

Leeman, Gabrielle (ODAG)

From: Leeman, Gabrielle (ODAG)
Sent: Friday, July 20, 2018 5:39 PM
To: Bacon, Antoinette T. (ODAG); Baughman, Matthew (ODAG); Catizone, Christopher (ODAG); Daly, Mary (ODAG); Ellis, Corey F. (ODAG); Frank, Michael (ODAG); Gauhar, Tashina (ODAG); Goldsmith, Andrew (ODAG); Groves, Brendan M. (ODAG); Hunt, Ted (ODAG); Lan, Iris (ODAG); Loveland, Daniel (ODAG); Michalic, Mark (ODAG); Murray, Michael (ODAG); Raman, Sujit (ODAG); Sheehan, Matthew (ODAG); Thiemann, Robyn (ODAG); Wetmore, David H. (ODAG); Wu, Connie V. (ODAG); Bolitho, Zachary (ODAG); O'Callaghan, Edward C. (ODAG); Morrissey, Brian (OAG); Gamble, Nathaniel (ODAG); Suero, Maya A. (ODAG); Whitaker, Matthew (OAG)
Cc: Brown, Angela M. (ODAG); Simms, Donna Y. (ODAG); Spolar, Ellen S. (ODAG)
Subject: RE: Weekly Report Reminder
Attachments: 07.23.18 ODAG Weekly Report.pdf

Hi all,

Please see attached the weekly report for this upcoming week, July 23rd-July 27th. Please let me know if you have any questions. Thanks!

-Gabi

From: Leeman, Gabrielle (ODAG)
Sent: Friday, July 20, 2018 9:02 AM
To: Bacon, Antoinette T. (ODAG (b) (6)); Baughman, Matthew (ODAG (b) (6)); Catizone, Christopher (ODAG (b) (6)); Daly, Mary (ODAG (b) (6)); Ellis, Corey F. (ODAG (b) (6)); Frank, Michael (ODAG (b) (6)); Gauhar, Tashina (ODAG (b) (6)); Goldsmith, Andrew (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6)); Hunt, Ted (ODAG (b) (6)); Lan, Iris (ODAG (b) (6)); Loveland, Daniel (ODAG (b) (6)); Michalic, Mark (ODAG (b) (6)); Murray, Michael (ODAG (b) (6)); Raman, Sujit (ODA (b) (6)); Sheehan, Matthew (ODAG (b) (6)); Thiemann, Robyn (ODAG (b) (6)); Wetmore, David H. (ODAG (b) (6)); Wu, Connie V. (ODAG (b) (6)); Bolitho, Zachary (ODAG (b) (6))
Cc: Brown, Angela M. (ODAG (b) (6)); Simms, Donna Y. (ODAG (b) (6)); Spolar, Ellen S. (ODAG (b) (6))
Subject: Weekly Report Reminder

Good morning all!

Please send your weekly report submissions to me, Ellen, Donna, and Angie by noon today.

Thank you,
Gabi

For ODAG Internal Use Only



WEEKLY REPORT
FOR
THE DEPUTY ATTORNEY GENERAL

WEEK OF
23 JULY 2018

ATR Antitrust Division	ODAG POC: Michael Mur a (b) (6) Matthew Baughma (b) (6) Component POC: Chief of Staff John Elias (b) (6)			
<i>AT&T.</i> ATR successfully moved for an expedited appeal in the D.C. Circuit. The opening brief will be due August 6.		Date	OAG/ODAG action required?	Recommend notifying PAO?
		08/6/18	N/A	No

ATF Alcohol, Tobacco, Firearms, and Explosives	ODAG POC: Robyn Thieman (b) (6) Component POC: Chief of Staff Joseph Allen (b) (6)			
Operations On July 15, 2018 (b)(6) per EOUSA, the suspect in a homicide investigation, shot and wounded two Kansas City Police Department officers who were attempting to arrest him (b)(6) per EOUSA shot the officers using a Draco 7.62 pistol (an AK-47 variant), and then fled. Both wounded officers are assigned to KCPD's Gun Squad and Career Criminal Unit, a unit with which both ATF and FBI coordinate and support. One of the wounded officers is an ATF TFO, and the other an FBI TFO. Shortly after the shooting, KCPD officers locate (b)(6) per EOUSA in an abandoned house (b)(6) per EOUSA shot at officers from the house, wounding a third KCPD officer. At which point (b)(6) per EOUSA again began shooting at officers, and was killed by return fire from a KCPD officer. Fortunately, all three wounded officers are expected to fully recover. ATF agents were able to quickly determined (b)(3) per ATF (Public Law 112-55 (125 Stat.552)); (b)(6) per EOUSA (in part). [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] ATF is investigating the FFL, and is coordinating with FBI/NICs on a review of why the NICS check did not result in a denial based on (b)(6) per EOUSA prior felony convictions.		Date	OAG/ODAG action required?	Recommend notifying PAO?
		07/15/18		

<p>Significant Sentencings</p> <p>On July 11, 2018, Thomas Godard was sentenced in the U.S. District Court for the Eastern District of North Carolina to 32 years in prison on his convictions for conspiracy to commit Hobbs Act robbery, brandishing a firearm in furtherance of a crime of violence, and aiding and abetting. On February 23, 2015, Godard and co-conspirator Keenan Bond robbed Washington Coin & Pawn, stealing 27 firearms and jewelry. The defendants had previously robbed two area “Dollar” stores, threatening patrons at gunpoint. The Godard case was prosecuted as part of the EDNC USAO’s PSN initiative, and was investigated by ATF, the Beaufort County Sheriff’s Office, the Martin County Sheriff’s Office, and the Williamston Police Department.</p>	07/11/18		
<p>Congressional and Oversight</p> <p>On July 16, 2018, ATF Deputy Director Brandon testified before the House Judiciary Committee in a field hearing entitled “Examination of the ATF National Canine Division.” The hearing was held in Front Royal, Virginia, and received substantial local media attention.</p>	07/16/18		

<p>BOP Bureau of Prisons</p>	<p>ODAG POC: Connie W (b) (6) Component POC: Deputy Director Judi Garrett (b) (6)</p>		
<p>BOP Population. As of July 19, 2018, the BOP inmate population was 183,942. The BOP is housing 1,055 ICE detainees at 5 facilities. Without these temporary detainees, the BOP population actually increased by 57 for a total FY 2018 decrease of 2,730 inmates.</p>	<p><i>Date</i></p> <p>07/19/18</p>	<p><i>OAG/ODAG action required?</i></p>	<p><i>Recommend notifying PAO?</i></p>

Child Sexual Exploitation and Human Trafficking		ODAG POC: Michael Frank (b) (6)		
		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p><i>United States v. Lawrence Quignon (D. Neb.)</i>. On July 16, defendant Lawrence Quignon was sentenced to 180 months of imprisonment for distribution of child pornography. Quignon was identified via an investigation by the Nebraska State Patrol into NCMEC CyberTipline reports regarding an individual uploading child pornography onto the online chat service Chatstep. Quignon was previously convicted of first degree sexual assault in the State of Nebraska, and is required by Nebraska law to register as a sexual offender for life. During the execution of a search warrant at his home, Quignon admitted to uploading images of child pornography through Chatstep.</p>		07/16/18	No	No
<p><i>United States v. Noel Eisley, et. al. (E.D. Mich.)</i>. On July 17-18, 2018, the following co-defendants were sentenced following their respective guilty pleas to one count of engaging in a child exploitation enterprise: -Bret Massey: 384 months incarceration and \$215,000 in restitution; -William Phillips: 396 months incarceration and \$320,000 in restitution; -Terry Kovac: 444 months incarceration and \$235,000 in restitution; -Felipe Dominguez-Meija: 492 months incarceration and \$215,000 in restitution; -Eric Robinson: 408 months incarceration and \$235,000 in restitution; -Noel Eisley: 420 months incarceration and \$235,000 in restitution. The defendants used the online service “Chateen” to entice minor females to engage in recorded sexual activity on webcam. The defendants used pre-recorded videos of other minors engaging in such activity to convince targeted minor females that they were chatting with a fellow minor. The defendants also met in closed chat rooms, including on Skype, to discuss the sexual exploitation of minor victims and share recorded videos.</p>		07/17/18-07/18/18	No	No
<p><i>United States v. Anthony Shultz (D. Kan.)</i>. On July 18, defendant Anthony Shultz pleaded guilty to three counts of production of child pornography. Shultz was arrested in July 2016 after a foreign citizen and the non-profit organization International Justice Mission reported to the FBI that Shultz, acting through an online alias, had admitted to sexually abusing minors in the Philippines and producing live streaming images of the abuse, and had</p>		07/18/18	No	No

distributed child pornography to the foreign citizen. During a residential search, Shultz admitted to FBI agents that he traveled to the Philippines, sexually abused a minor, and distributed a video of the abuse. Forensic analysis of Shultz’s computer devices revealed hundreds of videos depicting Shultz engaging in sexual acts with minor females, including 3 identified victims in the Philippines. The FBI’s investigation is ongoing and has identified additional minor girls in the Philippines who may have been victimized by Shultz.			
International Visitor Leadership Program (Washington, DC). On July 18, CEOS presented a training on the enforcement of child exploitation and obscenity federal criminal statutes to a delegation from Syria who are visiting the United States under the Department of State’s International Visitor Leadership Program.	07/18/18	No	No
Meeting Regarding Implementation of “FOSTA” (Washington, DC). On July 18, HTPU hosted a meeting with representatives of four anti-human trafficking organizations to discuss the implementation of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 (“FOSTA”), which was enacted in April and permits civil suits and state criminal action against websites used for human trafficking.	07/18/18	No	No

CIV Civil Division	ODAG POC: Michael Murra (b) (6) Component POC: Chief of Staff Alex Haas (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Title X. DDC awarded summary judgment to the government in a challenge by Planned Parenthood affiliates to HHS’s family planning grant announcement. The plaintiffs are likely to seek an injunction pending appeal.	07/16/18	No	Already aware
Sanctuary Cities. Next week, CIV will file an en banc brief in CA7 opposing nationwide injunctions. The en banc argument is set for early September.	07/27/18	No	Already aware
FOIA. The government will produce Kavanaugh-related records in response to FOIA requests and litigation starting next week. CIV is coordinating with OLP.	No date specified	No	Already aware

Gree. CIV's CPB is preparing a plea agreement for a Chinese company that failed to report dehumidifiers that caused home fires. The fine is likely to exceed \$100m and CIV is planning to request a corporate monitor.	No date specified	No	Already aware
Unconstitutional conditions. CA6 agreed to rehear en banc a challenge to Ohio's system of funding of family planning organizations. CIV filed an amicus brief in support of Ohio's system at the petition for rehearing en banc stage. It will file an en banc brief next week.	07/27/18	No	Already aware
Opioid Civil Injunctive Actions. CIV is preparing to file several civil injunctive actions in the opioid space in Ohio. The AG may announce them along with the (A)ASG and (A)AAG; the timing and location are still being worked out.	No date specified	No	Already aware

		ODAG POC: Connie Wu (b) (6)	
		Component POC: Acting Director Russ Washington, (b) (6)	
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
COPS Office Director Phil Keith and COPS Office staff will attend the Sheriffs' Association of Texas Annual Training Conference & Expo taking place in Grapevine, TX from July 21-24, 2018. [Continuation from last week.]	07/21/18-07/24/18		
COPS Office staff will moderate a panel titled "Partnering with Law Enforcement to Help End Homelessness in Your Community" during the 2018 National Conference on Ending Homelessness in Washington, DC on July 25, 2018.	07/25/18		
COPS Office Director Phil Keith and COPS Office staff will attend the National Organization of Black Law Enforcement Executives (NOBLE) Annual Training Conference taking place in Hollywood, FL from July 27 – August 1, 2018.	07/27/18-08/01/18		

CRM Criminal Division	ODAG POC: Zachary Bolitho (b) (6) Component POC: PDAAG John Cronan (b) (6)		
	Date	OAG/ODAG action required?	Recommend notifying PAO?
<p><i>United States v. Michael Lacey et al. (D. Ariz.)</i>. On July 25, 2018, it is anticipated that defendants Michael Lacey, James Larkin, Scott Spear, Jed Brunst, Daniel Hyer, Andrew Padilla, and Joye Vaught will be charged in a 100-count superseding indictment with conspiracy to facilitate prostitution, facilitating prostitution, conspiracy to commit money laundering, concealment, and substantive money laundering for their roles in operating the website backpage.com. On March 28, 2018, the aforementioned defendants were charged in a 93-count federal indictment. Until being seized and shut down in April 2018, Backpage.com was notorious for being the internet's leading source of prostitution advertisements, including the prostitution of children. This case is being prosecuted by the Child Exploitation and Obscenity Section (CEOS) and the USAO for the District of Arizona.</p>	07/25/18		
<p><i>U.S. v. Carlos Roberto Tejada Cruz, et al. (D. Md.)</i>. On July 30, it is anticipated that a superseding indictment will be sought in this MS-13 RICO case, which currently charges members of the Sailors clique of MS-13 and is scheduled for trial in March 2019. The team currently is negotiating pleas with several defendants. In addition, in a spin-off case from this investigation, Dany Fabricio Ruiz-Rodriguez pleaded guilty to alien-in-possession of a weapon on July 10th. Finally, a new cooperating witness has provided evidence concerning five homicides currently under investigation, which will form the basis for the superseding indictment. This case is being handled by the Organized Crime and Gang Section (OCGS) and the USAO for the District of Maryland.</p>	07/30/18		
<p><i>United States v. Sherman Devante Addison, et al., (W.D.N.C.)</i>. On July 30 and 31, eight defendants are scheduled to enter guilty pleas in this 83-defendant RICO case against members and associates of the most violent and notorious set of the Bloods gang, the 9-Trey Gangster Bloods, which operates throughout the United States and is headquartered in the New York State prison system. This case is one of five indictments or investigations designed to dismantle the 9-Trey Gangsters. Of the 83 defendants indicted, 56 defendants have either</p>	07/30/18		

<p>pleaded guilty or been convicted at trial; and 27 defendants remain. The next trial in this matter is scheduled for Sept. 1. This case is being handled by the Organized Crime and Gang Section (OCGS) and the USAO for the Western District of North Carolina.</p>			
<p>United States v. James Arbaugh (W.D. Va.). On July 23, defendant James Arbaugh is scheduled to be sentenced following his February 2018 guilty plea, without a plea agreement, to engaging in illicit sexual conduct in a foreign place. Since approximately 2008, Arbaugh has travelled to and from Haiti engaging in missionary work. In July 2017, Arbaugh told a mental health provider that while in Haiti he sexually abused multiple minors. In subsequent interviews with law enforcement agents, Arbaugh admitted to sexually abusing approximately 21 boys while performing missionary work in Haiti. This case is being prosecuted by the Child Exploitation and Obscenity Section (CEOS) and the USAO for the Western District of Virginia.</p>	07/23/18		

<p>CRT Civil Rights Division</p>	<p>ODAG POC: Michael Frank (b) (6); Matthew Sheeha (b) (6) Component POC: Acting AAG John Go e (b) (6)</p>		
	<p><i>Date</i></p>	<p><i>OAG/ODAG action required?</i></p>	<p><i>Recommend notifying PAO?</i></p>
<p>Sexual Harassment in Housing Presentation (Sioux City, IA). On July 20, CRT presented information on the Division’s Sexual Harassment in Housing Initiative at a community roundtable in Sioux City, IA.</p>	07/20/18	No	No
<p>Hate Crimes Training (Atlanta, GA). On July 20, CRT provided hate crime training in Atlanta for state and local law enforcement.</p>	07/20/18	No	No
<p>Austin, Texas (USERRA). The United States has settled <i>O’Donnell v. Wi-Fi Alliance</i> (W.D. Tex.), a USERRA lawsuit that alleged that the employer unlawfully terminated a U.S. Reservist while he was on military leave of absence.</p>	07/19/18	No	No

<p>Colorado Springs, Colorado (USERRA). The Department has reached an agreement with Diamond Wire Material Technologies to settle the USERRA claim of a service member who, because he was on military leave of absence, was denied a severance package given to similarly situated employees who were not on military leave.</p>	07/19/18	No	No
<p>Jagannath Organization for Global Awareness, Inc. v. Howard County (D. Md.). By July 20, CRT expects to file a statement of interest in this case involving claims under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Plaintiff is a Hindu organization that has challenged the County’s denial of its request to build a temple. CRT’s statement of interest sets forth the legal framework for analyzing “substantial burden” claims under RLUIPA and explains that plaintiff’s complaint alleges sufficient facts to plead a plausible substantial burden claim.</p>	07/20/18	No	No
<p>United States v. Northwest Trustee Services, Inc. (W.D. Wash.). CRT expects to announce a settlement of its lawsuit alleging violations of the Servicemembers Civil Relief Act. CRT’s complaint alleged that defendant, which provided foreclosure services to mortgage lenders in the Western United States until it ceased operations in December 2017, violated the SCRA by foreclosing on several homes owned by protected servicemembers without first obtaining the required court orders. Defendant is now in receivership in state court. Under the settlement, defendant (through its receiver) will provide up to \$750,000 in relief for affected servicemembers.</p>	07/20/18	No	No
<p>Consultation with DHS Regarding “SAVE.” DHS’s Systematic Alien Verification For Entitlements (SAVE) Program is a database of all alien immigration-status information. DHS makes SAVE available to federal, state, and local agencies to verify an application’s immigration status and eligibility for public benefits. DHS has been working with a handful of states to provide them SAVE access for the purposes of verifying the citizenship status of individuals who register to vote. CRT has been consulting with DHS and provided feedback to ensure that its SAVE agreements comport with the NVRA and Voting Rights Act.</p>	07/20/18	No	No
<p>Kentucky NVRA. CRT has finalized its settlement to resolve Kentucky’s failure to conduct voter list maintenance activities as required by the National Voter Registration Act. The</p>	07/20/18	No	No

settlement requires Kentucky to conduct activities to remove from its voter rolls voters who have died or moved. Kentucky already has begun sending NVRA notices to voters who may have moved.			
Wisconsin UOCAVA. CRT has entered into a settlement agreement with Wisconsin election officials to enforce the Uniformed and Overseas Citizens Absentee Ballot Act (UOCAVA). Wisconsin state election law is in conflict with UOCAVA because it does not extend the full panoply of UOCAVA rights to all overseas voters. CRT had previously worked with the State toward a legislative fix, but the State Legislature adjourned without enacting one. The settlement requires Wisconsin to comply with UOCAVA for its 2018 primary and general elections, and to take steps to fix the UOCAVA issue for future federal elections.	07/20/18	No	No

