Kupec, Kerri (OPA)

From:	Kupec, Kerri (OPA)
Sent:	Thursday, February 7, 2019 12:44 PM
To:	Navas, Nicole (OPA); Engel, Steven A. (OLC)
Subject:	RE: questions from the Washington Post in ref Wire Act

Let's attribute to me or you.

From: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Sent: Thursday, February 7, 2019 12:43 PM
To: Engel, Steven A. (OLC) (b)(6) ; Kupec, Kerri (OPA) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

To be clear, who do you want this attributed to?

The 2018 OLC opinion returned to the Department's traditional view concerning the scope of the Wire Act. The 23-page opinion reflects the Office of Legal Counsel's best judgment of the law, and the accusation that the opinion was shaped by any outside interest is baseless and offensive.

From: Engel, Steven A. (OLC) (b)(6)
Sent: Thursday, February 07, 2019 12:38 PM
To: Kupec, Kerri (OPA) (b)(6) ; Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: Fwd: questions from the Washington Post in ref Wire Act

Adding Nicole.

Sent from my iPhone

Begin forwarded message:

> **From:** "Kupec, Kerri (OPA)" (b)(6)
> **Date:** February 7, 2019 at 11:08:25 AM EST
> **To:** "Engel, Steven A. (OLC)" (b)(6)
> **Subject: RE: questions from the Washington Post in ref Wire Act**
>
> Yep. (b)(5)
>
> ---
>
> **From:** Engel, Steven A. (OLC) (b)(6)
> **Sent:** Thursday, February 7, 2019 11:06 AM
> **To:** Kupec, Kerri (OPA) (b)(6)
> **Subject:** RE: questions from the Washington Post in ref Wire Act
>
> Fine. How about this?
>
> **The 2018 OLC opinion returned to the Department's traditional view concerning the scope of the Wire Act. The 23-page opinion reflects the Office of Legal Counsel's best**

judgment of the law, and the accusation that the opinion was shaped by any outside interest is baseless and offensive.

From: Kupec, Kerri (OPA) (b)(6)
Sent: Thursday, February 7, 2019 10:59 AM
To: Engel, Steven A. (OLC) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

(b)(5)
See below.

From: Engel, Steven A. (OLC) (b)(6)
Sent: Thursday, February 7, 2019 10:54 AM
To: Kupec, Kerri (OPA) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

(b)(5)

How about a statement like the following:

(b)(5)

From: Kupec, Kerri (OPA) (b)(6)
Sent: Thursday, February 7, 2019 10:47 AM
To: Engel, Steven A. (OLC) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

Thoughts? (b)(5)

From: Kupec, Kerri (OPA)
Sent: Thursday, February 7, 2019 10:45 AM
To: Engel, Steven A. (OLC) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

(b)(5)

From: Engel, Steven A. (OLC) (b)(6)
Sent: Thursday, February 7, 2019 10:43 AM
To: Kupec, Kerri (OPA) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

(b)(5)

(b)(5)

From: Kupec, Kerri (OPA) (b)(6)
Sent: Thursday, February 7, 2019 10:32 AM
To: Engel, Steven A. (OLC) (b)(6) Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Cc: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6) Cronan, John (CRM) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

Duplicative Material

Navas, Nicole (OPA)

From:	Navas, Nicole (OPA)
Sent:	Thursday, February 7, 2019 12:30 PM
To:	O'Callaghan, Edward C. (ODAG); Engel, Steven A. (OLC)
Cc:	Raman, Sujit (ODAG); Kupec, Kerri (OPA); Lan, Iris (ODAG); Whitaker, Henry C. (OLC); Hart, Jessica E. (OLA); Gannon, Curtis E. (OLC); Cronan, John (CRM)
Subject:	RE: questions from the Washington Post in ref Wire Act

Thank you, I will provided below responses to reporter's questions attributed to a "Justice Department official."

1/We have been told that the Office of Legal Counsel received a memo from Charles Cooper's law firm before the Wire Act opinion was issued. We have also been told that the final OLC opinion aligns closely with the arguments in that memo. Is that the case? How heavily did the office rely on material from Mr. Cooper when drafting the OLC Wire Act opinion?

On April 24, 2017, an attorney for the Coalition to Stop Internet Gambling provided a memorandum from the Cooper & Kirk law firm to the Justice Department's Criminal Division. The Criminal Division subsequently provided that memorandum to the Office of Legal Counsel. The Office of Legal Counsel issued its legal opinion more than 18 months later, on November 2, 2018. OLC's twenty-three page opinion reflects the independent legal judgment of the Office and cites the legal authorities that it relied upon in reaching its conclusions.

2/Why did DOJ officials originally deny that the OLC had received material from lobbyists and lawyers representing Sands casino and related interests?

That is incorrect. DOJ officials did not deny that "OLC had received material from lobbyists and lawyers representing Sands casino and related interests." The previous *Washington Post* article reported that a DOJ official "said the Office of Legal Counsel did not have discussions about the opinion with Sheldon Adelson or 'any outside parties.'" DOJ officials confirmed that OLC did not have any communications with any outside party while working on its opinion. It is not uncommon for the Department of Justice otherwise to receive submissions from outside parties on topics of interest. For instance, before requesting the 2011 OLC opinion on the Wire Act, the Criminal Division had received a white paper from lawyers for the Illinois Lottery and Department of Revenue.

3/Since former Attorney General Sessions was recused from this topic who instructed or recommended that a review of the 2011 decision take place? Was it the acting head of the Criminal Division? Did he make that recommendation on his own? Did the Deputy Attorney General play a role?

Attorney General Sessions pledged at his confirmation hearing in January 2017 that the Department would revisit the 2011 Wire Act opinion. The Criminal Division, the addressee of the 2011 opinion, formally requested that OLC reconsider the opinion on May 26, 2017. Attorney General Sessions recused himself from the matter on June 20, 2017. Thereafter, OLC reported to Deputy Attorney General Rosenstein as Acting Attorney General on this matter.

4/A former acting director of OLC, Dawn Johnsen, has told us she was puzzled by the release of

such an opinion during a shutdown. She managed OLC during the federal government shutdown in the mid-1990s and said "it is unclear to me how this kind of work could meet the very stringent standards for review" during a shutdown. Could you respond to her concern and explain why OLC decided to release this during a period when all but essential personnel were essentially furloughed?

OLC signed the opinion on November 2, 2018, prior to the government shutdown. The Department publicly released the opinion on January 13, 2018, consistent with Department policies for government shutdowns, which authorize limited public releases related to the enforcement of the criminal laws.

5/Another former OLC official said that he didn't find the opinion persuasive. Specifically, Martin Lederman, now a professor of law at Georgetown University, told The Post: "I haven't seen any evidence that Assistant Attorney General Engel acted improperly, or that he didn't sincerely believe what he wrote in the opinion; even so, I don't find it as persuasive as the 2011 opinion--only the former makes functional sense of the statute--and, more importantly, the new opinion doesn't offer any compelling reason for revisiting, let alone overruling, the 2011 opinion." Would you please respond to Lederman's concerns, which reflect views we heard from others including members of Congress?

The opinion reflects Assistant Attorney General Engel's best judgment of the law. Prior to 2011, the Department of Justice had taken the position that the Wire Act's prohibitions were not limited to sports gambling, and as the OLC opinion explains, the Department had successfully prosecuted defendants whose wire communications involved non-sports gambling. The 2011 opinion reversed the Department's established position and prevented such prosecutions from going forward. Although OLC does not lightly depart from its own precedents, the 2018 opinion concluded that reconsideration was justified here because the 2011 opinion devoted insufficient attention to the statutory text; because the 2011 opinion had itself reversed the established Department position; and because reconsideration would make it more likely that the Executive Branch's view of the law will be tested in the courts.

6/Several state officials have expressed dismay over the decision. Attorneys General offices from Pennsylvania and New Jersey have said they believe OLC paid close attention to the interests of a billionaire donor while ignoring the concern of state governments that depend on the 2011 interpretation to raise monies for vital state services affecting hundreds of thousands of people. Can you respond to this concern please?

That is incorrect. OLC's role is to provide authoritative legal interpretations within the Executive Branch. The Wire Act opinion reflects OLC's best judgment of the statute enacted by Congress, without regard to any outside interests. If the statute is to be modified to address the States' concerns, those amendments should come from Congress.

7/Did anyone on the OLC staff, including Mr. Engel, have conversations with Chuck Cooper about this topic before the opinion was written? If so would you please provide details about those interactions. In retrospect, was it appropriate to receive a memorandum from a party with strong interests in the Opinion?

Assistant Attorney General Engel did not have any conversations with Chuck Cooper on the Wire Act before the opinion was written. We are not aware of any other such conversations between Mr. Cooper and anyone else on the OLC staff. It is neither uncommon nor inappropriate for the Department of Justice to receive submissions from outside parties on topics of interest. For instance, before requesting the 2011 OLC opinion on the Wire Act, the Criminal Division had received a white paper from lawyers for the State of New York. What is important is that an OLC opinion, when it is issued, reflects the principled and independent judgment of the Office.

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Sent: Thursday, February 07, 2019 12:20 PM
To: Engel, Steven A. (OLC) (b)(6)
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Kupec, Kerri (OPA) (b)(6); Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6); Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6); Cronan, John (CRM) (b)(6)
Subject: Re: questions from the Washington Post in ref Wire Act

Just talked to Sujit. ODAG is good with this.

Edward C. O'Callaghan
202-514-2105

On Feb 7, 2019, at 11:59 AM, Engel, Steven A. (OLC) (b)(6) wrote:

Duplicative Material

[redacted]

Raman, Sujit (ODAG)

From: Raman, Sujit (ODAG)
Sent: Thursday, February 7, 2019 12:21 PM
To: Engel, Steven A. (OLC)
Subject: Re: questions from the Washington Post in ref Wire Act

Just discussed with Ed. He's fine with this and I think will respond by email in a second.

Sent from my iPhone

On Feb 7, 2019, at 11:59 AM, Engel, Steven A. (OLC) (b)(6) [redacted] wrote:

> Do we have odag's agreement? I'm about to disappear, but want to make sure we meet the reporters' deadline.
>
> Sent from my iPhone
>
> On Feb 7, 2019, at 10:54 AM, Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov> wrote:
>
> > I agree with Kerri. (b)(5) [redacted] Thank you
> >
> > Nicole Navas Oxman
> > Spokesperson/Public Affairs Specialist
> > U.S. Department of Justice (DOJ)
> > 202-514-1155 (office)
> > Nicole.Navas@usdoj.gov
> >
> > ---
> >
> > **From:** Kupec, Kerri (OPA) (b)(6) [redacted]
> > **Sent:** Thursday, February 07, 2019 10:32 AM
> > **To:** Engel, Steven A. (OLC) (b)(6) [redacted]; Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6) [redacted]
> > **Cc:** Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6) [redacted]; Cronan, John (CRM) (b)(6) [redacted]
> > **Subject:** RE: questions from the Washington Post in ref Wire Act
>
> Duplicative Material [redacted]

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Thursday, February 7, 2019 10:42 AM
To:	Kupec, Kerri (OPA); Navas, Nicole (OPA); Raman, Sujit (ODAG); Lan, Iris (ODAG); Whitaker, Henry C. (OLC)
Cc:	Hart, Jessica E. (OLA); Gannon, Curtis E. (OLC); Cronan, John (CRM)
Subject:	RE: questions from the Washington Post in ref Wire Act

(b)(5) [redacted]

[redacted]

[redacted]

[redacted]

From: Kupec, Kerri (OPA) (b)(6) [redacted]
Sent: Thursday, February 7, 2019 10:32 AM
To: Engel, Steven A. (OLC) (b)(6) [redacted]; Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6) [redacted]
Cc: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6) [redacted]; Cronan, John (CRM) (b)(6) [redacted]
Subject: RE: questions from the Washington Post in ref Wire Act

Steve, thanks for your work on this. Very helpful. (b)(5) [redacted]

From: Engel, Steven A. (OLC) (b)(6) [redacted]
Sent: Thursday, February 7, 2019 10:23 AM

To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Cc: Kupec, Kerri (OPA) (b)(6) ; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Gannon, Curtis E. (OLC) (b)(6) ; Cronan, John (CRM) (b)(6)
Subject: RE: questions from the Washington Post in ref Wire Act

Here are proposed responses, (b)(5)

1/ We have been told that the Office of Legal Counsel received a memo from Charles Cooper's law firm before the Wire Act opinion was issued. We have also been told that the final OLC opinion aligns closely with the arguments in that memo. Is that the case? How heavily did the office rely on material from Mr. Cooper when drafting the OLC Wire Act opinion?

