

From: Rabbitt, Brian (OAG)
<(b) (6)>
>
To: Greer, Megan L. (OLA)
<(b) (6)>
>
Cc: Boyd, Stephen E. (OLA)
<(b) (6)>
>
Bcc:
Subject: RE: Draft Letter re Ukraine Process
Date: Tue Feb 18 2020 09:45:55 EST
Attachments: DRAFT HJC Response re Ukraine Information 2.18.docx

Minor edits attached. Megan please prep for Stephen's signature.

From: Greer, Megan L. (OLA) (b) (6) >
Sent: Tuesday, February 18, 2020 9:19 AM
To: Rabbitt, Brian (OAG) (b) (6) >
Cc: Boyd, Stephen E. (OLA) (b) (6)
Subject: RE: Draft Letter re Ukraine Process

Brian,

The current draft, which includes the edits from the DAG, is attached (in red line and clean). Please let us know if you have any changes, and we can finalize and get it out this morning.

Thanks,

Megan

From: Rabbitt, Brian (OAG) (b) (6)
Sent: Tuesday, February 18, 2020 8:52 AM
To: Boyd, Stephen E. (OLA) (b) (6)
Cc: Greer, Megan L. (OLA) (b) (6)
Subject: Re: Draft Letter re Ukraine Process

Can we move this forward? I'd like to see a draft.

Sent from my iPhone

On Feb 17, 2020, at 9:24 AM, Boyd, Stephen E. (OLA) (b) (6) wrote:

Rgr.

Sent from my iPhone

On Feb 17, 2020, at 9:04 AM, Rabbitt, Brian (OAG) (b) (6) wrote:

Tomorrow is likely fine but let's just touch base before we send.

Sent from my iPhone

On Feb 17, 2020, at 9:01 AM, Boyd, Stephen E. (OLA) (b) (6) wrote:

FYI re: below - DAG had a couple of minor edits late Friday. We'll polish it up and send it out tomorrow, (b) (5).

Sent from my iPhone

On Feb 14, 2020, at 3:01 PM, Rabbitt, Brian (OAG) (b) (6) wrote:

Some edits attached. This reflects my understanding of the situation, so might want to run this by ODAG, too, as they have been the ones handling this.

From: Greer, Megan L. (OLA) (b) (6) >
Sent: Friday, February 14, 2020 12:43 PM
To: Rabbitt, Brian (OAG) (b) (6)
Cc: Boyd, Stephen E. (OLA) <(b) (6)>
Subject: Draft Letter re Ukraine Process

Brian,

Following up on your discussion with Stephen, attached is a first draft of a response to Chairman Nadler's request for information about Ukraine procedures. A copy of the incoming request and the DAG's memo are also attached for reference.

Best regards,

Megan

Megan L. Greer

Senior Counsel

Office of Legislative Affairs

U.S. Department of Justice

(b) (6) direct

(b) (6) mobile

<DRAFT HJC Response re Ukraine Information bcr.docx>

From: Boyd, Stephen E. (OLA)

(b) (6)

To: Greer, Megan L. (OLA)

(b) (6)

Cc: Rabbitt, Brian (OAG)

(b) (6)

Bcc:

Subject: Re: Draft Letter re Ukraine Process

Date: Fri Feb 14 2020 13:48:51 EST

Attachments:

Ready to move on this whenever people feel comfortable with it.

Sent from my iPhone

On Feb 14, 2020, at 12:42 PM, Greer, Megan L. (OLA) (b) (6) v> wrote:

Duplicative

ROBERT P. CASEY, JR.
PENNSYLVANIA

COMMITTEES:
AGRICULTURE, NUTRITION,
AND FORESTRY

FINANCE

HEALTH, EDUCATION,
LABOR, AND PENSIONS

SPECIAL COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510

February 24, 2020

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

Dear Attorney General Barr:

I write to express my serious concern regarding the Department of Justice (DOJ) establishing a special “intake process” in the Western District of Pennsylvania to review information related to Ukraine, including Russian propaganda that continues to be peddled by the President Trump’s personal lawyer, Rudy Giuliani. This new process has led me to question whether DOJ’s leadership is more committed to serving the President’s political agenda than the American people—particularly my constituents in the Western District of Pennsylvania.

