted with access to classified SECRET and TOP SECRET information provided by the Executive Branch, including the U.S. Intelligence Community, to the SSCI. In this position, Wolfe was responsible for safeguarding all classified information in the possession of the SSCI.

Wolfe is alleged to have lied to FBI agents in December 2017 about his repeated contacts with three reporters, including through his use of encrypted messaging applications. Wolfe is further alleged to have made false statements to the FBI about providing two reporters with non-public information related to the matters occurring before the SSCI.

"The Attorney General has stated that investigations and prosecutions of unauthorized disclosure of controlled information are a priority of the Department of Justice. The allegations in this indictment are doubly troubling as the false statements concern the unauthorized disclosure of sensitive and confidential information," said Assistant Attorney General Demers.

“Those entrusted with sensitive information must discharge their duties with honesty and integrity, and that includes telling the truth to law enforcement.”

“Mr. Wolfe’s alleged conduct is a betrayal of the extraordinary public trust that had been placed in him,” said U.S. Attorney Liu. “It is hoped that these charges will be a warning to those who might lie to law enforcement to the detriment of the United States.”

“All individuals in positions of trust must be held to the highest of standards, as the American public deserves no less,” said Special Agent in Charge Dunham. “As alleged in this indictment, Mr. Wolfe failed to meet those standards in his repeated lies to federal agents concerning the unauthorized disclosure of information. His arrest demonstrates that this conduct will not be tolerated, and those that engage in it will be held accountable.”

Wolfe was arrested on June 7, 2018, and is expected to make his first appearance Friday, June 8, in the U.S. District Court for the District of Maryland. The case is entitled *United States v. James A. Wolfe*, and the matter has been assigned to the Honorable Ketanji Brown Jackson in the U.S. District Court for the District of Columbia.

The charges in the indictment are merely allegations, and every defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt. The maximum penalty for each count of making a false statement to federal law enforcement agents is five years in prison. The maximum statutory sentences are prescribed by Congress and are provided here for informational purposes. The sentencing of the defendant, if he is later convicted, will be determined by the court after considering the advisory Sentencing Guidelines and other statutory factors.

The investigation into this matter is being conducted by the FBI’s Washington Field Office. The case is being prosecuted by Assistant U.S. Attorneys for the District of Columbia, with assistance from the Counterintelligence and Export Control Section, National Security Division of the U.S. Department of Justice.

18-142

##

O'Malley, Devin (OPA)

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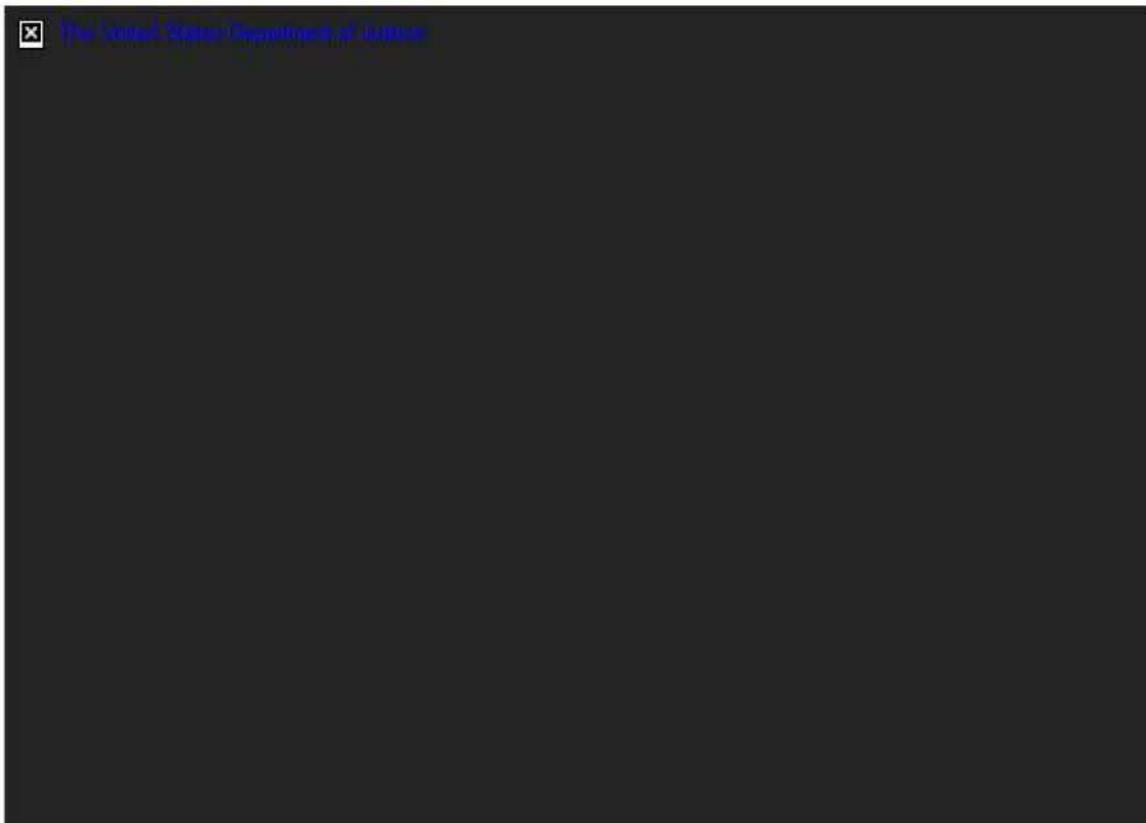
**From:** O'Malley, Devin (OPA)  
**Sent:** Thursday, June 7, 2018 9:08 PM  
**To:** imason@breitbart.com  
**Subject:** Fwd: ATTORNEY GENERAL JEFF SESSIONS DELIVERS REMARKS TO THE 24TH ANNUAL JOINT CONFERENCE OF THE MONTANA ASSOCIATION OF CHIEFS OF POLICE AND THE 88TH ANNUAL MONTANA POLICE PROTECTIVE ASSOCIATION

ICYMI

Sent from my iPhone

Begin forwarded message:

**From:** USDOJ-Office of Public Affairs <[USDOJ-OfficeofPublicAffairs@public.govdelivery.com](mailto:USDOJ-OfficeofPublicAffairs@public.govdelivery.com)>  
**Date:** June 7, 2018 at 5:02:18 PM EDT  
**To:** <[devin.o'malley@usdoj.gov](mailto:devin.o'malley@usdoj.gov)>  
**Subject:** ATTORNEY GENERAL JEFF SESSIONS DELIVERS REMARKS TO THE 24TH ANNUAL JOINT CONFERENCE OF THE MONTANA ASSOCIATION OF CHIEFS OF POLICE AND THE 88TH ANNUAL MONTANA POLICE PROTECTIVE ASSOCIATION  
**Reply-To:** <[USDOJ-OfficeofPublicAffairs@public.govdelivery.com](mailto:USDOJ-OfficeofPublicAffairs@public.govdelivery.com)>



FOR IMMEDIATE RELEASE  
THURSDAY, JUNE 7, 2018

**ATTORNEY GENERAL JEFF SESSIONS DELIVERS  
REMARKS TO THE 24TH ANNUAL JOINT CONFERENCE OF  
THE MONTANA ASSOCIATION OF CHIEFS OF POLICE AND  
THE 88TH ANNUAL MONTANA POLICE PROTECTIVE  
ASSOCIATION**

**Bozeman, MT**

*Today I am announcing the Department of Justice's first grants under the STOP School Violence Act, which President Trump signed into law. Under this new law, the Department of Justice will provide \$50 million to train teachers and students and to develop an anonymous reporting system for threats of school violence. In the coming months, we will offer another \$25 million in these school safety grants.*

*Working with the Department of Education, these grants will go a long way toward giving our young people safety and peace of mind.*

***Remarks as prepared for delivery***

Thank you, Kurt, for that kind introduction. Thank you for your seven years of service to the Department of Justice and for your outstanding leadership now as United States Attorney.

Thank you to Anthony Hutchings, Buck Herron, Dan Smith, Bob Frank, Scott Conrad, and Jerry Williams for your leadership on the Board and for the invitation to join you today.

I also want to thank Chief Ryan Oster, Chief Clint Peters, Chief E.J. Clark, Chief McGee, Chief Steve Crawford, Chief Roger Nasset, and all of our law enforcement officers who are here today.

I especially want to thank Sergeant Tim Berger and Officer Richie O'Brien of Butte, Montana. We were together about a month ago when they won the well-deserved Top Cops Award.

Last May, Sergeant Berger and Officer O'Brien put their lives on the line after one of their own was struck down. They engaged in a more-than-100-mile chase after two criminals shot and killed Deputy Mason Moore of the Broadwater

County Sheriff's department. These officers are true heroes who kept the people of Montana safe and brought justice to those responsible for murdering one of your brothers in blue.

Let's hear it for these two exemplary officers.

It is an honor to be here with you all – with the selfless and courageous men and women of law enforcement. The President has directed us to support you in your work—and we are committed to doing that. And his first order to me when I was confirmed? To back the blue.

Donald Trump ran for office as a law-and-order candidate and now he is governing as a law-and-order President. Under his strong leadership, we are finally getting serious about the rule of law.

As a prime example of that, the Trump administration is taking strong steps to make our schools safer.

Today I am announcing the Department of Justice's first grants under the STOP School Violence Act, which President Trump signed into law. Under this new law, the Department of Justice will provide \$50 million to train teachers and students and to develop an anonymous reporting system for threats of school violence. In the coming months, we will offer another \$25 million in these school safety grants.

Working with the Department of Education, these grants will go a long way toward giving our young people safety and peace of mind.

But what I'd like to talk to you about today is the steps we are taking to help you—our men and women in blue—by restoring the rule of law in our immigration system.

Policing has always been dangerous work. But unchecked illegal immigration has made the work of police officers all across America tougher and more dangerous than it ought to be. It may not seem to be a problem here, but make no mistake about it: our porous Southern border puts you—and your brothers and sisters in uniform—at risk.

Earlier today, the Department of Justice and the Department of Homeland Security released a report that shows that more than one-in-five of all persons in Bureau of Prisons custody were foreign born, and that 93 percent of confirmed aliens in custody were known or suspected illegal aliens.

Officers like you had to arrest them. Officers like you had to go into dangerous situations to take these people off of our streets—people who never should have

...to take these people off of our streets... people who never should have been here in the first place. You shouldn't have to do that. And to add insult to injury, you're paying taxes to incarcerate these people.

And even when you're not dealing with immigrant crime directly, you're dealing with it indirectly. For example, most of the heroin, cocaine, methamphetamine, and fentanyl in this country got here across our Southern border. Tens of thousands of Americans die every year as a result.

Here in the West, most of our DEA agents tell us that the top drug use is methamphetamine.

In 2016, more than 7,500 Americans lost their lives to a methamphetamine overdose alone. For fentanyl, it was over 20,000.

And this number has been increasing. According to the Montana Department of Justice, methamphetamine violations in this state rose by more than 400 percent from 2010 to 2015. Meanwhile heroin violations increased 1,500 percent.

Our porous border is a big factor in this problem. As just one example of many, in April, we arrested a teen trying to enter the country carrying 14 pounds of fentanyl across the border. That's enough to kill 3.1 million Americans.

Any rational person that takes a look at this situation sees the need to secure the border and end the lawlessness.

But there is an open borders movement afoot in this country. From coast to coast, there are politicians who think that having any border at all—any limit whatsoever—is mean-spirited, unkind, or even bigoted. Sometimes they try to hide it; sometimes not.

And I'm not just talking about the extremists or known radicals, here. I'm talking about powerful, influential politicians.

For example, the vice-chairman of the Democratic National Committee recently wore a t-shirt that says "I don't believe in borders."

For another example, the Mayor of Oakland has called illegal aliens "law-abiding." Think about that. By definition that is not true.

In 2013, back when everybody thought Hillary Clinton would be president and when she could still make millions giving speeches to banks, she reportedly said in one secret speech, "my dream is a hemispheric common market, with open trade and open borders." This is the presidential nominee of a major political party.

But these are just the explicit, overt examples. There are plenty of other examples of politicians who try to sound like moderates but who vote for open borders policies. Apparently, even the libertarian CATO institute does too.

We must pause and think about this seriously. President Trump's policies are not extreme, this is extreme. The caravan that came to our southern border demanding entry recently was organized by a group called "pueblos sin fronteras"—people without borders.

Can America welcome all who want to come here? One poll says 150 million people worldwide want to come here. No nation can sustain such a surge. Europe is in political turmoil over excess immigration. Open borders is an extreme, reckless and dangerous idea. It can never be a sane policy for America.

For decades, the American people have been begging and pleading with our elected officials for an immigration system that is lawful and that serves our national interest—one that we can be proud of and that's fair and just. There is nothing mean-spirited about that. They are right and just and decent to ask for this.

But we've been blocked at every turn. Any law enforcement policies are attacked by open borders radicals. And every time something is proposed that would end illegal immigration, it gets blocked. If it works, it gets blocked.

For example, we've had Kate's Law before the Congress. Kate's Law is named after Kate Steinle, the young woman who was shot to death in San Francisco by an illegal alien who had been deported five times. Kate's Law would increase the penalty for re-entry after deportation. That would deter illegal aliens from committing this crime.

But no. This bill has been blocked.

We've had the Toomey Amendment, to cut funding for sanctuary cities. That was blocked.

We've had the Secure and Succeed Act, which would increase funding for border security. That was blocked.

No wonder the American people are so frustrated. If it works, it gets blocked.

President Trump has made it clear that legislation is needed to end the illegality. And it is. Congress must act.

But at this Department and the Department of Homeland Security, under President Trump's leadership, we're not going to wait around for Congress to get its act together. We are taking action and we are enforcing the law without exception.

Unfortunately there has been a lot of misinformation about there about some of the things that we are doing. The reports have been so wrong that some people might even call it "fake news."

And so I'd like to take a few minutes to clear things up.

For example, members of the media claimed that the government had "lost" thousands of children in the United States. That turned out not to be true.

Several reporters have tweeted out photos taken of Homeland Security facilities during the Obama administration and then used them to attack President Trump.

Sadly, there are many other examples of the media getting this wrong.

So let's clear up some of the misinformation.

Under the laws of this country, illegal entry is a misdemeanor. Re-entry after having been deported is a felony.

Under the law, we are supposed to prosecute these crimes. Our goal is to prosecute 100 percent of illegal entries on the Southwest border.

If you cross the Southwest border unlawfully, then we will prosecute you. That's our goal. It's that simple.

If you smuggle illegal aliens across our border, that is a crime, too. We will prosecute you for a felony as the law requires.

That much should be clear.

But there has been some confusion about this.

If you bring a child, it is still an unlawful act. You don't get immunity if bring a child with you. We cannot have open borders for adults with children.

And when parents are prosecuted for illegal entry, their children cannot go to jail with them—just like when American citizens commit crimes. The Marshals' detention facility doesn't have a facility for children.

There are too many coyotes—human smugglers and human traffickers—who take kids across the border for a hefty price. The consequences are sometimes tragic.

Hundreds of illegal aliens die every year trying to make it to this country. In many cases, children are trafficked, abused, or recruited by criminal gangs. No one should subject their child to this treacherous journey—and yet the open borders lobby encourages it every day.

This is what happens: After apprehension of adults by the Department of Homeland Security, the children are cared for by the Department of Health and Human Services—and they are transferred to HHS custody within 72 hours. And they are well cared for. In fact, they get better care than a lot of American kids do—all at taxpayer expense.

We currently spend more than \$1 billion a year in taxpayer dollars taking care of unaccompanied illegal alien minors. Most of these are in HHS custody. They are provided plenty of food, education in their language, health and dental care, and transported to their destination city—all at taxpayer expense.

Because of the Flores consent decree and a Ninth Circuit Court decision, ICE can only keep families detained together for a very short period of time.

We take unaccompanied children—on the taxpayer's dime—anywhere they want. They are nearly always placed with a family member—sometimes one who is also here illegally. If they've got family in Missoula, we take them there from El Paso, Texas, free of charge. If they've got family in Boston, we take them there. It's more than generous.

It's almost unbelievable. It cannot be that someone can walk into a country contrary to the laws of the country and then be allowed to roam free in the country while their children get a free ride anywhere they choose.

So what is the alternative to following the law and prosecuting illegal entry? Well, under the Obama administration, the alternative was essentially no prosecution—de facto open borders. De facto amnesty.

If you showed up illegally at the border with a child, then you got off scot-free. Unsurprisingly, word got out about this and more and more people started bringing kids with them—more than 3 times as many this May as last May. It didn't have to even be their child—it could be anyone. You can imagine the horrible abuses that resulted. And the open borders crowd has the gall to blame those who want to end this lawlessness and the dangers these children face.

Look, I hope that we don't have to separate any more children from any more adults. But there's only one way to ensure that is the case: it's for people to stop smuggling children illegally. Stop crossing the border illegally with your children. Apply to enter lawfully. Wait your turn.

Some people in the media have chosen to attack us for enforcing the law. But I'm not ashamed of the United States of America. I am not going to apologize for carrying out our laws.

We're not the ones breaking the law. If you don't want to be separated from your children, then don't smuggle them illegally. My duty is to enforce the laws of this country—and that's what we're going to do.

If they wanted to, Congress could end illegal immigration tomorrow. I hope that they will. The many good and constitutional proposals that will actually work, like the wall, must not continue to be blocked.

I believe that our political leaders owe it to you, our fabulous law enforcement officers, to get this issue right at last. We've got to stop the flow of drugs and crime into America. It is not fair to keep asking you to go into dangerous situations.

We are under no obligation to accept a single criminal into this country. Not one. Those whom we do accept into this country should have a crime rate of zero.

Tom Homan of ICE tells us that nine out of ten of the illegal aliens that they arrest in the interior have criminal records. Nine out of ten. Seventy-two percent are convicted criminals.

This is a great nation—the greatest in the history of the world. And we are the most generous in the world—admitting 1.1 million legally every year. It is no surprise that people want to come here. But they must do so properly. They must follow our laws—or not come here at all.

And so this Department, under President Trump's leadership along with the Department of Homeland Security, is enforcing the law resolutely. We will finally secure this border so that we can give the American people safety and peace of mind.

That's what the people—and especially you, our brave men and women in blue—deserve.

Thank you.

“ ” “ ”

# # #

AG

18 - 750

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

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Chris Carter

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**From:** Chris Carter  
**Sent:** Thursday, June 7, 2018 7:11 PM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: Session interview time

Thank you!

Sent from my iPhone

> On Jun 7, 2018, at 5:06 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:  
>  
> Dog sweep of all your gear is at 8am Denver time. Everything must be in the room and set by then.  
>  
> I am bringing the AG into your room aprox. 8:45am to have the hit 8:50-9:00am MT (Denver time).  
>  
> Kelly Laco  
> Office of Public Affairs  
> Department of Justice  
> Office: 202-353-0173  
> Cell: (b)(6)  
>  
>  
> -----Original Message-----  
> From: Chris Carter <Chris.Carter@oann.com>  
> Sent: Thursday, June 7, 2018 7:00 PM  
> To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>  
> Subject: Session interview time  
>  
> Just to confirm:  
> The interview is tomorrow morning at 8am Denver time? What time do we need to be there for the security sweep?  
> Thanks,  
> Chris  
>  
> Sent from my iPhone

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

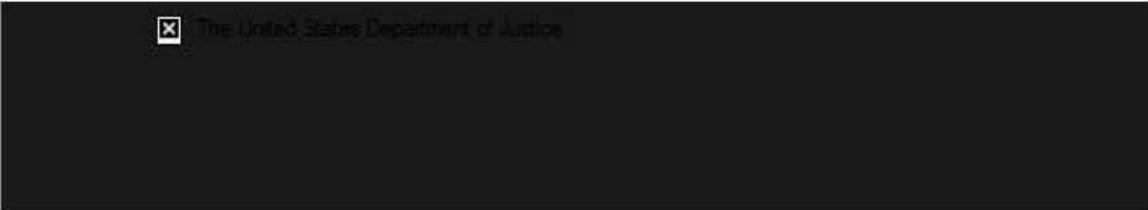
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**From:** O'Malley, Devin (OPA)  
**Sent:** Thursday, June 7, 2018 6:02 PM  
**To:** Fanning, Elizabeth  
**Subject:** FW: JUSTICE DEPARTMENT STATEMENT ON MAYOR OF PHILADELPHIA'S CELEBRATION OF SANCTUARY CITY TITLE

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

---

**From:** Devin O'Malley, USDOJ Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>  
**Sent:** Thursday, June 7, 2018 5:15 PM  
**To:** O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>  
**Subject:** JUSTICE DEPARTMENT STATEMENT ON MAYOR OF PHILADELPHIA'S CELEBRATION OF SANCTUARY CITY TITLE

  The United States Department of Justice

Yesterday the Mayor of Philadelphia was filmed dancing and celebrating a victory for criminal aliens in a federal district court case. Please attribute the following statement to Department of Justice spokesman Devin O'Malley:

“Yesterday, the Mayor of the City of Philadelphia [danced in jubilation](#) over a court ruling that will allow him to continue to protect known and suspected criminal aliens in the City’s custody. These are individuals who have victimized the residents of the City he has sworn to protect. These are individuals like the violent criminal alien who was arrested in Philadelphia last year for [forcing his girlfriend into a hot oven](#) but was never turned over to immigration authorities. The video is a sad and disturbing reminder that politicians like Mayor Kenney prioritize political gain over the law-abiding residents of their own cities and the safety of the law enforcement officers that try to protect them. The Department of Justice will continue to fight for the rule of law, and for the law abiding citizens of Philadelphia who fear victimization and reject the notion of protecting criminals.”

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



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**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Thursday, June 7, 2018 5:55 PM  
**To:** Chris Carter  
**Cc:** Charles Herring  
**Subject:** RE: Call

Thanks, Chris, see you tomorrow for the 850-9am hit. I will be there for the sweep and to answer any questions ahead of time if you need!