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5/Another former OLC official said that he didn't find the opinion persuasive. Specifically, Martin Lederman, now a professor of law at Georgetown University, told The Post: "I haven't seen any evidence that Assistant Attorney General Engel acted improperly, or that he didn't sincerely believe what he wrote in the opinion; even so, I don't find it as persuasive as the 2011 opinion--only the former makes functional sense of the statute--and, more importantly, the new opinion doesn't offer any compelling reason for revisiting, let alone overruling, the 2011 opinion." Would you please respond to Lederman's concerns, which reflect views we heard from others including members of Congress?

The opinion reflects Assistant Attorney General Engel's best judgment of the law. Prior to 2011, the Department of Justice had taken the position that the Wire Act's prohibitions were not limited to sports gambling, and as the OLC opinion explains, the Department had successfully prosecuted defendants whose wire communications involved non-sports gambling. The 2011 opinion reversed the Department's established position and prevented such prosecutions from going forward. Although OLC does not lightly depart from its own precedents, the 2018 opinion concluded that reconsideration was justified here because the 2011 opinion devoted insufficient attention to the statutory text; because the 2011 opinion had itself reversed the established Department position; and because reconsideration would make it more likely that the Executive Branch's view of the law will be tested in the courts.

6/ Several state officials have expressed dismay over the decision. Attorneys General offices from Pennsylvania and New Jersey have said they believe OLC paid close attention to the interests of a billionaire donor while ignoring the concern of state governments that depend on the 2011 interpretation to raise monies for vital state services affecting hundreds of thousands of people. Can you respond to this concern please?

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From: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Sent: Thursday, February 7, 2019 1:10 AM
To: Engel, Steven A. (OLC) (b)(6) ; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Cc: Kupec, Kerri (OPA) (b)(6) ; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Subject: Fwd: questions from the Washington Post in ref Wire Act

Hi Steve,
As per conversation, please see below Wash Post questions and advise. Thank you

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

Begin forwarded message:

From: "Hamburger, Tom" <tom.hamburger@washpost.com>
Date: February 7, 2019 at 12:00:40 AM EST
To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>
Subject: questions from the Washington Post

Hi Nicole
Here are six questions we want to ask you all before we publish. We would like on record responses but welcome any additional guidance or advice you care to provide.

If you can get back to me by Thursday at 2 p.m., I would be grateful.

1/ We have been told that the Office of Legal Counsel received a memo from Charles Cooper's law firm before the Wire Act opinion was issued. We have also been told that the final OLC opinion aligns closely with the arguments in that memo. Is that the case? How heavily did the office rely on material from Mr. Cooper when drafting the OLC Wire Act opinion?

2/ Why did DOJ officials originally deny that the OLC had received material from lobbyists and lawyers representing Sands casino and related interests?

3/ Since former Attorney General Sessions was recused from this topic who instructed or recommended that a review of the 2011 decision take place? Was it the acting head of the Criminal Division? Did he make that recommendation on his own? Did the Deputy Attorney General play a role?

4/A former acting director of OLC, Dawn Johnsen, has told us she was puzzled by the release of such an opinion during a shutdown. She managed OLC during the federal government shutdown in the mid-1990s and said "it is unclear to me how this kind of work could meet the very stringent standards for review" during a shutdown. Could you respond to her concern and explain why OLC decided to release this during a period when all but essential personnel were essentially

furloughed?

5/Another former OLC official said that he didn't find the opinion persuasive. Specifically, Martin Lederman, now a professor of law at Georgetown University, told The Post: "I haven't seen any evidence that Assistant Attorney General Engel acted improperly, or that he didn't sincerely believe what he wrote in the opinion; even so, I don't find it as persuasive as the 2011 opinion--only the former makes functional sense of the statute--and, more importantly, the new opinion doesn't offer any compelling reason for revisiting, let alone overruling, the 2011 opinion." Would you please respond to Lederman's concerns, which reflect views we heard from others including members of Congress?

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6/ Did anyone on the OLC staff, including Mr. Engel, have conversations with Chuck Cooper about this topic before the opinion was written? If so would you please provide details about those interactions. In retrospect, was it appropriate to receive a memorandum from a party with strong interests in the Opinion.

Thanks, Nicole, for your help with this. Please let me know if I can provide more information.

Sincerely,
Tom

Tom Hamburger
National Desk
The Washington Post
1301 K Street, NW
Washington, DC 20071
202 334 4926 (desk)
(b)(6) (mobile)
email: tom.hamburger@washpost.com

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Thursday, February 7, 2019 10:21 AM
To:	Navas, Nicole (OPA); Raman, Sujit (ODAG); Lan, Iris (ODAG); Whitaker, Henry C. (OLC)
Cc:	Kupec, Kerri (OPA); Hart, Jessica E. (OLA); Gannon, Curtis E. (OLC)
Subject:	RE: questions from the Washington Post in ref Wire Act

(b)(5) per OLC [redacted]

From: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Sent: Thursday, February 7, 2019 10:17 AM
To: Engel, Steven A. (OLC) (b)(6) [redacted]; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6) [redacted]
Cc: Kupec, Kerri (OPA) (b)(6) [redacted]; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Subject: RE: questions from the Washington Post in ref Wire Act
Importance: High

ICYMI: https://www.usatoday.com/story/opinion/2019/02/07/justice-department-online-gambling-gop-donor-sheldon-adelson-trump-column/2787194002/ . Wash Post reporter said this mirrors what he was hearing on record from other DOJ veterans. Since senior present and government officials are directly criticizing judgement and actions of OLC, they would like an on-the-record response to questions today by 2 p.m. Thanks

Department of Justice shouldn't end online gambling to appease Trump donor Sheldon Adelson

As an alumnus of the Justice Department, I cannot stress how unprecedentedly appalling this decision is.

Peter J. Ferrara, Opinion contributor Published 6:00 a.m. ET Feb. 7, 2019

Most decisions made by the Department of Justice are made to protect the long-term integrity of the institution. Policy changes are not made swiftly and can often take decades to implement. As a lawyer and former associate deputy attorney general in the George H.W. Bush administration, I have never come across a decision as corrupt, unethical and legally bankrupt as the one the Justice Department made public last month, reversing a 2011 ruling that allowed states to legalize and regulate online gambling within their borders. The reversal seems to be nothing short of a handout to casino owner and top Republican donor Sheldon Adelson.

The Justice ruling comes in stark contrast to one issued in 2011, which prompted the legalization process by arguing that the Wire Act, a law created in the 1960s to target the mafia's illegal telephone sports betting operations, does not prohibit online gambling. The 2011 decision is one that few serious lawyers and constitutional scholars consider controversial.

Even the law's brainchild, then-Attorney General Robert Kennedy, said himself that the bill was designed "first to assist the states and territories in the enforcement of their laws," not to impede states' rights by creating a sweeping federal ban.

The 2011 DOJ ruling was consistent with the intent of the Wire Act and in line with the principles of federalism, which protects states' rights. The Trump Justice Department's reversal is not. In fact, the new opinion seems to have even been directly based on the lobbying work of Adelson's team.

In April 2017, Adelson's lobbyist prepared an anti-online gambling, anti-federalism memo that Adelson's team forwarded to the Justice Department. One month later, the Criminal Division asked the Office of Legal Counsel to reconsider its interpretation of the Wire Act. Despite news reports suggesting that then-Attorney

Counsel to reconsider its interpretation of the Wire Act. Despite news reports suggesting that then-Attorney General Jeff Sessions recused himself of the matter, DOJ ultimately reversed course and sided with Adelson on this issue in November, five days before Sessions left the Justice Department.

The kicker is that the department's final analysis looked eerily similar to the memo it received from Adelson's lobbyists, using some of the same case law examples and adopting many of the same interpretations on word meanings, according to The Wall Street Journal. The department's ethics officers should get involved.

I can't stress how appalling this decision is

As an alumnus of the Justice Department, I cannot stress how unprecedentedly appalling this decision is. The Department of Justice's Office of Legal Counsel is supposed to be an independent entity that creates binding opinions with the highest degree of rectitude. In most circumstances, it abides by the judgments made by past OLC attorneys, even when in disagreement with their rulings, to respect the integrity of the office.

Yet in this case, the DOJ reversed its opinion on internet gaming almost immediately after receiving pressure from a casino owner who has a lot of power and influence in Republican circles, less than one decade after releasing its initial ruling. Never before have I seen law enforcement officials bend so easily seemingly to please one influencer.

President Donald Trump has received tens of millions in political donations from the Adelson family. If he wants to fend off the media's allegations of crony capitalism and make good on his commitment to draining the swamp, he will stand up immediately for federalism and criticize this OLC decision that reeks of influence-peddling. Doing anything less will jeopardize the well-being of federalism and the sanctity of the American legal system as we know it.

Peter J. Ferrara served in the White House Office of Policy Development under President Ronald Reagan and as associate deputy attorney general under President George H.W. Bush. He is a senior policy adviser to the National Tax Limitation Committee and to the FAIR Energy Foundation. He also teaches economics at King's College in New York.

You can read diverse opinions from our Board of Contributors and other writers on the Opinion front page, on Twitter @usatodayopinion and in our daily Opinion newsletter. To respond to a column, submit a comment to letters@usatoday.com.

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: Navas, Nicole (OPA)
Sent: Thursday, February 07, 2019 1:10 AM
To: Engel, Steven A. (OLC) (b)(6); Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Cc: Kupec, Kerri (OPA) (b)(6); Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Subject: Fwd: questions from the Washington Post in ref Wire Act

Hi Steve,
As per conversation, please see below Wash Post questions and advise. Thank you

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

Begin forwarded message:

From: "Hamburger, Tom" <tom.hamburger@washpost.com>
Date: February 7, 2019 at 12:00:40 AM EST
To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>
Subject: questions from the Washington Post

Hi Nicole
Here are six questions we want to ask you all before we publish. We would like on record responses but welcome any additional guidance or advice you care to provide.

If you can get back to me by Thursday at 2 p.m., I would be grateful.

1/ We have been told that the Office of Legal Counsel received a memo from Charles Cooper's law firm before the Wire Act opinion was issued. We have also been told that the final OLC opinion aligns closely with the arguments in that memo. Is that the case? How heavily did the office rely on material from Mr. Cooper when drafting the OLC Wire Act opinion?

2/ Why did DOJ officials originally deny that the OLC had received material from lobbyists and lawyers representing Sands casino and related interests?

3/ Since former Attorney General Sessions was recused from this topic who instructed or recommended that a review of the 2011 decision take place? Was it the acting head of the Criminal Division? Did he make that recommendation on his own? Did the Deputy Attorney General play a role?

4/A former acting director of OLC, Dawn Johnsen, has told us she was puzzled by the release of such an opinion during a shutdown. She managed OLC during the federal government shutdown in the mid-1990s and said "it is unclear to me how this kind of work could meet the very stringent standards for review" during a shutdown. Could you respond to her concern and explain why OLC decided to release this during a period when all but essential personnel were essentially furloughed?

5/Another former OLC official said that he didn't find the opinion persuasive. Specifically, Martin Lederman, now a professor of law at Georgetown University, told The Post: "I haven't seen any evidence that Assistant Attorney General Engel acted improperly, or that he didn't sincerely believe what he wrote in the opinion; even so, I don't find it as persuasive as the 2011 opinion--only the former makes functional sense of the statute--and, more importantly, the new opinion doesn't offer any compelling reason for revisiting, let alone overruling, the 2011 opinion." Would you please respond to Lederman's concerns, which reflect views we heard from others including members of Congress?

6/ Several state officials have expressed dismay over the decision. Attorneys General offices from Pennsylvania and New Jersey have said they believe OLC paid close attention to the interests of a billionaire donor while ignoring the concern of state governments that depend on the 2011 interpretation to raise monies for vital state services affecting hundreds of thousands of people. Can you respond to this concern please?

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6/ Did anyone on the OLC staff, including Mr. Engel, have conversations with Chuck Cooper about this topic before the opinion was written? If so would you please provide details about those interactions. In retrospect, was it appropriate to receive a memorandum from a party with strong interests in the Opinion.

Thanks, Nicole, for your help with this. Please let me know if I can provide more information.

Sincerely,
Tom

Tom Hamburger
National Desk
The Washington Post
1301 K Street, NW
Washington, DC 20071
202 334 4926 (desk)
(b)(6) (mobile)
email: tom.hamburger@washpost.com

nnavas@jmd.usdoj.gov

From:	nnavas@jmd.usdoj.gov
Sent:	Thursday, February 7, 2019 1:07 AM
To:	Engel, Steven A. (OLC); Raman, Sujit (ODAG); Lan, Iris (ODAG)
Cc:	Kupec, Kerri (OPA); Hart, Jessica E. (OLA)
Subject:	Fwd: questions from the Washington Post in ref Wire Act

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Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

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To: "Navas, Nicole (OPA)" <Nicole.Navas@usdoj.gov>
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Thanks, Nicole, for your help with this. Please let me know if I can provide more information.