DEA Drug Enforcement Administration	ODAG POC: Mary Dal (b) (6) Component POC: Chief of Staff Greg Cherundolo (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Anticipated Indictments of Five Russian Organized Crime Affiliates. This week, the Special Operations Division (SOD)/Bilateral Investigations Unit (BIU) anticipates five leaders and members of a Russian organized crime-linked transnational criminal organization will be indicted. This organization provided nearly six kilograms of carfentanil they believed would be mixed with heroin and distributed in the United States.	07/23/18	FYSA	No
Anticipated Indictments of Two Sons of Arrested Pakistani Heroin Trafficker, Shahbaz Khan. During the week of July 22, 2018, the BIU anticipates indicting Lalbaz Khan and Gulbaz Khan, the sons of Shahbaz Khan, one of the world's largest heroin traffickers. In May 2018, Shahbaz Khan pleaded guilty to conspiracy to import heroin into the United States.	07/23/18	FYSA	No
Seizure of a Sinaloa Cartel Heroin Laboratory in Mexico. On July 12, 2018, the DEA Mazatlán Resident Office (MZRO) provided actionable information that led Mexican Army (SEDENA) personnel to conduct enforcement operations targeting Sinaloa Cartel activities	07/12/18	FYSA	No

<p>in the area of Badiraguato, Sinaloa, Mexico. SEDENA elements located a Sinaloa Cartel heroin laboratory and seized approximately 139 kilograms of opium paste, 19.5 kilograms of suspected heroin powder, 900 liters of liquid precursor chemicals, and 152 kilograms of precursor chemicals in salt/compound form. The Sinaloa Cartel is responsible for transporting multi-ton quantities of cocaine, heroin, methamphetamine, and marijuana, from Mexico into the United States for distribution, as well as laundering illicit drug proceeds back to Mexico. SEDENA destroyed the laboratory prior to departing the laboratory site. The Special Operations Division supported this investigation.</p>			
<p>Quota. On July 16, 2018, DC published in the Federal Register a final rule entitled “Controlled Substances Quotas” (83 FR 32784). The rule requires DEA to provide notice of the proposed aggregate production quotas (APQs) to state attorneys general and to afford them the opportunity to a hearing regarding the establishment of the APQ.</p>	07/16/18	FYSA	No
<p>CBD. On July 16, 2018, the Office of Chief Counsel forwarded to the Office of the Deputy Attorney General, a final order seeking to reschedule FDA-approved drug products containing CBD derived from the cannabis plant with no more than 0.1% THC in schedule V of the Controlled Substances Act. This action follows FDA’s June 25, 2018 approval of the Epidiolex.</p>	07/16/18	FYSA	No
<p>Potential Briefing of Senate Drug Caucus. State/INL has requested DEA attend a briefing with the Senate Drug Caucus regarding the State Department’s efforts to work with China to better address synthetic drugs, particularly fentanyl and fentanyl analogues. This briefing will be held in the Hart Senate Office Building at 1pm on July 25, 2018. DEA is evaluating this request.</p>	07/25/18		

<p>ENRD Environmental & Natural Resources Division</p>	<p>ODAG POC: Andrew Goldsmit (b) (6) Component POC: Counsel Brandon Middleton (b) (6)</p>		
<p>Update on WOTUS Case. In <i>North Dakota v. EPA</i> (D.N.D.), fourteen states filed a petition for review of EPA’s and the Army’s issuance of the Clean Water Rule in 2015, which amends the regulatory definition of “waters of the United States” (“WOTUS”). The court is allowing this challenge to the 2015 Rule to go forward despite the rule’s applicability date of February</p>	<p><i>Date</i> 07/16/18</p>	<p><i>OAG/ODAG action required?</i> No</p>	<p><i>Recommend notifying PAO?</i> No</p>

6, 2020, and that the agencies intend to conduct additional rulemaking in accordance with an executive order that directed EPA to review the 2015 WOTUS rule. We filed a response to the plaintiffs’ motion for summary judgment on July 16. They argue, *inter alia*, that the Corps violated NEPA by not conducting an EIS and failing to examine an adequate range of alternatives.

Update on Child Plaintiff Climate Change Case. Proceeding on due process, equal protection, Ninth Amendment, and “public trust” doctrine theories, a group of child plaintiffs allege that the United States has recklessly permitted carbon dioxide emissions from fossil fuels to cause catastrophic climate change. Trial is scheduled to begin October 29. We have filed two pending dispositive motions—one for judgment on the pleadings and one for summary judgment. The court held a hearing on both on July 18.

We also filed objections following the magistrate judge’s denial of our motion for protective order and for a stay of discovery, which the court denied. We then filed a petition for a writ of mandamus in the Ninth Circuit, seeking to have the case dismissed or, in the alternative, stayed pending the district court’s resolution of our two dispositive motions. On July 16, in a two-line order, the Ninth Circuit denied the stay and stated it would expedite consideration of the mandamus petition. We have now sought the same stay from the Supreme Court.

State of Washington’s Partial Retrocession of its Indian Country Criminal Jurisdiction on the Yakama Reservation. In spring 2018, a murder occurred on the Yakama Reservation, which put at issue whether the State would have jurisdiction to prosecute the shooter and increasing the urgency in resolving the scope of the State’s retrocession of criminal jurisdiction on the Yakama Reservation under Public Law 83-280 (P.L. 280). ENRD, the U.S. Attorney for the Eastern District of Washington, and the State of Washington interpreted the retrocession to mean that the State retained jurisdiction where *either* the perpetrator *or* the victim is a non-Indian. In contrast, Interior and the Yakama Nation interpreted the State as retaining jurisdiction only where both the perpetrator *and* the victim are non-Indian. As a result, various agencies and DOJ components, in consultation with the DAG’s Office, agreed to submit this question to OLC for resolution. The OLC draft opinion agreed with ENRD’s and the U.S. Attorney for the Eastern District of Washington’s interpretation of the scope of the retrocession, concluding that “Washington

07/16/18-07/18/18	No	No
Ongoing	No	No

has retained criminal jurisdiction over an offense on the Yakama Reservation when the defendant or the victim is non-Indian, as well as when both are non-Indians.” OLC plans to issue its final opinion in the coming weeks.

Update on Klamath Project Litigation. In *Klamath Tribes v. Bureau of Reclamation* (N.D. Cal.), the tribes bring an Endangered Species Act (ESA) and NEPA challenge to the Bureau’s operation of the Klamath Project and an accompanying 2013 joint biological opinion and incidental take statement (ITS). The plaintiffs, whose interest is in maintaining higher water levels in Upper Klamath Lake, claim that the biological opinion is inadequate to protect the Lake’s ESA-listed sucker fish, that the Bureau is violating the ITS, and that the Bureau was required to prepare an environmental impact statement for the Klamath Project operations.

The plaintiffs filed a motion for preliminary injunction on (b)(5) AWP/DPP per ENRD [REDACTED]. A hearing on the plaintiffs’ preliminary injunction motion is scheduled for July 20 (b)(5) AWP/DPP per ENRD [REDACTED].

07/20/18	No	No
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EOIR Executive Office for Immigration Review	ODAG POC: David H. Wetmore (b) (6)) Component POC: Acting Director James McHenry, (b) (6) [REDACTED]			
The Backlog: EOIR continues to work to standardize a true picture of the backlog based on a combination of pending cases and length of time cases are pending. The relevant numbers for the pending caseload as of July 13 are:		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Total Active Pending Cases:	730,809	7/13/18	No	No
Total Active Detained Pending Cases:	20,502			
Total Active Non-Detained Pending Cases:	710,307			

Total Riders on Non-Detained Active Pending Cases:	155,563			
Total Non-Detained Cases Pending Less than 1 Year:	188,857			
Total Non-Detained Cases Pending Beyond the Median (Minus Riders):	296,994			
Median Time to Completion for a Non-Detained Case:	665 days (~21.5 mo)			
Median Time to Completion for a Detained Case:	53 days			
Total Inactive Pending Cases	330,006 (Court)			
	19,888 (BIA)			
UAC Cases Pending	80,465			
Nationwide Clearance Rate	63.73%			
Surge Locations: Since May 14, 2018, ACIJ's surged to 10 SW border courts have completed 3,383 total cases.		Ongoing	No	No
Electronic Filing Pilot: On July 16, EOIR's ECAS pilot (for electronic filing and case management) went live at the San Diego court.		7/16/18	No	No

OCDETF Organized Crime Drug Enforcement Task Forces	ODAG POC: Mary Dal (b) (6)) Component POC: Acting Directo (b)(6) per OCDETF (b) (6)			
		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
(b)(7)(E) per OCDETF		07/16/18	No	No

(b)(7)(E) per OCDEF [Redacted]			
(b)(6) per OCDEF (b)(6), (b)(7)(E) per OCDEF (b)(6) per OCDEF & EOUSA (b)(7)(E) per OCDEF [Redacted]			
(b)(7)(E) per OCDEF [Redacted]	07/16/18	No	No
(b)(7)(E) per OCDEF [Redacted]			
(b)(7)(E) per OCDEF [Redacted]			

OJP Office of Justice Programs	ODAG POC: David Wetmo (b) (6); Robyn Thiemann (b) (6) Component POC: Acting AAG Alan Hanson (b) (6)		
Nothing to report.	Date	OAG/ODAG action required?	Recommend notifying PAO?

OLA Office of Legislative Affairs	ODAG POC: Dan Loveland (b) (6) Component POC: DAAG Jill Tyson, (b) (6)		
The House and Senate are in session this week.	Date	OAG/ODAG action required?	Recommend notifying PAO?
	N/A	Situational awareness	N/A
Briefing. Ray Hulser, Deputy Assistant Attorney General, and representatives of the Office of Legislative Affairs will brief staff for the House Oversight and Government Reform Committee on issues related to media subpoenas and media shield legislation.	07/23/18 Morning		
Briefing. Federal Bureau of Investigation (FBI) Acting Section Chief Jonathan Miller, Intelligence Analyst Anita Lee, and Supervisory Special Agent Patty Maglosky will brief the Senate Armed Services Committee staff on Undersea Cable Threats and Russian sanctions. The Office of the Director of National Intelligence, the Department of Treasury, and the Office of Naval Intelligence will also participate.	07/23/18 Afternoon		
Briefing. Officials from the FBI will brief Senate Homeland Security and Governmental Affairs Committee Permanent Subcommittee on Investigation staff on Team Telecom.	07/23/18 Afternoon		

<p>Briefing. Officials from the FBI will brief House Homeland Security Committee Members on July Counterterrorism threat. The National Counterterrorism Center and the Department of Homeland Security will also participate.</p>	<p>07/25/18 Morning</p>		
<p>Briefing. FBI Section Chief Steve Dantuono will brief Senate Banking Committee staff on BSA filings by FBI.</p>	<p>07/25/18 Morning</p>		
<p>Briefing. Assistant Attorney General Makan Delrahim will meet with Chairman Goodlatte and Representative Marino to discuss the Antitrust Division’s work.</p>	<p>07/25/18 Morning</p>		
<p>Briefing. Officials from the FBI will brief House Homeland Security Members on 1000 Talents.</p>	<p>07/26/18 Morning</p>		
<p>Senate Floor. Jeffrey Clark (nominee to be Assistant Attorney General, Environment and Natural Resources Division); Brian Benczkowski (nominee to be Assistant Attorney General, Criminal Division); Eric Dreiband (nominee to be Assistant Attorney General, Civil Rights Division); and Jody Hunt (nominee to be Assistant Attorney General, Civil Division)</p>	<p>Ongoing</p>		
<p>On Wednesday, July 11, 2018, the Senate voted (51 – 48) to confirm Brian Benczkowski to be Assistant Attorney General to the Criminal Division.</p>	<p>07/11/18</p>		

OLP Office of Legal Policy	ODAG POC: Michael Murray (b) (6), Matthew Sheeha (b) (6) Component POC: COS Katie Crytze, (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>Nominations. This week the Department of Justice coordinated with the White House Counsel's Office and the Senate to support the nomination of Judge Brett Kavanaugh to the U.S. Supreme Court. The Judiciary Committee reported out Britt Grant (11th Cir.), David Porter (3rd Cir.), Marvin Quattlebaum (4th Cir.), Julius Richardson (4th Cir.), Roy Altman (S.D. Fla.), Raul Arias-Marxuach (D. P.R.), and Rodolfo Ruiz (S.D. Fla.). The Senate confirmed Andy Oldham (5th Cir.). In total, the Senate has confirmed 44 of President Trump's judicial nominees, including 1 Supreme Court justice, 23 Circuit Court nominees, and 20 District Court nominees.</p>	Ongoing	No	No
<p>Nationwide Injunctions - OLP has formally submitted proposed Department litigation guidelines on nationwide injunctions through Exec. Sec. OLP continues to update statistics on the frequency of nationwide injunctions against the Administration.</p>	No date specified	Yes	Not yet

OTJ/Indian Country Office of Tribal Justice	ODAG POC: Dan Lovelan (b) (6) Component POC: Director Tracy Toulou (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>Speeches/Travel/Meetings/Requests On July 17, OTJ hosted the monthly TNLC call.</p>	07/17/18 07/17/18		

On July 17, OTJ participated in a meeting regarding the Yakama assessment rollout.			
On July 18, OTJ participated in a meeting with the DOI Assistant Secretary's office regarding law enforcement on the Cayuga Reservation.	07/18/18		
On July 20, OTJ will co-host with ENRD the Indian Civil Litigation and Policy Working Group.	07/20/18		
On July 20, OTJ will participate in a meeting with the NAIS regarding SAUSAs.	07/20/18		
On July 23, OTJ will meet with ODAG for the semiannual meeting.	07/23/18		
On July 26, OTJ will participate in the interagency NAGPRA/ARPA working group meeting.	07/26/18		
TAP activities: all the recent deployments have been very successful. OTJ continues to work with BIA to provide TAP access to direct service law enforcement and social service Tribes and is working now to identify deployment sites.			
OTJ continues to participate in regularly scheduled Elder Abuse Working Group meetings.			
Press			
Nothing to report			
Policy			
OTJ is working with CEOS, EOUSA, and FBI to update the forensic interviewing policy.			
OTJ is working with OLP, law enforcement components and EOUSA to develop the Department's position on bite mark evidence.			
OTJ is working with the US Marshals Service to develop a new victim-witness program (at the request of USMS).			

Legislative or Judicial Developments

The implications of the 10th Circuit opinion on *Murphy v. Royal* is a matter of ongoing discussion between ODAG and several components.