Wanted to pass along the AG's speech at Georgetown Law from the Fall, which outlines some of his priorities on free speech (as we discussed over the phone) <https://www.justice.gov/opa/speech/attorney-general-sessions-gives-address-importance-free-speech-college-campuses>

Statement of Interest in Berkeley free speech case: <https://www.justice.gov/opa/pr/justice-department-files-statement-interest-california-college-free-speech-case>

AG Statement on Colorado Cake Designer Jack Phillips Supreme Court case (decided Monday)  
"We are pleased with today's Supreme Court decision. The First Amendment prohibits governments from discriminating against citizens on the basis of religious beliefs. The Supreme Court rightly concluded that the Colorado Civil Rights Commission failed to show tolerance and respect for Mr. Phillips' religious beliefs. In this case and others, the Department of Justice will continue to vigorously defend the free speech and religious freedom First Amendment rights of all Americans."

A few things we released today that may be of interest during interview:

New DEA division announced in Omaha this morning (<https://www.justice.gov/opa/pr/departments-justice-announces-new-dea-division-office-omaha>)

New quarterly Alien Incarceration Report released today (<https://www.justice.gov/opa/pr/departments-justice-and-homeland-security-release-quarterly-alien-incarceration-report>)

The AG's speech in Montana today to MPPA and Montana Chiefs of Police included a major announcement on school grant funds. (<https://www.justice.gov/opa/speech/attorney-general-jeff-sessions-delivers-remarks-24th-annual-joint-conference-montana>)

"Today I am announcing the Department of Justice's first grants under the STOP School Violence Act, which President Trump signed into law. Under this new law, the Department of Justice will provide \$50 million to train teachers and students and to develop an anonymous reporting system for threats of school violence. In the coming months, we will offer another \$25 million in these school safety grants."

Let me know if there is anything else I can provide that will be helpful to you!

.....

Kelly

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

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

From: Chris Carter <Chris.Carter@oann.com>  
Sent: Wednesday, June 6, 2018 5:17 PM  
To: Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>  
Cc: Charles Herring <Charles@oann.com>  
Subject: Re: Call

Yes, thank you very much for the conversation and I look forward to meeting.

Best,  
Christopher Carter  
OANN National Correspondent

Sent from my iPhone

> On Jun 6, 2018, at 5:03 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>

> Chris, great speaking with you earlier to nail down topics of importance to the AG. We are looking forward to the 10 min hit on Friday, I think it will be great to get to have a recent OAN interview on the books, and I hope to do more with you again. Please let me know if you need anything else in the meantime!

>

> TOPICS:

> -Immigration/MS-13

> -Justice Department vacancies (Dem obstruction) and Nationwide

> Injunctions -Free speech on college campuses "attack on free speech" > -Colorado Baker Supreme Court decision -Opioids

> (fentanyl) and preventative measures on this crisis

>

> Kelly Laco

> Office of Public Affairs

> Department of Justice

> Office: 202-353-0173

> Cell: (b)(6)

>

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

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

> Sent: Wednesday, June 6, 2018 2:31 PM

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

> Subject: Call

>

> Are you at FEMA? We had a scheduled 2pm call about Denver. Please let me know how to proceed.

> Very Respectfully,

> Chris Carter

> (b)(6)

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Thursday, June 7, 2018 4:50 PM  
**To:** Bryan.Boughton@FOXNEWS.COM  
**Subject:** Fwd: Horowitz says IG report is coming June 14

Letter from Horowitz today

Letter: [https://www.judiciary.senate.gov/download/justice-dept-inspector-general-to-grassley -doj-fbi-pre-election-report](https://www.judiciary.senate.gov/download/justice-dept-inspector-general-to-grassley-doj-fbi-pre-election-report)

**Kupec, Kerri (JMD)**

---

**From:** Kupec, Kerri (JMD)  
**Sent:** Thursday, June 7, 2018 4:13 PM  
**To:** Riha, Anne Marie  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

Yes, that's fine - thanks

---

**From:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Sent:** Thursday, June 7, 2018 3:52 PM  
**To:** Kupec, Kerri (JMD) (b)(6)  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

Thanks Kerri. Can I pull quotes from Mark Mitchell declaration and disseminate? I see this public version has been redacted but wanted to double check. Thanks.

---

**From:** Kupec, Kerri (JMD) (b)(6)  
**Sent:** Thursday, June 7, 2018 3:43 PM  
**To:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

See attached -

---

**From:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Sent:** Thursday, June 7, 2018 1:23 PM  
**To:** Kupec, Kerri (JMD) (b)(6)  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

Thanks Kerri. Will read the declaration.

Anne Marie

---

**From:** Kupec, Kerri (JMD) (b)(6)  
**Sent:** Thursday, June 7, 2018 1:20 PM  
**To:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

Hi, Anne Marie –

Per Judge Tanya Chutkan, ACLU has until 11:59 pm tonight to formally object to the release of John Doe in Syria. If needed, the court will hold another hearing tomorrow morning at 9 am.

Also, about to send you the public version of the declaration we just filed – has some helpful info in it so make sure you skim through it.

Best,  
Kerri

---

**From:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Sent:** Thursday, June 7, 2018 1:15 PM  
**To:** Kupec, Kerri (JMD) (b)(6)  
**Cc:** Edwards, Jeremy M. (OPA) <[jmedwards@jmd.usdoj.gov](mailto:jmedwards@jmd.usdoj.gov)>  
**Subject:** RE: Fox News Channel Inquiry re: Detained American Release

Hi Kerri,

Is the decision to release John Doe at the unnamed Syria town a final one? Can it be repealed by his attorney?

Where does the 72 hour clock stand? Or where did it start?

Is John Doe allowed back in the United States once he is no longer in U.S. custody? Is there any reason for him to return to the United States?

Plus, anything else that you are able to release. Thanks.

Anne Marie

---

**From:** Kupec, Kerri (JMD) (b)(6)  
**Sent:** Thursday, June 7, 2018 1:01 PM  
**To:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Cc:** Edwards, Jeremy M. (OPA) <[Jeremy.M.Edwards@usdoj.gov](mailto:Jeremy.M.Edwards@usdoj.gov)>  
**Subject:** FW: Fox News Channel Inquiry re: Detained American Release

Hi, Anne Marie – can you shoot me your questions?

Thanks,  
Kerri

---

**From:** Riha, Anne Marie <[annemarie.riha@FOXNEWS.COM](mailto:annemarie.riha@FOXNEWS.COM)>  
**Sent:** Thursday, June 7, 2018 12:06 PM  
**To:** Press <[Press@jmd.usdoj.gov](mailto:Press@jmd.usdoj.gov)>  
**Subject:** Fox News Channel Inquiry re: Detained American Release

To Whom It May Concern,

I'm inquiring about American Citizen John Doe who is expected to be released in Syria within the next 72 hours. I understand the Justice Department is the lead on Mr. Doe's release. I'm hoping someone from DOJ can contact me so I can get some clarification on points.

Thanking you in advance and I look forward to hearing back.

~ Anne Marie

Anne Marie Riha  
Producer  
Fox News Channel  
(b)(6) (mobile)

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Kerri Kupec  
U.S. Department of Justice  
Office of Public Affairs

(b)(6)

(b)(6) (office)

(b)(6) (cell)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOHN DOE,	)	
	)	
Petitioner,	)	Civil Action No.
	)	Case 1: 17-cv-01928 (TSC)
v.	)	
	)	DECLARATION OF
GENERAL JAMES N. MATTIS,	)	MARK E. MITCHELL
In his official capacity as SECRETARY	)	
OF DEFENSE,	)	<b>██████████</b>
	)	
Respondent.	)	
	)	

Pursuant to 28 U.S.C. § 1746, I, Mark E. Mitchell, hereby declare:

1. I currently serve as the Principal Deputy Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict (SO/LIC) within the Department of Defense (DoD). I have served in that position since December 2017. Between May and December 2017, I served as the Acting Assistant Secretary of Defense (ASD) for SO/LIC. That individual is the principal civilian advisor to the Secretary of Defense on special operations and low-intensity conflict operations, with his primary duty being the overall supervision of these operations. As the Principal Deputy since December 2017, I am personally involved in all aspects of the office's core responsibilities, including counterterrorism, unconventional warfare, direct action, special reconnaissance, foreign internal defense, civil affairs, information and psychological operations, counter proliferation of weapons of mass destruction, detention policy, and humanitarian/disaster relief.
2. My background includes 28 years of active duty with the U.S. Army in the Special Operations community, retiring as a Colonel in 2015. While on active duty, I served in combat in multiple conflicts, including deployments to Afghanistan in 2001-2002, and multiple tours in Iraq each year from 2003-2011. In 2010-2011, I commanded the 5th Special Forces Group (Airborne) as well as a nationwide Joint Special Operations Task Force in Iraq. I have also served in principal staff positions up to and including the Theater Special Operations Command, and have planned and conducted counterterrorism and counterinsurgency operations, foreign internal defense, unconventional warfare, and other sensitive special operations. From 2011-2013, I served as the Senior Military Assistant to ASD (SO/LIC). In 2014, I served as a Director for Counterterrorism on the National Security Council, where I was personally involved in significant hostage cases and recovery efforts in Syria, Yemen, Afghanistan, Pakistan, and Somalia, as well as other counterterrorism matters. I have a Master of Science

Degree in Defense Analysis from the Naval Postgraduate School and have served as a National Security Fellow at the Harvard Kennedy School of Government.

3. This declaration is provided for use in the above-captioned habeas corpus litigation brought by a U.S. citizen (Petitioner) currently detained by the DoD in Iraq.<sup>1</sup> The statements made below are based on my personal knowledge and information made available to me in the performance of my official duties.
4. The Secretary of Defense has decided that the DoD will release Petitioner in the general vicinity of where he was captured by Syrian Democratic Forces (SDF) in early September 2017. Petitioner will be released under safe conditions [REDACTED] of where he was captured. The release of detainees in this manner is a traditional military practice that is employed in the U.S. Central Command area of responsibility, and as described below, Petitioner's release would be consistent with such practice and with DoD's obligations under the law of war. In executing the process described below, DoD has taken all necessary and feasible precautions to ensure the safe release of Petitioner.

5. [REDACTED]

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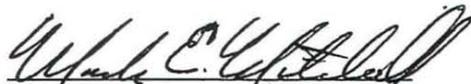
<sup>1</sup> The details of the intended release of Petitioner as described in this declaration must occur without advance public notification in order to safeguard the security of DoD's military operations.

<sup>2</sup> [REDACTED]

6. DoD plans to notify SDF, at the appropriate level, in advance of Petitioner's release so that they will be aware that Petitioner will likely be traveling through SDF checkpoints in the area and that the United States is not seeking or requesting that Petitioner be detained. Section 1209(e)(1) of the 2015 National Defense Authorization Act requires that partner forces vetted by the United States, including SDF, commit to promoting respect for human rights and the rule of law. It is the expectation of DoD that SDF comply with the law of armed conflict in all operations. SDF leadership has repeatedly affirmed their commitment to respect human rights and the rule of law, including compliance with the law of armed conflict, and they have acted consistently with those commitments, including in overseeing their forces, which has allowed the United States to maintain its support of SDF. With respect to SDF's prior treatment of Petitioner, my understanding is that SDF provides humane treatment to detainees captured during its operations. There was no evidence when Petitioner was taken into DoD custody that he had been physically harmed by SDF, and when asked at that time, Petitioner denied that he had been abused or injured.<sup>3</sup>
7. The U.S. Government has not requested, and does not intend to request, that any sovereign or foreign force detain or otherwise interfere with Petitioner's transit following his release from DoD custody in Syria.
8. Upon his release, Petitioner will be given \$4,210 in cash, the same amount that he had in his possession when he was captured. He will also be provided a new cellular phone (in its original sealed packaging), which he can activate and use if he desires to do so. He will be provided sufficient food and water to last for several days. The clothing in his possession when he was captured, which is temperature and weather appropriate, will be returned to him, and he will be permitted to retain any attorney-client materials.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 6, 2018.

  
Mark E. Mitchell

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<sup>3</sup> In accordance with DoD policy, every detainee is screened by medical personnel upon arrival at DoD detention facilities. The purpose of this screening is to respond to any immediate medical needs of the detainee and to document the detainee's physical condition before detention by DoD personnel.

**Boughton, Bryan**

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**From:** Boughton, Bryan  
**Sent:** Thursday, June 7, 2018 3:56 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: IG letter

I found the original.

On Jun 7, 2018, at 15:44, Boughton, Bryan <[Bryan.Boughton@FOXNEWS.COM](mailto:Bryan.Boughton@FOXNEWS.COM)> wrote:

Yes I can. I don't recall, was this sent on the record last time? People are free to quote from it or was it background info?

On Jun 7, 2018, at 14:10, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Can you circulate this to your shows today?

This is the letter from a couple weeks ago discussing the process for the IG report from the IGs office, which is independent from DOJ. Fox are saying doj is scrubbing the report and delaying the release. We don't have the ability to do either.

I expect IG will release another letter shortly (probably today?) announcing the date of the release. But, again, that ball is in their court so I suspect I'll see that letter when it goes to the hill.

<Letter to Members of Congress dated 5-16-18.pdf>

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U.S. Department of Justice

Office of the Inspector General

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May 16, 2018

The Honorable Robert Goodlatte  
Chairman  
The Honorable Jerrold Nadler  
Ranking Member  
Committee on the Judiciary

The Honorable Charles E. Grassley  
Chairman  
The Honorable Dianne Feinstein  
Ranking Member  
Committee on the Judiciary

The Honorable Trey Gowdy  
Chairman  
The Honorable Elijah Cummings  
Ranking Member  
Committee on Oversight and  
Government Reform

The Honorable Ron Johnson  
Chairman  
The Honorable Claire McCaskill  
Ranking Member  
Committee on Homeland Security  
and Governmental Affairs

The Honorable John Culberson  
Chairman  
The Honorable José Serrano  
Ranking Member  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
Committee on Appropriations

The Honorable Jerry Moran  
Chairman  
The Honorable Jeanne Shaheen  
Ranking Member  
Subcommittee on Commerce, Justice,  
Science, and Related Agencies  
Committee on Appropriations

Dear Chairmen and Ranking Members:

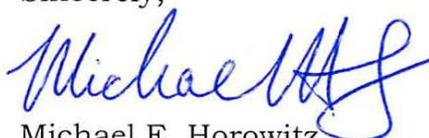
I am writing in response to the Committees' inquiries about the status of the OIG's Review of Allegations Regarding Various Actions by the Department of Justice (Department) and the Federal Bureau of Investigation (FBI) in Advance of the 2016 Election. Following our ordinary process for OIG reviews and audits, the OIG has provided the draft report and the report's draft classified appendix to the Department and the FBI, and requested that they review them for classification purposes and to identify any other information that is protected by law from disclosure. Additionally, consistent with our usual process, we have asked the Department and FBI to provide us with any comments they wish us to consider regarding the report's accuracy and completeness. Similarly, and again consistent with OIG practice, we are making relevant portions of the draft report available for review and comment by individuals who were interviewed by the OIG during the review and whose conduct is addressed in the report.

The OIG will consider any comments that the Department, the FBI, and these individuals provide to us, and we will address those comments in the report if we determine it is necessary to do so. At the conclusion of this process,

consistent with our usual practice, the OIG will provide the Department and the FBI with an opportunity to submit a formal written letter for attachment to the final report, and we will then issue the report publicly and provide the classified appendix to the Department, the FBI, and your Committees. We will update you on the specific timing for the report's release, and I will be prepared to provide a briefing and testify publicly about our findings and conclusions as soon as the report is released.

I appreciate your interest in this matter, and your support for the work of the OIG. Please contact me at (202) 514-3435 if you have questions.

Sincerely,



Michael E. Horowitz  
Inspector General

**Fanning, Elizabeth**

---

**From:** Fanning, Elizabeth  
**Sent:** Thursday, June 7, 2018 3:37 PM  
**To:** O'Malley, Devin (OPA)  
**Subject:** RE: AG on Tucker?

Im back at my desk (b)(6) thanks!

---

**From:** O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
**Sent:** Thursday, June 07, 2018 3:22 PM  
**To:** Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>  
**Subject:** Re: AG on Tucker?

I'm good now

Sent from my iPhone

On Jun 7, 2018, at 2:47 PM, Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM> wrote:

Sorry! hows now?

---

**From:** O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
**Sent:** Wednesday, June 06, 2018 11:20 PM  
**To:** Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>  
**Subject:** RE: AG on Tucker?

Let's do that.

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

---

**From:** Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>  
**Sent:** Wednesday, June 6, 2018 8:21 PM  
**To:** O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>  
**Subject:** RE: AG on Tucker?

No worries at all!

Wanna chat tomorrow around 1:30?

---

**From:** O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
**Sent:** Wednesday, June 6, 2018 7:47 PM  
**To:** Fanning, Elizabeth <Elizabeth.Fanning@FOXNEWS.COM>  
**Cc:** Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>  
**Subject:** RE: AG on Tucker?

Hey I'm so sorry I haven't had a minute to call you back today.

We can chat after the show today or after 11:00 am tomorrow.

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

---

**From:** Fanning, Elizabeth <[Elizabeth.Fanning@FOXNEWS.COM](mailto:Elizabeth.Fanning@FOXNEWS.COM)>  
**Sent:** Wednesday, June 6, 2018 7:33 PM  
**To:** O'Malley, Devin (OPA) <[domalley@jmd.usdoj.gov](mailto:domalley@jmd.usdoj.gov)>  
**Cc:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** RE: AG on Tucker?

Let's plan on this Monday! Where will he be? Devin let me know when's a good time to chat tomorrow or Friday. Thanks for thinking of us! Have a great night.

---

**From:** Fanning, Elizabeth  
**Sent:** Tuesday, June 05, 2018 10:49 PM  
**To:** O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)>  
**Cc:** Pfeiffer, Alex <[Alex.Pfeiffer@FOXNEWS.COM](mailto:Alex.Pfeiffer@FOXNEWS.COM)>; Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Subject:** Re: AG on Tucker?

Hey- great to hear from you and hope all is well with you! Let me check and get back to you tomorrow. Thanks!

Sent from my iPhone

On Jun 5, 2018, at 22:31, O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)> wrote:

Hey Liz and Alex-

Hope you guys are well! For planning purposes only- The Justice Department is going to take action in a campus free speech case next Monday, and we were wondering if you might be willing to have the Attorney General on to discuss the college's policies, the Department's actions, and what we've done on this issue as a whole. As you know, I can't say much about litigation moves we are making, but I can assure you that Tucker is familiar with this college's policies 😊.

Anyway, we were wondering if there was any room on Monday's show (June 11) towards the top? Happy to jump on a call and talk a little more about DOJ and the campus free speech work we are doing. Let me know.

Thanks!

Devin

**Devin M. O'Malley**

Department of Justice  
Office of Public Affairs  
Office: (202) 353-8763  
Cell: (b)(6)

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**Fanning, Elizabeth**

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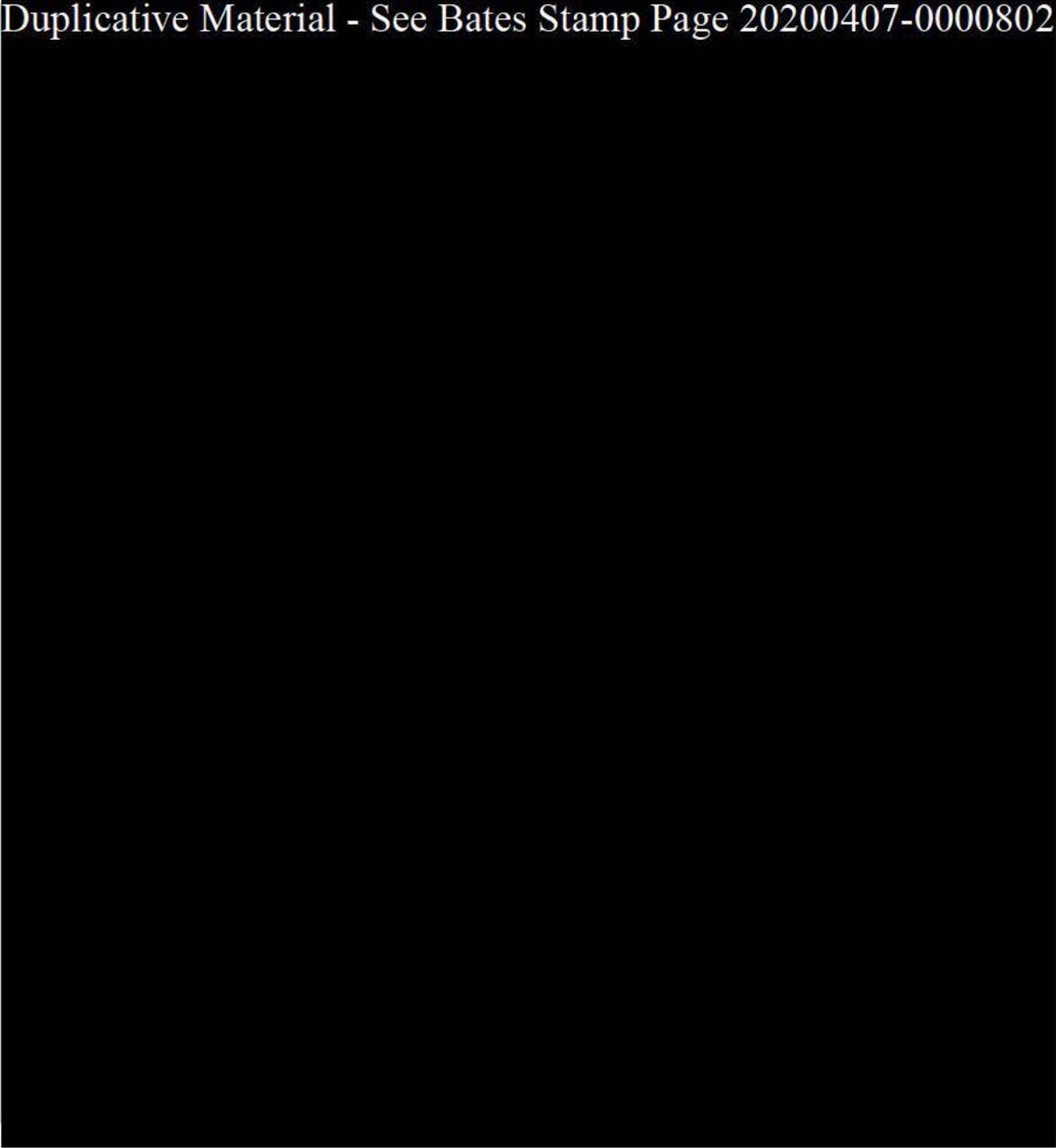
**From:** Fanning, Elizabeth  
**Sent:** Wednesday, June 6, 2018 11:29 PM  
**To:** O'Malley, Devin (OPA)  
**Subject:** Re: AG on Tucker?