Sincerely,
Tom

Tom Hamburger
National Desk
The Washington Post
1301 K Street, NW
Washington, DC 20071
202 334 4926 (desk)

(b)(6) (mobile)

email: tom.hamburger@washpost.com

nnavas@jmd.usdoj.gov

From:	nnavas@jmd.usdoj.gov
Sent:	Thursday, February 7, 2019 1:05 AM
To:	Engel, Steven A. (OLC); Raman, Sujit (ODAG); Lan, Iris (ODAG)
Cc:	Kupec, Kerri (OPA)
Subject:	Fwd: questions from the Washington Post in ref Wire Act

Hi Steve,
As per conversation, please see below Wash Post questions and advise. Thank you

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

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From: "Hamburger, Tom" <tom.hamburger@washpost.com>
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Thanks, Nicole, for your help with this. Please let me know if I can provide more information.

Sincerely,
Tom

Tom Hamburger
National Desk
The Washington Post
1301 K Street, NW
Washington, DC 20071
202 334 4926 (desk)

(b)(6) (mobile)

email: tom.hamburger@washpost.com

Navas, Nicole (OPA)

From:	Navas, Nicole (OPA)
Sent:	Wednesday, February 6, 2019 6:10 PM
To:	Hamburger, Tom
Cc:	Kupec, Kerri (OPA)
Subject:	RE: seeking your help on OLC story

Hi Tom,
Just tried calling you. Please give me a call at my office # below. thanks

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: Hamburger, Tom <tom.hamburger@washpost.com>
Sent: Wednesday, February 06, 2019 5:32 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Cc: Kupec, Kerri (OPA) (b)(6)
Subject: RE: seeking your help on OLC story

Hi Nicole,
Checking in with you on our requests for underlying documents and other information. I am particularly interested in seeing the memo Charles Cooper drafted that was provided to the department. If you can let me know, I'd be grateful, as I have to put the story together soon.

Best regards,
Tom

From: Hamburger, Tom
Sent: Tuesday, February 05, 2019 9:41 PM
To: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>
Cc: Kupec, Kerri (OPA) (b)(6)
Subject: Re: seeking your help on OLC story

Nicole

Thanks so much for your response. I look forward to talking with you tomorrow and welcome any information/guidance that you can share.

best wishes,

Tom

Tom Hamburger
National Desk
The Washington Post
1301 K Street, NW
Washington, DC 20071
202 334 4926 (desk)
(b)(6) (mobile)

email: tom.hamburger@washpost.com

From: Navas, Nicole (OPA) <Nicole.Navas@usdoj.gov>
Sent: Tuesday, February 5, 2019 7:33 PM
To: Hamburger, Tom
Cc: Kupec, Kerri (OPA)
Subject: RE: seeking your help on OLC story

[EXTERNAL EMAIL]

Hi Tom,
As per conversation, my contact info is below. I will circle back. Thank you

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)
202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: Kupec, Kerri (OPA) (b)(6)
Sent: Tuesday, February 05, 2019 5:13 PM
To: Hamburger, Tom <tom.hamburger@washpost.com>
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: RE: seeking your help on OLC story

+Nicole

From: Hamburger, Tom <tom.hamburger@washpost.com>
Sent: Tuesday, February 5, 2019 4:38 PM
To: Kupec, Kerri (OPA) (b)(6)
Subject: seeking your help on OLC story

Hi Kerri

I am working on a piece examining the OLC Wire Act decision. As part of my story I am seeking a copy of the memo sent to the OLC on May 26, 2017 by Curtis E. Gannon, Acting Assistant Attorney General, Office of Legal Counsel, and Kenneth A. Blanco, Acting Assistant Attorney General, Criminal Division. Could you make a copy available to us so we can further examine the department's reasoning in this case.

If you have a moment would welcome the chance to talk with you about our story off record.

Thank you.

Tom
Tom Hamburger
National Desk
The Washington Post
1301 K Street NW
Washington, D.C. 20071
202 334 4926 (desk)
(b)(6) (mobile)

Escalona, Prim F. (OLA)

From: Escalona, Prim F. (OLA)
Sent: Tuesday, January 29, 2019 8:42 PM
To: Hart, Jessica E. (OLA)
Subject: Re: Governors in Town -- Wire Act

(b)(5)

Prim Escalona
(b)(6)

On Jan 29, 2019, at 8:32 PM, Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov> wrote:

(b)(5) . Thoughts? We can talk tomorrow too if that's easier.

Sent from my iPhone

Begin forwarded message:

From: "Sandoloski, Sean M. EOP/WHO" (b)(6)
Date: January 29, 2019 at 8:11:43 PM EST
To: "Hoelscher, Douglas L. EOP/WHO" (b)(6), "Hart, Jessica E. (OLA)" <Jessica.E.Hart@usdoj.gov>
Cc: "Pottebaum, Nic D. EOP/WHO" (b)(6)
Subject: RE: Governors in Town -- Wire Act

Sure thing. When are folks free?

Sean

Sean Sandoloski
Associate Counsel | Office of White House Counsel
Sean.M.Sandoloski@who.eop.gov
O: (b)(6) | C: (b)(6)

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Tuesday, January 29, 2019 7:42 PM
To: Hart, Jessica E. (OLA) <Jessica.E.Hart@usdoj.gov>; Sandoloski, Sean M. EOP/WHO (b)(6)
Cc: Pottebaum, Nic D. EOP/WHO (b)(6)
Subject: Governors in Town -- Wire Act

Hi Jessica and Sean,

I think we all should meet(b)(5) [redacted]

[redacted]

-Doug

Escalona, Prim F. (OLA)

From:	Escalona, Prim F. (OLA)
Sent:	Thursday, January 17, 2019 11:19 AM
To:	Hoelscher, Douglas L. EOP/WHO; Raman, Sujit (ODAG); Hornbuckle, Wyn (OPA); Wold, Theo J. EOP/WHO
Cc:	Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Crozer, William F. EOP/WHO
Subject:	RE: Wire Act communications/outreach

Below are the talking points that I mentioned previously. Please feel free to use these or to refer inquiries to us.

Thanks,
Prim

(b)(5)

[redacted]

(b)(5)

[redacted]

From: Hoelscher, Douglas L. EOP/WHO (b)(6) [redacted]
Sent: Wednesday, January 16, 2019 2:07 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Wold, Theo J. EOP/WHO (b)(6) [redacted]
Cc: Leggitt, Lance B. EOP/WHO (b)(6) [redacted]; Pottebaum, Nic D. EOP/WHO (b)(6) [redacted]; Crozer, William F. EOP/WHO (b)(6) [redacted]
Subject: RE: Wire Act communications/outreach

Duplicative Material

[redacted]

Cronan, John (CRM)

From:	Cronan, John (CRM)
Sent:	Thursday, January 17, 2019 10:59 AM
To:	Escalona, Prim F. (OLA)
Cc:	Raman, Sujit (ODAG); Engel, Steven A. (OLC); Whitaker, Henry C. (OLC)
Subject:	Re: Wire Act TP for WH

(b)(5) Thanks.

John P. Cronan
Principal Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
Desk: (b)(6)
Cell: (b)(6)

On Jan 17, 2019, at 10:55 AM, Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov> wrote:

> Great. Thank you all. (b)(5)
>
> **From:** Cronan, John (CRM) (b)(6)
> **Sent:** Thursday, January 17, 2019 10:51 AM
> **To:** Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
> **Cc:** Engel, Steven A. (OLC) (b)(6); Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
> **Subject:** Re: Wire Act TP for WH
>
> Thanks. That is fine with me. (b)(5)
>
> John P. Cronan
> Principal Deputy Assistant Attorney General
> Criminal Division
> U.S. Department of Justice
> Desk: (b)(6)
> Cell: (b)(6)
>
> On Jan 17, 2019, at 10:50 AM, Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov> wrote:
>
> (b)(5)
>
> (b)(5)

(b)(5) [redacted]

From: Engel, Steven A. (OLC) (b)(6) [redacted]
Sent: Thursday, January 17, 2019 10:49 AM
To: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6) [redacted]
Cc: Whitaker, Henry C. (OLC) (b)(6) [redacted]
Subject: RE: Wire Act TP for WH

I had the same thought. Sujit, let me know if my revisions work.
(b)(5) [redacted]

(b)(5) [redacted]

From: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Sent: Thursday, January 17, 2019 10:47 AM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6) [redacted]; Engel, Steven A. (OLC) (b)(6) [redacted]
Cc: Whitaker, Henry C. (OLC) (b)(6) [redacted]
Subject: RE: Wire Act TP for WH

(b)(5) [redacted]

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Thursday, January 17, 2019 10:43 AM
To: Cronan, John (CRM) (b)(6) [redacted]; Engel, Steven A. (OLC) (b)(6) [redacted]
Cc: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC)

<hcwhitaker@jmd.usdoj.gov>
Subject: RE: Wire Act TP for WH

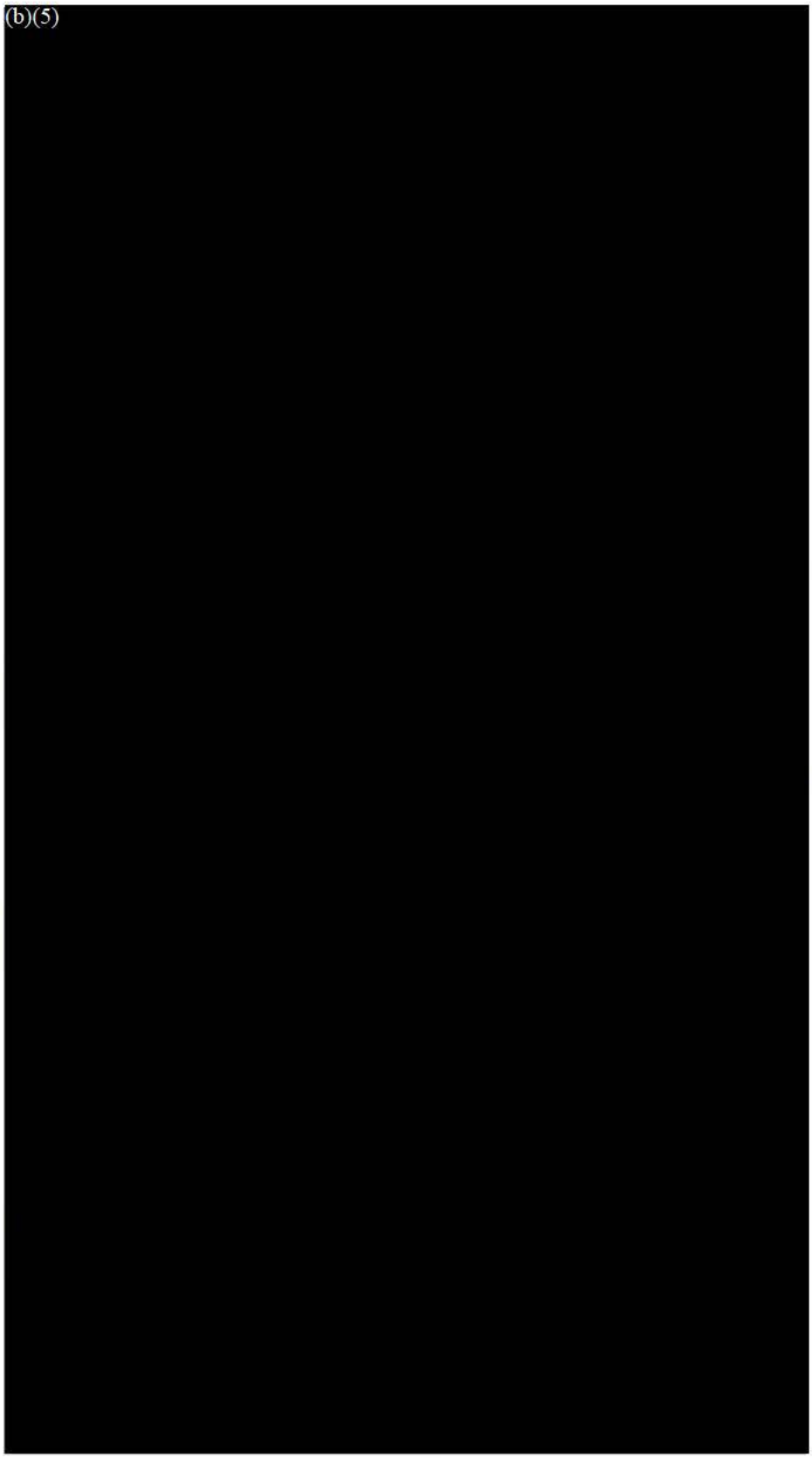
(b)(5) [redacted]

Thanks!