OVW Office on Violence Against Women	ODAG POC: Michael Frank (b) (6) Component POC: Acting Director Nadine Neufville (b) (6)		
<p>National Council of Juvenile and Family Court Judges Annual Conference (Denver, CO). On July 24, OVW Acting Director Katie Sullivan will speak at this conference regarding family violence and innovative solutions.</p> <p>Site Visit to Denver-Area Grantees (Denver, CO). On July 25 and 26, OVW Acting Director Katie Sullivan will tour domestic violence and sexual assault programs and meet with judges, district attorneys, and state and national leaders. Locations include the Rose Adom Center, the Jefferson County District Attorney’s Office, Colorado Coalition Against Sexual Assault, Violence Free Colorado, and state, city, and county government.</p>	<p><i>Date</i></p> <p>07/24/18</p> <p>07/25/18-07/26/18</p>	<p><i>OAG/ODAG action required?</i></p> <p>No</p> <p>No</p>	<p><i>Recommend notifying PAO?</i></p> <p>No</p> <p>No</p>

TAX Tax Division	ODAG POC: Matthew Baughman (b) (6) Component POC: DAAG Travis Greave (b) (6)		
<p>On July 17, 2018, the States of Maryland, Connecticut, New Jersey, and New York filed suit against the United States, IRS, and Treasury in the United States District Court for the Southern District of New York, contending that the new \$10,000 limit on deductions for state and local taxes violates the 10th and 16th Amendments, and Article 1, Section 8, of the Constitution. The complaint has been filed but not yet served on the United States. The case is <i>State of New York, et al. v. Mnuchin, et al.</i>, Case No. 18-cv-6427 (S.D.N.Y.).</p>	<p><i>Date</i></p> <p>07/17/19</p>	<p><i>OAG/ODAG action required?</i></p> <p>FYSA</p>	<p><i>Recommend notifying PAO?</i></p> <p>Already notified</p>

<p>On July 7, 2018 the government filed a motion to enforce an order requiring debtor (b)(6) per EOUSA LLP to pay the United States Internal Revenue Service \$440,291.45 plus interest. (b)(6) per EOUSA LLP, a California law firm, was the subject of an involuntary Chapter 11 bankruptcy petition against the firm in March 2017. (b)(6) per EOUSA is associated with the firm. In conjunction with that case, the United States and the law firm (acting through its counsel an (b)(6) per EOUSA) entered into a stipulation requiring the firm to make scheduled payments of its unpaid employment taxes. The firm failed to make its most recent payment of \$440,291.45, which was due by May 14. An AUSA from the United States Attorney's Office for the Central District of California is representing the government in the bankruptcy court proceedings. A hearing on the government's motion is scheduled for July 25, 2018. <i>In re (b)(6) per EOUSA LLP</i> (Bankr. C.D. Cal.).</p>	7/25/2018	FYSA	Already notified
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Unmanned Aircraft Systems UAS	ODAG POC: Brendan Groves (b) (6) , Mark Michali (b) (6))		
<p>Counter-UAS Legislation. In the coming days, the Senate Commerce Committee intends to add the Administration's Counter-UAS legislation to the manager's package for the FAA Reauthorization Act, which should reach the Senate floor in approximately two weeks. On the House side, the House Transportation and Infrastructure (T&I) Committee recently circulated draft edits to the Administration's proposal. ODAG coordinated comments to that draft. Next week, ODAG staff will represent DOJ in a meeting with House T&I staff to discuss the bill.</p> <p>Industry Outreach. Professional sports leagues have long shared our concerns about the threat posed by UAS. To better understand their perspective, ODAG is working to organize a forum with professional sports leagues and the interagency, currently scheduled for July 30. At present, major league football, baseball, golf, and the NCAA are expected to attend, along with representatives from the WH, DHS, FAA, and DOJ/FBI. This forum will enable federal stakeholders to educate the leagues on the value of the Administration's Counter-</p>	<p><i>Date</i></p> <p>07/23/18- 07/27/18</p> <p>07/30/18</p>	<p><i>OAG/ODAG action required?</i></p>	<p><i>Recommend notifying PAO?</i></p>

UAS proposal and discuss other ways of working together to achieve common security goals.			
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USMS U.S. Marshals Service	ODAG POC: Toni Bacon (b) (6) Component POC: CO (b)(6), (b)(7)(C) per USMS		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Extraditions: During the week of July 8 through July 14, 2018, the USMS closed 18 extraditions and deportations from eight countries. The total number of removals for fiscal year (FY) 2018 is 610.	07/08/18-07/14/18		
Shooting Incident: On July 19, 2018, while serving a warrant in the EDMO, the USMS Fugitive Task Force came under fire. One TFO sustained a non-life-threatening gunshot wound to his arm. He underwent surgery and has been discharged from the hospital. A second TFO was shot in his armored vest. He did not sustain any injuries. The subject was taken into custody	07/19/18		

USTP U.S. Trustee Program	ODAG POC: Matthew Sheeha (b) (6) Component POC: Director Clifford White, (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Congressional Inquiry and Wall Street Journal Articles: Congressman Biggs, who serves on the Judiciary Committee, has made inquiries to us about WSJ stories concerning the adequacy of conflicts disclosures made by financial consultant McKinsey and Company in connection with McKinsey’s employment in bankruptcy cases. Gretchen Morgenson of the WSJ contacted DOJ/OPA to ask me to comment on the letter from Congressman Biggs. OPA responded that we have the letter and a response is forthcoming. We have drafted a response for AAG/OLA signature which could be transmitted soon. The WSJ ran a	No date specified	Not at this time	N/A

story on-line yesterday about Congressman Biggs' inquiry and our prior "reprimand" of McKinsey. One of the reporters who wrote that article said another story on this topic may follow shortly.

Leeman, Gabrielle (ODAG)

From: Leeman, Gabrielle (ODAG)
Sent: Friday, August 24, 2018 5:46 PM
To: Bacon, Antoinette T. (ODAG); Baughman, Matthew (ODAG); Catizone, Christopher (ODAG); Cook, Steven H. (ODAG); Daly, Mary (ODAG); Ellis, Corey F. (ODAG); Frank, Michael (ODAG); Gauhar, Tashina (ODAG); Geise, John (ODAG); Goldsmith, Andrew (ODAG); Groves, Brendan M. (ODAG); Hovakimian, Patrick (ODAG); Hunt, Ted (ODAG); Lan, Iris (ODAG); Loveland, Daniel (ODAG); Michalic, Mark (ODAG); Murray, Michael (ODAG); Perkins, Paul (ODAG); Raman, Sujit (ODAG); Sheehan, Matthew (ODAG); Thiemann, Robyn (ODAG); Weinsheimer, Bradley (ODAG); Wetmore, David H. (ODAG); Wu, Connie V. (ODAG); O'Callaghan, Edward C. (ODAG); Morrissey, Brian (OAG); Whitaker, Matthew (OAG); Suero, Maya A. (ODAG); Gamble, Nathaniel (ODAG)
Cc: Spolar, Ellen S. (ODAG); Simms, Donna Y. (ODAG); Brown, Angela M. (ODAG)
Subject: RE: Weekly Report Reminder
Attachments: 08.27.18 ODAG Weekly Report.pdf

Please see attached the weekly report for this upcoming week, August 27th-August 31st.

Have a great weekend!

-Gabi

From: Leeman, Gabrielle (ODAG)
Sent: Friday, August 24, 2018 8:53 AM
To: Bacon, Antoinette T. (ODAG (b) (6)); Baughman, Matthew (ODAG (b) (6)); Catizone, Christopher (ODAG (b) (6)); Cook, Steven H. (ODAG (b) (6)); Daly, Mary (ODAG (b) (6)); Ellis, Corey F. (ODAG (b) (6)); Frank, Michael (ODAG (b) (6)); Gauhar, Tashina (ODAG (b) (6)); Geise, John (ODAG (b) (6)); Goldsmith, Andrew (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6)); Hovakimian, Patrick (ODAG (b) (6)); Hunt, Ted (ODAG (b) (6)); Lan, Iris (ODAG (b) (6)); Loveland, Daniel (ODAG (b) (6)); Michalic, Mark (ODAG (b) (6)); Murray, Michael (ODAG (b) (6)); Perkins, Paul (ODAG (b) (6)); Raman, Sujit (ODAG (b) (6)); Sheehan, Matthew (ODAG (b) (6)); Thiemann, Robyn (ODAG (b) (6)); Weinsheimer, Bradley (ODAG (b) (6)); Wetmore, David H. (ODAG (b) (6)); Wu, Connie V. (ODAG (b) (6))
Cc: Spolar, Ellen S. (ODAG (b) (6)); Simms, Donna Y. (ODAG (b) (6)); Brown, Angela M. (ODAG (b) (6))
Subject: Weekly Report Reminder

Good morning all!

Please send your weekly report submissions to me, Ellen, Donna, and Angie by noon today.

Thank you,
Gabi

For ODAG Internal Use Only



WEEKLY REPORT
FOR
THE DEPUTY ATTORNEY GENERAL

WEEK OF
27 August 2018

ATR Antitrust Division	ODAG POC: Michael Murra (b) (6), Matthew Baughma (b) (6) Component POC: Chief of Staff John Elias (b) (6)			
Nothing to report.		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

ATF Alcohol, Tobacco, Firearms, and Explosives	ODAG POC: Robyn Thieman (b) (6) Component POC: Chief of Staff Joseph Allen (b) (6)			
<p><u>Operations:</u></p> <p>On August 16, 2018, ATF recovered 12 of 13 firearms that had been stolen on July 6, 2018 from Wicked Trigger, a Waterford, Michigan Federal firearms licensee (FFL). ATF's investigation of the burglary, conducted jointly with the Waterford Police Department, identified Jeffrey Able as the primary suspect. The investigation further revealed that Able was a suspect in two bank robberies and two armed robberies in the Detroit metropolitan area. ATF coordinated with state authorities in securing a state arrest warrant charging Able with one the bank robberies, which resulted in his arrest and the seizure of his cell phone. An ATF analysis of the contents of the cell phone allowed agents to identity two accomplices to the FFL burglary. When questioned by ATF, the accomplices cooperated and disclosed the location of 12 of the stolen firearms. ATF has forwarded federal prosecution referrals on all three suspects to the USAO ED Michigan.</p> <p>On August 28, 2018, ATF and the Dallas Police Department (DPD), with the assistance of the U.S. Marshal's Service, plans to execute four federal arrest warrants charging members of the "Down for Whatever" ("DF Dub") criminal street gang with kidnapping and drug trafficking. The DF Dub gang was established in approximately 2004 and currently has 92 documented members. The gang engages in armed drug trafficking and related violent crime. On December 21, 2018, four DF Dub gang members, including gang-leade (b)(6) per EOUS, kidnapped and tortured a rival. As a result of a joint ATF-DPD investigation of the gang and the kidnapping, the USAO ND Texas secured sealed</p>		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
		08/16/18		
		08/28/18		

<p>indictments charging (b)(6) per EOUSA and his three accomplices with violations of 18 USC 1201(a) and 21 USC 841(a).</p>			
<p>On August 30, 2018, ATF will participate in an operation involving the execution of 22 search and 20 arrest warrants in Mendota and Los Angeles, California. The warrants are the result of an FBI-led, multi-agency investigation of MS-13 activities in the region, primarily involving drug trafficking and related violent crime.</p>	08/30/18		
<p>On August 30, 2018, ATF and the Tucson Police Department plan to execute six federal arrest warrants as part of a joint investigation of the Western Hills Blood Street Gang. The gang engages in armed drug trafficking in the Tucson area, and has frequently been involved in violent disputes with rival gangs. The investigation has focused on two retaliatory shootings committed by Western Hills Bloods gang members, in which one victim died and another wounded. In addition to the six pending arrests, six other gang members and associates are in state of federal custody as a result of the investigation. The federal warrants were obtained by the USAO Arizona.</p>	08/30/18		
<p><u>Significant Sentencings:</u></p> <p>On August 21, 2018, Moises Alvarado was sentenced in the U.S. District Court for the Southern District of Texas to 19 years in prison on his convictions for discharging a firearm in furtherance of a drug trafficking crime and drug distribution conspiracy. In the course of attempting to collect a drug debt in Corpus Christi, Texas, Alvarado shot at the debtor in a drive-by shooting. Shell casings recovered at the shooting scene were entered into NIBIN. ATF subsequently obtained search warrants for locations utilized by Alvarado and his associates, during execution of the warrants agents seized several firearms. One of the seized firearms was linked by NIBIN to the drive-by shooting. When confronted with the NIBIN link and other evidence, Alvarado confessed to the shooting. ATF jointly investigated the Alvarado case with the Corpus Christi Police Department, and the case was prosecuted by the USAO SD Texas.</p>	08/21/18		

BOP Bureau of Prisons		ODAG POC: Connie W (b) (6) Component POC: Deputy Director Judi Garrett (b) (6)		
<p>BOP Population: As of August 23, the inmate population was 182,949.</p> <p>The BOP is housing 552 ICE detainees at 5 facilities. Without these temporary detainees, the BOP population actually decreased by 211 for a total decrease of 3,220 in FY 2018.</p>		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
		08/23/18		

Child Sexual Exploitation and Human Trafficking		ODAG POC: Michael Fran (b) (6)		
<p>United States v. Michael Lacey et. al. (D. Az.) (Backpage.com Prosecution). On August 17, defendant Daniel Hyer pled guilty to a superseding indictment charging him with the crime of conspiracy to facilitate prostitution. Hyer served as Sales and Marketing Director for the website Backpage.com for more than a decade. In this position, among other things, Hyer helped develop a process called “aggregation.” In general, this process consisted of identifying so called “escort” and “adult” ads on other websites and creating ads on Backpage for the individuals depicted in those ads in the hope of securing their future business. Hyer has admitted that he knew the majority of ads he and others were creating through the aggregation process were actually offering illegal prostitution services. Until being seized and shut-down in April 2018, Backpage.com was notorious for being the internet’s leading source of prostitution advertisements, including the prostitution of children.</p> <p>United States v. Timothy Friel, et. al. (E.D. Pa.). On August 21, the defendant Timothy Friel and co-defendants Ric Crossfield (Jamaica, NY), Sharif El-Battouty (Brooklyn, NY), Carl Masters (Lawrence, KS), Andrew Dowdle (Oswego, NY), and Christian Brennan (Puyallup, WA) were charged via superseding indictment with engaging in a child exploitation enterprise. The defendants used the online service “Discord” – an application designed for online gaming communities that allows users to engage in online text, video</p>		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
		08/17/18		
		08/21/18		

and audio chat – to produce and exchange child pornography. Members of the enterprise used live-streaming video chat applications to target and entice minors to engage in sexually explicit conduct, recorded that conduct, and then distributed videos of it to the other members of the enterprise via Discord. Thus far, 74 victims have been identified.

ODAG POC: Michael Murra (b) (6) Component POC: Chief of Staff Alex Haas (b) (6)			
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Census. The court ordered the deposition of (A)AAG John Gore last week; CIV is considering next steps.	No date specified	No	Already aware
3D Guns. The WA district court entered a TRO against the government several weeks ago. A PI hearing took place on August 21, an (b)(5) (DPP, AWP) per CIV [REDACTED]. The 3D gun company is likely to file a separate suit in Texas after a PI against the government is entered in WA.	8/27	No	Already aware

ODAG POC: Connie W (b) (6) Component POC: Acting Director Russ Washington (b) (6)			
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
On August 27, 2018, COPS Office staff will attend a convening in Washington, DC on partnerships between law enforcement and homeless service systems being held by the U.S. Interagency Council on Homelessness and the Council of State Governments Justice Center.	08/27/18		
COPS Office staff will conduct monitoring site visits in Florida at the Orange County Sheriff's Office, DeLand Police Department, and City of Apopka from August 27-29, 2018 to ensure compliance with COPS funding requirements.	08/27/18-08/29/18		

<p>COPS Office Director Phil Keith and COPS Office staff will participate in the National Native American Law Enforcement Association (NNALEA) National Collaborative Training Event in Las Vegas, NV from August 28-30, 2018.</p>	<p>08/28/18-08/30/18</p>		
<p>COPS Office staff will travel to the Red Lake Band of Chippewa in Minnesota (Red Lake, MN) from August 28-30, 2018 for the expansion and deployment of the Tribal Access Program (TAP), which will provide the tribe access to national crime information databases and technical support. To date, 47 tribes have received access to national crime information systems through TAP.</p>	<p>08/28/18-08/30/18</p>		
<p>Publication Release: <i>Perceptions of Methamphetamine in Indian Country: Interviews with Service Providers in Ten Western Tribes – To be released 8/28/2018.</i></p>	<p>08/28/18</p>		
<p>Native American tribes across the United States have experienced many adverse effects from the distribution, trafficking, and use of methamphetamines and other dangerous drugs. These effects range from higher crime rates associated with the sale of drugs, to the displacement of children from homes where methamphetamine is being abused or trafficked, to the exploitation of Native resources. In an effort to address the increasing concerns raised by the methamphetamine problem in Indian country, law enforcement and social service providers were asked to participate in qualitative interviews regarding their perceptions of the methamphetamine use and implications for crime and treatment in the tribal communities where they work and live. The purpose of the study was to determine the nature, extent, and effects of methamphetamine trafficking, distribution, and manufacturing in Indian country. A further goal was to determine what, if any, other illegal drugs or substances posed problems for tribal agencies and the programs and policies that are needed to help solve this complex public safety problem.</p>			

<p>CRM Criminal Division</p>	<p>ODAG POC: Corey Ell (b) (6) Component POC: PDAAG John Cronan (b) (6)</p>		
<p>(b)(7)(A) per CRM</p>	<p>Date 08/29/18</p>	<p>OAG/ODAG action required?</p>	<p>Recommend notifying PAO?</p>

(b)(7)(A) per CRM
[Redacted]

United States v. Denis Barrera-Palma, et al. (E.D. Cal.): On Aug. 30, agents will conduct a takedown of thirty of the most dangerous MS-13 defendants currently on the streets and execute multiple search warrants. The goal is to bring the overarching indictment in January or February 2019. This wide-ranging RICO investigation targets members and associates of the PVLS clique of MS-13 and several others for committing racketeering acts involving murder, extortion, robbery and narcotics trafficking in Mendota, California; Los Angeles, California; Las Vegas, Nevada; Central Islip, New York; Houston, Texas; and Prince George’s County, Maryland, among other places. This case is being handled by the Organized Crime and Gang Section (OCGS) and the USAO for the Eastern District of California.

08/30/18

United States v. Corey Bailey, et al. (United States v. Billy Arnold, et al.) (E.D. Mich.): The tenth week of trial is underway in this case charging members and associates of the 7-Mile Bloods gang with murder, attempted murder, robbery, narcotics trafficking, and other racketeering acts. The jury is currently deliberating in this trial. This case is being handled by OCGS and the USAO for the Eastern District of Michigan.

