

Doherty, Brian

From: Doherty, Brian
Sent: Friday, December 1, 2017 2:26 PM
To: Whitaker, Matthew (OAG)
Subject: RE: Good to meet you

Yes! It was terrific to meet you! That was a wonderful Christmas party.
We hope that the AG has some time in the next week or so to sit down for a pre tape w/ Shannon Bream
Have a wonderful holiday!
Brian

Brian Doherty

Coordinating Producer, *News @ Night* w/ Shannon Bream

W (b) (6)

Cel (b) (6)

(b) (6)

AMERICA has chosen....
FOX NEWS is # 1 in ratings, # 1 with viewers.

From: Whitaker, Matthew (OAG (b) (6))
Sent: Friday, December 01, 2017 1:55 PM
To: Doherty, Brian (b) (6)
Subject: Good to meet you

Enjoyed talking with you last night. Let's stay in touch. Best regards, MW

Matthew G. Whitaker
Chief of Staff
Office of Attorney General
Department of Justice

(b) (6)

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

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, December 8, 2017 11:13 AM
To: Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG); Cutrona, Danielle (OAG)
Subject: Jordon on CNN

New Day (CNN) – Rep. Jim Jordan (FBI, Dossier, Russia Investigation)

<http://mms.tveyes.com/transcript.asp?>

[PlayClip=FALSE&DTSearch=TRUE&DateTime=12%2F08%2F2017+08%3A19%3A58&market=m1&StationID=100](http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=12%2F08%2F2017+08%3A19%3A58&market=m1&StationID=100)

ALISYN CAMEROTA: that was fbi director, christopher wray defending the fbi after trump said it was in tatters, and some of the toughest criticism came from jim jordan. you had some heated exchanges with the director wray yesterday. agrees that the fbi is in tatters?

REP. JIM JORDAN: i think lots of people question particularly as it relates to the entire clinton investigation and the russian matter, so that's where my focus is.

CAMEROTA: you were zeroing in on the dossier and what you wanted to know was whether that steele cause dossier was used as a predicate to get the fisa warrant, and you admitted you had a hunch, that's your suspicion but don't have a basis for it?

REP. JORDAN: it was reported it was used to get warrants to spy on americans associated with the trump campaign, and we know the dossier is fake news bologna, and the clinton campaign paid the law firm that paid the agent who paid russians. that's what is amazing, one campaign paid russia for the report that a basis for spying on americans?

CAMEROTA: so many leaps of logic. the first part, the dossier has been corroborated, in terms of all the contacts between high-level trump folks and russians, all that has been corroborated.

REP. JORDAN: why not do what we asked director wray, why not release the application?

CAMEROTA: he told you yesterday because he said all that is classified.

REP. JORDAN: you can give it to the judiciary. that's what we asked him. we want the application. we are the committee that has oversight over the justice department, so give assembled to take to the court. we want to see that. my case is peter strzok's fingerprints is all over that.

CAMEROTA: that's the agent you are talking about who was dismissed and has anti-trump texts.

REP. JORDAN: if everybody was dismissed from the mueller team that was anti-trump you wouldn't have anybody left. there has to be more to the story, because peter strzok is the same guy that ran the clinton investigation, and interviewed those in the clinton investigation, and changed it from gross negligence, and we are supposed to believe because he exchanged anti-trump text messages that disqualified him?

CAMEROTA: yeah, and you are pointing the mueller investigation with one broad brush stroke, and we know there are democrats and republicans on that team.

REP. JORDAN: all i am saying is i don't think he was dismissed because he had anti-trump bias -- there has to be something else. it has to do with the dossier.

CAMEROTA: i know you do. i want to zero in on that. i know you think that. it was part of the basis for the fisa warrant.

REP. JORDAN: so was the application.

CAMEROTA: after the fbi corroborated the details on their own, so they second sourced it --

REP. JORDAN: the same fbi -- the same fbi --

CAMEROTA: you don't believe the fbi is capable of doing their own investigation.

REP. JORDAN: the same fbi who also reported paying christopher steele, and the same fbi that launched the investigation and took this document to the fisa court and said this is the reason we need a warrant to spy on peo with the trump -- it was paid for by the democratic and --

CAMEROTA: it has not been discredited. it has been corroborated.

REP. JORDAN: really?

CAMEROTA: yes, ask your intel community. your intel communities have corroborated all the details.

REP. JORDAN: really?

CAMEROTA: the conversations. the face-to-face meetings between the trump team and the russians, and the only part you are focussing on is the stuff we have not reported on.

REP. JORDAN: no, i am talking about the whole thing. the fbi reported they were paying christopher steele to put together an opposition research document that the fbi, i believe, dressed up and took to the fisa court so they could spy on the other party's candidate and campaign. that's what i think happened.

CAMEROTA: yeah, but you don't have any basis for that. that's your hunch.

REP. JORDAN: are you kidding me?

CAMEROTA: you called it your hunch. you said, this is my hunch.

REP. JORDAN: and the fbi could prove i am wrong if they would show us the application.

CAMEROTA: they said it will, but it's classified. they said they have disclosed it to closed congressional committees and yours was an open one yesterday.

REP. JORDAN: they can bring it to us in a closed setting, and to the extent they have to redact some names they can make it in an open setting, which is what we need. open hearings, that's something elsewhere the american people can then know what in fact took place.

CAMEROTA: i like open hearings a lot better than closed one as well, and they said it's classified and you don't want classified information revealed in an open meeting, do you?

REP. JORDAN: i do not. i want to know was in fact this dossier the basis of the warrant to spy on trump's campaign. if it did, that is wrong. that's what we need to find out. i think everything points to that, and if that took place where you had one party working with the fbi to go after the other party's nominee, that is not supposed to happen in this country. each and every day, as we learn more, and we learn mr. orr losing his position, and peter strzok, and each and every day we get more information which points to this is what took place and if it did people need to be held accountable.

CAMEROTA: i get it. these are the connecting of the dots you are trying to do but we are there yet, so i get it and that's what you are trying to do, but --

REP. JORDAN: i think we are close. i think we are close. if i am wrong, prove me wrong. i think every day it points more and more to the theory of what i have of what took place in this case.

CAMEROTA: thank you very much for coming on with your perspective.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, December 8, 2017 11:43 AM
To: Cutrona, Danielle (OAG); Whitaker, Matthew (OAG); Boyd, Stephen E. (OLA)
Subject: sundays so far

Jordan is on Fox News Sunday. Panel: Newt Gingrich, Rachael Bade, Mike Needham, Charles Lane

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

Pettit, Mark T. (OPA)

From: Pettit, Mark T. (OPA)
Sent: Wednesday, December 13, 2017 12:00 PM
To: Flores, Sarah Isgur (OPA); Terwilliger, Zachary (ODAG); Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG)
Cc: Prior, Ian (OPA)
Subject: Jordan Transcript

Jordan

did the fbi pay christopher steel and was the dossier the basis for securing warrants at the fisa court to spy on americans associated with the trump campaign? it boils down to those fundamental questions. did you pay the guy who wrote it? did you use what he wrote to go get warrants to spy on americans? that's what it comes down to. and you're the guy who could answer those questions. yesterday i was convinced the answer to those questions was probably yes, but today i'm even more convinced the answer is yes based on the text messages we got to read early this morning. mr. rosenstein, you know peter struck?

DAG

yes. i'm familiar with the name.

J

former deputy head of counter intelligence at the fbi, peter struck, that one.

DAG

i don't know his precise title.

J

peter struck ran the clinton campaign, interviewed mills, abedin, clinton, changed from gross negligence to extreme carelessness. peter struck selected by mr. mueller to be on his team. that peter struck, we learn had all these text messages. we got to read some of them early this morning. as my colleagues have pointed out, some of them show he didn't like trump. he and ms. page show they don't like the president. but that's nothing new. everybody on mueller's team -- no one on mueller's team likes trump. we already knew that. i want to focus on one in particular, one in particular. this is a text message from mr. struck to ms. page recalling a conversation and a meeting that took place in andrew mccabe's office, deputy director of the fbi recalling a meeting earlier and mr. struck says this. i want to believe the path you threw out for conversation at andy's office, then there's a break, it says that there's no way he gets elected, no way trump gets elected. he says i want to believe that. but then he goes, but i'm afraid we can't take that risk. this goes to intent. he says we can't take the risk. you know, the people of this great country might elect donald trump president. we can't take this risk. this is peter struck, head of counter intelligence of the fbi. this is peter struck who i think had a hand in that dossier that was all dressed up and taken to the fisa court. he's saying we can't take the risk, we have to do something about it. don't forget the timeline here either, mr. rosenstein. peter struck, january 10th. he's the guy who changes the exoneration letter from gross negligence, criminal standard, to extreme carelessness. july 2nd, he's the guy who sits in on the clinton interview. and then august 2016 we have this text message, the same month that the russian investigation is opened at the fbi, august 2016. any guess is that my guess is that's the same month that the application was taken to the fisa court to get the warrants to spy on americans. using this dossier that the clinton campaign paid for, fake news all dressed up, taken to the court. so i got really just a couple basic questions. if the answer is yes, if you guys paid christopher steel statement the democrats and the clinton campaign were paying him or if you took the dossier and used that as the basis to get warrants and now we have intent in this text message saying -- there's another text message. my colleague referenced it earlier where mr. struck says ki protect i can protect our country at many levels. this guy thought he was super agent james bond at the fbi. this is obvious. i'm afraid we can't take that risk. there's no way we can let the american people make donald trump the next president. i've got to protect our country. this is unbelievable. i'm here to tell you mr. rosenstein, i think the public trust in this whole thing and gone. seems to me you've got two things you can do. you're the guy in charge. you're the guy who picked mueller. you're the guy who wrote the memo on why he needed to fire comey. you can appoint a second special counsel to look into this, to look into peter struck and everything else we have learned in the last several weeks.

DAG

yes, congressman. i can assure you that i can consider it very important to make sure that a thorough review is done and our inspector general is doing a thorough review. that's how we found those text messages.

J

you've given that answer like 15 times. let me ask you this. this is what a lot of americans are believing right now and i certainly do, that the comey fbi and the obama justice department worked with one campaign to go after the other campaign. that's what everything points to. think about what we've learned in the last several weeks. we learned they paid for the dossier. then we learn about peter struck. and then we learn about bruce orr and his wife nellie. this is unbelievable. what's it going to take to get a second special counsel to answer these questions and find out if peter struck

was up to what i think he was.

DAG

the inspector general has 500 employees and \$100 million budget. this is what he does. he investigates allegations of misconduct involving department employees. that review is what turned up those text messages. it will also involve interviews of those persons and other witnesses.

J

we're looking forward to his report and we've met with mr. horowitz. all kinds of senators think we need a second special counsel. what fact pattern do you have to have? what kind of text messages do you have to see before you say it's time for a second special counsel?

DAG

i want to assure you and i think the attorney general explained we take very seriously the concerns of 20 members of this committee or one member of this committee, but we have a responsibility to make an independent determination and we will.

Pettit, Mark T. (OPA)

From: Pettit, Mark T. (OPA)
Sent: Wednesday, December 13, 2017 12:11 PM
To: Flores, Sarah Isgur (OPA); Terwilliger, Zachary (ODAG); Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG)
Cc: Prior, Ian (OPA)
Subject: Jeffries Transcript

Jeffries
there are approximately 14,000 special agents within the fbi, is that correct?

DAG
37,000 total employees.

J
is it fair to say a majority of those fbi special agents are registered republicans?

DAG
i haven't asked them and i wouldn't want to speculate.

J
the majority have deserve leaning political reviews like much of the law enforcement community throughout the entire nation?

DAG
i'm certain that many of them do. i haven't counted.

J
now, the department of justice apparently last evening invited a group o reporters to its offices to review the private text messages that were sent during the election by peter struck and lisa page, is that correct?

DAG
i believe that's correct.

J
who exactly authorized the department of justice in advance of a congressional hearing to invite reporters to come view private text message communications between two department of justice employees who were the subject of a pending investigation? did you give that order, sir?

DAG
it's a very important question you ask, because that was one of my concerns about this issue is what is the status of these messages and is it appropriate to release them and the determination was made that it is. so we gave notice to their attorneys, we notified the committee. our goal is to make sure that it's clear to you and the american people we are not concealing anything that's embarrassing to the fbi.

J
isn't it extraordinary that you would invite reporters for a private spruviewing in advance of a congressional hearing?

DAG
only if the information is appropriate for public release. if it's not, it is never appropriate to disclose it to reporters.

J
shannon bream tweeted that fox news producer jake gibson has approximately 10,000 text messages between peter struck and lisa page. it's my understanding that only about 350 or so were released to this committee, is that correct?

DAG
there are others being reviewed. we're assured the committee share chairs that we're going to produce them.

J
how is it that fox news has 10,000 text messages?

DAG
i wouldn't assume that's true because it was in the news.

J
his is a fox news reporter bottom of it, hopefully the chairman in a bipartisan way would be interested in what is clearly -- would be a violation of law and department of justice proceedings.

DAG
there there were any evidence we disclosed information to a reporter that wasn't appropriate for public release, i would agree with you. i'm not aware of that.

J
the department of justice investigate should be free of political interference, true?

DAG
absolutely.

J
we put up a tweet from donald trump on november 3rd at 3:57 a.m. in the morning, god knows what he was doing at that time other than tweeting. it says everybody -- can we put that tweet up?

Someone
we ask consent that the clock stop while we're trying to --

Chair
what was the gentleman's request?

J
yeah, the committee had been given notice of a tweet that i wanted displayed on the screen last evening, and i have been asking for that to be put up.

Chair
and there's some technical difficulty in doing that? yeah, we'll suspend.

Someone
i believe the gentleman had 1:45.

Chair
we'll make sure he has plenty of time.

J
in the interest of time, mr. chairman, i'll just read what was written by the president. he said everybody is asking why the justice department and fbi isn't looking into all of the dishonestly going on with crooked hillary and the dems. let me ask you a question. is it ever appropriate for a president, any president, to encourage the department of justice to launch criminal investigations against his or her perceived political enemies?

DAG
i'm not going to comment on that, congressman. as i have explained previously, the president has put a team of experienced folks in charge of the department of justice. and we're not going to be influenced by anything other than the facts of law.

J
was that an appropriate tweet for the president of the united states to send?

DAG
not my role to opine on that.

J
the president's repeated attempts to encourage criminal prosecutions against perceived political enemies concern you, sir?

DAG
congressman, as i have said, we understand our responsibility. and we're going to continue to conduct our responsibility in accordance with the facts and the law, and i'm grateful that the president has put an experienced team in charge of the justice department who understand what to do.

J
thanks. on june 20th, "the new york times" published a wide ranging interview with president trump. in it, the president criticized you for being from baltimore. he said there are few republicans from baltimore. are you unable to be fair and impartial because you're from baltimore.

DAG
i'm actually not from baltimore. i worked there in for twelve it's true, there aren't a lot of years. republicans in baltimore.

J
his statement had no basis in reality, correct?

DAG
that part was trew.

J
preet bharara was a former district attorney for the state of new york city, true?

DAG
he was fired by donald trump in march?

DAG
along with almost all of the u.s. attorneys.

J
they have proscutorial jurisdiction over trump tower in manhattan, correct?

DAG
jurisdiction over everything in its jurisdiction.

J
and president interviews of u.s. attorney candidates, as has been reported to be the case for preet bruharara's replacement, that would be a departure from protocol.

DAG
for the president to conduct the interview?

J
that's correct.

DAG
i'm not aware of all the prior practices. i don't think it was done in the last two administrations i was familiar with.

J
you were appointed by president bush and then continued in that position as u.s. attorney for maryland by barack obama. that's correct?

DAG
that's correct. as a matter of law, i was appointed and never removed.

J
were you ever asked by president bush for a loyalty pledge?

DAG
no.

J
president barack obama to take a loyalty procedure.

DAG
no. >> is it appropriate for the president to ask that a department director have a loyalty pledge?

DAG
i don't have an opinion on that. nobody asked me to take a loyalty pledge, other than the oath of office.

J
i yield back.

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, December 15, 2017 9:20 AM
To: Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: Fwd: Transcript and clip

http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID_bf1037df-da42-4c8d-a124-4ea517a4ffee

Sean

i always thought it was a mistake that jeff sessions recused himself here and and you have got rod rosenstein.

Newt

wait, wait. he has not recused himself on any of this he rye could you said himself narrowly on the russia investigation on whether or not the trump campaign was involved. as attorney general he is not recused on whether or not the fbi was corrupted. and he is not recuse could you seed on whether or not the clinton team was corrupted. he has an absolute obligation.

Sean

i agree with you. didn't recuse himself on uranium one and the dossier. that came up, too.

Newt

let me say this straight for a second. because i have known jeff sessions for a long time. and i will just say flatly. it's time for the attorney general to step up to the plate and do his job. he has no excuse as somebody who i know believes in the law. he has no excuse for hiding he has to set up a clinton investigation. he has to set up an fbi justice department investigation. this is his obligation under the law to enforce it and to protect the american people. and **Jeff Sessions** has nowhere to hide on this. he can't recuse himself. he can't say he is not involved. these two things are so profound that he has to take them head on. or he is frankly not doing his job.

sean:

i don't think i could say it any better. it's serious. we will stay on it. interesting. isn't it sad, probably the biggest news story in our lifetime politically and the news media in this country has basically ignored it and has -- they have been co-opted by a phony narrative. and that they spreading lies and fake news for a year. and being caught regularly at it. last word.

Newt

well, look, this is the beginning of the end of their world. if the clintons go down as hard as i think they are going to. and if the corruption of the fbi goes down as hard as i think it's going to. then the elite media will have been more severely damaged than any time in the last 50 years.

sean:

chilling, mr. speaker, we will stay on it, i promise. this is a huge story. up next the liberal media is doing everything in their power to cover up the anti-trump bias that is in

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, January 10, 2018 8:15 PM
To: Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: end of first year stories

As Danielle finishes the cabinet doc, I'd like to propos (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Can discuss tomorrow but based on the draft danielle sent me today, I think there's a lot we will want to do with it to get the word out.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Saturday, January 13, 2018 9:49 AM
To: Cutrona, Danielle (OAG)
Subject: Re: Fox News: Nunes charges 'abuse' of government surveillance by FBI and Justice officials

Roger. No one responded.

On Jan 13, 2018, at 8:53 AM, Cutrona, Danielle (OAG) (b) (6) wrote:

Did you get a response? You let the AG know about this if you haven't already.

Sent from my iPhone

On Jan 12, 2018, at 9:18 PM, Whitaker, Matthew (OAG) (b) (6) > wrote:

This cannot be the case. How can we pushback on this?

On Jan 12, 2018, at 9:05 PM, Cutrona, Danielle (OAG) (b) (6) wrote:

Nunes charges 'abuse' of government surveillance by FBI and Justice officials
Fox News

House Intelligence Chairman Devin Nunes told Republican colleagues in two closed-door meetings this week he has seen evidence that shows clear "abuse" of government surveillance programs by FBI and Justice Department officials. [Read the full story](#)

Shared from [Apple News](#)

Sent from my iPhone

Bennett, Catherine T (OAG)

From: Bennett, Catherine T (OAG)
Sent: Wednesday, January 17, 2018 2:28 PM
To: McKinney, Suzanna (OAG); Whitaker, Matthew (OAG); Smith, Andrew H. (OAG); Cutrona, Danielle (OAG); Barnett, Gary E. (OAG); Tucker, Rachael (OAG); Morrissey, Brian (OAG); Hamilton, Gene (OAG); LaCour, Alice S. (OAG)
Subject: FW: Notification of Records Search to be Conducted in Response to the FOIA, Parker, OIP Nos. DOJ-2018-001553 (AG), et. al.
Attachments: Parker Initial Request.pdf

All,

You will be receiving FOIA request emails, such as this one, for your information only, and as a courtesy, from analysts in the Office of Information Policy (OIP). If you have classified information pertaining to any subject matter, please inform me and I will contact the OIP analyst. An explanation for these searches can be found in the email below. If you have any questions whatsoever, please direct them to Doug Hibbard, Senior Advisor, Initial Request Staff, (b) (6). Thank you.

From: Baker, Brittnie (OIP)
Sent: Wednesday, January 17, 2018 1:02 PM
To: Bennett, Catherine T (OAG) (b) (6)
Cc: Villanueva, Valeree A (OIP) (b) (6)
Subject: Notification of Records Search to be Conducted in Response to the FOIA, Parker, OIP Nos. DOJ-2018-001553 (AG), et. al.

Good Afternoon,

The purpose of this email is to notify you that the records of the below-listed officials will be searched in response to the attached Freedom of Information Act (FOIA) request.

The requester, Kristy Parker of the Democracy Project, is seeking records pertaining to:

- Various records on the proposed merger between the Walt Disney Company and 21st Century Fox, including:
 - Records between the President or White House employees and the Department concerning the proposed merger
 - All records on the proposed merger that refer to the President or any WH employee, Fox News, Rupert Murdoch or any other Fox News employee
- Timeframe: since January 20, 2017

The officials that will be searched are:

- Attorney General Jeff Sessions
- Matthew Whitaker
- Andrew Smith
- Danielle Cutrona
- Gary Barnett
- Rachael Tucker

- Brian Morrissey
- Gene Hamilton
- Alice LaCour
- Please advise our office if any of the above custodians should be removed, or additional custodians should be included in this search.

The FOIA requires agencies to conduct a reasonable search in response to FOIA requests. For your information, this search will encompass the email and computer files (e.g. G or H drive) maintained by the officials listed above. We have also initiated searches in the Offices of the Deputy Attorney General, Associate Attorney General, Public Affairs, Legal Policy, and Legislative Affairs.

To the extent officials within your office maintain other types of records, such as text and voice messages, or material maintained within a classified system that would be responsive to the this request but would not be located as a result of OIP's search, please indicate so in response to this email. OIP staff will make arrangements to conduct those searches as necessary. Similarly, if your office would not maintain any records responsive to this request or you can readily identify the officials, be they either current or former employees, that would maintain records responsive to this request, you may indicate so in response to this email.

Please note that the Federal Records Act, as amended in 2014, and DOJ Policy Statement 0801.04 provide that government employees may not use a non-official email account for official business unless the communication is fully captured in a DOJ recordkeeping system either by copying their official account or forwarding any such messages to their official account within twenty days. Should any records custodians have official records responsive to this FOIA request which are on a non-official account but were not copied into their official email account, those records should be provided to OIP.

If you have any questions concerning this matter, please feel free to call me at 202-616-5456 or by replying to this email.

Thank you,

Brittnie R. Baker
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
(b) (6)



December 15, 2017

By Online Portal
(<https://foiaonline.regulations.gov/>)
Office of the Attorney General
Laurie Day
Chief, Initial Request Staff
Office of Information Policy
U.S. Department of Justice
Suite 11050, 1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

By Email
(antitrust.foia@usdoj.gov)
Antitrust Division
Sue Ann Slates
Chief, FOIA/PA Unit
U.S. Department of Justice
Liberty Square Building
Suite 1000, 450 Fifth Street, N.W.
Washington, D.C. 20530-0001

By Online Portal
(<https://foiaonline.regulations.gov/>)
Office of the Deputy Attorney General
Laurie Day
Chief, Initial Request Staff
Office of Information Policy
U.S. Department of Justice
Suite 11050, 1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

Re: Freedom of Information Act request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. All documents, including but not limited to emails, calendar entries, or memoranda, reflecting or relating to communications between President Trump or any White House employee and any Department of Justice personnel (including but not limited to the Antitrust Division) concerning the proposed merger between the Walt Disney Company and 21st Century Fox, including but not limited to any communications that refer or relate to Fox News, Rupert Murdoch, or any other Fox News employee.
2. All documents, including but not limited to emails, calendar entries, or memoranda, relating to or referencing the proposed merger between the Walt Disney Company and 21st Century Fox that discuss or in any way refer to the

following individuals or entities: President Trump or any White House employee; Fox News, Rupert Murdoch, or any other Fox News employee.

3. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request is January 20, 2017 through the date that searches are conducted for records responsive to this FOIA request.

We ask that you search for records from all components of the DOJ in addition to the Antitrust Division that may be reasonably likely to produce responsive results, including but not limited to the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Office of Legal Policy, the Office of Public Affairs, and the Office of Legislative Affairs.

FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). As the District Court for the District of Columbia “easily” determined in recent litigation in a separate FOIA request,

The Protect Democracy Project is “primarily engaged in disseminating information.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, No. 17-CV-00842 (CRC), 2017 WL 2992076, at *5 (D.D.C. July 13, 2017). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.¹ The Protect Democracy Project will disseminate information and analysis about this request and any information obtained in response through its website (protectdemocracy.org); its Twitter feed (<https://twitter.com/protctdemocracy>), which has more than 10,000 followers; its email list of approximately 20,000 people; and sharing information with other members of the press.

RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We ask that you search for records from all components of DOJ that may be reasonably likely to produce responsive results. We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual

¹ See, e.g., Lisa Rein, *Watchdog group, citing “integrity of civil service,” sues Trump to find out if feds are being bullied*, Wash. Post (Apr. 27, 2017), <https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being-bullied/>; Ben Berwick, *Going to Court for Civil Servants*, Take Care (April 28, 2017), <https://takecareblog.com/blog/going-to-court-for-civil-servants/>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times (May 8, 2017), <https://nytimes.com/2pX82OV>; Justin Florence, *What’s the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare (May 8, 2017), <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>; Allison Murphy, *Ten Questions for a New FBI Director*, Take Care (June 6, 2017), <https://takecareblog.com/blog/ten-questions-for-a-new-fbi-director>.

exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at (b) (6) o (b) (6) if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kristy Parker", with a long, sweeping horizontal line extending to the right.

Kristy Parker

Counsel

The Protect Democracy Project

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Thursday, January 18, 2018 5:44 PM
To: Flores, Sarah Isgur (OPA); Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG)
Subject: RE: FYI

Maria has a lot of factual mistakes in here.

From: Flores, Sarah Isgur (OPA)
Sent: Thursday, January 18, 2018 5:34 PM
To: Cutrona, Danielle (OAG (b) (6) >; Boyd, Stephen E. (OLA) (b) (6) >; Whitaker, Matthew (OAG (b) (6) >
Subject: FW: FYI

Producer said it was from their segment this morning transcript below

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

From: Pettit, Mark T. (OPA)
Sent: Thursday, January 18, 2018 5:33 PM
To: Flores, Sarah Isgur (OPA (b) (6) >
Subject: RE: FYI

Video Link:

https://www.youtube.com/watch?v=Nls_7QxSD7A

Transcript:

Maria:
joining us this morning senior fellow for policy research jesse duff, thank you for joining the conversation.

Jessie Jane Duff:
good morning.

Maria:
we know that jim comey start today write out the exoneration letter way before interviewing the first interview, certainly way before interviewing hillary clinton, we also know that the fbi obviously was -- there was corruption at the top of the fbi. i don't think i'm reaching by saying that. i mean, there was collusion certainly, you've got top fbi agent peter stokz talking to his girlfriend, what are your thoughts on this investigation?

Jessie Jane Duff:
i have to agree with trey gowdy that that is stunning. we are stunned that this is taking so long to reveal what the american people seem to know. we are consistently being reminded that the wheels of justice move slowly and grind exceedingly fine. so in this particular case, i do think that we will see something come out of this. we know that the department of justice has expressed interest in investigating the clinton e-mail scandal, they're looking at the uranium one deals going on but don't expect it to happen overnight. it is going to be slow. i wouldn't say it probably won't happen another year or two before we start seeing action being taken.

Mary Kissel:

jesse, this wasn't the only special treatment that hillary clinton was given. it wasn't only the exoneration, her lawyer was allowed to be in the room and fbi director lied about this, if the rot was at the top of the fbi, how do you even start to tackle that?

Jessie Jane Duff:

unfortunately for senator -- i'm sorry, attorney general jeff sessions, he's surrounded by a lot of people that he cannot necessarily get rid of if he fires them and that would become a political scandal within itself. there are people that worked under the obama administration in place and they are doing everything they can to protect the clinton legacy. this is apparent when you look at judicial watch that there's obviously higher-up who is have invested interest in making sure that the clinton legacy is restored or at least maintained. i think that ship has sailed, the horse left the barn, it's time for the justice department to stop worrying about the institution and worry about justice for the american people.

Don pebbles:

the clinton legacy is over, she's lost and have been out of politics for a long time. politics, it's ororl that a new administration makes changes and so the attorney general, he had not undermined by his boss he would be in a position to a clean house which is customary when administrative people come in and change things and so it would have been expected that the trump administration make dramatic changes in the justice department, so one, what's the productive purpose of continuing this and, two, what is the downside of replacing these people at the top if we don't think that they are doing their job?

Jessie Jane Duff:

well, we also have to understand that the mueller investigation is a direct result of the clinton legacy. let's look at the reality. mueller was an appointee under the administration that was not donald trump, along with james comey, along with other leadership. you start firing people, it now looks like donald trump is trying to hide something. the cards are stacked against him, looks like there's a collusion from the top of the white house. the cards are stacked against him if there are attempted firing. the best we know that the collusion is a fake news that was reported by president clinton last night in his tweets on the top fake news and were essentially just holding our breath for this

Maria:

i have to push back on that. i feel like asking, you know, why we are spending time on this, i think that the rule of law is why we are spending time on this, i think that we have to be able to have trust and credibility in the fbi, in the cia, in the irs and all of the agencies that we trust and so that's the point and i think if we keep going on and on about thinking that there's something and there's never never any accountability. look at the scandal, daily caller reporting that house investigators concluded it aides made unauthorized social security to democratic caucus server, found five it workers log intoed serve erstwhile not employed by the officers they addressed. two of them are facing charges of bank fraud after trying to flee to pakistan in july of last year and nothing has happened at this either. so people have to wonder, you know, what happens when you've got all of this wrongdoing, this criminality when you look at the e-mail scandal as well and there's never accountability.

Mary Kissel:

you have to make the documents public. this is imperative. senator dianne feinstein made some of that public last week but actually, i think she had the right idea, maria, let's get it all out in the public square, let's let everybody read about it, whether it's the clinton e-mail scandal, whether it's the mueller investigation, how michael flynn's was unmasked, the it scandal that you're talking about. let the american people see what's going on.

Don pebbles:

at certain point this has got to end. you have investigations of the president of the united states, his son-in-law is being investigated, his business is being investigated, many other people –

Maria:

i agree with the russia probe because that's nonsense. robert mueller has been working as special prosecutor for how long and we still don't have any evidence of any wrongdoing.

Don pebbles:

and we don't have any evidence of wrongdoing from hillary clinton either.

Mary Kissel:

got special treatment from fbi. michael philipp was prosecuted for making misstatement which fbi told congress that they didn't think it was a misstatement –

Maria:

that's true.

Don pebbles:

by the way, the fbi is being run by donald j. trump's administration. he can give direction of how it's run. look, george bush and ronald reagan did not allow the optics to dictate how they the government and nor should donald trump. if he's right, he's broken no laws, and that there's –

Mary Kissel:

let's make it all public.

Don Pebbles:

he should fire them.

Maria:

does it bother you that the fbi agents were back and forth saying we need an insurance policy, let's go find what's in the paper today bother you that all of the collusion was going on at the top of the fbi?

Don Pebbles:

you all are acting like it's the first time that's happened. the reality -- no, this has been going -- richard nixon --

Maria:

first time we know of it.

Mary Kissel:

this is bigger than nixon.

Don Pebbles:

no.

Mary Kissel:

if you have a presidential campaign taking a document that they knew was populated with potentially russian intelligence not trust worthy to a fisa court, getting an order from the fisa court to spy on another presidential campaign, i say that's 100 times as serious as watergate and that is what --

Maria:

let's not forget, the number three guys at the department of justice, bruce ohr, the number three guy at the department of justice, his wife was working for fusion gps who authored this nonsense that was used as actual justification to wiretap donald trump. these things, this is america. i'm just saying that, yeah, i agree on the russia probe with the nonsense over donald trump and collusion, but i don't agree with -- i think we need some accountability when it comes to this stuff.

Don:

well, we ought to get on with it one way or the other and that's in the power of the hands of the president of the united states and his justice department.

Mary:

it's in the power of congress to release --

Don:

well, no.

Mary:

release interviews an results of findings and let the american people decide. the american people aren't dumb. let's see what actually happened, devin nunes has the power to to that and i hope he will.

Maria:

he'll getting pushback, him and trey gowdy.

Mary:

even the democrats tried to smear him with ethics investigation.

Don:

they can do it this morning.

Maria:

there's something called the deep state in terms of all of these people who are against this president and let's not forget what happened as soon as he got inaugurated. the whole intelligence community was investigating him, leaking stuff.

Don:

the majority of americans voted against him, but so what, he's the president of the united states, he should do his job and he should be free to do his job.

Mary:

democrats should help republicans and also call for more transparency. how about that?

Don:

the republicans don't need the democrats, they are no charge, i guaranty you that democrats when they take over congress which is going to happen in a very short period of time, they are going to take charge of an agenda, you may not like it but they will take charge and it's about time that the republican leadership actually step up and lead in the congress which they haven't done.

Maria:

i do agree on one thing they are saying, the facturing in the republican party. the leadership in another place. when the democrats when and if they do take control of the house, maybe the senate in november, they're going to all be aligned. you're not going to see this --

Don:

no. if the government shutdowns it won't because democrats shut it down, it'll because republicans shut it down.

Maria:

i don't know about that.

Mary:

republicans always get blamed.

Don:

but that's the reality.

Maria:

democrats are saying one thing and saying another. they said they wanted border security but they are not actually doing it. jesse we appreciate your insights this morning. final words?

Jessie Jane duff:

i find it ridiculous saying that there's nothing wrong with hillary clinton, we have to address that.

Maria:

jesse, thank you, we will be right back.

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Tuesday, January 23, 2018 3:09 PM
To: Cutrona, Danielle (OAG)
Cc: Flores, Sarah Isgur (OPA); Hamilton, Gene (OAG); Terwilliger, Zachary (ODAG); Boyd, Stephen E. (OLA); O'Malley, Devin (OPA); Prior, Ian (OPA)
Subject: Re: brain trust--decision on tv for tomorrow/this week

Concur

On Jan 23, 2018, at 3:08 PM, Cutrona, Danielle (OAG) (b) (6) > wrote:

I think you should do it. On the 4th one, could also sa (b) (5)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, January 23, 2018 3:01 PM
To: Whitaker, Matthew (OAG (b) (6)); Cutrona, Danielle (OAG (b) (6)); Hamilton, Gene (OAG (b) (6)); Terwilliger, Zachary (ODAG (b) (6)); Boyd, Stephen E. (OLA) (b) (6)
Cc: O'Malley, Devin (OPA (b) (6)); Prior, Ian (OPA (b) (6))
Subject: brain trust--decision on tv for tomorrow/this week

I am currently rescheduled to do Fox and Friends (Fox News) and Maria Bartiromo (Fox Business) in the am from Monday (I also have pending requests from several other fox shows). The topic is on the sanctuary city letters we are sending out tomorrow, which is a great story for our immigration and violent crime narrative. However, clearly there has been some breaking news since then.

Main stories currently in the news (my description below obviously does not mean I'm accepting the truth of the underlying story):

SCO interview

Wray resignation

Missing text messages

Nunes FISA abuse memo

(b) (5)

Given all of that, I would like thoughts from this group on whether I should pull out and lay low or push forward with our immigration message on tv tomorrow?

S

Sarah Isgur Flores

Director of Public Affairs

(b) (6)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, January 23, 2018 7:53 PM
To: Whitaker, Matthew (OAG)
Subject: FW: Details for "Fox & Friends" Tomorrow (Wednesday) LIVE at 8:20am ET

I'll be late to the 820☺

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: Murray, Andre (b) (6)
Sent: Tuesday, January 23, 2018 7:52 PM
To: Flores, Sarah Isgur (OPA (b) (6)
Subject: Details for "Fox & Friends" Tomorrow (Wednesday) LIVE at 8:20am ET

Hi Sarah,

Here are the details for tomorrow's LIVE interview at 8:20am ET. Please let me know if you need transportation to the bureau.

"Fox & Friends"

DATE: Wednesday, January 24th

CAR PICK UP: TBD

CAR SERVICE: Regal Service: 703-450-0200 Resv. # TBD

ARRIVAL: 7:45 am ET (for make-up)

LIVE INTERVIEW: 8:20 am ET with Brian Kilmeade, Steve Doocy, and Ainsley Earhardt

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

WEDNESDAY DC BUREAU GUEST GREETER Erenia Michelle Phone (b) (6) (Main) o (b) (6) Bureau
Main Number: (202) 824-6300 email (b) (6)

WEDNESDAY AM EMERGENCY CONTACT: Kyle Nolan Cel (b) (6) GREENROOM PHON (b) (6)
email (b) (6)

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
Offic (b) (6)
Cell # (b) (6)
Cell # (b) (6)
FA (b) (6)
Email (b) (6)
@andrewmurray1

From: Flores, Sarah Isgur (OP (b) (6))
Sent: Tuesday, January 23, 2018 4:00 PM
To: Murray, Andre (b) (6)
Subject: Re: Available for "Fox & Friends" Tomorrow (Wednesday)

Yes--earlier would be a little better but I can make it work. Can I confirm our sanctuary city announcement will start things off?

On Jan 23, 2018, at 3:53 PM, Murray, Andre (b) (6) > wrote:

8:20am ET works?

From: Flores, Sarah Isgur (OP (b) (6))
Sent: Tuesday, January 23, 2018 1:48 PM
To: Murray, Andre (b) (6)
Subject: RE: Available for "Fox & Friends" Tomorrow (Wednesday)

Sorry had a crazy morning as you can guess. Working to figure out where we are on that and should be able to get back to you asap!

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

From: Murray, Andre (b) (6)]
Sent: Tuesday, January 23, 2018 1:26 PM
To: Flores, Sarah Isgur (OPA) (b) (6)
Subject: RE: Available for "Fox & Friends" Tomorrow (Wednesday)

Hey,

Do you think we can talk about immigration tomorrow (Wednesday) LIVE on "Fox & Friends"?

Andrew

From: Flores, Sarah Isgur (OPA (b) (6))]

Sent: Thursday, January 18, 2018 2:14 PM

To: Murray, Andrew (b) (6)

Subject: RE: Available for "Fox & Friends" Tomorrow (Friday) LIVE at 6:20am ET?

Yes and we will have a big sanctuary city announcement I can make on air. Will send you details tomorrow if that works.

Sarah Isgur Flores

Director of Public Affairs

(b) (6)

From: Murray, Andre (b) (6)

Sent: Thursday, January 18, 2018 1:51 PM

To: Flores, Sarah Isgur (OPA (b) (6)

Subject: Re: Available for "Fox & Friends" Tomorrow (Friday) LIVE at 6:20am ET?

Sounds good, do you want to confirm that for Monday?

Andrew Murray

Producer, Politics

"Fox & Friends"

Fox News Channel

[1211 Avenue of the Americas, 2nd Floor](#)

[New York, NY 10036](#)

Offic (b) (6)

Cell # (b) (6)

Cell # (b) (6)

FA (b) (6)

Ema (b) (6)

@andrewmurray1

On Jan 18, 2018, at 1:40 PM, Flores, Sarah Isgur (OPA (b) (6) > wrote:

Ok turns out I cant do tomorrow am. BUT I think I have a good immigration announcement to pitch you for next week that id love to come on about. Getting timing details so I can pitch it to you!

Sarah Isgur Flores

Director of Public Affairs

(b) (6)

From: Murray, Andre (b) (6)

Sent: Thursday, January 18, 2018 12:42 PM

To: Flores, Sarah Isgur (OPA (b) (6)

Subject: Available for "Fox & Friends" Tomorrow (Friday) LIVE at 6:20am ET?