From: Cronan, John (CRM) (b)(6) [redacted]
Sent: Wednesday, January 16, 2019 5:04 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Engel, Steven A. (OLC)
(b)(6) [redacted]
Cc: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC)
(b)(6) [redacted]
Subject: RE: Wire Act TP for WH

(b)(5) [redacted]

(b)(5) [redacted]


(b)(5)

From: Escalona, Prim F. (OLA)
Sent: Wednesday, January 16, 2019 3:14 PM
To: Engel, Steven A. (OLC) (b)(6) ; Cronan, John (CRM) (b)(6)
Cc: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) <hcwhitaker@jmd.usdoj.gov>
Subject: RE: Wire Act TP for WH

(b)(5) John – (b)(5)

Thank you!

From: Engel, Steven A. (OLC) (b)(6)
Sent: Wednesday, January 16, 2019 3:13 PM
To: Cronan, John (CRM) (b)(6) ; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Cc: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Subject: RE: Wire Act TP for WH

(b)(5)

From: Cronan, John (CRM) (b)(6)
Sent: Wednesday, January 16, 2019 3:11 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Cc: Engel, Steven A. (OLC) (b)(6) ; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6)
Subject: Re: Wire Act TP for WH

Thanks. (b)(5)

Also, Doug Crow at OCGS is getting calls from private attorneys (as well as AUSAs). (b)(5) Any preference?

John P. Cronan
Principal Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
Desk: (b)(6)
Cell: (b)(6)

On Jan 16, 2019, at 1:52 PM, Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov> wrote:

Steve/John/Sujit,
(b)(5)
[redacted]

Thanks!
Prim

(b)(5)
[redacted]

(b)(5) [redacted]

Prim Escalona
Principal Deputy Assistant Attorney General
Office of Legislative Affairs
(202) 305-4573

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Thursday, January 17, 2019 10:51 AM
To:	Raman, Sujit (ODAG); Escalona, Prim F. (OLA); Cronan, John (CRM)
Cc:	Whitaker, Henry C. (OLC)
Subject:	RE: Wire Act TP for WH

Works for me.

From: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Sent: Thursday, January 17, 2019 10:51 AM
To: Engel, Steven A. (OLC) (b)(6) ; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6)
Cc: Whitaker, Henry C. (OLC) (b)(6)
Subject: RE: Wire Act TP for WH

Duplicative Material

[redacted]

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Thursday, January 17, 2019 10:48 AM
To:	Escalona, Prim F. (OLA); Cronan, John (CRM)
Cc:	Raman, Sujit (ODAG); Whitaker, Henry C. (OLC)
Subject:	RE: Wire Act TP for WH

(b)(5) [redacted]

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Thursday, January 17, 2019 10:43 AM
To: Cronan, John (CRM) (b)(6) [redacted]; Engel, Steven A. (OLC)
(b)(6) [redacted]
Cc: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Whitaker, Henry C. (OLC) (b)(6) [redacted]
Subject: RE: Wire Act TP for WH

Duplicative Material [redacted]

Escalona, Prim F. (OLA)

From:	Escalona, Prim F. (OLA)
Sent:	Wednesday, January 16, 2019 3:23 PM
To:	Hoelscher, Douglas L. EOP/WHO; Raman, Sujit (ODAG); Hornbuckle, Wyn (OPA); Wold, Theo J. EOP/WHO
Cc:	Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Crozer, William F. EOP/WHO
Subject:	RE: Wire Act communications/outreach

All,
Below is the link for the DAG memo, which the Department also pushed out on twitter.

https://www.justice.gov/opa/pr/deputy-attorney-general-rod-rosenstein-issues-memo-us-attorneys-recently-published-olc

We are working on talking points that I will circulate tonight or first thing in the morning. Hopefully, those talking points combined with the OLC opinion and DAG memo will provide some initial guidance.

Thanks,
Prim

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, January 16, 2019 2:07 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Wold, Theo J. EOP/WHO
(b)(6)
Cc: Leggitt, Lance B. EOP/WHO (b)(6); Pottebaum, Nic D. EOP/WHO
(b)(6); Crozer, William F. EOP/WHO (b)(6)
Subject: RE: Wire Act communications/outreach

Duplicative Material

[redacted]

Hornbuckle, Wyn (OPA)

From:	Hornbuckle, Wyn (OPA)
Sent:	Wednesday, January 16, 2019 3:09 PM
To:	Escalona, Prim F. (OLA); Hoelscher, Douglas L. EOP/WHO; Raman, Sujit (ODAG); Wold, Theo J. EOP/WHO
Cc:	Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Crozer, William F. EOP/WHO
Subject:	RE: Wire Act communications/outreach

https://twitter.com/TheJusticeDept/status/1085627248068214786
https://www.justice.gov/opa/pr/deputy-attorney-general-rod-rosenstein-issues-memo-us-attorneys-recently-published-olc

---

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Wednesday, January 16, 2019 2:12 PM
To: Hoelscher, Douglas L. EOP/WHO (b)(6) ; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Wold, Theo J. EOP/WHO (b)(6)
Cc: Leggitt, Lance B. EOP/WHO (b)(6) ; Pottebaum, Nic D. EOP/WHO (b)(6) Crozer, William F. EOP/WHO (b)(6)
Subject: RE: Wire Act communications/outreach

Also, I should have mentioned that folks are welcome to send any questions to me (our Public Liaison is on furlough), and we can determine if there are any that we can provide answers on.

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, January 16, 2019 2:07 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Wold, Theo J. EOP/WHO (b)(6)
Cc: Leggitt, Lance B. EOP/WHO (b)(6) ; Pottebaum, Nic D. EOP/WHO (b)(6) ; Crozer, William F. EOP/WHO (b)(6)
Subject: RE: Wire Act communications/outreach

Duplicative Material

Escalona, Prim F. (OLA)

From: Escalona, Prim F. (OLA)
Sent: Wednesday, January 16, 2019 11:07 AM
To: Raman, Sujit (ODAG); Cronan, John (CRM)
Subject: Wire Act - DAG memo

Can I share the DAG memo with interested folks on the Hill and at the WH? If so, can you share a PDF of the final?

Thanks!

Prim Escalona
Principal Deputy Assistant Attorney General
Office of Legislative Affairs
(202) 305-4573

Escalona, Prim F. (OLA)

From:	Escalona, Prim F. (OLA)
Sent:	Tuesday, January 15, 2019 7:55 PM
To:	Engel, Steven A. (OLC)
Cc:	Raman, Sujit (ODAG); Cronan, John (CRM); Whitaker, Henry C. (OLC); Boyd, Stephen E. (OLA)
Subject:	Re: Wire Act

(b)(5)

Prim Escalona
(b)(6)

On Jan 15, 2019, at 7:39 PM, Engel, Steven A. (OLC) (b)(6) wrote:

> I'm around this evening or tomorrow, if I can be helpful. (b)(5)
>
> -----Original Message-----
> From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
> Sent: Tuesday, January 15, 2019 7:37 PM
> To: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6); Engel, Steven A. (OLC) (b)(6); Whitaker, Henry C. (OLC) (b)(6)
> Cc: Boyd, Stephen E. (OLA) (b)(6)
> Subject: Wire Act
>
> I just got off a call with the WH. (b)(5)
>
> Thanks!
> Prim
>
> Prim Escalona
> (b)(6)

Lagomarsino, Katie R. EOP/WHO

Subject:	Wire Act Discussion
Location:	Dial-In: (b)(6) , Code: (b)(6)
Start:	Tuesday, January 15, 2019 7:15 PM
End:	Tuesday, January 15, 2019 7:45 PM
Show Time As:	Tentative
Recurrence:	(none)
Meeting Status:	Not yet responded
Organizer:	Lagomarsino, Katie R. EOP/WHO
Required Attendees:	Hoelscher, Douglas L. EOP/WHO; Sandoloski, Sean M. EOP/WHO; Hornbuckle, Wyn (OPA); Escalona, Prim F. (OLA); Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Raman, Sujit (ODAG)

Lagomarsino, Katie R. EOP/WHO

From:	Lagomarsino, Katie R. EOP/WHO
Sent:	Tuesday, January 15, 2019 5:11 PM
To:	Hoelscher, Douglas L. EOP/WHO; Sandoloski, Sean M. EOP/WHO; whornbuckle@jmd.usdoj.gov; Prim.F.Escalona@usdoj.gov; Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Sujit.Raman2@usdoj.gov
Subject:	Wire Act Discussion

In order to access the conference as a participant, dial the number below and enter the Participant Code:
Participant Dial-In: (b)(6)
Participant Code: (b)(6)

Darryl Nirenberg
202 429 6739
dnirenberg@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

Steptoe
STEPTOE & JOHNSON LLP

April 24, 2017

James C. Mann, Esq.
Acting Deputy Chief of Staff and Counselor to the Assistant Attorney General
U.S. Department of Justice, Criminal Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Mann:

It was a pleasure talking with you over the phone about the Memorandum Opinion for the Assistant Attorney General, Criminal Division, regarding the Wire Act dated September 20, 2011 (OLC Opinion).

As I mentioned, the law firm of Cooper and Kirk has analyzed the OLC Opinion and the Act, concluding that the longstanding, prior interpretation of the Act as covering all forms of gambling was indeed the correct interpretation.

Attached for yours and your colleagues' consideration is the memorandum prepared by Cooper and Kirk. We appreciate your attention to this matter, and hope you will contact us should you have any questions or need more information.

Sincerely,

Darryl Nirenberg
Counsel
Coalition to Stop Internet Gambling

ENCLOSURE

Raman, Sujit (ODAG)

From:	Raman, Sujit (ODAG)
Sent:	Tuesday, January 15, 2019 4:05 PM
To:	Hornbuckle, Wyn (OPA)
Cc:	Escalona, Prim F. (OLA); Hoelscher, Douglas L. EOP/WHO; Leggitt, Lance B. EOP/WHO; Pottebaum, Nic D. EOP/WHO; Crozer, William F. EOP/WHO
Subject:	Re: Wire Act communications/outreach

I'm tied up between 5:30-7:15 today (one of our AAGs is speaking at an event and I will need to attend) but am happy to get the after-action from one of my DOJ colleagues if needed.

On Jan 15, 2019, at 4:00 PM, Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov> wrote:

> Works for me too
>
> **From:** Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
> **Sent:** Tuesday, January 15, 2019 3:59 PM
> **To:** Hoelscher, Douglas L. EOP/WHO (b)(6) [redacted]
> **Cc:** Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6) [redacted]; Pottebaum, Nic D. EOP/WHO (b)(6) [redacted]; Crozer, William F. EOP/WHO (b)(6) [redacted]
> **Subject:** Re: Wire Act communications/outreach
>
> I am happy to get on a call. I'm staffing the Barr hearing today. I'm not sure what time we will wrap all of that up. We can shoot for tonight in that timeframe, but I may end up with a conflict. I will keep you all posted.
>
> Thanks!
> Prim
>
> Prim Escalona
> (b)(6) [redacted]
>
> On Jan 15, 2019, at 3:57 PM, Hoelscher, Douglas L. EOP/WHO <Douglas.L.Hoelscher@who.eop.gov> wrote:
>
> Duplicative Material [redacted]

Hornbuckle, Wyn (OPA)

From:	Hornbuckle, Wyn (OPA)
Sent:	Tuesday, January 15, 2019 2:47 PM
To:	Raman, Sujit (ODAG); Escalona, Prim F. (OLA)
Subject:	RE: Wire Act communications/outreach

Will do

From: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Sent: Tuesday, January 15, 2019 2:31 PM
To: Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Subject: RE: Wire Act communications/outreach

Prim/Wyn,

(b)(5) [redacted], I'd appreciate it. Thanks again.

Sujit

From: Raman, Sujit (ODAG)
Sent: Tuesday, January 15, 2019 2:30 PM
To: Hornbuckle, Wyn (OPA) <whornbuckle@jmd.usdoj.gov>; Prim F. Escalona (OLA) (pfescalona@jmd.usdoj.gov) <pfescalona@jmd.usdoj.gov>
Cc: Hoelscher, Douglas L. EOP/WHO (b)(6) [redacted]; Leggitt, Lance B. EOP/WHO (b)(6) [redacted]
Subject: RE: Wire Act communications/outreach

Doug & Lance:

I've copied a couple folks from DOJ to this email, who can answer questions you may have about the new OLC opinion re: Wire Act.

Wyn Hornbuckle from our Office of Public Affairs is handling press-related matters. His direct line is 202-616-0903.

Prim Escalona from our Office of Legislative Affairs is handling matters relating to the Hill and other public officials. Her direct line is 202-305-4573.

Please don't hesitate to be in touch if we can offer additional assistance.