Great I'll give you a buzz then. Thanks!

Sent from my iPhone

On Jun 6, 2018, at 23:20, O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000802



**Pergram, Chad**

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**From:** Pergram, Chad  
**Sent:** Thursday, June 7, 2018 3:06 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Hey..Chad Pergram at Fox. Have a moment for a call? Thanks.

Ok. Thank you

Chad Pergram  
Senior Producer for Capitol Hill  
FOX News  
[chad.pergram@foxnews.com](mailto:chad.pergram@foxnews.com)  
(b)(6)  
@ChadPergram

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Thursday, June 07, 2018 3:03 PM  
**To:** Pergram, Chad  
**Subject:** Re: Hey..Chad Pergram at Fox. Have a moment for a call? Thanks.

Can't help at this point. Sorry!

On Jun 7, 2018, at 3:02 PM, Pergram, Chad <[Chad.Pergram@FOXNEWS.COM](mailto:Chad.Pergram@FOXNEWS.COM)> wrote:

Thank you for getting back to me. Good to reconnect.

Trying to understand a resolution the Senate approved last night via unanimous consent.

It deals with "document production" involving the DoJ on behalf of the Intelligence Committee.

No one here can explain what it does and referred all questions to the DoJ.

Even though the Senate approved it, the text of the resolution is STILL not available here. So, we are in the dark.

Any help would be appreciated.

Thanks.

Chad Pergram  
Senior Producer for Capitol Hill  
FOX News  
[chad.pergram@foxnews.com](mailto:chad.pergram@foxnews.com)  
(b)(6)  
@ChadPergram

---

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

**Sent:** Thursday, June 07, 2018 2:58 PM  
**To:** Pergram, Chad  
**Subject:** Re: Hey..Chad Pergram at Fox. Have a moment for a call? Thanks.

I'm on a plane--but I can email

On Jun 7, 2018, at 2:57 PM, Pergram, Chad <[Chad.Pergram@FOXNEWS.COM](mailto:Chad.Pergram@FOXNEWS.COM)> wrote:

Chad Pergram  
Senior Producer for Capitol Hill  
FOX News  
[chad\\_pergram@foxnews.com](mailto:chad_pergram@foxnews.com)

(b)(6)

@ChadPergram

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## Murray, Andrew

---

**From:** Murray, Andrew  
**Sent:** Thursday, June 7, 2018 1:17 PM  
**To:** Prior, Ian (OPA)  
**Cc:** Flores, Sarah Isgur (OPA); Aloi, Diana  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Thanks Ian but we are going to pass for tomorrow, let's try something later this summer.

Andrew

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Thursday, June 7, 2018 12:40 PM  
**To:** Murray, Andrew <Andrew.Murray@FOXNEWS.COM>  
**Cc:** Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>; Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Hey Andrew and Diana,

Wanted to check in and see if the plan was to have me go on tomorrow. I am available

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

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

---

**From:** Murray, Andrew <Andrew.Murray@FOXNEWS.COM>  
**Sent:** Wednesday, June 6, 2018 4:06 PM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Cc:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Do you need a pickup tomorrow?

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Wednesday, June 6, 2018 4:05 PM  
**To:** Murray, Andrew <Andrew.Murray@FOXNEWS.COM>  
**Cc:** Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov>; Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Thanks Andrew

Ian D. Prior

Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b)(6)

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

---

**From:** Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)>  
**Sent:** Wednesday, June 6, 2018 4:03 PM  
**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Cc:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>; Aloj, Diana <[Diana.Aloj@FOXNEWS.COM](mailto:Diana.Aloj@FOXNEWS.COM)>  
**Subject:** Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Thanks we are confirmed for 6:20am ET at our DC bureau, please let us know if you need transportation to the bureau. Details are below.

"Fox & Friends"

DATE: Thursday, June 7<sup>th</sup>

ARRIVAL: 6:00 am ET

LIVE INTERVIEW: 6:20am ET with Steve Doocy, Brian Kilmeade, and Abby Huntsman

TOPIC: MULTIPLE MEDIA OUTLETS REPORT ABOUT THE U.S. KEEPING IMMIGRANT KIDS IN CAGES. NOW THE WASHINGTON POST IS GIVING THAT REPORTING "THREE PINACCHIOS." WHAT'S THE REAL STORY?  
[https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm\\_term=.df076f37b6ca](https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm_term=.df076f37b6ca)

ADDRESS: FNC DC Bureau: The Hall of the States Building: 400 North Capitol Street, NW, Suite 500

THURSDAY DC BUREAU GUEST GREETER: Jessica Curry: C: (b)(6) O: (b)(6) email: [Jessica.curry@foxnews.com](mailto:Jessica.curry@foxnews.com) DC Bureau Main Number: (202) 824-6300 or 202.824.6465

THURSDAY A.M. EMERGENCY CONTACT: Montana Marsilio (b)(6) email: [Montana.marsilio@foxnews.com](mailto:Montana.marsilio@foxnews.com)

THURSDAY P.M. Producer Duaba Aloj (b)(6) email: [diana.aloj@foxnews.com](mailto:diana.aloj@foxnews.com)

Instructions for Tomorrow: Sign in at the guard desk in lobby and receive security pass. Then take the elevators on the left side of the lobby up to the 5th floor, suite is on the left side of the hall.

Thanks in advance,

Andrew Murray  
Producer, Politics  
"Fox & Friends"  
Fox News Channel  
1211 Avenue of the Americas, 2nd Floor  
New York, NY 10036  
Office: (b)(6)  
Cell # 1 (b)(6)

Cell # 2 (b)(6)  
FAX: (212) 301-3421  
Email: [andrew.murray@foxnews.com](mailto:andrew.murray@foxnews.com)  
[@andrewmurray1](#)

---

**From:** Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]  
**Sent:** Tuesday, June 5, 2018 9:02 PM  
**To:** Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)>  
**Cc:** Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Subject:** Re: f&f on immigration for thursday?

Yep

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

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

On Jun 5, 2018, at 9:01 PM, Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)> wrote:

6:00AM ET, but can we please confirm the exact time tomorrow?

Andrew

---

**From:** Prior, Ian (OPA) [<mailto:Ian.Prior@usdoj.gov>]  
**Sent:** Tuesday, June 5, 2018 11:54 AM  
**To:** Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)>; Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)>  
**Subject:** RE: f&f on immigration for thursday?

I could make that work. What time would you need me there?

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

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

---

**From:** Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)>  
**Sent:** Tuesday, June 5, 2018 11:40 AM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** RE: f&f on immigration for thursday?

That sounds great! Would 6:00am work on Thursday?

That sounds great! would b:zvam work on Thursday?

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Tuesday, June 5, 2018 11:31 AM  
**To:** Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)>  
**Cc:** Prior, Ian (OPA) <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** f&f on immigration for thursday?

Would yall consider having Ian—deputy director for public affairs—to talk immigration, separating families on Thursday am?

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

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**Prior, Ian (OPA)**

---

**From:** Prior, Ian (OPA)  
**Sent:** Wednesday, June 6, 2018 4:07 PM  
**To:** Murray, Andrew  
**Cc:** Flores, Sarah Isgur (OPA); Aloï, Diana  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

Nope, should be all set thx

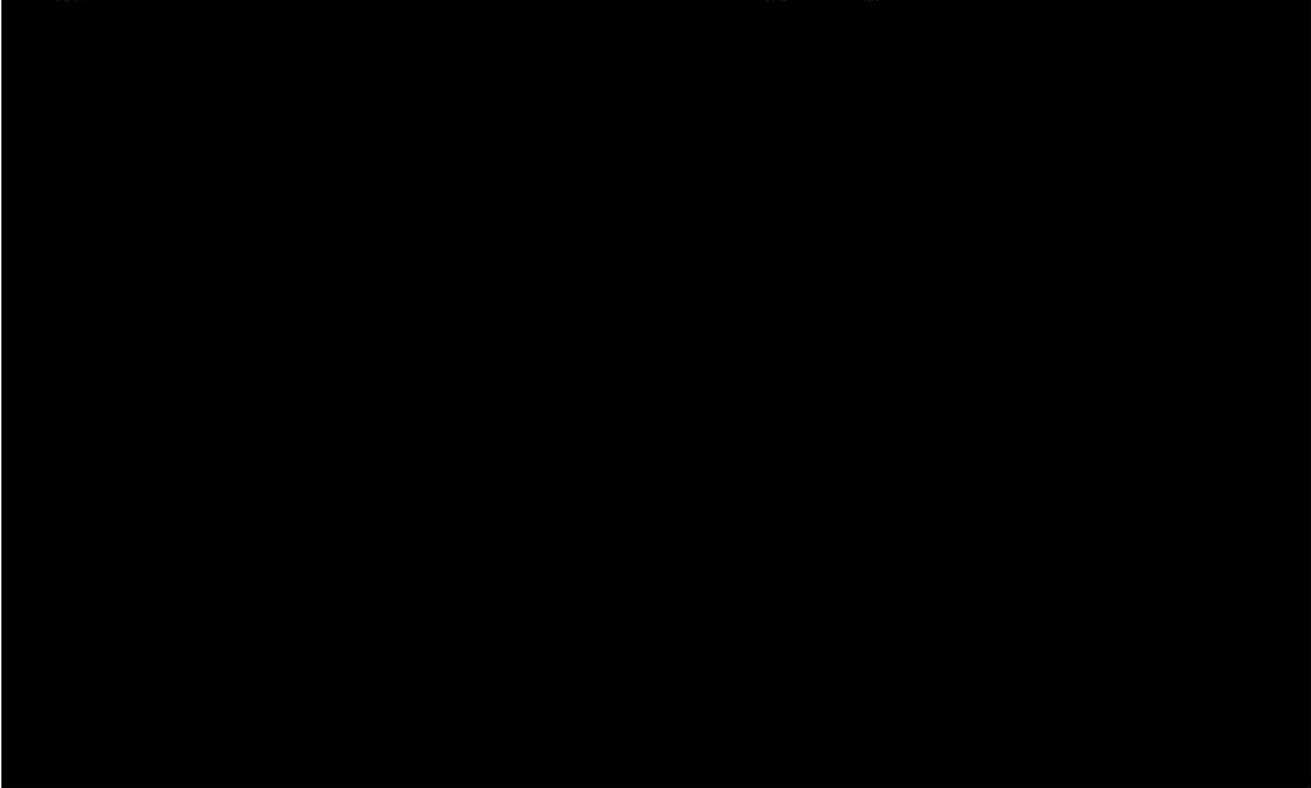
Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911  
Cell: (b)(6)

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

---

**From:** Murray, Andrew <Andrew.Murray@FOXNEWS.COM>  
**Sent:** Wednesday, June 6, 2018 4:06 PM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Cc:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Aloï, Diana <Diana.Aloï@FOXNEWS.COM>  
**Subject:** RE: Details for "Fox & Friends" Tomorrow (Thursday) LIVE at 6:20am ET

**Duplicative Material - See Bates Stamp Page 20200407-0000811**



Gibson, Jake

---

**From:** Gibson, Jake  
**Sent:** Thursday, June 7, 2018 12:33 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Laura.Jarrett@cnn.com  
**Subject:** Re: This is what happens when (b)(6)

Sounds awesome!!

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

On Jun 7, 2018, at 12:32 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

(b)(6)

On Jun 7, 2018, at 12:27 AM, Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)> wrote:

(b)(6)

[Redacted]

On Jun 7, 2018, at 12:21 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

(b)(6)

On Jun 7, 2018, at 12:20 AM, Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)> wrote:

Well....  
I've got nada.

At least it isn't me they're coming after this time.

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

On Jun 7, 2018, at 12:02 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Nobody is around to fix this for fox and avoid embarrassment when shows start claiming they have new text messages and not bothering to ask us what the terms mean: <https://www.cnn.com/2018/06/06/politics/trump-fbi-texts-conspiracy-theory/index.html>

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**Kerry Picket**

---

**From:** Kerry Picket  
**Sent:** Thursday, June 7, 2018 12:22 AM  
**To:** Prior, Ian (OPA)  
**Subject:** MS-13 link to recent detainee release info?

<http://dailycaller.com/2018/06/04/nyc-police-ignored-ice-detainer/>

Hi Ian,

I'm curious if there's any indication if any of the 440 released have any connections to MS-13. If so, please let me know.

Thanks,

--

**Kerry Picket**

**Reporter**

[Kerry@DailyCaller.com](mailto:Kerry@DailyCaller.com)

[@KerryPicket](#)

**THE DAILY CALLER**

**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, June 6, 2018 9:56 PM  
**To:** Murray, Andrew  
**Cc:** Hadden, Gavin; Prior, Ian (OPA)  
**Subject:** Re: URGENT: we need to move Ian to Friday am

I heard you talked to Alexa. Again, very sorry!

On Jun 6, 2018, at 9:41 PM, Murray, Andrew <[Andrew.Murray@FOXNEWS.COM](mailto:Andrew.Murray@FOXNEWS.COM)> wrote:

He is on a totally different story, this will leave us a hole in show early in the morning.

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

On Jun 6, 2018, at 9:16 PM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

It's my fault but turns out you guys already have hogan on tomorrow on immigration issues and so it makes a lot more sense to have an admin person on Friday when y'all don't have a WH person. VERY sorry bc I know this is late in the day for this sort of thing. But this is the strong preference of folks involved.

But you can still ask about the IG report and hopefully we'll have a Nunes update as well--so lots of extra good stuff.

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official business of Fox News or Fox Business must not be taken to have been sent or endorsed by either of them. No representation is made that this email or its attachments are without defect.

Harmeyer, Nancy

---

**From:** Harmeyer, Nancy  
**Sent:** Wednesday, June 6, 2018 8:25 PM  
**To:** Laco, Kelly (OPA)  
**Cc:** (b)(6)  
**Subject:** Fox News Channel/Bozeman

Hi Kelly - Fox News Channel is planning to send photographer (b)(6) (copied here) to the Attorney General's event tomorrow in Bozeman. Please contact me if you need additional information.

Thank you,

Nancy Harmeyer  
Los Angeles Bureau Chief  
Fox News Channel  
(b)(6)

Sent from my iPhone

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## Laco, Kelly (OPA)

---

**From:** Laco, Kelly (OPA)  
**Sent:** Wednesday, June 6, 2018 5:42 PM  
**To:** kelly.laco@usdoj.gov  
**Bcc:** emily.adamson@abcfoxmontana.com; RACHEL.JUST@abcfoxmontana.com; lecasillas@sbgvtv.com; mpeebles@kxlf.com; rleathe@dailychronicle.com; wbermes@dailychronicle.com; fmonares@dailychronicle.com; Holly.Michels@helenair.com; (b)(6) - FOX News Photographer; corin.cates-carney@mso.umt.edu; sarah.gravlee@abcfoxmontana.com; jackie.coffin@abcfoxmontana.com; Ckoures@sbgvtv.com  
**Subject:** Press logistics for AG Sessions in Bozeman tomorrow 6/7

Hi all—

You are receiving this email because you or a colleague RSVP'd for the Attorney General's remarks tomorrow, **Thursday, June 7<sup>th</sup>, 2018** for the MPPA in Bozeman, MT, at **2:40 pm MT**. The contents of this email are off the record and for planning purposes only (unless otherwise specified).

### Location

The Best Western Plus GranTree Inn  
Madison/Lewis/Clark Meeting Room  
1325 N 7th Ave  
Bozeman, MT 59715

### Check-in/Security

Please enter the Best Western and proceed to the back of the hotel where there will be a press check-in area in at a table in front of the Madison/Lewis/Clark Meeting Room. All members of the press will be asked to present valid media credentials and a government issued ID at the Registration Table before heading into the meeting room. You must be RSVP'ed and have valid credentials and ID to enter.

### Preset/Camera logistics

Cameras may begin arriving at 1:45 pm for check-in. **ALL cameras, radio gear, tech equipment etc. must be set IN PLACE by 2:00 pm for a K9 sweep (there will be a break in the training session)**. Gear that arrives late and is not swept will not be allowed into the meeting room. Print media not carrying gear will have final access at 2:30 pm.

Cameras will be located in the back of the room behind the attendees. There will be a podium centered in the front of the room. There is an approx. 60 foot throw from the camera location to the podium. Cameras/radio will have access to 3 audio plug-ins, so if you have a splitter, please bring it. LiveU is allowed for livestreaming purposes and you are welcome to bring cellular boosters. AG remarks will last aprox. 25 mins and remarks as prepared for delivery will be emailed out to all press at the beginning of the speech.

Thanks,

Kelly

Kelly Laco

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

**Aloi, Diana**

---

**From:** Aloi, Diana  
**Sent:** Wednesday, June 6, 2018 5:32 PM  
**To:** Prior, Ian (OPA)  
**Subject:** RE: fox & friends

Ok I will try

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Wednesday, June 6, 2018 5:18 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: fox & friends

Hey, would appreciate it if at the close of the interview I could get a question on why the IG report into the Clinton investigation is taking so long.

Thx

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

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

---

**From:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Sent:** Wednesday, June 6, 2018 3:23 PM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Subject:** RE: fox & friends

IS THIS HOW YOUR NAME SHOULD APPEAR ON SCREEN?

**IAN PRIOR**  
**DEPUTY PRESS SECRETARY, DOJ**

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Wednesday, June 6, 2018 11:22 AM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: fox & friends

Happy to – will have to you by three

Ian D. Prior  
Principal Deputy Director of Public Affairs  
Department of Justice  
Office: 202.616.0911

Office: 202.616.0911

Cell: (b)(6)

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

---

**From:** Aloj, Diana <[Diana.Aloj@FOXNEWS.COM](mailto:Diana.Aloj@FOXNEWS.COM)>

**Sent:** Wednesday, June 6, 2018 11:20 AM

**To:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>

**Subject:** fox & friends

Hello

I'm producing your segment for tomorrow

TOPIC: MULTIPLE MEDIA OUTLETS REPORT ABOUT THE U.S. KEEPING IMMIGRANT KIDS IN CAGES. NOW THE WASHINGTON POST IS GIVING THAT REPORTING "THREE PINACCHIOS." WHAT'S THE REAL STORY? [https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm\\_term=.df076f37b6ca](https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm_term=.df076f37b6ca)

Do you mind emailing me a few of your talking points for the above topic by 3pm et today

Thank you

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**Aloi, Diana**

---

**From:** Aloi, Diana  
**Sent:** Wednesday, June 6, 2018 3:55 PM  
**To:** Prior, Ian (OPA)  
**Subject:** RE: fox & friends

THANK YOU

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Wednesday, June 6, 2018 3:32 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Subject:** RE: fox & friends

No.

**IAN PRIOR**  
**DEPUTY DIRECTOR OF PUBLIC AFFAIRS, DOJ**

**Talkers below:**

-That's simply not true – no one is being kept in cages. By law that has been on the books for decades, minors are not kept in criminal detention facilities with adults, but are placed in short term DHS facilities for 72 hours, and then transferred to HHS care for no more than twenty days. Now these DHS facilities, as they have done for years, do make use of barriers to separate minors of different age groups and genders. This is done for the safety of those minors.

- President Trump ran on enforcing the laws and cracking down on illegal immigration and that is exactly what he is doing. That is why the Department of Justice just announced 35 new prosecutors along the Southwest Border to handle immigration crimes. We have announced a zero tolerance policy at the border. We are reforming the immigration court system to ensure that it operates efficiently and in the interests of our national security. The message is clear – the Trump Administration is going to enforce the law so if you want to come to this country, you need to do it legally.