On Sunday, February 9, Senator Lindsay Graham indicated that the DOJ had established an intake “process” for Mr. Giuliani to submit information related to Ukraine.¹ The following day, you confirmed that you had created an “intake process in the field” for the DOJ to receive information from Mr. Giuliani.² On Tuesday, February 18, the DOJ confirmed that the U.S. Attorney in the Western District of Pennsylvania, Scott Brady, was serving as the conduit for this information.³ The Department claims that it “regularly assigns U.S. Attorneys to coordinate or focus on certain matters” and that this new intake process does not “grant any individual unique access to the Department.”⁴ Nevertheless, I am very concerned that the DOJ is diverting essential law enforcement resources away from urgent public safety concerns in the Western District of Pennsylvania in order to accept and review “information” that is Russian propaganda and political smears against the President’s political rivals.

As you know, Mr. Giuliani has repeatedly pushed Ukraine to announce investigations into former Vice President Joe Biden and the debunked theory alleging Ukrainian election

¹ Transcript: Lindsey Graham on “Face the Nation,” February 9, 2020, CBS NEWS (Feb. 9, 2020 11:40 AM), <https://www.cbsnews.com/news/lindsey-graham-ukraine-bidens-rudy-giuliani-face-the-nation-2020-02-09/>.

² Matt Zapposky & Devlin Barrett, *Barr Acknowledges Justice Dept. Has Created ‘Intake Process’ To Vet Giuliani’s Information On Bidens*, WASH. POST (Feb. 10, 2020, 5:58 PM), https://www.washingtonpost.com/national-security/barr-acknowledges-justice-dept-has-created-intake-process-to-vet-giulianis-information-on-bidens/2020/02/10/0fba553a-4c1e-11ea-bf44-f5043eb3918a_story.html.

³ Letter from Stephen E. Boyd, Asst. Att’y Gen., to Chairman Jerrold Nadler, U.S. House of Representatives, Committee on the Judiciary (Feb. 18, 2020), <https://www.axios.com/justice-department-ukraine-giuliani-us-attorneys-639258e4-44ba-41e2-be1e-f59b65c51852.html>.

⁴ *Id.*

interference in 2016.⁵ In 2019, FBI Director Christopher Wray confirmed that the FBI had “no information that indicates that Ukraine interfered with the 2016 presidential election.”⁶ Furthermore, Dr. Fiona Hill, former Senior Director of European and Russian Affairs at the National Security Council, explained that this conspiracy theory was “a fictional narrative that is being perpetrated and propagated by the Russian security services themselves” to damage relations between Ukraine and the United States and protect Russia’s own interests.⁷ Any materials related to these claims should be rejected outright by the DOJ. Law enforcement resources in Western Pennsylvania should not be diverted from combatting serious safety issues to vetting Russian propaganda from Mr. Giuliani.

For example, studies have indicated that Pennsylvania is one of three states with the highest rates of death due to drug overdose, largely fueled by the opioid epidemic plaguing too many of our communities.⁸ In addition to the staggering loss of life, Pennsylvania’s Auditor General has reported that the opioid crisis has cost Pennsylvania taxpayers approximately \$25 billion annually.⁹ This crisis has hit Western Pennsylvania particularly hard—even being described as “Ground Zero” for the opioid epidemic by U.S. Attorney Brady.¹⁰ In 2017, Allegheny County experienced a record-breaking high of 737 overdose deaths.¹¹ Fentanyl was involved in approximately 74% of those deaths.¹²

In recent years, however, we have seen progress in reducing opioid deaths in Western Pennsylvania. In November 2019, U.S. Attorney Brady announced that overdose deaths decreased by 37% throughout all 25 counties in the Western District.¹³ In some of the most impacted counties, including Beaver, Butler, Lawrence, Allegheny, Washington and Westmoreland Counties, fentanyl-related overdoses decreased from 565 in 2018 to 460 in 2019.¹⁴ A number of measures have slowed this crisis, including increased access to naloxone, doctors prescribing fewer opioids, implementing medication-assisted drug treatments and

⁵ Kyle Cheney, “Of Course I Did”: Giuliani Acknowledges Asking Ukraine to Investigate Biden, POLITICO (Sept. 19, 2019, 11:59 PM), <https://www.politico.com/story/2019/09/19/giuliani-biden-ukraine-trump-1506009>.