Ongoing

United States v. Brandon Gressette, et. al. (D.S.C.): On Aug. 29 and 30, Gressette and all six of his co-defendants are scheduled to be sentenced following their guilty pleas entered between August 2017 and October 2017. Gressette pleaded guilty to one count of conspiracy to produce child pornography and two counts of production of child pornography for offenses involving a 14-year-old victim in South Carolina and his 8-year-old son. Co-defendants James Gersky, Sean Ellis, Steven Fox, Michael Augustin, Bryan Cripe, and Dejan Becovic each pleaded guilty to one count of conspiracy to produce child pornography and one count of conspiracy to receive/distribute child pornography. This is a crowdsourcing case in which the FBI took over the account of one of the unindicted co-conspirators and captured content of these individuals discussing how to target underage girls on social media platforms to get them to produce sexually explicit live transmissions that these defendants would record without the knowledge or consent of the children. This group used sophisticated software

08/29/18-
08/30/18

tools to identify and target the children, and they frequently pretended to be underage boys and girls in an effort to gain the trust of the children. The case is being handled by CEOS and the USAO for the District of South Carolina.

United States v. Moayad Heider Mohammad Aldairi (W.D. Tex.): On Aug. 22, Aldairi was indicted for conspiracy to bring aliens to the United States and seven additional substantive smuggling counts. Aldairi was arrested on a complaint on July 28, upon his arrival at JFK International Airport in transit from Jordan, and he was ordered to remain in detention pending his transfer to Texas. Aldairi was expected to be transported to Texas shortly after his initial appearance in New York, but he remains in custody there still awaiting transport. In the final months of 2017, at least nine Yemeni nationals, some of which have potential ties to suspected terrorists, crossed into the United States and were apprehended by authorities in Texas. Six of those aliens have identified Aldairi as being the facilitator who arranged for their transportation into the country and are being held in TX on material witness warrants. The case is being handled by HRSP, the National Security Division (NSD), and the USAO for the Western District of Texas.

08/22/18

United States v. Fujing Zheng and Guanghua Zheng (N.D. Ohio): On Aug. 22, the Attorney General announced the Zheng indictment at a press conference. On Aug. 17, Fujing Zheng, also known as “Gordon Jin,” and Guanghua Zheng, both Chinese nationals, were indicted for the importation and distribution of synthetic opioids, cathinones, and cannabinoids from China into the United States, resulting in the fatal overdose of two Ohio-based individuals from fentanyl and acetylfentanyl. These indictments stem from a long-term investigation into the Zheng Drug Trafficking Organization (DTO), and involve numerous drug overdoses, undercover buys, and multiple seizures of controlled substances and analogues.

08/22/18

House Energy and Commerce Committee Briefing. On Aug. 22, Matt Miner, Deputy Assistant Attorney General, and representatives from the Fraud Section and the Office of Legislative Affairs, briefed staff for the House Energy and Commerce Committee on issues related to the use of opioid patient’s records in criminal investigations and prosecutions.

08/22/18

Principal Deputy Assistant Attorney General (PDAAG) John Cronan Delivers Remarks at Opening of International Forensic Science Symposium in Mexico City: On Aug. 20, PDAAG Cronan delivered remarks at the opening ceremony for the Second Annual International Forensic Science Symposium in Mexico City. The three-day event (Aug. 20–22), co-organized by the Criminal Division’s International Criminal Investigative Training

08/20/18

Assistance Program (ICITAP) and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL), brought together approximately 400 forensic leaders from Mexico, Spain, the United States, Panama, Honduras, Costa Rica, Peru, Trinidad & Tobago, Guatemala, Belize, El Salvador, and the Dominican Republic. PDAAG Cronan was joined by representatives from ICITAP.

(b)(7)(A) per CRM
 [Redacted text block]

Ongoing

ODAG POC: Michael Fran (b) (6); Matthew Sheeha (b) (6)
 Component POC: Acting AAG John Gore (b) (6)

Criminal:

United States v (b)(6) per EOUSA (S.D. W. Va): On August 28, 2018, trial is set for defendan (b)(6) per EOUSA who used homophobic slurs to refer to a woman in a bar and then used a bottle to attack her because of her sexual orientation.

Date	OAG/ODAG action required?	Recommend notifying PAO?
08/28/18	No	No

<p>On August 29, 2018, we expect a former police officer with the Veteran’s Affairs Medical Center Police Department to plead guilty to violating a man’s civil rights by assaulting him in Indiana.</p>	08/29/18	No	No
<p><u>Housing:</u></p>			
<p><i>United States v. City of Farmersville</i> (E.D. Tex.): On or before August 31, the Division may file a lawsuit against the City under the Religious Land Use and Institutionalized Persons Act (RLUIPA). The lawsuit will allege that the City substantially burdened religious exercise and discriminated on the basis of religion by blocking a local Muslim group from developing an Islamic cemetery. The Division has reached out to the City to explore settlement before filing our complaint.</p>	08/31/18	No	No
<p><i>United States v. Guam</i> (D. Guam): By August 30, the Division may file a motion for judgment on the pleadings in this Fair Housing Act lawsuit. Our complaint, filed in September 2017, alleges that Guam’s Chamorro Land Trust program discriminates on the basis of race and national origin by providing benefits (including the right to rent property) only to “native Chamorros.”</p>	08/30/18	No	No
<p><u>Immigration:</u></p>			
<p><i>United States v. Palmetto Beach Hospitality</i> (OCAHO): Within the next week, the Division expects to enter into a settlement with Palmetto Beach Hospitality, LLC, to resolve claims that it discriminated against U.S. workers because of their citizenship. The Division’s investigation found that the company engaged in a pattern or practice of discriminatory recruitment and hiring based on citizenship status by preferring to hire H-2B visa workers instead of qualified and available U.S. workers. Under the terms of the anticipated settlement, Palmetto will engage in enhanced U.S. worker recruitment efforts that go well beyond the minimum requirements of the H-2B visa program. Palmetto will also set aside \$35,000 to compensate any U.S. workers who lost wages because the company improperly rejected them or ignored their applications, pay \$42,000 in civil penalties to the United States, and be subject to Departmental monitoring.</p>	08/27/18- 08/31/18	No	No

DEA Drug Enforcement Administration	ODAG POC: Mary Dal (b) (6) Component POC: Chief of Staff Greg Cherundolo (b) (6)			
Nothing to report.		Date	OAG/ODAG action required?	Recommend notifying PAO?

ENRD Environmental & Natural Resources Division	ODAG POC: Andrew Goldsmit (b) (6) Component POC: Counsel Brandon Middleton (b) (6)			
<p>Grand Jury Indicts Company and Two Individuals for Violations of Environmental and Worker Safety Law Related to Deaths of Two Workers, August 23. On August 23, a Federal Grand Jury in Omaha, Nebraska returned a 22-count indictment against Nebraska Railcar Cleaning Services LLC (NRCS), its president and owner, Stephen Michael Braithwaite, and its vice president and co-owner, Adam Thomas Braithwaite, charging the defendants with conspiracy, violating worker safety standards resulting in worker deaths, violating the Resource Conservation and Recovery Act (RCRA) which governs hazardous waste management, and submitting false documents to a federal agency. These charges arise out of the Defendants' failure to implement worker safety standards, the mishandling of hazardous wastes removed from rail tanker cars during the cleaning process, and attempted cover-up. Two of the company's workers were killed and another injured in 2015 when the contents of a railcar ignited while being cleaned. The case is being jointly prosecuted by ENRD and USAO. District of Nebraska.</p> <p>EPA's Affordable Clean Energy Proposed Rule, August 21. On August 21, the EPA issued the proposed Affordable Clean Energy (ACE) Rule, which would replace the Clean Power Plan. (A separate proposal to repeal the Clean Power Plan was issued in October 2017). (b)(5) per ENRD</p> <p>Update on Land Acquisition for Border Security. Over the past two weeks, ENRD and the U.S. Attorney's Office for the Southern District of Texas filed two condemnations for rights of entry for survey for the Border Wall that were immediately settled once the landowners</p>		Date	OAG/ODAG action required?	Recommend notifying PAO?
		08/23/18	No	No
		08/21/18	No	No
		08/13/18- 08/24/18	No	No

received notice. Both sets of landowners signed voluntary rights of entry, and the Department dismissed the lawsuits. In addition, ENRD and the U.S. Attorney’s Office for the Southern District of California filed a condemnation for a new border patrol station that likewise settled promptly once the landowner received notice of the case filing. In all three matters, Department lawyers (ENRD trial attorneys and Assistant U.S. Attorneys) met with the landowners in advance of filing to avoid litigation. (b)(5) per ENRD

Adverse Decision Invalidating Rule Postponing Applicability of “Waters of the United States” Rule, August 16. In *South Carolina Coastal Conservation League et al. v. Pruitt* (D.S.C.), Plaintiffs challenged EPA’s and the Corps of Engineers’ 2018 “Applicability Date Rule,” which added an applicability date of February 6, 2020, to the 2015 Clean Water Rule, thereby delaying its application for two years in light of litigation challenging the 2015 Rule in courts across the country (some of which have enjoined the 2015 Rule), as well as the agencies’ ongoing administrative reconsideration process. The plaintiffs argued that the agencies unlawfully limited comment on the Applicability Rule to the question of whether application of the 2015 Rule should be postponed for two years, as opposed to allowing for broader comment on the comparative merits of the 2015 Rule and the prior regulatory regime, and that the court should vacate the Applicability Rule nationwide. On August 16, the district court granted the plaintiffs’ summary judgment motion, agreeing that the agencies had failed to fulfill their obligations under the Administrative Procedure Act, and vacated the Applicability Rule nationwide, thereby requiring the agencies to begin applying the 2015 Rule immediately in the 26 states where it is not otherwise enjoined. We have filed a notice of appeal of the district court’s judgment with a request for a stay pending appeal. We are also requesting expedited relief in the Fourth Circuit.

Motion for Summary Judgment in Supremacy Clause Challenge to California Law Restricting Disposal of Federal Land, August 16. On August 16, we filed a motion for summary judgment in *United States v. California*, No. 2:18-cv-721 (E.D. Cal.), a Supremacy Clause challenge to a California State Law commonly known as Senate Bill 50 (SB 50). SB 50 establishes a state policy of discouraging the federal government from transferring the United States’ interests in federal lands in California out of federal ownership. It primarily seeks to further this policy by purporting to deem such transfers void ab initio unless the

08/16/18	No	No	
08/16/18	No	No	

United States provided a California state agency with a right of first refusal to the transfer or the right to arrange for transfer to another entity. Our motion contends that SB 50 violates the doctrine of intergovernmental immunity, under which states may neither directly regulate nor discriminate against the United States. In addition, it argues that SB 50 is preempted by federal law. Notably, California was admitted into the Union in 1850 “upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits.”

Adverse Decision in Keystone XL Pipeline Litigation, August 15. In *Northern Plains Resource Council v. State* and *Indigenous Environmental Network v. State* (D. Mont.), the plaintiffs challenge the State Department’s issuance of a Presidential Permit for the transboundary crossing of the Keystone XL Pipeline, U.S. Fish and Wildlife Service’s related biological opinion, and the Bureau of Land Management’s expected issuance of a right-of-way to TransCanada across public lands in Montana, under the National Environmental Policy Act (NEPA) and the Endangered Species Act. On August 15, the court granted partial summary judgment on one of the plaintiffs’ NEPA claims and ordered the State Department to prepare a supplemental environmental impact statement to address an alternative pipeline route through Nebraska. The court rejected our argument that NEPA imposed no obligation to prepare a supplemental analysis after the issuance of the Presidential Permit. The court directed State to provide a schedule to complete the supplemental environmental impact statement before Keystone’s projected construction start date in the second quarter of 2019. Importantly, the court declined to vacate the Presidential Permit “at this time” and explained it intends to issue another decision addressing the plaintiffs’ remaining claims, without indicating when it would do so. (b)(5) per ENRD

08/15/18

No

No

EOIR Executive Office for Immigration Review	ODAG POC: David H. Wetmor (b) (6) Component POC: Acting Director James McHenry (b) (6)			
Nothing to report.		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

EOUSA Executive Office for United States Attorneys	ODAG POC: Iris La (b) (6) Component POC: Acting Director James Crowell (b) (6)			
		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
United States Attorneys (sent to Senate): John C. Milhiser, Central District of Illinois		08/21/18	No	No
United States Attorneys (intent to nominate):		08/16/18	No	No
David L. Anderson, Northern District of California				
Lawrence Keefe, Northern District of Florida				
Drew H. Wrigley, North Dakota				
NAC Training		08/27/18-08/31/18	No	No
<i>Nuix Train the Trainer</i>				
NAC Training		08/28/18-08/29/18	No	No
<i>Advanced Money Laundering Seminar</i>				
NAC Training		08/28/18-08/29/18	No	No
<i>Investigating and Prosecuting Hate Crimes and Domestic Terrorism Seminar</i>				
NAC Training		08/28/18-08/31/18	No	No
<i>Advanced Narcotics Seminar</i>				
Maryland MS-13 Member Ordered to Serve Two Consecutive Life Sentences (MD).		08/13/18	No	Already notified
Raul Ernesto Landaverde-Giron was sentenced to two consecutive life terms for conspiracy				

to participate in a racketeering enterprise in connection with his gang activity as a member of La Mara Salvatrucha, or MS-13. The federal jury that convicted Landaverde-Giron on March 14, 2018, also found him guilty of conspiracy to commit murder in aid of racketeering; using, carrying, and discharging a firearm during a crime of violence; and murder resulting from the use, carrying, and discharging of a firearm during a crime of violence. Trial evidence showed that on November 30, 2013, Landaverde-Giron, along with two other Normandie Clique members, murdered an individual in Frederick, Maryland, who had fled El Salvador to escape a greenlight imposed by MS-13 members in El Salvador. After a co-conspirator recognized the victim in Frederick, Normandie Clique members called an MS-13 leader in prison in El Salvador to confirm that the greenlight was still in effect. A co-conspirator then lured the victim to a wooded area in Frederick, where he shot the victim in the head, and Landaverde-Giron and another co-conspirator stabbed the victim in the face and neck. Landaverde-Giron was promoted within the Normandie Clique for his participation in this murder.

USA Robert K. Hur (b) (6)

ER Nurse Who Stole Patient Pain Medications Pleads Guilty (NDIA). James Allen Moorehead, a registered nurse employed in a hospital emergency room, pled guilty to using patient identities to obtain controlled substances, specifically pills containing hydrocodone, by accessing their prescribed medication in the hospital's system and diverting those pain pills to himself. Moorehead concealed his scheme by falsely representing in medical records that the medications were actually administered to the patients and by giving his patients Tylenol instead of their prescribed medications. As a result of Moorehead's subterfuge and diversion of their medication, multiple patients reported increased pain during Moorehead's shifts. He pled guilty to one count of acquiring a controlled substance by misrepresentation, fraud, deception, or subterfuge; one count of false statements relating to a health care matter; and one count of aggravated identity theft.

USA Peter Deega (b) (6)

Texas Mexican Mafia Members Sentenced to Life in Prison (WDTX). Texas Mexican Mafia (TMM) members Jesse Santibanez and Alfredo Cardona were sentenced to life in federal prison for their roles in the murder of Balcones Heights Police Officer Julian Pesina in 2014. Another TMM member, Ruben Reyes, pled guilty in 2016 and was sentenced to five consecutive life terms. Evidence presented during trial revealed that acting upon an order by Reyes, Santibanez and Cardona murdered Pesina on May 4, 2014, in front of his

08/14/18	No	Already notified
08/15/18	No	Already notified

business, the Notorious Ink Tattoo and Piercing Studio, located on Hillcrest Drive. Testimony during trial revealed that Pesina had claimed membership in the TMM, was selling narcotics and paying the “dime” (the 10% street tax) to the TMM, when the TMM learned that Pesina was a Balcones Heights Police Officer.

USA John F. Bas (b) (6)

Federal Charges Filed in Carmel Synagogue Hate Incident (SDIN). Nolan Brewer was charged by criminal complaint with conspiracy to violate civil rights in connection with the defacing of a Carmel Jewish Synagogue. In the early morning hours of July 28, 2018, anti-Semitic symbols – namely two Nazi flags and two Iron Crosses – were spray-painted on a brick structure of the Congregation Shaarey Tefilla. The images measured over a foot in height and were painted on two sides of the structure. In addition to the graffiti, several areas of the grass and ground around the structure were burned, leaving visible black burn residue on one side of the structure. The FBI and Carmel Police discovered evidence, including surveillance, linking Brewer and a co-conspirator to the crime. A search warrant at Brewer’s residence and vehicle led to additional evidence, including the cans of spray paint and items consistent with the burned areas around the structure. Brewer was arrested on federal charges of conspiracy to violate civil rights. His co-conspirator was arrested by Carmel Police.

08/16/18

No

Already notified

USA Josh Minkle (b) (6)

Airport Shooter Sentenced to Life in Prison (SDFL). Esteban Santiago-Ruiz (Santiago) was sentenced to life in prison for the 2017 deadly mass-shooting at the Fort Lauderdale-Hollywood International Airport. Santiago pled guilty in May to five counts of committing acts of violence at an international airport causing death and six counts of committing acts of violence at an international airport causing serious bodily injury. According to court documents, shortly before 1 p.m. on January 6, 2017, Santiago carried out an armed attack on newly-arrived passengers retrieving their luggage in the Terminal 2 baggage claim area of the Fort Lauderdale-Hollywood International Airport in Fort Lauderdale, Florida. Santiago pulled out a handgun and started shooting at numerous victims, aiming at the victims’ heads and bodies until he was out of ammunition. Santiago killed five people and seriously wounded six more.