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

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---

**From:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Sent:** Wednesday, June 6, 2018 3:23 PM  
**To:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Subject:** RE: fox & friends

**Duplicative Material - See Bates Stamp Page 20200407-0000826**

Aloi, Diana

---

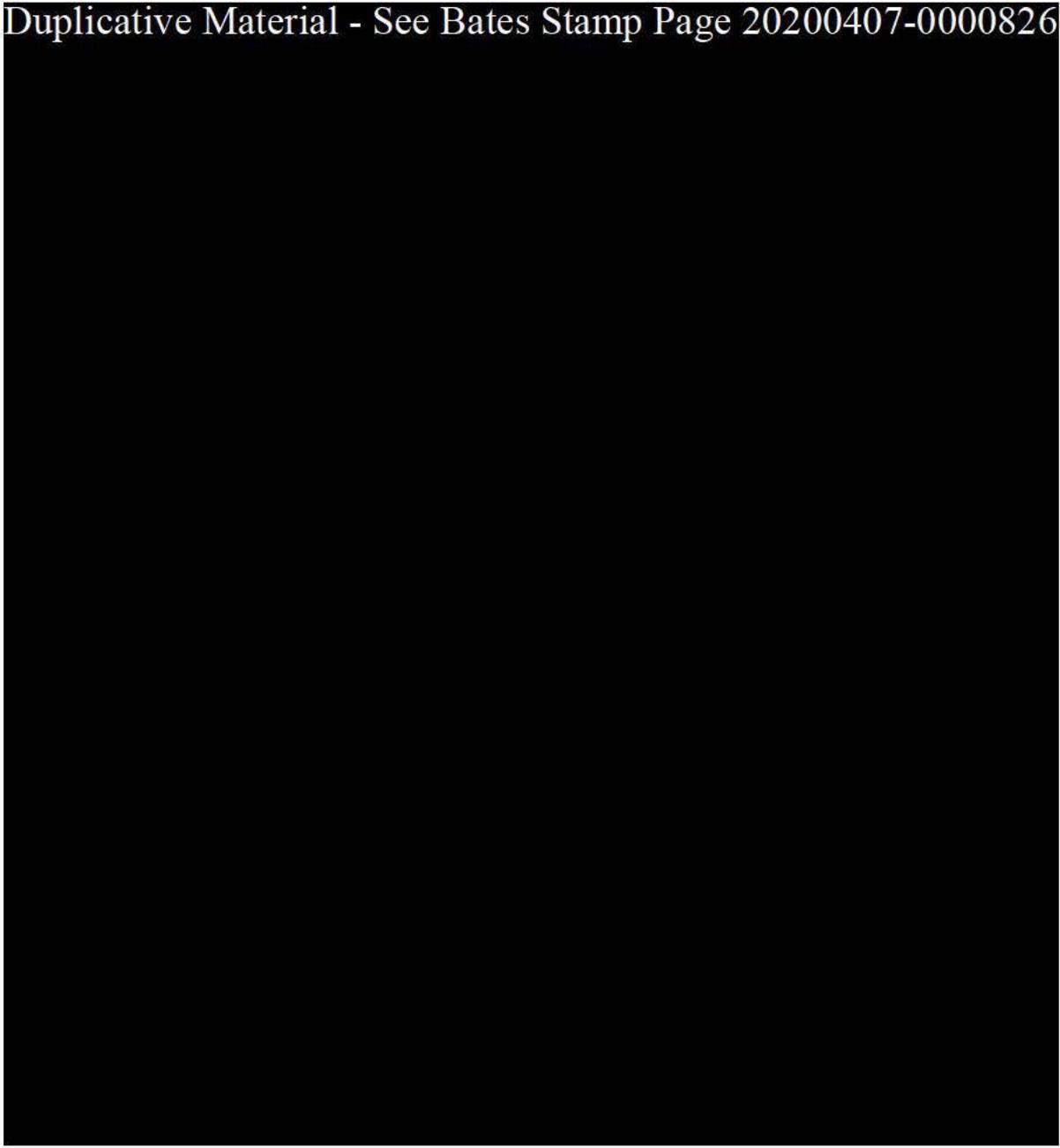
**From:** Aloi, Diana  
**Sent:** Wednesday, June 6, 2018 12:11 PM  
**To:** Prior, Ian (OPA)  
**Subject:** Re: fox & friends

Thank you

Sent from my iPhone

On Jun 6, 2018, at 11:22 AM, Prior, Ian (OPA) <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000826



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

---

**From:** O'Malley, Devin (OPA)  
**Sent:** Wednesday, June 6, 2018 4:30 PM  
**To:** Singman, Brooke  
**Subject:** RE: All set

Thanks!

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

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

From: Singman, Brooke <brooke.singman@FOXNEWS.COM>  
Sent: Wednesday, June 6, 2018 3:18 PM  
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>  
Subject: RE: All set

<http://www.foxnews.com/politics/2018/06/06/doj-fires-back-at-dems-claim-political-bias-over-immigration-judge-hiring.html>

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

From: O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
Sent: Wednesday, June 06, 2018 1:55 PM  
To: Singman, Brooke <brooke.singman@FOXNEWS.COM>  
Subject: RE: All set

Yes good we'll be sending Cummings the letter shortly.

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

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

From: Singman, Brooke <brooke.singman@FOXNEWS.COM>  
Sent: Wednesday, June 6, 2018 1:30 PM  
To: O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>  
Subject: All set

Can I pub at 230?

Sent from my iPhone

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**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Wednesday, June 6, 2018 12:41 PM  
**To:** (b)(6) - Photographer  
**Subject:** RE: RSVP Sessions

Got it, thank you.

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

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

**From:** (b)(6) - Photographer  
**Sent:** Wednesday, June 6, 2018 12:40 PM  
**To:** Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>  
**Subject:** RSVP Sessions

Kelly, please RSVP (b)(6) - Photographer of Fox News Channel for the Jeff Sessions event on June 7th in Bozeman, MT. Thanks.

Sent from my iPhone

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Chris Carter

---

**From:** Chris Carter  
**Sent:** Wednesday, June 6, 2018 12:09 PM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: Western Conservative Summit

Absolutely. Understood.

On Jun 6, 2018, at 12:02 PM, Laco, Kelly (OPA) <[Kelly.Laco@usdoj.gov](mailto:Kelly.Laco@usdoj.gov)> wrote:

Please do not publicly advise where AG is staying---just those who absolutely need to know for scheduling booking purposes.

Thanks!

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

---

**From:** Chris Carter <[Chris.Carter@oann.com](mailto:Chris.Carter@oann.com)>  
**Sent:** Wednesday, June 6, 2018 12:01 PM  
**To:** Laco, Kelly (OPA) <[kilaco@imd.usdoj.gov](mailto:kilaco@imd.usdoj.gov)>  
**Subject:** Re: Western Conservative Summit

Correction  
My photojournalist  
Girishkumar Gaur

That is my photojournalists' name. Could you advise me on what "close hold" means? I have been in touch with my network about securing a room for Mr. Sessions.

Thanks,  
Chris

On Jun 6, 2018, at 11:24 AM, Laco, Kelly (OPA) <[Kelly.Laco@usdoj.gov](mailto:Kelly.Laco@usdoj.gov)> wrote:

Great, thanks. For the room you will book at the hotel for the interview, please remain in contact with our security POC, (b)(6) (cc'ed here). He is recommending that you book a room on the Meridian side of the hotel on the 10th floor.

The hotel (which is super close hold for location except the crew that will need to know) is the [AC Hotel Denver Downtown \(Marriott\)](#)

Please also send me names of the crew that will be there.

Our team will need to sweep down your gear in the morning before the interview.

We can discuss more over the phone in a bit.

Thanks!

Kelly

For Better Formatting, See Remainder of Chain on Next Page, 20200407-0000897

Chris Carter

---

**From:** Chris Carter  
**Sent:** Wednesday, June 6, 2018 9:38 AM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: Western Conservative Summit

OK, great. I will call you at 2pm. I'm in New York. My trip is booked, and I am looking forward to the Summit.

> On Jun 5, 2018, at 9:49 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>

> Great, give me a call on my cell then. Thanks.

>

> Kelly Laco

> Office of Public Affairs

> Department of Justice

> Office: 202-353-0173

> Cell: (b)(6)

>

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

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

> Sent: Tuesday, June 5, 2018 7:02 PM

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

> Subject: Re: Western Conservative Summit

>

> How about 2pm?

>

> Sent from my iPhone

>

>> On Jun 5, 2018, at 6:27 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>

>> Hey Chris-been traveling all day, let me know if you have time tomorrow for a quick call to nail down logistics and questions etc!

>>

>> Thanks!

>>

>>> On Jun 4, 2018, at 7:09 PM, Laco, Kelly (OPA) <klaco@jmd.usdoj.gov> wrote:

>>>

>>> Okay great, let's plan to touch base over the phone tomorrow to nail down topics.

>>>

>>> I am looking to work the interview in Friday 6/8 morning at the hotel -- most likely between 8:00 and 8:10 am MT. Just working out a few details on that end.

>>>

>>> Kelly Laco

>>> Office of Public Affairs

>>> Department of Justice

>>> Office: 202 353 0173

>>> Office: 202-353-0173

>>> Cell: (b)(6)

>>>

>>>

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

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

>>> Sent: Monday, June 4, 2018 7:33 PM

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

>>> Subject: Re: Western Conservative Summit

>>>

>>> Any other time I would say yes, but with the money the network is going to spend to send me and my photojournalist there-I would have to have him on camera.

>>> Thanks for working with me on this. We could craft questions before hand...I want to sit down with him.

>>> CC

>>>

>>>> On Jun 4, 2018, at 7:26 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>

>>>> Great, working through some times now. In the case we can't do in-person, could he call-in instead?

>>>>

>>>> Kelly Laco

>>>> Office of Public Affairs

>>>> Department of Justice

>>>> Office: 202-353-0173

>>>> Cell: (b)(6)

>>>>

>>>>

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

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

>>>> Sent: Monday, June 4, 2018 2:45 PM

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

>>>> Subject: Re: Western Conservative Summit

>>>>

>>>> Yes, that would work.

>>>>

>>>>> On Jun 4, 2018, at 2:29 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>>

>>>>> Thanks Chris--working on schedule now. Would you be able to come out to the hotel in the morning for the interview w/ your crew? That may be our only option w/ timing.

>>>>>

>>>>> Kelly Laco

>>>>> Office of Public Affairs

>>>>> Department of Justice

>>>>> Office: 202-353-0173

>>>>> Cell: (b)(6)

>>>>>

>>>>>

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

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

>>>>> Sent: Monday, June 4, 2018 12:15 PM

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

>>>>> Subject: Re: Western Conservative Summit

>>>>>

>>>>> Good Morning. I wanted to touch base with our possible for interview with Attorney General Sessions. I have open availability to interview him in Denver. Please let me know if you can secure me time. I would welcome any topics he would like to discuss.

>>>>> Regards,

>>>>> Christopher Carter

>>>>> National Correspondent One America News.

>>>>>

>>>>>> On Jun 1, 2018, at 5:13 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>>>

>>>>>> Thanks, I will circle back with our team and let you know if we'll be able to accommodate.

>>>>>>

>>>>>> Kelly Laco

>>>>>> Office of Public Affairs

>>>>>> Department of Justice

>>>>>> Office: 202-353-0173

>>>>>> Cell: (b)(6)

>>>>>>

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

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

>>>>>> Sent: Friday, June 1, 2018 3:59 PM

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

>>>>>> Cc: Charles Herring <Charles@oann.com>

>>>>>> Subject: Re: Western Conservative Summit

>>>>>>

>>>>>> Thanks for getting back to me.

>>>>>>

>>>>>> The topics would include:

>>>>>>

>>>>>> Illegal immigration/Sanctuary Cities Russia investigation Opioid

>>>>>> epidemic Hillary Clinton investigation (emails).

>>>>>>

>>>>>>

>>>>>> Thanks,

>>>>>> Christopher

>>>>>>

>>>>>>

>>>>>>

>>>>>>

>>>>>> Sent from my iPhone

>>>>>>

>>>>>>> On Jun 1, 2018, at 3:54 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>>>>>>>

>>>>>>>> Thanks Chris. We are still putting together his schedule, so I don't have a timeline yet on when we'd be able to fit in an interview. But I will circle back once it is a bit more concrete.

>>>>>>>>

>>>>>>>>> What exact topics are you looking to cover?

>>>>>>>>>

>>>>>>>>>> Thank!

////////// THINGS:

>>>>>>

>>>>>> Kelly

>>>>>>

>>>>>>> On Jun 1, 2018, at 2:12 PM, Chris Carter <Chris.Carter@oann.com> wrote:

>>>>>>>

>>>>>>> Good afternoon Ms. Laco:

>>>>>>> I am the National Correspondent for One America News Network. I will be attending the Western Conservative Summit next weekend in Denver. I wanted to request a 5 minute interview with Attorney General Sessions who will be speaking at the event (as I'm sure you know). I have open availability for the A.G, and will be attending the event to interview him.

>>>>>>> We are a Pro Trump networks that fully supports the initiatives of the President.

>>>>>>>

>>>>>>> Thanks,

>>>>>>> Christopher Carter

>>>>>>> (b)(6)

>>>>>>

>>>>>

>>>>>

>>>>

>>>>

>>>

>

Chris Carter

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**From:** Chris Carter  
**Sent:** Friday, June 1, 2018 5:18 PM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: Western Conservative Summit

Thank you so much!

Sent from my iPhone

> On Jun 1, 2018, at 5:13 PM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:  
>

Duplicative Material - See Bates Stamp Page 20200407-0000899



Chris Carter

---

**From:** Chris Carter  
**Sent:** Wednesday, June 6, 2018 12:01 PM  
**To:** Laco, Kelly (OPA)  
**Subject:** Re: AC Denver Downtown

Got it. Thanks.

> On Jun 6, 2018, at 11:57 AM, Laco, Kelly (OPA) <Kelly.Laco@usdoj.gov> wrote:

>

> Yes, OAN will need to book a room to set up the camera etc. Please book it on the Meridian side of the hotel on the 10th floor. The hotel (which is super close hold for location except the crew that will need to know) is the AC Hotel Denver Downtown (Marriott)

>

> The camera and any other gear will need to be set in the room by 8:00am on Friday for our agents to run a K9 through before the interview.

>

> I am planning to bring in the AG to the room you book at 8:45am do run the hit between 8:50-9:00am MT on Friday now.

>

> Kelly Laco

> Office of Public Affairs

> Department of Justice

> Office: 202-353-0173

> Cell: (b)(6)

>

>

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

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

> Sent: Wednesday, June 6, 2018 11:49 AM

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

> Subject: AC Denver Downtown

>

> Do you need OAN to book a room?

> C

>

**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Wednesday, June 6, 2018 11:46 AM  
**To:** Chris Carter  
**Cc:** (b)(6) - Security  
**Subject:** RE: OAN Crew

Thank you.

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

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

**From:** Chris Carter <Chris.Carter@oann.com>  
**Sent:** Wednesday, June 6, 2018 11:42 AM  
**To:** Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>  
**Subject:** OAN Crew

**Names:**

Christopher Lang Carter-National Correspondent Garish Gaur-Photojournalist

**Singman, Brooke**

---

**From:** Singman, Brooke  
**Sent:** Wednesday, June 6, 2018 10:56 AM  
**To:** O'Malley, Devin (OPA)  
**Subject:** RE: Accusations of political retribution in the immigration judge hiring process

Hey Devin,

We'll take it. 2pm Embargo lift is fine.

Can we give Cummings a chance to respond? Can we do that a few minutes before we publish? We want to see what we can share with him to get his response?

Feel free to call me. (b)(6)

Brooke

---

**From:** O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
**Sent:** Wednesday, June 06, 2018 10:43 AM  
**To:** Singman, Brooke <brooke.singman@FOXNEWS.COM>  
**Subject:** FW: Accusations of political retribution in the immigration judge hiring process

Hey Brooke-

Any interest in this? If not, I may shop around elsewhere.

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

---

**From:** O'Malley, Devin (OPA)  
**Sent:** Wednesday, June 6, 2018 12:02 AM  
**To:** 'brooke.singman@foxnews.com' <[brooke.singman@foxnews.com](mailto:brooke.singman@foxnews.com)>  
**Cc:** Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Subject:** Accusations of political retribution in the immigration judge hiring process

Hey Brooke-

Wondering if you had any interest in writing on something that I think is pretty important, but may not get a lot of attention. I've pasted a backgrounder below, but here's the elevator pitch: Congressman Cummings and some colleagues on the Hill accused the Justice Department of using politics and ideology to withdraw job offers from immigration judges. This is illegal, so it's a pretty big accusation to make; Cummings even referred his accusations to the Inspector General at DOJ. The problem is, the Department has done nothing wrong. So, we wrote back and basically went line by line for each candidate that it could possibly be, and explained the reasons why jobs offers were withdrawn or delayed.

I've attached the letter here for your background, but it cannot be republished or reproduced in any way.

You can refer to the letter as “a letter obtained by FOX News.”

Basically, the takeaway here is that the Justice Department punches back at Congressional Democrats attempts to mislead and undermine the Department’s ongoing efforts to reform the immigration court system.

I know this is a little bit nuanced, so feel free to give me a call about this to discuss. Also, let me know if this is just totally not something you are interested, and I will move along. For your background when considering this “pitch,” one of your bigger competitors has been spun by these MoCs and their staff, who have sent these anonymous sources to a reporter who has been working on a DOJ hit piece for the last few weeks. A larger print outlet is also working to do a hit piece of sorts on this subject. If y’all chose to run with this, you’d preempt their reporting, and they’d probably have to cite your reports of this letter. I’d like to also discuss an embargo time (if interested), since we need to send this letter to the Hill later today. I was thinking maybe 2:00 pm embargo time?

Thanks

Devin

### SUMMARY OF THE LETTER

- On April 17, 2017, Congressman Cummings sent a [letter](#) to the Attorney re: the hiring of immigration judges and members of the Board of Immigration Appeals, and accusing the Justice Department of using politics against candidates—an allegation of illegal conduct by the Justice Department.
- Cummings also sent a [letter](#) referring these same allegations to the Justice Department’s Inspector General.
- The letter(s) expressed “grave concern regarding allegations [the Members of Congress that signed the letter] have received from whistleblowers indicating that the Department of Justice may be using ideological and political consideration to improperly—and illegally—block the hiring of immigration judges and members of the Board of Immigration Appeals.”
- The letter(s) accused the Justice Department of multiple delays of job offers and the withdrawal of an offer that “raises suspicions about the actual motive...”
- Today, the Justice Department responded to the letter, going line by line over each immigration judge applicant who—since December 2016—was recommended for an IJ or BIA position, but are no longer under consideration for that position. The letter eliminates any possibility of wrongdoing.
- Five of the 14 applicants either declined offers altogether or later withdrew their acceptance or tentative offer, and one of the 14 applicants’ offers was withdrawn following the elimination of all non-supervisory, non-adjudicatory immigration judge positions.
- Of the 14 applicants, six did not actually undergo a full background investigation because a standard, initial pre-employment security investigation after a tentative offer had been extended **revealed matters of serious concern** to the Executive Office for Immigration Review (EOIR) that led to the withdrawal of the tentative offers. These concerns include:
  - Repeated failure to pay taxes in a timely manner;
  - Multiple credit issues and defaults on loans;
  - Criminal charges concerning driving while intoxicated; and
  - Allegations of use of an official position to attempt to influence legal matters.
- Of the two remaining applicants, one candidate was offered the opportunity to start their position on a temporary appointment, but the candidate declined the offer and waited for their full background investigation to be completed before starting.
- It took one year for the background investigation to be completed, and the position remained unfilled while the pending caseload increased.
- At the same time, EOIR undertook a review of the classification and appropriate job level of

- At the same time, EOIR undertook a review of the classification and appropriate salary level of the position.
- The withdrawal of the offer for this candidate occurred because of the position and salary review, coupled with the candidate's lack of interest and commitment in filling the position during a time of need for the agency.
- For the last candidate, a full background investigation was completed. However, *negative recent personnel evaluations that the candidate had not previously disclosed came to light*. Therefore, the tentative offer to this candidate was withdrawn.
- There are an additional six candidates who received tentative offers have been pending permanent appointments and start dates for more than a year.
- One candidate's background investigation was completed in April 2018, and that individual's permanent appointment is pending review by the Justice Department.
- One candidate was previously offered a start date in June 2017, but declined due to military obligations; that individual will start in July 2018.
- Two candidates were offered a start date for July 2018, but declined and requested a start date in September 2018 instead.
- Lastly, two other candidates have a tentative start date of July 2018.
- Finally, the Department has hired 59 individuals since January 2017, and the vast majority of the candidates hired since January 2017 were tentatively selected by the Obama Administration.

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

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Singman, Brooke

---

**From:** Singman, Brooke  
**Sent:** Wednesday, June 6, 2018 10:47 AM  
**To:** O'Malley, Devin (OPA)  
**Subject:** RE: Accusations of political retribution in the immigration judge hiring process

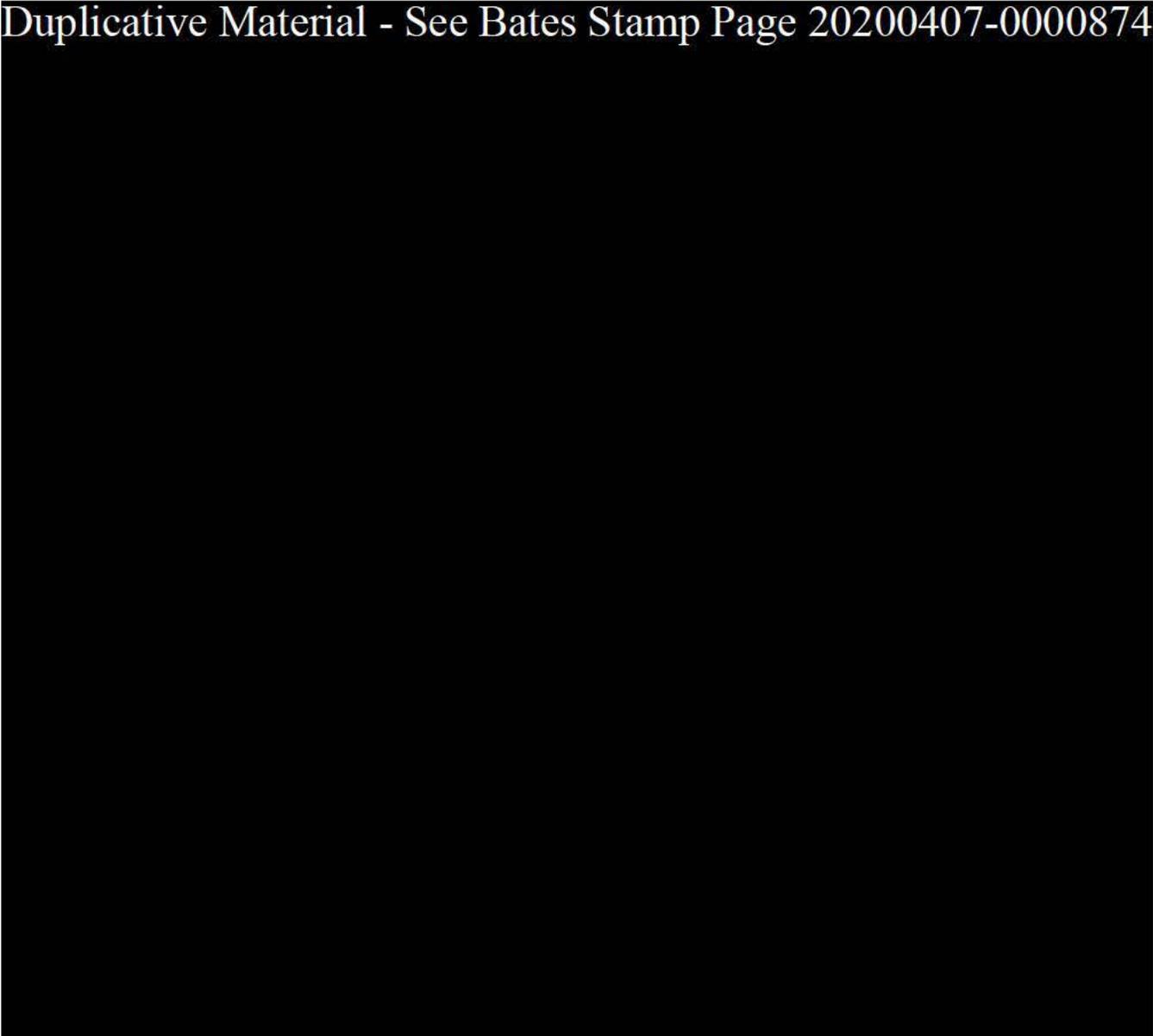
Hi Devin,

Apologies—I didn't see this until just now. let me float by my editor.