⁶ Luke Barr & Alexander Mallin, *FBI Director Pushes Back On Debunked Conspiracy Theory About 2016 Election Interference*, ABC NEWS (Dec. 9, 2019 6:03 PM), <https://abcnews.go.com/Politics/fbi-director-pushes-back-debunked-conspiracy-theory-2016/story?id=67609244>.

⁷ H.R. Doc. No. 116-95, Vol. III, at 5188 (2020).

⁸ *Drug Overdose Deaths*, CTFS. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/drugoverdose/data/statedeaths.html> (last visited Feb. 21, 2020).

⁹ EUGENE A. DePASQUALE, PA. AUDITOR GEN., *A DEADLY DOSE: FENTANYL’S IMPACT IN PENNSYLVANIA I* (Oct. 16, 2019), https://www.paauditor.gov/Media/Default/Reports/RPT_Fentanyl_101619_FINAL.pdf.

¹⁰ Press Release, U.S. Att’y’s Office, W. Dist. Of Pa., U.S. Attorney Brady: Western Pennsylvania’s Response to the Opioid Epidemic Resulted in a Dramatic Decrease in Overdose Deaths in 2018 (Mar. 8, 2019), <https://www.justice.gov/usao-wdpa/pr/us-attorney-brady-western-pennsylvania-s-response-opioid-epidemic-resulted-dramatic>.

¹¹ Aubrey Whelan, *Drug Overdose Deaths Dropped 40% Last Year in the Pittsburgh Area. Why Can’t Philadelphia Do the Same?*, PHILA. INQUIRER (Dec. 9, 2019), <https://www.inquirer.com/health/opioid-addiction/opioid-overdoses-philadelphia-pittsburgh-naloxone-20191209.html>.

¹² *View County Death Data*, OVERDOSEFREEPA, <https://www.overdosefreepa.pitt.edu/know-the-facts/view-overdose-death-data/> (last visited Feb. 21, 2020).

¹³ Press Release, U.S. Att’y’s Office, W. Dist. Of Pa., U.S. Attorney Brady Announces Record Number of Prosecutions for Western District of Pennsylvania (Nov. 1, 2019), <https://www.justice.gov/usao-wdpa/pr/us-attorney-brady-announces-record-number-prosecutions-western-district-pennsylvania>.

¹⁴ *View County Death Data*, *supra* note 12.

targeted law enforcement.¹⁵ For example, I was proud to support the leaders in Southwestern Pennsylvania in their efforts to have the White House designate Allegheny, Beaver and Washington Counties as a High Intensity Drug Trafficking Area.¹⁶ This designation has not only provided eligibility for federal grants to help law enforcement limit the flow of illicit drugs into, out of and within Southwestern Pennsylvania, but it has also ensured collaboration and information-sharing among stakeholders at all levels of government.

Community leaders in Western Pennsylvania, including the United States Attorney's Office, should be applauded for their efforts to reduce the opioid epidemic in the region. Unfortunately, it is clear that as Western Pennsylvania has tried to close the door on the opioid crisis, more doors have opened for other types of illicit drug use and drug trafficking. Just recently, U.S. Attorney Brady commented on the need to fight the "fourth wave" of the crisis after identifying an increase in incidents in Western Pennsylvania involving cocaine, crack and methamphetamine.¹⁷

Given these concerns, I urge you to take immediate steps to ensure that the DOJ does not continue diverting law enforcement resources away from the important law enforcement priorities in the Western District of Pennsylvania.

Sincerely,



Robert P. Casey, Jr.
United States Senator

¹⁵ Whelan, *supra* note 11.

¹⁶ See Press Release, U.S. Att'y's Office, W. Dist. Of Pa., U.S. Attorney Brady Welcomes HIDTA Designation to Combat Drug Trafficking and Reduce Supply of Illegal Drugs (Sept. 24, 2018), <https://www.justice.gov/usao-wdpa/pr/us-attorney-brady-welcomes-hidta-designation-combat-drug-trafficking-and-reduce-supply>.

¹⁷ Chauncey Ross, *Region's Top Prosecutor Sees Fourth Wave of Drugs*, INDIANA GAZETTE (Jan. 18, 2020), https://www.indianagazette.com/news/region-s-top-prosecutor-sees-fourth-wave-of-drugs/article_1a3c3dd4-3a08-11ea-9f79-5f9a658ba9bb.html.