Many thanks,

Sujit

Sujit Raman
Associate Deputy Attorney General
U.S. Department of Justice
T: 202.307.0697

From: Philbin, Patrick F. EOP/WHO (b)(6)
Sent: Tuesday, January 15, 2019 1:39 PM
To: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Hoelscher, Douglas L. EOP/WHO (b)(6) Leggitt, Lance B. EOP/WHO (b)(6)
Subject: Wire Act communications/outreach

Sujit,

Good to talk to you just now. Could you please put Doug Hoelscher and Lance Leggitt (copied) in touch with the appropriate folks at DOJ for communications/outreach purposes related to the OLC Wire Act opinion?

Thanks,
Pat

Patrick F. Philbin
Deputy Counsel to the President
Office of White House Counsel
(b)(6)
O: (b)(6) | C: (b)(6)

Raman, Sujit (ODAG)

From:	Raman, Sujit (ODAG)
Sent:	Tuesday, January 15, 2019 2:13 PM
To:	Philbin, Patrick F. EOP/WHO
Cc:	Hoelscher, Douglas L. EOP/WHO; Leggitt, Lance B. EOP/WHO
Subject:	RE: Wire Act communications/outreach

Thanks, Pat. Happy to do so. Doug & Lance, I'll connect you to the relevant folks in my next email. Please don't hesitate to be in touch with any additional questions.

Sujit

Sujit Raman
Associate Deputy Attorney General
U.S. Department of Justice
T: 202.307.0697

From: Philbin, Patrick F. EOP/WHO (b)(6)
Sent: Tuesday, January 15, 2019 1:39 PM
To: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Hoelscher, Douglas L. EOP/WHO (b)(6) ; Leggitt, Lance B. EOP/WHO (b)(6)
Subject: Wire Act communications/outreach

Sujit,

Good to talk to you just now. Could you please put Doug Hoelscher and Lance Leggitt (copied) in touch with the appropriate folks at DOJ for communications/outreach purposes related to the OLC Wire Act opinion?

Thanks,
Pat

Patrick F. Philbin
Deputy Counsel to the President
Office of White House Counsel
(b)(6)
O: (b)(6) | C: (b)(6)

Escalona, Prim F. (OLA)

From: Escalona, Prim F. (OLA)
Sent: Tuesday, January 15, 2019 12:01 PM
To: Raman, Sujit (ODAG)
Subject: Re: RE:

Yes, please feel free to use me.

Prim.f.escalona@usdoj.gov
202.305.4573 (direct dial)

Prim Escalona
(b)(6)

On Jan 15, 2019, at 11:26 AM, Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov> wrote:

(b)(5)

If so, could you send me your best contact details? (b)(5)

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Tuesday, January 15, 2019 11:24 AM
To: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Subject: Re:

I'm in Barr hearing all day. Is it urgent?

Prim Escalona
(b)(6)

On Jan 15, 2019, at 11:18 AM, Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov> wrote:

Hi Prim,

Do you have a quick second to discuss something? If so could you call me at 202-307-0697?

Sujit

Kupec, Kerri (OPA)

From:	Kupec, Kerri (OPA)
Sent:	Monday, January 14, 2019 11:37 PM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Engel, Steven A. (OLC); Cronan, John (CRM); Escalona, Prim F. (OLA); Navas, Nicole (OPA); Barnett, Gary E. (OAG); Boyd, Stephen E. (OLA); Lan, Iris (ODAG); Raman, Sujit (ODAG); Wong, Candice (CRM); Whitaker, Henry C. (OLC); Gannon, Curtis E. (OLC); Laco, Kelly (OPA); Peterson, Andrew (ODAG); Ellis, Corey F. (ODAG)
Subject:	Re: Wire Act TPs

(b)(5) [redacted]

[redacted]

Sent from my iPhone

On Jan 14, 2019, at 11:33 PM, Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

Sent from my iPhone

On Jan 14, 2019, at 8:04 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

Nonresponsive Records [redacted]

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Friday, December 21, 2018 8:43 PM
To:	O'Callaghan, Edward C. (ODAG); Kupec, Kerri (OPA)
Cc:	Navas, Nicole (OPA); Barnett, Gary E. (OAG); Cronan, John (CRM); Boyd, Stephen E. (OLA); Lan, Iris (ODAG); Escalona, Prim F. (OLA); Raman, Sujit (ODAG); Wong, Candice (CRM); Whitaker, Henry C. (OLC); Gannon, Curtis E. (OLC)
Subject:	RE: Wire Act TPs

Just to sum up where things are on the Wire Act: (b)(5)

Happy holidays!

Steven A. Engel
Assistant Attorney General
Office of Legal Counsel
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Office: (b)(6) per OLC

From: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Sent: Friday, December 21, 2018 4:07 PM
To: Kupec, Kerri (OPA) (b)(6)
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Barnett, Gary E. (OAG) <gebarnett@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM; Boyd, Stephen E. (OLA) (b)(6); Engel, Steven A. (OLC) (b)(6) per OLC; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM CRM.USDOJ.GOV>; Whitaker, Henry C. (OLC) (b)(6) per OLC; Gannon, Curtis E. (OLC) (b)(6) per OLC
Subject: Re: Wire Act TPs

(b)(5)

Edward C. O'Callaghan
202-514-2105

On Dec 21, 2018, at 4:04 PM, Kupec, Kerri (OPA) (b)(6) wrote:

> Hi, everyone – (b)(5)
>
> Not Responsive Records

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Friday, December 21, 2018 4:08 PM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Kupec, Kerri (OPA); Navas, Nicole (OPA); Barnett, Gary E. (OAG); Cronan, John (CRM); Boyd, Stephen E. (OLA); Lan, Iris (ODAG); Escalona, Prim F. (OLA); Raman, Sujit (ODAG); Wong, Candice (CRM); Whitaker, Henry C. (OLC); Gannon, Curtis E. (OLC)
Subject:	Re: Wire Act TPs

Agreed. I spoke with the WHC about this 90 min ago. (b)(5) [redacted]

Kerri, to whom did you speak?

Sent from my iPhone

On Dec 21, 2018, at 4:07 PM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:

(b)(5) [redacted]

Edward C. O'Callaghan
202-514-2105

On Dec 21, 2018, at 4:04 PM, Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov> wrote:

Duplicative Material [redacted]

Kupec, Kerri (OPA)

From: Kupec, Kerri (OPA)
Sent: Friday, December 21, 2018 4:03 PM
To: Navas, Nicole (OPA)
Cc: Hornbuckle, Wyn (OPA)
Subject: We are all clear to move on the Wire Act Roll-Out -

(b)(5) [redacted]

[redacted]

Kerri Kupec
Director
Office of Public Affairs
U.S. Department of Justice
(b)(6) [redacted]
[redacted]

Davis, May M. EOP/WHO

From: Davis, May M. EOP/WHO
Sent: Thursday, December 20, 2018 11:58 AM
To: Gary.E.Barnett@usdoj.gov
Subject: Fwd: Wire Wager Act Interpretation -- Online Gaming Inside a State

Can we chat about this? Around 12:30?

Sent from my iPhone

Begin forwarded message:

From: "Wold, Theo J. EOP/WHO" (b)(6)
Date: December 20, 2018 at 11:46:43 AM EST
To: "Leggitt, Lance B. EOP/WHO" (b)(6)
Cc: "Davis, May M. EOP/WHO" (b)(6), "Eliot, Deirdre Z. EOP/WHO" (b)(6) "Bremberg, Andrew P. EOP/WHO" (b)(6)
Subject: Re: Wire Wager Act Interpretation -- Online Gaming Inside a State

(b)(5)

Theodore Wold
Special Assistant to the President
Domestic Policy Council
(b)(6) (c) | (b)(6) (w)

On Dec 20, 2018, at 11:42 AM, Leggitt, Lance B. EOP/WHO (b)(6) wrote:

(b)(5)

Lance B. Leggitt
Deputy Assistant to the President for Domestic Policy
White House | Domestic Policy Council
(b)(6) (o)

From: Davis, May M. EOP/WHO
Sent: Thursday, December 20, 2018 11:17 AM
To: Eliot, Deirdre Z. EOP/WHO (b)(6); Bremberg, Andrew P. EOP/WHO (b)(6); Leggitt, Lance B. EOP/WHO (b)(6); Wold, Theo J. EOP/WHO (b)(6)
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

(b)(5)

May Davis
C: (b)(6)

From: DeStefano, John J. EOP/WHO (b)(6)
Sent: Thursday, December 20, 2018 10:22 AM
To: Davis, May M. EOP/WHO (b)(6); Liddell, Christopher P. EOP/WHO (b)(6)
Subject: Fwd: Wire Wager Act Interpretation -- Online Gaming Inside a State

Begin forwarded message:

From: "Hoelscher, Douglas L. EOP/WHO" (b)(6)
Date: December 20, 2018 at 10:02:06 AM EST
To: "DeStefano, John J. EOP/WHO" (b)(6)
Subject: FW: Wire Wager Act Interpretation -- Online Gaming Inside a State

---

From: Eliot, Deirdre Z. EOP/WHO
Sent: Thursday, December 20, 2018 9:37 AM
To: Philbin, Patrick F. EOP/WHO (b)(6)
Cc: Hoelscher, Douglas L. EOP/WHO (b)(6)
Subject: Fwd: Wire Wager Act Interpretation -- Online Gaming Inside a State

Patrick, please see below. Thank you.

Begin forwarded message:

> **From:** "Hoelscher, Douglas L. EOP/WHO"
> (b)(6)
> **Date:** December 20, 2018 at 8:23:15 AM CST
> **To:** "Escalona, Prim F. (OLA)" <Prim.F.Escalona@usdoj.gov>
> **Cc:** "Sandoloski, Sean M. EOP/WHO"
> (b)(6), "Eliot, Deirdre Z. EOP/WHO"
> (b)(6)
> **Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State**

Duplicative Material

Hoelscher, Douglas L. EOP/WHO

From: Hoelscher, Douglas L. EOP/WHO
Sent: Thursday, December 20, 2018 9:23 AM
To: Escalona, Prim F. (OLA)
Cc: Sandoloski, Sean M. EOP/WHO; Eliot, Deirdre Z. EOP/WHO
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

(b)(5)

Deirde – just left you a message – let me know if there is someone else I should talk to if you are not right person.

From: Escalona, Prim F. (OLA) <Prim.F.Escalona@usdoj.gov>
Sent: Thursday, December 20, 2018 8:53 AM
To: Hoelscher, Douglas L. EOP/WHO (b)(6)
Cc: Sandoloski, Sean M. EOP/WHO (b)(6) ; Eliot, Deirdre Z. EOP/WHO
(b)(6)
Subject: Re: Wire Wager Act Interpretation -- Online Gaming Inside a State

(b)(5)

Prim Escalona
(b)(6)

On Dec 20, 2018, at 8:46 AM, Hoelscher, Douglas L. EOP/WHO (b)(6) wrote:

> (b)(5)
>
> Sent from my iPhone
>
> On Dec 19, 2018, at 11:45 PM, Sandoloski, Sean M. EOP/WHO
> (b)(6) wrote:
>
> > Thanks, Prim. I'm traveling tomorrow and our Friday so adding Deirdre who handles these issues for the office.
> >
> > Sean Sandoloski
> > Associate Counsel | Office of White House Counsel
> > (b)(6)
> > O: (b)(6) | C: (b)(6)
> >
> > On Dec 19, 2018, at 11:39 PM, Escalona, Prim F. (OLA) <Prim.F.Escalona@usdoj.gov> wrote:
> >
> > > Doug and Sean,
> > > (b)(5)

Thanks,
Prim

Prim Escalona
(b)(6)

On Dec 19, 2018, at 3:10 PM, Hoelscher, Douglas L. EOP/WHO (b)(6) wrote:

> Thanks – Sara, please set up a call between Prim, Jessica, Sean, Nic P and me for tomorrow or Friday
>
> ---
>
> **From:** Hart, Jessica E. (OLA) <Jessica.E.Hart@usdoj.gov>
> **Sent:** Wednesday, December 19, 2018 2:27 PM
> **To:** Hoelscher, Douglas L. EOP/WHO (b)(6)
> **Cc:** Escalona, Prim F. (OLA) <Prim.F.Escalona@usdoj.gov>
> **Subject:** RE: Wire Wager Act Interpretation -- Online Gaming Inside a State
>
> Hey Doug,
> I am ccing Prim who is handling this topic and can discuss further.
>
> Thanks,
> Jessica
>
> ---
>
> **From:** Hoelscher, Douglas L. EOP/WHO (b)(6)
> **Sent:** Wednesday, December 19, 2018 11:36 AM
> **To:** Sandoloski, Sean M. EOP/WHO (b)(6); Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6); Olmem, Andrew J. EOP/WHO (b)(6)
> **Cc:** Pottebaum, Nic D. EOP/WHO (b)(6)
> **Subject:** Wire Wager Act Interpretation -- Online Gaming Inside a State
> **Importance:** High
>
> Hi all,
>
> (b)(5)
>
> Thanks,
> Doug

Hoelscher, Douglas L. EOP/WHO

From:	Hoelscher, Douglas L. EOP/WHO
Sent:	Thursday, December 20, 2018 8:51 AM
To:	Sandoloski, Sean M. EOP/WHO
Cc:	Escalona, Prim F. (OLA); Eliot, Deirdre Z. EOP/WHO
Subject:	Re: Wire Wager Act Interpretation -- Online Gaming Inside a State

Prim - please call me on my cell (b)(6)

Sent from my iPhone

On Dec 20, 2018, at 8:45 AM, Hoelscher, Douglas L. EOP/WHO (b)(6) wrote:

Duplicative Material

Grove, Sara E. EOP/WHO

From:	Grove, Sara E. EOP/WHO
Sent:	Wednesday, December 19, 2018 3:47 PM
To:	Hart, Jessica E. (OLA)
Cc:	Escalona, Prim F. (OLA); Sandoloski, Sean M. EOP/WHO; Pottebaum, Nic D. EOP/WHO
Subject:	RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

All-

Please let me know what time you are available on Friday and I'll send a calendar invite with call-in information.