Hi Sarah,

Please let us know if you are available to appear on "Fox & Friends" tomorrow (Friday) for a LIVE interview at 6:20am ET on this topic: **OAKLAND MAYOR SAYS SHE'LL GO TO JAIL TO PROTECT SANCTUARY CITY POLICY**

<http://sanfrancisco.cbslocal.com/2018/01/17/oakland-bans-cooperation-federal-immigration-agents-braces-for-ice-raids/>

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 # (b) (6)
Cell # 2 (b) (6)
FAX (b) (6)
Ema (b) (6)
@andrewmurray1

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

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, February 2, 2018 11:43 AM
To: Boyd, Stephen E. (OLA); Schools, Scott (ODAG); Terwilliger, Zachary (ODAG); Hur, Robert (ODAG); Whitaker, Matthew (OAG)
Subject: RE: ****MEMO BEING TRANSMITTED BACK TO HPSCI NOW*****

This is being matched by others now. Unredacted memo.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, February 2, 2018 11:32 AM
To: Boyd, Stephen E. (OLA (b) (6)); Schools, Scott (ODAG (b) (6)); Terwilliger, Zachary (ODAG (b) (6)); Hur, Robert (ODAG (b) (6)); Whitaker, Matthew (OAG (b) (6))
Subject: FW: ****MEMO BEING TRANSMITTED BACK TO HPSCI NOW*****

Subject: **MEMO BEING TRANSMITTED BACK TO HPSCI NOW*******

WH is transmitting the memo and accompanying letter from the President to HPSCI now. Release to come later today

John Roberts
Chief White House Correspondent
Fox News Channel

(b) (6)

(b) (6)

@JohnRobertsFox

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

From: USDOJ-Office of Public Affairs
Sent: Friday, February 2, 2018 5:10 PM
To: Whitaker, Matthew (OAG)
Subject: Three Big Things from DOJ

The United States Department of Justice



FRIDAY, FEBRUARY 2, 2018

Three Big Things from DOJ

Top Issues and Accomplishments for the Week of January 27th– February 2nd

Associate Attorney General Rachel Brand hosts the Department of Justice's Human Trafficking Summit

- “Last year, through our bilateral work with Mexico, we secured guilty pleas from eight members of the Rendon Reyes Sex Trafficking Organization, a trafficking ring that forced young women and girls from Mexico and Latin America into prostitution. They did this for a decade. We worked tirelessly with our Mexican counterparts to successfully extradite five of the defendants to stand trial in the United States, sending the clear

message that the United States will pursue criminals to the ends of the earth in the name of justice. Thanks to the men and women of this Department we need no longer fear this barbaric trafficking ring. Last fall the FBI and our state and local partners arrested 120 traffickers and recovered 84 minors in a major nationwide operation. Victims were as young as 12. And just a couple of weeks ago, just 10 miles from here, a sex trafficker from Northern Virginia was sentenced to 30 years in federal prison. His two co conspirators both received 10 year sentences. In fiscal year 2017, the Department secured the convictions of nearly 500 human traffickers. We brought a record number of cases last year charging more than 550 defendants. These cases involved all forms of human trafficking: labor trafficking, sex trafficking, exploiting minors and adults, U.S. citizens, legal guest workers, and illegal aliens...” Attorney General Jeff Sessions 2/2/18

- Read Attorney General Jeff Sessions’ speech [here](#).
- Read Associate Attorney General Rachel Brand’s speech [here](#).
- Read Associate Attorney General Rachel Brand’s Fox News op ed [here](#).

Attorney General Sessions Announces New Tool to Fight Online Drug Trafficking

- Attorney General Jeff Sessions today announced a new resource to help federal law enforcement disrupt online illicit opioid sales, the Joint Criminal Opioid Darknet Enforcement (J CODE) team.
- “Criminals think that they are safe on the darknet, but they are in for a rude awakening. We have already infiltrated their networks, and we are determined to bring them to justice. In the midst of the deadliest drug crisis in American history, the FBI and the Department of Justice are stepping up our investment in fighting opioid related crimes. The J CODE team will help us continue to shut down the online marketplaces that drug traffickers use and ultimately that will help us reduce addiction and overdoses across the nation.” Associate Attorney General Rachel Brand 1/29/18
- Read the press release [here](#).

Department of Justice Announces Settlement with Z Street Over Improper IRS Treatment

- The Department of Justice today announced that it has entered into a settlement with Z Street, a non profit corporation dedicated to educating the public about various issues related to Israel and the Middle East,

pending approval by the United States District Court for the District of Columbia. Z Street alleged that the Internal Revenue Service (IRS) applied heightened scrutiny to applications for tax exempt status received from organizations connected in any way to Israel, and applied this policy to Z Street's application, resulting in delay. The settlement agreement includes an apology from the IRS to Z Street for the delayed processing of the group's application for tax exempt status.

- "Tax exemption eligibility should be based on whether an organization's activities fulfill requirements of the law, not a group's policy positions or the name chosen to reflect those views. The attorneys at the Department of Justice work hard to ensure that all Americans receive equal treatment under the law. Today's settlement further illustrates this commitment." Principal Deputy Assistant Attorney General Zuckerman 2/1/18
- Read more [here](#).

#

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.

Follow us: ☐ ☐ ☐ ☐

This email was sent to (b) (6) using GovDelivery, on behalf of [U.S. Department of Justice Office of Public Affairs](#) · 950 Pennsylvania Ave., NW · Washington, DC 20530 · 202-514-2007 · TTY (866) 544-5309. GovDelivery may not use your subscription information for any other purposes. [Click here to unsubscribe](#).

[Department of Justice Privacy Policy](#) | [GovDelivery Privacy Policy](#)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Friday, February 9, 2018 1:02 PM
To: Whitaker, Matthew (OAG); Cutrona, Danielle (OAG)
Subject: FW: Fox News Puerto Rico request

Per previous convo...

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

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

From: Chakraborty, Barni (b) (6)
Sent: Friday, February 9, 2018 12:57 PM
To: Prior, Ian (OPA (b) (6) >
Cc: Flores, Sarah Isgur (OPA (b) (6)
Subject: Fox News Puerto Rico request

Hello Ian and Sarah,

Hope you're well. I am headed to Puerto Rico early next week to write a series of articles for Fox News about the area, corruption, crime, federal efforts and the push to make San Juan the capital of cryptocurrency.

I wanted to get the DOJ's response to the recent letter from Sens. Rubio and Nelson to Attorney General Sessions asking for more federal law enforcement help as crime rates soar, drug gangs dominate and a lawlessness grips the U.S. territory.

I also wanted to reach out and talk to U.S. Attorney Rosa Rodriguez-Velez about efforts on the ground but wanted to run it by you first.

I can be contacted via email (b) (6) or a (b) (6)

Many thanks,
Barnini Chakraborty

Sent from my iPhone

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

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Sunday, February 11, 2018 5:26 PM
To: Whitaker, Matthew (OAG)
Cc: Cutrona, Danielle (OAG)
Subject: FW: Fox News Puerto Rico request

Can we add a trip to Puerto Rico soon? Helpful to have a fox reporter already down there. Might be able to extend her trip if we have something planned.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

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

From: Chakraborty, Barni (b) (6)
Sent: Friday, February 9, 2018 12:57 PM
To: Prior, Ian (OPA (b) (6)
Cc: Flores, Sarah Isgur (OPA) (b) (6) >
Subject: Fox News Puerto Rico request

Duplicative Material (Document ID: 0.7.22222.156377)

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Wednesday, February 21, 2018 4:03 PM
To: Whitaker, Matthew (OAG); Barnett, Gary E. (OAG); Flores, Sarah Isgur (OPA); Cutrona, Danielle (OAG)
Subject: FW: Speaking requests for AG Sessions
Attachments: Vol19No2final2.pdf

Hey guys,

See the request below. I have a hold on the requested date for a cabinet meeting. Are you guys okay with referring?

From: Cook, Steven H. (ODAG)
Sent: Wednesday, February 21, 2018 3:21 PM
To: Bryant, Errical (OAG (b) (6))
Subject: FW: Speaking requests for AG Sessions

Errical ,
My mistake. I thought I should look in my email before I called Bob back and guess what? I found it, I guess I didn't , forward it, because he sent it to Danielle also or I just overlooked it, because the other conference was in the same , email. ,

I will tell him that it had not been sent to you and that you will follow up. I'll copy you on the email to him. ,

Steve ,

From: Bob Bushma (b) (6)
Sent: Saturday, October 7, 2017 2:24 PM
To: Cutrona, Danielle (OAG (b) (6)) >; Cook, Steven H. (ODAG) (b) (6) >
Subject: Speaking requests for AG Sessions

Danielle and Steve,

As we discussed, here is the info for the NNOAC Conference and the **Illinois Drug Enforcement Officers Association Conferences to forward to Mr. Sessions' Scheduler**. Both of the organizations extend an invitation to Mr. Sessions to speak to their members and attendees at these upcoming conferences.

The NNOAC Conference is scheduled for February 4-8, 2018, at the Washington Court Hotel, 525 New Jersey Avenue NW, Washington, DC. We can arrange for Mr. Sessions to speak any time between 8:30 am and 5:00 PM on Monday, February 5, 2018 or between 8:30 AM and noon on Wednesday, February 7, 2018. Time is also available for him to speak at lunch either day. We will be very flexible and can always juggle our schedule to accommodate Mr. Sessions' schedule, even during the conference. We can (and do) make changes to our agenda/schedule as needed. On Tuesday, February 6th, we will have no speakers as our NNOAC members will be making Hill visits throughout the day. We expect around 200 attendees. I will be the NNOAC Contact for conference arrangements.

The Illinois Drug Enforcement Officers Association's Annual Conference is scheduled for April 4-6, 2018, at the Embassy Suites in East Peoria Illinois. It will start at 11:00 AM on April 4, 2018. They usually have about

600 members in attendance.

The IDEOA President is Kevin Winslow from the Illinois State Police. Please contact him for any further information or to make arrangements. Kevin Winslow's contact info is:

M/Sgt. Anthony D. Kestner # 4784

Task Force 6 Commander

P.O. Box 1511

Bloomington, IL 61702-1511

Offic (b) (6)

F (b) (6)

C (b) (6)

I am glad that we were able to meet on Thursday. I know you both have very busy schedules and I appreciate the fact that you made time so we could get together. Thanks too, for the invite to the meeting. Our members are very honored to be able to show our support for the AG. We appreciate his efforts to keep our communities safe and the help he is giving law enforcement to make them safer.

Finally, I have attached a copy of the recent digital version of our NNOAC Magazine, *The Coalition*. As you can see, AG Sessions and the work that all of you do is valued and respected by our members. And, we are not afraid to let others know that.

Please let me know when I or the NNOAC can help with anything.

Regards,

Bob B.

OFFICIAL PUBLICATION OF-

THE COALITION

THE NATIONAL NARCOTIC OFFICERS ASSOCIATIONS COALITION

ATTORNEY GENERAL

THIS Issue:
FIGHTING THE GOOD FIGHT,
Pg. 21



SPRING, 2017 VOL. 19, NO. 1
www.nnoac.com

2017 NNOAC EXECUTIVE BOARD



Ron Brooks
Executive Director
California Narcotics Officers' Association (Retired)
rbrooks@nnoac.com



Bob Bushman
President
Minnesota State Association of Narcotics Investigators
(202) 664-9244
bbushman@nnoac.com



Jason Grellner
Vice President
Missouri Narcotics Officers Association
jgrellner@nnoac.com



Phil Little
Treasurer
North Carolina Narcotic Officers Association
(910) 876-7871
plittle@nnoac.com



Eric Brown
Secretary
Ohio HIDTA
(614) 255-4195 – Office
(740) 808-4189 – Cell
ebrown@nnoac.com



Ernie Martinez
Member At Large
Colorado Drug Investigators Association
(303) 471-8100
emartinez@nnoac.com



Peter F. Boyce
General Counsel
NNOAC
(770) 921-7048
pboyce@nnoac.com



The Coalition

Volume 19, No. 2 - Fall, 2017

Editor-in-Chief
William Butka
wbutka@nnoac.com

Article editor
Patricia Kohl

Publication Designer
Jessica Manley

**Fighting the Good Fight
cover credits:**

NLEOMF Esplanade © Olivier Le Queinec | Dreamstime
Police on bikes © Vonora | Dreamstime
AG Sign © Paul Brady | Dreamstime

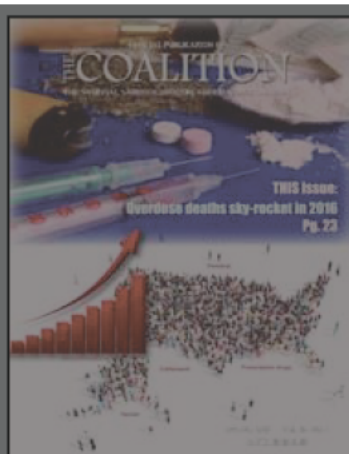
Join
the
team!

Engage
in the
dialog.

SAVE THE DATE

The **2018 NNOAC Delegates' Meeting** and Conference will be held at the Washington Court Hotel in Washington, DC, on **Sunday, February 4, through Wednesday, February 7, 2018.**

Plan
Ahead.



The Coalition is published twice per year. Submit articles, photos, region reports, kudos, busts and other items of interest to: wbutka@nnoac.com

ARCHIVES

of past issues are available online at our website www.nnoac.com

Back cover credit:

*Pashabo - Home of the free,
because of the brave.*

Be
the
change.

NNOAC ATTENDS NATIONAL SUMMIT ON CRIME REDUCTION AND PUBLIC SAFETY

NNOAC President Bob Bushman and NNOAC Regional Director Tommy Loving were invited to attend the National Summit on Crime Reduction and Public Safety, sponsored by the U.S. Department of Justice in Bethesda, Maryland, on Tuesday and Wednesday, June 20 & 21, 2017.

During the two-day event, the 320 attendees law enforcement leaders, prosecutors, criminal justice practitioners, and treatment and prevention advocates heard from Administration leaders and attended numerous breakout sessions to discuss current issues that affect crime and public safety in our country. NNOAC President Bob Bushman was a presenter in one of the breakout sessions, "Drug Supply Reduction and Prevention Strategies".

During his welcoming speech on Tuesday morning, Attorney General Jeff Sessions outlined his goals to work with law enforcement and criminal justice service providers to find ways to reduce drug abuse and violent crime to make our communities safer.

He was joined at the Summit by Administrators from the FBI, DEA, ATF, and the US Marshal's Service, as well as several leaders from the Department of Justice.

On Wednesday morning, Vice President Mike Pence addressed the assembly and gave a speech that included his heartfelt appreciation for the commitment and selfless service that law enforcement officers give to protect our citizens, as well as a pledge from the Administration to support law enforcement efforts to make our country safer.



Bob Bushman (left) and Tom Loving (right) with Jeff Sessions (center).



On Monday, June 19th, President Bushman and Director Loving met with Attorney General Sessions in his office at DOJ. During the meeting with AG Sessions and his Chief of Staff, they had the opportunity to discuss a wide range of NNOAC issues, including funding, HIDTA, RISS, and policy concerns regarding drug legalization, criminal justice reform, asset forfeiture and technology.

President Bushman also emphasized that more needs to be done to recognize the needs of rural law enforcement; he encouraged AG Sessions to engage more of the rural law enforcement leaders in policy and strategy discussions.

On Tuesday, NNOAC President Bushman was also invited to join a roundtable meeting between Deputy Attorney General Rod Rosenstein and selected law enforcement leaders. It was a great opportunity to discuss emerging issues and, again, to highlight some NNOAC concerns.

It is clear, both from the personal meeting and through his remarks at the Summit, that AG Sessions continues to be a strong supporter of drug law enforcement and that he shares many of our concerns about the toll that drug abuse and violent crime are taking in our communities.

Since his confirmation, we have been pleased that Attorney General Sessions and his staff have reached out to the NNOAC on several occasions with questions and information regarding drug issues. We look forward to more opportunities to work with the Attorney General and his staff. ☆

President's Report

By Bob Bushman

It is certainly an understatement to say that the Trump Administration has started out with a bang. During my entire lifetime, I don't remember another Administration that has gotten so much attention from the press and the media. **Unfortunately, there are a lot of other important stories that are not getting any mention. SUCH AS the return of meth in Minnesota. REF. ARTICLE PAGE 18**

From a NNOAC perspective, this Administration is providing opportunities we have not enjoyed for several years. We have national leaders who constantly and consistently voice their support for law enforcement. They recognize the dire consequences of drug abuse and crime, and they continually voice their concerns about the heavy toll that opioid abuse is taking on our country. More importantly, they are doing something about it. They are not shying away from the tough issues.

We have an Attorney General who is serious about keeping our country safe. As a United States Senator, Attorney General Jeff Sessions was a tireless leader in his support for law enforcement

and legislation that protected our citizens. As Attorney General, he and his staff have hit the ground running to work with law enforcement leaders and organizations to identify ways that DOJ and their federal agencies can work more effectively with state and local law enforcement.

As proof, I call your attention to the article in this issue that highlights the Crime Reduction and Public Safety Summit meeting that Attorney General Sessions and DOJ sponsored in Bethesda, Maryland, in June (PAGE 5).

DOJ invited several subject-matter experts to provide information on current issues and emerging trends to over 300 attendees who represented law enforcement agencies and associations, criminal justice organizations and advocacy groups. As NNOAC representatives, Regional Director Tommy Loving and I were invited to attend the Summit, and I was asked to participate in a panel presentation on Drug Supply Reduction and Prevention Strategies.

Tommy and I also had an opportunity to meet with AG Sessions to discuss NNOAC and drug enforcement issues. We both appreciated his concern about the availability of dangerous drugs and his commitment to working with groups like the NNOAC to find ways to protect our country's communities and our young people from drug abuse and the violent crime that drug traffickers and their organizations bring to so many communities. **MORE ON SESSIONS ARTICLE PAGE 16-17**

We have our work cut out for us. During my travels and visits throughout the country, I am constantly hearing about the large seizures of metham-

phetamine, the increase in cocaine seizures, and the problems and crime related to marijuana trafficking in and around states that permit production and use of marijuana. I won't say "legalization", because it is still illegal.

Yet, many of these problems are drowned out by the headlines about the opioid abuse and overdose deaths throughout this country that are caused by heroin, fentanyl and carfentanil. **More than 50,000 Americans died from overdoses last year. That is totally unacceptable; those deaths were all preventable. We need an effective national drug control policy and strategy that is serious about addressing these issues.**

To that end, the NNOAC Foundation is hosting a Drug Enforcement Forum in Washington, DC, on September 12 & 13, 2017, to discuss policy issues and initiatives that will help to drive effective drug policy and legislation aimed at reducing drug abuse, drug availability, and violent crime. We have invited 50 agencies, organizations and associations all of them our partners

to participate in presentations and discussions that will help us to identify the issues where we are in agreement as well as the issues where we need to focus our efforts to develop consensus on strategy and policy. We will discuss drug strategy and emerging issues, program funding, and support including asset forfeiture, and criminal justice and sentencing reform. Attorney General Sessions and members of his staff will be attending and are supporting this important event. Working cooperatively with all of our partners is one of the best ways to succeed in matters of policy, strategy, and legislation.



President Bob Bushman

The 2018 NNOAC Delegates' Meeting and Conference will be held at the Washington Court Hotel in Washington, DC, on Sunday, February 4, through Wednesday, February 7, 2018.

Please go to the NNOAC website at www.nnoac.co to find the conference registration and hotel reservation information.

Last year, the hotel filled up and some attendees had to find off-site accommodations. We have worked with the Washington Court to increase our room block for the upcoming conference, but I still encourage you to make

your room reservations soon. The 2017 Conference was our largest ever, and I expect similar numbers in 2018. Your attendance and your input are important to keeping the NNOAC at the forefront of drug enforcement policy and strategy discussions with the people who make those decisions.

Watch our website for other news and information regarding the Drug Enforcement Forum. We are always looking for articles and news to post there, too, so feel free to submit items of interest or information from your Association.

I hope to see you at the Delegates' Conference in Washington DC in February. ☆

COLOR KEY:

RED: ATTENTION

BLUE: SEE MORE ONLINE

or ON PAGE..

GREEN: MARK YOUR CALENDAR
EVENTS



Legislative and Policy Update

Brooks Bawden, LLC

Change was expected when the new administration was sworn in last January. Change is certainly upon us.

Events since January demonstrate a clear interest in shifting federal support for illegal drug-related efforts back toward a more balanced approach. The last several years of the Obama administration saw the U.S. Justice Department and the U.S. Congress shift attention toward criminal justice reform including lower sentences for drug-related federal offenders, lower funding for grant programs that support drug enforcement activities, and limiting the ability for law enforcement to use asset forfeiture policies to break drug trafficking organizations. In some cases, there was outright hostility and blame cast upon drug law enforcement officers for somehow inflaming America's drug addiction problems.

In just the past few months, evidence shows the change is real. Attorney General Sessions reinstated a tighter and more accountable form of federal "adoptions" of asset seizures by state and local law enforcement agencies. President Trump rescinded the Obama Administration executive order that restricted the ability for state and local law enforcement to obtain life-saving equipment through the DOD Excess

Property program. DOJ routinely and actively engages the law enforcement community including the NNOAC on issues the department is considering. The Attorney General directed US Attorneys to enforce federal law in marijuana experiment states. Attorney General Sessions addressed the NNOAC Drug Enforcement Forum in Washington, DC and reiterated the administration's commitment to a balanced approach to drug policy including a reinvigorated drug enforcement effort. The President's opiates task force recommended a "state of emergency" be declared so that new resources can be driven toward preventing more overdose deaths and trafficking violence. With deaths skyrocketing, we have a true crisis on our hands, while resources and policy support to address that crisis have been dwindling.

In Congress, the House and Senate Appropriations Committees voted for sustained - and in some cases increased - funding for key grant programs that support drug enforcement activities including Byrne JAG and COPS. They rejected proposals to de-fund and shift the HIDTA program from ONDCP. The House left anti-marijuana enforcement amendments out of the FY 2018 CJS appropriations bill before sending it to the floor - a significant change from the past two years. They recommended sustained funding for the RISS program in FY 2018. During Police Week the



Brooks Bawden, cont.

from previous page

Congress passed several bills that will be helpful to law enforcement.

Clearly, things are positively different so far this year. But we are not without major challenges.

The administration is actively discussing shifting the HIDTA program out of ONDCP and possible funding reductions or changes in funding mechanisms. This would change the nature of HIDTA - especially the neutrality that is so critical to effective HIDTA operations. Some officials in the administration have an ideological bent against grant programs, including Byrne JAG and COPS, and are considering proposing major changes and reductions in the FY 2019 budget request early next year. Other officials in the current administration played a central role in pushing some of the NNOAC-opposed criminal justice reform proposals the last Congress and previous administration supported. A bipartisan group of congressional heavy-hitters is pushing hard to gut key federal asset forfeiture policies, which would benefit drug trafficking organizations. Some advisors to the administration are vocal proponents of marijuana and other

drug legalization. Investigators' challenges with accessing digital evidence - the "going dark" problem - are deepening, with little appetite for legislative help. Forensic lab backlogs are worsening in part because of the new necessity to not test certain suspected drugs in the field due to the extreme risk posed by fentanyl exposure.

These challenges are real. Thankfully, with the door open for dialogue, the NNOAC and our other law enforcement colleagues are making our voices heard. Sustained engagement is critical to continue the progress we are making.

Most important is direct engagement by state narcotic officer associations and their individual members back home with members of the House and Senate. Your NNOAC leadership - President Bob Bushman, Executive Director Ron Brooks, and the board of directors - need the support of the membership to amplify the message in the real world so that we can be as effective as possible as advocates for you in Washington, DC. ☆

Qtis
Patent Pending

POWERED BY **Zinatt Technologies**

Quick Tracking Information System

- ✓ Increased Productivity
- ✓ Simplified Data Entry
- ✓ Built in Management Tools
- ✓ Case Wide Searches
- ✓ Automatic Backup Features
- ✓ Enhanced Security for users

Call us for a FREE live demonstration of our Software

www.zinatt.com
888.939.3648

How Investigators Keep Information Organized Now
Spreadsheets & Word Processing
Endless paper trails and notes

How Investigators Keep Information Organized with Qtis
Images, Reports, Photos, Audio, Video
Simply upload your intel in one place



NATIONAL NARCOTIC OFFICERS' ASSOCIATIONS' COALITION

REGIONAL DIRECTOR'S REPORTS

Midwest Region - Brian Marquart

North Dakota, South Dakota, Nebraska, Minnesota,
Iowa, Wisconsin, Illinois

651/201-7338

bmarquart@nnoac.com



Heroin, Fentanyl and Prescription Opioids

The region continues to see heroin and fentanyl overdose deaths at an all-time high. Law enforcement agencies throughout the region have seized synthetically produced fentanyl in liquid, powder and counterfeit prescription pills. In one incident, multiple overdoses occurring in South Dakota, North Dakota and Minnesota all involved a pill resembling an oxycodone 30-mg pill. Law enforcement laboratories rushed the examination of the pills and confirmed that they contained fentanyl. Law enforcement used the media and social media to warn suspected users of the dangers of these counterfeit pills, while at the same time conducting an investigation which determined that the pills had been ordered over the "dark web". Although law enforcement was able to seize a number of these pills off the street before any additional overdoses occurred, we are continuing to encounter these dark web purchases from overseas which are time-consuming and require additional law enforcement resources and expertise to investigate.

The region has also been hit by an increase in the number of overdose deaths related to carfentanil. Carfentanil is a synthetic opioid that is 10,000 times more powerful than morphine. It's of a drug class similar to fentanyl and other fentanyl analogs, but it was never intended for human consumption. Carfentanil is only supposed to be used as a large-animal tranquilizer; it can be fatal to humans in doses the size of a few grains of salt. Most of the fentanyl products are being ordered over the dark web, and they are mostly sourced from China – which again presents many challenges to investigators trying to save lives and stop the flow of these dangerous substances into their communities. Law enforcement and EMS personnel in much of the region carry Narcan, which is able to revive those experiencing an opioid overdose in some instances. Reports indicate that multiple

doses of Narcan are having to be used in those areas most affected by the increase in opioids and fentanyl in order to revive overdose patients. Even then, it is not always successful.

Large multiple-kilogram seizures of heroin are occurring across the region, with most of it being in the form of an off-white powder that can be snorted, smoked, or injected. Most of the heroin seen in the Midwest region is sourced by Mexican Drug Trafficking Organizations (DTO's) and transported to the region from the southwest border. Opioids and other prescription abuse continues to be the catalyst of many heroin users, with four out of five heroin users indicating they first started using heroin after becoming addicted to prescription opioids. Heroin and opiate use in the region has increased exponentially in recent years. The new population of heroin and opioid abusers is more diverse – users represent a wider range of economic status, age (younger), and race. Alarming, Minnesota ranks highest among all states in the ratio of mortality rates due to drug poisoning by heroin and other opioids among American Indians/Alaska Natives in comparison to Whites and African Americans to Whites.

Methamphetamine

Methamphetamine in the region has now surpassed marijuana as the primary drug of choice for people entering treatment, behind alcohol. The Midwest region continues to see record increases in methamphetamine seizures and arrests. As an example, seizures in Minnesota have gone up 483% from 2009-2016 and continue to increase. Mexican DTO's control a majority of the delivery and distribution of meth that arrives in the region, and wholesale methamphetamine is readily available at very cheap prices and at very high quality. Seizures of 70 pounds and larger are becoming common across the Midwest, with wholesale prices continuing to drop to all-time lows. We continue to see only a handful of small methamphetamine labs – which are capable of producing small amounts in "one pot" containers – in contrast to the hundreds of such labs discovered in the early 2000's. Partnerships and cross-state investigations by federal, state, and local law enforcement continue to identify and investigate mid- to upper-level dealers and importers of methamphetamine coming into the region.

Cocaine

After several years of decreasing amounts of cocaine being seized and the number of people entering treatment, over the past two years there has been an alarming trend of increases in the availability and seizures of cocaine that are occurring in the region. Illinois has seen several large seizures of cocaine – some in excess of 60+ kilograms of cocaine. As cocaine availability and use increases, we are seeing a rise in the number of overdose deaths related to cocaine, as well. Laboratory analyses of samples of cocaine are also showing that some of the cocaine is being laced with fentanyl. This makes it even more dangerous to the unsuspecting user and to law enforcement personnel who encounter it. ➤

Southeast Region - T. Gene Donegan
Tennessee, North Carolina, South Carolina,
Mississippi, Alabama, Georgia and Florida
615/509-3738
tdonegan@nnoac.com

Southeast Region Drug Update

The states have not noticed a dramatic change in drug trends affecting their communities in the past year. The Southeast, much like the rest of the United States, is being overwhelmed with the opiate/opioid epidemic. The state of Tennessee is number two in the United States for the amount of opioid prescriptions issued each year. We in law enforcement know that that statistic is followed by the illegal use of heroin – or, even worse, fentanyl-laced heroin. This is not an isolated incident and this is the same problem facing much of the nation. We are losing more lives to overdoses each year than to motor vehicle accidents. This type of addiction doesn't know gender, race or socio-economic status. For years, the Southeast dealt primarily with black tar and brown heroin; but that has changed with the addition of "china white" powder which, much of the time, is laced with fentanyl or – even worse – with carfentanyl.

We are also seeing an increase in illegal drugs being shipped via commercial parcel services. We have dealt with the shipping of illegal drugs for many years. The increase is growing each day with the legalization of marijuana in

the western United States. The use of Fed Ex and UPS has always been an issue for shipping illegal substances, but the use of the USPS has grown over the past two years. Drug violators, when being interviewed as to the reason they are using the postal service, advised that it takes longer to get a federal search warrant and the packages aren't on time. The drug violators explained that they believe that packages that arrive late have been intercepted by law enforcement, so they declined or refused to accept them. In reality, the difference in the time frame to obtain a federal search warrant versus a state search warrant is usually several hours to one day. The drug violators are getting educated on this problem and are shipping more and more packages through the U.S. postal service. The majority of the shipments are multi-pound packages of high-grade marijuana.

The potential profit on marijuana is one of the most lucrative investments in the drug trade. The average price of high-grade marijuana in the California/Colorado area is less than \$1,000 per pound. The sale price in the Nashville area is a minimum of \$2,500 per pound – and many times it is even more when broken into smaller amounts. So a 10-pound parcel will make at least a \$15,000 profit, with minimum risk.

We are seeing a decline in the home-made methamphetamine labs, but are unfortunately seeing an increase in crystal methamphetamine. This trend is especially prevalent in rural areas and smaller cities. The Southeastern hub for crystal methamphetamine is Atlanta, Georgia. The crystal meth is shipped into that area and being dispersed in large amounts. The meth is often transported into Atlanta in a liquid form and converted into crystal form before being shipped to other cities/states.

Many of the states are seeing an uptick in the cocaine distribution. Although the price of cocaine has stayed steady over the past two years, the seizures appear to be on the increase. With the increase in crystal methamphetamine, we would think that the cocaine trade would be decreasing, but that does not appear to be the case. ➤



Keep up the fight and stay safe.

REGIONAL DIRECTOR'S REPORTS

continued on next page

Northeast Region - William Butka
Connecticut, New Hampshire, Vermont,
Rhode Island, Maine, Massachusetts
203/671-9841
wbutka@nnoac.com

The Northeast Region represents the New England states. This region, like other sections of the country, continues to experience drug overdose deaths at record levels, despite the use of Naloxone. The primary causes of the overdose deaths are Fentanyl, Carfentanil, U47700 and W-18. Massachusetts and Maine have passed legalization of marijuana. This trend is disturbing in the New England area considering drug overdoses in the region.



The Fentanyl, Carfentanil, U47700 and W-18 do cause concern for police, fire, ambulance, and emergency room personnel. In the New England area, law enforcement officers were taken to emergency rooms for accidental exposure.

The accomplishments due to the work of both law enforcement and drug treatment personnel – resulting in drug reduction – were lost due to the policies of the prior administration. We can only hope this can be reduced again. The legalization efforts are hurting the good work of the past.

In Connecticut, it is encouraging to see an increase in the number of editorials, articles and letters to the editor opposed to legalization. Newspapers with a prior history of refusing to print letters to the editor and editorials against legalization now print them.

As editor-in-chief of *The Coalition* magazine, I have made several changes in this digital copy. Link(s) are embedded in articles that will display the full report, and we got “funky” with colors and presentation. ➤

Southwest Region - Bob Cooke
California, Nevada, Utah, Arizona,
New Mexico, Colorado and Hawaii
408/472-8409
bcooke@nnoac.com

What About Us, the Citizens? Have We Become A Petri Dish Experiment?

For decades, the pro-marijuana advocates have outright lied to the ill- or un-informed citizens in our nation. They have claimed: Marijuana isn’t addictive. It

is harmless. It will cure anything under the sun. It’s safer than alcohol. It’s safer to drive when stoned than not. It’s not a gateway drug leading to the abuse of drugs like heroin, fentanyl, methamphetamine and other drugs (despite growing scientific data that it is).

In truth and in fact, marijuana is addictive and it leads to a host of “cannabis use disorders”. Now we are in an “Opioid Crisis”. When is the last time we had such a crisis? This is another case where public servants (us, the police) warned our legislators that they had to tighten up on the availability of opioids and go after the suppliers and unethical prescribers of these pharmaceuticals. This is a warning we have been issuing for more than 20 years.

It seems that many local, state, and federal government leaders have worked hard to normalize dangerous and previously illegal activities. In this great land of ours, more emphasis has been placed on providing for the criminals than for the victims. False narratives in the media have placed police and the public in danger. Increased drug use, acceptance of criminal behavior, and lighter sentencing have added to many more problems than we could have ever imagined. You can see illegal drug use in public right outside the Federal Courthouse in San Francisco, in schools – and overdose cases in public libraries seem to have been deemed acceptable by our lawmakers.

Friends, during a July 25, 2017, press conference about a large black-market marijuana bust, Colorado District Attorney Dan May made statements that resulted in variations of the following headline: “Colorado DA: ‘Marijuana is gateway drug to homicide’”. The press conference, which included Colorado Attorney General Cynthia Coffman, announced the indictment of 13 owners, managers, and employees of “Hoppz’ Cropz”, a marijuana head shop in Colorado Springs. According to Coffman, the store sold cigarette lighters and other cheap merchandise at a high price, while offering grams of marijuana for free. This scam covered up over a half million dollars in retail sales of marijuana. During the press conference, District Attorney Dan May said marijuana is the “gateway drug to homicide.”

Here’s an excerpt from a news report on the press conference (emphasis mine): <http://www.nbc11news.com/content/news/436730123.html>

“Colorado Springs Police Department put out this year we had 22 homicides in Colorado Springs last year, 2016. Eight of those were directly marijuana. That isn’t somebody just using marijuana, that is somebody being murdered over legal marijuana grow in their house. Murdered over an illegal marijuana grow.”

Continued on next page.

May went on to say local authorities are overwhelmed with trying to stop the crime involved with marijuana. “Marijuana is pouring out of Colorado,” May said. “It’s much more valuable in the streets of New York City than it is in the streets of Denver. Colorado’s system is terrible.”

May also stated the homeless population has gone up 50 percent each year in Colorado Springs since marijuana was legalized.

The Southern Colorado Cannabis Council immediately took offense, calling May’s statement “utterly false” and stating that “This is an extremely dangerous statement. It is dangerous to Colorado’s fastest growing industry and it is dangerous to anyone associated with cannabis Colorado.”

NOTE TO CANNABIS COUNCIL: I agree. Killing people over pot is dangerous to those who are killed, and dangerous to Colorado’s “fastest growing industry.”

Law enforcement understands that marijuana use is dangerous. The University of Washington recently published research examining the cumulative effects of early adolescent depression on cannabis use disorder at age 18. Researchers interviewed 521 middle-school students and used data from annual assessments when they were aged 12-15 and again when they were 18. Study results were published in the journal *Addiction*.

The study was reviewed and analyzed by ScienceDaily, an online science research news site. Here’s an excerpt from that review: “The researchers were surprised to see that the prevalence of cannabis and alcohol use disorder in this study was notably higher than national estimates....” You can read the entire article here: <https://www.sciencedaily.com/releases/2017/07/170717151031.htm>

Major cities of the western states – including San Francisco and Seattle – are once again considering “safe zones” where drug addicts may inject illegal drugs. California’s Assembly Bill AB 186 would allow such sites in the cities or unincorporated areas in the counties of Alameda, Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, San Joaquin and Santa Cruz. I guess they have given up trying to treat addiction and offer this up as acceptance of bad, life-threatening behavior. What a great example for children – and adults. When will this end? People who want treatment get it. People who are addicted NEED treatment – not a place to use more drugs! Where does the money come from to pay for the drugs and the staff to monitor these “safe zones”? You and I pay for the illegal drug users’ bad habits. Addicts won’t seek rehabilitation as long as these misguided people enable bad behavior. This year alone, more than

14,000 used needles/syringes have been recovered from the Santa Cruz, CA, beaches.

AB 186 would let select counties establish facilities where drug users may inject their illegal drugs in controlled health care facilities. Bill supporters (such as the ACLU of CA and the CA Association of Alcohol and Drug Prevention Executives) suggest that such a program may reduce public drug use, discarded syringes, HIV and hepatitis infections, and overdose deaths – as well as offering treatment referrals. According to the Santa Cruz Sentinel, Analicia Cube, a founder of the community group Take Back Santa Cruz, said that she did not want Santa Cruz County, and likely the city of Santa Cruz, to be the state’s “test monkey” for new ideas that she said often don’t pan out.

She pointed to impacts on neighborhoods surrounding such a facility – whether those be increases in property theft or drug dealers flocking to the concentration of buyers.

Michael Anthony “Mike” Gatto, former California State Assemblyman for the 43rd District, recently wrote an op-ed criticizing not only 2014’s Proposition 47 (mandating that prosecutors can no longer prosecute certain crimes as felonies) but also California’s process for enacting legislation. It is very well written and interesting. Mr. Gatto had the courage to speak out and admit this failed measure. Here’s the link: <http://www.pe.com/2017/07/29/prop-47-a-tough-lesson-in-weakness-of-initiatives-2/>

Denver’s drug problems have gotten so bad lately that police officers have been regularly patrolling the Central Library to combat a spike in drug use and illegal activity there. A lengthy article published on July 7, 2017, in the *Denver Post* illustrates the problems and some of the actions that have been taken to try to address them. <http://www.denverpost.com/2017/07/07/denver-police-downtown-library-drug-use-illegal-activity/>

NNOAC’s own Bob Bushman, along with several others, recently wrote an op-ed critical of President Obama’s “Smart on Crime” initiative. The op-ed, published on Fox News on July 5, 2017, is very well written but too long to reproduce here. You may find it interesting, so here’s the link to it: <http://www.foxnews.com/opinion/2017/07/05/law-enforcement-leaders-how-smart-was-obamas-smart-on-crime-initiative-not-very.html>



REGIONAL DIRECTOR'S REPORTS

continued on next page

I am ending with these final thoughts:

- Be safe
- Watch your friend's six
- Protect each other in the field
- Speak out about sound public policies whenever you have the opportunity.
- We don't run away to avoid doing the right thing.

We watch out for others' safety and try to prevent bad things from happening to good people. If we could, we'd hand out free common sense, too. ➤

Great Lakes Region - Gary Ashenfelter

Michigan, Indiana, Ohio,
Pennsylvania and New York
800/558-6620
gashenfelter@nnoac.com

News from the Commonwealth of Pennsylvania

Pennsylvania Attorney General Josh Shapiro said he is part of a bipartisan group of Attorney Generals, nationwide, investigating manufacturers' roles in "creating or prolonging" America's opioid abuse crisis. The multi-state probe is looking at corporate marketing and sales practices.

Pennsylvania, among many other states, has seen spikes in drug overdose deaths, and a rise to public costs for treatment of addicts, with a widespread provision of overdose antidote drugs, like Naloxone, given to first-responders.

Shapiro noted many heroin users started by abusing prescription opioids, and this investigation "is going to hold everyone, everyone, accountable for their role in this tragedy, no matter how big and powerful they are."