---

**From:** O'Malley, Devin (OPA) [mailto:Devin.O'Malley@usdoj.gov]  
**Sent:** Wednesday, June 06, 2018 10:43 AM  
**To:** Singman, Brooke <brooke.singman@FOXNEWS.COM>  
**Subject:** FW: Accusations of political retribution in the immigration judge hiring process

Duplicative Material - See Bates Stamp Page 20200407-0000874





U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Elijah E. Cummings  
U.S. House of Representatives  
Washington, DC 20515

**JUN 05 2018**

Dear Congressman Cummings:

This responds to your letter to the Attorney General dated April 17, 2018, regarding the hiring of immigration judges and members of the Board of Immigration Appeals (BIA). We are sending identical responses to the other Members who joined your letter.

Immigration judges in the Executive Office for Immigration Review (EOIR) occupy important and sensitive positions and, accordingly, are held to the highest standards of integrity, probity, and professionalism. The Department of Justice (Department) and EOIR conduct a rigorous hiring process to identify qualified candidates for these vital adjudicatory positions. We unequivocally adhere to merit systems principles in our hiring practices for EOIR adjudicatory positions and do not engage in any prohibited personnel practices.

As stated in every immigration judge hiring announcement, the Department does not discriminate on the basis of political affiliation. The Department has hired 59 individuals since January 2017, and the vast majority of the candidates hired since January 2017 were tentatively selected by the Obama Administration. These 59 immigration judges were selected from among all qualified United States citizen applicants. Each successful candidate had to demonstrate appropriate temperament to serve as an immigration judge and possess three or more of the following competencies: knowledge of immigration laws and procedures, substantial litigation experience, experience handling complex legal issues, experience conducting administrative hearings, and knowledge of judicial practices and procedures.

Since December 2016, 14 applicants, who were at one point recommended for an immigration judge or BIA position within EOIR, are no longer under consideration for such a position. Five of these 14 applicants either declined their offers altogether or later withdrew their acceptance of a tentative offer, and one of the 14 applicants' offers was withdrawn following the elimination of all non-supervisory, non-adjudicatory immigration judge positions.

Further, of these 14 applicants, six did not actually undergo a full background investigation. Rather, a standard, initial pre-employment security investigation after a tentative offer had been extended revealed matters of serious concern to EOIR that led to the withdrawal of the tentative offers. These concerns included: repeated failures to pay taxes timely, multiple credit issues and defaults on loans, criminal charges concerning driving while intoxicated, and allegations of use of an official position to attempt to influence legal matters.

A full background investigation was completed on the remaining two of the 14 applicants. One candidate was offered the opportunity to enter on duty on a temporary appointment, but this individual declined the offer, preferring to wait the extra time for a full background investigation to be completed before committing to enter on duty. During the nearly twelve months it took to complete the background investigation, the position remained encumbered but unfilled despite an increasing caseload. Further, EOIR also undertook a simultaneous review of the classification of the position and the appropriate salary level. The candidate's lack of demonstrated interest and commitment in filling the position during a time of need, coupled with the position and salary review, resulted in the withdrawal of the offer. For the other candidate with a completed background investigation, negative recent personnel evaluations that the candidate had not previously disclosed were revealed. EOIR determined that it would be in the best interest of the agency to withdraw the tentative offers provided to these candidates.

Six candidates who received tentative offers have been pending permanent appointments and entry on duty (EOD) dates for more than one year. One candidate's background investigation was completed in April 2018, and the permanent appointment of that individual is pending final review by the Department. One candidate was previously offered an EOD date in June 2017, but declined due to military obligations; he now has a tentative EOD date of July 2018. Two candidates were offered an EOD date for July 2018, but declined and requested an EOD date in September instead. The other two candidates have a tentative EOD date of July 2018.

The Department has worked diligently to reduce the hiring time for new immigration judges. As noted by the Government Accountability Office in June 2017, the average hiring time for an immigration judge was previously 742 days. To address this concern, the Attorney General issued a new hiring process memorandum in April 2017, which streamlines the hiring process and has successfully reduced the hiring time by over fifty percent. Nevertheless, the length of time for entering on duty for these six candidates is not substantially out of line with EOIR's hiring timelines over the past several years for advertisements prior to 2017, and none of these candidates was blocked or delayed for any inappropriate reason. To the contrary, one of the candidates caused a significant delay himself by accepting an offer for one location and then subsequently applying for a position in a different location without withdrawing from the first location, causing a delay to determine which location the candidate should be placed.

The Honorable Elijah E. Cummings  
Page Three

You will find enclosed a list of immigration judge candidates whose applications have been pending for more than one year since they received an offer. Additionally, enclosed is information on immigration judges appointed since January 20, 2017, along with their biographies and date of appointment, and information on the temporary BIA members appointed since January 20, 2017, along with their biographies and date of appointment. Four temporary BIA members have been appointed since January 20, 2017, all in January 2018, and each of these appointments came from another position within the agency. EOIR has not hired any permanent BIA members during the timeframe of interest in your letter.

Finally, the Department has significant confidentiality interests that are important to protecting the candid advice and open deliberations within the Executive Branch. As such, it has been the Department's longstanding practice to maintain the confidentiality of communications regarding hiring decisions.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd  
Assistant Attorney General

Enclosures



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

The Honorable Joaquin Castro  
U.S. House of Representatives  
Washington, DC 20515

**JUN 05 2018**

Dear Congressman Castro:

This responds to your letter to the Attorney General dated April 17, 2018, regarding the hiring of immigration judges and members of the Board of Immigration Appeals (BIA). We are sending identical responses to the other Members who joined your letter.

Immigration judges in the Executive Office for Immigration Review (EOIR) occupy important and sensitive positions and, accordingly, are held to the highest standards of integrity, probity, and professionalism. The Department and EOIR conduct a rigorous hiring process to identify qualified candidates for these vital adjudicatory positions. We unequivocally adhere to merit systems principles in our hiring practices for EOIR adjudicatory positions and do not engage in any prohibited personnel practices.

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Further, of these, six applicants did not actually undergo a full background investigation. Rather, a standard, initial pre-employment security investigation after a tentative offer had been extended revealed matters of serious concern to EOIR that led to the withdrawal of the tentative offers. These concerns included: repeated failures to pay taxes timely, multiple credit issues and defaults on loans, criminal charges concerning driving while intoxicated, and allegations of use of an official position to attempt to influence legal matters.

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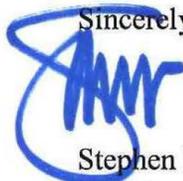
The Honorable Joaquin Castro  
Page Three

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Finally, the Department has significant confidentiality interests that are important to protecting the candid advice and open deliberations within the Executive Branch. As such, it has been the Department's longstanding practice to maintain the confidentiality of communications regarding hiring decisions.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SAB', is written over a circular blue stamp or mark.

Stephen E. Boyd  
Assistant Attorney General

Enclosures



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

The Honorable Donald S. Beyer, Jr.  
U.S. House of Representatives  
Washington, DC 20515

**JUN 05 2018**

Dear Congressman Beyer:

This responds to your letter to the Attorney General dated April 17, 2018, regarding the hiring of immigration judges and members of the Board of Immigration Appeals (BIA). We are sending identical responses to the other Members who joined your letter.

Immigration judges in the Executive Office for Immigration Review (EOIR) occupy important and sensitive positions and, accordingly, are held to the highest standards of integrity, probity, and professionalism. The Department and EOIR conduct a rigorous hiring process to identify qualified candidates for these vital adjudicatory positions. We unequivocally adhere to merit systems principles in our hiring practices for EOIR adjudicatory positions and do not engage in any prohibited personnel practices.

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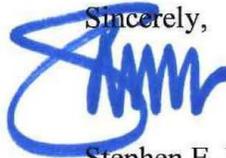
The Honorable Donald S. Beyer Jr.  
Page Three

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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S.E. Boyd', is written over the word 'Sincerely,'.

Stephen E. Boyd  
Assistant Attorney General

Enclosures



**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

The Honorable Lloyd Doggett  
U.S. House of Representatives  
Washington, DC 20515

**JUN 05 2018**

Dear Congressman Doggett:

This responds to your letter to the Attorney General dated April 17, 2018, regarding the hiring of immigration judges and members of the Board of Immigration Appeals (BIA). We are sending identical responses to the other Members who joined your letter.

Immigration judges in the Executive Office for Immigration Review (EOIR) occupy important and sensitive positions and, accordingly, are held to the highest standards of integrity, probity, and professionalism. The Department and EOIR conduct a rigorous hiring process to identify qualified candidates for these vital adjudicatory positions. We unequivocally adhere to merit systems principles in our hiring practices for EOIR adjudicatory positions and do not engage in any prohibited personnel practices.

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Since December 2016, 14 applicants, who were at one point recommended for an immigration judge or BIA position within EOIR, are no longer under consideration for such a position. Five of these 14 applicants either declined their offers altogether or later withdrew their acceptance of a tentative offer, and one of the 14 applicants' offers was withdrawn following the elimination of all non-supervisory, non-adjudicatory immigration judge positions.

Further, of these, six applicants did not actually undergo a full background investigation. Rather, a standard, initial pre-employment security investigation after a tentative offer had been extended revealed matters of serious concern to EOIR that led to the withdrawal of the tentative offers. These concerns included: repeated failures to pay taxes timely, multiple credit issues and defaults on loans, criminal charges concerning driving while intoxicated, and allegations of use of an official position to attempt to influence legal matters.

A full background investigation was completed on the remaining two of the 14 applicants. One candidate was offered the opportunity to enter on duty on a temporary appointment, but this individual declined the offer, preferring to wait the extra time for a full background investigation to be completed before committing to enter on duty. During the nearly twelve months it took to complete the background investigation, the position remained encumbered but unfilled despite an increasing caseload. Further, EOIR also undertook a simultaneous review of the classification of the position and the appropriate salary level. The candidate's lack of demonstrated interest and commitment in filling the position during a time of need, coupled with the position and salary review, resulted in the withdrawal of the offer. For the other candidate with a completed background investigation, negative recent personnel evaluations that the candidate had not previously disclosed were revealed. EOIR determined that it would be in the best interest of the agency to withdraw the tentative offers provided to these candidates.

Six candidates who received tentative offers have been pending permanent appointments and entry on duty (EOD) dates for more than one year. One candidate's background investigation was completed in April 2018, and the permanent appointment of that individual is pending final review by the Department. One candidate was previously offered an EOD date in June 2017, but declined due to military obligations; he now has a tentative EOD date of July 2018. Two candidates were offered an EOD date for July 2018, but declined and requested an EOD date in September instead. The other two candidates have a tentative EOD date of July 2018.

The Department has worked diligently to reduce the hiring time for new immigration judges. As noted by the Government Accountability Office in June 2017, the average hiring time for an immigration judge was previously 742 days. To address this concern, the Attorney General issued a new hiring process memorandum in April 2017, which streamlines the hiring process and has successfully reduced the hiring time by over fifty percent. Nevertheless, the length of time for entering on duty for these six candidates is not substantially out of line with EOIR's hiring timelines over the past several years for advertisements prior to 2017, and none of these candidates was blocked or delayed for any inappropriate reason. To the contrary, one of the candidates caused a significant delay himself by accepting an offer for one location and then subsequently applying for a position in a different location without withdrawing from the first location, causing a delay to determine which location the candidate should be placed.

The Honorable Lloyd Doggett  
Page Three

You will find enclosed a list of immigration judge candidates whose applications have been pending for more than one year since they received an offer. Additionally, enclosed is information on immigration judges appointed since January 20, 2017, along with their biographies and date of appointment, and information on the temporary BIA members appointed since January 20, 2017, along with their biographies and date of appointment. Four temporary BIA members have been appointed since January 20, 2017, all in January 2018, and each of these appointments came from another position within the agency. EOIR has not hired any permanent BIA members during the timeframe of interest in your letter.

Finally, the Department has significant confidentiality interests that are important to protecting the candid advice and open deliberations within the Executive Branch. As such, it has been the Department's longstanding practice to maintain the confidentiality of communications regarding hiring decisions.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd  
Assistant Attorney General

Enclosures

**Gibson, Jake**

---

**From:** Gibson, Jake  
**Sent:** Wednesday, June 6, 2018 10:03 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: Hannity Statement Request

Okay... copy that.

Jake Gibson  
Department of Justice Producer  
Fox News Washington

(b)(6)

On Jun 6, 2018, at 10:00 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

No ~~this~~ is the thing I was saying to hold. Don't use ~~this~~ yet.

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Sent:** Wednesday, June 6, 2018 10:00 AM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** Re: Hannity Statement Request

This part is reportable right?

From a DOJ official?

On May 16, we received the Draft Inspector General's report on its review of the Federal Bureau of Investigation and Department of Justice actions in advance of the 2016 election. In accordance with standard Inspector General reporting procedures, the Department had two weeks to review the report and provide comments to the Inspector General. Certain former Department employees referenced in the report will also have an opportunity to review and provide comments after signing a standard non-disclosure agreement. After this period, the Inspector General will review the comments provided by all parties and release the Final report to Congress and the public.

Jake Gibson

Department of Justice Producer  
Fox News Washington

(b)(6)

On Jun 6, 2018, at 8:46 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

On May 16, we received the Draft Inspector General's report on its review of the Federal Bureau of Investigation and Department of Justice actions in advance of the 2016 election. In accordance with standard Inspector General reporting procedures, the Department had two weeks to review the report and provide comments to the Inspector General. Certain former Department employees referenced in the report will also have an opportunity to review and provide comments after signing a standard non-disclosure agreement. After this period, the Inspector General will review the comments provided by all parties and release the Final report to Congress and the public.

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**Moni, Alyssa**

---

**From:** Moni, Alyssa  
**Sent:** Wednesday, June 6, 2018 9:28 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** Re: Hannity Statement Request

He did. Thanks

On Jun 6, 2018, at 8:38 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Did John get back to you?

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Tuesday, June 5, 2018 3:57 PM  
**To:** 'Moni, Alyssa' <[Alyssa.Moni@FOXNEWS.COM](mailto:Alyssa.Moni@FOXNEWS.COM)>  
**Cc:** Lavinsky, John S. (OIG) (b)(6)  
**Subject:** RE: Hannity Statement Request

That's not really how the process works in terms of the IG report (DOJ doesn't control their process)—but you'll need to talk to John who works for the IG and is cc'ed here.

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Moni, Alyssa <[Alyssa.Moni@FOXNEWS.COM](mailto:Alyssa.Moni@FOXNEWS.COM)>  
**Sent:** Tuesday, June 5, 2018 3:50 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** Hannity Statement Request

Hi Sarah-

Hope all is well.

Is the DOJ able to provide us a statement on this article by 8pm et?

<https://saraacarter.com/lawmakers-warn-ig-being-pressured-to-slow-roll-clinton-fbi-report/>

Thank you,  
Alyssa

Alyssa Moni  
"Hannity"

C: (b)(6)

W: (b)(6)

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**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, June 6, 2018 8:47 AM  
**To:** Gibson, Jake  
**Subject:** FW: Hannity Statement Request

Can you send something around on this? I'm not sure if John got back to her or not, but the "delay" with the report is that the IG isn't done with it yet.

On May 16, we received the Draft Inspector General's report on its review of the Federal Bureau of Investigation and Department of Justice actions in advance of the 2016 election. In accordance with standard Inspector General reporting procedures, the Department had two weeks to review the report and provide comments to the Inspector General. Certain former Department employees referenced in the report will also have an opportunity to review and provide comments after signing a standard non-disclosure agreement. After this period, the Inspector General will review the comments provided by all parties and release the Final report to Congress and the public.

xxxx

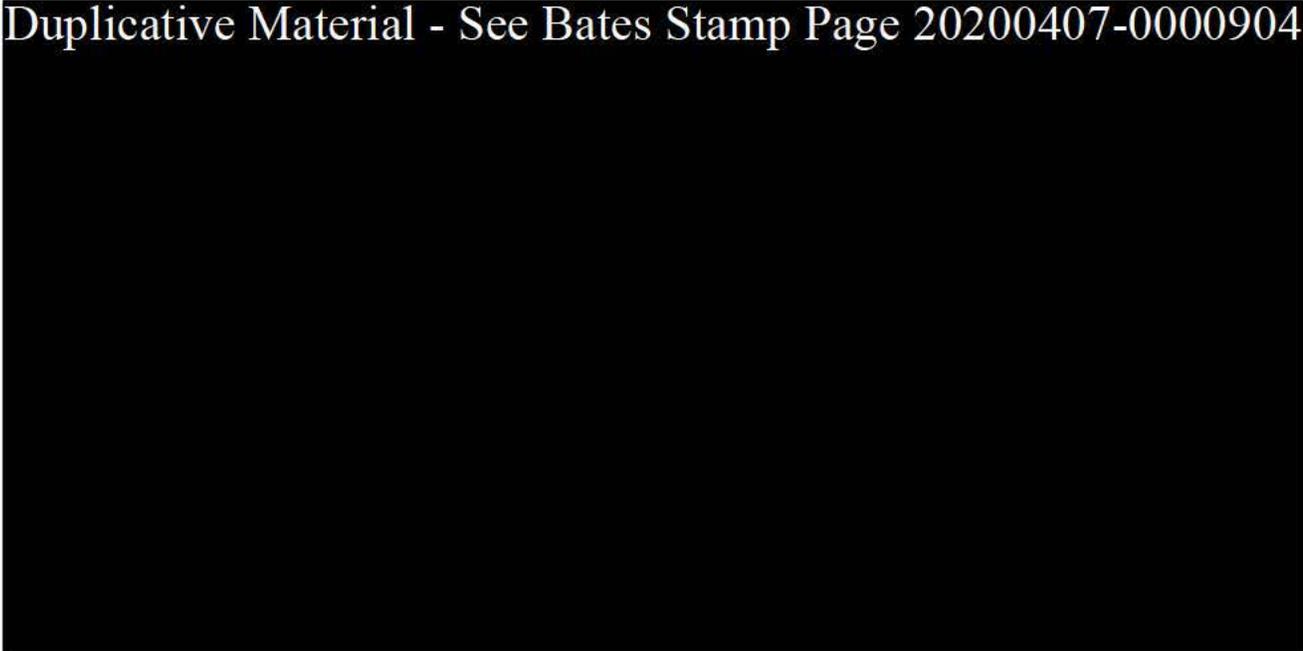
Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Tuesday, June 5, 2018 3:57 PM  
**To:** 'Moni, Alyssa' <Alyssa.Moni@FOXNEWS.COM>  
**Cc:** Lavinsky, John S. (OIG) (b)(6)  
**Subject:** RE: Hannity Statement Request

Duplicative Material - See Bates Stamp Page 20200407-0000904



**Moni, Alyssa**

---

**From:** Moni, Alyssa  
**Sent:** Tuesday, June 5, 2018 4:00 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Lavinsky, John S. (OIG)  
**Subject:** RE: Hannity Statement Request

Got it. Thanks, Sarah.

Hi John. If you can provide a statement by 8pm et on the article below we would appreciate it.

Thanks,  
Alyssa

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Tuesday, June 05, 2018 3:57 PM  
**To:** Moni, Alyssa <Alyssa.Moni@FOXNEWS.COM>  
**Cc:** Lavinsky, John S. (OIG) (b)(6)  
**Subject:** RE: Hannity Statement Request

Duplicative Material - See Bates Stamp Page 20200407-0000904



O'Malley, Devin (OPA)

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**From:** O'Malley, Devin (OPA)  
**Sent:** Wednesday, June 6, 2018 7:28 AM  
**To:** Jake.Gibson@FOXNEWS.COM  
**Subject:** Fwd: WaPo: Does the U.S. keep immigrant children in cages?

Can we get this to fox and friends? (b)(6)

Sent from my iPhone

Begin forwarded message:

**From:** "Waldman, Katie" (b)(6)  
**Date:** June 6, 2018 at 7:10:23 AM EDT  
**To:** Undisclosed recipients;;  
**Subject:** WaPo: Does the U.S. keep immigrant children in cages?

**NOTE: Three Pinocchios**



**Does the U.S. keep immigrant children in cages?**

Washington Post

by Salvador Rizzo

June 6 at 3:00 AM

[https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm\\_term=.05ccdd7abdd1](https://www.washingtonpost.com/news/fact-checker/wp/2018/06/06/does-the-u-s-keep-immigrant-children-in-cages/?utm_term=.05ccdd7abdd1)

*"When I was at the center at McAllen Border Station, this is the processing center, earlier and I was admitted there and I did see the people, hundreds of children locked up in cages there at that facility. ... They have big cages made out of fencing and then wire and nets stretched across the top of them so people can't climb out of them. ..."*

*"Every time I probed yesterday on the circumstances, the response was just basically a generic, 'This is what's required for security, this is what's required for control.' And in a lot of these areas that I saw yesterday morning at the processing center, it's just a concrete floor and people are being given these space blankets to sleep on. Now, a space blanket is a very thin piece of — the equivalent of foil. And so, obviously, a very uncomfortable situation to be in."*

— Sen. Jeff Merkley (D-Ore.), [in a CNN interview, June 4, 2018](#)

*"When my team called Ito request access to a shelter for immiarant children in Brownsville. Tex.I.*

they were told it's the policy not to admit anyone into these centers and we would not be allowed to enter it."

