

**Tucker, Rachael (OAG)**

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**From:** Tucker, Rachael (OAG)  
**Sent:** Saturday, February 18, 2017 12:43 AM  
**To:** Gannon, Curtis E. (OLC)  
**Cc:** Francisco, Noel (OSG)  
**Subject:** Re: bad news

Not sure this is helpful:

"I confirmed with the FBI: the 300 were identified as individuals who entered the US as refugees. When and how the investigation started may vary within that group. The bucket is identified as who entered under that status and became, at some point, the subject of a CT investigation."

On Feb 17, 2017, at 9:03 PM, Gannon, Curtis E. (OLC) <(b)(6) per OLC> wrote:

P.S. (b)(5) per OLC  
(b)(5) per OLC

On Feb 17, 2017, at 8:29 PM, Tucker, Rachael (OAG) <[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)> wrote:

I've passed it along. Will let you know what I hear.

On Feb 17, 2017, at 8:22 PM, Gannon, Curtis E. (OLC)

(b)(6) per OLC wrote:

(b)(5) per OLC (b)(7)(E) per FBI, (b)(5) per OLC  
(b)(7)(E) per FBI, (b)(5) per OLC  
(b)(7)(E) per FBI, (b)(5) per OLC (b)(5) per OLC  
(b)(5) per OLC Noel's follow-on question seems useful, if not too heavy a lift.

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**From:** Francisco, Noel (OSG)  
**Sent:** Friday, February 17, 2017 8:20 PM  
**To:** Tucker, Rachael (OAG) <[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)>  
**Cc:** Gannon, Curtis E. (OLC) <(b)(6) per OLC>  
**Subject:** Re: bad news

(b)(5) per OSG

On Feb 17, 2017, at 8:01 PM, Tucker, Rachael (OAG)  
<[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)> wrote:

Begin forwarded message:

**From:** "Gauhar, Tashina (ODAG)"  
<[tagauhar@jmd.usdoj.gov](mailto:tagauhar@jmd.usdoj.gov)>  
**Date:** February 17, 2017 at 7:54:26 PM EST  
**To:** "Tucker, Rachael (OAG)"  
<[ratucker@jmd.usdoj.gov](mailto:ratucker@jmd.usdoj.gov)>, "Crowell,  
James (ODAG)" <[jcrowell@jmd.usdoj.gov](mailto:jcrowell@jmd.usdoj.gov)>  
**Subject:** bad news

Duplicative Material



ratucker@jmd.usdoj.gov

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**From:** ratucker@jmd.usdoj.gov  
**Sent:** Saturday, February 18, 2017 9:52 AM  
**To:** Gannon, Curtis E. (OLC)  
**Cc:** Francisco, Noel (OSG)  
**Subject:** Re: bad news

In response to this question. Not very helpful:

I confirmed with the FBI: the 300 were identified as individuals who entered the US as refugees. When and how the investigation started may vary within that group. The bucket is identified as who entered under that status and became, at some point, the subject of a CT investigation.

On Feb 17, 2017, at 9:03 PM, Gannon, Curtis E. (OLC) (b)(6) per OLC wrote:

Duplicative Material (Document ID: 0.7.1336.30442)



Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Monday, February 20, 2017 12:27 PM  
**To:** Tucker, Rachael (OAG)  
**Subject:** RE: Revised draft of EO -- call at 11:30 am

Thanks Rachael. I did not speak directly to Mary about it. (b) (5)  
(b) (5)

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**From:** Tucker, Rachael (OAG)  
**Sent:** Monday, February 20, 2017 11:41 AM  
**To:** Hunt, Jody (OAG) <johunt@jmd.usdoj.gov>  
**Subject:** Fwd: Revised draft of EO -- call at 11:30 am

Hey Jody- the new EO states explicitly that approx 300 refugees are subject to CT investigations. I think that's probably fine. (b) (5)

(b) (5)

I plan to be on the noon call.

Begin forwarded message:

**From:** "Gannon, Curtis E. (OLC)" (b)(6) per OLC  
**Date:** February 20, 2017 at 11:03:34 AM EST  
**To:** "Tucker, Rachael (OAG)" <ratucker@jmd.usdoj.gov>  
**Subject:** FW: Revised draft of EO -- call at 11:30 am

Rachael,

WHCO is scheduling a call for 11:30 with DOJ, DHS, State, and DPC to discuss (b) (5)  
(b) (5) Jody is on his way to another meeting and suggested that you may want to  
participate for OAG. (b) (5) I'll  
circulate call-in information when I get it.