State and local leaders are studying ways to regain billions from the companies who manufacture and sell the powerful painkillers. Last month, the Ohio Attorney General, through outside counsel, sued 5 pharmaceutical companies alleging they made false and deceptive statements about the risks and benefits of prescription opioids. Ohio has the 5th highest rate of overdose deaths in the country, with 29.9 deaths per 100,000 people. Pennsylvania is not far behind in 6th place, with 26.3 deaths per 100,000. According to Reuters, additional lawsuits against opioid manufacturers have been filed by two California counties, the city of Chicago, four counties in New York, and the State of Mississippi.

Shapiro's staffers said Thursday, the larger AG's group is taking a different approach, one that is relying more on the upfront use of internal investigative tools.

The Philadelphia division of the U.S. Drug Enforcement Agency released a new analysis of Pennsylvania fatal overdoses on July 27, 2017, stating nearly 80 percent of Pennsylvania counties have fatal overdose rates that exceed the national average. Pennsylvania's rate is 36.5 fatal overdoses per 100,000 people. The most-recently published national rate is 16.3 per 100,000 people.

The U.S. Drug Enforcement Administration said drug overdose deaths rose by 37 percent across Pennsylvania last year for a total of 4,642. According to the DEA's data, prescription or illegal opioids, such as heroin, painkillers, or fentanyl, were implicated in 85 percent of the deaths, and some of the largest increases occurred in Pennsylvania's most rural counties.



Strong law enforcement and incarceration must remain at forefront of fighting opioid crisis

*By Curtis Hill,
Indiana Attorney General*

*President Trump's Commission on
Combating Drug Addiction and
the Opioid Crisis has urged him to
declare a national emergency to
deal with the current drug crisis.*



In a recent report, the commission states that approximately 142 people die each day from a drug overdose. That means every three weeks the nation loses to overdose roughly the same number of Americans killed in the terrorist attacks of Sept. 11, 2001. The annual number of deaths – more than 50,000 – equates to nearly the total number of U.S. troops lost during the entire Vietnam War.

- In the face of this devastation, we must pursue a clear strategy for victory.
- Success in fighting the opioid crisis sweeping the

REGIONAL DIRECTOR'S REPORTS

nation requires a sensible balance among three strategies – prevention, treatment and enforcement.

- Experts across the spectrum seem to agree on the need for a steadfast commitment in the areas of prevention and treatment.

Far too often, however, some of these same voices downplay or refute altogether the need for vigilant enforcement of drug laws and the incarceration of offenders.

This year in Indiana, I organized the Attorney General's Public Safety Coalition (PSC). In June, we focused our first meeting on the value of jail chemical addiction programs available to inmates. Four of the "experts" who spoke at our conference stood out from others because they were clad in jail attire and under guard.

All four inmates expressed, in various ways, the same theme: "Getting arrested saved my life!"

Arresting and incarcerating criminals who prove to be chronic drug addicts – and connecting them to quality long-term treatment programs -- represents one of our best methods of reaching drug users most in need of services.

Everyone recognizes the need for more treatment facilities across the United States serving the general population. Experience, however, teaches us that we cannot always expect addicts to just line up and ask for help. The nature of addiction will not allow such rational behavior. Incarceration, therefore, plays a vital role in helping addicts recognize their need for intervention.

The recent popularity of efforts to limit jail time for drug users might be well-intended, but based on what we've heard from inmates, one must conclude that the most compassionate course might actually be giving them more jail time.

Don't get me wrong. I don't know a police officer or prosecutor in Indiana advocating for the incarceration of first-time, low-level drug offenders. Rather, our police and prosecutors tend to target violent and chronic offenders – those whose illegal drug use becomes more than a threat to their own health or a minor nuisance to others.

When drug addicts easily bail out without treatment, we do them a disservice. They typically go right back to the routines and habits that got them in trouble in the first place. A better course is to provide addicts prolonged sustainable programming while they are incarcerated followed by a solid after-care plan upon their release.

Dr. Sally Satel, a prominent addiction psychiatrist, recently wrote in *The Wall Street Journal*:

"Americans shouldn't lose sight of the virtues of coerced treatment and accountability. . . . When all else fails, handcuffs can help, too. A problem with treatment is that addicts often stay with the program only for brief

periods. Dropout rates within 24 weeks of admission can run above 50 percent, according to the National Institute on Drug Abuse. Courts can provide unique leverage. Many drug users are involved in addiction-related crime such as shoplifting, prescription forgery and burglary. Shielding them from the criminal-justice system often is not in society's best interests — or theirs."

Here in Indiana, I envision all counties having access to a jail chemical addiction program – either by operating their own quality programs or participating in regional programs. Working with law enforcement and other community leaders, I intend to press policymakers statewide to support jail chemical addiction programming as an effective weapon in Indiana's ongoing battle against substance abuse.

When discussing issues associated with illegal drugs and substance abuse, one encounters a common refrain these days: "Society cannot arrest its way out of this problem."

Well -- true enough.

But then, neither can we arrest our way out of armed robbery, burglary, criminal confinement, homicide or sexual assault.

Do these truths, then, mean that we let crimes go unpunished?

Let's hope not.

No one disputes that criminal behavior is related to many other issues – addiction, education deficiency, mental illness, poverty, social maladjustment and the list goes on. Society reaps great benefits from the efforts of professionals devoted to addressing these root causes. By all means, let's keep public-health and socioeconomic issues front and center.

The truth remains, however, that civil society depends on maintaining law and order.

"We must reject the idea that every time a law's broken, society is guilty rather than the lawbreaker," President Ronald Reagan told us. "It is time to restore the American precept that each individual is accountable for his actions."

We all must recognize the dangers of reducing personal accountability – which happens whenever we reduce penalties for breaking the law or diminish stigmas associated with destructive behavior.

For the safety of our families and neighborhoods, police and prosecutors must keep working to protect the innocent from those who continually flout our laws. And state legislatures and governors nationwide must keep laws on the books that sufficiently penalize drug crimes.

We do, after all, face a national emergency. ☆

Curtis Hill is Indiana's 43rd Attorney General.

2017 NNOAC REGIONAL DIRECTORS

Northwest Region - Erik Fisher

Alaska, Washington, Montana, Oregon,
Idaho and Wyoming

541/501-2506

efisher@nnoac.com



Southwest Region - Bob Cooke

California, Nevada, Utah, Arizona, New
Mexico, Colorado, Hawaii

408/472-8409

bcooke@nnoac.com



Midwest Region - Brian Marquart

North Dakota, South Dakota, Nebraska,
Minnesota, Iowa, Wisconsin, Illinois

651/201-7338

bmarquart@nnoac.com



South Central Region - Leland Sykes

Kansas, Missouri, Oklahoma, Arkansas,
Texas, Louisiana

225/268-4360

lwsykes@nnoac.com



Great Lakes Region - Gary Ashenfelter

Michigan, Indiana, Ohio, Pennsylvania,
New York

800/558-6620

gashenfelter@nnoac.com



Northeast Region - William Butka

Connecticut, New Hampshire, Vermont,
Rhode Island, Maine, Massachusetts

203/627-2644

wbutka@nnoac.com



East Central Region - Tommy Loving

Kentucky, West Virginia, Virginia, District of
Columbia, Delaware, Maryland, New Jersey

270/843-5343

tloving@nnoac.com



Southeast Region - T. Gene Donegan

Tennessee, North Carolina, South Carolina,
Mississippi, Alabama, Georgia, Florida

615/509-3738

tdonegan@nnoac.com



LET'S KEEP TALKING!

**Ernie Martinez, Director At-Large NNOAC
Past President, Colorado Drug Investigators
Association**

Looking back at the first series of meetings in which I participated with the marijuana working groups, advising Colorado officials on the framework of regulation for the nascent medical marijuana retail laws. These legislative mandates were lobbied for heavily and the language was intentionally vague, so as to allow a wide-open market.

With valuable input from colleagues in California, and with historical experience in Colorado to date, a few of us fervently advised state officials to place hard boundaries to every single aspect of the 'seed-to-sale' regulatory framework. Unfortunately, this did not occur. To this very day, many aspects of the sales and manufacturing of 'medical' and recreational marijuana and related products go unchecked. There are factors contributing to this deficiency, which I will write about in the near future.

In Colorado, what has transpired since then are many crimes related to marijuana in all categories (homicide, robbery, burglary, theft, juvenile use, DUID, & accidents). These were the issues which I spoke about as your representative at a congressional briefing on June 27, 2017. Other participants on the panel were Kevin Sabet (Smart Approaches to Marijuana); Sheriff Grady Judd, representing the National Sheriffs Association; and a representative of the National District Attorneys Council.

These congressional briefings included separate House and Senate staff panels on the marijuana black market



in states that have legalized marijuana, as well as the effects that it has on neighboring states and the rest of

the country. In addition to the above, I discussed the effects that legalization has had on the state of Colorado and the challenges we face with organized crime, illegal grow operations, and increased use of marijuana by teens. Sheriff Judd discussed how the marijuana black market from states such as Colorado has affected Florida, the importance of continued research into medical uses of components of marijuana, and the need to push back against the false narratives pushed by those who have advocated for legalized recreational or medical marijuana.



The National Survey on Drug Use and Health's (NSDUH) recently released report relates that every day, 7,000 new people try marijuana for the first time. This number is much greater than trends we had seen in the early 2000s! This report also found that the number of daily or near-daily users of marijuana in 2016 *doubled* compared to the number of heavy users about a decade ago. As we predicted, the use increased significantly among age groups 12 years, 18 years, and 26 years and older. Needless to say – but I will, anyway – *almost twice* as many 12- to 17-year-olds are using marijuana as compared to cigarettes on a past-month basis. Moreover, among those 18 and older, there has been a significant upward departure, as compared to 2015, in the percentage of marijuana users who are unemployed. These are just some of the effects – not only in Colorado, but across the nation.

You hear from the marijuana lobby and 'Big marijuana' that all is well and that youth use is down. Far from it, especially in Colorado. I encourage everyone to read respectable scientific data and review other data with a balanced approach, and you will be able to educate everyone you meet. Here in Colorado, we are in year ten of the sales and 'safe access' rhetoric, and it's the same old story that I see occurring in state legislatures across the U.S. Don't fall for it – and please learn from the mistakes in this social experiment in Colorado. Keep talking! □

Thermo Scientific is a preferred advertiser fully endorsed by the Executive Board members of the NNOAC.

Thermo
SCIENTIFIC

Got a drug problem?

Whether seizing drugs or conducting controlled buys, your safety and that of your community depend on quick, accurate identification of suspected narcotics.

Thermo Scientific™ TruNarc™ helps address this need, using lab-proven technology to deliver clear, definitive results. TruNarc easily identifies – in a single test – common drugs of abuse, cutting agents and precursors, as well as emerging threats like synthetic cathinones (“bath salts”) and cannabinoids (“spice”).

Get TruNarc

[learn more at thermoscientific.com/trunarc](http://thermoscientific.com/trunarc)

© 2015 Thermo Fisher Scientific Inc. All rights reserved. All trademarks are owned by Thermo Fisher Scientific Inc. and its subsidiaries.



Test a sample for multiple narcotics in a single analysis.



Analyze through sealed packaging for most samples.



Results easily downloaded for reporting and evidence.

sales.chemid@thermofisher.com
+1 (978) 642-1132



Stop Pot Legalization *at the Federal Level*

***This is an “op-ed” and is solely the opinion of the author.**

*by Peter F. Boyce, General Counsel
National Narcotics Officers Association Coalition*

More than 30 states have some form of marijuana legalization or de-criminalization of pot and the tally of Pro Pot States is likely to grow despite the efforts of the NNOAC, our President or Attorney General.

The two million member American Legion has launched a campaign to reduce marijuana restrictions by calling for the reclassification of pot on a federal level from a drug that has no medical benefit and is more dangerous than cocaine, to one that would be in the same category as prescription pain killers.

The American Legion contends that its members need access to medical marijuana to treat such conditions as post traumatic stress disorder, chronic pain and opioid addiction. Some members of the American Legion claim they became addicted to opioids while being treated by VA doctors who over prescribed opioids as a way to deal with medical issues. States like New Jersey have passed new laws allowing veterans to get medical marijuana when they otherwise would not qualify.

The argument being made by the American Legion seems in part to be that since the synthetic opioid Fentanyl, along with over prescribed use of other opioid medications, has created a crisis for veterans and non-veterans alike why not allow the use of Pot as an alternative. A representative of the Legion was quoted in a Wall Street Journal article on

July 30, 2017 as saying “We are hearing these compelling stories from veterans about how cannabis has made their lives better, that they were able to use it to get off a whole cocktail of drugs prescribed by VA doctors, that it helped with night terrors and gave them relief from chronic pain.”

The NNOAC sponsored a Summit in September intended to educate and empower all narcotic officers about the reality of Marijuana Legalization and to give law enforcement the tools necessary to get the FACTS to the public about the affects legalization and has had on states like Colorado, Washington and others. Law enforcement must become very vocal about the legalization issue to try and offset the huge amount of money spent by the Pot sellers to promote this dangerous drug as a harmless cure all. Jeff Sessions understands the importance of the issue. He has stated most emphatically in a letter to congressional leaders asking them to allow the Justice Department to override state marijuana laws. “The Department of Justice must be in a position to use all laws available to combat the transnational drug organizations and dangerous drug traffickers who threaten American lives.”

Get behind Jeff Sessions’s efforts to enforce federal law in all 50 states. Federal law, if properly amended, may be able to pre-empt state law on marijuana legalization.

In the words of President Trump “Don’t be too nice.”○

Jeff Sessions: Being soft on sentencing means more violent crime. It’s ti...

<https://www.washingtonpost.com/opinions/jeff-sessions-being-soft-on-se...>

The Washington Post

Opinions

Jeff Sessions: Being soft on sentencing means more violent crime. It’s time to get tough again.

By Jeff Sessions June 16

Jeff Sessions is U.S. attorney general.

Drug trafficking is an inherently violent business. If you want to collect a drug debt, you can't, and don't, file a lawsuit in court. You collect it by the barrel of a gun. For the approximately 52,000 Americans who died of a drug overdose in 2015, drug trafficking was a deadly business.

Yet in 2013, subject to limited exceptions, the Justice Department ordered federal prosecutors not to include in charging documents the amount of drugs being dealt when the actual amount was large enough to trigger a mandatory minimum sentence. Prosecutors were required to leave out objective facts in order to achieve sentences lighter than required by law. This was billed as an effort to curb mass incarceration of low-level offenders, but in reality it covered offenders apprehended with large quantities of dangerous drugs. The result was that federal drug prosecutions went down dramatically — from 2011 to 2016, federal prosecutions fell by 23 percent. Meanwhile, the average sentence length for a convicted federal drug offender decreased 18 percent from 2009 to 2016.

Before that policy change, the violent crime rate in the United States had fallen steadily for two decades, reaching half of what it was in 1991. Within one year after the Justice Department softened its approach to drug offenders, the trend of decreasing violent crime reversed. In 2015, the United States suffered the largest single-year increase in the overall violent crime rate since 1991.

And while defenders of the 2013 policy change point out that crime rates remain low compared with where they were 30 years ago, they neglect to recognize a disturbing trend that could reverse decades of progress: Violent crime is rising across the country. According to data from the FBI, there were more than 15,000 murders in the United States in 2015, representing a single-year increase of nearly 11 percent across the country. That was the largest increase since 1971.

The increase in murders continued in 2016. Preliminary data from the first half of 2016 shows that large cities in the United States suffered an average increase in murders of nearly 22 percent compared with the same period from a year earlier.

As U.S. attorney general, I have a duty to protect all Americans and fulfill the president's promise to make America safe again. Last month, after weeks of study and discussion with a host of criminal-justice participants, I issued a memorandum to all federal prosecutors regarding charging and sentencing policy that once again authorizes prosecutors to charge offenses as Congress intended. This

two-page guidance instructs prosecutors to apply the laws on the books to the facts of the case in most cases, and allows them to exercise discretion where a strict application of the law would result in an injustice. Instead of barring prosecutors from faithfully enforcing the law, this policy empowers trusted professionals to apply the law fairly and exercise discretion when appropriate. That is the way good law enforcement has always worked.

Defenders of the status quo perpetuate the false story that federal prisons are filled with low-level, nonviolent drug offenders. The truth is less than 3 percent of federal offenders sentenced to imprisonment in 2016 were convicted of simple possession, and in most of those cases the defendants were drug dealers who accepted plea bargains in return for reduced sentences.

Federal drug offenders include major drug traffickers, gang members, importers, manufacturers and international drug cartel members. To be subject to a five-year mandatory sentence, a criminal would have to be arrested with 100 grams or more of heroin with the intent to distribute it — that is 1,000 doses of heroin.

The truth is that while the federal government softened its approach to drug enforcement, drug abuse and violent crime surged. The availability of dangerous drugs is up, the price has dropped and the purity is at dangerously high levels. Overdose deaths from opioids have nearly tripled since 2002. Overdose deaths involving synthetic opioids rose an astonishing 73 percent in 2015.

My fear is that this surge in violent crime is not a “blip,” but the start of a dangerous new trend — one that puts at risk the hard-won gains that have made our country a safer place.

Some skeptics prefer to sit on the sidelines and criticize federal efforts to combat crime. But it's not our privileged communities that suffer the most from crime and violence. Minority communities are disproportionately impacted by violent drug trafficking. Poor neighborhoods are too often ignored in these conversations. Regardless of wealth or race, every American has the right to demand a safe neighborhood. Those of us who are responsible for promoting public safety cannot sit back while any American communities are ravaged by crime and violence.➤

There are those who are concerned about the fate of drug traffickers, but the law demands I protect the lives of victims that are ruined by drug trafficking and violent crime infecting their communities. Our new, time-tested policy empowers police and prosecutors to save lives.

Methamphetamines in Minnesota Revisited



By Carol Falkowski

Carol Falkowski is the CEO of Drug Abuse Dialogues, a training and consultation business. She is the former director of the alcohol and drug abuse division of the Minnesota Department of Human Services, former director of research communications at

Hazelden, and has been part of nationwide drug abuse epidemiology network since 1986. [Her most recent report, Drug Abuse Trends in the Twin Cities, can be found here.](#)

Methamphetamines have returned to Minnesota. No corner of the state is untouched.

The data regarding methamphetamines (meth) show increases that surpass the topmost levels reached in 2005 at the height of the last meth epidemic. To better understand this resurgence, let's flash back to 2005 when methamphetamine abuse was at its peak.

By 2005, Minnesota had endured five years of devastation attributed to meth production, distribution, abuse and addiction. Media outlets told gruesome stories of child abuse and neglect at the hands of meth-addicted parents. Makeshift meth labs wreaked havoc on the environment in rural and urban areas alike, while law enforcement agents scrambled to shut them down at risk of great bodily harm. Minnesota courts realized the consequences of meth addiction and production, as did our correctional and health care systems. Minnesotans drove by billboards featuring people whose faces and teeth had become horrifically disfigured by meth addiction. Meth addicts flocked into treatment centers in record numbers, as distraught families feared that there was no effective treatment for this special type of addiction. Communities, big and small, convened town hall meetings in church basements, high school gyms, and civic auditoriums.

Laws restricting the over-the-counter retail sale

of products containing pseudoephedrine (a key ingredient used to make methamphetamines), were passed in Minnesota and 34 other states, before the Federal law was passed in 2005, spearheaded by our then Senator Norm Coleman.

That Federal law, heralded as one of the most effective legislative responses to the drug abuse problem in this country, seemed to swiftly and significantly curtail both small, mom-and-pop meth labs and super labs. Multiple indicators of meth abuse and addiction precipitously declined. Gradually people breathed a sigh of relief.

Yet the significant declines were relatively short-lived. Meth made in Mexico gradually replenished the supply. Starting in 2009, the indicators quietly began to rise again and now surpass those 2005 peak levels. Again methamphetamine casts its looming shadow across Minnesota and America.

What's different now? With this wave of methamphetamine abuse and addiction there are fewer meth labs. We are also in the midst of a burgeoning opioid epidemic, an onslaught of increasingly deadly synthetic drugs, and the illicit sale of counterfeit pills. In terms of our mostly widely used illegal drug, marijuana smoking among adolescents exceeds cigarette smoking, and more Americans than ever (60%) favor its legalization.

What remains the same is that the methamphetamine supply is plentiful and its use is widespread. Confiscations of meth by law enforcement are again breaking records. Once again Minnesota treatment centers are filled with meth addicts seeking help. And yes, meth addiction is treatable.

People take drugs to feel good or feel better. It is that straightforward. The likelihood of any individual developing addiction is a combination of genetic and environmental factors. Some prefer stimulant drugs like methamphetamines, while others prefer depressant drugs like opioids and alcohol.

Addiction is a chronic, relapsing disease that changes the structure and function of the brain and is characterized by compulsive drug seeking and

DEA RELEASES FENTANYL GUIDE

FOR LAW ENFORCEMENT AND FIRST RESPONDERS

**treat any powders as if they contained fentanyl*

In June of 2017, the Drug Enforcement Administration (DEA) released a video message to law enforcement nationwide about the dangers of handling fentanyl and its deadly consequences. DEA Acting Administrator Chuck Rosenberg reminds law enforcement and first responders that “exposure to an amount equivalent to a few grains of salt can kill you. You can be in grave danger even if you unintentionally come into contact with fentanyl.”

Over the last several years, U.S. Law Enforcement has seen a dramatic increase in the availability of dangerous synthetic opioids. A large majority of these synthetic opioids are structural derivatives of the synthetic drug “fentanyl.” Fentanyl is a synthetic opioid currently listed as a Schedule II prescription drug that mimics the effects of morphine in the human body, but has potency 50–100 times that of morphine. Due to the high potency and availability of fentanyl, both transnational and domestic criminal organizations are increasingly utilizing these dangerous synthetic opioids as an adulterant in heroin and other controlled substances. The presence of these synthetic opioids in the illicit U.S. drug market is extremely disconcerting as the potency of these drugs can easily overcome users and lead to overdose incidents and overdose-related deaths throughout the nation. Moreover, the strength of these substances is such that law enforcement and first responders are at risk of overdose simply through unintentional exposure.

DEA intelligence indicates China and Mexico are the main source countries for illicit fentanyl smuggled into the

United States. Generally speaking, shipments from China tend to be lower in volume, but higher in purity relative to other fentanyl seizures, whereas shipments from Mexico tend to be larger but lower in purity. Less frequently, Fentanyl is routed and smuggled through Canada. Of note, many China-based trafficking organizations utilize the internet to distribute fentanyl, fentanyl-related substances, and synthetic opioids globally. These items are often intentionally mislabeled when shipped. Police dogs are at risk of serious health effects from exposure to fentanyl and fentanyl related substances.

Officers should be aware the DEA labs have processed exhibits containing fentanyl and its analogues mixed with heroin, cocaine, methamphetamine, and synthetic cannabinoids. While the potency alone should be enough to merit caution, the mixing of these substances in with others makes field testing and drug identification more challenging and potentially hazardous. ***Law Enforcement and First Responders should treat any powders or suspected drugs as if they contained fentanyl.**

Do not disturb Due to the hazardous nature of the synthetic opioids described above, law enforcement personnel, or any first responders, who encounter fentanyl or fentanyl-related substances should NOT take samples or otherwise disturb any powdered substances without employing proper PPE, as this could lead to accidental exposure. Law enforcement personnel,



as well as first responders, should exercise appropriate safety precautions at all times when fentanyl or fentanyl-related substances are suspected.

Call HAZMAT

If the presence of fentanyl or any synthetic opioid is suspected, personnel should immediately contact the appropriate officials within their agency who have been trained to handle hazardous materials, or contact the nearest DEA field office for assistance. Having specially trained law enforcement (or hazardous materials “HAZMAT” incident response team) professionals equipped with the necessary equipment, to include Level “A” PPE, on-site to assess the situation prior to exposure or contamination is recommended. This includes situations involving unknown powdered substances and/or pill milling or encapsulating operations.

When encountering unknown powders, personnel should use, at the minimum, Personal PPE to include nitrile gloves, N-95 dust mask, eye protection, disposable paper suit, or paper coveralls, and shoe covers. Naloxone should also be readily available for administration.

For additional information on the DEA recommendations for First Responders and to view the DEA video please visit:

https://www.dea.gov/druginfo/Fentanyl_BriefingGuideforFirstResponders_June2017.pdf

<https://www.dea.gov/druginfo/fentanyl.shtml>

This guide and video will provide recommendations to law enforcement and first responders on the fentanyl exposure risks and treatment, fentanyl detection and decontamination. ○

Meth in Minnesota, cont.

from page 18

use, despite harmful consequences, according to the National Institute on Drug Abuse. Yet unlike other chronic diseases with behavioral components, such as diabetes, hypertension or asthma, most addiction goes untreated, thereby threatening the public safety and damaging individuals, families and entire communities.

Let this resurgence of methamphetamine serve as a reminder that even though a certain drug disappears from the headlines, it does not disappear from our streets. Meth is a long-acting stimulant drug that heightens alertness and suppresses appetite. The lure of these effects has not diminished over time, nor has the desire of people to feel good or feel better.

The illegal drug business is ruthless and profitable, organized and unrelenting. It is always seeking new customers.

We need to be equally unrelenting and organized in our prevention, law enforcement and treatment responses. When it comes to effectively curbing drug abuse, it's everyone's business. □



FEATURE: Violence in Urban America A REMEDY UNDER ATTACK

Law Enforcement Use of “Stop and Frisk”

BY Mike Callahan

In 2013 a federal judge in New York declared the New York Police Department’s (NYPD) execution of the so called “stop and frisk” procedure unconstitutional.¹ In Chicago, in March 2015, the American Civil Liberties Union (ACLU) issued a report entitled “Stop and Frisk in Chicago” which alleged that the Chicago Police Department (CPD) disproportionately utilized the “stop and frisk” procedure against the city’s African-American population, causing systemic abuse of their constitutional rights. Shortly after the ACLU report, in April 2015, a class action suit was filed in federal court in Chicago on behalf of minority plaintiffs alleging that the CPD used the stop and frisk procedure in an unconstitutional manner to deprive them of their constitutional rights.²

On August 7, 2015, the CPD entered into an agreement with the ACLU which would be overseen by a former United States Magistrate Judge. The agreement required the CPD to create and maintain significant data regarding officer execution of stop and frisk practices; overhaul and improve officer training on stop and frisk; and make regular progress reports to the former Magistrate Judge and the ACLU.³

History and Development of “Stop and Frisk”

In 1968, the United States Supreme Court recognized that law enforcement officers needed a proactive lawful investigative tool to combat prospective criminal activity **before it occurred**. In *Terry v. Ohio*⁴ a police officer observed two male suspects acting suspiciously at approximately 2:30 p.m. One suspect walked to the front of a store from a nearby street corner. He stopped, looked inside the store and returned to the street corner. He conferred with the other suspect who had waited for him to return. The second suspect was observed to repeat the same conduct as the first suspect and return to the corner to confer with his partner. Each suspect performed this ritual about six times. The officer, who had years of experience as a police officer and had never seen these suspects before, suspected that they were “casing” the store for a holdup.⁵

The officer approached them, grabbed one and spun him around. He patted the man’s outer clothing for weapons and discovered a handgun. The Supreme Court ruled that the man was subjected to a “seizure” of his person (i.e. an investigative detention/not an arrest) but the seizure was justified because the officer had developed facts amounting to a **reasonable**



suspicion that criminal activity was taking place. The Court also ruled that the “pat down” frisk for weapons was justified because the officer had a **reasonable fear** for personal safety based upon his observations that suggested they were planning an armed robbery.

In reaching its decision, the Court in *Terry* observed that law enforcement officers were constitutionally permitted to arrest law breakers **after** a crime had occurred if they had **probable cause** to justify the arrest. However, the Court believed that officers, to enhance public safety, needed something more, i.e. the ability to stop, detain and question persons they suspected of criminal activity before the crimes actually occurred. The Court recognized that the public would be better protected from criminal mayhem, if officers could detain suspects for a reasonable period for investigation in the absence of probable cause that would be required to support an arrest.

¹ *Floyd v. City of New York* 959 F. Supp. 2d 540 (U.S.D. C. S.D. N. Y., 2013).

² *Darnell Smith et. al. v. City of Chicago et.al.*, (Case No. 1:15-cv-03467).

³ See, ACLU “Stop and Frisk Settlement,” March 2017.

⁴ 392 U.S. 1 (1968).

⁵ The Court ruled that these facts were sufficient to justify an investigative detention of the suspects because they amounted to a **reasonable suspicion** that criminal activity was afoot.

LAG is a paid advertiser and proud supporter of the mission and goals of the NNOAC.



ARMORED FORD TRANSIT
VERSATILITY / COVERT / SAFETY



FEATURES:

- * NIJ 3 (7.62 X 51, .308 155gr)
- * SEATS 12
- * 360 VIEW tCAMERA
- * HIGH CEILING
- * ROOM FOR GURNEY

USES:

- * NARCOTICS
- * MOBILE TAKEDOWN
- * RAPID RESPONSE
- * PUBLIC EVENTS
- * TACTICAL MEDIC
- * SWAT SUPPORT

BENEFITS:

- * LOW COST
- * LOW PROFILE/COVERT
- * TACTICAL ADVANTAGE
- * MULTI USE
- * REDUCED FOOTPRINT

www.interarmored.com

bert.coutts@pridesupply.com

Ph: (949) 280-1232

We are honored to promote innovative, powerful products and services that assist and protect our members in the line of duty and at home.

International Armored Group (IAG)

Bert Coutts, US Law Enforcement Advisor, International Armored Group

Proactive Instead of Reactive

In the 1980's my father would stop by the house in a beat up Ford F350 with a camper shell on it. At the time, this was the narcotics vehicle. It was covered in rust and smelled like an ashtray and body odor. As a kid I thought it was the coolest thing ever. It looked the part and served the department for many years. A lot has changed since then.

The 1997 North Hollywood shootout showed the world that there was an immediate need for the development and use of armored vehicles within the law enforcement community. Since then, agencies have looked to the armored SWAT truck as the vehicle of choice for high risk operations and emergency situations. Although highly functional, these vehicles are limited in their use and normally have a hefty price tag of upwards of \$350,000.

Today's narcotics officer is dealing with heavily armed, often cartel funded, individuals who would not hesitate to engage in a gunfight with the first badge they see. Some of the same weapons used in the North Hollywood shooting are in the hands of today's narcotics dealers. How can departments protect officers, while still preserving the element of surprise? What can be used for surveillance during a buy bust; but at drop of a dime be a lifesaving tool to "safely" extract a wounded person from a dangerous situation?

Agencies are looking for ways to meet these threats head on while providing officer safety and they haven't been able to find a solution, until now. The solution is the International Armored Group and their Armored Ford Transit Van.

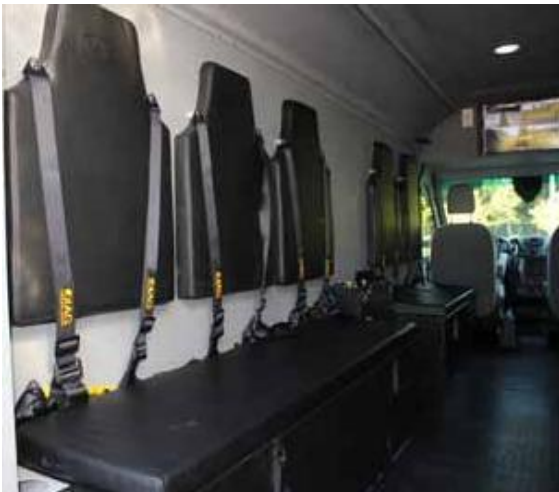
International Armored Group (IAG) was founded over 20 years ago and has grown into one of the largest armored vehicle manufacturers in the world. IAG offers over 80 different models of armored vehicles and specializes in SWAT and SRT

vehicles. IAG has worked closely with law enforcement agencies to create a discrete armored transit van that is more versatile and affordable than the traditional SWAT trucks. One of the factors behind its design was to protect narcotics officers without losing its covert capability.

IAG's vehicles come with the patented SMARTARMOR Single Piece Sidewall Design. The entire length of the vehicle's sidewall is protected with one continuous piece of ballistic steel that integrates all door overlaps and pillars. This provides the highest level of ballistic protection for those inside. IAG was also the first armoring company in the world to manufacture ballistic glass in-house. Ballistic glass from 3rd party manufacturers is often made from a standard mold and then has to be modified to fit the vehicle in question. By having both vehicle and glass manufacturer under one roof, it guarantees a low profile look and the highest level of ballistic protection.

In 2014, IAG introduced the "Armored Tactical Van" and the "Armored Transit Van" in 2016. The Armored Ford Transit Vans are available in NIJ Level III (7.62, .308 150gr) level of protection and offer the industry's leading interior volume plus 12-person seating. This has created a much more enjoyable experience for officers that are forced to remain in the armored vehicle for long periods of time. In addition, a state-of-the-art surveillance system has been installed to increase situational awareness for officer safety. This system features a 360° camera system with a large split screen monitor and a remote viewing option from a command post. The van is also set up to accommodate a medical stretcher and can be used as an armored rescue vehicle to move any wounded personnel or civilians out of a fluid situation. This vehicle was designed to be a multi-purpose armored van that is perfect for high risk warrants, mobile takedowns, active shooter, or undercover work. In a mass casualty incident, every second counts. Being able to rapidly put officers into or extract wounded out of a violent encounter could determine if someone recovers from a leg wound or dies on the floor from loss of blood.

With the increased negative public perception of law enforcement and the media's narrative about "Weapons of



2017

FORGING A PARTNERSHIP

Law Enforcement & Treatment

Working together toward a solution.



Colorado Heroin Response
Work Group

Prepared by:

[*Colorado Heroin Response Work Group
of the Colorado Consortium for Prescription
Drug Abuse Prevention*](#)

Contact:

Co-Chair Tom Gorman, Director RMHIDTA
tgorman@rmhidta.org

Co-Chair Lindsey Myers, MPH, Branch Chief, CDPHE
lindsey.myers@state.co.us

Forging a Law Enforcement and Substance Abuse Treatment/Recovery Partnership by

Colorado Heroin Response Work Group

**Learn the language –
Accept the differences – Embrace the goal**

In May of 2016, the Heroin Response Work Group (HRWG) was established as part of the larger Colorado Consortium for Prescription Drug Abuse Prevention. The working group's purpose is to establish a coordinated, statewide response to the emerging heroin

problem in Colorado. Members of the work group represent diverse backgrounds in the state of Colorado and include representatives from the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA), the Colorado Department of Public Health and Environment (CDPHE), the Colorado Attorney General's Office (COAG), the Colorado Department of Human Services (CDHS), the Drug Enforcement Administration (DEA), US Attorney's Office (USA), Colorado Counterdrug Taskforce (CO-CDTF), Colorado Association of Chiefs of Police (CACP), the Colorado Drug Investigator's Association (CDIA), as well as various other prevention, treatment, recovery and law enforcement organizations.

Introduction: This paper points out some of the differences that may exist between the law enforcement and treatment/recovery professionals. For the purposes of this report, the term "treatment" will include recovery. The emerging opioid and heroin problem has helped demonstrate the necessity for developing a partnership. The general issues identified and summarized are the result of interviews and a focus group including law enforcement, treatment and recovery professionals in Colorado. The interviews were conducted by some members of the Colorado Heroin Response Work Group.

Purpose: There is no illusion that this report is a scientific study. It simply serves to identify some of the differences that may exist between the treatment and law enforcement professions. However, not all of those in treatment or law enforcement agree on the issues identified in this report. This document is not designed to support a particular position. The purpose is to help recognize there may be professional differences but not allow those differences to interfere with relationships or collaboration. These two important professions can agree to disagree and still work together. If they get entangled in the areas where they disagree, they will never develop a mutual partnership. The key is accepting the philosophical and cultural differences and embracing the common goal of impacting the substance abuse problem.

Some Potential Philosophical Differences:

1. Primary emphasis by treatment is on the person whereas primary emphasis by law enforcement is on the public.

Treatment and recovery, by the nature of their professions, place an emphasis on treating the person who uses drugs. Success is achieved when that person

FORGING, CONT.

is removed from the cycle of addiction and often illicit behavior. That then becomes their primary focus and the measure of their success. The treatment professional gets to know the person and empathizes with their circumstances and addiction. A potential result of successfully treating the addiction and leading the person to recovery is the positive impact on family, friends and society.

Law enforcement’s emphasis is to protect the public from those who engage in irresponsible and/or criminal behavior. Their success is based on the crime rate. If the law violator is removed, then he/she is not committing crimes or victimizing others. Law enforcement empathizes with victims since they see them when most traumatized, often at the actual scene of the crime. Law enforcement observes firsthand the adversity and tragedy caused by those who engage in criminal behavior, many of whom are substance users. However, if that person is no longer involved in the illicit use of substances, that should affect his/her propensity for irresponsible and/or criminal behavior – a win for both treatment and law enforcement, as well as society.

2. Treatment considers substance abuse a disease whereas law enforcement views substance use as a choice.

Treatment professionals often classify substance abuse as being a disease similar to diabetes, cancer, etc. Many in law enforcement disagree with that perspective, since the person chooses to use drugs but people don’t choose to get cancer or diabetes. Law enforcement believes the “disease” view absolves the user from being responsible for their condition. Treatment examines the progressive nature of substance abuse and many believe it is a brain disorder.

While it is true that the substance user chooses to use the substance, it is doubtful he/she chose to become addicted. The alcoholic chooses to drink alcohol but did not choose to become an alcoholic. Choice does play a role but there can also be environmental and genetic factors

involved. In a similar fashion, those with diabetes or even cancer, like a substance user, may have contributed to that condition through what they eat, lack of exercise, etc. That doesn’t change the fact that they have a disease. As with substance abuse, environmental and genetic factors can play a role in contributing to a person having cancer or diabetes.

3. Treatment emphasizes harm reduction whereas law enforcement believes that drug use should be stigmatized.

Many treatment professionals embrace harm reduction strategies, such as needle exchange, as a cost-effective intervention to avoid unintended consequences of drug use, such as the spread of communicable diseases. Additionally, they also cite the benefit of safe disposal of used needles

Some General Cultural Differences Discussed Include:

| Treatment | Law Enforcement |
|--|--|
| Politically and socially more liberal | Politically and socially more conservative |
| More methodical | More action oriented |
| More impressed with titles, credentials, higher education and academia | More impressed with street knowledge/experience |
| Tends to use terminology coined by profession | Tends to use more street terminology |
| Influenced by research and studies | Influenced by personal experience |
| Focused on longer term results and reducing drug -related harm | Focused on immediate results and reducing drug-related crime |

and reduction of risk of accidental needle stick injuries of law enforcement. Treatment professionals believe that harm reduction strategies serve as a gateway for access to services such as treatment and medical care.

Law enforcement, on the other hand, often looks at harm reduction as a disguised agenda used by those who support the legalization of drugs to remove the stigma of drug abuse and to normalize drug use. Law enforcement believes that a tolerant public attitude and acceptability of drug use are major factors in the rate of use. They cite tobacco smoking as an example of a substance that once was considered “cool” but now is stigmatized as having helped reduce the rate of smoking. Law enforcement believes the more normalized a behavior becomes the more people will be engaged in that behavior. Likewise, the more stigmatized a behavior, the less people will engage

in that behavior. Treatment professionals believe that stigmatizing drug use and addiction interferes with an individual's ability to admit his/her problem as well as seek, and stay in, treatment. They also believe that it damages his/her social interaction and pushes them more toward a group that engages in similar behavior.

4. Success of treatment versus success of law enforcement.

Treatment often tends to downplay the necessity of supply reduction and frequently will refer to law enforcement as having failed in the war on drugs. Law enforcement tends to believe that treatment overstates its success rate and believes supply reduction is a necessary ingredient in a successful drug policy.

5. Treatment endorses Medication-Assisted Treatment (MAT) whereas law enforcement's view is that MAT is simply substituting one addictive drug for another.

Many treatment professionals believe that Medication-Assisted Treatment is an important therapy to treat the uncontrollable, compulsive behavior that is addiction. Medications such as methadone and buprenorphine play an important role in addressing dangerous addiction as part of a comprehensive treatment plan. Law enforcement often views MAT as substituting one addictive drug for another with the only difference being that one is illegal and the other legal. They often cite abuses of these programs and the lack of overall success in becoming drug free. What is drug free may be another area of differences between law enforcement and treatment.