— Merkley, [in the same CNN interview](#)

Sen. Jeff Merkley, a critic of President Trump's immigration agenda, went down to the border to see firsthand how immigrant families were being treated by federal agencies.

The verdict? Not good. On CNN the next morning, Merkley described a facility in McAllen, Tex., where "hundreds of children" were locked up in cages. His comments reminded us of [some photos that recently went viral](#), showing children in chain-link fence enclosures at an immigration processing center in Nogales, Ariz.

In the days before Merkley's trip, some Democrats — including former Los Angeles mayor Antonio Villaraigosa and Jon Favreau, a former speechwriter for President Barack Obama — tweeted pictures of the Nogales facility and criticized the Trump administration for holding immigrant kids in draconian settings.

It turned out the Nogales photos were taken during the Obama administration, [in 2014](#), as several [fact-checkers](#) were quick to note. Favreau and Villaraigosa deleted their tweets. But then Merkley said he saw these cages with his own two eyes in McAllen.

We decided to investigate some of the senator's claims from the border. The Trump administration forcefully pushed back on Merkley's statements. Let's dig in.

## The Facts

The gang violence in El Salvador, Honduras and Guatemala has led to a wave of immigrants seeking refuge by the thousands in the United States since 2014. Politicians have debated for years how to handle this influx, and the Trump administration announced in May that it would prosecute as many adults apprehended at the border as possible. Although the Trump administration is not the first to separate immigrant children from their parents, the practice is on the rise because of this "zero-tolerance" policy.

Southwest border apprehensions have been spiking recently, with sharp year-over-year increases for the months of March and April, according to [data from U.S. Customs and Border Protection](#) (CBP). Of the nine border sectors stretching from the Pacific Ocean to the Gulf of Mexico, the "Rio Grande" sector in Texas consistently sees the highest number of apprehensions for families and unaccompanied immigrant children.

From October to April 30, authorities apprehended 49,622 family units along the U.S.-Mexico border, 61 percent of them in the Rio Grande sector. Out of 26,001 unaccompanied minors apprehended in the same period, 46 percent crossed through the Rio Grande sector.

Minors who are apprehended crossing the border in the Rio Grande sector usually are sent to a "central processing center" in McAllen. The facility can hold up to 1,000 kids, [according to the McAllen Monitor](#). Children are held at these centers for no more than three days, and then they're transferred to the Department of Health and Human Services, which places them in a temporary shelter and then, eventually, in homes or licensed foster-care facilities.

"Those children are being well taken care of," Attorney General Jeff Sessions [told radio host Hugh Hewitt](#) on June 5. "Within 72 hours, they're taken to the Health and Human Services to be sure they're properly cared for."

But Merkley described it on CNN as "a very uncomfortable situation." After touring the McAllen processing center, Merkley described hundreds of children locked up in "big cages made out of fencing and then wire and nets stretched across the top of them so people can't climb out of them." He added that in some parts of the facility, "it's just a concrete floor and people are being given these space blankets to sleep on."

We reached out to Merkley's office to verify his claims and were told the senator and his staff were not allowed to take pictures inside the McAllen facility. But we found photos of the same McAllen processing center that show the chain-link fence enclosures Merkley spotted. The photos were taken by the [McAllen Monitor](#) and by Rep. Jim McGovern (D-Mass.), who took [his own trip to the border](#) in 2014.

While we can't corroborate Merkley's claim that he saw "hundreds" of children in these chain-link fence enclosures, it seems clear from the photographs we found that Customs and Border Protection does hold children in fenced enclosures at the McAllen facility. Trump administration representatives did not deny this.

"These short-term facilities do not employ the use of 'cages' to house UACs [unaccompanied alien children], but portions of the facility make use of barriers in order to separate minors of different genders and age groups," an administration official said. "This is for the safety and security of all minors in the custody of the United States government."

The official added, "It should be noted that DHS was able to accommodate a last-minute request from Senator Merkley's staff, and the senator's staff attempted to enter the facility and record children — in violation of their privacy rights."

For what it's worth, Merkley was let into the DHS facility in McAllen, but staff for Sen. Robert Menendez (D-N.J.), the ranking member of the Senate Foreign Relations Committee, were not allowed into a similar DHS facility in California with nine days' notice, [according to Menendez](#).

Merkley said he saw "wire and nets stretched across the top" of the chain-link fence enclosures. But in the admittedly outdated photos we saw from 2014, it's difficult to determine whether anything is covering the top. This is key, considering there's a dispute whether to call it a "cage" or an "enclosure." McGovern's photos appear to show [thin mesh netting](#) on top. The McAllen Monitor photos [do not appear to show the same](#).

Merkley told CNN that he saw only concrete floors and space blankets in some areas of the McAllen facility. The photos we saw show that the enclosures have metal benches inside and what look like gym mats. People were huddling in foil blankets in some of the photos we saw, just as Merkley described.

The lesson here is that, although some of Trump's critics used outdated photographs from 2014 to

attack his immigration policies, the practice of holding children in chain-link fence enclosures continues. Merkley may not have pictures to back up his claim, but the Trump administration says it uses "barriers," and other pictures of the same McAllen facility bear out much — but not all — of what the senator claimed.

"This is an enormous warehouse with chain-link fencing," said Astrid Dominguez, director of the Border Rights Center at the ACLU of Texas. "I've been there when the numbers are high, and I've been there when the numbers are low, and I've seen kids and parents in there."

#### **'It's the policy not to admit anyone into these centers'**

Merkley also visited a facility in Brownsville, Tex., where the HHS Office of Refugee Resettlement (ORR) and a contractor, Southwest Key Programs, run a shelter for immigrant children waiting to be placed with relatives or in a foster-care program.

These children are under staff supervision at all times and spend an average of 51 days in ORR shelters, according to HHS figures. In 85 percent of cases, the children are then resettled with their parents or close family members in the United States.

Merkley wanted to know what it was like inside the Brownsville shelter, and he streamed his visit on Facebook Live. But all viewers got to see was Merkley arguing outside a strip mall with people who denied him entry.

"This is a former Walmart that has been turned into a center for children," [Merkley says in the video](#). "So, behind those doors inside that Walmart are apparently many hundreds of children."

He continued: "Last week my team contacted this program, and they contacted the Office of Refugee Resettlement, and said that Senator Merkley, that's me, was going to be here and would like to go inside and see what's going on, and they said no. I think it's unacceptable that a member of Congress is not being admitted to see what's happening to children whose families are applying for asylum."

On CNN the next day, Merkley added: "When my team called, they were told it's the policy not to admit anyone into these centers and we would not be allowed to enter it."

Speaking on the condition of anonymity, a Trump administration official told The Fact Checker that Merkley's staff requested access to the Brownsville facility on Friday evening, less than two days before he arrived.

"HHS responded explaining it has a process in place that requires the visiting member of Congress to fill out and submit the proper paperwork two weeks prior to the desired visit," the official said. "Two weeks is requested to ensure the proper federal government employees are on site to provide the tour, rather than the non-federal, grantee staff."

Since at least 2015, HHS has had a policy requiring two weeks' notice for anyone trying to visit a shelter. "Requests should be submitted two weeks prior to the visit," [the policy says](#). "Requests not received within this time frame may be considered if there are exigent circumstances."

So, it's clear that Merkley was off-base when he said it was HHS policy "not to admit anyone into these centers." He might have been allowed access to the Brownsville facility had he submitted his request with two weeks' notice instead of two days'.

"The Department of Health and Human Services takes the legal mandate to care for these children seriously," an HHS representative said in a statement. "No one who arrives unannounced at one of our shelters demanding access to the children in our care will be permitted, even those claiming to be U.S. senators."

Responding to this, a spokesman for Merkley, Ray Zaccaro, said: "HHS knew that we were coming. They chose to deny access to a U.S. senator to a federally funded facility. The assertion that this visit was unannounced is categorically false." The HHS statement also said Merkley "along with five other individuals, attempted to enter an unaccompanied alien children's (UAC) shelter unannounced and broadcast live via social media last night in Texas." But Zaccaro said he was the only staff member with Merkley and that the other four individuals were members of the press "who attended on their own."

What about the claim that HHS never lets anyone into these shelters? That one smelled like Pinocchios to us. Zaccaro said Merkley's staff asked for an "expedited approval," which HHS has discretion to give under its policy.

"Senator Merkley's staff was told of their policy when we requested the site visit," Zaccaro said. "Our staff explained in turn that the senator required expedited approval for access to this facility in order to fully understand the scope and impact of the current family separation crisis. Our staff explained to the agency that he would be visiting the Brownsville Southwest Key facility on June 3 and expected to be able to inspect the facility."

But that's not the same as saying that the policy is "not to admit anyone." Again, HHS has a whole procedure for these visits. There's no blanket prohibition.

It's worth noting that Merkley's border tour appears to have struck a nerve in the White House. Without addressing specifics about shelters or processing centers, White House deputy press secretary Hogan Gidley said [June 4](#) that Merkley was "irresponsibly spreading blatant lies."

### **The Pinocchio Test**

The way Merkley described the CBP facility in McAllen — hundreds of children in cages with only concrete floors to sleep on — sounds like something out of a Charles Dickens novel. It's indisputable that immigration officials hold kids in chain-link fence enclosures for up to 72 hours. Whether this setup is as draconian as Merkley made it seem is not something we were able to verify.

Merkley's other claim, that HHS has a policy of not allowing anyone to visit its shelters for immigrant children, is false. The nuanced explanation his spokesman provided us does not match the blanket claim Merkley made on CNN.

We were on the fence between Two and Three Pinocchios. As our readers know, the burden of proof is on the speaker. But Merkley and his staff were not allowed to record their tour of the McAllen facility. This leaves us with some photos we found from 2014 that prove some but not all of

the senator's detailed and sensitive claims. We can't really hold it against Merkley if he tried to get visual proof but was barred from doing so.

However, his staff knew that HHS had a process to grant access to the Brownsville shelter. By the time the senator went on CNN to say no one was ever allowed to visit, he almost certainly knew better. Because of this obfuscation, we settled on Three Pinocchios.

### Three Pinocchios



**Aloi, Diana**

---

**From:** Aloi, Diana  
**Sent:** Tuesday, June 5, 2018 4:14 PM  
**To:** Maguire, Jacqueline (BH) (FBI); Flores, Sarah Isgur (OPA)  
**Cc:** Prior, Ian (OPA)  
**Subject:** RE: REQUEST FOR STATEMENT

Thank you

---

**From:** Maguire, Jacqueline (BH) (FBI) (b)(6)  
**Sent:** Tuesday, June 5, 2018 4:14 PM  
**To:** Flores, Sarah Isgur (OPA) (JMD) <Sarah.Isgur.Flores@usdoj.gov>; Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Cc:** Prior, Ian (OPA) (JMD) <Ian.Prior@usdoj.gov>  
**Subject:** RE: REQUEST FOR STATEMENT

We'll decline comment on this.

Thanks –  
Jackie

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Tuesday, June 05, 2018 3:24 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>; Maguire, Jacqueline (BH) (FBI) (b)(6)  
**Cc:** Prior, Ian (OPA) (JMD) <Ian.Prior@usdoj.gov>  
**Subject:** RE: REQUEST FOR STATEMENT

Adding FBI since this is mostly directed at Director Wray

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Sent:** Tuesday, June 5, 2018 2:56 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** RE: REQUEST FOR STATEMENT

Sorry to bother you again  
We are also featuring this wsj op-ed  
[https://www.wsj.com/articles/the-fbis-watergate-1528153137?shareToken=stcb7c0bb1fe184531a44c6891da52c4c6&ref=article\\_email\\_share](https://www.wsj.com/articles/the-fbis-watergate-1528153137?shareToken=stcb7c0bb1fe184531a44c6891da52c4c6&ref=article_email_share)

Would you like to provide a statement?

---

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

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Tuesday, June 5, 2018 2:35 PM  
**To:** Aloï, Diana <[Diana.Aloi@FOXNEWS.COM](mailto:Diana.Aloi@FOXNEWS.COM)>  
**Cc:** Prior, Ian (OPA) <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>  
**Subject:** Re: REQUEST FOR STATEMENT

We'll decline

On Jun 5, 2018, at 12:14 PM, Aloï, Diana <[Diana.Aloi@FOXNEWS.COM](mailto:Diana.Aloi@FOXNEWS.COM)> wrote:

Hello can you please provide a brief statement by 4pm et today on the Saucier lawsuit?  
<https://www.washingtonexaminer.com/news/former-navy-sailor-pardoned-by-trump-plans-lawsuit-against-obama-comey>

Thank you  
Diana

(b)(6)

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**Aloi, Diana**

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**From:** Aloi, Diana  
**Sent:** Tuesday, June 5, 2018 3:25 PM  
**To:** Flores, Sarah Isgur (OPA); Maguire, Jacqueline (BH) (FBI)  
**Cc:** Prior, Ian (OPA)  
**Subject:** RE: REQUEST FOR STATEMENT

Thank you

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Tuesday, June 5, 2018 3:24 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>; Maguire, Jacqueline (BH) (FBI) (b)(6)  
**Cc:** Prior, Ian (OPA) <Ian.Prior@usdoj.gov>  
**Subject:** RE: REQUEST FOR STATEMENT

Duplicative Material - See Bates Stamp Page 20200407-0000916



**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Tuesday, June 5, 2018 3:17 PM  
**To:** Aloi, Diana  
**Cc:** Prior, Ian (OPA); Gibson, Jake  
**Subject:** RE: REQUEST FOR STATEMENT

No—jake will have the statements ive provided fox about document production as well as letters we have sent congress.

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Sent:** Tuesday, June 5, 2018 3:14 PM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Cc:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** RE: REQUEST FOR STATEMENT

May I use what's highlighted in yellow as the statement?

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Tuesday, June 5, 2018 3:11 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Cc:** Prior, Ian (OPA) <[Ian.Prior@usdoj.gov](mailto:Ian.Prior@usdoj.gov)>; Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Subject:** RE: REQUEST FOR STATEMENT

Adding jake—we've gone over so much of this over hours with Jake, he has all my statements. A lot of the information in this is just incorrect. As one example, it conflates multiple issues all into one. When wray said hed doubled the number of people, that subpoena has been fulfilled—and goodlatte put out a statement saying that. The Nunes one is the most recent one and totally different than all the other issues hes discussing.

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Aloi, Diana <[Diana.Aloi@FOXNEWS.COM](mailto:Diana.Aloi@FOXNEWS.COM)>  
**Sent:** Tuesday, June 5, 2018 2:56 PM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Cc:** Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** RE: REQUEST FOR STATEMENT

Duplicative Material - See Bates Stamp Page 20200407-0000916

**Aloi, Diana**

---

**From:** Aloi, Diana  
**Sent:** Tuesday, June 5, 2018 2:36 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Prior, Ian (OPA)  
**Subject:** RE: REQUEST FOR STATEMENT

Thank you

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Tuesday, June 5, 2018 2:35 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Cc:** Prior, Ian (OPA) <Ian.Prior@usdoj.gov>  
**Subject:** Re: REQUEST FOR STATEMENT

We'll decline

On Jun 5, 2018, at 12:14 PM, Aloi, Diana <[Diana.Aloi@FOXNEWS.COM](mailto:Diana.Aloi@FOXNEWS.COM)> wrote:

Hello can you please provide a brief statement by 4pm et today on the Saucier lawsuit?  
<https://www.washingtonexaminer.com/news/former-navy-sailor-pardoned-by-trump-plans-lawsuit-against-obama-comey>

Thank you

Diana

(b)(6)

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**Pergram, Chad**

---

**From:** Pergram, Chad  
**Sent:** Tuesday, June 5, 2018 9:32 AM  
**To:** O'Malley, Devin (OPA)  
**Subject:** Re: Merkley Call Today

Of course

Chad Pergram  
Fox News  
Senior Producer for Capitol Hill  
[chad.pergram@foxnews.com](mailto:chad.pergram@foxnews.com)  
(b)(6)  
@ChadPergram

On Jun 5, 2018, at 9:29 AM, O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)> wrote:

Thanks, Chad. Keep in touch!

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

---

**From:** Pergram, Chad <[Chad.Pergram@FOXNEWS.COM](mailto:Chad.Pergram@FOXNEWS.COM)>  
**Sent:** Tuesday, June 5, 2018 9:28 AM  
**To:** O'Malley, Devin (OPA) <[domalley@jmd.usdoj.gov](mailto:domalley@jmd.usdoj.gov)>  
**Cc:** Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Subject:** Re: Merkley Call Today

Of course I remember you. Thank you for reaching out.

We will definitely record the call. Thank you for making us aware.

Chad Pergram  
Fox News  
Senior Producer for Capitol Hill  
[chad.pergram@foxnews.com](mailto:chad.pergram@foxnews.com)  
(b)(6)  
@ChadPergram

On Jun 5, 2018, at 9:18 AM, O'Malley, Devin (OPA) <[Devin.O'Malley@usdoj.gov](mailto:Devin.O'Malley@usdoj.gov)> wrote:

Hi Chad-

I work closely with Jake Gibson over at the Justice Department, and he suggested I reach out to re: a conference call hosted by Senator Merkley today

re: the Administration's "zero tolerance policy" and resultant family separation. (In case you were not aware of the call, you can RSVP here: Diop Harris, (b)(6); [diop@npstrategygroup.com](mailto:diop@npstrategygroup.com); participants include Merkley, an ACLU attorney, and a former immigration lawyer association president).

I wasn't sure if you or any of your colleagues would be joining the call today. I'm sure you've seen the Senator's Facebook Live and subsequent CNN interview yesterday, but there was a lot of misinformation in both. I've attached a fact check of sorts that we sent out yesterday in the event that anyone from FOX would be joining. I know the White House has also put out statements around Merkley's comments.

Thanks, and please let me know if you have any questions.

Devin

PS- I know you don't remember this, but you were one of the first people I met in 2011 when I started my job in Senator Portman's office as the Chief of Staff's aide. You would come down and visit Sadosky and then-Christine Mangi. Time flies....unfortunately.

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

<mime-attachment>

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**From:** USDOJ-Office of Public Affairs  
**Sent:** Monday, June 4, 2018 8:02 PM  
**To:** O'Malley, Devin (OPA)  
**Subject:** FACT CHECK: Senator Jeff Merkley's Facebook and CNN Appearances



**FACT CHECK: Senator Jeff Merkley's Facebook and CNN Appearances**

Many of you woke up to media reports of Senator Jeff Merkley's visit to Brownsville, Texas, where the Department of Health & Human Service's (HHS) Office of Refugee Resettlement (ORR) operates a facility.

Please attribute the following to an administration official:

**In that Facebook Live video, Senator Merkley says, "Why are**

**[unaccompanied minor children in this facility]? Well, they are there because there is this new policy from our Attorney General Jeff Sessions that says when individuals are awaiting adjudication for their application for asylum, they are going to be separated from their children.”**

- Congress made it a crime to enter the United States illegally (8 USC 1325), and for years Department of Homeland Security (DHS) has apprehended and referred tens of thousands of illegal aliens to the Justice Department, which then prosecutes them—just like other federal crimes.
- On April 6, 2018, the Attorney General [announced](#) a “zero tolerance policy” that directs the United States Attorneys along the Southwest Border to prosecute all instances of illegal entry that are referred to their office by the DHS, to the extent practicable.
- The [memo](#) to United States Attorneys makes no mention of asylum or separating families.
- Because federal law enforcement officers have no authority to detain children for a crime they have not committed and place them in a criminal detention facility, it is required by law that the minor children are placed into the care and custody of HHS.
- When apprehended by DHS and before the criminal prosecution process begins, family units are given an expedited order of removal, but they **do** have an opportunity to seek asylum.
- After those who break the law are tried and sentenced, DHS, DOJ, and HHS work together to reunify families during the adjudication of their asylum application—although current court orders prevent DHS from being able to detain families for more than a short period of time.

**Throughout the course of his Facebook Live and subsequent CNN interview, Senator Merkley attempts to mislead the American public by saying that all aliens housed in the facility are asylum seekers. For example, Merkley said on CNN this morning, “this is following up on President Trump’s new policy of removing children from their parents when the families are seeking asylum. These are families that have gone through traumatic experiences abroad...”**

- Every year people come to the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to:
- Race, Religion, Nationality, Membership in a particular social group, and/or political opinion.
- Not everyone that arrives at a port of entry or that enters the country

illegally claims a credible fear. Senator Merkley again attempts to mislead the public about the alien children in the facility he attempted to enter this weekend, but Senator Merkley knows this is not true.

- In fact, Senator Merkley met a man and his child, who had been recently reunified after an illegal entry prosecution, and who **admitted to Senator Merkley that they were not claiming credible fear**. The man also told Senator Merkley that **he did not fear** returning to his native country in Central America.

**Merkley claims, “now they’re being treated in an enormously cruel fashion, a fashion that rips children out of the arms of their parents, sends them off to place unknown while their parents are locked up.”**

- DHS does not have a policy of ripping children out of their parents’ arms. They do have obligations, continued by a long-standing policy of the previous administration, that separation may occur only when DHS is unable to determine the custodial relationship, when they determine that a child may be at risk with the custodian, or when the custodian is transferred to a criminal detention setting due to criminal charges. That has not changed.
- ICE is committed to connecting family members as quickly as possible after separation so that parents know the location of their children and have regular communication with them in line with ICE policies and detention standards, including [this directive](#). ICE will post new information in all over 72-hour facilities advising detained parents who are trying to locate, and/or communicate with, a child in the custody of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) to call the Detention Reporting and Information Line (DRIL) for assistance. Separated parents who are still in US Marshals Service custody and have not yet been transferred to ICE can also call the DRIL for assistance in locating their minor child. The information provided by these parents to the DRIL operators will be forwarded to ORR for action. ICE and ORR will work together to locate separated children, verify the parent/child relationship, and set up regular communication and removal coordination, if necessary.
- The ORR [Unaccompanied Alien Children’s \(UAC\) Program](#) provides a safe and appropriate environment to children and youth who enter the United States without lawful immigration status and without a parent or legal guardian who is available to provide care and physical custody.
- ORR funds residential care providers that provide temporary housing and other services to unaccompanied alien children in ORR custody. These care provider facilities are state licensed and provide children with classroom education, health care, socialization/recreation, vocational training, mental health services, access to legal services, and case management.