Thanks,
Sara

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, December 19, 2018 3:10 PM
To: Hart, Jessica E. (OLA) <Jessica.E.Hart@usdoj.gov>
Cc: Escalona, Prim F. (OLA) <Prim.F.Escalona@usdoj.gov>; Sandoloski, Sean M. EOP/WHO (b)(6); Grove, Sara E. EOP/WHO (b)(6); Pottebaum, Nic D. EOP/WHO (b)(6)
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

Duplicative Material

Hart, Jessica E. (OLA)

From:	Hart, Jessica E. (OLA)
Sent:	Wednesday, December 19, 2018 1:04 PM
To:	Escalona, Prim F. (OLA)
Subject:	RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

Doug's number if you want to call - (b)(6) (he's the head of intergov. at WH)

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 1:02 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

I'll take care of it. Thanks!

From: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 12:57 PM
To: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

Adding Prim.

From: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 12:43 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>
Subject: FW: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Do you know who handles Wire Wager Act?

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, December 19, 2018 11:36 AM
To: Sandoloski, Sean M. EOP/WHO (b)(6); Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6); Olmem, Andrew J. EOP/WHO (b)(6)
Cc: Pottebaum, Nic D. EOP/WHO (b)(6)
Subject: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Hi all,

(b)(5)

Thanks,
Doug

Escalona, Prim F. (OLA)

From:	Escalona, Prim F. (OLA)
Sent:	Wednesday, December 19, 2018 1:02 PM
To:	Raman, Sujit (ODAG); Barnett, Gary E. (OAG)
Subject:	FW: Wire Wager Act Interpretation -- Online Gaming Inside a State

(b)(5) [redacted]

From: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 12:57 PM
To: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Subject: RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

Adding Prim.

From: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 12:43 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>
Subject: FW: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Do you know who handles Wire Wager Act?

From: Hoelscher, Douglas L. EOP/WHO (b)(6) [redacted]
Sent: Wednesday, December 19, 2018 11:36 AM
To: Sandoloski, Sean M. EOP/WHO (b)(6) [redacted]; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6) [redacted]; Olmem, Andrew J. EOP/WHO (b)(6) [redacted]
Cc: Pottebaum, Nic D. EOP/WHO (b)(6) [redacted]
Subject: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Hi all,

(b)(5) [redacted]

[redacted]

Thanks,
Doug

Hart, Jessica E. (OLA)

From:	Hart, Jessica E. (OLA)
Sent:	Wednesday, December 19, 2018 12:42 PM
To:	Hoelscher, Douglas L. EOP/WHO
Subject:	RE: Wire Wager Act Interpretation -- Online Gaming Inside a State

I'll find out over here what is happening and get back soon.

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, December 19, 2018 11:36 AM
To: Sandoloski, Sean M. EOP/WHO (b)(6); Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6); Olmem, Andrew J. EOP/WHO (b)(6)
Cc: Pottebaum, Nic D. EOP/WHO (b)(6)
Subject: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Hi all,

(b)(5)

Thanks,
Doug

Barnett, Gary E. (OAG)

From: Barnett, Gary E. (OAG)
Sent: Thursday, December 20, 2018 8:55 AM
To: Wold, Theo J. EOP/WHO
Cc: Escalona, Prim F. (OLA)
Subject: Re: Wire Wager Act Interpretation -- Online Gaming Inside a State

I'm CCing Prim, who can chat.

On Dec 20, 2018, at 8:39 AM, Wold, Theo J. EOP/WHO (b)(6) wrote:

(b)(5)

Theodore Wold
Special Assistant to the President
Domestic Policy Council
(b)(6) (c) | (b)(6) (w)

Begin forwarded message:

From: "Leggitt, Lance B. EOP/WHO" (b)(6)
Date: December 20, 2018 at 8:27:49 AM EST
To: "Wold, Theo J. EOP/WHO" (b)(6)
Subject: FW: Wire Wager Act Interpretation -- Online Gaming Inside a State

Any idea on this?

Lance B. Leggitt
Deputy Assistant to the President for Domestic Policy
White House | Domestic Policy Council
(b)(6) (o)

From: Hoelscher, Douglas L. EOP/WHO
Sent: Wednesday, December 19, 2018 11:36 AM
To: Sandoloski, Sean M. EOP/WHO (b)(6); 'Hart, Jessica E. (OLA)' <Jessica.E.Hart@usdoj.gov>; Leggitt, Lance B. EOP/WHO (b)(6); Olmem, Andrew J. EOP/WHO (b)(6)
Cc: Pottebaum, Nic D. EOP/WHO (b)(6)
Subject: Wire Wager Act Interpretation -- Online Gaming Inside a State
Importance: High

Hi all,

(b)(5) [redacted]

[redacted]

Thanks,
Doug

Engel, Steven A. (OLC)

From:	Engel, Steven A. (OLC)
Sent:	Thursday, December 20, 2018 10:20 AM
To:	O'Callaghan, Edward C. (ODAG)
Cc:	Escalona, Prim F. (OLA); Boyd, Stephen E. (OLA)
Subject:	Re: Wire Act

(b)(5) [redacted]

Sent from my iPhone

> On Dec 20, 2018, at 9:58 AM, O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov> wrote:
>
> (b)(5) [redacted]
>
> Edward C. O'Callaghan
> 202-514-2105
>
> -----Original Message-----
> From: Engel, Steven A. (OLC) (b)(6) [redacted]
> Sent: Thursday, December 20, 2018 9:08 AM
> To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
> Cc: Boyd, Stephen E. (OLA) (b)(6) [redacted]; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
> Subject: RE: Wire Act
>
> Yes. have a small window.
>
> -----Original Message-----
> From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
> Sent: Thursday, December 20, 2018 9:07 AM
> To: Engel, Steven A. (OLC) (b)(6) [redacted]
> Cc: Boyd, Stephen E. (OLA) (b)(6) [redacted]; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
> Subject: Wire Act
>
> Can you talk? We are getting calls from WH. Copying Ed and Stephen for SA.
>

> Prim Escalona
> (b)(6)

Wong, Norman (USAEO)

From:	Wong, Norman (USAEO)
Sent:	Thursday, December 20, 2018 10:15 AM
To:	Lan, Iris (ODAG); Raman, Sujit (ODAG)
Cc:	Suero, Maya A. (ODAG); Wong, Candice (CRM); Engel, Steven A. (OLC); Cronan, John (CRM); Crowell, James (USAEO); Kaplan, Lindsay (USAEO)
Subject:	RE: Wire Act Roll-Out Plan

Got it. (b)(5) Happy Holidays, all.

From: Lan, Iris (ODAG) <Iris.Lan3@usdoj.gov>
Sent: Thursday, December 20, 2018 10:09 AM
To: Raman, Sujit (ODAG) (JMD) <Sujit.Raman2@usdoj.gov>; Wong, Norman (USAEO) <NWong@usa.doj.gov>
Cc: Suero, Maya A. (ODAG) (JMD) <Maya.A.Suero@usdoj.gov>; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM; Engel, Steven A. (OLC) (JMD) (b)(6); Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM; Crowell, James (USAEO) <jcrowell1@usa.doj.gov>; Kaplan, Lindsay (USAEO) <LKaplan1@usa.doj.gov>
Subject: RE: Wire Act Roll-Out Plan

Per PADAG, and in case you had not heard already: (b)(5)

Iris Lan
202-514-6907 (direct)
(b)(6) (cell)

From: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Sent: Thursday, December 20, 2018 10:01 AM
To: Wong, Norman (USAEO) <Norman.Wong@usdoj.gov>
Cc: Suero, Maya A. (ODAG) <masuero@jmd.usdoj.gov>; Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM; Engel, Steven A. (OLC) (b)(6); Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM; Crowell, James (USAEO) <James.Crowell@usdoj.gov>; Kaplan, Lindsay (USAEO) <Lindsay.Kaplan@usdoj.gov>
Subject: Re: Wire Act Roll-Out Plan

(b)(5)

Sent from my iPhone

Not Responsive Records

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Thursday, December 20, 2018 10:02 AM
To: Cronan, John (CRM); Lan, Iris (ODAG); Raman, Sujit (ODAG)
Subject: RE: Wire Act Roll-Out Plan

(b)(5)

Edward C. O'Callaghan
202-514-2105

Not Responsive Records

Escalona, Prim F. (OLA)

From:	Escalona, Prim F. (OLA)
Sent:	Wednesday, December 19, 2018 4:11 PM
To:	Raman, Sujit (ODAG); Kupec, Kerri (OPA); Navas, Nicole (OPA); Cronan, John (CRM); Wong, Candice (CRM); Engel, Steven A. (OLC); O'Callaghan, Edward C. (ODAG); Barnett, Gary E. (OAG)
Subject:	RE: Wire Act Roll-Out Plan

We are starting to get inquiries from the Hill. (b)(5)

I also have a request for a call with the White House on Friday. (b)(5)

From: Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 2:28 PM
To: Kupec, Kerri (OPA) (b)(6); Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM@CRM.USDOJ.GOV>; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM@CRM.USDOJ.GOV>; Engel, Steven A. (OLC) (b)(6) per OLC
Subject: RE: Wire Act Roll-Out Plan

Drew Hudson also came by and said reporters had been reaching out to him about this. I told him to speak to Kerri but he may have additional insight into who is asking about this.

From: Kupec, Kerri (OPA) (b)(6)
Sent: Wednesday, December 19, 2018 2:24 PM
To: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6), (b)(7)(C) per CRMCRM.USDOJ.GOV>; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM@CRM.USDOJ.GOV>; Engel, Steven A. (OLC) (b)(6) per OLC; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Subject: RE: Wire Act Roll-Out Plan

(b)(5)

From: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 1:54 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM@CRM.USDOJ.GOV>; Kupec, Kerri (OPA) (b)(6); Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM@CRM.USDOJ.GOV>; Engel, Steven A. (OLC) (b)(6) per OLC; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Subject: RE: Wire Act Roll-Out Plan

See: https://twitter.com/DustinGouker/status/1075442768326131712. I was forwarded the attached ESPN inquiry. (b)(5)

Nicole Navas Oxman
Spokesperson/Public Affairs Specialist
U.S. Department of Justice (DOJ)

202-514-1155 (office)
(b)(6) (cell)
Nicole.Navas@usdoj.gov

From: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Sent: Wednesday, December 19, 2018 1:48 PM
To: Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM @CRM.USDOJ.GOV>; Kupec, Kerri (OPA) (b)(6) ; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM @CRM.USDOJ.GOV>; Engel, Steven A. (OLC) (b)(6) per OLC ; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: RE: Wire Act Roll-Out Plan

Yes, and we have been contacted by the White House.

From: Cronan, John (CRM) (b)(6), (b)(7)(C) per CRM @CRM.USDOJ.GOV>
Sent: Wednesday, December 19, 2018 1:46 PM
To: Kupec, Kerri (OPA) (b)(6) ; Wong, Candice (CRM) (b)(6), (b)(7)(C) per CRM @CRM.USDOJ.GOV>; Engel, Steven A. (OLC) (b)(6) per OLC ; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Cc: Navas, Nicole (OPA) <nnavas@jmd.usdoj.gov>
Subject: RE: Wire Act Roll-Out Plan

As you probably know, it has gotten out that a new Wire Act opinion is forthcoming.