6. There are a variety of treatment and recovery methods whereas law enforcement considers all treatment/recovery options part of the same discipline.

Medication-Assisted Treatment, non-medication assisted treatment and recovery, etc. often share different philosophies on treating substance abuse whereas law enforcement places all treatment options under the same umbrella. Within the treatment profession, there are varying opinions as to what works best and how to measure success. Recovery professionals often feel they are a different profession from treatment. Recovery specialists view treatment as having an expiration date whereas recovery is a life-long process. Treatment professionals differ on how to measure the success of mandated treatment through the criminal justice system versus voluntary treatment. Law enforcement tends to believe that mandated treatment, using the "carrot and stick" philosophy, is generally more effective than voluntary. Treatment also differs on the use of Medication-Assisted Treatment versus no medication in treatment. Law enforcement, on the other hand, often considers the various types of treatment and recovery as one discipline. That includes all the differences and issues that arise between law enforcement and treatment. However, the following analogy, comparing treatment and recovery, tends to resonate with law enforcement. An individual has an injury that requires surgery to treat the injury (treatment) but for the individual to resume

Some Language Differences:

| Treatment Language | Law Enforcement Language |
|--|--|
| Person who uses drugs (PWUD), inappropriate use, substance misuse disorder, person involved in risky use of a substance | User, doper, druggie, drug user |
| Person with a substance use disorder, substance behavioral disorder, drug disease, active addiction problem use, substance dependence | Addict, drug habit, strung out, junkie |
| Person who injects drugs (PWID) | Person who shoots up |
| Addiction-free, in recovery, sobriety | Clean |
| Negative or positive test results | Clean or dirty test |
| Medication-assisted treatment | Drug replacement or substitute |
| MAT, abstinence-based treatment, recovery, outpatient treatment, inpatient treatment, relapse prevention, long-term residential treatment, drug counseling, group counseling | Treatment |
| Withdrawal Management Center | Detox |

Continued on page 31



United States Sentencing Commission
One Columbus Circle N.E.
Washington, DC 20002
www.ussc.gov

William H. Pryor, Jr.
Acting Chair

Rachel E. Barkow
Commissioner

Charles R. Breyer
Commissioner

Danny C. Reeves
Commissioner

Zachary Bollitho
Ex Officio

J. Patricia Wilson Smoot
Ex Officio



Kenneth P. Cohen
Staff Director

Glenn R. Schmitt
Director
Office of Research and Data

September 2017

An Analysis of the Implementation of the 2014 Clemency Initiative

UNITED STATES SENTENCING COMMISSION



An Analysis of the Implementation of the 2014 Clemency Initiative

Introduction

On April 23, 2014, the Department of Justice announced an initiative to encourage qualified federal inmates to petition to have their sentences commuted by President Barack Obama. The stated intent of the initiative was to lower sentences for non-violent offenders who “likely would have received substantially lower sentences if convicted of the same offense” under the law then in effect.

The Department of Justice (DOJ) announced six criteria that would entitle offenders to be prioritized for consideration for clemency. Over 24,000 offenders petitioned for clemency under the initiative, and the President commuted the sentences of 1,696 of those offenders.

This report analyzes the sentence commutations granted under the initiative. It provides data concerning the offenders who received a sentence commutation under the initiative and the offenses for which they were incarcerated.

It examines the extent of the sentence reductions resulting from the commutations and the conditions that the President placed on his commutations. It also provides an analysis of the extent to which these offenders appear to have met the announced criteria for the initiative.

Finally, it provides an analysis of the number of offenders incarcerated at the time the initiative was announced who appear to have met the eligibility criteria for the initiative and the number of those offenders who received a sentence commutation.

The President’s Clemency Power

The Constitution gives the President the power to grant clemency to persons who have committed federal offenses. Article II of the U.S. Constitution provides:

The President . . . shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of impeachment.¹

Although the text of the President’s clemency power uses only the words “reprieves” and “pardons,” the power is generally understood to extend to five different forms of clemency: reprieves, pardons, amnesties, remissions, and commutations.²

Glenn R. Schmitt, J.D., M.P.P.
Director
Office of Research & Data

Timothy Drisko
Research Data Coordinator
Office of Research & Data

Christina D. Stewart, M.A.
Research Associate
Office of Research & Data

Key Findings

The key findings of this report are:

- President Obama made 1,928 grants of clemency during his presidency. Of them, 1,716 were commutations of sentence, more commutations than any other President has granted.
- Of the 1,928 grants of clemency that President Obama made, 1,696 were sentence commutations under the 2014 Clemency Initiative.
- The commutations in sentence granted through the Clemency Initiative resulted in an average sentence reduction of 39.0 percent, or approximately 140 months.
- Of the 1,696 offenders who received a commuted sentence under the Clemency Initiative, 86 (5.1%) met all the announced Clemency Initiative factors for consideration.
- On April 24, 2014, there were 1,025 drug trafficking offenders incarcerated in the Federal Bureau of Prisons who appeared to meet all the announced Clemency Initiative factors. Of them, 54 (5.3%) received clemency from President Obama.
- By January 19, 2017, there were 2,687 drug trafficking offenders who had been incarcerated in the Federal Bureau of Prisons when the Clemency Initiative was announced and who appeared to meet all the announced Clemency Initiative factors. Of them, 92 (3.4%) received clemency from President Obama.

This report discusses President Obama's use of commutations under the Clemency Initiative; however, the other forms of clemency will be discussed briefly.

The Five Forms of Clemency

A reprieve is a temporary postponement of a punishment.³ It suspends the execution of the sentence of the court⁴ but has no effect on the crime or the punishment imposed for it.⁵

In contrast, a pardon relieves the offender of all punishment for the offense that has or may be imposed.

The President can pardon someone before or after a formal conviction for a crime;⁶ however, in practice pardons are usually granted after a person has been convicted, served the punishment imposed, and demonstrated rehabilitation by leading an exemplary life upon release.⁷

Amnesties are, in essence, a type of pardon granted to a class of people for similar criminal acts.⁸ Most commonly, they are granted to a class of offenders who have not been prosecuted for the offense, often before any arrest for the crime has been made.⁹

The President may also order the remission of fines and forfeitures. This form of clemency requires the government to return to an offender all or a portion of the fine and forfeitures which a court ordered accrue to the government.¹⁰

Commutations of sentence are the form of clemency¹¹ used for the Clemency Initiative. A commutation does not relieve the offender of any legal consequence of the underlying offense, but only adjusts the punishment to be imposed.¹²

The most common form of a commutation is the substitution of a lesser punishment of the same character for the punishment imposed by a court, such as the reduction in the length of a sentence of imprisonment.¹³

But commutations can also involve a change in the type of punishment itself, such as replacing a sentence of death with a sentence of life imprisonment.¹⁴

The Review of Clemency Petitions

Although the power to grant clemency belongs exclusively to the President, petitions for clemency have been processed by the Attorney General and his or her staff since 1852. In 1891, Congress established the Office of the Pardon Attorney in the Department of Justice, and the "clerk of pardons" (whom DOJ had renamed "the attorney in charge of pardons") became the Pardon Attorney. For most of the time since, the Pardon Attorney reported directly to the Attorney General, who then presented the Pardon Attorney's recommendations to the White House

for decision. Before 1962, the Attorney General sent only those petitions that were recommended for clemency and all petitions which involved the death penalty.

Beginning in 1962, DOJ also began sending to the President those petitions which it recommended be denied.

In 1978, the Attorney General delegated supervisory authority over the Office of the Pardon Attorney to the Deputy Attorney General (DAG), who continues to supervise the office today. Under current practice, the DAG sends the DOJ recommendation to the White House through the Counsel to the President. In early 2016, DOJ appears to have revised its policy to also send to the President the Pardon Attorney's comments regarding petitions which the Pardon Attorney recommended be approved but the DAG recommended be denied.¹⁵

Conditioning Grants of Clemency

The President may attach conditions to a grant of clemency. In general, there are few, if any, legal limits on the conditions that the President may impose.¹⁶ The types of conditions imposed in the past have been wide-ranging, such as requiring the offender to swear allegiance to the country¹⁷ to performing acts of service benefitting the nation.¹⁸

While an offender cannot refuse a commutation outright,¹⁹ he or she can effectively refuse it by refusing to perform a condition attached to it.²⁰

Grants of Clemency Over Time by Different Presidents

In the modern era, President Franklin D. Roosevelt granted more clemencies than any other president. In his 12 years and one month in office, he granted 2,819 pardons, 488 commutations, 12 reprieves, and 477 remissions.²¹ President George H.W. Bush granted the fewest clemencies. During his four years in office, he granted 74 pardons and three sentence commutations.

President Barack Obama made 1,928 grants of clemency during his presidency.²² Of them, 1,716 were commutations of sentence, more commutations than any other president has granted.²³

Announcement

On April 23, 2014, Deputy Attorney General James Cole held a press conference to announce a new Clemency Initiative. In the press release accompanying the event, DOJ stated that the Initiative was undertaken "at the behest of" President Obama and was intended to lower sentences for non-violent offenders who "likely would have received substantially lower sentences if convicted for the same offenses" had they been sentenced under the law at the time

the Initiative was announced.²⁴

Mr. Cole stated at the press conference: For our criminal justice system to be effective, it needs to not only be fair; but it also must be perceived as being fair. These older, stringent punishments that are out of line with sentences imposed under today's laws erode people's confidence in our criminal justice system. I am confident that this initiative will go far to promote the most fundamental of American ideals—equal justice under law.²⁵

As discussed above, the announcement of the Initiative by the Deputy Attorney General was consistent with historical practice regarding the review of petitions for clemency, all of which are filed with the Department of Justice.

Criteria Entitling Offenders to Prioritized Consideration Under the Initiative

At the press conference on the Initiative, Mr. Cole announced six "criteria" that he said DOJ would consider when reviewing clemency petitions from federal inmates.

In the press release issued after the event, DOJ stated that "Under the new initiative, the department will prioritize clemency applications from inmates who meet all of" the announced factors.²⁶ The six factors were:

- 1) They are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today;
- 2) They are non-violent, low-level offenders without significant ties to large scale criminal organizations, gangs or cartels;
- 3) They have served at least 10 years of their prison sentence;
- 4) They do not have a significant criminal history;
- 5) They have demonstrated good conduct in prison; and
- 6) They have no history of violence prior to or during their current term of imprisonment.²⁷

Effect of Announcing Factors

Announcing a set of criteria to be considered when reviewing petitions for clemency is not unprecedented. DOJ had previously promulgated what it calls "Rules Governing Petitions for Executive Clemency."²⁸ However, these "rules" are mostly procedural in nature. In fact, in the rules themselves DOJ states that they are advisory and only for "the internal

guidance of Department of Justice personnel."

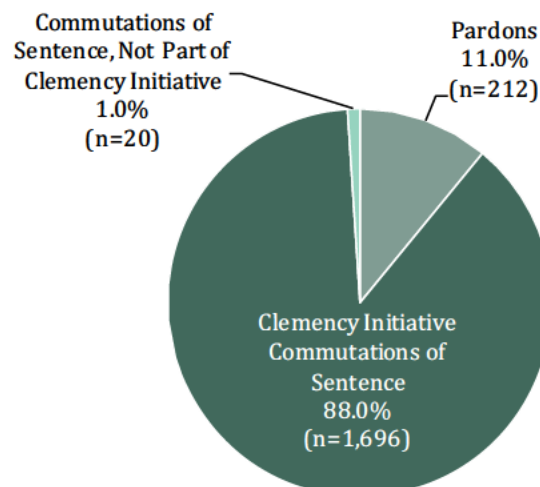
The only provision that appears to limit an applicant's eligibility to receive clemency²⁹ is the requirement that pardon petitions should not be filed until five years after the petitioner's release from confinement for the offense for which the petitioner seeks the pardon.³⁰

In announcing the 2014 Clemency Initiative, DOJ provided six broad factors that it would consider in addition to those listed in the Code of Federal Regulations; however, the role that those factors were to play in the decision to grant clemency under the Initiative is unclear. For example, while the official DOJ announcement stated that offenders meeting these criteria would simply qualify for "prioritized consideration," at other times DOJ referred to the factors as "eligibility criteria."³¹

In Mr. Cole's prepared remarks announcing the Clemency Initiative, which were posted on the DOJ website, he stated that "the initiative is open to candidates who meet six criteria."³² He also noted that "[i]dentifying worthy candidates within our large prison system will be no easy feat" and that "a good number of inmates will not meet the six criteria."³³ As recently as August 2017, the DOJ website provided a link to these same criteria with the words "Read more about who is qualified to apply for commutation under the new criteria."³⁴

Keep reading on our website

Figure 1. Grants of Clemency by President Barack Obama 2009-2017



The 2014 Clemency Initiative

LAG, cont.

from page 23

War on the Streets of America”, there needs to be a solution that maximizes officer safety yet is discrete enough to allow agencies the ability to enter any situation without drawing attention to it or inciting a hostile environment. Today, it can be parked in front of the Rose Bowl and 4 hours later be used to record an undercover operation. The next day, parked outside State Capitol for a political protest. Most individuals would walk by that van and not think anything of it. Now let’s have the same 3 locations and replace the Van with the departments SWAT Vehicle. Would the response be the same and would it be positive?

Recent incidents in the UK, France and Germany have put a spotlight on concerts, political rallies, sporting events and even protests as premier targets for terrorist activity. The US has just now started to experience what others around the

world are desperately trying to prevent. Threats of terrorism have forced law enforcement to react accordingly, while maintaining a low public footprint and not put added strain on already maxed out budgets.

Due to budgetary and political restraints, today’s law enforcement is forced to be “reactive” to violent situations. The Armored Ford Transit Van from International Armored Group is changing the script, by providing one of the most proactive tools in today’s market. □

Bert Coutts

Owner, Pride Supply and US Law Enforcement Advisor for International Armored Group and Night Optics USA.

Bert.coutts@pridesupply.com

FORGING, CONT.

from page 26

their normal function, they may need physical therapy (recovery).

7. Treatment and law enforcement define the term “evidence” differently.

The word “evidence” in law enforcement is likely to mean meeting the legal burden of proof in developing a case that an individual is guilty of a crime. Treatment professionals think of evidence-based practice, which focuses on proof of what works to achieve a desired health outcome. “Evidence” is held up as a guiding principle for treatment: the method in which the data were collected and analyzed and the demonstrated effectiveness of an intervention are key drivers for treatment and public health practice and policy. This is related to some of the issues identified above, including whether or not stigmatization is beneficial, and whether or not MAT works. Evidence-based crime policy is utilized to a greater degree by law enforcement. This may help bridge some gaps between treatment and law enforcement.

8. Treatment and law enforcement are governed by a variety of laws, regulations and policies.

Treatment and law enforcement are required to operate under specific laws, regulations and policies. This is a topic that the two professions need to discuss early in their working relationship. Understanding differences and limitations should help reduce unrealistic expectations and hard feelings. For instance, law enforcement may feel that treatment is not cooperating in sharing information about their client. However, treatment is, by law, limited on what they may share regarding their client. Treatment may expect a law enforcement officer to exhibit some flexibility in interaction with their client on relatively minor offenses. However, law enforcement may be limited by regulations or policy in their amount of discretion involving a criminal offense. A healthy, candid discussion concerning limitations and restrictions is important in sustaining a long-standing relationship.

Conclusion: The partnership between law enforcement and treatment communities is crucial in addressing the heroin problem. The differences identified in this paper should not be obstacles to developing a positive working relationship, but rather provide each profession a glimpse into some different points of view. The goal is putting those differences aside and working together for the common good.□

Zephrex is proud to support the mission of the NNOAC as a paid advertiser and is fully endorsed by the NNOAC.

ZEPHREX-D®

**Powerful medication to relieve nasal congestion.
Powerful dedication to eliminate meth labs.**

One of the most effective ways to combat domestic meth-lab production is to make pseudoephedrine products that are meth-resistant.

One innovative American company, Westport Pharmaceuticals, has done just that. Their product, Zephrex-D pseudoephedrine, uses Tarex® to encrypt pseudoephedrine, protecting its chemical code and making it virtually impossible to hack by illegal meth producers. "In our community we saw a debilitating problem. As a health-care company, we took it upon ourselves to be part of the solution by always creating products that help people feel healthy and do good at the same time."

Westport is fueling the shift from where big pharma is today. In the past, drug companies produced medicine but left it up to government & society to deal with illicit off-label use. Westport believes they're not only responsible for how the medicines they produce are used, but are also accountable so that they can't be misused. We like to think it as pioneering the era of "good pharma." Our focus is on developing the next generation of consumer drugs, making them just as effective as leading products but highly resistant to illegal tampering and abuse.

Zephrex-D.com

Ask your Pharmacists for Zephrex-D.



Use as Directed.



Recidivism Among Federal Drug Trafficking Offenders

UNITED STATES SENTENCING COMMISSION



Chapter One: **EXECUTIVE SUMMARY**

This report examines a group of 10,888 federal drug trafficking offenders who were released in calendar year 2005. They were originally sentenced between fiscal year 1991 and the first quarter of fiscal year 2006.

These 10,888 offenders, who were all U.S. citizens, represent 42.8 percent of the 25,431 federal offenders who were released in calendar year 2005 and analyzed in the Commission's 2016 *Recidivism Overview Report*.

Chapter Overview

- Introduction
- Key Findings
- Measures & Methodology

Louis Reedt, Sc.D., *Deputy Director, Office of Research and Data*

Kim Steven Hunt, Ph.D., *Senior Research Associate*

James L. Parker, J.D., *Assistant General Counsel*

Melissa K. Reimer, *Research Associate*

Kevin T. Maass, M.A., *Research Associate*

TABLE OF CONTENTS

| Chapter One EXECUTIVE SUMMARY | Chapter Two ALL DRUG TRAFFICKERS | Chapter Three POWDER COCAINE TRAFFICKERS | Chapter Four CRACK COCAINE TRAFFICKERS |
|---|---|--|--|
| Chapter Summary.....1 | Chapter Summary.....7 | Chapter Summary.....23 | Chapter Summary.....37 |
| Introduction.....2 | Sentencing Process.....8 | Offender & Offense Characteristics.....24 | Offender & Offense Characteristics.....38 |
| Key Findings.....3 | Offender & Offense Characteristics.....9 | Recidivism Findings.....27 | Recidivism Findings.....41 |
| Measures of Recidivism & Methodology.....4 | Recidivism Findings.....12 | Appendix.....A-1AAA-41A | Appendix.....A-17, A-41A |
| Appendix A.....-3 | Appendix.....A-5, A-41A | | |

| Chapter Five HEROIN TRAFFICKERS | Chapter Six MARIJUANA TRAFFICKERS | Chapter Seven METHAMPHETAMINE TRAFFICKERS | Chapter Eight CONCLUSIONS |
|--|--|---|------------------------------|
| Chapter Summary.....51 | Chapter Summary.....65 | Chapter Summary.....79 | Conclusions.....94 |
| Offender & Offense Characteristics.....52 | Offender & Offense Characteristics.....66 | Offender & Offense Characteristics.....80 | |
| Recidivism Findings.....55 | Recidivism Findings.....69 | Recidivism Findings.....83 | |
| Appendix.....A-23, A-42A | Appendix.....A-29, A-42A | Appendix.....A-35, A-42A | |

Click BELOW to READ FULL REPORT

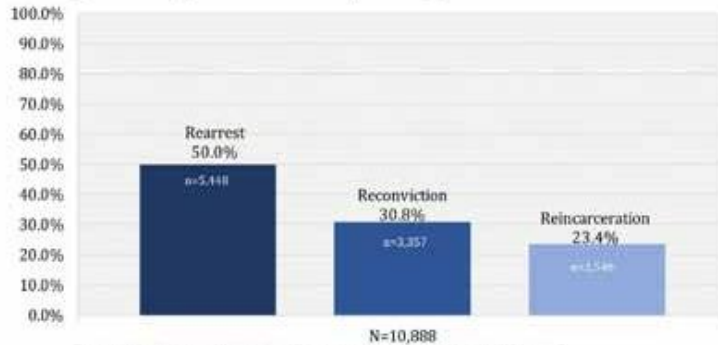
<http://www.natlnarc.org/recidivism-among-federal-drug-trafficking/>

Key Findings

Key findings of the Commission's study of recidivism among drug trafficking offenders are that:

Figure 1.1

Overview of Drug Trafficking Recidivism Study Findings



SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFRPT.DT.

Table 1.2

Overview of Drug Trafficking Recidivism Study Findings

| Recidivism Measure | Rearrest | Reconviction | Reincarceration |
|------------------------------------|-----------------------------|------------------------------------|------------------------------------|
| Percent | 50.0% | 30.8% | 23.4% |
| Median Time to Recidivism | 25 Months | 34 Months | 33 Months |
| Median Number of Recidivism Events | 2 | 1 | 1 |
| Most Serious Post-Release Event | Assault (23.8%, n=1,297) | Drug Trafficking (18.9%, n=633) | Drug Trafficking (21.7%, n=553) |
| Median Age at Release | 32 | 32 | 31 |

SOURCE: U.S. Sentencing Commission's 2005 Recidivism Release Cohort Datafile, RECID05_OFFRPT.DT. The Commission excluded cases from this analysis that were missing information necessary to perform the analysis. Median age at release is shown for recidivist offenders only.

- Over the eight-year follow-up period, one-half (50.0%) of federal drug trafficking offenders released in 2005 recidivated by being rearrested¹² for a new crime or rearrested for a violation of supervision conditions.
- Crack cocaine offenders recidivated at the highest rate (60.8%) of any drug type, while powder cocaine offenders recidivated at the lowest rate (43.8%).
- Of those drug trafficking offenders who recidivated, the median time from release to the first recidivism event was 25 months.
- Nearly one-fourth (23.8%) of drug trafficking offenders who recidivated had assault as their most serious new charge followed by drug trafficking and public order offenses.
- A federal drug trafficking offender's criminal history was closely associated with the likelihood of recidivism. Recidivism rates ranged from 35.4 percent for offenders with zero criminal history points to 77.1 percent of offenders in the highest Criminal History Category of VI.
- A federal drug trafficking offender's age at time of release into the community was also closely associated with likelihood of recidivism. Drug trafficking offenders released prior to age 21 had the highest recidivism rate, 65.0 percent, while drug trafficking offenders over 60 years old at the time of release had the lowest recidivism rate of 16.5 percent.
- The strong associations of both criminal history and age with recidivism rates are tied to certain other findings. There was an inverse association between the base offense level under the guidelines (which is determined by the drug type and quantity) and recidivism rates. Similarly, there was an inverse association between both the presence and length of a statutory drug mandatory minimum penalty and recidivism rates. The longer sentences received by the more serious drug trafficking offenders result in older ages at release, which is a likely factor affecting this result.
- There was little apparent association between the length of imprisonment and recidivism for drug trafficking offenders overall. However, once Criminal History Category is accounted for, length of imprisonment is associated with lower rates of recidivism. Again, longer sentences result in older ages at release, which combined with criminal history differences, are likely factors affecting this result.
- Federal drug trafficking offenders had a substantially lower recidivism rate compared to a cohort of state drug offenders released into the community in 2005 and tracked by the Bureau of Justice Statistics. Over two-thirds (76.9%) of state drug offenders released from state prison were rearrested within five years, compared to 41.9 percent of federal drug trafficking offenders released from prison over the same five-year period.

FEATURE: Violence, cont.

To meet this perceived need, the Court created the legal concept of **investigative detention** which is also known as **stop and frisk**. The Court ruled that henceforth law enforcement officers would have the right, consistent with the Fourth Amendment; to **stop, detain and question** persons suspected of criminal activity; if they possessed facts and reasonable inferences drawn from those facts that amounted to a **reasonable suspicion** that criminal activity may be present.⁶ This was to be considered a **detention for investigation**; not an arrest and probable cause was not required.⁷

The Court further observed that such investigative stops are often inherently dangerous for police officers and consequently gave officers the additional constitutional right to **“pat down” or “frisk”** the person detained for weapons if the officers possess facts amounting to a **“reasonable fear” for their safety**. The Court explained that “there must be a narrowly drawn authority to permit a reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed and dangerous individual [i.e. a reasonable fear for safety], regardless of whether he has

6 The Court explained that **reasonable suspicion** involves a lesser standard of proof than probable cause for arrest and involves a police officer justifying an investigative seizure by pointing to **“specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.”** (emphasis added). The Court explained that **reasonable suspicion** is an **objective standard** which assesses the facts available to the officer at the moment of the seizure to determine whether they would amount to a reasonable belief that criminal activity may be present.

7 **Probable Cause** is also an objective standard that determines whether a law enforcement officer is in possession of sufficient facts and circumstances and reasonable inferences drawn from them to support a full custody arrest of an individual. In other words, probable cause requires sufficient facts and circumstances for an officer to reach a reasonable belief that the person to be arrested has committed a particular criminal act. Because an arrest is a greater intrusion into a person’s freedom and liberty than an investigative detention, the objective standard for judging the officer’s action is higher, i.e. probable cause vs. reasonable suspicion.

probable cause to arrest the individual for a crime.”⁸

The Court also made abundantly clear that this so-called “frisk” for weapons was to be limited in scope to a **pat down of the outer clothing for weapons only**. It was not to be used to search for possible evidence of criminal activity. The Court explained, “Officer McFadden confined his search strictly to what was minimally necessary to learn whether the men were armed and to disarm them once he discovered the weapons. He did not conduct a general exploratory search for whatever evidence of criminal activity he might find.”⁹

The Value and Efficacy of Stop and Frisk in Urban America

Professor Lawrence Rosenthal, Chapman University School of Law, recently published a “Legal Studies Research Paper” that discusses the necessity and efficacy of law enforcement use of “stop and frisk” in urban America.¹⁰ Professor Rosenthal points out that research has determined that urban youth gangs are heavily involved in drug trafficking and use the threat of violence to inhibit competition.¹¹ He reports that “[r]esearch has consistently documented that violence driven by conflicts within and among gangs, drug-selling crews and other criminally active groups generate the bulk of urban homicide problems.”¹² He instructs that the need to control definable areas of the city to limit competition necessitates the use of violence and intimidation tactics. These tactics include threats and intimidation directed toward law abiding citizens to keep them from reporting to the police and testifying in court.¹³ Rosenthal states that it is not surprising that gang related homicides often go unsolved because witnesses are afraid to come forward.¹⁴

Rosenthal reports that in urban America, firearms are pervasive and there is considerable evidence that criminal street gangs carry firearms at elevated rates to protect themselves and their turf from rival gangs.¹⁵ The Rosenthal

8 392 U.S. 1,27. (Insert added by author).

9 Id. at 30.

10 See Lawrence Rosenthal, “Good and Bad Ways to Address Police Violence”, 48 The Urban Lawyer 675 (2016).

11 Id. 707, 708.

12 Id at 708.

13 Id.

14 Id.

15 Id. at 709.

FEATURE: Violence, cont.

report states that there is considerable evidence of a statistical relationship between an increase in the numbers of police assigned to certain areas of a city and decreases in violent crime.¹⁶ However, he points out that when police officers simply drive through violence prone areas of a city, potentially violent criminal gang activity is not curtailed.¹⁷ Rosenthal explains that police officers must be proactive in policing strategy to combat inner city crime effectively.¹⁸ He points out that particularly impressive crime reductions occurred in New York City between 1991 and 2009. For example, in 1991 the size of the City's police force began to increase and the NYPD "placed greater emphasis on aggressive stop and frisk tactics." This emphasis on aggressive stop and frisk was coupled with directing greater enforcement efforts in certain centers of the City which were identified by crime reports as City 'hot spots.'¹⁹

In 2013, Professor Rosenthal observed that the homicide rate in New York City was 31 per 100,000 in 1991. In 2012, the homicide rate dropped to 5.05 per 100,000 which demonstrated an amazing public safety achievement. Rosenthal reported that between 1991 and 2007 the homicide rates of black citizens dropped from 58 per 100,000 people to 15.9 per 100,000, an even more astounding public safety achievement. Similarly, in 1991 the New York City homicide rate for Hispanics was 44 per 100,000 and by 2007 it dropped to 4.9 per 100,000.²⁰ Aggressive and focused policing substantially reduced crime and offered significant protection for area citizens.

The Attack on Stop and Frisk: Who Is Hurt By It: Why Does It Matter?

As explained at the outset, there have been several recent lawsuits filed that are designed to limit, if not eliminate, law enforcement's ability to use the "stop and frisk" procedure to protect the community from harm and violence. ²¹This effort to bring outside control upon law enforcement's

16 Id. at 710.

17 Id. at 711.

18 Id. at 712.

19 Id.

20 See, Rudovsky and Rosenthal, "Debate: The Constitutionality of Stop and Frisk in New York City." (2013) Faculty Scholarship. 590.

21 The Milwaukee Journal Sentinel reported on 2/23/17 that the ACLU has sued the City of Milwaukee and its Police Chief in a class action suit over the police department's execution of its stop and frisk policy in the City.

ability to use this technique appears to be spearheaded by the ACLU. In its 2015 report pertaining to the Chicago Police and Stop and Frisk, the ACLU reported that Black Chicago citizens were subjected to 72% of all reported stops but only constitute 32% of the City population. The report also found that in the summer of 2014 there were more than 250,000 stops that did not lead to an arrest.²²

The ACLU's use of general population statistics to make their case for racial profiling of minority citizens is misleading and wrong. General population statistics are virtually meaningless when discussing the need for stop and frisk. The figures that are truly relevant and matter are the crime statistics for given areas of the City. City "hot spots" are where police resources must be concentrated. These are the areas where crime happens and is likely to happen. These are the areas where drug dealing is prevalent, rival drug dealing gangs compete for business and where violence breaks out on a consistent basis. These are the areas where law-abiding citizens are threatened into silence and fear leaving their homes and driving to the grocery store. It makes no sense for New York City officers to utilize stop and frisk tactics on business persons walking in downtown Manhattan at lunch time when crime reports for that area are deminimis, while ignoring the violence prone neighborhoods in other areas of the City. Crime statistics must dictate police presence and tactics. Implementation of stop and frisk, as long as it is done within constitutional parameters, is essential to crime reduction, public safety and officer safety.

Recent crime statistics from Chicago demonstrate what happens to a City when police officers become reluctant to utilize the stop and frisk tactic. According to a report in US News on March 24, 2017, the former United States Magistrate who is overseeing CPD compliance with its ACLU agreement to control stop and frisk, reported that CPD stops dropped from more than 1.3 million in 2015 to 54,000 in the first six months of 2016. Conversely, CNN reported at the end of 2016 that there were 762 murders and 4331 shooting victims in Chicago in 2016: up from 496 and 2939 in 2015.²³ Homicides in Chicago have increased by 58% and shooting victims increased by 32%. The CNN report stated that only 5 police districts within the City accounted for nearly two thirds of the murders.

22 One reasonable inference from this statistic is that bad guys were not carrying guns and drugs for fear of being stopped by police and frisked for weapons.

23 See, Wills, Hernandez and Baldacci, "762 Murders, 12 Months, One American City." (2016).

FEATURE: Violence, cont.

Effective, consistent and lawful use by police of the stop and frisk technique matters because the millions of innocent citizens who live and work and go to school in the crime plagued urban areas of America deserve nothing less than full protection. Anything less than a complete police strategy to protect the innocent is unacceptable and immoral. CNN reported in December 2016 concerning the wounding of a 10-year old girl in Chicago. The story titled “The Disappearing Front Porch” by Rosa Flores, tells the sad story of little Etyra Ruffin. She was sitting on her father’s lap on her grandmother’s front porch when suddenly and without warning, bullets began to fly. Etyra’s father was shot several times and Etyra was grazed in the arm. By God’s grace, both survived the 12-bullet onslaught directed against them. After the shooting, Etyra’s 11-year-old friend Devin stated, “ I feel scared in Chicago, all these people getting killed, I feel sad. I feel scared. I don’t want to be shot.”

There appears to be no clearly defined reason for why police use of the stop and frisk technique in Chicago has significantly declined. Some suggest that new much more detailed reporting requirements for each police stop that are

mandated by the CPD/ACLU agreement and a new state law²⁴ on stop and frisk that incorporates the agreement, is the primary cause of the decline.²⁵ A former U.S. Attorney opined that many CPD officers have become scared and demoralized as a result of the criticism of the stop and frisk tactic and no longer wished to bear the risks inherent in using it.²⁶

Nonetheless, Stop and Frisk matters for the thousands of innocent people, like Etyra and Devin, who reside in these violence prone areas of our nation. When the bad guys are afraid to carry guns, the innocent have a chance to be free. Law enforcement officers in Chicago and in the major urban areas of America should remember their oaths to protect the people and continue to be proactive in preventing crimes of violence. Etyra and Devin, along with the thousands of innocent people like them, deserve nothing less.

24 725 ILCS 5/107-14 and 725ILCS

25 See, Jerome R. Corsi, “Chicago Less Safe Because of ACLU Settlement Imposed on Police Department,” Law Enforcement Charitable Foundation.

26 Id.



**DEDICATED.
INNOVATIVE.
PROVEN.**

PROVIDING PERFORMANCE CANINES TO
GOVERNMENT, MILITARY AND LAW ENFORCEMENT

iK9
iK9.com 205.542.0211

MSAB is a paid advertiser and proud supporter of the mission and goals of the NNOAC. We are honored to promote innovative, powerful products and services that assist and protect our members in the line of duty and at home.

MSAB

Pioneers of Mobile Forensics



Supporting 17,301 Device Profiles
Customers in More Than 100 Countries

The MSAB Difference – Why Choose Us

- | | |
|--|---|
| ✓ DATA It's all about recovery – we recover the most data | ✓ WARRANTY A lifetime warranty for loyal customer |
| ✓ SPEED 3 simultaneous extractions & USB3 support | ✓ TRAINING Continuous user training and skills development |
| ✓ SECURITY Forensically sound mobile device examinations | ✓ DEDICATION Singular focus on mobile forensics |
| ✓ SUPPORT Technical help included in product price | ✓ VALUE We save you money over the long term |

For information about MSAB's mobile forensics solutions, please contact Rey Navarro at (703) 343-6955 or rey.navarro@msab.com.

Visit us online at www.msab.com.

Developing Your K9 Unit's Potential

Well friends...my heart goes out to all the people out there who have suffered so badly with recent events. I'm sure you will pull it together and, with each other, overcome.

I thought I would write an article on educating and developing your Department on the use of the Police Service Dog. This article is more geared toward law enforcement, but I am sure there are points that the military dog handler can also use. Concerns always arise with many Departments regarding the use of the Police Service Dog (PSD). At some point, most agencies (or at least they should) are asked to identify issues regarding deficiencies during perimeters and containments for outstanding felony suspects and the utilization of the PSD. It has always been understood (or should be) that the PSD is a patrol-oriented asset during search operations for outstanding felony suspects. If an established criterion is met, K9 is requested to conduct a systematic search for the outstanding suspect / suspects. Normal containments start with patrol personnel either observing or responding to an unplanned event that ends with a suspect evading officers at some point during the incident. Officers are normally compelled (or should be) to exercise the option to establish containments for these suspects resulting in a successful capture. From this point on, events emerge regarding the successful operation and apprehension of the outstanding suspect. With this in mind we are constantly seeking ways for improvement to economize our usefulness. Let us review some of the tactics used to establish a successful containment.

K9 Personnel Response to Perimeters

Response from K9 personnel must be recognized as a top priority within your K9 unit. The work ethic of any K9 handler must be second to none. If this is not the case then an evaluation of this mindset must be corrected first and foremost. Most of the K9 handlers I meet have this needed pro-active mindset – and if they do not then peer pressure usually takes care of the problem. If it does not then leadership must step in and take action. If a K9 unit is out of sight then, as the saying goes, they are out of mind, too. If you are the last to be requested during containment operations or if they are conducting hand searches for felony suspects then you have your work cut out for you!

Air Support Response to Perimeters

I realize that in writing this many of you do not have the luxury of Air support during K9 operations, but if you do or if you can develop this area, then it will certainly assist in your success during K9 search operations. For those of you that are fortunate enough to have Air support then develop this asset. Classroom instruction and brainstorming is a must. Each party should know their needs, abilities and restrictions during search operations. Questions like tactical frequencies, availability, weather restrictions and air space restrictions should all be covered. Once again the K9 unit's marriage to this entity is paramount. The unique relationship with these two groups allows for continued efficiency in a K9 Units service to patrol. An Air Ship overhead allows for constant evaluation of needs and wants during the incident. This undoubtedly increases the usefulness and economizes the K9 search. Air Support assistance increases the likelihood of smaller perimeter containment. **The onset of Air Support during the initial stages of containment causes suspects to "put down" sooner, allowing for smaller perimeters and less personnel. This is also a selling point to management, allowing search operations to run smoother and finish quicker.**

Conducting the Perimeter Search

The dynamics of a typical K9 search cause K9 personnel to be constantly evaluating events as they unfold. This is an area in which we can have an impact on. Often times during a K9 search handlers are gathering evidence that directly affect search operations. Examples of this are viable witnesses reporting suspect's location and suspect movement during the search. This information often leads to the re-establishment and the upsizing or downsizing of the containment. The diligence of handlers and K9 supervision can have a direct impact on utilizing this information to economize on containment personnel.

Another noted and related area is the downsizing of containments. **During K9 search progression the elimination of areas should be noted and relayed to Command Post personnel as soon as practicable for perimeter personnel release.** My experience with other Departments is that this can usually be improved upon by simply communicating better. It is vital that K9 personnel and K9 supervision have constant

communication and evaluations during K9 searches to economize operations.

Scouting Operations

This is an area that usually needs development. Scouting missions were started with all good intentions in mind. It was recognized that often K9 personnel can begin search operations in identified areas on the containment where the suspect was either last seen or solid witness information placed the suspect in a particular area of the containment. Scouting missions are sometimes successful in locating the suspect quickly and efficiently thereby saving potential hours of search operations. This is in the best interest of public safety as well as economizing containment personnel. However, this tactic has another side to it. Many times these same scouting operations turn into **ghost searches** in which much time is utilized in searching areas where the suspect is not. After the scouting mission ends with negative results, the search is then restarted from its beginning in a systematic fashion. One can see the time that this can take if not used responsibly.

K9 supervision in this area can and has played a substantial roll. K9 handlers conducting scout operations often become tunnel visioned in their effort utilizing much time in their endeavor. K9 and patrol supervision have direct responsibility of being **proactive** in keeping K9 personnel on task. K9 training days as well as roll call training will condition K9 handlers to be cognizant of this concern. Over the years facts dictate that most K9 searches are successful because of systematic yard to yard searches, as opposed to hit and miss scouting operations.

Utilization of Department or Outside Assets

Successful perimeter containment requires the necessary personnel needed for a strong and solid

containment, anything less affords the suspect opportunity to escape. An area that always needs work is the organized use of Department assets. Many Departments are smaller in size and need to incorporate other nearby agencies for manpower needs. The time to organize this is before the fact and not as the incident unfolds. Multi-agency protocols should be agreed upon and then acted upon by pro-active training. All areas should be on the table, availability, communication, Air support, as well as policy agreements on the use of the PSD. Smaller entities should also consider having available teams from specialized units, such as SWAT, Special Problems Units. As well as Vice and Gang Units to assist in K9 search operations when manpower needs are identified. Once again these issues must be table topped first and then proofed with scenario-based training.

Replacement of Containment Personnel

The replacement of containment personnel is the responsibility of Command Post Personnel assigned to the involved Division. However, without proper **training and communication** Command Post Personnel may not identify this responsibility. With this being said, K9 supervision as well as the K9 handler, both hold some responsibility in this area.

During K9 search operations the systematic completion of containment portions should be continuously evaluated for the downsizing of said containments. It is essential that K9 personnel are frugal in this area to once again economize manpower needs. Often times during a search information is gathered by K9 personnel directly involved in the search that could justify such downsizing. This information should immediately be conveyed to Command Post personnel for evaluation and action thereby freeing up patrol personnel. Often times K9 personnel could be more expedient in this area.