Thanks,

Curtis

(b)(5) per OLC

**Hunt, Jody (OAG)**

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**From:** Hunt, Jody (OAG)  
**Sent:** Tuesday, February 28, 2017 4:04 PM  
**To:** Francisco, Noel (OSG)  
**Subject:** FW: DRAFT letter  
**Attachments:** Letter.to.President.DRAFT.0228.rev.docx  
**Importance:** High

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**From:** Hunt, Jody (OAG)  
**Sent:** Tuesday, February 28, 2017 3:24 PM  
**To:** 'Hamilton, Gene' (b)(6) per DHS [REDACTED]; Katsas, Gregory G. EOP/WHO  
<Gregory.G.Katsas@who.eop.gov>  
**Cc:** Cutrona, Danielle (OAG) <dcutrona@jmd.usdoj.gov>; Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>;  
Gannon, Curtis E. (OLC) (b)(6) per OLC [REDACTED]  
**Subject:** DRAFT letter  
**Importance:** High

I have attached here a DRAFT letter, which is still under review here and which has not been circulated elsewhere . . .



Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Tuesday, February 28, 2017 7:34 PM  
**To:** Flores, Sarah Isgur. (OPA); Francisco, Noel (OSG)  
**Subject:** Fwd: Rollout Documents  
**Attachments:** DRAFT list of EO differences v.2.docx; ATT00001.htm; Draft Talking Points on Revised EO v.2.docx; ATT00002.htm

Begin forwarded message:

**From:** "Katsas, Gregory G. EOP/WHO" <[Gregory.G.Katsas@who.eop.gov](mailto:Gregory.G.Katsas@who.eop.gov)>  
**Date:** February 28, 2017 at 7:29:34 PM EST  
**To:** "Hunt, Jody (OAG)" <[Jody.Hunt@usdoj.gov](mailto:Jody.Hunt@usdoj.gov)>  
**Subject:** FW: Rollout Documents

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

From: Bash, John F. EOP/WHO  
Sent: Tuesday, February 28, 2017 6:55 PM  
To: Porter, Robert R. EOP/WHO <[Robert.R.Porter@who.eop.gov](mailto:Robert.R.Porter@who.eop.gov)>; Dubke, Michael D. EOP/WHO <[Michael.D.Dubke@who.eop.gov](mailto:Michael.D.Dubke@who.eop.gov)>; Ditto, Jessica E. EOP/WHO <[Jessica.E.Ditto@who.eop.gov](mailto:Jessica.E.Ditto@who.eop.gov)>  
Cc: Katsas, Gregory G. EOP/WHO <[Gregory.G.Katsas@who.eop.gov](mailto:Gregory.G.Katsas@who.eop.gov)>; Lyons, Derek S. EOP/WHO <[Derek.S.Lyons@who.eop.gov](mailto:Derek.S.Lyons@who.eop.gov)>; Davis, May M. EOP/WHO <[Sylvia.M.Davis@who.eop.gov](mailto:Sylvia.M.Davis@who.eop.gov)>; Schouten, Schuyler J. EOP/WHO <[Schuyler.J.Schouten@who.eop.gov](mailto:Schuyler.J.Schouten@who.eop.gov)>; Walk, John EOP/WHO <[John.Walk@who.eop.gov](mailto:John.Walk@who.eop.gov)>  
Subject: Rollout Documents

Attached are two rollout documents: (i) Talking Points and (ii) a document showing differences between the two EOs.

We are working on some Q&As as well.

John

John F. Bash  
Special Assistant to the President and Associate Counsel to the President

(b) (6)

44 U.S.C. § 2205(2) Notice: The information contained in this communication may be

confidential, is intended only for the use of the recipient named above, and may be legally privileged.

Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Saturday, March 4, 2017 6:27 PM  
**To:** Gannon, Curtis E. (OLC); Francisco, Noel (OSG)  
**Subject:** Fwd: Updated draft of AG's remarks on revised executive order  
**Attachments:** 20170306 Remarks for Attorney General Sessions on Revised Executive Order.docx; ATT00001.htm

Begin forwarded message:

**From:** "Flores, Sarah Isgur (OPA)" <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>  
**Date:** March 4, 2017 at 5:16:51 PM EST  
**To:** "Hunt, Jody (OAG)" <[johunt@jmd.usdoj.gov](mailto:johunt@jmd.usdoj.gov)>  
**Subject:** Fwd: Updated draft of AG's remarks on revised executive order

I assume you are with him tonight? The White House would like finalized remarks by tomorrow at 3pm. Attached is the latest draft based on his input and details of the event for Monday (ie he's introducing Kelly).

Perhaps for the flight back tomorrow you can have him look at these?