08/17/18

No

Already notified

USA Benjamin Greenber (b) (6)

OCDETF Organized Crime Drug Enforcement Task Forces	ODAG POC: Mary Dal (b) (6) Component POC: Acting Director Thomas Padden (b) (6)		
	Date	OAG/ODAG action required?	Recommend notifying PAO?
<p>National OCDETF Strike Force Operational Meeting: Members of the OCDETF Executive Office staff finalized preparations for the National OCDETF Strike Force Operational Meeting held in Dallas, Texas on August 21-22 and attended by more than 200 AUSAs, agents, task force officers, OCDETF Regional Directors, OCDETF Washington Agency Representatives Group (WARG) members, and subject matter experts. While this operational meeting was primarily devoted to programmatic Strike Force matters, there were presentations from the 15 OCDETF Strike Forces on their efforts and briefings on (b)(7)(E) per OCDETF [REDACTED]. The OCDETF delegation to the meeting was led by Acting Director Thomas Padden and included OCDETF Fusion Center Acting Director Julius Rothstein; Associate Director (b)(6), (b)(7)(E) per OCDETF (HS (b)(6), (b)(7)(E) per OCDETF, (b)(6), (b)(7)(C), (b)(7)(F) per DEA), and Sharon Kimball; Attorney Adviso (b)(6) per OCDETF, (b)(6), (b)(7)(C) per EOUSA (USAO OHN); Executive Officer Peter Maxey; Budget Officer Simshindo Msola; MIS Unit Chief Jill Aronica; Budget Program Manage (b)(6) per OCDETF; MIS Data Analys (b)(6) per OCDETF; and Field Programs Principal Assistan (b)(6) per OCDETF.</p>	08/21/18- 08/22/18	No	No
<p>OCDETF Strike Force Proposals: OCDETF Associate Director Sharon Kimball, Executive Officer Peter Maxey, and Attorney Adviso (b)(6) per OCDETF, (b)(6), (b)(7)(C) per EOUSA (USAO OHN) continued ongoing discussions with the proponents of a new Cleveland OCDETF Strike Force and MLARS to reach agreement on asset forfeiture and equitable sharing language in Cleveland's proposed Strike Force MOU. A resolution was reached and Strike Force proponents are now circulating their transmittal letter for signature by all the proposed participants before submitting it to the OCDETF Acting Director for his review and approval.</p> <p>Ms. Kimball an (b)(6) per OCDETF, (b)(6), (b)(7)(C) per EOUSA received and reviewed a draft application package for a new Sacramento OCDETF Strike Force. After review of the documents and extensive discussions with the OCDETF Lead Task Force AUSA in Sacramento, the draft was tentatively approved, subject to minor revisions in the MOU and approval of the proposed asset forfeiture and equitable sharing language. The AUSA will circulate the transmittal</p>	August 2018	No	No

<p>letter for signature by all the proposed participants before submitting it to the OCDETF Acting Director for his review and approval.</p>			
<p>(b)(6) per OCDETF; (b)(6), (b)(7)(C) per EOUSA is working with members of the Cincinnati Strike Force group on their application proposal which will be submitted to the OCDETF Executive Office for review in the coming weeks.</p>			
<p>(b)(7)(E) per OCDETF; (b)(6), (b)(7)(C), (b)(7)(F) in part per DEA ██ ██ ██ ██ ██</p>	<p>09/20/18</p>	<p>No</p>	<p>No</p>
<p>Operation SOS and Lab Backlogs: OCDETF National Opioid Coordinato (b)(6) per OCDETF (USAO CO) met with Dr. Scott Oulton, Associate Deputy Administrator and Director of DEA Laboratories, to discuss collaborative engagement and foreseeable impacts from Operation Synthetic Opioid Surge. Director Oulton mapped out his laboratories that are most likely to receive increased demand for fentanyl, fentanyl analogue, and non-fentanyl opioid testing, and he advised he would be in contact with those laboratories to make certain they were informed and equipped. (b)(5) per DEA ██ ██ ██ ██ ██</p>	<p>August 2018</p>	<p>No</p>	<p>No</p>
<p>Impact of the Opioid Epidemic on Medical Examiners: OCDETF National Opioid Coordinato (b)(6) per OCDETF (USAO CO) will be interviewed by Jordan Kisner from the New York Times Magazine on August 23 for an article being written on the impact of the opioid and novel psychoactive substances epidemic on medical examiners, coroners, and their systems, including forensic pathologists and toxicologists. A preparatory document has been vetted and approved by Patrick Bumatay (OAG), Mary Daly (ODAG), and Devin O'Malley (OPA). Kelly Laco from OPA will host the interview.</p>	<p>08/23/18</p>	<p>No</p>	<p>No</p>

OJP Office of Justice Programs	ODAG POC: David Wetmor (b) (6); Robyn Thieman (b) (6) Component POC: Acting AAG Alan Hanson (b) (6)		
Nothing to report.	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

OLA Office of Legislative Affairs	ODAG POC: Dan Lovelan (b) (6) Component POC: DAAG Jill Tyson (b) (6)		
The Senate is in session this week. The House returns Tuesday, September 4, 2018. Briefing. Officials from the Department, the Federal Bureau of Investigation, Department of Homeland Security, and the Office of the Director of National Intelligence will provide a classified brief to House Transportation and Infrastructure Committee staff regarding counter-UAS threats. Senate Floor. Jeffrey Clark (nominee to be Assistant Attorney General, Environment and Natural Resources Division); Brian Benczkowski (nominee to be Assistant Attorney General, Criminal Division); Eric Dreiband (nominee to be Assistant Attorney General, Civil Rights Division); and Jody Hunt (nominee to be Assistant Attorney General, Civil Division) On Wednesday, August 22, 2018, the Senate filed cloture on Jody Hunt, nominee to be Assistant Attorney General, Civil Division.	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
	N/A	Situational awareness	N/A
	08/31/18 Morning		
	Ongoing		
	08/22/18		

OLP Office of Legal Policy	ODAG POC: Michael Murra (b) (6), Matthew Sheeha (b) (6) Component POC: COS Katie Crytzer (b) (6)		
<p>(b)(5) per DEA</p> <p>Nationwide Injunctions. OLP submitted an AG memorandum through ExecSec, which is now under review in OAG.</p> <p>Nominations. This week, OLP continued to assist in the confirmation of Brett Kavanaugh to the Supreme Court. OLP continues its document review in anticipation of the August 15 deadline for the remaining production. This week the Senate Judiciary Committee held a nomination hearing for Jonathan Kobes (8th Cir. (SD)), Mary Rowland (N.D. Ill.), Martha Pacold (N.D. Ill.), Steve Seeger (N.D. Ill.), Ken Bell (W.D.N.C.), and Carl Nichols (D.D.C.). Senator McConnell filed a motion for cloture on twelve judicial nominees: Terry F. Moorer (S.D. Ala.); R. Stan Baker (S.D. Ga.); Charles Goodwin (W.D. Okla.); Barry W. Ashe (E.D. La.); James R. Sweeney II (S.D. Ind.); Susan Baxter (W.D. Pa.); Marilyn J. Horan (W.D. Pa.); William F. Jung (M.D. Fla.); Dominic W. Lanza (D. Az.); Charles J. Williams (N.D. Iowa); Robert R. Summerhays (W.D. La.); Alan D. Albright (W.D. Tx.).</p>	<i>Date</i> No date specified No date specified No date specified	<i>OAG/ODAG action required?</i> Not at this time Yes No	<i>Recommend notifying PAO?</i> N/A Not yet Already aware

OTJ/Indian Country Office of Tribal Justice	ODAG POC: Dan Lovelan (b) (6) Component POC: Director Tracy Toulou (b) (6)		
<p>Speeches/Travel/Meetings/Requests</p> <p>On August 20, OTJ participated in the OSG views meeting with petitioners on the <i>Harvey</i> Supreme Court case.</p> <p>On August 20-22, OTJ participated in the annual Office on Violence Against Women consultation with Tribes in Sioux Falls, SD. On August 30, OTJ will participate in the</p>	<i>Date</i> 08/20/18 08/20/18-08/22/18	<i>OAG/ODAG action required?</i> 	<i>Recommend notifying PAO?</i>

NAGPRA/ARPA working group meeting with a number of DOJ components and other federal agencies.			
OTJ will continue to provide materials to ODAG in support of judicial nominations upon request.	Ongoing		
OTJ is working with CRM to provide briefing materials for the Quintet of Attorneys General meeting on August 30 in Australia. OTJ has been participating in the ad hoc working group on indigenous peoples in the criminal justice system that was formed during the previous Quintet meeting.	08/30/18		
OTJ continues to work with the US Attorney's Office in the Western District of New York and the Department of the Interior to address law enforcement at the Cayuga Nation.	Ongoing		
TAP activities: OTJ continues to work with BIA to provide TAP access to direct service law enforcement and social service Tribes and is working now to identify deployment sites. Applications for the FY19 expansion are being accepted and reviewed now.	Ongoing		
OTJ continues to participate in regularly scheduled Elder Abuse Working Group meetings.	Ongoing		
Press			
Nothing to report.			
Policy			
OTJ is working with CEOS, EOUSA, and FBI to update the forensic interviewing policy.			
OTJ is working with OLP, law enforcement components and EOUSA to develop the Department's position on bite mark evidence.			
OTJ is working with the US Marshals Service to develop a new victim-witness program (at the request of USMS).			

Legislative or Judicial Developments			
OTJ continues to provide technical assistance to Senate Committee on Indian Affairs staff on the <i>Tribal Law and Order Reauthorization Act (TLOA II)</i> .			

OVW Office on Violence Against Women	ODAG POC: Michael Fran (b) (6) Component POC: Acting Director Nadine Neufville (b) (6)			
National Sexual Assault Conference (NSAC) – August 29-31, 2018, Anaheim, CA OVW Acting Director Katie Sullivan will speak at this large national conference on sexual assault. NSAC is the nation’s largest conference bringing together sexual assault victim advocates and professionals committed to ending sexual violence. This conference will provide a national training opportunity for advocates from rape crisis centers, military advocates, prosecutors, law enforcement, prevention educators, college campus staff, and other allied victim services and criminal justice professionals to learn about up-to-date sexual violence research and resources. Over 100 workshop will be offered on topics including sexual assault prevention, trauma recovery, reaching underserved communities, leadership development, and best practices in the field. Hosted by the Pennsylvania Coalition Against Rape and California Coalition Against Sexual Assault. (Estimated attendees: 1,800)	Date 08/29/18- 08/31/18	OAG/ODAG action required?	Recommend notifying PAO?	

TAX Tax Division	ODAG POC: Matthew Baughma (b) (6); Pat Hovakimia (b) (6) Component POC: DAAG Travis Greave (b) (6)			
Nothing to report.	Date	OAG/ODAG action required?	Recommend notifying PAO?	

USMS U.S. Marshals Service	ODAG POC: Toni Baco (b) (6) Component POC: COS John Kilgallon (b) (6)			
<p>USMS Current Detention Population: The detention population for August 16, 2018 was 57,867 compared to 50,515 one year ago, representing a 7,352 prisoner increase in the detention population. The current detention population represents a 178 prisoner increase from the population one week prior, on August 9, 2018. As of August 12, 2018, the <i>projected</i> population for FY 2018 is 55,702, which is 3,737 prisoners above the budgeted level of 51,964.</p> <p>Strategic Planning Session: During the week of August 27th, the USMS will conduct a Strategic Planning session with agency executive leadership. The strategic plan will focus on the period 2018-2022.</p>		Date	OAG/ODAG action required?	Recommend notifying PAO?
		08/16/18		
		08/27/18-08/31/18		

USTP U.S. Trustee Program	ODAG POC: Matthew Sheeha (b) (6) Component POC: Director Clifford White (b) (6)			
<p>Asbestos: In <i>In re Kaiser Gypsum Co., No. 16-31602 (Bankr. W.D.N.C.)</i>. DOJ plans to file a Statement of Interest setting forth concerns about the debtor's tentative plan of reorganization which establishes an asbestos trust controlled by plaintiff lawyers without protections against fraud and abuse. Similar plans are likely to have caused depletion of trust funds and consequent financial loss to those who will suffer from asbestos disease on account of their employment by the debtor and Medicare, which is entitled to reimbursement from the trust for medical payments made on behalf of victims.</p>		Date	OAG/ODAG action required?	Recommend notifying PAO?
			Not at this time	N/A

Leeman, Gabrielle (ODAG)

From: Leeman, Gabrielle (ODAG)
Sent: Friday, August 31, 2018 3:32 PM
To: Bacon, Antoinette T. (ODAG); Baughman, Matthew (ODAG); Catizone, Christopher (ODAG); Cook, Steven H. (ODAG); Daly, Mary (ODAG); Ellis, Corey F. (ODAG); Frank, Michael (ODAG); Gauhar, Tashina (ODAG); Geise, John (ODAG); Goldsmith, Andrew (ODAG); Groves, Brendan M. (ODAG); Hovakimian, Patrick (ODAG); Hunt, Ted (ODAG); Lan, Iris (ODAG); Loveland, Daniel (ODAG); Michalic, Mark (ODAG); Murray, Michael (ODAG); Perkins, Paul (ODAG); Raman, Sujit (ODAG); Sheehan, Matthew (ODAG); Thiemann, Robyn (ODAG); Weinsheimer, Bradley (ODAG); Wetmore, David H. (ODAG); Wu, Connie V. (ODAG); O'Callaghan, Edward C. (ODAG); Morrissey, Brian (OAG); Whitaker, Matthew (OAG); Suero, Maya A. (ODAG); Gamble, Nathaniel (ODAG)
Cc: Spolar, Ellen S. (ODAG); Simms, Donna Y. (ODAG); Brown, Angela M. (ODAG)
Subject: RE: Weekly Report Reminder
Attachments: 09.03.18 ODAG Weekly Report.pdf

Hi all,

Attached please find the weekly report (including an embedded attachment) for this upcoming week, September 3-7. Enjoy the long weekend!

-Gabi

From: Leeman, Gabrielle (ODAG)
Sent: Friday, August 31, 2018 9:02 AM
To: Bacon, Antoinette T. (ODAG (b) (6)); Baughman, Matthew (ODAG (b) (6)); Catizone, Christopher (ODAG (b) (6)); Cook, Steven H. (ODAG (b) (6)); Daly, Mary (ODAG (b) (6)); Ellis, Corey F. (ODAG (b) (6)); Frank, Michael (ODAG (b) (6)); Gauhar, Tashina (ODAG (b) (6)); Geise, John (ODAG (b) (6)); Goldsmith, Andrew (ODAG (b) (6)); Groves, Brendan M. (ODAG (b) (6)); Hovakimian, Patrick (ODAG (b) (6)); Hunt, Ted (ODAG (b) (6)); Lan, Iris (ODAG (b) (6)); Loveland, Daniel (ODAG (b) (6)); Michalic, Mark (ODAG (b) (6)); Murray, Michael (ODAG (b) (6)); Perkins, Paul (ODAG (b) (6)); Raman, Sujit (ODAG (b) (6)); Sheehan, Matthew (ODAG (b) (6)); Thiemann, Robyn (ODAG (b) (6)); Weinsheimer, Bradley (ODAG (b) (6)); Wetmore, David H. (ODAG (b) (6)); Wu, Connie V. (ODAG (b) (6))
Cc: Spolar, Ellen S. (ODAG (b) (6)); Simms, Donna Y. (ODA (b) (6)); Brown, Angela M. (ODAG (b) (6))
Subject: Weekly Report Reminder

Good Morning!

Please send your weekly report submissions to me, Ellen, Donna, and Angie by noon today.

Thank you,

Gabi

For ODAG Internal Use Only



WEEKLY REPORT
FOR
THE DEPUTY ATTORNEY GENERAL

WEEK OF
3 September 2018

ATR Antitrust Division	ODAG POC: Michael Murr (b) (6), Matthew Baughm (b) (6) Component POC: Chief of Staff John Eli s (b) (6)			
Nothing to report.		Date	OAG/ODAG action required?	Recommend notifying PAO?