High Risk Searches and Search Team Members

Much has been discussed in this area over the years regarding qualified personnel for high-risk K9 search operations. As K9 operations have developed and so has its professionalism and training. Currently close to **50% of K9 requests are considered high-risk in nature**. With officer safety issues in mind, this has inherently placed a significant burden on patrol divisions. Let's face it, many times the need for a higher level of trained search team members are not available. Smaller Departments should realize this and start empowering their Patrol personnel by offering and making available this needed training for these types of incidents. The use of a long rifle or shotgun during a K9 search operation requires unique training and this needs to be addressed. For our Department, the use of a one point or three-point sling is required during K9 searches. The ability to transition from long gun to pistol is a must. This training requires a higher level of performance and once again it should be completed during scenario-based training. Many Departments develop a cadre of officers for this type of training to be offered for patrol personnel. This satisfies the need for consistency and training in an organized fashion. Tactical insight and development must come from K9 personnel. The more personnel that are properly trained the faster and safer the K9 search can begin.

Perimeter Tactics Training

Many Departments lack in the area of containment training. This is the bread and butter of any successful K9 unit. Simply put—you cannot catch bad guys unless they are successfully contained. The chase and catch concept must change to chase and contain. Across the board statistics will show that most foot chases are not successful. The suspect always has the advantage. His only concern is to run—and run fast – whereas the officer must chase and do it safely to avoid ambush and set ups. Let us face another fact; many officers are not physically able to sustain a long foot chase like their counterparts (suspects). Containment training is a must and management must be committed and make it available. Many K9 units make this training available but most lack sadly in this area. This area requires an assertive and proactive attitude. Once again as the saying goes “out of sight, out of mind”. Proper perimeter tactics utilized during foot pursuits and suspect searches have shown not only a reduction in time spent during the operation but also a much higher success rate.

Seek Out Areas for Improvement

Patrol divisions and their assigned personnel must identify additional areas for K9 search operational improvement. Patrol supervision and officers are some of the best sources for ideas and information regarding areas identified for change. Many Departments utilize a Department wide questionnaire. This would afford concerned patrol personnel the opportunity to voice noted concerns of any issues they have observed. This is an excellent means of education and communication for the K9 Platoon. Just do not be thin-skinned when the results come back! LOL!

CONCLUSION

Some of the noted areas for improvement are the direct responsibility of the K9 Platoon. However, many of the other noted deficiencies will require outside cooperation and commitment from patrol entities. Economizing K9 perimeter searches will require a focus by all involved personnel. Other areas involve supervision oversight and some require more effort from the involved K9 Unit. Other areas are more complicated. Areas regarding Department commitment such as extensive patrol training as well as tactical equipment would show a slight monetary cost initially, but would pay off in large dividends by economizing patrol personnel during perimeter containments once implemented and established. □

Prepared by:
Doug Roller
Chief Trainer (retired) LAPD K9
CEO Tactical K9 LLC
Advisory Board Member, K9s4COPs.org

Doug is an advisory board member for K9s4COPs—a 501 (c)(3) nonprofit that pays for and provides trained K9s for law enforcement agencies and schools districts. In six years K9s4COPs has placed over 160 K9s in the United States and one in Paris, France, removing more than \$200 million in cash and contraband off the streets and are responsible for more the 5,000 arrests. For more information on how to donate or to apply for a K9-- please visit K9s4COPs.org

Call 713-523-2677 or e-mail info@k9s4cops.org
or apply@k9s4cops.org.

145 K9s
32 States
\$125,000,000
in contraband seized

K9s4COPS is a 501 (c)(3) foundation whose mission is to build a safer future by placing K9 officers in communities & schools.



**WITH YOUR HELP WE HAVE PROVIDED
145 K9s TO 49 AGENCIES & 5 SCHOOLS
IN 32 STATES IN LESS THAN 4 YEARS!**



CRIME DOESN'T WAIT. WHY SHOULD YOU?
DONATE ONLINE AT WWW.K9S4COPS.ORG





The National Narcotic Officers' Associations' Coalition
455 Massachusetts Avenue NW, Box 112
Washington, DC 20001
(866) 803-8678
www.nnoac.com

Violence in America:

*Use of "Stop and Frisk";
A Remedy Under Attack*



Urban America & Law Enforcement

page 21

Hibbard, Douglas (OIP)

From: Hibbard, Douglas (OIP)
Sent: Monday, February 26, 2018 9:53 AM
To: Whitaker, Matthew (OAG); Hall, Jeffrey (OASG)
Cc: Dykstra, Sam (OIP); Villanueva, Valeree A (OIP)
Subject: Notification of Proposed FOIA Disclosure, Everson, 18-002307
Attachments: 01. Initial Request (01.26.18).pdf

Mr. Whitaker and Mr. Hall,

This is to advise you that OIP is prepared to provide its response to the attached FOIA request seeking “receipts submitted for reimbursement of expenses... at the Trump International Hotel Washington DC... by Attorney General Jeff Sessions” from Sept. 24 through Sept. 29, 2017. After discussing this matter with both Ericcal Bryant and Jayne Schreiber of your Office, we have been advised that no records exist. In fact, no records should exist because, as we have been advised by Mr. Schreiber, “[t]he AG, or any traveler, can only be reimbursed for meals if they are on official business and travel 50 miles outside of their work area.” Accordingly, we intend to inform the requester that no records were located that are responsive to his request.

We will also be advising both the Offices of Legislative Affairs and Public Affairs of our proposed response, which we intend to make by COB on Wednesday, February 28, 2018.

Please let me know if you have any questions on this matter.

Doug Hibbard
Chief, Initial Request Staff
Office of Information Policy

(b) (6)

Request Details
Request Type : FOIA

Status : Assignment Determination **Due Date : 02/26/2018**



Request Details

| | |
|-------------------------------------|--|
| Tracking Number : DOJ-2018-002307 | Submitted Date : 01/26/2018 |
| Requester : Mr. Zach Everson | Perfected Date : 01/26/2018 |
| Organization : Freelance journalist | Last Assigned Date : 01/26/2018 |
| Requester Has Account : Yes | Fee Limit : \$25.00 |
| Email Address : (b) (6) | Request Track : Complex |
| Phone Number : (b) (6) | Due Date : 02/26/2018 |
| Fax Number : N/A | Assigned To : Sam J. Dykstra (Office of the Attorney General) |
| Address : (b) (6) | Last Assigned By : Valeree Villanueva (Department of Justice - Office of Information Policy) |
| City : (b) (6) | |
| State/Province : (b) (6) | |
| Zip Code/Postal Code : (b) (6) | |

Submission Details

Request Handling

| | |
|---|--|
| Requester Info Available to No the Public : | Request Perfected : Yes |
| Request Track : Complex | Perfected Date : 01/26/2018 |
| Fee Category : | Acknowledgement Sent Date: |
| Fee Waiver Requested: Yes | Unusual Circumstances ? : No |
| Fee Waiver Status: Pending Decision | 5 Day Notifications: No |
| Expedited Processing No Requested : | Litigation : No |
| Expedited Processing Status : N/A | * Litigation Court Docket Number: <input type="text"/> |

Request Description

Short Description : AG receipts for Trump International Hotel

Under the Freedom of Information Act, 5 U.S.C. § 552, I am requesting copies of receipts submitted for reimbursement of expenses (or other documentation of purchases) at the Trump International Hotel Washington, D.C. (sometimes billed as the Trump Old Post Office) or one of its restaurants, BLT Prime and the Benjamin Bar and Lounge, by Attorney General Jeff Sessions (any aides and security detail that accompanied him) between Sept. 24 and Sept. 29, 2017. To help to determine my status to assess fees, please know that I am a freelance journalist who's contributed to Fox News, The Wall Street Journal, and Condé Nast Traveler, among other publications. This request is made as part of news gathering and not for a commercial use. If there are any fees for searching or copying the records, please let me know before you fill my request. If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information. Notify me of appeal procedures available under the law. If you have any questions about handling this request, you may telephone me (b) (6). Sincerely, Zach Everso (b) (6)

Description Available to the No Public :

Has Description Been No Modified?

Additional Information

Litigation Counsel Name : N/A
Litigation Case Number : N/A
Litigation Contact Information : N/A

Attached Supporting Files

No supporting files have been added.

Case File

Direct URL : <https://localhost:8443/foia/action/public/view/request/817ca002>

Case Details

Type of Case :

Received Date : 01/26/2018

Fiscal Year : 2018

Clock Initially Started On : 01/26/2018

Total Days Pending : 2

Case Responsive Records

No records have been uploaded.


Consultations

No consultations have been added.

Correspondence to Requester

One item found.

1

| Subject | From | To | Date | Detail | Remove |
|--|--------|--------------|------------|--------|---|
| FOIA Request DOJ-2018-002307 Submitted | System | Zach Everson | 01/26/2018 | |  |

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: DOJ-2018-002307
- Requester Name: Zach Everson
- Date Submitted: 01/26/2018
- Request Status: Submitted
- Description: Under the Freedom of Information Act, 5 U.S.C. § 552, I am requesting copies of receipts submitted for reimbursement of expenses (or other documentation of purchases) at the Trump International Hotel Washington, D.C. (sometimes billed as the Trump Old Post Office) or one of its restaurants, BLT Prime and the Benjamin Bar and Lounge, by Attorney General Jeff Sessions (any aides and security detail that accompanied him) between Sept. 24 and Sept. 29, 2017. To help to determine my status to assess fees, please know that I am a freelance journalist who's contributed to Fox News, The Wall Street Journal, and Condé Nast Traveler, among other publications. This request is made as part of news gathering and not for a commercial use. If there are any fees for searching or copying the records, please let me know before you fill my request. If you deny all or any part of this request, please cite each specific exemption you think justifies your withholding of information. Notify me of appeal procedures available under the law. If you have any questions about handling this request, you may telephone me (b) (6). Sincerely, Zach Everson (b) (6)

One item found.

1

Other Correspondence

No correspondence has been added.

Appeals

No appeals have been filed.

Invoice

Total Amount Billed Which Has Been Sent To Requester: \$0.00
Invoice will not be stored until close out process has begun.

Payments

Total Amount Owed: \$0.00

No payments to display.

Restricted Materials



No restricted materials have been added.

Admin Costs

Entries

No entries have been added.

Assigned Tasks

| Outcome ▾ | Assigned To ▾ | Assigned By ▾ | Creation Date ▾ | Due Date ▾ | Closed Date ▾ | Notification | Detail |
|---|----------------|--------------------|-----------------|--|---------------|---|--------|
| Pending | Sam J. Dykstra | Valeree Villanueva | 01/26/2018 | 01/26/2018  | |  | |
| <p><i>Description :</i> Fee Waiver Task</p> <p><i>Comments :</i> I am a freelance journalist who's contributed to Fox News, The Wall Street Journal, and Condé Nast Traveler, among other publications. This request is made as part of news gathering and not for a commercial use. If there are any fees for searching or copying the records, please let me know before you fill my request.</p> | | | | | | | |

Comments (2)

| <i>Date / Time</i> | <i>User Name</i> | <i>Edit</i> | <i>Remove</i> | <i>Detail</i> |
|--|--------------------|-------------|---------------|---------------|
| 01/26/2018 07:01 PM | Valeree Villanueva | | | |
| FEE WAIVER TASK | | | | |
| 01/26/2018 07:00 PM | Valeree Villanueva | | | |
| Due 2/26 - Processing for OAG - R wants AG receipts so we will need to go directly to AG's assistant to search for records R only wants from Trump Hotel (restaurants/bar)... specific time period 9/24/17 - 9/29/17.... Talk with James since he had a case similar to this one and he can help you contact the AG's assistance If needed we can work with Justice Management Division (JMD) should the information is in the E-2 (travel) system; however, I don't think any of this info would be in that system ... JMD does all of AG Session's travel. | | | | |

Review

Assigned Reviewers

No reviewers have been assigned.

Otus84, AG (OAG)

Subject: HOLD Fox New Prep

Start: Wednesday, February 28, 2018 5:00 PM
End: Wednesday, February 28, 2018 5:30 PM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)
Required Attendees: Whitaker, Matthew (OAG); McKinney, Suzanna (OAG);
Flores, Sarah Isgur (OPA)

Attendees: Sarah Flores

Otus84, AG (OAG)

Subject: Canceled: HOLD Fox New Prep

Start: Wednesday, February 28, 2018 5:00 PM
End: Wednesday, February 28, 2018 5:30 PM

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)
Required Attendees: Whitaker, Matthew (OAG); McKinney, Suzanna (OAG); Flores, Sarah Isgur (OPA)

Importance: High

Attendees: Sarah Flores

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, February 28, 2018 4:38 PM
To: Barnett, Gary E. (OAG); Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: transcript from guns today

CNN – President Trump Meets With Bipartisan Members Of Congress To Discuss School And Community Safety

<http://mms.tveyes.com/transcript.asp?>

[PlayClip=FALSE&DTSearch=TRUE&Date=02%2F28%2F2018+15%3A03%3A19&market=m1&StationID=100](http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&Date=02%2F28%2F2018+15%3A03%3A19&market=m1&StationID=100)

PRESIDENT DONALD TRUMP: very different period than we've experienced. we have to do something about it. we have to act. we can't wait and play games and nothing gets done. and i really believe that the people -- this is bipartisan. it's a bipartisan meeting. we're going to discuss safe schools and we can really get there. but we have to do it. we don't want to wait two weeks, three weeks, four weeks and people sort of forget and we go on and then have another problem. we want to stop the problems from happening. as we continue to mourn the loss of so many precious young lives in parkland, florida, we're determined to turn our grief into action. i really believe that. i think that the people at this table want it. i mean, i see some folks that don't say nice things about me, and that's okay. because if you turn that into this energy, i'll love you. i don't care. we'll be able to do it. sadly, these horrible mass shootings are nothing new. i asked for just a list of -- look at columbine, colorado. bill clinton was president. virginia tech, george bush. ft. hood, sandy hook, san bernardino, pulse nightclub and so many ridiculous. so today we're here on a bipartisan fashion to show leadership in an effort to end the senseless violence. it can be ended. and it will be ended. first we must harden our schools against attack. these include allowing people with a certified training, very talented people, to carry firearms.

some people are going to disagree with that, and i understand that. i fully understand that. if you do, i want you to speak up today and we'll listen. but 98% of all mass shootings in the united states, since 1950, have taken place in gun-free zones, where guns were not inside the school or, as an example, you take the pulse nightclub. you had one person in that room that could carry a gun and knew how to use it, it wouldn't have happened. certainly not to the extent it did, where he was just in there shooting and shooting and shooting. and they were defenseless. just remember that. 98% of all mass public shootings in the united states since 1950 have taken place in gun-free zones. it's terrible. you've got to have defense, too. you can't just be sitting ducks. that's exactly what we've allowed people in these buildings and schools to be. second, we have to confront mental health. there's never been a case that i've ever seen -- i'm sure everybody would feel the same -- where mental health was so obviously -- 39 different red flags. everybody was seeing it. the local police, the state police, the fbi. everybody was seeing that this guy was sick and nothing happened. third, we have to ensure that when student ss, educators, family, neighbors, when they warn authorities that the authorities act quickly and decisively, unlike what took police in florida, which was horrible.

fourth, we have pursue common sense measures that protect the rights of law-abiding americans while keeping guns and -- we have to keep the guns out of the hands that pose the threat. and this really includes background checks. i know, senator, you're working on things. joe, i know you're working. i mean, i'm looking at a number of folks around the table. you're working in different bills. we have to get them done. we have to get them done. and they have to be strong. background checks -- hey, look, i'm the biggest fan of the second amendment. many of you are. i'm a big fan of the nra. i had lunch with them, with wayne, chris and david, on sunday and said, it's time. we're going to stop this nonsense. it's time. so, we made suggestions to many of you. and i think you're going to put a lot of those suggestions in place. you're going to have your own ideas. certain ideas sound good but they're not good. you can harden the sight to a level nobody could get in. problem is if the shooter is inside and he gets in the door and closes the door, we can't get people in. it's going to cost hundred of millions of dollars all over the country and we'll have nice hard

sites. the door closes and now we can't get in, have to send the tractor through the walls. so we have to be careful of that. we have to create a culture that cherishes life and human dignity.

we're all going to sit around and come up with some ideas. hopefully, we can put those ideas in a very bipartisan bill. it would be so beautiful to have one bill that everybody could support as opposed to, you know, 15 bills. everybody has their own bill. if we could have one terrific bill that everybody -- started by the people around this take. special people. these are the people that seem to be most interested, ver problem. so, with that, i think i would like to start. maybe you can ask john, you can start off and we'll go back and forth. we'll leave the media for a while and they can leave us with some thought. there's something that can be done. there's no reason for this. i really believe that those people, it's idealistic, wonderful, a beautiful thing. if you think that somebody is going to be able to walk into a school, if they feel that they're not going to have bullets coming at them from the other direction, you're never going to solve the problem. i feel that. i feel that. but i'm certainly open to suggestions. so, john, why don't you start? you've put in your fix nix. let's see how it is and we'll go ahead.

SEN. JOHN CORNYN: thank you, mr. president.

PRESIDENT TRUMP: thank you.

SEN. CORNYN: for getting us together and expressing your sincere concern about this and trying to get us to a solution. and going home empty handed is unacceptable. it's hard to get people together on a bipartisan basis. sutherland springs, we lost 26 people when a guy, convicted felon, convicted of domestic violence, less than honorable discharge from the military, none of which was uploaded into the background check system maintained by the fbi. that's only as good as the data put into it. so 46 senate colleagues on the bipartisan basis have what we think is a start. it's not the end all be all. other things that people want to add to it. we talked about know senator feinstein cares passionately about.

PRESIDENT TRUMP: i'm going to write that out. we can do that with an executive order. i'm essentially going to write it out. you won't have to worry about bump stock. shortly, that will be gone. we can focus on other things. frankly, i don't know that it would be good to have it be in this bill. we'll have that done. they're working on it quickly. go ahead.

SEN. CORNYN: we need to get started on things only we could do, this background check system. people have other ideas, they ought to offer those ideas. i'm not sure all of them will pass but in the past we've acquiesced to failure and have not done things that we know were within our power to accomplish, like the fix nix bill. i would like to recommend to you and to my colleagues that we get that done and build on it. we don't stop there. we build on t none of us want to look these families in the face in the wake of another mass shooting and say we failed to do everything within our power to stop it.

PRESIDENT TRUMP: and, john, fix nix has some really good things in it. it would be nice if we could add everything on to it and maybe change the title, all right? the u.s. background check bill or whatever. your bill is really good and really important, having to do with a certain aspect. maybe we could make it much more comprehensive and have one bill instead of 15 different bills and nobody knows what's happening.

SEN. CORNYN: if we can get 60 votes, i'm all for it.

PRESIDENT TRUMP: i think you can. i think this is one of the things you can actually get the 60 votes and maybe easily. dianne, do you have something?

SEN. DIANNE FEINSTEIN: i do, mr. president. i became mayor of san francisco as a product of the assassination. i've been the victim of terrorist groups. the department gave me a weapon. they taught me how to shoot it and we proceeded 1970s that way. what i've watched and seen is the development of weapons that i never thought would leave the battlefield, that are out on our

streets. and the latest and newest, mr. chairman, is the ar-15. it's got a lot of assets to it and it's misused. and it tears apart a human body with a velocity. and i watched the school shootings, in particular, which you pointed out. and i thought sandy hook –

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=02%2F28%2F2018+15%3A13%3A19&market=m1&StationID=100>

and i'm delighted that senator murphy is here today. we thought sandy hook would be the end. and he and i introduced another assault weapons bill after the first one. we didn't succeed with it. but the killings have gone on. the number of incidence havets have gone up. i put my case in writing, which i will give you, if i may, in letter form.

PRESIDENT TRUMP: good. thank you.

SEN.FEINSTEIN: secondly the assault weapons legislation, this is the number of incidents before. and of incidents and of deaths. this is when the ten-year assault weapon ban was in how incidents and deaths dropped. when it ended, you see it going up. so, senator murphy --

PRESIDENT TRUMP: i'll take a look at it.

SEN.FEINSTEIN: -- and 26 of us have co-sponsored a new bill. i would be most honored if you would take a look at it.

PRESIDENT TRUMP: i will.

SEN.FEINSTEIN: we will get it to you and let us know what you think of it.

PRESIDENT TRUMP: i will.

SEN.FEINSTEIN: thank you.

PRESIDENT TRUMP: thank you very much. chris? go ahead.

SEN. CHRIS MURPHY: mr. president, mr. vice president, thank you very much. thank you for taking this seriously. our hearts go out to parkland. we know, having gone through this in sandy hook that that community will never, ever be the same. i want to bhis issue to background checks if i could. i think there's real opportunity.

PRESIDENT TRUMP: i agree.

SEN. MURPHY: there's no other issue like background checks. 97% of americans want universal background checks in states that have universal background checks, there are 35% less gun murders than in states that don't have them. and yet we can't get it done. nothing else like that, where it works, people want it. and we can't do it.

PRESIDENT TRUMP: you have a different president now. you went through a lot of presidents and didn't get it done. you have a different president. i think maybe you have a different attitude, too. i think people want to get it done. go ahead.

SEN. MURPHY: in the end, mr. president, the reason nothing has gotten down here is because the gun lobby has a veto power over any legislation on guns before congress. i wish that wasn't the case, but it is. if all we end up doing is the stuff that the gun industry supports this isn't worth it. we are thot going to make a difference. i'm glad that you sat down with the nra, but we will get 60 votes on a bill that looks like the compromise on background checks if you support it, if you come to congress, if you come to

republicans and say we are going to do a mansion toomey like bill to get background checks it will pass. if this meeting ends up with vague notions of future compromise, then nothing will happen.

PRESIDENT TRUMP: we don't want that.

SEN. MURPHY: so i think we have a unique opportunity to get comprehensive background checks, make sure that nobody buys a gun in this country that's a criminal, that's seriously mentally ill, that's on the terrorist watch list. mr. president, it's going to have to be you that brings the republicans to the table on this.

PRESIDENT TRUMP: sure.

SEN. MURPHY: right now the gun lobby would stop it in its tracks.

PRESIDENT TRUMP: i like that responsibility, chris. i really do. i think it's time that a president stepped up. i'm talking democrat and republican presidents, they've not stepped up. and maybe before i call on marco, i would like to have pat toomey and joe mansion, can you sort of detail your bill? i haven't heard a lot about it, actually.

SEN. PAT TOOMEY: thank you very much. absolutely, mr. president. and i do think our bill is the best chance of moving forward. we got 54 votes in 2013, the most that any bill in this space got. it has several components. first title is very similar to what jon cornyn and chris murphy's bill does. it strengthens the reporting of information into the background check system.

PRESIDENT TRUMP: having one bill is nicer than having seven bill.

SEN. TOOMEY: right. the second part has a provision that would require background checks on all commercial sales. one of the big gaps in our background check system today is sales at gun shows and sales over the internet are not necessarily subject to a background check and we think they should be. these are commercial in nature and they're on a scale that really matters. our bill would require those background checks. we also have a number of provisions which we'll --

PRESIDENT TRUMP: do you have support for that, bipartisan support for what you're saying?

SEN. TOOMEY: we had 54 votes in 2013. most of those 54 voters are still in the senate.

PRESIDENT TRUMP: and not a lot of presidential backup?

SEN. TOOMEY: president obama did support it.

PRESIDENT TRUMP: but that was your problem.

SEN. TOOMEY: there was a worry he wanted to go further, frankly, and that was a concern for some of our guys. two other items. one is a list of ways in which a law-abiding citizen could have greater freedom to exercise the second amendment, for instance, allowing an active duty military person to buy a gun in his home state. it's against the law. that shouldn't be. and then secondly, to create a commission that looks at the sources and causes of these terrible mass shootings.

PRESIDENT TRUMP: what are you doing in the schools?

SEN. JOE MANCHIN: we have a school safety provision in this bill also. when i was governor we remodeled a lot of schools and built a lot of schools. governor mansion, you've got to make sure you have the first floor windows all one ever came to me with that

concern. with sandy hook, that's how he got his way in. we made sure we addressed all that. there's not a person in west virginia who believes you're not going to defend their second amendment rights, not a person. with you taking a lead on something like this, it gives them the comfort that something reasonable -- and this bill has been vetted for over five years and over 70, 80% of gun owners say we like your bill, sbat joe. we're just afraid president obama would take it further, take more rights away. that's what i was running into in west virginia.

PRESIDENT TRUMP: or use that as an excuse not to sign t he was not proactive in getting a bill signed, in all fairness.

SEN. MANCHIN: in all fairness, this is a bill that basically, with your support, it would pass. it would pass. and we think basically it takes commercial sales.

PRESIDENT TRUMP: and maybe to that bill if we use that as a base, you could add some of the things that are going to be said in the room or you may not want to. but there are going to be things that are going to be said today that i think will be in addition to yours, joe, which you could add almost anything. you know what that involves. i think it would be a positive thing in terms of background checks.

SEN. MANCHIN: i will say this, mr. president. on this piece of legislation here, without background checks, on commercial transactions -- if a person basically -- when the terrorists basically say, hey, go down to the local gun show and get whatever you want. because you could be in a gun show. two-thirds of the gun show has federal license dealers that had to have background checks if you buy it from them. go to the next table there is not one. it's a loophole. intrastate to intrastate. if you're selling outside the state on the internet you need a background check. if you sell in state, one part of new york versus the other, doesn't have to. this closes all those loop holes.

PRESIDENT TRUMP: we have to do something about the mentally ill not being able to buy a gun. they have so many checks and balances that you could be mentally ill and it takes you six months you -- prohibit it. we have to do something very decisive. number one, take the guns away immediately from people that you can adjudge is mentally ill. the police didn't take the gun as way. that could have been policing. i think they should have taken them anyway, whether they had the right or not. you have to have very strong provisions for the mentally ill. people are saying i shouldn't be saying that. i don't want mentally ill people to be having guns. marco?

SEN. MARCO RUBIO: mr. president, thanks for bringing us here. i think we all agree -- we all know what the issues are that are fought over on this issue. i think everyone agrees we never want to see this happen anywhere again in america. you mentioned something about the shooting that is critical. this was a multi-systemic failure. without pointing fingers or laying blame on anyone in particular that may or may not be here to defend themselves, the sheriff's office knew this was a problem. the school districts knew this was a problem. the fbi had been alerted to a problem. the department of children and families in florida knew this was a problem. but the big problem is none of them talked to each other. nobody told the others what they knew. and there is a bill out there that senator hatch is going to file very soon and congressman rutherford and others have filed called stop school violence act. i'll let them describe it more in detail.

one thing it does, it incentivizes the creation of this synergy where all these people are talking to each so they can compare notes and get ahead of this. the best way to prevent these is to stop it before it even starts. it doesn't mean we shouldn't harden school ss or have a debate on other issues but the best thing that can happen is know who these people are and get on them and get them the services they need and deny them the right to buy any gun. and i think that is something that holds tremendous bipartisan promise, if we can come together on the things we agree on. one last point in the state of florida, they have a very fferent process. but they are already moving on legislation. the governor and the legislators. they are going to pass something, perhaps by the end of this week, on a series of things. we move slower over here but that's an example to us, i hope we can get done what we can agree on and debate and act on other things. there are things we agree on. we owe it to these families to do those things.

PRESIDENT TRUMP: i agree, marco. chuck, anything?

SEN. CHUCK GRASSLEY: i would like to comment from this standpoint. first of all, a caution on mental health because there's a lot of people that have mental health issues that are not dangerous to themselves or to others. so i think we've got to concentrate on those not just

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=02%2F28%2F2018+15%3A23%3A19&market=m1&StationID=100>

that have mental health issues, but the ones that show danger to themselves or others. because otherwise it's not fair to other people that have mental illness that isn't. i'll comment on the can culture within the schools but i can't say it any better than senator rubio said it or senator hatch would say it. it seems to me we have to have a culture in our schools where people are attuned to the people that have problems that could create this massacre sort of thing or anything else that would even connected with bullying as just one example. we have to do things at the federal level that will build schools or resources to do that. so that kind of fits in with what senator hatch is saying. then i'll end with more of a process. as chairman of the committee that will deal with a lot of this legislation, we've got to do something. i want to help facilitate those things and move them along. and see what we can do.

PRESIDENT TRUMP: you'll be a great help. i have no doubt.

SEN. GRASSLEY: to get a consensus.

PRESIDENT TRUMP: you're going to be a great help. thanks, chuck. i would like to ask joe and pat, in your bill, what are you doing about the 18 to 21?

SEN. TOOMEY: i'll change that.

PRESIDENT TRUMP: are you going to leave that?

SEN. MANCHIN: whatever you want.

PRESIDENT TRUMP: this isn't a popular thing to say in terms of the nra but i'm going to say it anyway. i just have to say it. you can't buy -- think of it. you can buy a handgun. you can't buy one. you have to wait until you're 21. you can buy the kind of weapon used in the school shooting at 18. i think it's something you have to think about.

SENATOR: would you sign that?

PRESIDENT TRUMP: i'll tell you what, i'm going to give it a lot of consideration. and i'm the one bringing it up. people aren't bringing it up because they're afraid to bring it up. you can't buy a handgun at 18, 19 or 20. you have to wait until you're 21. you could buy the weapon used in this horrible shooting at 18. you are going to decide, the people in this room pretty much, are going to decide. i would give very serious thought to it. the nra is opposed to it and i'm a fan of the nra. no bigger fan. i'm a big fan of the nra. these are great people. great patriots. they love our country but that doesn't mean we have to agree on everything. it doesn't make sense that i have to wait till i'm 21 to get a handgun but i can get this weapon at 18. i don't know. i'm just curious as to what you did in your bill.

SEN. TOOMEY: we didn't address it, mr. president.

PRESIDENT TRUMP: do you know why? you're afraid of the nra.

SEN. TOOMEY: no. i dealt with the nra five years ago.

PRESIDENT TRUMP: it's a big issue right now. a lot of people are afraid of that issue, raising the age for that weapon to 21.

SEN. TOOMEY: my reservation about it, frankly, is that the vast majority of 18, 19 and 20-year-olds in pennsylvania who have a rifle or shotgun, they're not a threat to anyone. they're law-abiding citizens. they have that because they want to use it for hunting or target shooting. to deny them their second amendment right is not going to make anyone safer. that's my reservation about changing the age.

PRESIDENT TRUMP: i know where you're coming from. and i understand that. i understand that. i think it's a position. it's a position. but i think we're going to use you as a base, the two of you, i think you're going to have to iron out that problem. i'm asked that question more than almost any other question. are you going to 21 or not? anybody? yes, steve.

SEN. STEVE DAINES: mr. president, around the table, like many, i sit here as a father of four, as an uncle. i was with yesterday she was campaigning. the first four words you said today struck me today. we need to act. but the only worst thing than doing nothing is doing something that doesn't achieve the intended result. you were in business your entire life. i was in business 28 years. this is not about activities in doing things but it's about a result. active shooting kids is cowardly. moms and dads want to know when they drop off their kids, they are safe. this morning, i came in early. i bypassed the gym, gave me an excuse to bypass the gym, gave myself some time to think when nobody else is in the office at 7:00 a.m. and put together a sheet of the 14 mass killings. three or more people lost their lives is considered a mass killing. since columbine, we've had 14 of these in our country. and my staff put together a nice spreadsheet but i was handwritinging this ingthis this morning. how many decide, what was the age of the shooter? how was that firearm obtained, what's the status of the shooter? mostly, by the way, suicides.

PRESIDENT TRUMP: and was their offensive firepower on the inside of those facilities so when the gunman comes in, we have defensive capability. one other thing, if he knew there was offensive power inside of the 14 events, probably none of them would have happened.

SEN. DAINES: so a message of deterrence --

PRESIDENT TRUMP: mportant for people to understand.

SEN. DAINES: mr. president, the message of deterrence is very important when you think about stopping these homicidal, suicidal killers. there were meetings in here right after 9/11, after that horrible event occurred, there were meetings in the situation room right after it occurred and we made a decision as a nation. we're going to secure our skies. we can never let that happen again. we had to restore the trust of the public to get back on airplanes. mr. president, we need to secure our schools because parents want action now. we had some huge society issues. these shooters typically are males. they're white and they're suicidal.

PRESIDENT TRUMP: and they're cowards.

SEN. DAINES: and they're cowards. and cowards, cowards can be stopped with deadly force. that's why i agree with you that we need to secure our schools and allow the states and school board to figure that out. i agree with that. second marco talked about what happened in florida. last week in montana, i was north of a school the day after they stopped and arrested an 18-year-old because he put on snapchat he was going to shoot up the school. the sheriff of valley county arrested that young man and most likely prevented another mass shooting. that's what we know.

PRESIDENT TRUMP: good. thank you, steve.

REP. TED DEUTCH: mr. president, i spent a lot of time since the shooting in marjory stoneman douglas with the students who survived. and they've been want is action. and i am heartened by what you say about the need for presidential leadership. you can do this. i understand, mr. president, that you met with the nra. what matters here is the nra. what matters here is preventing another one of these mass shootings. and so i'm so grateful to hear that senator toomey and senator manchin's bill not might be -- i would suggest must be part of the universal background checks. there are so many things we can do right now. the only thing i would add you started by pointing out there would be differences of opinion. please know that there are great differences of opinion on the question of whether having teachers armed with guns firing back at a potential mass shooter is the answer. i don't think it is. many others don't. please also know that there are -- the majority of people in this country now understand that there are limitations on the second amendment. you cannot own an automatic weapon. you cannot own a bazooka. there's no reason to continue to sell to people a weapon of war like this. i know there are differences of opinion. i just hope we can act, that we can show the american people and the kids and their grieving families in my district that with presidential leadership, it doesn't matter what congress says, that you can help push this forward and that we will consider everything.

PRESIDENT TRUMP: i like that. and i appreciate that. the fact is, a lot is up to the states. and that's good. the states are going to feel differently. texas, as an example, is very much to what i'm saying.

SEN. CORNYN: we have eight states. we have another six or seven or eight considered.

PRESIDENT TRUMP: and you may be different and have a very good thing for your state. i don't think the states have to be the same. what does have to be the same are the background checks and all of the data, whether it's fix nix or all the things we're going to be adding. that has to be very much the same. you have to be able to share with states and localities and all of that. i do think some states are different. some states are going to do what texas does and some states don't want that program.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=02%2F28%2F2018+15%3A33%3A19&market=m1&StationID=100>

i think it's a good program. some states don't want that program. the reason i like it, i believe it will prevent it from happening. they are cowards and they're not going in when they know they're going to come out dead. they're not going into a school where they know they're going to come out dead. when you look at this guy in florida, he walked out with everybody like it was a fire drill. he walked out and got away. a policeman did a fantastic job two towns away. that policeman wasn't given much credit but he found him, he saw him and looked like the description and he got him. that was a great job. you have to give him credit. two or three others were not exactly good. they didn't do their job very well.

SEN. AMY KLOBUCHAR: mr. president, thank you for calling us together today. i come from a proud hunting state, you know that.

PRESIDENT TRUMP: yes, you do.

SEN. KLOBUCHAR: i have that hat and i also have law enforcement. is with a prosecutor for eight years and got involved in this issue from police coming to me. one of the issues they raised was the fact that there was this gunshow loophole and commercial purposes that didn't allow them to get the information they need to make sure that the people were safe. that's why i've been such a strong supporter of the mansion/toomey bill. it won't fix everything but it's a good base to start with. i want to make one more --

PRESIDENT TRUMP: it's the best we've ever do

SEN. KLOBUCHAR: from a different perspective, of course, i support die dianne's bill and other things. they have 38% domestic violence homicide rate. it makes a major difference for those states and this number, for you to keep with you, 6,000 women in ten years were killed by a partner, a spouse, a boyfriend. 6,000. that is more than we lost for brave troops in iraq and afghanistan.

PRESIDENT TRUMP: big time.

SEN. KLOBUCHAR: do ing something on this background check issue and using that as a base and then i would like to add some of these other things we've talked about. i think it would make a major difference.

PRESIDENT TRUMP: if you can add that to this bill that would be great. if you could add what you have also and i think you can into the bill --

SEN. FEINSTEIN: [MISSING TRANSCRIPT]

PRESIDENT TRUMP: joe, are you ready? can you do that?

SEN. MANCHIN: if you help.

PRESIDENT TRUMP: i'll help but can you add what amy and what dianne have? can you add them in?

SEN. KLOBUCHAR: i have another domestic violence bill that's very narrow. it's about dating partners and a number of states have just enacted it. with republican support.

PRESIDENT TRUMP: we're going to get it passed. if you can add domestic violence paragraphs, pages into this bill, i'm all for it. i think it's terrific if you can do it. it can be done. that could be done too.

SEN. CORNYN: mr. president can i respectfully recommend steve scalise will be a key role in all this. he had a personal near tragic experience with one of these mass shootings himself.

PRESIDENT TRUMP: good.

REP. STEVE SCALISE: mr. president i appreciate you convening everybody. thank you, senator cornyn, my whip counterpart. the house did pass a bill dealing with fixing problems with our background check system. we also combined with it a bill that advanced concealed carry ity people having concealed carry in one state having the ability to have that in another state. before that's immediately discounted because i know when we passed our bill, number one, i did have the bill. it wasn't a bill that automatically passed. there were a lot of our members who said look, we want to close these problems and fix these problems with the background check system and we came together and actually passed a bill. these are people by and large helping us top crimes, go out there and help prevent crimes. i would hope that's not immediately dismissed because there is a lot of talk of putting that on the side.

PRESIDENT TRUMP: i think that maybe that bill will some day pass but it should pass as a separate. if you're going to put concealed carry between states into this bill, we're talking about a whole new ball game. and, you know, i'm with you but let it be a separate bill. you'll never get this passed if you add concealed carry to this, you'll never get it passed. i don't think -- again, you'll never get it passed. we want to get something done.

REP. SCALISE: please recognize that -- look at the date. a lot of people want to dismiss concealed carry permits. i did appreciate some of the other points you brought up. you talk about mental health problems. at the core of so many of these mass shootings.

we came together in a bipartisan way in a year and a half ago and passed a major overhaul, didn't get much attention because it was very bipartisan. that bill -- you just appointed an assistant secretary to mental health, a position created am that law. let's make sure that the assistant secretary of mental health has the tools they need. how are that makes me the most angry, when you see so many governmental institutions, federal and local that broke down and allowed this kid not only to get a gun but to let him slip through the cracks. it wasn't just students -- believe me there were students saying we think he's a shooter. he said he was going to be a professional school shooter. yet the fbi let him go. you know this. people that protected me and my other colleagues on that field, law enforcement did their job that day. i appreciate that you gave them the medal of freedom.

PRESIDENT TRUMP: if you didn't have those two people, you wouldn't be here and 25 other people wouldn't be here right now.

REP. SCALISE: when you see those breakdowns, you see so many millions of americans that want firearms to defend themselves, not to use them for mass shooting but to defend nemsz their communities and that's obviously one of the balances we have. the house did take action. you know, clearly the senate may have some issues with parts of the bill. let's not just discard that. let's at least have a broader conversation. conversation.

PRESIDENT TRUMP: i think that's fine.

REP. MARSHA BLACKBURN: mr. president, first of all, i want to say thank you for saying let's go to the source of the problem. so many times we react to symptoms. picking up on what the whip said with the new assistant secretary of mental health, this is somewhere that, yes, indeed, we need to be looking at the tools that they have and looking at these young adults, individuals who have crossed that 18-year-old threshold and who, within their family or their caregiver has access to those mental health records and how law enforcement has the ability to get that information from children's services. so many of these have records through their teenage years that have been on a schedule.

PRESIDENT TRUMP: and working on that, that's part of what we're doing.

REP. BLACKBURN: and we need that visibility. and the house has wanted to fix that system. another thing that has come up from some of the moms -- i was a room mother when my kids were in school. and now as a grandmother, i'm talking to a lot of young moms. they have said one of the things we need to do as we review these issues is look at entertainment. and the video games, the rating system, the movies. how things are approved and what children are being exposed. and especially children that have some of these mental health issues. they feel that has a role to play.