Begin forwarded message:

**From:** "Bockhorn, Lee F. (OPA)" <[lfbockhorn@jmd.usdoj.gov](mailto:lfbockhorn@jmd.usdoj.gov)>  
**Date:** March 3, 2017 at 4:30:36 PM EST  
**To:** "Flores, Sarah Isgur (OPA)" <[siflores@jmd.usdoj.gov](mailto:siflores@jmd.usdoj.gov)>, "Carr, Peter (OPA)" <[pcarr@jmd.usdoj.gov](mailto:pcarr@jmd.usdoj.gov)>, "Navas, Nicole (OPA)" <[nnavas@jmd.usdoj.gov](mailto:nnavas@jmd.usdoj.gov)>  
**Subject:** Updated draft of AG's remarks on revised executive order

All,

I took my previous rough draft for this event and (b) (5)  
(b) (5) Revised draft for Monday is attached. This comes in a little short of three minutes, but could easily be shortened depending on overlap w/the other speakers. (b) (5)  
(b) (5)

Please let me know if I should also update the bullet points I had drafted to help with media prep.

Thanks,  
Lee

Lee Bockhorn



Office of Public Affairs  
U.S. Department of Justice  
(b) (6) direct)  
(b) (6) cell)  
[Lee.F.Bockhorn@usdoj.gov](mailto:Lee.F.Bockhorn@usdoj.gov)

**Tucker, Rachael (OAG)**

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**From:** Tucker, Rachael (OAG)  
**Sent:** Sunday, March 5, 2017 6:23 PM  
**To:** Curtis E. Gannon (OLC) (b)(6) per OLC Noel Francisco (OSG) (nfrancisco@jmd.usdoj.gov)  
**Subject:** FW: latest EO talking points and Q&A for tomorrow  
**Attachments:** 20170306 Remarks for Attorney General Sessions on Revised Executive Order (002)rev.docx  
**Importance:** High

I'm seeing that this still has the (b) (5) language in it. I'm not sure who needs to run this down. Do you know who is responsible for drafting the line in the first instance?

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**From:** Hunt, Jody (OAG)  
**Sent:** Sunday, March 5, 2017 6:07 PM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Cc:** Tucker, Rachael (OAG) <ratucker@jmd.usdoj.gov>  
**Subject:** RE: latest EO talking points and Q&A for tomorrow  
**Importance:** High

Here (attached) are the DRAFT remarks for the AG.

Copying Rachael in case any further issues related to this need to be addressed.

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**From:** Hunt, Jody (OAG)  
**Sent:** Sunday, March 5, 2017 6:02 PM  
**To:** Flores, Sarah Isgur (OPA) <siflores@jmd.usdoj.gov>  
**Subject:** RE: latest EO talking points and Q&A for tomorrow

If you are talking about the DRAFT remarks for the AG, I have it and am about to send it to you with his edits.

(b) (5)

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**From:** Flores, Sarah Isgur (OPA)  
**Sent:** Sunday, March 5, 2017 5:50 PM  
**To:** Hunt, Jody (OAG) <johunt@jmd.usdoj.gov>  
**Subject:** latest EO talking points and Q&A for tomorrow

Want to see if there are any updates to the drafts I've been working off before tomorrow's call. (WH comms has asked that I send them anything we have as well—which I assume WH Counsel's office has, but not sure about that either)

\*\*\*

Sarah Isgur Flores  
Director of Public Affairs

(b) (6)

## Hunt, Jody (OAG)

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**From:** Hunt, Jody (OAG)  
**Sent:** Tuesday, March 7, 2017 2:53 PM  
**To:** Gannon, Curtis E. (OLC); Francisco, Noel (OSG)  
**Subject:** FW: Travel ban

FYI ...

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**From:** Eugene Kiely [mailto:[eugene.kiely@factcheck.org](mailto:eugene.kiely@factcheck.org)]  
**Sent:** Tuesday, March 7, 2017 2:23 PM  
**To:** [jody.hunt@usdoj.gov](mailto:jody.hunt@usdoj.gov)  
**Subject:** Travel ban

Jody –

My name is Eugene Kiely. I'm the director of [FactCheck.org](http://FactCheck.org). If you are not familiar with us, we are a nonpartisan project at the University of Pennsylvania that writes about public policy.

Attorney General Jeff Sessions in [his remarks on the new travel ban](#) yesterday said, "today more than 300 people who came here as refugees are under FBI investigation for potential terrorism-related activities."

What does he mean by "under FBI investigation"? Are the "more than 300 people" under full investigation, preliminary investigation, or are they at the assessment level?

I ask, because as the Congressional Research Service explained in an [April 2013 report](#):

Agents and analysts may now use assessments outside of the more traditional preliminary and full investigations, which require some level of factual predication.<sup>78</sup> Preliminary investigations can be opened with "any 'allegation or information' indicative of possible criminal activity or threats to the national security." Opening a full investigation requires an "'articulable factual basis' of possible criminal or national threat activity."<sup>80</sup> On the other hand, opening an assessment does not require particular factual predication.

I'm trying to put the 300 figure in some context, but I need to know how the Attorney General defines the term "under FBI investigation."

Thank you,

Eugene Kiely  
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202 South 36<sup>th</sup> Street  
Philadelphia, PA 19104  
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