ATF Alcohol, Tobacco, Firearms, and Explosives	ODAG POC: Robyn Thieman (b) (6) Component POC: Chief of Staff Joseph Allen (b) (6)			
<p>On August 20, 2018, a suspect shot at Detroit Police Department officers when they approached him to investigate whether he possessed a firearm. Fortunately, the officers were not injured. They returned fire, wounding the suspect, arrested him, and recovered a firearm. ATF immediately responded to the scene of the shooting and conducted an urgent trace on the recovered firearm. (b)(3) per ATF (Public Law 112-55 (125 Stat.552)); (b)(6) per EOUSA in part [REDACTED] at the [REDACTED] officers. On August 22, 2018, ATF obtained a federal arrest warrant for (b)(6) per EOUSA and a GPS search warrant for his cellular telephone. On August 23, 2018, ATF located and arrested (b)(6) per EOUSA (b)(6) per EOUSA possessed an additional firearm at the time of his arrest. The USAO ED Michigan is prosecuting the Timarann case.</p> <p>On August 22, 2018, unknown subjects burglarized “The Rooster,” an FFL in Rapid City, South Dakota, obtaining (b)(3) per ATF handguns. ATF and the Rapid City Police Department jointly investigated the burglary and developed evidence that four individuals had committed the burglary. On August 23 and 24th, ATF and RCPD arrested the four suspects, and recover (b)(3) per ATF of the stolen firearms. Two of the suspects have been charged in state court, and two have been charged in a federal complaint by the USAO South Dakota.</p> <p>On August 26, 2018, ATF responded to assist the Chicago Police Department in the investigation of a fire occurred at 4 a.m. in an apartment (“coach house”). The fire killed eight children ranging in age from 3 months to 16 years old, critically injured two other children, and displaced approximately 30 individuals from their homes. ATF Certified Fire Investigators and an ATF Electrical Engineer helped process the fire scene, and were able to</p>		Date	OAG/ODAG action required?	Recommend notifying PAO?
		08/23/18		
		08/22/18- 08/24/18		
		08/26/18		

<p>eliminate electrical wiring as a possible source of the fire. Investigation of the origin and cause of the fire continues with the support of ATF's Fire Research Lab.</p>			
<p>On August 26, 2018, ATF Tampa responded to assist the Jacksonville Sheriff's Office with the investigation of a mass shooting occurring at local video gaming tournament. The suspect (b)(6) per EOUSA, shot and killed two participants in the tournament and wounded several others before killing himself with a self-inflicted gunshot to the head. ATF completed urgent traces on two firearms recovered from (b)(6) per EOUSA at the shooting scene within hours, determining th (b)(6) per EOUSA had purchase (b)(3) per ATF (Public Law 112-55 (125 Stat.552)). (b)(6) per EOUSA ATF interviewed the FFL and determined that the third handgu (b)(6) per EOUSA had purchased was in the FFLs inventory (b)(6) per EOUSA had exchanged the third firearm on the purchase of one of the recovered firearms). Working with Baltimore area law enforcement, ATF also interview (b)(6) per EOUSA (divorced) father and mother, receiving consent from each to conduct searches of their homes. Finally, ATF conducted a comprehensive review o (b)(6) per EOUSA social media accounts and is coordinating with the Jacksonville Sheriff's Office and FBI on follow up investigation.</p>	08/26/18		
<p>On August 28, 2018, ATF assisted the Phoenix Police Department (PPD) with the execution of six arrest and two search warrants in an investigation involving seven suspects linked by NIBIN analysis and other investigation to at least nine area shootings, including a homicide and an attempted homicide. Agents and officers are currently working to locate the seventh suspect, who is believed to be in the Chicago area.</p>	08/28/18		
<p>On September 6, 2018, ATF Deputy Director Brandon is scheduled to meet with the House Oversight and Government Reform Committee (HOGR) Chairman Trey Gowdy to generally discuss ATF matters as Chairman Gowdy prepares to depart Congress in January 2019. The meeting has been coordinated with, and approved by OLA.</p>	09/06/18		

BOP Bureau of Prisons		ODAG POC: Connie W (b) (6) Component POC: Deputy Director Judi Garrett (b) (6)																
<p>BOP Population: As of August 23, the inmate population was 182,797.</p> <p>The BOP is housing 391 ICE detainees at 5 facilities. Without these temporary detainees, the BOP population actually decreased by 9 for a total decrease of 3,211 in FY 2018.</p> <p>Temporary ICE Detainee Population by Facility on 8/30/2018</p> <table border="1"> <thead> <tr> <th>Facility</th> <th>Population</th> </tr> </thead> <tbody> <tr> <td>LA TUNA FCI (TX)</td> <td>87</td> </tr> <tr> <td>PHOENIX FCI (AZ)</td> <td>0</td> </tr> <tr> <td>SEATAC FDC (WA)</td> <td>12 (M)/26 (F)</td> </tr> <tr> <td>SHERIDAN FCI (OR)</td> <td>64</td> </tr> <tr> <td>VICTORVILLE MED II FCI (CA)</td> <td>202</td> </tr> <tr> <td>Total</td> <td>391</td> </tr> </tbody> </table>		Facility	Population	LA TUNA FCI (TX)	87	PHOENIX FCI (AZ)	0	SEATAC FDC (WA)	12 (M)/26 (F)	SHERIDAN FCI (OR)	64	VICTORVILLE MED II FCI (CA)	202	Total	391	Date	OAG/ODAG action required?	Recommend notifying PAO?
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Total	391																	
		08/23/18																

Child Sexual Exploitation and Human Trafficking		ODAG POC: Michael Fran (b) (6)		
<p>United States v. Dwayne Stinson (E.D. Va.). On August 24, defendant Dwayne Stinson was sentenced to 20 years of imprisonment followed by 10 years of supervised release after his April 2018 guilty plea to production of child pornography. Since 2011, the defendant regularly paid women in the Philippines to participate in illicit sexual conduct with minors while the defendant directed the abuse via chat and webcam. Stinson captured videos of those offenses while they occurred on his computer screen. Some of the minors were as</p>		Date	OAG/ODAG action required?	Recommend notifying PAO?
		08/24/18	No	No

young as six or seven years old. Forensic evidence shows that the defendant produced thousands of images of child pornography during this time period.			
United States v. Jose Adalberto Sandoval Quinonez (E.D. Va.). On August 24, defendant Jose Adalberto Sandoval Quinonez (a/k/a “Jose Sandoval”) was sentenced to 10 years of imprisonment followed by 5 years of supervised release after his May 2018 guilty plea to one count of coercion and enticement of a minor into illegal sexual activity. In 2017, Sandoval, 25, met a 12-year-old Virginia girl over Instagram and the two later began chatting over Google Hangouts. Between April 2017 and June 2017, Sandoval tried to persuade and entice the girl to create and send him sexually explicit pictures of herself over Google Hangouts and to allow him to travel from Maryland to Virginia to have sex with her. He succeeded in persuading her to send him previously created child pornography, and he also sent the girl obscene pictures of his penis.	08/24/18	No	No
Presentation at HSI’s Cyber Crimes Center (Fairfax, Virginia). On August 28, CEOS presented on nationwide and sensitive operations to an audience of special agents at HSI’s Advanced Child Exploitation Investigations Course.	08/28/18	No	No

CIV Civil Division	ODAG POC: Michael Murr (b) (6) Component POC: Chief of Staff Alex Ha s (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Census. The court ordered the deposition of (A)AAG John Gore; CIV is likely to file for a stay of that order today or early next week, with a mandamus petition to follow next week.	No date specified	No	Already aware
3D Guns. The WA district court entered a PI against the government earlier this week. CIV is considering whether to appeal. At the same time, the 3D gun company filed a motion to reopen its case in Texas (where it previously settled with the State Department). The government’s opposition to that motion is currently due 9/4, although CIV will seek an extension.	09/04/18	No	Already aware

<p>Affordable Care Act. Next Wednesday, Judge O’Connor (SDTX) will hold a hearing on Texas’s suit to strike down the individual mandate and the Affordable Care Act.</p>	09/05/18	No	Already aware
<p>Emoluments Clause. Next Wednesday, CIV will file an answer (MD) admitting, denying, or denying knowledge of various allegations regarding the President’s finances in an Emoluments Clause challenge. CIV has consulted with WHCO and related entities.</p>	09/05/18	No	Already aware
<p>Executive Orders on Federal Workforce. Judge Jackson (DDC) struck down most of several workforce executive orders last Friday night in a 122-page opinion. (b)(5) (DPP, AWP) per CIV</p>	No date specified	No	Already aware

<p>COPS Community Oriented Policing Services</p>	<p>ODAG POC: Connie W (b) (6) Component POC: Acting Director Russ Washington (b) (6)</p>		
<p>Nothing to report.</p>	Date	OAG/ODAG action required?	Recommend notifying PAO?

<p>CRM Criminal Division</p>	<p>ODAG POC: Corey Elli (b) (6) Component POC: PDAAG John Cronan (b) (6)</p>		
<p>(b)(5), (b)(6) per EOUSA [Redacted]</p>	Date	OAG/ODAG action required?	Recommend notifying PAO?

(b)(5), (b)(6) per EOUSA
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

08/31/18

United States v (b)(6) per EOUSA (E.D. Va.): On August 31 (b)(6) per EOUSA [Redacted] will be sentenced for his role in a drug trafficking organization that obtained ton-quantities of cocaine from sources in Colombia, including cocaine laboratories controlled by members of the FARC, for shipment to destinations around the world, including the United States. On Aug. 24, co-defendan (b)(6) per EOUSA [Redacted] was sentenced to 97 months in prison for his role in the same scheme. The defendants pleaded guilty to conspiracy to distribute five kilograms of cocaine with the intent to import into the United States. The case is being handled by NDDS and the USAO for the Eastern District of Virginia.

08/31/18

United States v. Jonathan Woods, Oren Paris, and Randall Shelton (E.D. Ark.): Between September 5 and 12, Woods, Paris, and Shelton will be sentenced following their jury convictions on conspiracy, honest services fraud, and money laundering counts stemming from their roles in a scheme for Woods, a former Arkansas state senator, to divert hundreds of thousands of dollars of state legislature funds to entities controlled by Shelton in exchange for Shelton kicking back portions of the money to Woods. This case is being handled by PIN and the USAO for the Eastern District of Arkansas.

09/05/18-
09/12/18

(b)(5), (b)(6) per EOUSA
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

08/30/18

OPDAT Mexico-Mentored Prosecutors Secure Major Human Trafficking Conviction: For years, the Office of Overseas Prosecutorial Development Assistance and

08/18/18

Training (OPDAT) has been working with Mexican counterparts to protect vulnerable individuals from exploitation and human trafficking by providing training and mentoring. On October 23, 2015, Mexican authorities arrested two subjects and rescued 28 victims from a shelter in Tlalmanalco in the Mexican State of Edomex. The victims ranged in age from 15-80 years old, and showed signs of malnutrition and severe neglect. Many were special needs or suffered from mental health issues and several were found chained to their beds at the time of the rescue operation. The Attorney General’s Office of the State of Mexico and the state’s Central Office of Gender-Related Crimes successfully prosecuted the manager of the facility, Sergio Hernández Juárez. On August 18, Hernández Juárez was sentenced to 33 years in prison; a second individual awaits sentencing. The lead prosecutors on this case applied techniques learned through OPDAT assistance to obtain this historic conviction—the first of its kind in Mexico—on trafficking with intent to enslave and forced begging.

OPDAT El Salvador-Mentored Prosecutors Secure Historic Convictions Against MS-13: On August 21, the Organized Crime Court in San Salvador convicted 61 leaders and members of MS-13 for homicides (including of police officers), extortion, drug trafficking, weapons trafficking, commission of terrorist acts, membership in a terrorist organization, and kidnapping. The court sentenced several defendants to prison terms exceeding 100 years, including 350 years for one defendant. Two of the defendants convicted in the case are on the U.S. Treasury Department’s OFAC list—Dany Balmore Romero Garcia (aka D-Boy) and Boromeo Enrique Henriquez Solorzano (aka Diablito). The court specifically found that MS-13 leaders directed a terrorist organization that planned and attempted to organize a specialized, military-style force to attack government institutions and officials in order to influence state action. This represents the first case and convictions against MS-13’s national leadership for terrorist activities under El Salvador’s domestic laws. The court also found that MS-13 established and directed NGOs to facilitate the gang’s illicit activities. This case was investigated and prosecuted by multiple police and prosecution units that receive significant mentoring and training from OPDAT.

08/21/18

CRT Civil Rights Division	ODAG POC: Michael Fran (b) (6); Matthew Sheeh (b) (6) Component POC: Acting AAG John Gore (b) (6)
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	Date	OAG/ODAG action required?	Recommend notifying PAO?
Furgess v. Pennsylvania Dept. of Corrections (3d Cir.). On August 27, CRT filed an amicus brief supporting the plaintiff and arguing that a state prison’s provision of showers to inmates incarcerated in its facility is a program, service, or activity under Title II of the ADA and Section 504 of the Rehabilitation Act. Plaintiff is an inmate with a disability who alleges that the prison failed to make reasonable accommodations that would allow him to access the showers and, as a result, he was unable to shower for three months. The district court dismissed his complaint on the grounds that he failed to state a claim under either statute.	08/27/18	No	No
United States v. Kaim (N.D. Ill.). On August 29, defendant Kaim, a former police officer with the Veteran’s Affairs Medical Center Police Department in Indianapolis, Indiana, pleaded guilty to violating a man’s civil rights by assaulting him.	08/29/18	No	No
United States v (b)(6) per EOUSA (S.D.W. Va.). On August 28, trial began for defendan (b)(6) per EOUSA, who allegedly used homophobic slurs to refer to a woman in a bar and then used a bottle to attack her because of her sexual orientation. The jury acquitted the defendant.	08/28/18	No	No
Seminar on Hate Crimes and Domestic Terrorism (Columbia, SC). On August 28 and 29, CRT organized a seminar at the NAC on investigating and prosecuting cases that involve both hate crimes and domestic terrorism for 70 prosecutors and agents from Districts across the country. This is the first time that civil rights and domestic terrorism prosecutors and agents have met in a seminar setting to discuss how to work more effectively together. This seminar is a deliverable from the AG’s Task Force on Crime Reduction and Public Safety.	08/28/18	No	No
United States v. Nebraska Beef (D. Neb.). On August 27, the Eighth Circuit affirmed the district court’s order requiring Nebraska Beef to comply with its obligation to pay a civil penalty of \$200,000 pursuant to the terms of its settlement agreement with CRT. The Eighth Circuit rejected the company’s argument that DOJ’s press release was a material breach of the settlement that excused the company from complying with its contractual obligations. The settlement resolved claims that the company violated the anti-	08/27/18	No	No

discrimination provision of the Immigration and Nationality Act by requiring employees to present unnecessary documents to prove their work authorization because of citizenship status.			
United States v. City of New Orleans (E.D. La.) . (34 U.S.C. § 12601). On August 29, CRT filed a joint motion to amend six provisions of the consent decree relating to the New Orleans Police Department.	08/29/18	No	No

DEA Drug Enforcement Administration	ODAG POC: Mary Dal (b) (6) Component POC: Chief of Staff Greg Cherundolo (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Special Operations Division (SOD) coordination resulted in the dismantlement of a transnational criminal organization (TCO) and the arrest of 36 defendants. SOD Operation Dropping Anchor (Project Sleeping Giant), targets a TCO that was operating in Mexico, Denver, Colorado; Atlanta, Georgia; and Charleston, South Carolina, and was responsible for the transportation and distribution of cocaine. This TCO had ties to multiple drug cells in Mexico and Guatemala, and was assisted by Chinese money laundering organizations operating in New York and Colorado. SOD coordination, to include travel alerts, led to an investigative takedown on August 15, 2018 that resulted in the seizure of approximately 134 kilograms of cocaine, \$1,283,222 in drug proceeds, 36 arrests, and the dismantlement of the Jesus Arevalo-Arviso TCO. The Arevalo-Arviso TCO was based in Denver, and shipped large quantities of drugs to the east coast, mainly Atlanta and North Carolina. The takedown was conducted by the Atlanta and Denver Field Divisions.	08/15/18	FYSA	No
Administrative Inspection Warrants Served on Four Pharmacies in Celina, Tennessee. On August 27, 2018, Diversion Investigators from the Nashville District Office served administrative inspection warrants on the following four (4) pharmacies located in Celina, Tennessee: <ul style="list-style-type: none"> ○ ANDERSON HOMETOWN PHARMACY, LLC; ○ CLAY COUNTY EXPRESS PHARMACY, LLC; 	08/27/18	FYSA	No

- DALE HOLLOW PHARMACY; and
- WALGREENS

On June 12, 2018, through June 14, 2018, an onsite scheduled regulatory inspection was conducted at Dale Hollow Pharmacy. Dale Hollow had been the subject of previous investigations and had entered into a Memorandum of Agreement on March 30, 2017. Based on the results of the on-site investigation, investigators requested the owner surrender the registration for cause. The owner refused and investigators are seeking an Order to Show Cause and civil fines against Dale Hollow Pharmacy.

Tom Weir owns 51% of Clay County Express Pharmacy, LLC and Dale Hollow Pharmacy. Information received from the Tennessee Board of Pharmacy and inquiries made to Arcos indicate that Clay County Express Pharmacy, LLC is committing violations similar to those committed by Dale Hollow Pharmacy. The owner of Dale Hollow Pharmacy made statements alleging criminal activity at Anderson Hometown Pharmacy, LLC. It was decided to conduct scheduled investigations of the pharmacies base on the information received for Clay County Express Pharmacy, LLC and Anderson Hometown Pharmacy, LLC. Walgreens was included to ensure all investigative avenues were covered regarding the pharmacies in Celina.

Diversion Control Division (DC) staff worked with Congressional and Public Affairs (CP) staff on media coverage which may result from this action.

Briefing for ODNI. DEA Chief of Intelligence Douglas Poole will be providing Director of National Intelligence (DNI) Dan Coats a program brief overview of DEA’s Office of National Security Intelligence (ONSI) – the only component of DEA that is a member of the Intelligence Community.

Briefing for Congressional Staff. House Oversight and Government Reform (HOCR) majority and minority staff have requested a briefing regarding the implementation of OIG’s Confidential Source recommendations highlighted in its 2016 report. Specifically, the staff would like to understand what policy updates have been implemented in DEA’s Haiti office given past reports of misconduct with vetted units. DEA will be represented by Chief Compliance Officer Mary Schaefer and CPC Section Chief (b)(6), (b)(7)(C), (b)(7)(F) per DEA.