Senator Merkley claimed that “[members of the Trump Administration] do not want Members of Congress or the public to know what’s going on at [the immigration detention centers];” and, “So my team called; they were told it’s the policy not to admit anyone into these centers, and that we would not be allowed to enter them.”

- Senator Merkley’s office emailed HHS near the close of business hours on Friday, June 1, requesting “to enter and tour the following facilities” in less than 48 hours later, on Sunday afternoon.
- The facilities listed were in McAllen, Texas and San Diego, California.
- HHS responded explaining it has a process in place that requires the visiting Member of Congress to fill out and submit the proper paperwork two weeks prior to the desired visit. Two weeks is requested to ensure the proper federal government employees are on site to provide the tour, rather than the non-federal, grantee staff.
- This process has been around since at least 2015 (see: 5.2.1 [here](#)).
- The form submitted on Friday, June 1, by Senator Merkley’s staff did not identify the facility the Senator wanted to visit. It was not until after 7:00 pm that evening that Senator Merkley’s staff demanded access to the Brownsville, Texas ORR facility.
- Senator Merkley’s office was notified that HHS was happy to facilitate a tour, but could not do so with the notice provided. **Just as there is no policy to separate families seeking asylum, Senator Merkley wrongly asserts there is a policy to not admit anyone—even Members of Congress—into HHS facilities.**
- It should be noted that DHS was able to accommodate a last minute request from Senator Merkley’s staff to tour a DHS facility, and the Senator’s staff attempted to enter the facility and record children—in violation of their privacy rights.

**And finally, this claim of “hundreds of children locked up in cages...”**

- Before being transferred to HHS custody, DHS houses unaccompanied minors in short-term facilities.
- These short-term facilities do not employ the use of “cages” to house UACs, but portions of the facility makes use of barriers in order to separate minors of different genders and age groups. This is for the safety and security of all minors in the custody of the United States government.

###

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## Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, June 4, 2018 6:01 PM  
**To:** Herridge, Catherine  
**Cc:** Prior, Ian (OPA); Gibson, Jake  
**Subject:** Re: house records request

We're not discussing the content of classified briefings.

On Jun 4, 2018, at 5:54 PM, Herridge, Catherine <[Catherine.Herridge@FOXNEWS.COM](mailto:Catherine.Herridge@FOXNEWS.COM)> wrote:

Good afternoon –

We are updating tonight at 6 on the status of the records request. We will incorporate a response on record or background as soon as it become available. I apologize this did not go out earlier. It was stuck in drafts.

We understand the May 24 did not allow members to physically review the records, and the next opportunity will be Wednesday this week.

1. Is it accurate that the records were in the room on the 24, but not available for congressional investigators to review?
2. If so, why not?
3. Is Wednesday the target date to make the records accessible at DOJ?

Thank you  
Catherine

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Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Monday, June 4, 2018 3:07 PM  
**To:** Doherty, Brian  
**Subject:** Re: Hi, would AG Sessions be avail today to react to the Masterpiece cake decision this evening in the 11pm Et on Shannon Bream's show?

Can't today sorry

On Jun 4, 2018, at 1:15 PM, Doherty, Brian <[Brian.Doherty@FOXNEWS.COM](mailto:Brian.Doherty@FOXNEWS.COM)> wrote:

...or for a pre tape today?

Thanks!

Brian Doherty

Begin forwarded message:

**From:** "LeCroy, Lillian" <[Lillian.LeCroy@FOXNEWS.COM](mailto:Lillian.LeCroy@FOXNEWS.COM)>  
**Date:** June 4, 2018 at 12:38:43 PM EDT  
**To:** 194 -FOX DC Assign <[foxdc.assign@FOXNEWS.COM](mailto:foxdc.assign@FOXNEWS.COM)>, 164 -NationalDesk <[NationalDesk@FOXNEWS.COM](mailto:NationalDesk@FOXNEWS.COM)>, 050 -Senior Producers <[seniorproducers@FOXNEWS.COM](mailto:seniorproducers@FOXNEWS.COM)>, 157- RadioEditors <[RadioEditors@FOXNEWS.COM](mailto:RadioEditors@FOXNEWS.COM)>, 041-WHUNIT <[41-WHUNIT@FOXNEWS.COM](mailto:41-WHUNIT@FOXNEWS.COM)>  
**Subject:** STATEMENT FROM ATTORNEY GENERAL JEFF SESSIONS ON TODAY'S 7-2 SUPREME COURT DECISION IN FAVOR OF COLORADO CAKE DESIGNER JACK PHILLIPS:

 The United States Department of Justice

MONDAY, JUNE 4, 2018

**STATEMENT FROM ATTORNEY GENERAL JEFF SESSIONS  
ON TODAY'S 7-2 SUPREME COURT DECISION IN FAVOR OF  
COLORADO CAKE DESIGNER JACK PHILLIPS:**

"We are pleased with today's Supreme Court decision. The First Amendment

prompts governments from discriminating against citizens on the basis of religious beliefs. The Supreme Court rightly concluded that the Colorado Civil Rights Commission failed to show tolerance and respect for Mr. Phillips' religious beliefs. In this case and others, the Department of Justice will continue to vigorously defend the free speech and religious freedom First Amendment rights of all Americans."

# # #

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## O'Malley, Devin (OPA)

---

**From:** O'Malley, Devin (OPA)  
**Sent:** Monday, June 4, 2018 2:44 PM  
**To:** Ian Mason  
**Subject:** Performance Metrics

Hey Ian-

Here is the written statement I mentioned to you from NAIJ to Senate Judiciary: [https://www.naij-usa.org/images/uploads/publications/Senate-Improving\\_Efficiency\\_and\\_Ensuring\\_Justice\\_in\\_the\\_Immigration\\_Court\\_System\\_5-18-11.pdf](https://www.naij-usa.org/images/uploads/publications/Senate-Improving_Efficiency_and_Ensuring_Justice_in_the_Immigration_Court_System_5-18-11.pdf).

In the letter, NAIJ boasts that at one time their judges completed 1,500 cases in a year. Yet, they constantly criticize the 700 case performance metric for being too high and compromising due process (among other things).

Below are some of their criticisms about performance metrics, but I could not find any of NAIJ (and other groups) criticizing immigration judges when they averaged 1,500 cases in FY10.

### **Justice Department Rolls out Case Quotas for Immigration Judges April 2, 2018 [CNN](#) (Kopan, Tal)**

- "NAIJ is working diligently to fight the implementation of any 'numeric based performance measures' on judges, and ensure that any future standards that may be imposed on judges or the Immigration Courts are legally defensible, fair, and would not encroach on our independent decision making authority," [Ashley Tabaddor](#), President of the NAIJ
- "Creating an environment where the courts care more about the speed than the accuracy, and where judges are evaluated and even rewarded based on quantity rather than quality is unacceptable and a violation of due process," [Laura Lynch](#), a senior policy counsel, American Immigration Lawyers Association.

### **New Performance Metrics for Immigration Judges Focus on Higher Volume, Speedier Decisions April 4, 2018 [San Diego Union Tribune](#) (Morrissey, Kate)**

- "Quotas and deadlines compromise the judicial independence and the fundamental fairness that judges have been sworn to uphold," said [Ashley Tabaddor](#), president of the NAIJ
- "Sometimes a continuance can be a lifeline to get that last piece of proof," Lucas said. "The quotas will make an already unfair process even more so." and "Life or death cases should never be decided on a rushed assembly line. That's not justice." [Karen Lucas](#), director of the Immigration Justice Campaign

### **Statement of Judge A. Ashley Tabaddor, President NAIJ April 18, 2018 [NAIJ](#) (Tabaddor, Ashley)**

- Pairing law enforcement mission of DOJ with mission of court of law that mandates independence from all other external pressures compromises integrity and independence of the Immigration Court system

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

**Kupec, Kerri (JMD)**

---

**From:** Kupec, Kerri (JMD)  
**Sent:** Monday, June 4, 2018 1:12 PM  
**To:** Gibson, Jake  
**Subject:** FW: STATEMENT FROM ATTORNEY GENERAL JEFF SESSIONS ON TODAY'S 7-2 SUPREME COURT DECISION IN FAVOR OF COLORADO CAKE DESIGNER JACK PHILLIPS:

Faulkner would be first to report on this on FOX shows if she gets it -

---

**From:** Kupec, Kerri (JMD)  
**Sent:** Monday, June 4, 2018 12:44 PM  
**To:** Kupec, Kerri (JMD) (b)(6)  
**Subject:** STATEMENT FROM ATTORNEY GENERAL JEFF SESSIONS ON TODAY'S 7-2 SUPREME COURT DECISION IN FAVOR OF COLORADO CAKE DESIGNER JACK PHILLIPS:

 [The United States Department of Justice](#)

MONDAY, JUNE 4, 2018

**STATEMENT FROM ATTORNEY GENERAL JEFF SESSIONS ON  
TODAY'S 7-2 SUPREME COURT DECISION IN FAVOR OF  
COLORADO CAKE DESIGNER JACK PHILLIPS:**

“We are pleased with today’s Supreme Court decision. The First Amendment prohibits governments from discriminating against citizens on the basis of religious beliefs. The Supreme Court rightly concluded that the Colorado Civil Rights Commission failed to show tolerance and respect for Mr. Phillips’ religious beliefs. In this case and others, the Department of Justice will continue to vigorously defend the free speech and religious freedom First Amendment rights of all Americans.”

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**Kupec, Kerri (JMD)**

---

**From:** Kupec, Kerri (JMD)  
**Sent:** Monday, June 4, 2018 1:12 PM  
**To:** Gibson, Jake  
**Subject:** Can you make sure FOX producers have the AG's statement on Masterpiece we sent out? Thanks SO MUCH!

Kerri Kupec  
U.S. Department of Justice  
Office of Public Affairs

(b)(6)

(b)(6) (office)

(b)(6) (cell)

## Herridge, Catherine

---

**From:** Herridge, Catherine  
**Sent:** Friday, June 1, 2018 10:35 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Prior, Ian (OPA); Gibson, Jake; Berger, Judson  
**Subject:** RE: Graham Letter

+berger

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Friday, June 01, 2018 10:16 AM  
**To:** Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM>  
**Cc:** Prior, Ian (OPA) <Ian.Prior@usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** Re: Graham Letter

We've received it

On Jun 1, 2018, at 9:16 AM, Herridge, Catherine <[Catherine.Herridge@FOXNEWS.COM](mailto:Catherine.Herridge@FOXNEWS.COM)> wrote:

Good morning –

Have DAG Rosenstein received this letter from Senator Graham, and if so, is there comment to provide, or guidance on when a response will be provided to the senator.

Thank you for the help.

Catherine

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<Letter to Rosenstein 5\_31\_2018.pdf>

LINDSEY O. GRAHAM  
SOUTH CAROLINA



290 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-5972

## UNITED STATES SENATE

May 31, 2018

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Deputy Attorney General Rosenstein:

It has been widely reported that Special Counsel Robert Mueller's investigation includes whether President Trump obstructed the Russia probe by firing former FBI Director James Comey. Importantly, when President Trump fired Director Comey in May 2017, he relied on a memorandum prepared by you to justify the firing.

Please answer the following questions:

- Do you consider yourself a potential witness in the Mueller investigation regarding the firing of Director Comey by President Trump?
- If not, why not?
- If so, should you recuse yourself from further interactions with and oversight of the Mueller investigation?

Thank you in advance for your prompt attention to this matter.

Sincerely,



Lindsey O. Graham  
United States Senator

508 HAMPTON STREET  
SUITE 202  
COLUMBIA, SC 29201  
(803) 933-0112

401 WEST EVANS STREET  
SUITE 111  
FLORENCE, SC 29501  
(843) 669-1505

130 SOUTH MAIN STREET  
SUITE 700  
GREENVILLE, SC 29601  
(864) 250-1417

530 JOHNNIE DODDS BOULEVARD  
SUITE 202  
MOUNT PLEASANT, SC 29464  
(843) 849-3887

235 EAST MAIN STREET  
SUITE 100  
ROCK HILL, SC 29730  
(803) 366-2828

124 EXCHANGE STREET  
SUITE A  
PENDLETON, SC 29670  
(864) 646-4090

## Flores, Sarah Isgur (OPA)

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Friday, June 1, 2018 10:17 AM  
**To:** Berger, Judson; Catherine.Herridge@FOXNEWS.COM;  
Jake.Gibson@FOXNEWS.COM  
**Subject:** Re: Fox News question on Sen. Graham letter

Please coordinate w your doj team

On Jun 1, 2018, at 10:02 AM, Berger, Judson <[Judson.Berger@FOXNEWS.COM](mailto:Judson.Berger@FOXNEWS.COM)> wrote:

Ms. Flores,  
Good morning, Judd here at Fox. Writing to see if DOJ has received a Thursday-dated letter from Sen. Graham.

In it, he asks DAG Rosenstein whether he considers himself a potential witness in the Mueller investigation (given his authorship of the memo cited in Comey's firing). It's a brief letter, but Graham basically concludes by asking the DAG whether he should recuse himself from the Mueller probe.

Please let us know if DOJ has any comment regarding this letter and question? Thank you much.

Judson Berger  
Senior Politics Editor, [FoxNews.com](https://www.foxnews.com)  
(b)(6)  
@juddberger

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**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Thursday, May 31, 2018 5:31 PM  
**To:** Rheume, Thomas; Kevin.Kirby@FOXNEWS.COM  
**Subject:** Re: live stream request: Jeff Sessions at Grano Award presentation.

Hi Kevin,

No livestream planned, but the networks covering it are welcome to go live. Fox TV has RSVPed.

Thanks!

Kelly

On May 31, 2018, at 5:30 PM, Rheume, Thomas <[TRheume@BODMANLAW.COM](mailto:TRheume@BODMANLAW.COM)> wrote:

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Kirby, Kevin" <[Kevin.Kirby@FOXNEWS.COM](mailto:Kevin.Kirby@FOXNEWS.COM)>  
Date: 5/31/18 4:15 PM (GMT-05:00)  
To: "Rheume, Thomas" <[TRheume@BODMANLAW.COM](mailto:TRheume@BODMANLAW.COM)>  
Subject: live stream request: Jeff Sessions at Grano Award presentation.

Hello,

I'm an assignment editor at Fox News Channel in Washington, DC. Was wondering if there is a web-stream of the Attorney General's remarks tonight in Plymouth, Michigan.

thanks so much!

Kevin

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are without detect

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This message was secured by [ZixCorp<sup>\(R\)</sup>](#).

Gibson, Jake

---

**From:** Gibson, Jake  
**Sent:** Thursday, May 31, 2018 11:15 AM  
**To:** O'Malley, Devin (OPA)  
**Subject:** Re: You in the building later?

Cool.  
Will call u in a bit.

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

> On May 31, 2018, at 11:00 AM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:

>  
> May have something for you for next week  
>  
> Wanted to talk through it....kinda nuanced  
>

> (b)(6)

> Sent from my iPhone

>> On May 31, 2018, at 10:57 AM, Gibson, Jake <Jake.Gibson@FOXNEWS.COM> wrote:

>>  
>> No

>> (b)(6)

>> (b)(6)

>>  
>> What's up?

>>  
>>  
>> Jake Gibson

>> Department of Justice Producer  
>> Fox News Washington

>> (b)(6)

>>  
>>> On May 31, 2018, at 10:55 AM, O'Malley, Devin (OPA) <Devin.O'Malley@usdoj.gov> wrote:  
>>>

>>>

>>>

>>>

>>> Sent from my iPhone

>>

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**Wells, Justin**

---

**From:** Wells, Justin  
**Sent:** Wednesday, May 30, 2018 1:45 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: Gowdy

Thank you Sarah.

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Wednesday, May 30, 2018 9:18 AM  
**To:** Wells, Justin <justin.wells@FOXNEWS.COM>  
**Cc:** Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** Gowdy

I'm sure you've already seen these—but want to make sure these lines get in front of yall given the credibility I imagine Gowdy has with your folks.

FOX

REP. GOWDY: Yes. I am even more convinced that the FBI did exactly what my fellow citizens would want them to do when they got the information they got. And that it has nothing to do with Donald Trump.

CBS THIS MORNING

REP. GOWDY: Based on what I've seen, I don't know what the FBI could have done or should have done other than run out a lead that someone loosely connected with the campaign was making assertions about Russia. I would think you would want the FBI to find out whether or not there was any validity to what those people were saying

.....

I think his lawyers have an obligation to share with him what Devin and Paul and I saw last week. I'm convinced when he sees it, he's going to say, you know what? That's what I told Comey I wanted the FBI to do.

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

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**Berry, Porter**

---

**From:** Berry, Porter  
**Sent:** Wednesday, May 30, 2018 1:24 PM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: flagging gowdy comments

Copy, thanks Sarah!

---

**From:** Flores, Sarah Isgur (OPA) [mailto:[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)]  
**Sent:** Wednesday, May 30, 2018 9:37 AM  
**To:** Berry, Porter <[porter.berry@FOXNEWS.COM](mailto:porter.berry@FOXNEWS.COM)>  
**Subject:** RE: flagging gowdy comments

Not at this point—sorry!

xxxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

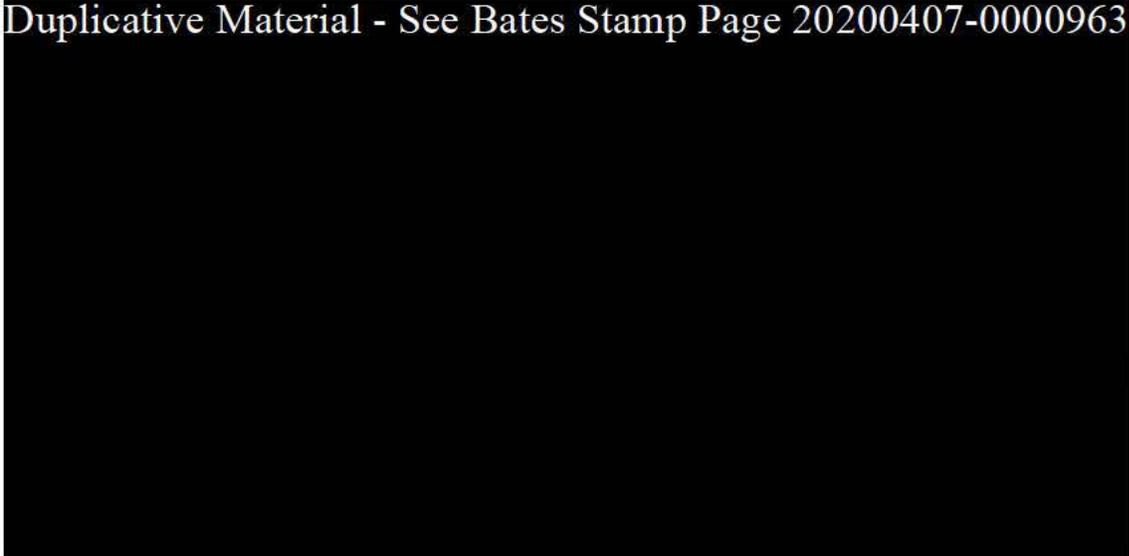
---

**From:** Berry, Porter <[porter.berry@FOXNEWS.COM](mailto:porter.berry@FOXNEWS.COM)>  
**Sent:** Wednesday, May 30, 2018 9:26 AM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Subject:** Re: flagging gowdy comments

Hey Sarah  
We would love to get AG Sessions on the show. Is that possible?  
Hope you're doing well!  
Best  
Porter

On May 30, 2018, at 9:18 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Duplicative Material - See Bates Stamp Page 20200407-0000963



**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, May 30, 2018 9:24 AM  
**To:** Boughton, Bryan; Gibson, Jake  
**Subject:** RE: Gowdy transcripts

I saw that too late after I hit send...I was too excited to share my new best friend trey gowdy. Hahahah 😊

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

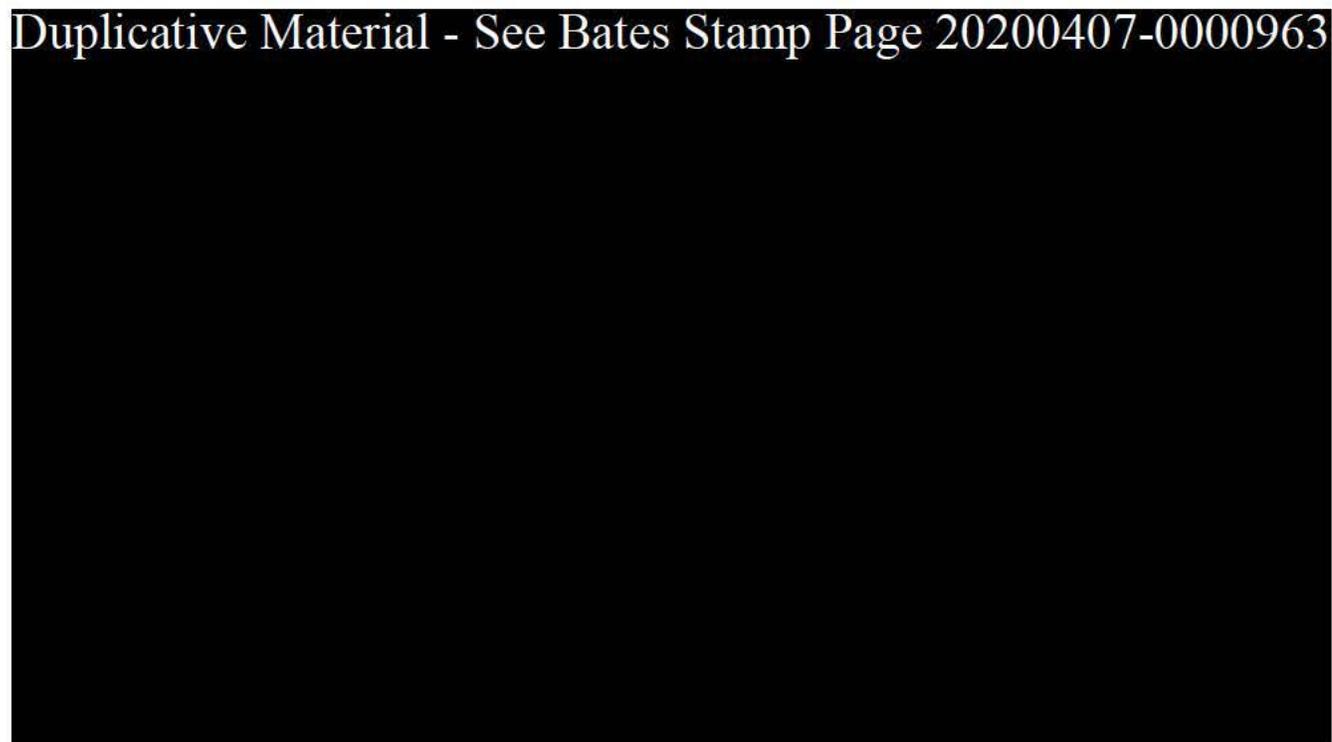
**From:** Boughton, Bryan <Bryan.Boughton@FOXNEWS.COM>  
**Sent:** Wednesday, May 30, 2018 9:20 AM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** RE: Gowdy transcripts

Yes, we are aware of it. As a matter of fact, it was just replayed on our air now for this segment.