Not Responsive Records

Raman, Sujit (ODAG)

From:	Raman, Sujit (ODAG)
Sent:	Thursday, October 18, 2018 11:14 AM
To:	John Cronan (CRM) (b)(6), (b)(7)(C) per CRM ; Kevin Driscoll (CRM) (b)(6), (b)(7)(C) per CRM
Cc:	Engel, Steven A. (OLC)
Subject:	Wire Act
Attachments:	OLC Opinion Guidance to the Field DAG Memo DRAFT.CW-JPC.docx; Section 1084 USAM DRAFT 09102018.docx; Wire Act Op Draft - 9-7-18.CW-JPC.docx

Gents,

I know John is on travel, but just wanted to reconnect re: Wire Act. (b)(5) Finally, in my next email I'll connect CRM with my colleague Chris Catizone, (b)(5)

John: (b)(5)

Adding Steve for his awareness. (b)(5)

Many thanks, please don't hesitate to be in touch with any questions or thoughts.

Sujit

U.S. Department of Justice

Criminal Division

Assistant Attorney General *Washington, D.C. 20530*

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

THROUGH: David C. Rybicki
Deputy Assistant Attorney General

FROM: Kenneth A. Blanco
Acting Assistant Attorney General

SUBJECT: Overview of Internet Gambling, Recent DOJ Prosecutions, and Proposed Legislation

(b)(5)

[redacted]

(b)(5)

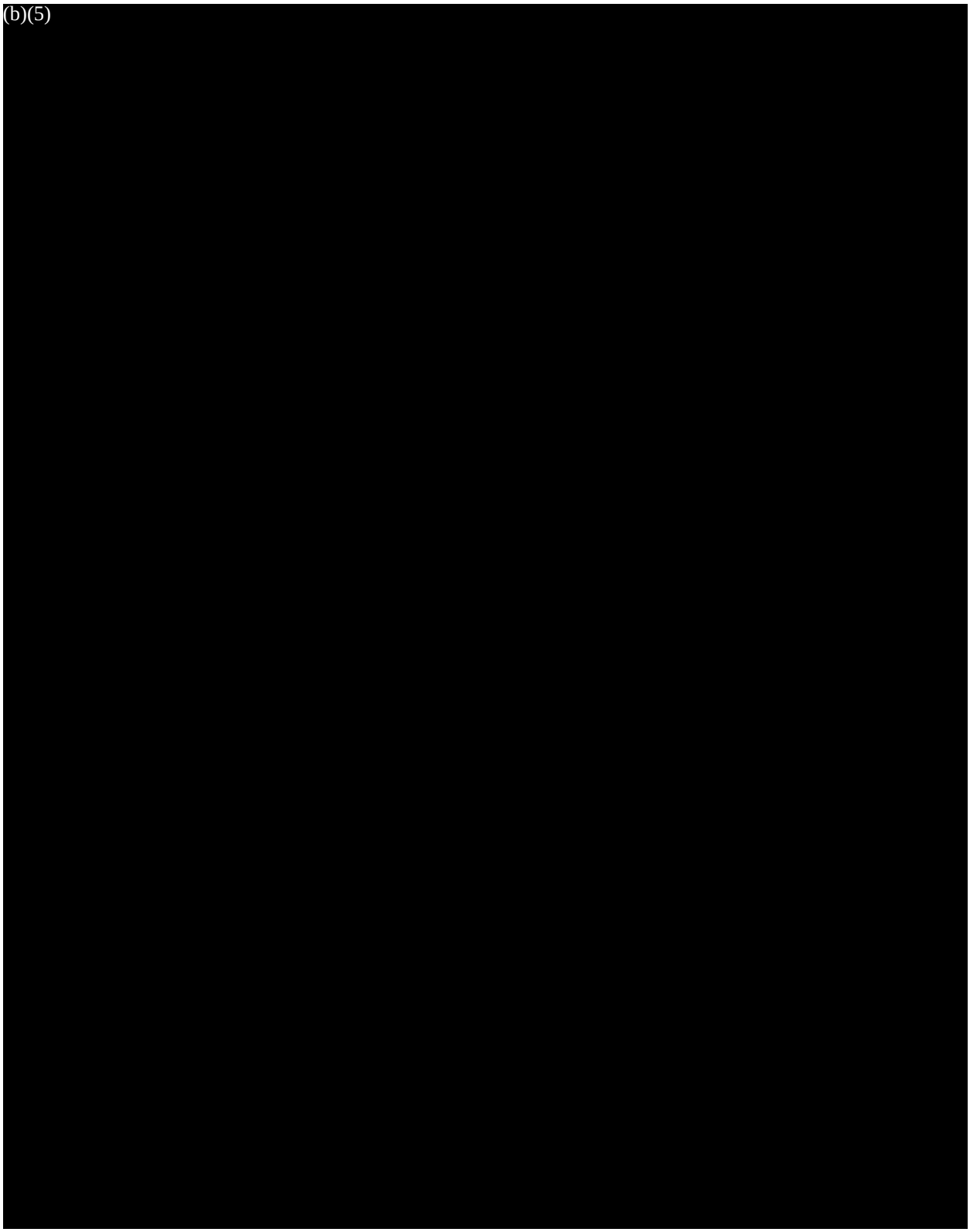
The Department has recently received letters from several state governors urging the Trump Administration not to take administrative action or otherwise work to prevent the sale of state lottery tickets via the Internet or otherwise restrict States' ability to operate games of chance online. The Department also received a legal memorandum critical of the OLC Opinion from the Cooper & Kirk law firm, which represents the Coalition to Stop Internet Gambling, an advocacy group backed by Sheldon Adelson.

(b)(5)

(b)(5)

[redacted]

(b)(5)



(b)(5)
[redacted]

[2] There are no reporting or consultation requirements to Main Justice for cases involving violations of the federal gambling statutes. USAOs do not need to inform the Criminal Division about any planned indictments or indictments under seal involving daily fantasy sports.

U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 11, 2017

To: Rod J. Rosenstein
Deputy Attorney General

Through: James A. Crowell IV
Chief of Staff

From: Sujit Raman
Associate Deputy Attorney General

Re: Regulation of Internet Gambling Under Federal Law

(b)(5)

[redacted]

(b)(5)

[redacted]

[2] According to CRM, "the Department . . . [has] received a legal memorandum critical of the OLC Opinion from the Cooper & Kirk law firm, which represents the Coalition to Stop Internet Gambling, an advocacy group backed by Sheldon Adelson." (b)(5) [redacted]

Hunt, Jody (OAG)

Not Responsive Record

From: Hoelscher, Douglas L. EOP/WHO (b)(6)
Sent: Wednesday, April 5, 2017 10:36 AM
To: Mashburn, John K. EOP/WHO (b)(6); jody.hunt@usdoj.gov
Cc: Clark, Justin R. EOP/WHO (b)(6); Flynn, Matthew J. EOP/WHO (b)(6); Gunn, Ashley L. EOP/WHO (b)(6); Johnson, Julia B. EOP/WHO (b)(6)
Subject: RE: Letter to Attorney General on Lottery/Gaming Regulation

Hi John,

(b)(5)

Sincerely,
Doug

From: Mashburn, John K. EOP/WHO
Sent: Wednesday, April 5, 2017 10:34 AM
To: Hoelscher, Douglas L. EOP/WHO (b)(6); jody.hunt@usdoj.gov
Cc: Clark, Justin R. EOP/WHO (b)(6); Flynn, Matthew J. EOP/WHO (b)(6); Gunn, Ashley L. EOP/WHO (b)(6); Johnson, Julia B. EOP/WHO (b)(6)
Subject: RE: Letter to Attorney General on Lottery/Gaming Regulation

(b)(5)

From: Hoelscher, Douglas L. EOP/WHO
Sent: Wednesday, April 5, 2017 9:28 AM
To: jody.hunt@usdoj.gov
Cc: Clark, Justin R. EOP/WHO (b)(6); Mashburn, John K. EOP/WHO (b)(6); Flynn, Matthew J. EOP/WHO (b)(6); Gunn, Ashley L. EOP/WHO (b)(6); Johnson, Julia B. EOP/WHO (b)(6)
Subject: FW: Letter to Attorney General on Lottery/Gaming Regulation

Hi Jody,

Similar to the letter from Gov. Deal, attached is a letter from Gov. McAuliffe and Gov. Sandoval (the Chair and Vice Chair of the National Governors Association) regarding federal preemption of state regulation of gaming. (b)(5) [redacted]

Sincerely,
Doug

From: Ryan McGinness [mailto:ryan@nevadadc.org]
Sent: Wednesday, April 5, 2017 9:13 AM
To: Hoelscher, Douglas L. EOP/WHO (b)(6) [redacted]
Subject: Letter to Attorney General

Doug – wanted to make sure you saw this letter from Govs. McAuliffe and Sandoval to Attorney General Sessions. No new ground being tread here for the NGA, as you will remember, just the audience has changed given the potential for administrative changes.

Let me know if you have any questions.

Ryan McGinness | Director
State of Nevada, Washington Office
P: (202) 624-5405 | M: (b)(6) [redacted]
E: ryan@nevadadc.org | W: www.nevadadc.org

NATIONAL GOVERNORS ASSOCIATION

Terry McAuliffe
Governor of Virginia
Chair

Brian Sandoval
Governor of Nevada
Vice Chair

Scott D. Pattison
Executive Director/CEO

March 31, 2017

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

The nation's governors are concerned with legislative or administrative actions that would ban online Internet gaming and Internet lottery sales.

The regulation of gaming has historically been addressed by the states. While individual governors have different views about offering gaming—in a variety of forms—within their own states, we agree that decisions at the federal level that affect state regulatory authority should not be made unilaterally without state input. A strong, cooperative relationship between the states and federal government is vital to best serve the interests of all citizens.

As you review this issue, we encourage you to take note of the current regulatory mechanisms put in place by the states to ensure that consumers and children are protected, and that licensees comply with strict standards of conduct. States are best equipped to regulate and enforce online gaming. A ban drives this activity offshore to unregulated jurisdictions, out of the reach of state and federal law enforcement and with risk to consumers.

The nation's governors stand ready to discuss this issue with you further.

Sincerely,

Terry McAuliffe
Governor of Virginia
Chair

Brian Sandoval
Governor of Nevada
Vice Chair

STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0090

Nathan Deal
GOVERNOR

April 3, 2017

The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Sessions:

Please accept my warm congratulations on your recent confirmation as United States Attorney General. Your breadth of experience and depth of legal knowledge will serve our country well during these challenging times.

I write to you regarding an issue that was raised during your confirmation hearing. United States Senator Lindsey Graham from South Carolina asked about your view of the Department of Justice Office of Legal Counsel's interpretation of the Wire Act to allow online wagering. You responded: "Apparently, there is some justification or argument that can be made to support the Department of Justice's position, but I did oppose it when it happened. I would revisit it and make a decision about it based on careful study." It is my view that any effort by the Department of Justice to reverse the 2011 Office of Legal Counsel opinion allowing the sale of traditional lottery products through this channel is not legally justified and would have an immediate and significant negative effect on my state's lottery revenue. In the last fiscal year, the Georgia Lottery Corporation raised more than $1 billion for the state's pre-kindergarten program and HOPE scholarships for college students. A portion of this money was raised through our iLottery program.

As you give this matter more study and contemplation, I respectfully request you do not take any steps to remove or limit a state's authority to control gaming within its own borders. With today's clarity under U.S. federal law in the regulation of intrastate wagering via the Internet and other interactive channels, states are now in a better position to determine if these high-tech products and distribution options are an appropriate way to raise additional revenue in their respective jurisdictions.

Over the last five years, there have been consistent, yet unsuccessful, efforts in Congress to ban Internet wagering outright – including the sale of lottery tickets. It is unfair to limit sales options for state lotteries and their players. State lotteries are managed by state governments, and state operations are fully transparent and highly regulated. I hope, as

the top law enforcement official in our country, you will preserve our state's right to offer lottery ticket sales over the Internet and protect the existing sales channels used by the Georgia Lottery.

We are all troubled by illegal gambling – especially illegal Internet gambling that has been linked to criminal activities. These sites lack government oversight, responsible gaming controls, security, and mechanisms to guard against underage play and fraud. If the Department of Justice reverses course and eliminates state-based regulation of Internet gaming, that will result in players moving to unregulated, offshore, illegal gaming websites, because there will be no legally authorized alternatives.

Those sites stand in stark contrast to the legal offerings operating around the United States, including here in Georgia. Today, there are 21 state-regulated Internet wagering sites in the United States operating in 13 states. Those states offering wagering over the Internet have effective technical solutions to prevent underage play and other illegal activities. These regulated sites protect players and generate tax revenue, while offering player age verification, geo-location, and financial moderators to guard against irresponsible play. State Internet wagering programs are regulated by federal and state law, operated as a part of state government, and those operations are fully transparent and subject to multiple layers of government oversight.

Thank you for your attention to this issue, and I trust you will give this matter the thoughtful contemplation it deserves. Please do not hesitate to call or write regarding this or any other issue.