Congressional Testimony. The House Foreign Affairs Committee has invited DEA to provide a witness for a hearing on what the United States is doing to combat the flow of

08/31/18	FYSA	No	
09/05/18	FYSA	No	
09/06/18	FYSA	No	

fentanyl and related analogues from China and Mexico. Hearing witnesses will be State/INL and DEA. DEA's witness will be Paul Knierim, Deputy Chief of Operations.

ENRD Environmental & Natural Resources Division	ODAG POC: Andrew Goldsmit (b) (6) Component POC: Counsel Brandon Middleton (b) (6)		
	Date	OAG/ODAG action required?	Recommend notifying PAO?
<p>Update on Chlorpyrifos Case. On August 9, in <i>LULAC v. EPA</i> (9th Cir.), the court issued an adverse decision vacating EPA's decision not to revoke the Federal Food, Drug, and Cosmetic Act (FFDCA) tolerance for the pesticide chlorpyrifos, and directing the agency to withdraw the FFDCA tolerance and associated FIFRA pesticide registration within 60 days. (b)(5) per ENRD</p>	08/09/18	No	No
<p>Update on "Waters of the United States" Litigation. In <i>South Carolina Coastal Conservation League et al. v. Pruitt</i> (D.S.C.), the plaintiffs challenged EPA's and the Corps of Engineers' 2018 "Applicability Date Rule," which added an applicability date of February 6, 2020, to the 2015 Clean Water Rule, thereby delaying its application for two years in light of litigation challenging the 2015 Rule in courts across the country and the agencies' ongoing administrative reconsideration process. On August 16, the district court granted the plaintiffs' summary judgment motion, and enjoined the Applicability Rule nationwide, thereby requiring the agencies to begin applying the 2015 Rule immediately in the 26 states where it is not otherwise enjoined. On August 23, the agencies appealed and moved for an expedited ruling on their motion for stay pending appeal. Plaintiffs opposed the motion to expedite and filed a motion requesting that the court change its nationwide <i>injunction</i> to nationwide <i>vacatur</i> of the Applicability Date Rule. (b)(5) per ENRD</p> <p>Meanwhile, the plaintiffs with challenges to the 2015 rule pending in Texas and Ohio have moved or otherwise urged those courts to issue rulings on their pending motions for a preliminary injunction of the 2015 Rule on a nationwide or regional basis. In light of the D.S.C. decision, the agencies filed responses withdrawing their prior position that the court should hold the preliminary</p>	08/23/18	No	No

injunction motions in abeyance. The agencies maintain that in no event should a nationwide preliminary injunction of the 2015 Rule be granted.

Indictment in Railcar Worker Safety Case, August 21. In *United States v. Nebraska Railcar Cleaning Services* (D. Neb.), the president/owner and vice president/co-owner of Nebraska Railcar Cleaning Services were charged on August 21 in a 22-count indictment with conspiracy, violations of the Resource Recovery and Conservation Act and the Occupational Safety and Health Act, and falsifying documents after the contents of a railcar ignited while being cleaned by the company’s employees, killing two employees and injuring one.

08/21/18

No

No

Favorable Decision in Department of Defense Case in the Northern Mariana Islands, August 22. In *Tinian Women’s Association v. Navy*, the plaintiffs, which include several Northern Mariana Islands citizens groups and the Center for Biological Diversity, alleged the Navy’s plan to conduct training operations on the islands of Tinian and Pagan as part of the relocation of Marine forces to Guam from their current base of operations in Okinawa, Japan, violated the National Environmental Policy Act. On August 22, the court entered summary judgment for the United States.

08/22/18

No

No

Sentencing in Renewable Fuel Fraud Case, August 27. In *United States v. Gregory Schnabel*, the owner of a company that bought and sold renewable fuel and fuel credits, was sentenced on August 27 to serve 63 months in prison to be followed by a three-year term of supervised release and over \$26 million in restitution for his role in a conspiracy that generated over \$47 million in fraudulent EPA renewable fuels credits and over \$12 million in fraudulent tax credits connected to the purported production of renewable fuel.

08/27/18

No

No

Press Conference on Operation Forest Watch, August 28. On August 28, Acting Associate AG Jesse Panuccio, ENRD Acting AAG Jeff Wood, and U.S. Attorney for the Eastern District of California Greg Scott participated in a press event in Sacramento, California, announcing the results of Operation Forest Watch, a coordinated effort to end the devastating damage done to our national forests by illegal, public-land marijuana grows. This months-long effort, led by the U.S. Forest Service and joined by various federal, state, county and local law enforcement agencies, as well as the California National Guard, focuses on the eradication of marijuana grows on public lands and seeks to remediate the destruction caused by such activity. So far,

08/28/18

No

No

time for filing a direct appeal has passed, a presumption arises that the conviction is final for immigration purposes, which the respondent can rebut with evidence that an appeal has been filed within the prescribed deadline, including any extensions or permissive filings granted by the appellate court, and that the appeal relates to the issue of guilt or innocence or concerns a substantive defect in the criminal proceedings; and (3) appeals, including direct appeals, and collateral attacks that do not relate to the underlying merits of a conviction will not be given effect to eliminate the finality of the conviction.

EOUSA Executive Office for United States Attorneys	ODAG POC: Iris L (b) (6) Component POC: Acting Director James Crowell (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
United States Attorney Nominations Sent to Senate: David L. Anderson – Northern District of California Lawrence Keefe – Northern District of Florida Drew H. Wrigley – North Dakota	08/27/18	No	No
United States Attorneys Confirmed: Maria Chapa Lopez – Middle District of Florida Ariana Orshan – Southern District of Florida Peter Strasser – Eastern District of Louisiana Zachaer Terwilliger – Eastern District of Virginia	08/28/18	No	No
NAC Training <i>OLE Faculty Development Workshop and Symposium</i>	09/05/18- 09/07/18	No	No

<p>Indiana Man Sentenced to 15 Years for Distributing Information on Explosives and Poisons for use in a Terror Attack (NDIN)</p> <p>Marlonn Hicks was sentenced to 15 years in prison for distributing information regarding the manufacture and use of explosives, with the intent that the information be used for and in furtherance of a crime of violence. According to court documents, Hicks rapidly transformed from a vocal online supporter of the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization, to someone planning a terrorist act. On June 21, 2016, nine days after the Orlando, Florida Pulse Nightclub massacre, Hicks discussed the possible terrorist attacks with an FBI source who Hicks believed was an ISIS supporter. Hicks followed up the conversation by sending the source two manuals on the manufacturing and use of explosives and poisons. Additionally, Hicks discussed coordinating attacks to create “more of an audience,” and how to obtain and practice with firearms. Hicks communicated to multiple sources and during his post-arrest interview that he wanted everyone to know the attacks were carried out in the name of ISIS. Hicks was arrested on federal charges without incident in July 2016 and has remained in federal custody since his arrest.</p> <p><i>USA Thomas L. Kirsch II</i> (b) (6)</p>	08/20/18	No	Already notified
<p>Two Individuals Charged for Acting as Illegal Agents of the Government of Iran (DC)</p> <p>Ahmadreza Mohammadi-Doostdar, a dual U.S.-Iranian citizen, and Majid Ghorbani, an Iranian citizen and resident of California, were charged for conducting covert surveillance of Israeli and Jewish facilities in the United States, allegedly acting on behalf of the government of the Islamic Republic of Iran. Mohammadi-Doostdar and Ghorbani were also charged for collecting identifying information about American citizens and U.S. nationals who are members of the group Mujahedin-e Khalq (MEK). According to the indictment, in July 2017, Mohammadi-Doostdar conducted surveillance of the Rohr Chabad House, a Jewish institution in Chicago, where he photographed security features surrounding the facility. On September 20, 2017, Ghorbani attended a MEK rally in New York City, during which he allegedly photographed individuals participating in the protest against the current Iranian regime. In December 2017, Mohammadi-Doostdar returned to the U.S. from Iran and made contact with Ghorbani. During the meeting, Mohammadi-Doostdar paid Ghorbani approximately \$2,000 in cash and Ghorbani delivered to him 28 photographs taken at the September 2017 MEK rally, many of which contained hand-written annotations identifying the individuals who appeared in the photos. These photographs, along with a hand-written receipt for \$2000, were found</p>	08/20/18	No	Already notified

concealed in Mohammadi-Doostdar luggage as he transited a U.S. airport on his return to Iran in December 2017. The indictment also alleges that Ghorbani traveled to Iran in March 2018, after informing Mohammadi-Doostdar that he would be going to Iran to conduct an “in-person briefing.”

USA Jessie Liu (b) (6)

Richard Monroe Sentenced to Twenty-Five Years in Prison In Connection With Murder of Kevin DeOliveira (VT)

Richard Monroe was sentenced to serve 25 years in prison for possessing firearms in furtherance of a cocaine trafficking enterprise and discharging a handgun that killed Kevin DeOliveira. In court, Monroe admitted to participating in a cocaine conspiracy where he regularly obtained quantities of cocaine from DeOliveira. Monroe redistributed this cocaine to various customers in the Burlington area. Monroe also acknowledged that he carried, used, and possessed multiple firearms in furtherance of this cocaine conspiracy. In late 2014, Monroe had a financial dispute with DeOliveira over several ounces of cocaine that were damaged. DeOliveira believed Monroe owed him several thousand dollars for the damaged shipment. As a result of the dispute, on January 2, 2015, Monroe travelled to DeOliveira’s apartment where he shot him as he opened the front door. Monroe discharged his Browning Buckmark .22 pistol, firing one bullet into DeOliveira’s eye, killing him. Monroe pled guilty in April 2018.

USA Christina Nola (b) (6)

Project Huntington Update: Four More Operation Saigon Sunset Defendants Plead Guilty to Federal Drug Conspiracy (SDWV)

Four more defendants pled guilty to their roles in a major, multi-state heroin and fentanyl distribution network. To date, eight of the fifteen defendants charged in connection with the Peterson drug trafficking organization have entered guilty pleas. Manget Peterson, also known as “Money,” admitted that between August 2017 and April 2018, he conspired with individuals to distribute heroin and fentanyl in Huntington, West Virginia. Manget Peterson admitted that he obtained heroin from Willie Peterson, also known as “Chill,” in Detroit to sell in Huntington and would send drug proceeds to Willie Peterson. Peterson also admitted that he supplied Lonnie Berry II with heroin to sell in exchange for money. David Miller, also known as “John,” admitted that he conspired with Willie Peterson and Manget Peterson to distribute

08/21/18

No

Already notified

08/21/18

No

Already notified

heroin and fentanyl in Huntington, West Virginia. Miller admitted that he would travel to Detroit to obtain heroin and fentanyl and then return to Huntington to sell the drugs. Michigan State Police conducted a traffic stop on Miller and recovered 195 grams of fentanyl and 27 grams of cocaine. Silas Pardue admitted that he conspired with Manget Peterson and supplied him with heroin to use or to sell. Ashley Pardue admitted that she conspired with Manget Peterson to distribute heroin in Huntington, and that Peterson supplied her with heroin to use or to sell.

USA Mike Stuar (b) (6)

Aryan Circle Gang Leader and Two Subordinate Gang Members Plead Guilty to Accessory-After-the-Fact to Racketeering Murder, Among Other Charges (WDLA)

08/22/18

No

Already notified

A senior leader of the Aryan Circle (AC) and a subordinate gang member pled guilty to being an accessory-after-the-fact to racketeering murder. David Wayne Williams, a senior leader in the gang, and Leland Hamm pled guilty to being accessories-after-the-fact in the violent crimes in aid of racketeering murder of Clifton Hallmark. On July 25, Richard Alan Smith also pled guilty to the accessory-after-the-fact charge. According to the plea agreements of the defendants, the AC is a powerful race-based, multi-state organization that operates inside and outside of state and federal prisons throughout Texas, Louisiana, and the United States. By pleading guilty to the accessory charge, Williams, Hamm, and Smith admitted to being members of the AC criminal enterprise. Williams admitted to being a senior leader of the gang.

USA David C. Josep (b) (6)

Federal Government Contractor Sentenced for Removing and Transmitting Classified Materials to a News Outlet (SDGA)

08/23/18

No

Already notified

Reality Winner was sentenced to five years and three months in prison for removing classified national defense material from a government facility and mailing it to a news outlet. Winner was arrested by the FBI at her home in Augusta, Georgia, on June 3, 2017. The parties filed a plea agreement on June 21, in which Winner agreed to plead guilty to the one-count indictment charging her with unlawful retention and transmission of national defense information. The parties agreed that a sentence of imprisonment for 63 months followed by a three-year term of supervised release is the appropriate disposition of the case. The Court accepted the plea agreement at sentencing.

<p>USA Bobby L. Christine (b) (6)</p> <p>Brooklyn, New York, Man Charged with Distributing Synthetic Drugs, Fentanyl, and Oxycodone Over the Internet (NJ)</p> <p>Shadab Chowdhury was charged with selling dangerous designer drugs, fentanyl, and oxycodone over the Internet. According to documents, Chowdhury allegedly distributed synthetic cannabinoids, fentanyl, and oxycodone for over two years by communicating with customers through websites, email accounts, and text messages. His customers included undercover law enforcement officers located in New Jersey, New York, Kansas, North Carolina, South Dakota, West Virginia, Georgia, Ohio, Alaska, California, and Virginia. Chowdhury allegedly arranged and coordinated shipments of synthetic cannabinoids, which he termed “fire” or “spice,” as well as shipments of fentanyl and oxycodone. He also prepared the drugs to make them more potent and negotiated pricing on the drugs. To avoid law enforcement, Chowdhury deliberately misbranded the synthetic cannabinoids and referred to the oxycodone and fentanyl in code. He received payments for his drug shipments via credit card payments, Western Union, direct bank deposit, and cryptocurrency.</p> <p>USA Craig Carpenito (b) (6)</p>	08/24/18	No	Already notified
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OCDETF Organized Crime Drug Enforcement Task Forces	ODAG POC: Mary Dal (b) (6) Component POC: Acting Director Thomas Padden (b) (6)		
<p>Priority Targeting: OCDETF Associate Director (b)(6), (b)(7)(C) per OCDETF (FBI) (b)(6), (b)(7)(C) per OCDETF: (b)(6), (b)(7)(C), (b)(7)(F) per DEA (DEA), (b)(6), (b)(7)(C) per OCDETF (HSI), an (b)(6), (b)(7)(C) per OCDETF (USCG) chaired an interagency CPOT Working Group meeting to discuss 15 targets nominated for addition to the FY 2019 CPOT List and the proposed removal of 5 current CPOTs. Twice each year, OCDETF investigative agencies have the opportunity to nominate CPOTs for review by the CPOT Working Group. The Working Group reviews written nomination packages, is briefed by case agents on proposed additions and removals, and makes recommendations on the proposals to the OCDETF Operations Chiefs.</p> <p>Senior representatives from the OCDETF component investigative agencies (ATF, DEA, DOL-OIG, FBI, HSI, IRS-CI, USCG,USMS, USPIS, and USSS), DOJ’s Criminal Division</p>	<i>Date</i> 08/29/18- 08/30/18	<i>OAG/ODAG action required?</i> No	<i>Recommend notifying PAO?</i> No

OJP's OCFO and BJA staff plan to contact Megan O-Donnell Bell, Chief of Staff for Congressman Hal Rogers (CJS). This is a courtesy call to notify her of some new special conditions that HHS/CDC and BJA plan to apply to thei (b)(5) per OJP

[Redacted]

- **Note:** Mary Daly, the opioid lead for the DAG's office has been engaged with this issue as well. As we understand it, she has blessed the conditions and is working with her counterparts/colleagues in HHS to make sure both agencies are on the same page).

Spend Plan Hill Briefing: DOJ received a list of concerns related to OJP's portion of the spend plan. In response, Lee Loftus has coordinated Hill briefings on September 5 to give OJP leadership an opportunity to be briefed about some of the solicitations / programs in question. The briefing will be for Senate CJS (majority and minority staff) only and will not include OLA. It will include FY 2018 changes to solicitations and an overview of the OVC Tribal Set-Aside program

Awards: OCOM had prepared a draft list (attached) of possible funding announcements for the consideration of Main Justice leadership offices. OCOM requests that ODAG flag the announcements of interest to assist its efforts to coordinate the events.