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Wednesday, May 30, 2018 9:18 AM  
**To:** Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)>  
**Cc:** Boughton, Bryan <[Bryan.Boughton@FOXNEWS.COM](mailto:Bryan.Boughton@FOXNEWS.COM)>  
**Subject:** Gowdy transcripts

Duplicative Material - See Bates Stamp Page 20200407-0000963



**Conti, Andrew**

---

**From:** Conti, Andrew  
**Sent:** Wednesday, May 30, 2018 10:56 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: flagging gowdy

Any chance Laura can set up an off the record call with the AG today? Please let me know. thanks

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Wednesday, May 30, 2018 10:40 AM  
**To:** Conti, Andrew <[Andrew.conti@FOXNEWS.COM](mailto:Andrew.conti@FOXNEWS.COM)>  
**Subject:** Re: flagging gowdy

I'm meetings for the next hour and a half. Can email until then!

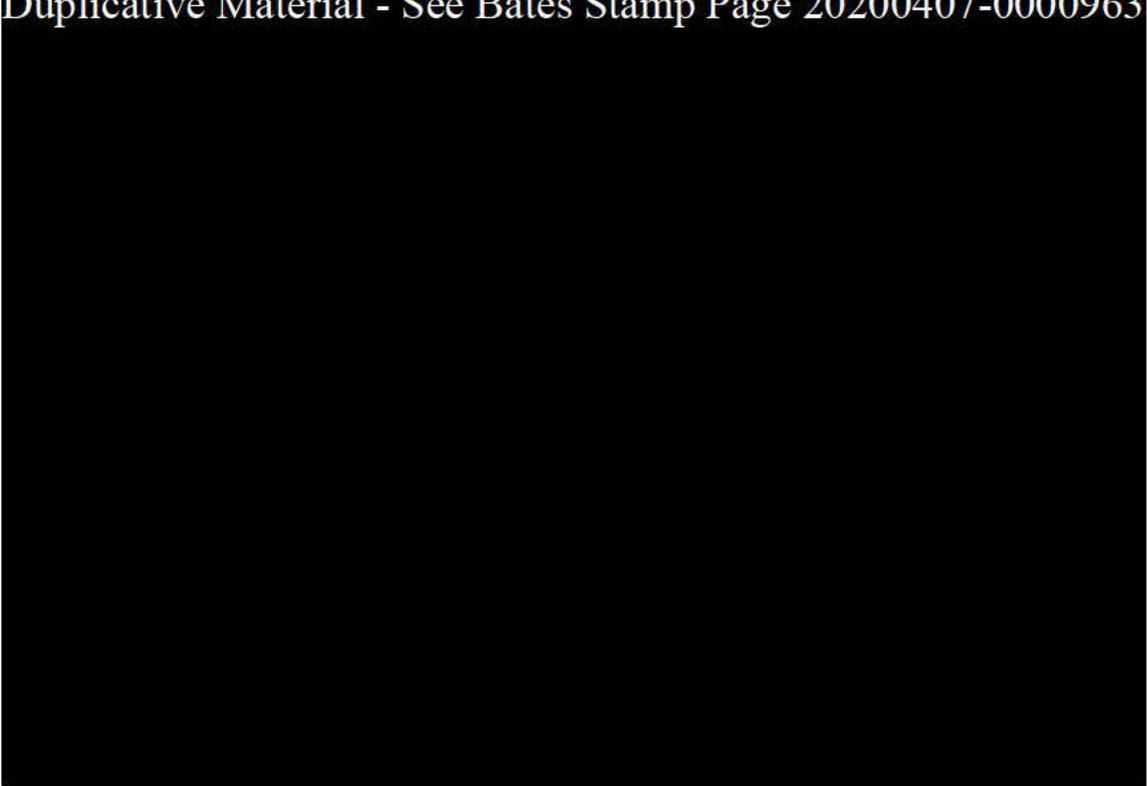
On May 30, 2018, at 10:34 AM, Conti, Andrew <[Andrew.conti@FOXNEWS.COM](mailto:Andrew.conti@FOXNEWS.COM)> wrote:

Do you have a second to talk?  
You can call my cell at (b)(6) thanks

---

**From:** Flores, Sarah Isgur (OPA) [<mailto:Sarah.Isgur.Flores@usdoj.gov>]  
**Sent:** Wednesday, May 30, 2018 9:21 AM  
**To:** Conti, Andrew <[Andrew.conti@FOXNEWS.COM](mailto:Andrew.conti@FOXNEWS.COM)>  
**Subject:** flagging gowdy

Duplicative Material - See Bates Stamp Page 20200407-0000963



Conti, Andrew

---

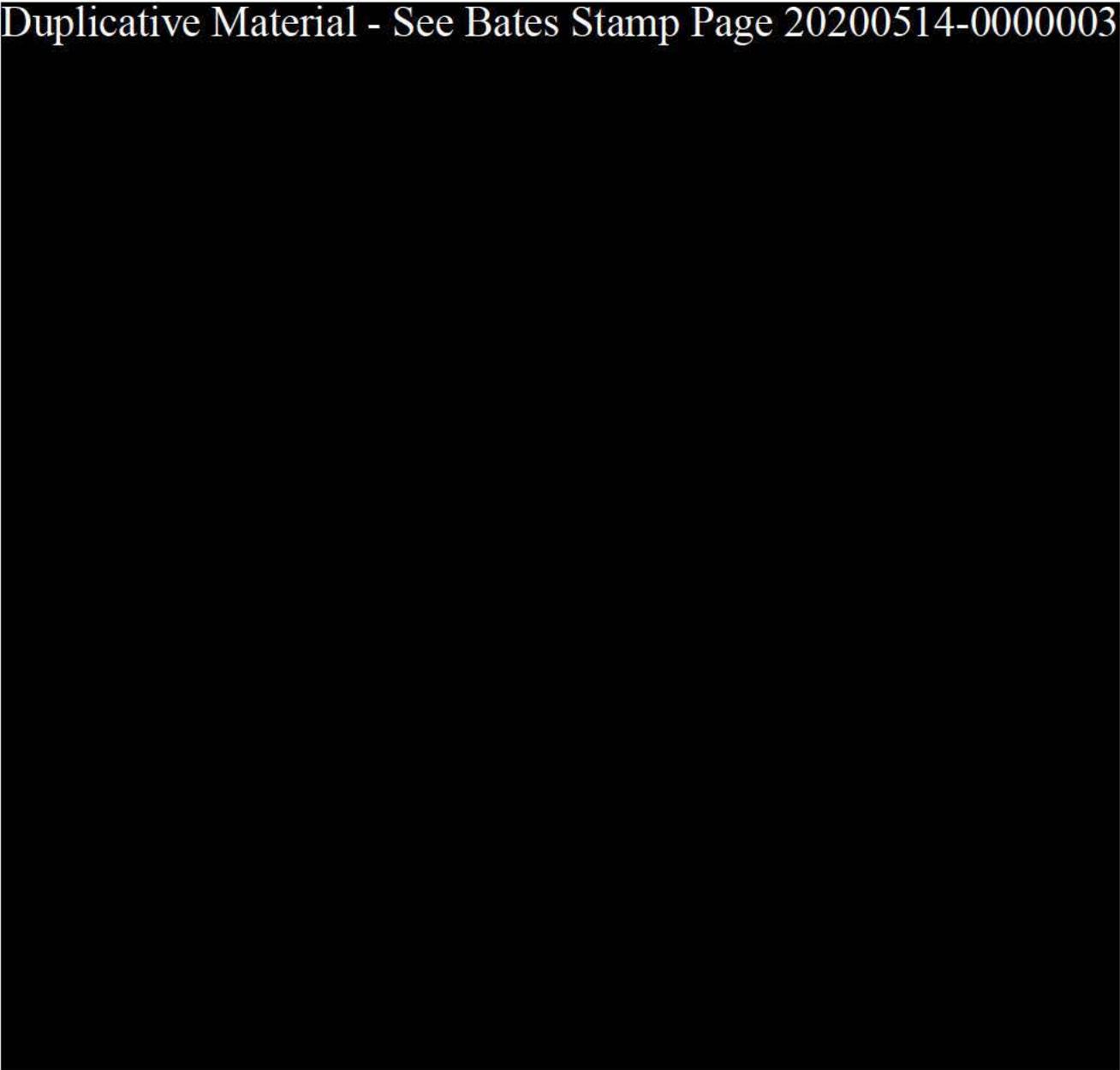
**From:** Conti, Andrew  
**Sent:** Wednesday, May 30, 2018 10:42 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Subject:** RE: flagging gowdy

Thanks

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Wednesday, May 30, 2018 10:40 AM  
**To:** Conti, Andrew <Andrew.conti@FOXNEWS.COM>  
**Subject:** Re: flagging gowdy

Duplicative Material - See Bates Stamp Page 20200514-0000003



**Singman, Brooke**

---

**From:** Singman, Brooke  
**Sent:** Wednesday, May 30, 2018 9:32 AM  
**To:** Flores, Sarah Isgur (OPA); Prior, Ian (OPA)  
**Cc:** Burman, Blake; Gibson, Jake  
**Subject:** RE: AG comment?

Sorry! thanks

---

**From:** Flores, Sarah Isgur (OPA) [mailto:Sarah.Isgur.Flores@usdoj.gov]  
**Sent:** Wednesday, May 30, 2018 9:32 AM  
**To:** Singman, Brooke <brooke.singman@FOXNEWS.COM>; Prior, Ian (OPA) <Ian.Prior@usdoj.gov>  
**Cc:** Burman, Blake <Blake.burman@FOXBUSINESS.COM>; Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** RE: AG comment?

Blake already asked—please coordinate!

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Singman, Brooke <[brooke.singman@FOXNEWS.COM](mailto:brooke.singman@FOXNEWS.COM)>  
**Sent:** Wednesday, May 30, 2018 9:30 AM  
**To:** Flores, Sarah Isgur (OPA) <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>; Prior, Ian (OPA) <[IPrior@jmd.usdoj.gov](mailto:IPrior@jmd.usdoj.gov)>  
**Subject:** AG comment?

Hi Sarah and Ian,

Does the attorney general have a comment to the president's tweet saying "I wish I did!" appoint someone else as attorney general?

Deadline ASAP.

Thanks,

Brooke Singman  
Politics Reporter, Fox News Channel

(b)(6)

[Brooke.singman@foxnews.com](mailto:Brooke.singman@foxnews.com)

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**Aloi, Diana**

---

**From:** Aloi, Diana  
**Sent:** Tuesday, May 29, 2018 3:59 PM  
**To:** Prior, Ian (OPA)  
**Cc:** Gibson, Jake  
**Subject:** RE: REQUEST FOR STATEMENT

THANK YOU

---

**From:** Prior, Ian (OPA) [mailto:ian.prior@usdoj.gov]  
**Sent:** Tuesday, May 29, 2018 3:57 PM  
**To:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Cc:** Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Subject:** RE: REQUEST FOR STATEMENT

Diana,

I would refer you to the AG's previous statement on the opioid crisis:

"Opioid abuse is driving the deadliest drug crisis in American history. It has cost this nation hundreds of thousands of precious lives. It has strained our public health and law enforcement resources and bankrupted countless families across this country. President Trump and this administration have made ending this unprecedented crisis a priority, and the Department of Justice is committed to using every lawful tool at our disposal to turn the tide."

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

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

---

**From:** Aloi, Diana <Diana.Aloi@FOXNEWS.COM>  
**Sent:** Tuesday, May 29, 2018 12:16 PM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Cc:** Prior, Ian (OPA) <IPrior@jmd.usdoj.gov>  
**Subject:** REQUEST FOR STATEMENT

Hello we are covering this story – would you please provide us with a brief statement by 4pm et today

<https://www.nytimes.com/2018/05/29/health/purdue-opioids-oxycontin.html>

Purdue Pharma, the company that planted the seeds of the opioid epidemic through its aggressive marketing of OxyContin, has long claimed it was unaware of the powerful opioid painkiller's growing abuse until years after it went on the market.

But a copy of a confidential Justice Department report shows that federal prosecutors investigating the

company found that Purdue Pharma knew about “significant” abuse of OxyContin in the first years after the drug’s introduction in 1996 and concealed that information.

Company officials had received reports that the pills were being crushed and snorted; stolen from pharmacies; and that some doctors were being charged with selling prescriptions, according to dozens of previously undisclosed documents that offer a detailed look inside Purdue Pharma. But the drug maker continued “in the face of this knowledge” to market OxyContin as less prone to abuse and addiction than other prescription opioids, prosecutors wrote in 2006.

Based on their findings after a four-year investigation, the prosecutors recommended that three top Purdue Pharma executives be indicted on felony charges, including conspiracy to defraud the United States, that could have sent the men to prison if convicted.

But top Justice Department officials in the George W. Bush administration did not support the move, said four lawyers who took part in those discussions or were briefed about them. Instead, the government settled the case in 2007.

Prosecutors found that the company’s sales representatives used the words “street value,” “crush,” or “snort” in 117 internal notes recording their visits to doctors or other medical professionals from 1997 through 1999.

The 120-page report also cited emails showing that Purdue Pharma’s owners, members of the wealthy Sackler family, were sent reports about abuse of OxyContin and another company opioid, MS Contin. We have in fact picked up references to abuse of our opioid products on the internet,” Purdue Pharma’s general counsel, Howard R. Udell, wrote in early 1999 to another company official. That same year, prosecutors said, company officials learned of a call to a pharmacy describing “OxyContin as the hottest thing on the street — forget Vicodin.”

Mr. Udell and other company executives testified in Congress and elsewhere that the drug maker did not learn about OxyContin’s growing abuse until early 2000, when the United States attorney in Maine issued an alert. Today, Purdue Pharma, which is based in Stamford, Conn., maintains that position. The episode remains relevant as lawmakers and regulators struggle to stem a mounting epidemic that involves both prescription opioids and, increasingly, illegal opioid compounds like heroin and counterfeit forms of fentanyl. President Trump has declared the problem a public health emergency. Over the past two decades, more than 200,000 people have died in the United States from overdoses involving prescription opioids. States and cities continue to file a wave of lawsuits against Purdue Pharma and other opioid manufacturers and distributors.

Thank you  
Diana Aloï

(b)(6)

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**Flores, Sarah Isgur (OPA)**

---

**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Tuesday, May 29, 2018 11:55 AM  
**To:** Wells, Justin  
**Subject:** RE: whats tucker up to tonight and tomorrow

Cool—lets touch base in the am

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

---

**From:** Wells, Justin <justin.wells@FOXNEWS.COM>  
**Sent:** Tuesday, May 29, 2018 11:53 AM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Subject:** Re: whats tucker up to tonight and tomorrow

We have a trump rally tonight. Tomorrow might be a possibility.

On May 29, 2018, at 11:41 AM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Family separation policy?

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

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**Laco, Kelly (OPA)**

---

**From:** Laco, Kelly (OPA)  
**Sent:** Tuesday, May 29, 2018 10:56 AM  
**To:** Gibson, Jake  
**Cc:** O'Malley, Devin (OPA)  
**Subject:** RE: Call-in Information 11:00am TODAY

Background briefing on the border crisis

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

---

**From:** Gibson, Jake <Jake.Gibson@FOXNEWS.COM>  
**Sent:** Tuesday, May 29, 2018 10:50 AM  
**To:** Laco, Kelly (OPA) <klaco@jmd.usdoj.gov>  
**Cc:** O'Malley, Devin (OPA) <domalley@jmd.usdoj.gov>  
**Subject:** Re: Call-in Information 11:00am TODAY

Is this for the anti-trust call?

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

On May 29, 2018, at 10:48 AM, Laco, Kelly (OPA) <[Kelly.Laco@usdoj.gov](mailto:Kelly.Laco@usdoj.gov)> wrote:

Participant Dial-In: (b)(6)

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

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**Gibson, Jake**

---

**From:** Gibson, Jake  
**Sent:** Thursday, May 24, 2018 1:24 PM  
**To:** Prior, Ian (OPA)  
**Subject:** Pardon Office... Jack Johnson?

Can u confirm?  
He is officially pardoned?

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

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**Robitaille, Rachael**

---

**From:** Robitaille, Rachael  
**Sent:** Thursday, May 24, 2018 11:28 AM  
**To:** Kupec, Kerri (JMD)  
**Subject:** RE: CAVUTO

Hi Kerri,

I understand, thank you for getting back to me! We will most certainly reach out in the future. In the meantime, if this should change, please let us know!

Best,  
Rachael

Rachael Robitaille  
Booker, "Cavuto LIVE"  
O: (b)(6)  
C: (b)(6)

---

**From:** Kupec, Kerri (JMD) (b)(6)  
**Sent:** Thursday, May 24, 2018 11:26 AM  
**To:** Robitaille, Rachael <Rachael.Robitaille@FOXNEWS.COM>  
**Subject:** CAVUTO

**Hi Rachael - thanks for reaching out. The DAG is not currently doing interviews, so we decline.**

**Please do keep us in mind for the future.**

**Best,  
Kerri**

---

**From:** Robitaille, Rachael <[Rachael.Robitaille@FOXNEWS.COM](mailto:Rachael.Robitaille@FOXNEWS.COM)>  
**Sent:** Thursday, May 24, 2018 10:19 AM  
**To:** Press <[Press@jmd.usdoj.gov](mailto:Press@jmd.usdoj.gov)>  
**Subject:** "Cavuto LIVE" Request ([MAY 26](#))

Good morning,

I work for Fox News with Neil Cavuto's team. I'm reaching out to check Deputy Attorney General Rosenstein's availability to join Neil [this Saturday \(May 26\)](#) on "Cavuto LIVE". Our show is live [from 10AM](#)

---

to 12PM ET on Saturday with Neil hosting in NYC. We are also able to pre-tape interviews on Friday evening if more convenient. Please let me know if there is anything that we can work out.

Best,

Rachael Robitaille

Booker, "Cavuto LIVE"

O: (b)(6)

C: (b)(6)

Sent from my iPhone

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**Kristina Wong**

---

**From:** Kristina Wong  
**Sent:** Thursday, May 24, 2018 9:24 AM  
**To:** Prior, Ian (OPA)  
**Subject:** Meeting

Hi Ian!

Have the details of the meetings today changed? Seeing tweets that say it'll now be at the Capitol and participants have changed...

Kristina

--  
Kristina Wong  
Pentagon reporter, Breitbart News  
(202) 716-0072  
@kristina\_wong

**Boughton, Bryan**

---

**From:** Boughton, Bryan  
**Sent:** Thursday, May 24, 2018 8:29 AM  
**To:** Flores, Sarah Isgur (OPA)  
**Cc:** Herridge, Catherine; Gibson, Jake; Sammon, Bill; Grzech, Cherie  
**Subject:** Re: I am inside the Building

Catherine is with us now. All here.

> On May 24, 2018, at 08:28, Flores, Sarah Isgur (OPA) <Sarah.Isgur.Flores@usdoj.gov> wrote:

>

> Jake can help you--we're at the DAGs conference room on the 4th floor

>

>> On May 24, 2018, at 8:25 AM, Herridge, Catherine <Catherine.Herridge@FOXNEWS.COM> wrote:

>>

>> Ground floor - shall I wait here or please direct to meeting location. Thank you

>>

>> Sent from my iPhone

>>

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**Flores, Sarah Isgur (OPA)**

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Wednesday, May 23, 2018 11:05 PM  
**To:** Gibson, Jake  
**Subject:** Re: Guidance on meeting for tomorrow

No--those are the invitees

On May 23, 2018, at 11:04 PM, Gibson, Jake <[Jake.Gibson@FOXNEWS.COM](mailto:Jake.Gibson@FOXNEWS.COM)> wrote:

Question....

Have the gang of 8 confirmed???

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

On May 23, 2018, at 10:00 PM, Flores, Sarah Isgur (OPA) <[Sarah.Isgur.Flores@usdoj.gov](mailto:Sarah.Isgur.Flores@usdoj.gov)> wrote:

Please circulate this to your outlets:

**First meeting**

Time: [12pm](#)

Place: Department of Justice

Participants:

White House Chief of Staff John Kelly  
Deputy Attorney General Rod Rosenstein  
FBI Director Wray  
DNI Director Coats

Chairman Devin Nunes  
Chairman Trey Gowdy

Additional FBI and DOJ briefers and staff

**Second meeting**

Time: [2pm](#)

Place: Department of Justice

Participants:

White House Chief of Staff John Kelly

White House Chief of Staff John Kelly  
Deputy Attorney General Rod Rosenstein  
FBI Director Wray  
DNI Director Coats

All Gang of Eight Members  
Chairman Trey Gowdy

Additional FBI and DOJ briefers and staff

xxx

Sarah Isgur Flores  
Director of Public Affairs

(b)(6)

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