Sincerely,

Nathan Deal

Nathan Deal
Governor

cc:
White House Counsel, Donald McGahn
White House Deputy Chief of Staff for Policy, Rick Dearborn
Director of the Office of Management and Budget, John "Mick" Mulvaney

From: Mann, James (CRM)
To: Eyler, Gustav (OAG); Newman, Ryan (OLP)
Subject: FW: Wire Act Memorandum
Date: Monday, April 24, 2017 3:10:29 PM
Attachments: Letter.PDF
Cooper and Kirk Wire Act memorandum.pdf

Gus/Ryan: I am forwarding the attached to you, as this originated as a request from the authors to meet with OAG (which was passed on to CRM). Also, since the subject was referenced in the AG's testimony, and the news reports there have been other inquiries to the Department on this topic, I thought you might want to add the attached to correspondence on the topic. As referenced in the letter, I did receive a briefing on this and am happy to share if you want more information.

Thank you.

James C. Mann
Acting Chief of Staff and Counselor to the Assistant Attorney General
Criminal Division
Desk (b) (6) Per CRM
Cell (b) (6) Per CRM
(b) (6) Per CRM @usdoj.gov

From: Nirenberg, Darryl [mailto:dnirenberg@steptoe.com]
Sent: Monday, April 24, 2017 2:46 PM
To: Mann, James (CRM) (b) (6) Per CRM @CRM.USDOJ.GOV>
Subject: Wire Act Memorandum

Duplicative Material

From:	McFadden, Trevor N. (CRM)
To:	Mann, James (CRM)
Subject:	RE: Meeting request
Date:	Thursday, March 9, 2017 3:07:52 PM

Thanks. Good times.

From: Mann, James (CRM)
Sent: Thursday, March 9, 2017 10:43 AM
To: McFadden, Trevor N. (CRM) <(b) (6) Per CRM @CRM.USDOJ.GOV>
Subject: FW: Meeting request

FYI—it appears that Cooper & Kirk is just doing the intro and Steptoe is dealing with the issue. Note, Nirenberg's email bounceback notes that he is "on the Hill today," so I suspect this is about the interpretation of the Wire Act. I responded and will connect with them next week.

From: Nirenberg, Darryl [mailto:dnirenberg@steptoe.com]
Sent: Wednesday, March 8, 2017 6:40 PM
To: Brian Callanan <bcallanan@cooperkirk.com>; Mann, James (CRM) (b) (6) Per CRM @CRM.USDOJ.GOV>
Subject: RE: Meeting request

Brian – thank you for the introduction.
James – pleased to meet you (electronically, at least). I would very much appreciate the opportunity to provide some background on the Wire Act issue and respond to any questions you might have. Please let me know if there is a convenient time for us to do a call.
Thank you.
Darryl

Darryl D Nirenberg
Partner
dnirenberg@steptoe.com

Steptoe

+1 202 429 6739 direct
+1 202 429 3902 fax
(b) (6) Per CRM mobile

Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

(b) (6) Per CRM
Legal Executive Assistant
+1 202 429 8037 direct

From: Brian Callanan [mailto:bcallanan@cooperkirk.com]
Sent: Friday, March 03, 2017 5:42 PM
To: Mann, James (CRM)
Cc: David Thompson; Nirenberg, Darryl
Subject: Re: Meeting request

James, Thanks very much for your reply. My colleague Darryl Nirenberg has worked on this issue for several years and would be in the best position to provide additional background in advance of a meeting. I've taken the liberty of copying Darryl so that he can find a convenient time to call you next week.

Thank you again.

All best,
Brian

On Mar 3, 2017, at 1:04 PM, Mann, James (CRM) (b) (6) Per CRM @usdoj.gov> wrote:

> Brian: Thanks for your email. I think the best way to proceed is for me to get some additional background regarding your inquiry to start. Perhaps we can chat briefly at your convenience. I am fairly flexible next week.
>
> Thank you.
>
> James C. Mann
> Acting Chief of Staff and Counselor to the Assistant Attorney General
> Criminal Division
> Desk (b) (6) Per CRM
> Cell (b) (6) Per CRM
> (b) (6) Per CRM @usdoj.gov

> **From:** Brian Callanan [mailto:bcallanan@cooperkirk.com]
> **Sent:** Friday, March 3, 2017 10:32 AM
> **To:** Rybicki, David (OAG) <drybicki@jmd.usdoj.gov>
> **Cc:** Mann, James (CRM) <(b) (6) Per CRM @CRM.USDOJ.GOV>; David Thompson <dthompson@cooperkirk.com>
> **Subject:** RE: Meeting request
>
> David, Thank you for the introduction.
>
> James, My firm would like to respectfully request a meeting with Mr. Blanco regarding internet gambling and the Wire Act, 18 U.S.C. § 1084.

Our managing partner David Thompson and I would attend from Cooper & Kirk, along with our colleague Darryl Nirenberg of Steptoe & Johnson. We would propose the week of March 13 (except for that Friday).

Many thanks,

Brian

Brian Callanan
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, NW
Washington, DC 20036
(202) 220-9600 | (b)(6)

From: Rybicki, David (OAG) [mailto:David.Rybicki@usdoj.gov]
Sent: Tuesday, February 28, 2017 8:37 AM
To: Brian Callanan <bcallanan@cooperkirk.com>
Cc: Mann, James (CRM) (b) (6) Per CRM @usdoj.gov>
Subject: RE: Meeting request

Brian, good to hear from you and congratulations on your new position with Cooper Kirk.

Regarding your request, I must respectfully decline a meeting with OAG but would like to refer you to James Mann, cced here, Chief of Staff to Acting Criminal Division AAG Ken Blanco.

Best, David

From: Brian Callanan [mailto:bcallanan@cooperkirk.com]
Sent: Monday, February 27, 2017 3:44 PM
To: Tucker, Rachael (OAG) <Rachael.Tucker@usdoj.gov>; Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Subject: Meeting request

David,

I hope this note finds you well and settling into your move to DOJ. Cooper & Kirk represents a non-profit organization interested in the subject of internet gambling. We would like to request a meeting with you to discuss DOJ's current interpretation of the Wire Act, 18 U.S.C. § 1084. Our managing partner David Thompson and I would attend on behalf of C&K, along with our colleague Darryl Nirenberg of Steptoe & Johnson. Would you be able to carve out time for a short meeting?

Many thanks for your consideration.

Best,
Brian

Brian Callanan
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, NW
Washington, DC 20036
(202) 220-9621 | (b)(6)

From: Tucker, Rachael (OAG) [mailto:Rachael.Tucker@usdoj.gov]
Sent: Monday, February 27, 2017 12:14 PM
To: Rybicki, David (OAG) <David.Rybicki@usdoj.gov>
Cc: Brian Callanan <bcallanan@cooperkirk.com>
Subject: intro

Hey David,

I believe you might have met Brian Callanan before, cc'd here. Brian is at Cooper & Kirk and previously led the best lawyers in the Senate as Staff Director of PSI ;). I wanted to connect you on a matter related to the interpretation of a federal criminal statute. I let him know this was in your wheelhouse.

Rachael

Rachael Tucker
Counselor to the Attorney General
U.S. Department of Justice
202.616.7740

From:	Rybicki, David (CRM)
To:	Mann, James (CRM)
Subject:	RE: Wire Act Memorandum
Date:	Monday, April 24, 2017 2:58:20 PM

Sorry yes Ryan

From: Mann, James (CRM)
Sent: Monday, April 24, 2017 2:58 PM
To: Rybicki, David (CRM) [redacted]@CRM.USDOJ.GOV>
Subject: RE: Wire Act Memorandum

By Newman, do you mean Ryan Newman? (Only address I found for him was OLP).

From: Rybicki, David (CRM)
Sent: Monday, April 24, 2017 2:56 PM
To: McFadden, Trevor N. (CRM) [redacted]@CRM.USDOJ.GOV>; Mann, James (CRM) [redacted]@CRM.USDOJ.GOV>
Subject: RE: Wire Act Memorandum

Gus Eyler is the relevant OAG counselor. Can't speak for OLC but shoot it to Newman to make sure they know about it

From: McFadden, Trevor N. (CRM)
Sent: Monday, April 24, 2017 2:55 PM
To: Mann, James (CRM) [redacted]@CRM.USDOJ.GOV>; Rybicki, David (CRM) [redacted]@CRM.USDOJ.GOV>
Subject: RE: Wire Act Memorandum

I'll leave this to David.

From: Mann, James (CRM)
Sent: Monday, April 24, 2017 2:54 PM
To: McFadden, Trevor N. (CRM) [redacted]@CRM.USDOJ.GOV>; Rybicki, David (CRM) [redacted]@CRM.USDOJ.GOV>
Subject: FW: Wire Act Memorandum

Trevor/David—here is the white paper regarding the Wire Act. Do you want to pass this along to the relevant folks in OAG/OLC [redacted]

Thanks.

From: Nirenberg, Darryl [mailto:dnirenberg@steptoe.com]
Sent: Monday, April 24, 2017 2:46 PM

To: Mann, James (CRM) (b) (6) Per CRM @CRM.USDOJ.GOV>
Subject: Wire Act Memorandum

James – Hope you had a good weekend.

Attached please find a copy of the Cooper and Kirk memorandum on the OLC Opinion and the Wire Act, along with my cover letter.

Originals have been sent via regular mail.

Thank you for your consideration. Please let us know if you have questions.

Regards,
Darryl

Darryl D Nirenberg
Partner
dnirenberg@steptoe.com

Steptoe

+1 202 429 6739 direct
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(b) (6) Per CRM mobile

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1330 Connecticut Avenue, NW
Washington, DC 20036
www.steptoe.com

(b) (6) Per CRM
Legal Executive Assistant
+1 202 429 8037 direct

From: Whitaker, Henry C. (OLC)
To: Wong, Candice (CRM)
Cc: (b)(6) (OLC)
Subject: Wire Act--CRM request
Date: Tuesday, June 19, 2018 11:15:48 AM
Attachments: Memo - OLC Wire Act Opinion.pdf

Here you go.

From: Crow, Douglas
To: Weinstock, Catherine
Subject: FW: As discussed
Date: Wednesday, May 3, 2017 3:14:03 PM
Attachments: Cooper and Kirk Wire Act memorandum.pdf
ATT00001.htm

Cathy,

Sorry to ask this, but could you take a cut at this? I'm hoping we have some of this around already.

Thanks,
Doug

From: Jaffe, David
Sent: Wednesday, May 3, 2017 3:10 PM
To: Crow, Douglas (b) (6), (b) (7)(C) Per CRM @CRM.USDOJ.GOV>
Subject: Fwd: As discussed

Begin forwarded message:

> **From:** "Rybicki, David (CRM)" (b) (6), (b) (7)(C) Per CRM @CRM.USDOJ.GOV>
> **Date:** May 3, 2017 at 2:54:00 PM EDT
> **To:** "Jaffe, David" (b) (6), (b) (7)(C) Per CRM @CRM.USDOJ.GOV>
> **Subject: As discussed**
>
> (b) (5) Per CRM .
>
> **The "pet project" being referred to is the Wire Act – and Graham's bill – but (b)(5) I've attached the memo I mentioned to you.** (b) (5) Per CRM **Thanks David**
>
> **From:** "Raman, Sujit (ODAG)" <sraman@jmd.usdoj.gov>
> **Date:** May 3, 2017 at 10:52:14 AM EDT
> **To:** "Downing, Richard" (b) (6), (b) (7)(C) Per CRM @CRM.USDOJ.GOV>
> **Cc:** "Cruikshank, Andrew A. (OLA)" <acruikshank@jmd.usdoj.gov>
> **Subject: Internet Gambling**
>
> Richard (and Andrew):
>
> The DAG has asked about internet gambling and DOJ equities. As I understand it, this has become a pet project for Senator Graham.
>
> Can you please ask your team to pull something together providing (b)(5)

(b)(5)

[redacted]

I'm told he would like this by Monday (May 8). I know this is a quick turnaround.

Please let me know with any questions. I appreciate your help with this.

Sujit

From:	Rybicki, David (CRM)
To:	Raman, Sujit (ODAG)
Cc:	Terwilliger, Zachary (ODAG); Crowell, James (ODAG); Downing, Richard; Blanco, Kenneth; McFadden, Trevor N. (CRM); Jaffe, David; Mann, James (CRM)
Subject:	Internet Gambling Memorandum
Date:	Wednesday, May 10, 2017 10:03:05 AM
Attachments:	Internet Gambling Memorandum for ODAG 05102017.docx state-lotteries-opinion.pdf

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Please find attached w/ pdf of 2011 OLC Op. on Wire Act

From: Rybicki, David (CRM)
To: Barnett, Gary (ODAG)
Date: Wednesday, June 7, 2017 3:44:11 PM
Attachments: Cooper and Kirk Wire Act memorandum.pdf