PRESIDENT TRUMP: i think that's a very important part of it. the video games, the movies, the internet stuff is so violent. it's so incredible. i see it. i get to see things that you wouldn't be -- you would be amazed at. i have a very young son who i look at some of the things he's watching and i say, how is that possible? this is what kids are watching. and i think maybe you have to take a look at it. you rate movies for different things. maybe you also have to rate them for terror, for what they're doing and what they're all about. it's hard to believe that at least for a percentage -- maybe it's a small percentage of children -- this doesn't have a negative impact on their thought process. these things are really violent.

REP. BLACKBURN: some of the moms have mentioned they're very concerned about that exposure and children being desensitized to violence. so, they would like that. one of my sheriff's, sheriff eddie ferris in putnam county, tennessee, he said as we talk about hardening the schools we have need to read programs how about protect me programs that some of our fop retirees could take the lead on and go in as a volu to protect those while we work through this issue how your local, state and federal agencies are going to work together and find solutions for this. so those are things that my constituents are saying and would like to have raised. they want solutions to them. i appreciate the leadership.

PRESIDENT TRUMP: thank you very much. i appreciate it. thank you.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=02%2F28%2F2018+15%3A43%3A19&market=m1&StationID=100>

REP. BRIAN MAST: mr. president, you're absolutely right. you can lead on this in a way that nobody else can because for all those americans out there that the second amendment is so critically important to them, they believe you, that you're not going to go into their home and take their firearms. you have a credibility that nobody else can bring to this. that's why you can lead. maybe you've heard my column. you act when you see an opportunity to save life.

PRESIDENT TRUMP: we're all going to lead. we are going to get this done in a bipartisan manner. i'm not worried about 60 votes. 60% meaning should be so easy. should be 100%. you have something, chris?

SEN. MURPHY: i think you underestimate the power of the gun lobby.

PRESIDENT TRUMP: i tell you what. the reason i had lunch with the nra on sunday -- i called them and said you have to come over. fellows, we've got to do something. they do have great power. i agree with that. they have great power over you people they have less people over me. i don't need it what do i need? i tell you, they are well meaning. i said to them very nicely, fellows, we've got to do something. we can't keep restricting and we can't keep -- we have to do what's right. when it comes to mental health and other issues, i said we have to do what's right. i'm telling you, i think they're there. i think they're there. some of you people are petrified of the nra. you can't be petrified. they want to do what's right. they're going to do what's right. i really believe that. it was a very good lunch. yes, sir?

REP. JOHN RUTHERFORD: i want to give you a perspective from 41 years of law enforcement, 12 as a sheriff, riding the streets of of the things that i learned during that 41 years and a lot in this room can tell you as well, is security is always a multi-layered approach. so as we talk about the background checks, who can buy a gun, who cannot, all of those things are important. and all of those are a piece of the -- parts of the security that we can create for our country. but know this. and you said it. all of that can break down and someone go in to a gun-free zone and just kill at will. defenseless people.

PRESIDENT TRUMP: defenseless.

REP. RUTHERFORD: so number one for security from a law enforcement perspective is the only thing -- it sounds cliché but it's cliché because it's true. the only thing that stops a bad guy with a gun is a good guy with a gun. and you have to have those officers or some armed security at our schools. now the issue is, and we talk about those are areas where there are no guns. the reason i carry a concealed firearm everywhere i go is because i don't know where those gun-free zones are that i may be walking through at the mall or the donut shop or wherever i might be. that's why i carry concealed so that i can protect myself, i can protect my family who might be with me and i can protect all of those around me who choose not to carry a firearm.

PRESIDENT TRUMP: you're not allowed concealed in a gun-free zone.

REP. RUTHERFORD: well --

PRESIDENT TRUMP: so what do you do?

REP. RUTHERFORD: you can't carry in those areas. and so you're --

PRESIDENT TRUMP: [MISSING TRANSCRIPT]

REP. RUTHERFORD: i'm like everybody else.

PRESIDENT TRUMP: they are in the mostee zones. that's true.

REP. RUTHERFORD: that's why we need to look at going back to the concealed carry issue of national reciprocity.

PRESIDENT TRUMP: you're not going to get concealed carry approved.

REP. RUTHERFORD: you're right.

PRESIDENT TRUMP: amy, dianne and a lot of other people they're never going to consider it. people may consider it, but they're not going to consider it in this bill.

REP. RUTHERFORD: we need to get away with gun-free zones.

PRESIDENT TRUMP: as far as i'm concerned, i would, and with the military. in fact, i'm looking of getting rid of gun-free zones in the military. we have military bases with gun-free zones and had five incredible soldiers, three of whom were champion shooters that were nowhere near their gun and this whack job walked in and killed all of them. they were defenseless. if they had their guns he would be gone in a second.

REP. RUTHERFORD: when it's a restaurant, whether it's a grocery store --

PRESIDENT TRUMP: i want to get rid of them on military bases to start.

REP. RUTHERFORD: let me put it this way. i will say it's critical for law enforcement. we actually take folks who are a danger to themselves or others, the baker act, a crisis stabilization process. they're there for three days, 72 hours. they get stabilized, get out. we have to give them their guns back. i tried not to do that one time and got sued and lost the case. i had to give the guns back. and we got fined. so, the state of florida has this bill that was mentioned earlier that the senate just passed. it has these risk protection orders built in.

PRESIDENT TRUMP: right.

REP. RUTHERFORD: and those -- there are some states that already have that, i believe. and i think those are going to be critical for law enforcement to help take the guns out of the hands of these individuals.

PRESIDENT TRUMP: risk protection.

REP. RUTHERFORD: who we know should not be carrying and then make sure that those individuals get the national background check system.

SEN. KLOBUCHAR: mr. president, the vice president state of indiana has done a good job.

PRESIDENT TRUMP: go ahead, mike.

VICE PRESIDENT MIKE PENCE: violence, restraining orders, california has a version of this. and i think in your meeting with governors earlier this week, individual lyly, and as a group, we spoke about the states taking steps. but the focus is to literally give families and give local law enforcement additional tools if an individual is reported to be a potential danger to themselves or

others. allow due process so no one's rights are trampled but the ability to go to court, obtain an order and collect not only the firearms but any weapons in the possession.

PRESIDENT TRUMP: or, mike, take the firearms first and then go to court. because that's another system. a lot of times by the time you go to court, it takes so long to go to court, to get the due process procedures. i like taking the guns early. like in this crazy man's case that just took place in florida. he had a lot of firearms. they saw everything. to go to court would have taken a long time. you could do exactly what you're saying but take the guns first, go through due process second.

VICE PRESIDENT PENCE: we think about the tragedy in sandy hook.

PRESIDENT TRUMP: that's right.

VICE PRESIDENT PENCE: and adam lanza's mother, who spoke to law enforcement, spoke to local officials. she was concerned over and over again. i know you are from connecticut and live this had and saw this. give families and tool take action to remove those weapons for a set period of time or longer. make that's a state law provision.

PRESIDENT TRUMP: I like that.

SEN MARCO RUBIO: people are working on what we can do continue to cent vise states to dothis. it brings home this point. the vice president alluded to it and congressman rutherford touched on it. there are people who tried to do something. they called the fbi, the sheriff's office but legally they had no recourse to get ahead of this and stop it. in terms of taking away guns and placing them in a facility or some other measure with a court order he to be able to do this. and even if law enforcement had gone to see them they would have been limited ultimately in their options as well. there may be something we can do to incentivize it. we've been talking but states can do that now the way multiple states have already done it.

SEN. CORNYN: mr. president, in the 21st century bill, senator murphy and i worked on, part of it involving the mental health and safe communities acts, we provided additional grants to use outpatient treatment. a variation on what the vice president talked about. adam lanza's mother, if he wasn't compliant with his mother and the medications, she could go to civil court to get a court order that forced him to take his medication and follow his doctor's orders. many people with mental illness, can function in society. so there are sobriety tools.

PRESIDENT TRUMP: so chris and john rurks better off having a one-off bill or can you merge it into joe and pat's bill? because i like that much better. having a comprehensive bill. some people don't like that word. i like that word, comprehensive. they say it is a bad bid. i like the word. i would rather have a comprehensive bill. can you merge yours into there bill or would you rather have a separate, mix, mix bill?

SEN. CORNYN: mr.t the outset is that we act. we don't go home empty handed.

PRESIDENT TRUMP: but it would really be nice to create something that is beautiful. that works. and you know the biggest thing, chris? the biggest surprise to me. i've only been doing this two years. three years now. time flies. but i've been here for a little more than a year.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTime=02%2F28%2F2018+15%3A53%3A19&market=m1&StationID=100>

what surprises me more than anything else is that nothing has been done for all these years. because i really see a lot of common ground. democrat, republican. i'm so surprised. i'm sitting here and i'm saying, there's a lot of commonality here. a lot of people are

agreeing with pretty much everything you're writing. i don't understand why this hasn't happened for the last 20 years, nothing has happened. so we're going to get it done.

SEN. MURPHY: i think we can add anything to fix that it has 60 votes. background checks can be added to this if it has your support plift president, i would add, i hope we follow the data. it will tell you, talk a lot about safe schools and mental illness. we have 20 times rate of any country in the world. our schools aren't less safe. we don't spend less money on law enforcement what is different is that we have the loosest, most lax gun laws. it's broken. period stop. not because we think it will stop the gun violence. the data tells us that the one thing that is different about the utes is our unbelievably loose gun laws. i hope we follow it.

SEN. MANCHIN: [MISSING TRANSCRIPT]

SEN. MURPHY: that's right.

PRESIDENT TRUMP: i think they work together. i like them together better. but joe, you have to fix mental illness. if someone is mentally ill, you can't take it away. they can buy. it is ridiculous of will i'm sure you're going to fix it. i like a merger. i think it works out better. chuck, were you going to say one thing?

SEN. GRASSLEY: you're showing leadership through this meeting said about the incivility of our society and the culture of our society, the thought came to my mind that maybe you could show leadership about all the violence we have out of hollywood and all these videos. you watch fox news like i do. and every night you see all these films about everybody being blown up. think of the impact that makes on young people. get them in here and preach to them like you're preaching to us.

PRESIDENT TRUMP: but actually, fox news does a very good job. but you're right.

SEN. GRASSLEY: one channel.

PRESIDENT TRUMP: it is very violent. the movies are violent and the videos are violent beyond anything anybody has ever seen.

SEN. GRASSLEY: you had governors telling you the same thing this week. the culture has to change if we're going to stop this.

PRESIDENT TRUMP: i agree. i agree. elizabeth?

REP. ELIZABETH ETSY: thank you very much, mr. president. mr. vice president. i've been wearing a bracelet like this for more than five years. we were elected at the same time and i was sit go with new member training when i got calls and texts about a school shooting of what turned out to be 20 6 and 7-year-olds. so i haven't had a day that chris and i don't think about it. that's been our nightmare for the people we represent. it is now ted's nightmare and now your nightmare.

PRESIDENT TRUMP: so why didn't they do something about it when that happened? you look at columbine, sole of these. why didn't they do something? why didn't this group of people plus others and some have gone and some will be here.

REP. ETSY: i think people try but your point is this. we're at a tipping point. we're at a tipping point. why we are, i don't know. i think it is the students.

PRESIDENT TRUMP: do you know were we are? because a week will go by, another week, another week, and all of a sudden, people will be on to other things. we can't let that happen.

REP. ETSY: we have the power to change that.

PRESIDENT TRUMP: you know that's what has happened.

REP. ETSY: so i think there are two things that we can do right now. i think the manchin/tombey has 200 are bipartisan co-sponsors. 200. you only need 218 to pass. that's ready to go.

PRESIDENT TRUMP: i think congress will be fine. if we can come up with something very strong, very heavy with mental health, the background checks are so important. people are afraid to do background checks because you're afraid of somebody. do you know what? you'll be more popular if you have a strong, good -- i don't care who is endorsing you. you'll be more popular if that's what you're into. i'm not into popularity. i'm into getting something done that's good. we have to get something good that's done. let's do it properly. yes. john.

REP. RUTHERFORD: let me talk about how to get guns, keep guns out of the hands of bad folks. one of the issues is the gun show loophole that everyone talks about. but it is also guns stolen out of cars. good gun owners are not storing them properly. stolen guns kill more people than guns are bought legally. one way to prevent that is through a group at the point. sale of every gun. ffl dealers, they do it. but i can buy a gun off the street from an individual that i've never met before and nobody cause the background check. here's what you do. you require a purchaser's permit at the point of sale of every gun in this country. at the point of sale, you have to have a buyer's permit. the way you get your buyer's permit is, if i want to buy a gun from senator rubio, i go to an ffl dealer. i get my buyers permit. i take it to him and he sells me his gun after i get the permit. if i don't have my permit, it is against the law for him to sell it to me. and it is against the law for me to buy it. well, heck, nobody will do that and who long? law enforcement has the opportunity to go into the streets and buy and sell guns from people had are in there, buying, selling guns right now. and we can actually make arrests and get those guys off the street who are selling guns illegally -- well, they're not illegal sales, but they're selling them on guys who probably illegal.

PRESIDENT TRUMP: the problem is you have a real black market. they don't worry about anything. they don't worry about anything that you're saying. they sell a gun and the buyer doesn't care and the seller -- that's one of the problems we are all going to have. and you have that problem with drugs. you make the drugs illegal and they come, you've never had a problem like. that we're fighting it hard but you've never had a problem like this. so you have the same problem with guns. a lot of great people go out and register and do all sorts of things. but you have a black market where they don't even think about registering. they're not looking at joe and pat's bill. they couldn't care less about it. and we have to be very strong on that. i think you can have provisions on that too. big, big penalties. strong penalties.

REP. RUTHERFORD: the purchaser's permit allows them to go into the black market and buy and sell guns and make arrests of the people doing it very legally.

PRESIDENT TRUMP: be very tough on the black market.

REP. STEPHANIE MURPHY: i represent a district in central florida. we were deeply affected by pulse. i think in the aftermath of these tragedies, the american people want to see us, their elected leaders to do something. so i'm heartened.

PRESIDENT TRUMP: how bad was pulse and nothing happened?

REP. MURPHY: so thank you for bringing us all together. i've heard a number of ideas and i wanted to present one that i haven't heard yet. i have a biparti so-called dickey amendment which has pre vend over the last couple of decades, the cdc and other federal agencies from researching gun violence. and i think that your secretary of hhs said we should be able to research gun violence. it is a key piece having facts, and scientific data is a key piece helping us address this public health issue. so i would

hope that you know, we, as lawmakers, can have opinions about policies. but we should all have good sets of facts. it is easy to fix. we just have to strike one sentence in the law that is much needed.

PRESIDENT TRUMP: maybe we'll sum up pretty quick will. do you want to go quickly?

REP. DEUTCH: i do. only because the congresswoman brought this up. this is a brace plet marjory stone milan douglas has been selling back hole of the i want to give it to you. i want this to be the last one of these that we ever have to have. if we can do, if we can do universal background checks and ban bump stocks and increase to the age of 21 and get rid of the dickey amendment and do it now and show the american people and my constituents, the people in parkland, the grieving students, that we're ready to act, they'll feel better and you can get this done, mr. president. i want to give that to you.

PRESIDENT TRUMP: thank you very much. thank you. if i could just sull up, chris and john, pat, joe, maybe you'll start it from that standpoint. other people, dieyou could all together together, we could put together one piece of legislation. i think you c maybe a number nobody would believe. people want to see something happen, but something good.

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&Date=02%2F28%2F2018+16%3A03%3A19&market=m1&StationID=100>

you didn't pass anything. we want to pass something great. to me something great has to be where you stop it from happening. and i think there's only one way. again, if you feel not to have that, you understand. i want a counter. a very strong counterpunch. if you have that, then not going in and you won't have this problem anymore. remember the 98% figure. 98% of these attacks, gun-free zones. no back lash. no death to them. if you four could get together is do something, maybe set the foundation, add to the foundation with some of the great things said, we will have a bill, it is very hard to add the one thing that you want. i will tell you. i'm a fan. let's consider it for a separate bill. we'll consider it for a separate bill. but again we also want things can be approved. you have to look at the age of 21. for certain types of weapons. some people won't like it but you have to look at it seriously. i think it will be a successful vote and i will sign it. if i like what you're doing, and i think i like when you're doing already, but you can add to it. you have to be very, very powerful on background checks. don't be shy. very strong mental illness. don't worry about bump stocks. you don't to have complicate the bill by adding another two paragraphs. we're getting rid of it.myself. because i'm able to. fortunately we can do it without going through congress. if the four of you could come together and work on it, add and subtract to it, put it to a vote. let's get it done.

SEN. FEINSTEIN: what do we do about weapons of war easily accessible on our streets?

PRESIDENT TRUMP: what you'll have to do is discuss with it everybody. it is a complex solution. you have weapons on the street. these are black market weapons. these aren't where you walk into a store and you buy it.

SEN. FEINSTEIN: you go into a store and you can buy an ar-15. you can buy a tech 9. you can buy all these.

PRESIDENT TRUMP: this is what you'll have to discuss. you'll have to discuss it. you'll come one something. i believe it has to be very strong. i would rather have you come down on the strong side. the weighing side would be much easier. i would have you come one a really strong bill. i believe we're on the road to something terrific.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

Prior, Ian (OPA)

From: Prior, Ian (OPA)
Sent: Thursday, March 1, 2018 8:27 PM
To: Cutrona, Danielle (OAG)
Cc: Whitaker, Matthew (OAG); Flores, Sarah Isgur (OPA)
Subject: Danielle can you approve for OAG

Boyd and Hur have signed off on statement below. Can't get ahold of Whitaker. In response (for Fox) to Nunes memo arguing FBI violates criminal law with Page FISA.

Statement for approval (b) (5)

Ian D. Prior
Principal Deputy Director of Public Affairs
Office (b) (6)
C I (b) (6)

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

Begin forwarded message:

From: "Flores, Sarah Isgur (OPA) (b) (6)"
Date: March 1, 2018 at 7:55:49 PM EST
To: "Boyd, Stephen E. (OLA) (b) (6)", "Prior, Ian (OPA)" (b) (6), "Whitaker, Matthew (OAG)" (b) (6), "Cutrona, Danielle (OAG) (b) (6)", "Hur, Robert (ODAG) (b) (6)"
"Terwilliger, Zachary (ODAG) (b) (6)", "Schools, Scott (ODAG)" (b) (6)
Subject: Fwd: Fox News: Nunes: FBI may have violated criminal statutes in FISA application to spy on Trump adviser

Nunes: FBI may have violated criminal statutes in FISA application to spy on Trump adviser

Fox News

Catherine Herridge & Alex Pappas

March 1, 2018 7:15 PM

<http://www.foxnews.com/politics/2018/03/01/nunes-fbi-may-have-violated-criminal-statutes-in-fisa-application-to-spy-on-trump-adviser.html>

The FBI may have violated criminal statutes, as well as its own strict internal procedures, by using unverified information during the 2016 election to obtain a surveillance warrant onetime Trump campaign aide Carter Page, the chairman of the House Intelligence Committee charged Thursday in a letter obtained by Fox News.

House Intelligence Committee Chairman Devin Nunes, R-Calif., wrote in his letter to Attorney General Jeff Sessions that “in this instance, it’s clear that basic operating guidance was violated.”

Nunes cited the Domestic Investigations and Operations Guide (DIOG), which was created by the bureau and approved by the Justice Department, to say he believed the FBI violated procedures requiring verified and documented evidence in applications to the Foreign Intelligence Surveillance Court.

An Oct. 2011 version of the operations guide states that the “accuracy of information contained within FISA applications is of utmost importance... Only documented and verified information may be used to support FBI applications to the court.”

The guidance also states that information in a FISA application must be “thoroughly vetted and confirmed.”

[DOCUMENT EMBEDDED]

A memo released by the intelligence committee last month stated that the FBI and DOJ sought surveillance warrants to spy on Page by using an infamous, Democrat-funded anti-Trump dossier that included salacious and unverified allegations about Trump's connections to Russia.

“Former and current DOJ and FBI leadership have confirmed to the committee that unverified information from the Steele dossier comprised an essential part of the FISA applications related to Carter Page,” Nunes wrote Thursday.

Nunes listed five criminal statutes that were possibly violated, including conspiracy, obstruction of justice, contempt of court. It also cites statutes that make it a crime to willfully deprive a person of a right protected by the Constitution and another preventing unauthorized electronic surveillance.

In the letter, Nunes asks Sessions whether these protocols requiring verified information have changed, and if not, what steps the DOJ or FBI taken to hold officials behind the Page application accountable.

The letter is carbon copied to FBI Director Christopher Wray and DOJ Inspector General Michael Horowitz.

Fox News has requested comment from the FBI, the Justice Department and the House Democrats on the Intelligence Committee.

Sessions acknowledged this week that Horowitz is probing the circumstances of the surveillance of Page.

“We believe the Department of Justice must adhere to the high standards in the FISA court,” Sessions said during a news conference Tuesday. “Yes it will be investigated. And I think that’s just the appropriate thing the inspector general will take that as one of the matters he’ll deal with.”

That admission, though, put Sessions back in President Trump’s crosshairs Wednesday, with the president referring to Horowitz as an “Obama guy” and calling Sessions’ decision “disgraceful.”

House Intelligence Committee Republicans and Democrats have argued over whether the dossier was a primary or secondary element of the surveillance application.

Democrats released a rebuttal memo on Sunday, saying the dossier was corroborated by multiple sources.

But in his June 2017 testimony to the Senate Intelligence Committee, then-FBI Director Jim Comey said he still considered the dossier “unverified” and “salacious” three months after the October 2016 surveillance warrant was granted.

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, March 20, 2018 1:37 PM
To: Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Cc: Barnett, Gary E. (OAG); Boyd, Stephen E. (OLA)
Subject: RE: The Hill: Pressure builds on Sessions for second special counsel

Glad you flagged. I'd forgotten this already. Sending around new draft shortly.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: Cutrona, Danielle (OAG)
Sent: Tuesday, March 20, 2018 1:19 PM
To: Whitaker, Matthew (OAG) (b) (6) >
Cc: Flores, Sarah Isgur (OPA (b) (6) Barnett, Gary E. (OAG (b) (6) >; Boyd, Stephen E. (OLA (b) (6)
Subject: Re: The Hill: Pressure builds on Sessions for second special counsel

This is the last comment made in re: letter.

Sent from my iPhone

On Mar 19, 2018, at 7:59 PM, Whitaker, Matthew (OAG (b) (6) > wrote:

Pre-decisional/ deliberative

All: I have one concern about this letter that I cannot seem to reconcile.

(b) (5)

[Redacted text block]

[Redacted text block]

Thoughts?

On Mar 19, 2018, at 2:21 PM, Cutrona, Danielle (OAG (b) (6) > wrote:

[Attached are my edits and both the House and Senate letters for convenience.](#)

From: Flores, Sarah Isgur (OPA)

Sent: Monday, March 19, 2018 10:26 AM

To: Barnett, Gary E. (OAG (b) (6)); Cutrona, Danielle (OAG

(b) (6)

Cc: Whitaker, Matthew (OAG (b) (6)); Boyd, Stephen E. (OLA)

(b) (6)

Subject: RE: The Hill: Pressure builds on Sessions for second special counsel

My edits attached

Sarah Isgur Flores

Director of Public Affairs

(b) (6)

From: Barnett, Gary E. (OAG)

Sent: Sunday, March 18, 2018 7:31 PM

To: Cutrona, Danielle (OAG (b) (6) >; Flores, Sarah Isgur (OPA)

(b) (6)

Cc: Whitaker, Matthew (OAG (b) (6)); Boyd, Stephen E. (OLA)

(b) (6)

Subject: RE: The Hill: Pressure builds on Sessions for second special counsel

[Please see updated draft attached](#)

From: Cutrona, Danielle (OAG)

Sent: Saturday, March 17, 2018 11:56 AM

To: Flores, Sarah Isgur (OPA (b) (6) >

Cc: Whitaker, Matthew (OAG (b) (6)); Barnett, Gary E. (OAG)

(b) (6) >; Boyd, Stephen E. (OLA (b) (6) >

Subject: Re: The Hill: Pressure builds on Sessions for second special counsel

Yes Gary is working on it

Sent from my iPhone

On Mar 17, 2018, at 10:45 AM, Flores, Sarah Isgur (OPA (b) (6)) wrote:

Try again w letter on Monday with hopes of getting it out Monday or Tuesday?

Begin forwarded message:

From: Sarah Isgur Flore (b) (6)

Date: March 17, 2018 at 10:42:33 AM EDT

To: "Flores, Sarah Isgur (OPA (b) (6))

Subject: Fwd: The Hill: Pressure builds on Sessions for second special counsel

From: Comms Alert <CommsAlert@gop.com>
Sent: Saturday, March 17, 2018 9:38:17 AM
Subject: The Hill: Pressure builds on Sessions for second special counsel

Pressure builds on Sessions for second special counsel

The Hill

Katie Bo Williams

March 17, 2018 6:14 AM

<http://thehill.com/policy/national-security/378858-pressure-builds-on-sessions-for-second-special-counsel>

[VIDEO EMBEDDED]

Attorney General Jeff Sessions is under mounting pressure from the right to appoint a second special counsel to investigate conservative allegations of abuse at the Department of Justice (DOJ) and the FBI.

Up to now, those calls have gone quietly unanswered, with officials pointing to the existence of a Justice Department inspector general investigation that is expected to wrap up sometime this spring.

But Sessions last week revealed that he has tapped a former official outside of the Beltway “with many years in the Department of Justice” to review the need for a special counsel, suggesting the idea is receiving a serious look.

Powerful GOP lawmakers are urging Sessions to pull the trigger, arguing the inspector general does not have the prosecutorial authority needed to conduct a full investigation of the FBI’s actions.

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) and Sen. Lindsey Graham (R-S.C.) on Thursday sent a letter to Sessions and Deputy Attorney General Rod Rosenstein calling for a special counsel to “gather all the facts.”

“The FBI and the Department of Justice were corrupt, in my view, when it came to handling the email investigation of [Hillary] Clinton. And the entire FISA [Foreign Intelligence Surveillance Act] warrant application process was abused,” Graham told Fox News’s Bret Baier, referring to a surveillance authority conservatives believe was misused during the 2016 campaign to launch the Russia investigation.

Last week, two powerful House GOP chairmen Judiciary

Committee Chairman Bob Goodlatte (Va.) and Oversight and Government Reform Committee Chairman Trey Gowdy (S.C.) made a similar request, demanding a review of any evidence of "bias" by DOJ or FBI employee as well as whether there was any "extraneous influence" on the surveillance process.

Critics of the GOP push say the allegations of bias and abuse are a transparent effort to undermine special counsel Robert Mueller's investigation into the Trump campaign and Russia.

If Sessions's review does not result in the appointment of a second special counsel, there's growing speculation that it could be his own head on the chopping block. President Trump has repeatedly criticized his attorney general since Sessions recused himself from the Russia investigation last year, and has hammered him for deferring to Inspector General Michael Horowitz.

"Why is A.G. Jeff Sessions asking the Inspector General to investigate potentially massive FISA abuse," Trump tweeted after Sessions announced Horowitz would be probing the allegations. "Will take forever, has no prosecutorial power and already late with reports on [former FBI Director James] Comey etc. Isn't the I.G. an Obama guy? Why not use Justice Department lawyers? DISGRACEFUL!"

Sessions late Friday made one move that could help temper conservative criticism, as he fired FBI Deputy Director Andrew McCabe, long a target on the right, over alleged misconduct. McCabe had been set to retire on Sunday with a full pension.

But critics of the FBI's handling of the Clinton investigation are likely to see McCabe's firing which was made after investigators found he made an unauthorized disclosure to the media and "lacked candor" under oath as further evidence of the need for a special counsel.

Jay Sekulow, a member of Trump's personal legal team contesting the Russia investigation, has publicly made the case for Sessions to make such an appointment.

"The special counsel has a deeper ability to talk to witnesses outside of the existing Department of Justice personnel, which is one of the limitations imposed on an inspector general," Sekulow told Fox News's Sean Hannity last week.

The crux of the allegations leveled by conservatives is that

Justice Department and FBI personnel made decisions during the 2016 election that were improperly influenced by bias against then-candidate Trump in both the investigation into Clinton's email server and the Russia probe.

GOP lawmakers, citing an investigation conducted by House Intelligence Committee Chairman Devin Nunes (R-Calif.), say that officials improperly used an unconfirmed dossier of opposition research into Trump to obtain a surveillance warrant for former campaign adviser Carter Page.

Officials did not adequately disclose the provenance of the information when they submitted their application to the clandestine court that approves surveillance requests, Republicans say.

A countermemo from Intelligence Committee Democrats, also based on the classified warrant application, revealed that officials told the court that the dossier was commissioned by someone who wanted to discredit Trump's campaign. The information formed only a small part of the application and was corroborated with information from independent sources, the Democratic memo says.

For Republicans, those representations to the court were insufficient. The dossier was paid for in part by the Clinton campaign and the Democratic National Committee and GOP members have questioned why it was used at all.

"Bias and animus can lead to criminality," Gowdy said last week, as well as "making misrepresentations or failure to make adequate representations to a tribunal."

"The manner by which information was secured from nongovernmental sources" could also run afoul of the law, he said.

The FBI frequently makes use of intelligence obtained from biased sources. As long as the information is verified and the agenda is disclosed to the court, former officials say, there is nothing improper about using it in a FISA application.

The Goodlatte-Gowdy request centers solely on FISA abuse. Goodlatte in the past has made a separate request for a second special counsel to investigate decisionmaking in the Clinton probe.

Republicans have long been incensed that Clinton was not

charged and have raised questions about former FBI Director James Comey's decision to call her conduct "extremely careless" instead of "grossly negligent," a potentially criminal standard.

Horowitz's investigation has since expanded to encompass the allegations of surveillance abuse. Its original mandate was to probe decisionmaking in the Clinton probe, including Comey's public announcement that the former secretary of State would not face charges.

The Grassley-Graham request also revolves around the bureau's use of the so-called Steele dossier in its investigation into Trump and Russia.

Under Justice Department regulations, a few preconditions have to be met in order for a special counsel to be appointed. The attorney general must determine that a criminal investigation is warranted and that the Justice Department would have an obvious conflict of interest and that it would be "in the public interest to appoint an outside special counsel to assume responsibility for the matter."

Although Grassley and Graham have called for a special counsel to investigate decisionmaking only up to the May appointment of Mueller, such an appointment could throw a wrench in the current special counsel's probe, some national security lawyers note.

"Permitting this second Special Counsel, even if it was justified under DOJ regulations (and it is not), would almost certainly disrupt and interfere with Mr. Mueller's inquiry," Bradley Moss said in an email to The Hill.

Even if the new probe were truly limited to surveillance issues, Moss said, it would encompass investigative work done by Justice Department personnel who would undoubtedly have played a role in the work now being done by Mueller's team.

"This would require Mueller's lawyers to get involved to protect the integrity of their own investigation. Now, you have two Special Counsels fighting a bureaucratic turf war."

<DOJ Letter to BG and TG Re Second Special - DC1 - SB gb sif DC.DOCX>

<030618_Special-Counsel-Letter.pdf>

<2018-03-15 CEG LG JC TT to AG DAG (Special Counsel).pdf>

Champoux, Mark (OLP)

From: Champoux, Mark (OLP)
Sent: Wednesday, March 28, 2018 5:31 PM
To: Champoux, Mark (OLP)
Subject: Daily Policy News - March 28, 2018

DAILY POLICY NEWS – MARCH 28, 2018

Drugs

- [Washington Examiner](#) reports on a **new study from the American Action Forum regarding the societal costs of opioid addiction**. According to that study, 919,400 people between the ages of 25-54 were not in the labor force due to opioid use in 2015. The study argues that opioid addiction has slowed the U.S. economy's growth by 0.2% from 1999-2015, costing approximately \$702 billion in economic output during that time. OLP will perform a closer review of this study's methodology to determine whether it would be appropriate to rely on its conclusions.
- The [New York Times](#) reports on the **criticism of the forthcoming Medicare rule that would limit payments for high-dose or longer-term opioid prescriptions**. The Centers for Medicare and Medicaid Services (CMS) estimates that approximately 1.6 million patients currently have prescriptions at or above levels that would be restricted by the rule. Doctors, including Dr. Erin Krebs (who authored the recent study finding that opioid alternatives work as well as opioids for some types of pain) have sent letters of opposition to the new rule, which would take effect in January 2019. The Medicare proposed rule relies on recent guidelines from the CDC, which suggest doctors avoid prescribing opioid doses equivalent to or greater than 90 milligrams of morphine.
- [Fox News](#) reports that a **pilot study of 10 hospitals in Colorado that tried to reduce the number of opioid prescriptions in ERs** by 15 percent exceeded researchers' expectations when it **resulted in a 36 percent decline in opioid prescriptions** in those ERs after six months. They found the most significant decreases in opioid usage in favor of alternatives (such as lidocaine patches, over-the-counter drugs such as Tylenol, or localized injections) occurred in cases of kidney stones, back pain, migraines, and abdominal pain. Opioid use remained high (while declining somewhat) in cases of bone fractures and cancer. The study sponsor, the Colorado Hospital Association (CHA), is now working on additional phases to continue the study, including by supporting a medication-assisted treatment (MAT) pilot study in three hospital emergency departments.

Immigration

- The [Orange County Register](#) reports that the **Orange County Board of Supervisors voted unanimously on Tuesday to join the Justice Department's lawsuit against California's "sanctuary" laws**. This vote is the latest move in a growing backlash against the state's laws by communities in California experiencing negative impacts because of them.

National Security

Cybersecurity

- According to [Politico](#), **Manhattan District Attorney Cyrus Vance**, one of the most **outspoken advocates of legislation outlawing unbreakable encryption**, briefed Senate offices on Friday about the **threat of "going dark."** The briefing was hosted by the Senate Judiciary Committee and involved approximately 50 Senate staffers.
- The [Washington Examiner](#) reports that it was **poor communication within the FBI that led to a delay in the**

bureau gaining access to the iPhone belonging to the alleged shooter in the **December 2015 San Bernardino attack**. According to an OIG report, the FBI's Operational Technology Division (OTD) did *not* have the capability to access the iPhone as a former senior FBI official alleged but inadequate communication and coordination within OTD did cause a delay in engaging all relevant personnel and the outside third party that eventually unlocked the phone. [Politico](#) reports that some believe the IG report **"raises the question of how seriously the FBI has really been thwarted when devices are locked and how much of the going dark debate is the FBI simply seeking easier ways to do investigations."**

- The [U.S. Chamber of Commerce](#) has published a **white paper providing businesses with recommendations for partnering with law enforcement to combat cybercrime**. The white paper recommends that businesses cultivate relationships with law enforcement, join a cyber-information sharing organization, and develop their own incident response plan.

Schedule, AG84 (OAG)

From: Schedule, AG84 (OAG)
Sent: Monday, April 2, 2018 9:11 AM
To: Cutrona, Danielle (OAG); Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG)
Subject: FW: Appointment Request
Attachments: AG Appointment Request Form.doc; Letter to President Trump.pdf

Thoughts?

From: Janet Stephen (b) (6)
Sent: Thursday, March 29, 2018 2:38 PM
To: Schedule, AG84 (OAG) <AG84Schedule@jmd.usdoj.gov>
Cc: 'Alton Craf (b) (6) (b)(6): Bill Partridge email address
Subject: FW: Appointment Request

Good afternoon. Mayor Craft also asked that I send Attorney General Sessions a copy of the Mayor's letter to President Trump. This will help explain the issue Mayor Craft and Chief Partridge would like to discuss with Attorney General Sessions.

Thank you so much,

Janet Stephens
Mayor's Executive Assistant
City of Oxford
P.O. Box 3383
145 Hamric Drive East
Oxford, AL 36203
Phon (b) (6)
Fa (b) (6)

From: Janet Stephens
Sent: Thursday, March 29, 2018 11:16 AM
To: ag.schedule84@usdoj.gov
Cc: 'Alton Craf (b) (6) (b)(6): Bill Partridge email address
Subject: Appointment Request

Good morning. City of Oxford Mayor Alton Craft and Police Chief Bill Partridge would like to schedule a brief meeting with Attorney General Sessions to discuss crime reduction in Northeast Alabama. Attached is the completed Appointment Request Form.

The City of Oxford's website address is www.oxfordalabama.org.

Thank you for your assistance.

Janet Stephens
Mayor's Executive Assistant

City of Oxford
P.O. Box 3383
145 Hamric Drive East
Oxford, AL 36203
Phon (b) (6)
Fa (b) (6)

Meeting Request Form-AG Sessions

Name of Contact: Janet Stephens

Contact Phone and Email Address: 256 831 7510 (b) (6)

Organization: City of Oxford, Alabama

Today's Date: March 29, 2018

List of meeting attendees. Please list attendees (If necessary, attached additional attendees on a separate page):

Is one of your listed attendees a lobbyist? : No

| Name | Organization/ Business | Current address |
|----------------------|------------------------|-----------------|
| Mayor Alton Craft | City of Oxford | (b) (6) |
| Chief Bill Partridge | City of Oxford | (b) (6) |
| | | |
| | | |
| | | |

Requesting

| DATE: | Time Available: |
|----------------|-----------------|
| April 24, 2018 | First Available |
| May 8, 2018 | First Available |
| | |
| | |

On a separate page or in the body of your email, please include a detailed list of topics for your meeting. Also include any additional information on your organization (including your website).

Please be advised that there is no guarantee we will be able to accommodate your meeting request. All meetings are subject to the Attorney General's availability.

OFFICE OF THE MAYOR

ALTON CRAFT
MAYOR



City of Oxford

CITY COUNCIL
PHIL GARDNER
MIKE HENDERSON
CHARLOTTE HUBBARD
CHRIS SPURLIN
STEVEN WAITS

February 1, 2018

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

I was very honored and privileged to be in attendance at the White House for your meeting with mayors from across the United States on January 24th. I am writing to you to make a passionate plea for your assistance in building a metro area crime center in the City of Oxford, Alabama.

As I watched you speak from the podium last week, I could see your sincere passion for fighting crime in the United States and I believe that you, Mr. President, are our last hope for assistance in our fight against crime in our region. Our neighboring cities rank among the highest in crime in our state. Anniston, the city that borders us to the north, ranks as the #1 crime city in Alabama. Talladega, which borders us to the south, ranks #7. The City of Gadsden, which is only 20 minutes from Oxford, ranks #5. According to FBI statistics, Alabama ranks 10th in the United States for violent crime, the Anniston-Oxford-Jacksonville metro area ranks first in Alabama in violent crime, and we are only 40 miles away from Douglasville, Georgia which is home to one of the headquarters for the MS13 gang. Interstate 20 runs through the heart of Oxford, and I am told that I-20 is one of the largest corridors for sex and drug trafficking in the country.

Mr. President, I am asking for your assistance in building a metro area crime center with assets and equipment in Oxford. We have estimated the cost to build and equip one of these to be 1.5-2 million dollars. If we were able to build this center, we would share it at no cost with other law enforcement agencies in east-central Alabama and west Georgia. The City of Oxford would pay the future cost of maintaining and staffing the crime center. We believe that by pooling our data and resources together with the other agencies, violent crime in our region will, in a short amount of time, see a significant drop. Jefferson County's Sheriff Department, in Alabama's most populous county, has a similar crime center. In a little more than a year, their crime has been reduced by 20 percent.

Mr. President, I have exhausted all my other resources to help finance this crime center, and you are our final hope. Upon seeing the passion in your eyes and hearing the determination in your voice as you pledged to protect your people by fighting crime, it strengthened my hope in receiving your support. The brave men and women of our police force and the law enforcement officers in every agency in our region are fighting this battle every day, and I am extremely proud of the job they do to keep our citizens safe. We will continue to fight this battle; however, I fear that without your help, we too, will succumb to the crime that is already devastating our great country.

In my previous role as Finance Director for the City of Oxford, I was blessed to work for a businessman who reminds me of you. Leon Smith, who served as Mayor of Oxford from 1984 to 2016, began his tenure as Mayor of the city when we were on the brink of bankruptcy. He was vilified by the local news media, who even fabricated to use your words - "fake news," and attacked him continuously. Mayor Smith was a man of strength and character, and he never backed down because of this criticism. He had a vision and plan for his city, and through his leadership, Oxford thrived financially and our city became one of the safest cities in the state. As you lead our great nation to economic prosperity and a place where all can feel safe, I wish to lean on your strength and success. I pledge to duplicate your efforts and leadership by doing all things necessary to rebuild our region where residents can prosper-not only in wealth, but in safety.

Mr. President, thank you for your time, and may God continue to bless your presidency.

Most respectfully,

A handwritten signature in cursive script, appearing to read 'Alton Craft', written in dark ink.

Alton Craft
Mayor, City of Oxford

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Monday, April 2, 2018 12:19 PM
To: Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG); Cutrona, Danielle (OAG)
Subject: Fwd: Natasha Bertrand Tweet

Begin forwarded message:

From: Sarah Isgur Flore (b) (6) >
Date: April 2, 2018 at 12:17:35 PM EDT
To: "Flores, Sarah Isgur (OPA)" (b) (6)
Subject: Fwd: Natasha Bertrand Tweet

From: Comms Alert <CommsAlert@gop.com>
Sent: Monday, April 2, 2018 11:59:19 AM
Subject: Natasha Bertrand Tweet

Natasha Bertrand
@NatashaBertrand

In response to ThinkProgress story, Simona Mangiante tells me she was at the table with Papadopoulos and Wilson all night, and that Wilson is "lying"; says she believes this is an attempt to further a narrative that began with George's drinking in London with the Australian diplomat.

Simona Mangiante @simonamangiante
FAKE NEWS. "Jason Wilson" clearly looking for attention, simply asked for a picture and tried to make questions about the case to which George never answered. I told @JuddLegum multiple times yesterday ON THE RECORD that it was not true. call recorded-our lawyers will proceed
twitter.com/simonamangiante/status/9808162357924...

<https://twitter.com/NatashaBertrand/status/980827017678647296>

Davis, Valorie A (OLP)

From: Davis, Valorie A (OLP)
Sent: Monday, April 2, 2018 2:47 PM
To: Champoux, Mark (OLP)
Subject: FW: Daily Policy News 4/2/2018

Good afternoon,

DAILY POLICY NEWS – April 2, 2018

Violent Crime

- Numerous sources cited a [spike in violent crime in London](#) that saw more murders committed there in February and March than there were in New York for the first time in modern history. The closing gap in the murder rate has been partially attributed to the [differences in tactics](#) adopted by the respective police forces.
- [The Hill](#) highlighted [recent research](#) that suggests community organizations that invest in diverse strategies to reduce violent crime, including economic development, treatment and counseling, healthy neighborhoods, and expanded green space, have been a “critical factor” in the decline in violence from the 1990s to the 2010s.

Drugs

- [U.S. News and World Report](#) indicates that Ohio’s rising numbers of drug overdose deaths are being fueled in part by surges in use of methamphetamine and cocaine, which are increasingly mixed with fentanyl. This report is based on statements from county coroners in Ohio, who are completing their counts of 2017 overdose deaths. The statewide numbers for Ohio for 2017 have not yet been released.
- [Associated Press](#) (reprinted in multiple outlets) reports that new studies suggest that legalizing marijuana might help fight opioid addiction. The two studies, both released today in the Journal of the American Medical Association’s *Internal Medicine* journal, examine trends in opioid prescribing under Medicaid and Medicare.
 - The studies found that states with medical marijuana laws experienced a drop of about six percent in Medicaid prescriptions, and between seven and 14 percent reductions in filled Medicare opioid prescriptions.
 - The studies did not examine the effects of marijuana legalization on opioid addiction or overdoses, only the number of opioids prescribed. The conclusion of the studies was that more research is needed.
 - The media’s headline that marijuana legalization may help fight opioid addiction is not the conclusion of the studies, and it relies on the assumption that opioid addiction is being driven by valid prescription opioids, which is increasingly not the case.
 - The studies are also limited because Medicaid and Medicare patients may behave differently than other patients, and the results may have been skewed by the characteristics of the state populations studied.
- [Dr. Sally Satel and Dr. Stefan Kertesz](#) issued an op-ed arguing against the Center for Medicaid and

Medicare Services' (CMS) plan to reduce Medicare coverage for opioid prescriptions 90 morphine milligram equivalents per day or higher, although that coverage would still be allowed when a doctor attests that a higher dose is medically necessary. The authors argue doctors are unwilling to assume the additional work of making such attestations, and that the result will be that individuals with legitimate need for opioids will suffer. Generally, the authors question President Trump's proposal to cut total opioids by one-third in three years, and suggest his idea should not include the CMS proposal.

Immigration

- [BuzzFeed News](#) reports that **a caravan of more than 1,000 Central American migrants has formed in southern Mexico and is making its way to the United States**, where the majority of the group intends to cross into the United States illegally or by claiming asylum at the border. The caravan has faced little opposition from Mexican authorities. The story was picked-up by numerous news outlets and prompted President Trump to emphasize the urgent need for border security.
- As reported in the [New York Times](#), on Friday, the **U.S. District Court for the District of Columbia issued a nationwide preliminary injunction prohibiting the federal government from interfering with undocumented teenagers' access to abortion while in immigration detention centers**, citing the undocumented teenagers' "right to make their own reproductive choices." The [Washington Post](#) reported on court filings indicating that there were at least 420 pregnant unaccompanied minors in custody in 2017, including 18 who requested abortions.

National Security

Terrorism:

- The [Washington Post](#) reports that a Michigan district court **dismissed the lawsuit of families of victims and survivors of the Pulse nightclub shooting against Facebook, Twitter, and Google**. The suits claimed the online platforms "aided and abetted" and "conspired" with the Islamic State because they allowed ISIS members to use accounts on their platforms to publish propaganda that led to the shooter's radicalization.

Infrastructure:

- The [Wall Street Journal](#) reports that **China's Huawei Technologies Co. is leading the race for 5G**. Huawei is sending large teams to industry-sponsored meetings and "swamping" conferences intended to establish **5G standards with their own recommendations**. U.S. leaders are attempting to prevent the influence of Huawei and its Chinese peers, fearing spying, theft of trade secrets, and cyberattacks. In March, the President blocked attempts by Broadcom to buy Qualcomm, saying the acquisition could reduce the U.S. firm's influence on 5G development and citing national security concerns.

Cybersecurity:

- [Lawfare](#) published an article touting the **recent IG report on the San Bernardino case** as evidence of "the FBI's failure to open the phone not as technical inability to do so, but rather as a result of lackluster effort, and, in one crucial instance, a clear unwillingness to fully search for a solution." According to the author, the most damaging to the FBI/DOJ's ongoing efforts to combat the "going dark" problem is that **"the IG report casts doubt on the argument that locked phones are 'warrant-proof' devices preventing law enforcement from doing its job."**
- [Fox News](#) reported on the **hack of Under Armour's MyFitnessPal exercise app**, which left **150 million user accounts exposed**. The company says no financial information was compromised, and only usernames, email addresses, and password information was breached.
- Morning Cybersecurity discussed the **hack of The Hudson Bay Company, which runs Lord & Taylor and Saks Fifth Avenue**. Over the weekend, [Hudson Bay announced](#) that it was aware of a "data security issue involving customer payment card data" at some of its stores. **Credit and debit card information might be vulnerable** as

a result of the hack. According to [Gemini Advisory](#) (a security firm), **125,000 records have been released for sale** thus far.

- [Bloomberg](#) news reported on the **Department's request to vacate the judgement of the Court of Appeals in the Supreme Court Microsoft cloud storage case and remand the case** in light of passage of the CLOUD Act.
- The [Wall Street Journal](#) reported that **under new Chinese rules that took effect on Saturday**, businesses **can only use VPNs approved by the government**, a move seen by "business groups and consultants . . . as part of a broader campaign by Chinese authorities to tighten their chokehold over Chinese cyberspace."

Valorie Davis

U.S. Department of Justice

Office of Legal Policy

950 Pennsylvania Avenue, N.W.

Room 4250

Washington, D.C. 20530

Telephone (b) (6)

Yeager, Demi (OAG)

From: Yeager, Demi (OAG)
Sent: Wednesday, April 4, 2018 8:55 AM
To: Whitaker, Matthew (OAG)
Cc: Cutrona, Danielle (OAG)
Subject: FW: Clearance for AAG Speaking Engagement
Attachments: AAAL.Spring.Meeting.2018.pdf

Let me know if you want me to get back to her on this for y'all. I found the AAAL Conference Itinerary online for reference [attached here](#).

From: Crytzer, Katherine (OLP)
Sent: Wednesday, April 4, 2018 8:49 AM
To: Yeager, Demi (OA (b) (6))
Subject: FW: Clearance for AAG Speaking Engagement

Thanks, Demi.

Katie Crytzer
Chief of Staff
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Offic (b) (6)
Cel (b) (6)
(b) (6)

From: Crytzer, Katherine (OLP)
Sent: Monday, April 2, 2018 8:08 PM
To: Matthew Whitaker (OA (b) (6))
Cc: Cutrona, Danielle (OAG (b) (6))
Subject: Clearance for AAG Speaking Engagement

Matt,

Beth has been invited to give remarks at the American Academy of Appellate Lawyers Spring 2018 Meeting. Below are full details of the event. ODAG has cleared, and I write to request formal OAG clearance. Please let me know if you have any questions. Thank you.

- I. American Academy of Appellate Lawyers Spring 2018 Meeting
 - A. Sponsor: American Academy of Appellate Lawyers
 - B. Date: April 14, 2018
 - C. Location: New Orleans, LA
 - D. Press: Open (no questions taken of AAG)
 - E. Topic: Quality of Trump Administration Judicial Confirmations

Katie Crytzer

Chief of Staff

Office of Legal Policy

U.S. Department of Justice

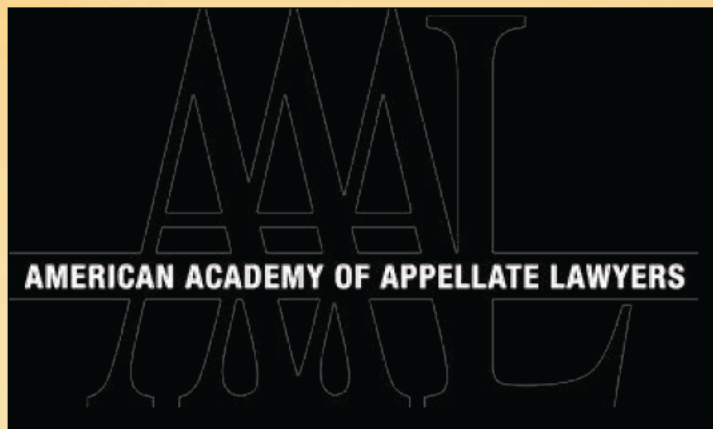
950 Pennsylvania Ave., NW

Washington, DC 20530

Office (b) (6)

Cel (b) (6)

(b) (6)



2018 SPRING MEETING

APRIL 12-14, 2018

LOEWS NEW ORLEANS HOTEL

NEW ORLEANS, LA

www.appellateacademy.org

Program Schedule

2018 AAAL SPRING MEETING



Thursday, April 12

5:00 pm–7:00 pm **Registration**

5:30 pm–7:00 pm **Opening Reception**

7:30 pm (Optional) **Group Dinner**

(Replaces Saturday night Dine Around)

Because the French Quarter Festival is taking place during the meeting, we will have a ticketed group dinner instead of the usual dine around. Join other AAAL fellows and guests for dinner at Restaurant August.

Tickets are \$100/person, inclusive of tax and gratuity; alcohol will be available for purchase (cash only).

To see the dinner menu, please visit the **2018 Spring Meeting webpage**.

Friday, April 13

7:30 am–3:00 pm **Registration**

7:30 am–9:00 am **Continental Breakfast**

7:45 am–8:45 am **New Fellow Orientation**

8:50 am–9:00 am **Welcome Remarks**

The Hon. Diane B. Bratvold, AAAL President
Minnesota Court of Appeals
St. Paul, Minnesota

9:00 am–10:45 am

The Role of the U.S. Fifth Circuit Court of Appeals in the Civil Rights Movement—Lessons for the Appellate Practitioner

The Fifth Circuit became the pivotal force in making civil rights a reality in the Deep South. The panel will discuss how judges and lawyers helped to bring about significant advances in law and culture, drawing lessons for the appellate practitioner.

PANELISTS

Jack Bass
Author, Unlikely Heroes
Charleston, South Carolina

The Hon. Gregg J. Costa
Judge, United States Court of Appeals for the Fifth Circuit
Houston, Texas

The Hon. Carl E. Stewart
Chief Judge, United States Court of Appeals for the Fifth Circuit
Shreveport, Louisiana

MODERATOR

David Keltner, AAAL Fellow
Kelly Hart & Hallman LLP
Fort Worth, Texas

10:45 am–11:00 am **Break**

11:00 am–Noon

A Unique Perspective on the Role of Appellate Courts and Appellate Practice—A Conversation

Two former state appellate judges from a New Orleans family known for its commitment to public service—the father a former mayor of New Orleans and the daughter a current law school dean—discuss how their lives have been shaped by their experiences in the appellate system.

PANELISTS

Madeleine M. Landrieu
Dean, Loyola University New Orleans College of Law
New Orleans, Louisiana

Moon Landrieu
Former Mayor of the City of New Orleans
New Orleans, Louisiana

MODERATOR

The Hon. Stephen A. Higginson
Judge, United States Court of Appeals for the Fifth Circuit
New Orleans, Louisiana

12:15 pm–1:30 pm **Luncheon**

That Strange Civil Code: What the Heck Is It and How Did Louisiana Get It? 400 Years of History in 20 Minutes

SPEAKER

Michael H. Rubin, AAAL Fellow
McGlinchey Stafford
Baton Rouge, Louisiana

1:30 pm–1:45 pm **Break**

1:45 pm–3:00 pm

Navigating the Circuits' Varying Uses of the Record on Appeal

The panel will explore how various courts of appeals use the record on appeal, including use of an appendix as opposed to record excerpts, paper versus electronic, the Fifth Circuit's conversion of case and record citations, and other varying practices.

Program Schedule

2018 AAAL SPRING MEETING



PANELISTS

Lyle W. Cayce

*Clerk of Court, United States Court of Appeals for the Fifth Circuit
New Orleans, Louisiana*

Deborah S. Hunt

*Clerk of Court, United States Court of Appeals for the Sixth Circuit
Cincinnati, Ohio*

Amy L. Weil, AAAL Fellow

*The Weil Firm
Atlanta, Georgia*

MODERATOR

Luther T. Munford, AAAL Fellow

*Butler Snow
Ridgeland, Mississippi*

3:00 pm–4:30 pm Free Time

3:30 pm–4:30 pm

Tour and History of the John Minor Wisdom United States Court of Appeals Building—Fifth Circuit
(Optional event, 0.2 mile walk from the hotel)

The Hon. Carl E. Stewart

*Chief Judge, United States Court of Appeals for the Fifth Circuit
Shreveport, Louisiana*

4:30 pm–5:00 pm Induction Ceremony

The Induction Ceremony will be held at the John Minor Wisdom United States Court of Appeals Building—Fifth Circuit, immediately following the tour.

5:00 pm–6:00 pm Free Time

6:00 pm–7:00 pm Reception

7:00 pm–9:00 pm Dinner

Saturday, April 14

8:00 am–Noon Registration

8:00 am–9:00 am Continental Breakfast

9:00 am–10:15 am

The Influence of the Trump Presidency on the Judiciary: A Preliminary Assessment

The panel will provide its preliminary assessment of the influence President Trump and his administration have had on reshaping the federal judiciary, including a look at Justice Gorsuch's first year on the Court.

PANELISTS

Kristen Clarke

*President and Executive Director
Lawyers' Committee for Civil Rights Under Law
Washington, D.C.*

Beth A. Williams

*United States Assistant Attorney General for the Office of Legal Policy
Washington, D.C.*

Edward Whelan

*President, Ethics and Public Policy Center
The Federalist Society
Washington, D.C.*

MODERATOR

Adam H. Charnes, AAAL Fellow

*Kilpatrick, Townsend & Stockton LLP
Dallas, Texas*

10:15 am–10:30 am Break

10:30 am–Noon

Trends on Civil Rights in the Supreme Court of the United States in the 21st Century

The panel will discuss trends—where SCOTUS has been and where it is going—on civil rights issues in the 21st century.

PANELISTS

The Hon. Jennifer Walker Elrod

*Judge, United States Court of Appeals for the Fifth Circuit
Houston, Texas*

Jonathan Turley

*Professor of Law, George Washington School of Law
Washington, D.C.*

MODERATOR

Barry W. Ashe, AAAL Fellow

*Stone Pigman Walther Wittmann LLC
New Orleans, Louisiana*

Noon–12:30 pm AAAL Business Meeting



Barry W. Ashe, AAAL Fellow Stone Pigman Walther Wittmann LLC New Orleans, Louisiana



Barry W. Ashe is a partner at Stone Pigman Walther Wittmann LLC in New Orleans, Louisiana, and is a fellow of the Academy. He heads the firm's appellate practice group. Mr. Ashe served as a law clerk to Judge Carolyn Dineen King of the U.S. Court of Appeals for the Fifth Circuit. He serves as vice president of the Fifth Circuit for the Federal Bar Association; served as president of the Federal Bar Association, New Orleans Chapter; and received the chapter's John R. "Jack" Martzell Professionalism Award in 2015. Mr. Ashe has served on the Lawyers Advisory Committee for the Fifth Circuit and has held the position of adjunct professor in constitutional law at Loyola University School of Law.

Jack Bass Author, *Unlikely Heroes* Charleston, South Carolina



Jack Bass is author or co author of eight books about the American South, focusing on politics, race relations, and the role of the law in shaping the civil rights area. He is professor emeritus of humanities and social sciences at the College of Charleston and was previously a professor of journalism at the University of Mississippi. Mr. Bass produced a Public Broadcasting Service documentary, *A Different Dixie: Portraits of Change*. He received the Robert F. Kennedy Book Award in 1994 for *Taming the Storm: The Life and Times of Judge Frank M. Johnson, Jr.* and was twice named South Carolina's journalist of the year. Mr. Bass is the author of *Unlikely Heroes*, a vivid account of the implementation of *Brown v. Board of Education* by southern federal judges committed to the rule of law.

Lyle W. Cayce United States Court of Appeals for the Fifth Circuit New Orleans, Louisiana

Lyle W. Cayce is the clerk of court of the U.S. Court of Appeals for the Fifth Circuit. He previously served 27 years with the U.S. Army Judge Advocate General's Corps, where he represented the Army in appeals to 11 circuit courts of appeals. Mr. Cayce is a member of the Information Technology Advisory Council, which recommends deployment of information technology programs, systems, and services for the judiciary. He has also worked with the Administrative Office of the U.S. Courts and Judicial Conference of the United States.

Adam H. Charnes, AAAL Fellow Kilpatrick, Townsend & Stockton LLP Dallas, Texas



Adam H. Charnes is a partner at Kilpatrick Townsend & Stockton LLP in Dallas, Texas, and is a fellow of the Academy. He served as a law clerk to Justice Anthony M. Kennedy, of the U.S. Supreme Court, and Judge J. Harvie Wilkinson, of the U.S. Court of Appeals for the Fourth Circuit. Mr. Charnes has served as principal deputy assistant attorney general for the Office of Legal Counsel in the U.S. Department of Justice and received the attorney general's Distinguished Service Award.

Kristen Clarke Lawyers' Committee for Civil Rights Under Law Washington, D.C.



Kristen Clarke is president and executive director of the Lawyers' Committee for Civil Rights Under Law. She previously served as head of the Civil Rights Bureau for the New York State Attorney General's Office and worked at the NAACP Legal Defense and Education Fund, Inc., and the U.S. Department of Justice in the Civil Rights Division. Ms. Clarke speaks and writes regularly on issues concerning race, law, and justice and has appeared on CNN, MSNBC, Fox News, and C-SPAN's *Washington Journal*.

The Hon. Gregg J. Costa United States Court of Appeals for the Fifth Circuit Houston, Texas



Judge Gregg J. Costa is a judge on the U.S. Court of Appeals for the Fifth Circuit. Judge Costa previously served as a federal district judge for the Southern District of Texas and as a federal prosecutor for seven years. Before becoming a prosecutor, Judge Costa was in private practice at Weil, Gotshal & Manges LLP. Judge Costa served as a law clerk to Chief Justice William H. Rehnquist of the U.S. Supreme Court and Judge A. Raymond Randolph of the U.S. Court of Appeals for the D.C. Circuit. Judge Costa is co founder and board member of the Sunflower County Freedom Project, a nonprofit educational organization that prepares low income students for college through after school and summer programs.

The Hon. Jennifer Walker Elrod United States Court of Appeals for the Fifth Circuit Houston, Texas



Judge Jennifer Walker Elrod is a judge on the U.S. Court of Appeals for the Fifth Circuit. She previously served as judge of the 190th District Court of Harris County, Texas, and, before serving on the bench, practiced law at Baker Botts LLP. She served as a law clerk to Judge Sim Lake of the Southern District of Texas and as board chair of the Texas Center for Legal Ethics and Lone Star Legal Aid. Judge Elrod has received the Chief Justice Jack Pope Professionalism Award from the Texas Center for Legal Ethics and the Judge Thomas Gibbs Gee Award for her pro bono work, and has been named the Appellate Judge of the Year by the Texas Association of Civil Trial and Appellate Specialists.

The Hon. Stephen A. Higginson United States Court of Appeals for the Fifth Circuit New Orleans, Louisiana



Judge Stephen A. Higginson is a judge on the U.S. Court of Appeals for the Fifth Circuit. Before taking the bench, he taught full time at Loyola University New Orleans College of Law, where he received the Outstanding Teacher Award for the University and three times was named Professor of the Year for the College of Law. Before joining academia, Judge Higginson served as an assistant U.S. attorney for the District of



Massachusetts and the Eastern District of Louisiana, where he served as chief of appeals. Judge Higginson served as a law clerk to Justice Byron White of the U.S. Supreme Court and Judge Patricia Wald of the U.S. Court of Appeals for the D.C. Circuit.

Deborah S. Hunt

*United States Court of Appeals for the Sixth Circuit
Cincinnati, Ohio*

Deborah S. Hunt is the clerk of court of the U.S. Court of Appeals for the Sixth Circuit. She has worked for the judiciary for 27 years. Previously, she was in private practice, worked as a public defender, and was an attorney for the Navajo Nation with the U.S. Department of Justice.

David Keltner, AAAL Fellow

*Kelly Hart & Hallman LLP
Fort Worth, Texas*



Justice David E. Keltner is a partner at Kelly Hart & Hallman LLP in Fort Worth, Texas, and is a fellow of the Academy. He previously served as a justice of the Texas Second Court of Appeals. Justice Keltner is a former chair of the board of the State Bar of Texas, former chair of the Fellows of the Texas Bar Foundation, and former member of the Texas Supreme Court Advisory Committee. He received the Texas Bar Foundation's inaugural

Gregory S. Coleman Outstanding Appellate Lawyer Award. Texas Lawyer has named him the "Go To" Texas Lawyer for appeals, and for the last 10 years he has been named as one of the Top 10 Lawyers in Texas by Texas Super Lawyers, being the "top point getter" for three of those years.

Madeleine M. Landrieu

*Loyola University New Orleans College of Law
New Orleans, Louisiana*



Madeleine M. Landrieu is the dean and Judge Adrian G. Duplantier Distinguished Professor of Law at Loyola University New Orleans College of Law. She previously served as a judge on the Louisiana Court of Appeal for the Fourth Circuit and as a trial judge on the Civil District Court for the Parish of Orleans, Louisiana. Dean Landrieu served as president of the Louisiana District Judges Association and the Louisiana Judicial

College. She received the Michaelle Pitard Wynne Professionalism Award from the Association of Women Attorneys and the inaugural President's Award from the Louisiana Judicial College.

Moon Landrieu

*Former Mayor of the City of New Orleans
New Orleans, Louisiana*



Maurice Edwin "Moon" Landrieu is a former mayor of New Orleans, Louisiana. After leaving office, he served as secretary of the U.S. Department of Housing and Urban Development under the Carter administration. He served as a judge on the Louisiana Court of Appeal for the Fourth Circuit from 1992 until his retirement in 2000.

Luther T. Munford, AAAL Fellow

*Butler Snow
Ridgeland, Mississippi*



Luther T. Munford is a partner at Butler Snow in Ridgeland, Mississippi, and is a fellow and past president of the Academy. He served as a law clerk to Justice Harry A. Blackmun of the U.S. Supreme Court and Judge Paul H. Roney of the U.S. Court of Appeals for the Fifth Circuit. Mr. Munford has served on the Advisory Committee on Appellate Rules to the Judicial Conference of the United States and the Lawyers Advisory Committee for the Fifth Circuit. He is the author of *Mississippi Appellate Practice*.

Michael H. Rubin, AAAL Fellow

*McGlinchey Stafford
Baton Rouge, Louisiana*



Michael H. Rubin is a partner at McGlinchey Stafford PLLC in Baton Rouge, Louisiana, and is a fellow of the Academy. He is a past president of the U.S. Federal Fifth Circuit Bar Association, the Louisiana State Bar Association, and the Southern Conference of Bar Presidents. Mr. Rubin is a Life Member of the American Law Institute and a commissioner for the Uniform Law Commission and has served as an adjunct professor at LSU

Law School and Tulane Law School. He has been named the Distinguished Attorney of Louisiana by the Louisiana Bar Foundation and received the Burton Award from the Library of Congress and the Stephen Victory Award from the Louisiana State Bar Association for outstanding legal writing.

The Hon. Carl E. Stewart

*United States Court of Appeals for the Fifth Circuit
Shreveport, Louisiana*



Chief Judge Carl E. Stewart is chief judge of the U.S. Court of Appeals for the Fifth Circuit. He previously served as captain in the U.S. Army Judge Advocate General Corps, a staff attorney with the Louisiana Attorney General's Office, assistant U.S. attorney, special assistant city and district attorney, and a private practitioner. Chief Judge Stewart also served as judge of the Louisiana First Judicial District Court and

Louisiana Court of Appeal for the Second Circuit. He serves as president of the American Inns of Court Foundation. Chief Judge Stewart is a member of the Executive Committee of the Judicial Conference of the United States. He is a past chairman of the Advisory Committee on the Federal Rules of Appellate Procedure of the Judicial Conference of the United States. Chief Judge Stewart is a member of the National Bar Association Judicial Council and the Just the Beginning Foundation of African American Federal Judges.

Speaker Bios and Hotel

2018 AAAL SPRING MEETING



Jonathan Turley

George Washington School of Law
Washington, D.C.



Jonathan Turley is a professor and the Shapiro Chair for Public Interest Law at The George Washington University Law School and a nationally recognized legal scholar on constitutional law. His articles regularly appear in national publications, such as *The New York Times*, *The Washington Post*, and *The Wall Street Journal*. Professor Turley is a nationally ranked legal commentator, being ranked the 38th most cited public intellectual and the second most cited law professor in the country. He is a member of the *USA Today* board of contributors and received the 2005 Single Issue Advocate of the Year, the annual opinion award from the Aspen Institute and *The Week*. Professor Turley has also worked as a legal analyst for CBS and NBC during national controversies.

Amy L. Weil, AAAL Fellow

The Weil Firm
Atlanta, Georgia



Amy L. Weil is a partner at The Weil Firm in Atlanta, Georgia, and is a fellow of the Academy. She previously worked as an assistant U.S. attorney for the Northern District of Georgia, also serving as chief of the Appellate Division. She served on the U.S. Department of Justice's Appellate Chiefs Working Group and received the Department of Justice's Director's Award. Ms. Weil served as chair of the Lawyers

Advisory Committee for the Eleventh Circuit, chair of the Appellate Practice Section of the State Bar of Georgia, and president of the Federal Bar Association, Atlanta Chapter.

Edward Whelan

Ethics and Public Policy Center
The Federalist Society
Washington, D.C.



Edward Whelan is president of the Ethics and Public Policy Center and directs the Center's program on The Constitution, The Courts, and The Culture. His areas of expertise include constitutional law and the judicial confirmation process. Mr. Whelan served as a law clerk to Justice Antonin Scalia of the U.S. Supreme Court and Judge J. Clifford Wallace of the U.S. Court of Appeals for the Ninth Circuit. He has served as principal deputy assistant attorney general for the Office of Legal Counsel in the U.S. Department of Justice and as general counsel to the U.S. Senate Committee on the Judiciary.

Beth A. Williams

United States Assistant Attorney General for the Office of Legal Policy
Washington, D.C.



Beth A. Williams is the U.S. assistant attorney general for the Office of Legal Policy. She served as a law clerk to Judge Richard C. Wesley of the U.S. Court of Appeals for the Second Circuit. She was formerly a partner at Kirkland & Ellis and served as special counsel to the U.S. Senate Committee on the Judiciary. Ms. Williams was president of the Federalist Society chapter at Harvard Law School.

Hotel

Loews New Orleans
300 Poydras Street
New Orleans, LA, 70130

Online Reservations See hotel/travel section on the AAAL Spring Meeting web page

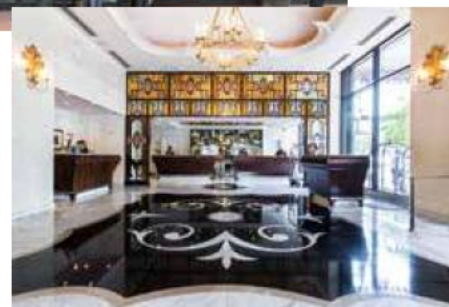
Telephone (866) 211-6411

Group Rate \$269 per night

Reservation Deadline Sunday, March 11, 2018

If you call the Loews New Orleans to make reservations, please remember to mention the AAAL identification code: AAL411 to obtain the group rate. If you choose to book online, please book directly through the AAAL Spring Meeting web page to ensure your room is included in the AAAL room block.

Please do not book through a third-party site (e.g., Expedia, Kayak).



Registration Form

2018 AAAL SPRING MEETING



Register Online at appellateacademy.org

Advance Registration Deadline: Friday, March 9

Fellow

Full Name _____

First Name on Badge/Nickname _____

Firm _____

Address _____

City _____ State _____ ZIP _____

Phone _____

Email _____

Emergency Contact Name/Number _____

- ☐ I require special accommodations to participate. Please attach a description of your needs.
- ☐ Vegetarian ☐ Kosher ☐ Vegan ☐ Pescetarian ☐ Gluten free
- ☐ Other _____

Guest

Full Name _____

First Name on Badge/Nickname _____

City _____ State _____ ZIP _____

Email _____

☐ I require special accommodations to participate. Please attach a description of your needs.

☐ Vegetarian ☐ Kosher ☐ Vegan ☐ Pescetarian ☐ Gluten free

☐ Other _____

Payment Information

☐ Check (payable to AAAL) ☐ MasterCard ☐ VISA ☐ AMEX

Account Number _____ / _____ Exp. Date _____

Name on Card _____ Security Code _____

Signature _____

Fellow Registration Fees

| Includes Receptions, Breakfasts, Lunch, and Induction Dinner | By | After |
|--|--------------------------------|--------------------------------|
| | | Friday, March 9 |
| Fellow | <input type="checkbox"/> \$695 | <input type="checkbox"/> \$795 |
| Public Interest Fellow | <input type="checkbox"/> \$645 | <input type="checkbox"/> \$745 |
| Academic Fellow | <input type="checkbox"/> \$645 | <input type="checkbox"/> \$745 |
| Government Fellow | <input type="checkbox"/> \$385 | <input type="checkbox"/> \$485 |

Fellow Events (please check all you will be attending)

- Thursday ☐ Opening Reception
- ☐ Dinner at Restaurant August
(Not included in registration fee) \$100
- Friday ☐ Breakfast
- ☐ Lunch
- ☐ Reception/Dinner and Induction of New Fellows
- Saturday ☐ Breakfast

First AAAL Meeting (Fellow)

☐ Yes ☐ No

Guest Fees

- Includes Opening Reception, Breakfasts, and Induction Dinner
- ☐ Guest Event Fee \$375
- Thursday ☐ Opening Reception
- ☐ Dinner at Restaurant August
(Not included in registration fee) \$100
- Friday ☐ Breakfast
- ☐ Lunch (Not included in guest fee) \$ 70
- ☐ Reception/Dinner and Induction of New Fellows
- Saturday ☐ Breakfast

Total Fees (U.S. Dollars)

Fellow Registration Fees \$ _____

Guest Fees \$ _____

Total Amount Due \$ _____

Send Form to:



American Academy of Appellate Lawyers
9707 Key West Avenue, Suite 100
Rockville, MD 20850

Phone: (240) 404-6498
Fax: (301) 990-9771

Cancellations

If a cancellation is received by Friday, March 9, a refund of 75% of the registration fee will be issued. There are no refunds for cancellations received after that date.

Thank You to Our Sponsors

(as of January 24, 2018)

Bracewell, LLP
Bradley Arant Boult Cummings, LLP
Broad and Cassel, LLP
Kilpatrick Townsend & Stockton, LLP
King & Spalding, LLP
Liskow & Lewis

Phelps Dunbar, LLP
Roach & Newton, LLP
Scott, Douglas & McConnico, LLP
Smith, Gambrell & Russell, LLP
Vinson & Elkins, LLP
Wise Carter Child & Caraway



AMERICAN ACADEMY OF APPELLATE LAWYERS

2018 SPRING MEETING
APRIL 12-14, 2018
LOEWS NEW ORLEANS HOTEL
NEW ORLEANS, LA
www.appellateacademy.org



AMERICAN ACADEMY
OF APPELLATE LAWYERS

9707 KEY WEST AVENUE, SUITE 100
ROCKVILLE, MD 20850

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, April 4, 2018 9:21 AM
To: Boyd, Stephen E. (OLA); Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: FW: Transcript from Hannity last night

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: Pettit, Mark T. (OPA)
Sent: Wednesday, April 4, 2018 9:18 AM
To: Flores, Sarah Isgur (OPA (b) (6))
Subject: Transcript from Hannity last night

http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID_dbef1e7b-c558-4665-a7b6-fc72d770fba5

Sean:

joining us now is fox news investigative reporter sara carter, fox news legal analyst gregg jarrett. all right, sara, let's go into your piece today. i left out some of the details, i'll let you fill in the gaps.

Sara:

congressional investigators have discovered once again another trove of text messages between lisa page and peter strzok, the two fbi agents. what these text messages in particular reveal that the fbi may have improperly coordinated with department of justice officials to try to expedite fisa applications on carter page. what was interesting about this, sean, is that if you look at it, they talk about david laufman. he hasn't come up quite frequently at all in the media. he was a doj prosecutor. strzok is talking to lisa page about david laufman. he was in charge of the hillary clinton investigation on the doj side, a very senior official, in charge of national security as well as russia. peter strzok tells lisa page basically, look, i'm upset with him, laufman is trying to explain why things aren't moving w fast enough in the eastern district of virginia.. where the subpoenas had been issued by mueller and the fisa application isn't moving fast enough.ed it kind of shows this buildup. they also noticed that white house logs actually correlated with some of these text messages. as they were discussing this back and forth, they bring up another guy from the doj, matthew axelrod. he's a doj prosecutor who is involved in the case. they talk about him. they talk about the frustration, they talk about andy mccabe coming under fire or by some ofk these folks at the doj for thefo supposed information that was in the application. then they say two days later after these text messages are exchanged, matthew axelrod actually goes to the white house actually visits president trump. i think what we are looking at here is little pieces of the puzzle. how much did people in the white house know? did the president know about this investigation himself? what we do know now is based on information that came out last week, is that very senior level members in the fbi, cia, and in the white house, were well awarers of this investigation early onia and may have coordinated.

Sean:

Gregg?

Gregg:

i think the big news really comes out of the court documents. thanks to Manafort's attorneys, we know that rosenstein admits that he wrote intentionally a vague order in his appointment of Mueller trying to mislead the American public.

Sean:

intentionally vague to mislead?

Gregg:

right. to mislead and disguise what it is they were doing. he didn't realize or anticipate that Manafort's lawyer would say, wait a minute, this violates the special counsel law. at they go to a judge and make a motion to dismiss. so now we find out that in addition to writing this vague memo, they secretly -- rosenstein -- secretly writes a specific memo and hides it from the American public. authorizing the Manafort investigation.

Sean:

is he conflicted because he reauthorized the FISA warrant against a Trump campaign associate and appointing Mueller?

Gregg:

Both yes. the other interesting thing is, look at the date on his secret memo authorizing the Manafort investigation. it's a full week after Mueller ordered the raid on Manafort's home in the predawn hours.

Sean:

it sounds like a CYA to me.

Gregg:

exactly. it's exactly what they did. they realized after the fact, wait a minute, we may have violated a special counsel law.

Sean:

did they violate it?

Gregg:

oh, absolutely. the law says you have to because it's a criminal investigation, identify a crime.

Sean:

the attorney general Sessions didn't recuse himself from this part. wouldn't that be something that he had to involve himself in?

Gregg:

he recused himself from anything related to a Russian meddling in the campaign.

Sean:

unbelievable. real quick, Sara.

Sara:

i just want to say, but who holds them accountable? who will hold rosenstein accountable? Mueller accountable? those are the questions we really need to ask now.

Gregg:

that is why you need a second special counsel to investigate the investigators.

Sean:

jonathan turley says this may end up working faster for trump by appointing this utah prosecutor.

Gregg:

it could because he is, as he points out, armed with theut ability to issue warrants and subpoenas and interview witnesses.

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, April 4, 2018 12:45 PM
To: Boyd, Stephen E. (OLA)
Cc: Whitaker, Matthew (OAG)
Subject: Re: Friday Meeting

Ok....that makes me nervous. Will give you a call in about 45 minutes.

On Apr 4, 2018, at 12:43 PM, Boyd, Stephen E. (OLA (b) (6)) > wrote:

Need to discuss this with you ASAP. SB

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, April 4, 2018 12:43 PM
To: Boyd, Stephen E. (OLA (b) (6)) >; Whitaker, Matthew (OAG)
(b) (6)
Subject: Fwd: Friday Meeting

Well...we've got all the big guns.

Begin forwarded message:

From: "O'Donnell, Erin (b) (6)"
Date: April 4, 2018 at 12:40:24 PM EDT
To: "Flores, Sarah Isgur (OPA) (b) (6)", "Boughton, Bryan"
(b) (6) >, "Gibson, Jake" (b) (6)
Subject: RE: Friday Meeting

Hi Sarah,

Looking forward to having you join us at FNC on Friday morning. Here are the meeting attendees:

Jay Wallace- President of News
Alan Komissaroff- VP of News
Kim Rosenberg- VP of News
Mitch Kweit- SVP of the Fox News Brain Room
Ron Mitchell- VP of Story Development
Meade Cooper- SVP of Primetime Programming
Lauren Petterson- SVP of Morning Programming
Noah Kotch- VP/Editor-In-Chief of [Foxnews.com](http://foxnews.com)
Joanne Po- Managing Director of Fox News Digital
Tom Lowell- VP and Managing Editor, News
Greg Wilson- Managing Editor
David Clark- VP, Weekend News and Programming

Gary Schreier- SVP of Programming for Fox Business Network
Brian Jones- President of Fox Business Network
John Stack- SVP, News Editorial

Please check-in with security and then head to the executive conference room on the second floor. There will be a receptionist there to direct you.

Any further questions, please let me know.

Thank you!

Erin O'Donnell

Executive Assistant to Jay Wallace, President of News
Fox News Channel
Wor (b) (6) | Ce (b) (6)

From: Flores, Sarah Isgur (OPA (b) (6))
Sent: Wednesday, April 04, 2018 11:58 AM
To: Boughton, Brya (b) (6) >; Gibson, Jake (b) (6) >; O'Donnell, Eri (b) (6)
Subject: RE: Friday Meeting

Great. I think Jake will probably be on the same train as we are. And would love a list of Fox people attending from yalls end as well!

From DOJ:
Stephen Boyd (AAG for Leg Affairs)
Matt Whitaker (AG Chief of Staff)
Sarah Isgur Flores (Public Affairs)

S

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

From: Boughton, Bryan (b) (6) >
Sent: Wednesday, April 4, 2018 11:56 AM
To: Flores, Sarah Isgur (OPA (b) (6)) >; Gibson, Jake (b) (6) >; O'Donnell, Eri (b) (6)
Subject: Friday Meeting

I wanted to connect all of you on a single email.

We have agreed to a 1030 meeting at 1211 Ave of the Americas. We will have Sarah's team members' names at the lobby desk. Security can direct you to the right floor but we

will also try and have Jake their in the lobby to guide you once you have checked in.

Thank you everyone for making this work.

Bryan

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

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Thursday, April 5, 2018 10:21 AM
To: Boyd, Stephen E. (OLA); Flores, Sarah Isgur (OPA); Hur, Robert (ODAG); Whitaker, Matthew (OAG)
Cc: Escalona, Prim F. (OLA); Tyson, Jill C. (OLA); Prior, Ian (OPA); O'Malley, Devin (OPA); Talley, Brett (OLP)
Subject: Moot at 4 pm

Stephen suggested a moot may be helpful for your meeting with Fox News tomorrow. We can meet in the OLA conference room today at 4 pm for a short session if you are available. Please let me know if we need to find an alternate time.

Mary Blanche Hankey
Chief of Staff and Counselor
Office of Legislative Affairs
Offic (b) (6)
Cel (b) (6)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, April 10, 2018 2:42 PM
To: Boyd, Stephen E. (OLA); Lasseter, David F. (OLA); Schools, Scott (ODAG); Terwilliger, Zachary (ODAG); Whitaker, Matthew (OAG)
Subject: Fwd: Fox Outnumbered (1:05 PM) --- Rep. Matt Gaetz on Sessions and Rosenstein

Begin forwarded message:

From: "Langstein, Joel (OPA) (b) (6)"
Date: April 10, 2018 at 2:03:57 PM EDT
To: "Flores, Sarah Isgur (OPA) (b) (6)"
Cc: "Pettit, Mark T. (OPA) (b) (6)"
Subject: Fox Outnumbered (1:05 PM) --- Rep. Matt Gaetz on Sessions and Rosenstein

Fox News - U.S. Cable Outnumbered Overtime With Harris Faulkner (1:05 PM)

<http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=50ccb05e-3e9e-4a07-9194-bc6c5f06a82c>

Harris Faulkner:

Republican congressman matt gaetz of the house judiciary committee is now with me on some of the spirit congressman, what is interesting about this from john roberts reporting is this isn't the firing of robert miller. there are some other people on that list and you have some definite feelings with what happened to jeff sessions and rod rosenstein.

Rep. Matt Gaetz:

I agree with the assessment that president trump should not fire robert mueller. it's a totally separate question whether he should fire jeff sessions and rod rosenstein. i understand with the hypocrisy playing out at the department of justice. rod rosenstein believes he can oversee an investigation into obstruction of justice regarding the firing of james comey. when it was rod rosenstein who wrote the memo recommending the firing of james comey. at the same time, you have them appointing a special counsel to look into the president while they are appointing their own staff members and department to investigate their own conduct. it's that hypocrisy that has the president at this level of frustration and it would be warranted if we made changes at the very top of the department of justice.

Harris Faulkner:

Sessions the attorney general, the deputy attorney general rod rosenstein, i remember a picture of the two of them at dinner at some point? what does all this mean when you look at how they've handled all of this and what the president might do going forward?

Rep. Matt Gaetz:

It's very clear to me that rod rosenstein is in charge and jeff sessions is doing what he says. when we asked the attorney general to define the scope of his recusal, he gets conflicting answers. it's this target where rosenstein is always able to steve's control. it's the same rod rosenstein that signed a fisa renewal. Dossier to spy on carter page, coming from someone that was not credible. when you have the very person whose conduct is in question also overseeing the investigation, it's a conflict of interest and one that is really riling president trump right now.

Harris Faulkner:

when you say "conflict of interest," if they sign off on something and it's in the fisa court, maybe there is something untoward about that whole thing, that brings in legality, doesn't that?

Rep. Matt Gaetz

In fact, do we really believe mr. huber, who works at the department of justice and who answers to rod rosenstein can reasonably investigate his own boss? this is a binary question for jeff sessions. either there's a second special counsel to look into these matters, or he's not doing his job and the president will be obligated to fire him because we would not have an attorney general leading the department of justice and that's what our constitutional republic requires for maintenance of law and order and the rule of law.

Harris Faulkner:

I know how passionate you are about these topics. you've laid out a case that is not political. that's just plain speaking. now i want to go down that political road. what does the president risk if he starts firing people in the middle of this investigation?

Rep. Matt Gaetz

I think there is a sufficient basis to fire Rosenstein in particular and likely the attorney general for not doing his job. your question about the political response is something that we need to ask. frankly, it would be really helpful if more members of congress that help people like jim jordan and others, those that are making the case of the inmates are running the asylum over at the department of justice. with oversight responsibility, we need to step up our game.

Harris Faulkner:

What would you like to see your fellow committee members do?

Rep. Matt Gaetz

The special task force put together by bob goodlatte and trey gowdy of the oversight committee has only interviewed two or three witnesses when there's a 20 person witness list. we need to increase our oversight and frankly, i would like to hold hearings in the house judiciary committee where we call in sessions and rosenstein and mueller and figure out where we are going with this. are we really in a situation where bob mueller is no longer investigating crimes, he's just investigating people? and he's going to sick u.s. attorneys all over them? if that's the new standard, lets out it and debated. let's have a discussion as a country about whether or not that is advantageous. my discussion is that there are no good answers and department of justice, they are covering their own trail because they know they engaged in fisa abuses that they don't want to be prosecuted for.

Harris Faulkner:

Strong and fascinating material you just put forth. we will have to see how it all works out but what you are saying is less about politics and more about what americans need to know. i would put a fine point, aren't most of the people we are talking about republicans, real quick?

Rep. Matt Gaetz:

Oh, sure. the trunk coalition is not a republican coalition. there are plenty of people who are republicans that are never never-trumpers and I think there is a strong constituency for that at the dept. of justice and the FBI.

Harris Faulkner:

Congressman gaetz. thank you.

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, April 11, 2018 7:39 AM
To: Cutrona, Danielle (OAG); Whitaker, Matthew (OAG); Boyd, Stephen E. (OLA)
Subject: Fwd: Fox and Friends 7:16 AM --- Jim Jordan and Mark Meadows on DOJ document production

Fox News - U.S. Cable FOX & Friends (7:15:16 AM)

<http://mms.tveyes.com/PlaybackPortal.aspx?SavedEditID=c72c6d0c-5c8f-40a4-8c11-65bfa7408b25>

Sarah Isgur Flores:

We have to get these redactions right and unfortunately that just takes time. it was appropriate to pick john laura bush, --john laura lausch. to oversee the production, oversee the redaction.

Brian Kilmeade:

Will that solve everything. the doj taking action as it comes under first. documents tied to 2016 probes. probes. g.o.p. lawmakers including our next guest are firing back saying hiring john lousha u.s. attorney tois not good enough. jim jordan sit on the how about judiciary committee. frustrated as anybody right now. does john laura lausch make you feel better.

Jim Jordan:

No. how about this give it to us in unredacted form. just a few weeks ago we caught them trying to redact -- they did redact the conversation between peter strzok and lisa page talking about strzok's relationship with one the fisa court judges judge contreras who happened to be the judge who oversaw the mike flynn case. they hid that from us. we had to go over to the justice department to find out what was going none that redaction. how about just giving it to us in an unredacted form.

Brian Kilmeade:

Mark, do you know what she told us yesterday? she said listen, a lot of this has nothing to do with the clinton investigation. therefore you have to keep on going through the pages as well as the redaction. do you feel for her?

Mark Meadows:

I don't feel for her at let me just tell you, i'm tired of the excuses. i can tell you i have looked at some of this stuff. ... and if you put all of their workforce on the level playing field where they are actually redacting it every day, what they have produced to congress is less than two pages a day. i mean, i don't feel sorry for her. i can tell you it's more spin and here is what we do know. i sent a letter to the attorney general outlining 10 redactions of material facts. not just names here or there. but material facts that the doj and fbi are hiding from congress and when that happens, enough is snuff enough. let's get the documents. let's do it this week. and if this attorney general and deputy attorney general can't do it. let's find two who will.

Brian Kilmeade:

Well, jim, you know, this is really the standard was set when lois learner was allowed to get away with what she got away with and koskinen allowed to you get away what he was able to get away with they are out probably making money on the side right now in the free market. this is the attorney general appointedctor reported by donald trump. a deputy attorney general appointed by donald trump.

Jim Jordan:

Yeah.

Brian Kilmeade:

What is going on?

Jim Jordan:

I mean, i don't know. think about the double standard. yesterday we had the fbi raid, the president's attorney's residence and his business and got information that is privileged information. and, yet, when hillary clinton had 60-some thousand emails and david kendall had possession of those emails, they got to decide on the front end. david kendall, heather samuelson and cheryl mills and secretary clinton got to decide which ones were personal and which ones they got to keep and ultimately destroy and which ones gave back to the taxpayers and gave back to the government. what a double standard. give us the information, mr. wray, give us the information mr. rosenstein give us the information mr. sessions that we asked for.

Brian Kilmeade:

I will add something else to what jim just said. they also got immunity and sat in on hillary clinton's interview where they -- where i guess james comey couldn't even show up. so there is a huge difference between the two. but in the big picture, where do you go from here? ... being that you are not satisfied with your options.

Mark Meadows:

Well, i think you have got a couple of options. there are some deadlines this week, we put forth deadlines, chairman nunes doing a great job has put forth deadlines of this week to deliver the documents it would just take one simple phone call from the deputy attorney general to michael horowitz who has all this the documents, who has testified under oath that it's not a problem to give it to congress and it wouldn't impede his investigation. make that phone call today. if not, there will be consequences well beyond contempt of congress.

Brian Kilmeade:

Congressman jordan, what are your options if the redactions make it impossible to comprehend?

Jim Jordan:

We keep sending staff over to the justice department to see the less redacted versions that they possess over there that they won't show us unless we go over there to look at them. we have also called for nine months ago we called for a second special counsel. AG sessions sent a letter to congress a few weeks ago and he said only under extraordinary circumstances do you name a special counsel. well, how about these facts, brian? james comey has been fired. andrew been fired. chief counsel at the fbi jim baker has been demoted and reassigned. peter strzok demoted and reassigned. lisa page demoted and reassigned those last two individuals kicked off the mueller team. bruce ohr failed to tell the fbi and justice department that his wife was working for fusion g.p.s. how about that fact? if that's not extraordinary circumstances i don't know what is.

Brian Kilmeade:

Jim jordan and mark meadows thank you so much. make some progress. appreciate it.

From: Lichter, Jennifer (OLP)
Sent: Friday, April 13, 2018 4:38 PM
To: Lichter, Jennifer (OLP)
Subject: Immigration Periodic Policy Digest

IMMIGRATION PERIODIC POLICY DIGEST – APRIL 13, 2018

Data and Research

- [Bringing Evidence to the Refugee Integration Debate](#), by Hamutal Bernstein (The Urban Institute). This report analyzes and consolidates the results of five recent studies on refugee integration in the U.S., focusing on economic, linguistic, and civic integration. It notes that additional factors important for understanding refugee integration including health, well-being, and social connection are difficult to measure, particularly in light of data gaps, and advocates for further work to assess these factors.
 - Economic Integration:
 - The cited studies indicate that refugees are more likely than nonrefugee immigrants and the native-born population to receive public benefits. While dependence on public benefits declines the longer refugees reside in the U.S., use of public benefits remains higher among refugees than the native-born population (16 percent of refugees residing in the U.S. for over 20 years receive public benefits, compared to 11 percent of the native-born population).
 - Refugee men have high labor participation rates. Within four years of arrival, refugees participate in the labor force at an equivalent rate to the native-born; one study found that employment among all male refugees is higher than among native born men (67 percent versus 60 percent). Among refugee women, the newly arrived are less likely than native-born women to participate in the work force, but this gap closes by approximately ten years after arrival (for all but one refugee group studied).
 - According to one study, over half of refugees residing in the U.S. from Somalia, Burma, Bhutan, and Liberia had family incomes below twice the federal poverty level (compared to one-third of native-born families). Refugees from these countries arrive in the U.S. with lower native-language literacy rates than refugees from other countries, and refugees from Somalia, Burma, and Bhutan (along with those from Cuba) have the lowest educational attainment among refugee populations suggesting a link between income, educational attainment, and literacy rates.
 - Linguistic Integration:
 - Refugees arrive with high rates of limited English proficiency (77 percent for refugees that have arrived in the past five years, according to one study) and these rates remain high (58 percent of refugees in the U.S. longer than 20 years, according to the same study). One study posits that the low rate of English proficiency development may be due in part to low native language literacy rates amongst refugees.
 - Civic Integration:
 - Refugees are more likely than nonrefugee immigrants both to naturalize and to vote.
 - Note: This report's reliability is limited by the reliability of the underlying studies, which use soft data extrapolated from the Census Bureau and the American Community Survey using statistical models. The underlying studies also fail to control for the differing distribution of the country origins in

recently arrived refugee populations (increasingly from African and Asian countries) compared to the distribution of country origins among refugees that have been in the U.S. longer (with large populations fleeing from former Soviet Union states in Europe).

What They're Saying

- [Fox News](#): Opinion piece by the Director of Policy Studies at Center for Immigration Studies arguing that the growing numbers of defensive asylum-seekers (illegal immigrants who claim asylum after they are caught in the U.S.) are deeply problematic and are due at least in part to failed Obama-era policies.
 - The author asserts that defensive asylum applications rose 1700 percent from 2008 to 2016, prompted by high passage rates on applicants' credible fear interviews (about 90 percent during the Obama Administration) and a lenient detention policy, both of which incentivized asylum applicants. (The 1700 percent number appears to be based on DHS's reporting of [a 1700 percent increase in credible fear claims](#), which are the first step in an attempt to claim defensive asylum.)
 - Meanwhile, only about 15 percent of defensive asylum applicants referred to immigration court each year end up qualifying for asylum according to the author (based on [data from EOIR](#)), and over half of applicants with immigration court hearings (including over 80 percent of parents and children arrived from Central America) do not attend their hearings.
 - In other words, making an asylum claim is merely the means for gaining entrance into the United States used by many people who afterwards never appear in court and instead continue to live illegally in the country.
- [The New York Times](#): Opinion piece condemning the detainee labor program at privatized detention centers as unlawful forced labor, and reporting on ongoing litigation against two detention companies challenging the program
- [The Washington Post](#): Opinion piece by a former immigration judge criticizing the new quota system as an affront to judicial independence and the due process of law. The author argues that the quota system amounts to an attempt by the Administration to intimidate judges into prioritizing completion over fairness.

Congress

- The House Oversight Subcommittee on National Security held a [hearing](#) on Thursday, April 12th on the caravan of illegal immigrants making its way through Mexico. The hearing explored the logistical, operational, and legal challenges associated with large groups of migrants arriving at the southwest border and seeking asylum in the United States.

Jennie Bradley Lichter
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530
Offic (b) (6)
Ce (b) (6)
(b) (6)

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Saturday, April 14, 2018 8:41 PM
To: Cutrona, Danielle (OAG)
Cc: Boyd, Stephen E. (OLA); Whitaker, Matthew (OAG); Lasseeter, David F. (OLA)
Subject: Re: AG meeting today

Yes working on next week

Errical A. Bryant
Director of Scheduling
United States Attorney General

On Apr 14, 2018, at 12:46 PM, Cutrona, Danielle (OAG) (b) (6) > wrote:

They are still expecting a meeting with the AG so I think Errical is/was going to set it up

Sent from my iPhone

On Apr 14, 2018, at 12:15 PM, Boyd, Stephen E. (OLA) (b) (6) > wrote:

[Your sense that we need to make this happen next week or is it OBE?](#)

From: Cutrona, Danielle (OAG)
Sent: Friday, April 13, 2018 1:28 PM
To: Terwilliger, Zachary (ODAG (b) (6)); Whitaker, Matthew (OAG (b) (6)) >; Boyd, Stephen E. (OLA (b) (6)) >; Lasseeter, David F. (OLA (b) (6)); Watson, Theresa J. (ODAG (b) (6)); Bryant, Errical (OAG (b) (6))
Subject: RE: AG meeting today

I just spoke with George. He said the Chairman just wants to meet with the AG, and it is not about the issue we discussed this morning, with which he was not familiar. However, it doesn't seem like the Chairman's and the AG's schedules are going to work today, because the AG will be at Trevor McFadden's investiture when the Chairman is available. The Chairman has a Fox News hit at 6 so he will not be available after the investiture. Long story short, it looks like no one is meeting with the Chairman today, at least.

From: Watson, Theresa J. (ODAG)
Sent: Friday, April 13, 2018 1:14 PM
To: Terwilliger, Zachary (ODAG (b) (6)); Cutrona, Danielle (OAG (b) (6)); Bryant, Errical (OAG (b) (6)); Whitaker, Matthew (OAG (b) (6)) >; Boyd, Stephen E. (OLA (b) (6)) >; Lasseeter, David F. (OLA (b) (6))

Subject: FW: AG meeting today

Importance: High

See below.

From: Pappas, George (b) (6)
Sent: Friday, April 13, 2018 1:13 PM
To: Watson, Theresa J. (ODAG (b) (6)); Gamble, Nathaniel (ODAG (b) (6)); Lasseter, David F. (OLA (b) (6) Murphy, Marcia (ODAG (b) (6)
Cc: Nelson, Dam (b) (6); Patel, Kash (b) (6); Glabe, Sc (b) (6)
Subject: RE: AG meeting today

All,

The Chairman would like to meet with the Attorney General, not the Deputy Attorney General.

V/R,

George

George Pappas
Senior Advisor
House Permanent Select Committee on Intelligence
HVC304
Offic (b) (6)
TS VOI (b) (6)

From: Watson, Theresa J. (ODAG (b) (6)
Sent: Friday, April 13, 2018 1:08 PM
To: Gamble, Nathaniel (ODA (b) (6) Lasseter, David F. (OLA (b) (6); Pappas, Georg (b) (6) Murphy, Marcia (ODAG (b) (6)
Cc: Nelson, Dam (b) (6); Patel, Kash (b) (6); Glabe, Sc (b) (6)
Subject: RE: AG meeting today

Hello George,
Unfortunately, the DAG is out of the office today from 4pm 5:30pm, can we shoot for 5:45pm or 6pm?
Thank you,
Theresa

From: Gamble, Nathaniel (ODAG)
Sent: Friday, April 13, 2018 1:03 PM
To: Lasseter, David F. (OLA (b) (6); Pappas, George (b) (6); Murphy, Marcia (ODAG (b) (6); Watson, Theresa J. (ODAG (b) (6)
Cc: Nelson, Dam n (b) (6); Patel, Kash

(b) (6); Glabe, Sc (b) (6)

Subject: RE: AG meeting today

Including Marcia's back-up in her absence (Theresa Watson).

Nathaniel Gamble II

Office of the Deputy Attorney General

(b) (6)

From: Lasseter, David F. (OLA)

Sent: Friday, April 13, 2018 12:37 PM

To: Pappas, George (b) (6); Murphy, Marcia (ODAG)

(b) (6); Gamble, Nathaniel (ODA (b) (6)

Cc: Nelson, Dam (b) (6); Patel, Kash

(b) (6); Glabe, Sc (b) (6)

Subject: RE: AG meeting today

Marcy please see below from HPSCI.

Thanks,

David

From: Pappas, George (b) (6) >

Sent: Friday, April 13, 2018 11:49 AM

To: Lasseter, David F. (OLA (b) (6)

Cc: Nelson, Dam (b) (6) Patel, Kash

(b) (6) Glabe, Sc (b) (6)

Subject: RE: AG meeting today

David,

Chairman Nunes requests the meeting occur at 5:00 pm, if possible.

George

George Pappas

Senior Advisor

House Permanent Select Committee on Intelligence

HVC304

Offic (b) (6)

TS VOI (b) (6)

Bennett, Catherine T (OAG)

From: Bennett, Catherine T (OAG)
Sent: Monday, April 16, 2018 1:52 PM
To: McKinney, Suzanna (OAG); Whitaker, Matthew (OAG); Smith, Andrew H. (OAG); Cutrona, Danielle (OAG); Barnett, Gary E. (OAG); Tucker, Rachael (OAG); Morrissey, Brian (OAG); Hamilton, Gene (OAG); Bumatay, Patrick (OAG)
Subject: FW: Notification of Records Search to be Conducted in Response to the FOIA, Benkato, OIP No. DOJ-2018-003394 (AG)
Attachments: Benkato Initial Request.pdf

All,

You will be receiving FOIA request emails, such as this one, for your information only, and as a courtesy, from analysts in the Office of Information Policy (OIP). If you have classified information pertaining to any subject matter, please inform me and I will contact the OIP analyst. An explanation for these searches can be found in the email below. If you have any questions whatsoever, please direct them to Doug Hibbard, Senior Advisor, Initial Request Staff, (b) (6) Thank you.

Suzanna: Please note you and AG are listed below. **You will need to search AG's files if you feel he has classified material(s) to submit.**

From: Baker, Brittnie (OIP)
Sent: Monday, April 16, 2018 1:11 PM
To: Bennett, Catherine T (OAG) (b) (6)
Cc: Villanueva, Valeree A (OI) (b) (6)
Subject: Notification of Records Search to be Conducted in Response to the FOIA, Benkato, OIP No. DOJ-2018-003394 (AG)

Good Afternoon,

The purpose of this email is to notify you that the records of the below-listed officials will be searched in response to the attached Freedom of Information Act (FOIA) request.

The requester, Jamila Benkato of The Protect Democracy Project, is seeking records pertaining to:

- The 2020 Census, including communications between OAG and the following individuals and entities: Trump campaign, the RNC, America First Action, Great America, Future 45, Brad Parscale, Michael Glassner, John Pence, Steve Bannon, Breitbart, Fox News, the Executive Office of the President, and Thomas Brunell.
- Timeframe: since October 1, 2017

The officials that will be searched are:

- Attorney General Jeff Sessions
- Matthew Whitaker
- Andrew Smith
- Danielle Cutrona
- Gary Barnett
- Rachael Tucker

- Brian Morrissey
- Gene Hamilton
- Patrick Bumatay
- Suzanna McKinney
- Please advise our office if any of the above custodians should be removed, or additional custodians should be included in this search.

The FOIA requires agencies to conduct a reasonable search in response to FOIA requests. For your information, this search will encompass the email and computer files (e.g. C or H drive) maintained by the officials listed above. We have also initiated a search in the Departmental Executive Secretariat.

To the extent officials within your office maintain other types of records, such as text and voice messages, or material maintained within a classified system that would be responsive to the this request but would not be located as a result of OIP's search, please indicate so in response to this email. OIP staff will make arrangements to conduct those searches as necessary. Similarly, if your office would not maintain any records responsive to this request or you can readily identify the officials, be they either current or former employees, that would maintain records responsive to this request, you may indicate so in response to this email.

Please note that the Federal Records Act, as amended in 2014, and DOJ Policy Statement 0801.04 provide that government employees may not use a non-official email account for official business unless the communication is fully captured in a DOJ recordkeeping system either by copying their official account or forwarding any such messages to their official account within twenty days. Should any records custodians have official records responsive to this FOIA request which are on a non-official account but were not copied into their official email account, those records should be provided to OIP.

If you have any questions concerning this matter, please feel free to call me (b) (6) or by replying to this email.

Thank you,

Brittnie R. Baker
Attorney-Advisor
Office of Information Policy
U.S. Department of Justice
(b) (6)



March 20, 2018

Via FOIAonline Portal (<https://foiaonline.regulations.gov>)

Laurie Day
Chief, Initial Request Staff
Office of Information Policy
U.S. Department of Justice
Suite 11050, 1425 New York Avenue, N.W.
Washington, D.C. 20530-0001

Via Email (CRT.FOIArequests@usdoj.gov)

Nelson D. Hermilla, Chief
FOIA/PA Branch
Civil Rights Division
Department of Justice
BICN Bldg., Room 3234
950 Pennsylvania Avenue, NW

Re: Freedom of Information Act request

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project hereby requests that your office produce within 20 business days the following records (see below for clarity on the types of records sought):

1. All records, including but not limited to emails, notes, and memoranda, reflecting communications between Department of Justice and the following individuals, or the Department of Justice and employees or representatives of the following entities, discussing or otherwise relating to the 2020 Census or the inclusion of a citizenship question in the 2020 Census.
 - a. Donald Trump for President (including but not limited to emails in which the domains donaldjtrump.com, trump.com, trumporg.com, ptt.gov, or donaldtrump.com are in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - b. The Republican National Committee (including but not limited to emails in which the domains gop.com or RNCHQ.org are in the email address in the to, from, cc, bcc, subject, or body fields of the email)

2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • FOIA@protectdemocracy.org

- c. America First Action (including but not limited to emails in which the domain alapac.org is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - d. Great America
 - e. Future 45
 - f. Brad Parscale
 - g. Michael Glassner
 - h. John Pence
 - i. Steve Bannon
 - j. Breitbart (including but not limited to emails in which the domain breitbart.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
 - k. Fox News (including but not limited to emails in which the domain foxnews.com is in the email address in the to, from, cc, bcc, subject, or body fields of the email)
- 2. All communications, including but not limited to emails, notes, and memoranda, between the Department of Justice and the Executive Office of the President, reflecting, discussing, or otherwise relating to the determination of the questions for the 2020 Census, including but not limited to emails in which the domain eop.gov is in the email address in the to, from, cc, bcc, subject, or body fields of the email.
 - 3. All records, including but not limited to emails, notes, and memoranda, reflecting, discussing, or otherwise relating to communications between the Department of Justice and Thomas Brunell.
 - 4. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

The timeframe for this request is October 1, 2017 through the date that searches are conducted for records responsive to this FOIA request.

We ask that you search for records from all components of the Department of Justice that may be reasonably likely to produce responsive results, including but not limited to the Office of the Attorney General and the Civil Rights Division.

FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. This request is submitted in consort with the organization’s mission to gather and disseminate information that is likely to contribute

2020 Pennsylvania Avenue NW, #163, Washington, DC 20006 • FOIA@protectdemocracy.org

significantly to the public understanding of executive branch operations and activities. The Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, The Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* The Protect Democracy Project operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” Like those organizations, the purpose of The Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’s Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). As the District Court for the District of Columbia “easily” determined in recent litigation in a separate FOIA request, The Protect Democracy Project is “primarily engaged in disseminating information.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). Indeed, The Protect Democracy Project has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.¹ The Protect Democracy Project will disseminate information and analysis about this request and any information obtained in response through its website (protectdemocracy.org); its Twitter feed (<https://twitter.com/protctdemocracy>), which has more than 10,000 followers; its email list of approximately 20,000 people; and sharing information with other members of the press.

RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

¹ See, e.g., Lisa Rein, *Watchdog group, citing “integrity of civil service,” sues Trump to find out if feds are being bullied*, Wash. Post (Apr. 27, 2017), <https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being-bullied/>; Ben Berwick, *Going to Court for Civil Servants*, Take Care (April 28, 2017), <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times (May 8, 2017), <https://nyti.ms/2pX82OV>; Justin Florence, *What’s the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare (May 8, 2017), <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>; Allison Murphy, *Ten Questions for a New FBI Director*, Take Care (June 6, 2017), <https://takecareblog.com/blog/ten-questions-for-a-new-fbi-director>.

We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. The Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at

(b) (6) or (b) (6) if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,



Jamila Benkato
Counsel
The Protect Democracy Project

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, April 17, 2018 9:52 AM
To: Hamilton, Gene (OAG); O'Malley, Devin (OPA); Percival, James (OASG); Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: FW: Fox News: Trump administration's lawsuit against California sanctuary laws backed by these cities, counties

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: RNC War Room <Warroom@gop.com>
Sent: Tuesday, April 17, 2018 9:50 AM
Subject: Fox News: Trump administration's lawsuit against California sanctuary laws backed by these cities, counties

Trump administration's lawsuit against California sanctuary laws backed by these cities, counties

Fox News

Kaitlyn Schallhorn

April 17, 2018

<http://www.foxnews.com/politics/2018/04/17/trump-administrations-lawsuit-against-california-sanctuary-laws-backed-by-these-cities-counties.html>

The U.S. Justice Department sued California over its alleged interference with federal immigration policies and it's gotten some support from the state's own municipalities.

Multiple local city or county councils have voted to [join the Trump administration's lawsuit](#) or fight the state's policies in some way.

California's so-called [sanctuary laws](#) limit police cooperation with federal immigration authorities a move passed by the nation's largest state to resist increased efforts to deport people living in the country illegally and to stop President Trump's plan to [build a wall](#) along the U.S.-Mexico border.

The sanctuary policy, pushed by Gov. Jerry Brown and the state's Democratic-controlled legislature, has received some backlash at the local level.

Read on for a look at some of the cities and counties that have joined the Trump administration's efforts to deem California's law unconstitutional.

Los Alamitos

The Los Alamitos City Council [voted 4-1 in March](#) to opt out of California's sanctuary law. It [voted again](#) in April to opt out

as the city's law requires the council to have a second reading of the measure before approving it.

The adopted ordinance said state laws “may be in direct conflict with federal laws and the Constitution.” It said it “finds that it is impossible to honor our oath to support and defend the Constitution of the United States” if it did not opt out of the policy.

Mayor Troy Edgar, a Republican, [told Fox News](#) the policy is a “huge overreach.”

Los Alamitos is able to opt out of the law because it is a [charter city](#).

Hesperia

With a 3-1 vote, the Hesperia city council voted in March to join an amicus brief with the Trump administration's lawsuit against California, [the Desert Dispatch reported](#).

“We are not anti-immigrant — there is no one on this Council that's anti-immigrant,” Councilman Paul Russ said, according to the newspaper. “But for immigrants, we'd like to see it done legally. I can also say without a doubt that we are anti-criminal. It's not about the immigrants, it's about the criminals in the community.”

Orange County

The Orange County Board of Supervisors met in March and decided to join the Justice Department's lawsuit against California. (AP Photo/Amy Taxin)

With a unanimous vote of 3-0, the Orange County Board of Supervisors [voted in March](#) to join the Justice Department's lawsuit against California.

“This legislation prevents law enforcement from removing criminals from our community and is a threat to public safety,” Supervisor Shawn Nelson said.

The county previously made efforts to further comply with federal immigration authorities by publishing the release dates of inmates online.

Mission Viejo

In March, the Mission Viejo City Council voted to support the Los Alamitos City Council's decision to opt out of the state's sanctuary policies and join an amicus brief in support of the federal government's lawsuit against the state.

Of the sanctuary laws, [the city council said](#) it “believes this legislation is a threat to both local control of businesses in the state and the individual liberty and public safety because it prevents law enforcement from performing their duties as necessitated by local circumstances.”

Huntington Beach

Huntington Beach City Council [voted 6-1 in April](#) to file its own lawsuit against the state of California over its sanctuary laws, calling the policies a “constitutional overreach.”

Mayor Mike Posey said his could become the first city to sue the state itself.

Escondido

After [a heated meeting](#), the Escondido City Council voted 4-1 in April to support the Justice Department's lawsuit with a legal brief.

"This is the right thing to do. I was elected mayor to keep the Constitution, uphold the Constitution and keep our community safe," Escondido mayor Sam Abed told Fox News. "I am committed to do that and that is what the council did today."

The county Board of Supervisors will vote on a similar brief later in April, [according to KSWB-TV](#).

Fountain Valley

After an assist from U.S. Rep. Dana Rohrabacher, R-Calif., the Fountain Valley City Council voted 3-1, with one abstention, to file an amicus brief in support of the Trump administration's challenge to California's law, [the Orange County Register reported](#).

The council voted to support a legal brief after Rohrabacher offered to raise or provide the funds to do so.

Aliso Viejo

The Aliso Viejo City Council voted 4-1 on April 4 to join a lawsuit against the state of California over its sanctuary laws, [KCBS-TV reported](#).

"We had a robust discussion and I'm proud of my colleagues for their stamina and attention through 6.5 hours of testimony," Aliso Viejo Mayor Dave Harrington said in a statement. "We did the right thing."

Orange

After a heated meeting, the Orange City Council voted in April not to comply with the state's sanctuary laws, [KCBS-TV reported](#).

Newport Beach

In a unanimous vote, the Newport Beach City Council decided to join the Trump administration's lawsuit.

The vote, held in a closed session, allows the city to support the lawsuit, "including, but not limited to an amicus brief," said Deputy City Manager Tara Finnigan, [KCBS-TV reported](#).

Councilman Scott Peotter [told Fox News](#) the vote wasn't about immigration but "illegal alien criminals."

Westminster

In April, the Westminster City Council voted 3-1 to join the Trump administration's lawsuit against the state, [KABC-TV reported](#).

San Juan Capistrano

The San Juan Capistrano City Council voted 4-1 to condemn California's sanctuary laws, [the Orange County Register reported](#).

Mayor Sergio Farias, who voted against it, said that he is the "mayor of everyone who calls San Juan Capistrano home, regardless of their legal status."

Fox News' Paulina Dedaj, Lukas Mikelionis and The Associated Press contributed to this report.

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

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Tuesday, April 24, 2018 10:45 AM
To: Boyd, Stephen E. (OLA); Cutrona, Danielle (OAG)
Cc: Whitaker, Matthew (OAG); Lasseeter, David F. (OLA)
Subject: RE: AG meeting today Nunes Request

Will do. Thanks All

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, April 24, 2018 10:44 AM
To: Cutrona, Danielle (OAG (b) (6)); Bryant, Errical (OAG (b) (6))
Cc: Whitaker, Matthew (OAG (b) (6)); Lasseeter, David F. (OLA (b) (6))
Subject: RE: AG meeting today Nunes Request

Concur.

From: Cutrona, Danielle (OAG)
Sent: Tuesday, April 24, 2018 10:08 AM
To: Bryant, Errical (OA (b) (6)); Boyd, Stephen E. (OLA (b) (6)) >
Cc: Whitaker, Matthew (OA (b) (6)) >; Lasseeter, David F. (OLA (b) (6))
Subject: RE: AG meeting today Nunes Request

No meetings tomorrow or Thursday until after he testifies. They will understand that he is preparing for the hearings.

From: Bryant, Errical (OAG)
Sent: Tuesday, April 24, 2018 10:06 AM
To: Boyd, Stephen E. (OL (b) (6)) Cutrona, Danielle (OAG (b) (6)) >
Cc: Whitaker, Matthew (OAG (b) (6)) >; Lasseeter, David F. (OLA (b) (6)) >
Subject: RE: AG meeting today Nunes Request

Well..., Nunes' office finally reached out and requested tomorrow morning at 8:30. I will refer to you guys but my guess is that the AG will be focused on prep.
Let me know.

From: Boyd, Stephen E. (OLA)
Sent: Monday, April 23, 2018 1:03 PM
To: Bryant, Errical (OA (b) (6)) >; Cutrona, Danielle (OAG (b) (6))
Cc: Whitaker, Matthew (OAG (b) (6)); Lasseeter, David F. (OLA (b) (6)) >
Subject: RE: AG meeting today Nunes Request

Not from my perspective, so long as we have made a good faith effort. The meeting was requested on their end.

From: Bryant, Errical (OAG)
Sent: Monday, April 23, 2018 1:02 PM
To: Cutrona, Danielle (OAG (b) (6)) >; Boyd, Stephen E. (OLA (b) (6))
Cc: Whitaker, Matthew (OAG (b) (6)) >; Lasseeter, David F. (OLA (b) (6)) >

Subject: RE: AG meeting today Nunes Request

Hello All,

Just updating everyone. Despite trying, I have not been able to get a meeting schedule with Nunes. Is there a need to keep trying?

Thanks E

From: Cutrona, Danielle (OAG)

Sent: Saturday, April 14, 2018 12:46 PM

To: Boyd, Stephen E. (OLA) (b) (6)

Cc: Whitaker, Matthew (OAG) (b) (6); Lasseeter, David F. (OLA (b) (6)

Bryant, Errical (OAG) (b) (6)

Subject: Re: AG meeting today

Duplicative Material (Document ID: 0.7.22222.55532)

Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, May 8, 2018 11:00 AM
To: Lasseter, David F. (OLA)
Cc: Bryant, Errical (OAG); Boyd, Stephen E. (OLA); Cutrona, Danielle (OAG); Whitaker, Matthew (OAG)
Subject: Re: Phone call with Senator Meadows

There's no such letter. Fox leadership came up with this plan and informed me after they felt their hosts did not have complete information when they go on to talk about doj equities. Not the other way around.

And as I understand it, it's really any time they're talking about doj--which is normal protocol--it's just that those members tend to be discussing doj things so it was a flag that they want updates for those hits.

On May 8, 2018, at 10:56 AM, Lasseter, David F. (OL (b) (6)) wrote:

Plus Flores

All just spoke with Rep Meadows. Readout:

Frist, it does not relate to information concerning an ongoing investigation.

Second, he was informed that the Department sent a letter to Fox News wherein the Department has asked to be informed if Meadows, Jordan, DeSantis, or Gaetz are booked. And that if they are booked the Department wants to be able to respond.

Third, he wants a copy of this letter or, if the Department will not provide it to him, then he would like an email stating that.

Fourth, he does not need to speak with the AG if he gets a copy of this letter or a response saying that we won't provide. However, he does want to ensure the AG knows about this issue.

Thanks,
David

From: Bryant, Errical (OAG)
Sent: Tuesday, May 8, 2018 10:35 AM
To: Boyd, Stephen E. (OLA) (b) (6) Cutrona, Danielle (OAG)
(b) (6)
Cc: Whitaker, Matthew (OAG (b) (6)); Lasseter, David F. (OLA)
(b) (6)
Subject: RE: Phone call with Senator Meadows

A back up number for his office (b) (6)

From: Boyd, Stephen E. (OLA)
Sent: Tuesday, May 8, 2018 10:33 AM
To: Bryant, Errical (OAG (b) (6)); Cutrona, Danielle (OAG)
(b) (6)
Cc: Whitaker, Matthew (OA (b) (6)) Lasseter, David F. (OLA)
(b) (6)

Subject: RE: Phone call with Senator Meadows

OAG is recused from that matte (b) (5)

I'd recommend that Lasseter talk to him. SB

From: Bryant, Errical (OAG)

Sent: Tuesday, May 8, 2018 10:26 AM

To: Cutrona, Danielle (OA (b) (6)

Cc: Boyd, Stephen E. (OLA (b) (6); Whitaker, Matthew (OAG)

(b) (6) >

Subject: RE: Phone call with Senator Meadows

The ongoing investigation. They said that the Senator would be okay talking to Matt.

From: Cutrona, Danielle (OAG)

Sent: Tuesday, May 8, 2018 10:23 AM

To: Bryant, Errical (OAG) (b) (6) >

Cc: Boyd, Stephen E. (OLA (b) (6); Whitaker, Matthew (OAG)

(b) (6) >

Subject: Re: Phone call with Senator Meadows

We need a topic before we can consider. (Congressman Meadows)

Sent from my iPhone

On May 8, 2018, at 10:02 AM, Bryant, Errical (OAG (b) (6) wrote:

Stephen

Please see below and advise if this is a call the AG needs to make. Thanks E

From: Jackson, Wykema C. (OAG)

Sent: Tuesday, May 8, 2018 10:01 AM

To: Bryant, Errical (OAG (b) (6); McKinney, Suzanna (OAG)

(b) (6)

Subject: Phone call with Senator Meadows

Mallor (b) (6) needs just a few minutes today by phone.