Grant Announcements 201

09/05/18	No	No
Ongoing	Yes	No

OLA Office of Legislative Affairs	ODAG POC: Dan Lovelan (b) (6) Component POC: DAAG Jill Tyson (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
The Senate is in session this week. The House returns Tuesday, September 4, 2018.	N/A	Situational awareness	N/A
Hearing. Officials from the Department, the Federal Bureau of Investigation, Department of Homeland Security, and the Office of the Director of National Intelligence will provide a classified brief to House Transportation and Infrastructure Committee staff regarding counter-UAS threats.	09/06/18 Morning		
Briefing. Federal Bureau of Investigation (FBI) Deputy Assistant Director Dina Corsi will participate in a classified briefing with the House Permanent Select Committee on Intelligence on China influence campaigns. Other federal agencies will also participate.	09/04/28 Afternoon		
Briefing. FBI Deputy Assistant Director Paul Haertel will brief House Homeland Security Committee Members on Monthly Counterterrorism Threat. The National Counterterrorism Center and the Department of Homeland Security will also participate.	09/05/18 Morning		
Briefing. FBI Director Christopher A. Wray will meet with Senate Select Committee on Intelligence Chairman Richard Burr and Ranking Member Mark Warner to discuss various FBI matters.	09/05/18 Noon		
Briefing. DEA officials will brief House Oversight and Government Reform Committee majority and minority staff regarding the implementation of the Office of the Inspector General's Confidential Source recommendations highlighted in its 2016 report and what policy updates have been implemented in DEA's Haiti office.	09/05/18 Afternoon		
Senate Floor. Jeffrey Clark (nominee to be Assistant Attorney General, Environment and Natural Resources Division); Brian Benzckowski (nominee to be Assistant Attorney General, Criminal Division); Eric Dreiband (nominee to be Assistant Attorney General, Civil Rights Division); and Jody Hunt (nominee to be Assistant Attorney General, Civil Division)	Ongoing		
On Wednesday, August 28, 2018, the Senate confirmed Jody Hunt to be Assistant Attorney General to the Civil Division.	08/28/18		

OLP Office of Legal Policy	ODAG POC: Michael Murr (b) (6), Matthew Sheeh (b) (6) Component POC: COS Katie Crytzer (b) (6)		
<p>(b)(5) per DEA</p> <p>Nationwide Injunctions. OLP submitted an AG memorandum through ExecSec, which is now under review in OAG.</p> <p>Nominations. This week, OLP continued to assist in the confirmation of Brett Kavanaugh to the Supreme Court. The confirmation will take place next week. This week, the Senate voted to confirm seven judicial nominees: Terry F. Moorer (S.D. Ala.); R. Stan Baker (S.D. Ga.); Charles Goodwin (W.D. Okla.); Barry W. Ashe (E.D. La.); James R. Sweeney II (S.D. Ind.); Susan Baxter (W.D. Pa.), and Nancy Bessel (D. Minn.).</p>	<i>Date</i> No date specified No date specified No date specified	<i>OAG/ODAG action required?</i> Not at this time Yes No	<i>Recommend notifying PAO?</i> N/A Not yet Already aware

OTJ/Indian Country Office of Tribal Justice	ODAG POC: Dan Lovelan (b) (6) Component POC: Director Tracy Toulou (b) (6)		
<p>Speeches/Travel/Meetings/Requests</p> <p>On August 30, OTJ will participate in the NAGPRA/ARPA working group meeting with several DOJ components and other federal agencies.</p> <p>On September 4, OTJ will participate in Tribal SAUSA discussions with OVW and USAO representatives from the Districts of Eastern Oklahoma, Minnesota, and South Dakota.</p>	<i>Date</i> 08/30/18 09/04/18	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

On September 5, OTJ will participate in Tribal SAUSA discussions with OVW and USAO representatives from the District of Oregon.	09/05/18		
On September 6, OTJ will participate in Tribal SAUSA discussions with OVW and USAO representatives from the District of Arizona.	09/06/18		
On September 6, OTJ will co-host with BIA/OJS the Indian Country Federal Law Enforcement Coordination Group meeting at RFK Main.	09/06/18		
OTJ will continue to provide materials to ODAG in support of judicial nominations upon request.	Ongoing		
OTJ continues to work with the US Attorney’s Office in the Western District of New York and the Department of the Interior to address law enforcement at the Cayuga Nation.	Ongoing		
TAP activities: August 27-31 TAP is being deployed to the Red Lake Band of Chippewa Indians in Minnesota. The next deployment will be to the Mashantucket Pequot Tribe in Connecticut the week of Sept 10. OTJ continues to work with BIA to provide TAP access to direct service law enforcement and social service Tribes and is working now to identify deployment sites. Applications for the FY19 expansion are being accepted and reviewed now.	08/27/18- 08/31/18		
OTJ continues to participate in regularly scheduled Elder Abuse Working Group meetings.	Ongoing		
Press			
OTJ is working with OPA to respond to follow-up questions from media related to the open press session at the NAIS meeting in Tulsa, Oklahoma.			
Policy			
OTJ is working with CEOS, EOUSA, and FBI to update the forensic interviewing policy.			
OTJ is working with OLP, law enforcement components and EOUSA to develop the Department’s position on bite mark evidence.			
OTJ is working with the US Marshals Service to develop a new victim-witness program (at the request of USMS).			

Legislative or Judicial Developments			
OTJ continues to provide technical assistance to Senate Committee on Indian Affairs staff on the <i>Tribal Law and Order Reauthorization Act (TLOA II)</i> .			

OVW Office on Violence Against Women	ODAG POC: Michael Fran (b) (6)	Component POC: Acting Director Nadine Neufville (b) (6)	
Nothing to report.	Date	OAG/ODAG action required?	Recommend notifying PAO?

TAX Tax Division	ODAG POC: Matthew Baughm (b) (6)	Component POC: DAAG Travis Greave (b) (6)	
On August 28, 2018, Tax Division authorized the expansion of a grand jury investigation relating to (b)(6) per OCDETF; (b)(6) per EOUSA a Chicago, IL Alderman, the (b)(6) per OCDETF; (b)(6) of former Mayor Richard J. Daley, and the (b)(6) per OCDETF; (b)(6) of former Mayor Richard M. Daley. The grand jury investigation relates to potentially fraudulent loans from the Washington Federal Bank for Savings, which failed in 2017. The investigation has been expanded to include tax issues.	Date	OAG/ODAG action required?	Recommend notifying PAO?
	08/28/18	FYSA	Not at this time

Unmanned Aircraft Systems UAS	ODAG POC: Brendan Grove (b) (6)	Mark Michali (b) (6)	
Counter-UAS Legislation: This week DOJ and FBI briefed the staff of the House Transportation Committee on the drone threat in support of the Administration's legislative proposal. Next week Brendan will brief Speaker Paul Ryan's homeland security advisor on	Date	OAG/ODAG action required?	Recommend notifying PAO?

the legislation. The briefing aims to secure the support of the Speaker and majority leadership to pass the bill this year.

USMS U.S. Marshals Service	ODAG POC: Toni Baco (b) (6) Component POC: COS John Kilgallon (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>Organized Crime and Gangs Branch: The USMS Organized Crime and Gangs Branch attended their national training conference from August 14 through August 17, 2018, in Los Angeles, California, where all deputies from the Organized Crime Drug Enforcement Task Forces program were in attendance. Training included cyber security awareness, investigative techniques, use of force, and human performance factors.</p>	08/14/18- 08/17/18		
<p>USM Nominations: The Senate confirmed 8 USMs –</p> <ul style="list-style-type: none"> • Charles L. Goodwin - DHI • John D. Jordan -EDMO • R. Don Ladner, Jr. - NDFL • Susan Lewellyn Pamerleau - WDTX • Gadyaces S. Serralta - SDFL • Mark F. Sloke - SDAL • Richard E. Taylor, Jr. - NDTX • Nick Willard - DNH 			

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 2, 2018 11:17 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Confirmation Process Talking Points
Attachments: Confirmation Process Talking Points.pdf

All:

Sorry to bother you on a holiday weekend.

Attached is a 21-page PDF, providing background on the confirmation process for Judge Kavanaugh's nomination to serve as an Associate Justice on the Supreme Court of the United States.

Chairman Chuck Grassley looks forward to the American people getting a chance to hear directly from Judge Kavanaugh at his confirmation hearing starting on Tuesday morning at 9:30 am.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
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(b) (6)

Confirmation Process Talking Points

Topic Area	Page
Key Facts and Figures	1
Democratic Leaders Announced Outright Opposition	2
Judicial Record is Most Relevant	3
Biden Rule Doesn't Apply in Midterm Election Years	4
Mueller Investigation / Cohen Conviction	5
Staff Secretary Documents Are Least Relevant & Most Sensitive	7
Document Request Based on Kagan Precedent	8
Majority Staff Tried to Reach Compromise with Minority Staff	9
6% vs. 99% Comparison is Misleading	10
Bill Burck is Not a "Partisan Lawyer"	12
Process is Fully Consistent with the PRA	14
Committee Confidential Documents	15
Using Committee Confidential Documents at the Hearing	17
Privileged Documents	19

Key Facts and Figures

- Judge Kavanaugh has served as a judge on the D.C. Circuit for more than twelve years. During that time, he wrote **307** opinions and joined hundreds more. His judicial writings exceed **10,000** pages. This is the most relevant part of Judge Kavanaugh's record.
- Judge Kavanaugh submitted more than **17,000** pages with his **120-page** written response to the Senate Judiciary Questionnaire, the most comprehensive questionnaire ever issued to a Supreme Court nominee.
- The Senate Judiciary Committee received more than **440,000** pages of emails and other documents from Judge Kavanaugh's time as a government lawyer in the Executive Branch. **This is more than the number of pages we received for the last five Supreme Court nominees combined.**
- More than **290,000** pages are publicly available to the American people right now on the Senate Judiciary Committee's website. This is more than 100,000 pages more than we received for Justice Kagan and Justice Gorsuch.
- The Senate had ample time to review Judge Kavanaugh's materials. His hearing started **57 days** after his nomination was announced. This timeframe is more than a week longer than senators had for Justices Sotomayor, Kagan, and Gorsuch.

Democratic Leaders Announced Outright Opposition

- Liberal outside groups and Democratic leaders have been outright opposed to Judge Kavanaugh's nomination since the President selected him. All of their efforts to delay the hearing for various reasons have a singular goal: stall the confirmation until after the midterm elections, with their hope of reclaiming the Senate and blocking Judge Kavanaugh's confirmation forever.
- Several Democratic senators announced they would oppose **any** of the **25** potential Supreme Court nominees. Many others announced their opposition immediately after Judge Kavanaugh's nomination before having a chance to review his record.
- Senator Schumer: "The ramifications of this battle will last a generation or more. I'm going to fight this nomination with everything I've got."
- Senator Harris: "We are looking at the destruction of the Constitution." "Whether or not the Supreme Court enforces the spirit of the words 'Equal Justice Under Law,' is determined by the individuals who sit on that Court. Brett Kavanaugh represents a fundamental threat to that promise of equality."
- Senator Booker, discussing Judge Kavanaugh's confirmation: "You are either complicit in the evil, you are either contributing to the wrong, or you are fighting against it."
- Senator Merkley: "This is a nominee who wants to pave the path to tyranny."

Judicial Record is Most Relevant

- During Justice Sotomayor’s hearing, Senator Schumer said to Justice Sotomayor: “We have heard precious little about the body and totality of your 17-year record on the bench, which everybody knows is the best way to evaluate a nominee.” He also said: “I want to turn to your record on the bench, which I believe is the best way to get a sense of what your record will be on the bench in the future.”
- Then-Chairman Leahy said, “We have Judge Sotomayor’s record from the Federal bench. That is a public record that we had even before she was designated by the President. Judge Sotomayor’s mainstream record of judicial restraint and modesty is the best indication of her judicial philosophy. **We do not have to imagine what kind of a judge she will be because we see what kind of a judge she has been.**”
- Judge Kavanaugh has been on the appellate bench longer than Justice Sotomayor was. In his twelve years of service on the most important federal circuit court in the country, Judge Kavanaugh wrote 307 opinions and joined hundreds more. These more than 10,000 pages of judicial writings are publicly available right now. Under the Leahy-Schumer Standard, these are the most relevant documents for assessing Judge Kavanaugh’s fitness for the Supreme Court.

Biden Rule Doesn't Apply in Midterm Election Years

- Democratic leaders argued that the Biden Rule—which bars Supreme Court confirmations of Supreme Court nominees who were nominated during a presidential election year—applies to a midterm election year.
- First of all, many of these same senators argued in 2016 that the Biden Rule doesn't even exist.
- But the Biden Rule clearly applies only to presidential election years. In 1992, when Senator Biden was Chairman of the Judiciary Committee, he observed that a Supreme Court nomination fight during a presidential election year would be overly-political, supercharged, and unfair to the nominee.
- How do we know Senator Biden's rule applied only to presidential election years? Two years later, during a midterm election year, he presided over confirmation hearings for Justice Stephen Breyer during a midterm election year.
- As recently as 2010, President Obama nominated then-Solicitor General Elena Kagan to the Supreme Court during a midterm election year. It was his second nomination during the first two years of his presidency. If this sounds familiar, it is because this is the exact same scenario we have today.
- The Washington Post fact-checker agreed that the Biden Rule didn't apply during midterm election years.

Mueller Investigation / Cohen Conviction

- Democratic leaders have argued that the Senate shouldn't confirm anyone to a lifetime appointment while the Mueller investigation is ongoing and in light of Michael Cohen's guilty plea to campaign-finance violations. There are currently no legal proceedings involving the President personally. Even if there were, that's no basis to deny a President his constitutional powers. The argument lacks any legal foundation. Indeed, what other constitutional duties does the President have to put on hold, while the investigation is pending? Can he still protect our country, as the Commander-in-Chief?
- It also lacks historical basis. In fact, there's overwhelming precedent pointing the other way. When President Clinton nominated Justice Ginsburg to the Court in 1993, the federal government's investigation into the President Clinton's involvement with the Whitewater transactions was already underway. But the Senate confirmed her 96-3. No one seems to recall anyone questioning Justice Ginsburg's nomination because of Whitewater. And when President Clinton nominated Justice Breyer to the Court in 1994, Independent Counsel Robert Fiske had subpoenaed President Clinton's records as part of the Whitewater grand-jury investigation. We nevertheless confirmed Justice Breyer by a vote of 87-9.
- And between June 1993 and February 1999—a period during which all can agree President Clinton faced significant legal jeopardy—the Senate confirmed 248 district judges and 50 circuit judges, including three of Judge Kavanaugh's D.C. Circuit colleagues.

- That is all to say that the argument in favor of delaying the hearing because of the legal troubles of the President’s former associates is unsupported by law or history.
- Indeed, the Senate Democrats just permitted the voice-votes—meaning, no opposition—of six federal judges on Tuesday, August 28. If some Senate Democrats believe that the Mueller investigation somehow precludes the Senate from confirming judicial nominees to lifetime appointments, these Senate Democrats seem to have forgotten this belief on August 28th.

Staff Secretary Documents Are Least Relevant & Most Sensitive

- We didn't request Judge Kavanaugh's Staff Secretary documents because they are (1) the least relevant to assessing his legal views in light of the substantial amount of materials we already have; and (2) the most sensitive to the Executive Branch.
- They're not revealing of Judge Kavanaugh's legal thinking because the Staff Secretary's primary responsibilities are procedural, not substantive. The Staff Secretary serves as the inbox and outbox to the Oval Office. Judge Kavanaugh was responsible for managing paper that crossed the President's desk, such as speeches, memorandums, and the nightly briefing book. He ensured that archiving requirements were satisfied, that the President received advice and opinions from *other staffers*, and that nothing was lost in the shuffle.
- One of President Clinton's Staff Secretaries, Todd Stern, described the position: "The staff secretary's job is not to influence the president but to ensure he gets a balanced diet of viewpoints from all the relevant people on staff. . . . You're certainly not trying to put your thumb on the scale between options. The point is to say, 'Here's the issues, here's the options, here's what people think.'"
- The Staff Secretary documents are also the most sensitive to the Executive Branch. Among the documents are memos and briefings that contain highly sensitive advice—including national security advice—that went directly to the President from numerous advisors. It would threaten the candor of future advice to the President if advisors know that their advice would be broadly and publicly disclosed in the future. These documents are at the heart of executive privilege.

Document Request Based on Kagan Precedent

- The request we sent for Judge Kavanaugh’s Executive Branch documents is based on the documents we received in connection with Justice Kagan’s nomination. We requested a large number, but not all, of the relevant documents from her time in the Executive Branch.
- In 2010, both sides agreed not to request internal documents from Justice Kagan’s time as Solicitor General. Both sides agreed that it would be detrimental to the candor of internal deliberations if such documents were disclosed. Staff Secretary documents are even more sensitive because they contain advice sent directly to the President.
- We didn’t ask for these documents even though Justice Kagan explicitly told senators to look at her tenure as Solicitor General to determine what kind of justice she would be on the Supreme Court.
- Justice Kagan’s Solicitor General documents would have been useful for senators to assess Justice Kagan’s legal thinking in light of the fact that she lacked a judicial record. Judge Kavanaugh has a 12-year record of judicial service on the most important federal circuit court in the country. He has written 307 opinions and joined hundreds more, totaling more than 10,000 pages of judicial writings.
- By contrast, Justice Kagan had **zero** years of judicial experience – and **zero** pages of judicial writings – before her appointment to the Supreme Court. Yet, we have received **significantly more** pages of documents for Judge Kavanaugh, despite having a less compelling need for them than we did for Justice Kagan.

Majority Staff Tried to Reach Compromise with Minority Staff

- The Majority staff made it clear that the Majority and Minority could work together to target the records that the Minority members wanted while also not putting the American taxpayers on the hook for the Senate Democrats' fishing expedition that would delay the confirmation vote beyond this year.
- The Majority staff offered to work with the Minority staff to identify search terms to narrow the range of documents for production, while also avoiding flooding the Senate with millions of pages of extraneous documents. The Majority staff made clear that no non-privileged record was off limits in this search.
- But the Ranking Member's staff demanded the search of every one of the millions and millions of pages of email and other documents from every one of the hundreds of White House aides from all eight years of the Bush presidency. They wanted documents that Brett Kavanaugh never saw but merely mentioned his name. Over the course of multiple rounds of negotiations, the Ranking Member's staff refused to budge from their extremist position. The Ranking Member's staff would agree to search terms only to *prioritize* the production of White House documents, not to reasonably limit the range of documents for review and production. This proposed course of action would have taken months, if not years, to complete.
- After nearly two weeks of negotiations without any progress on reaching an agreement on search terms or other search aids, it became clear that this was all an exercise in obstruction. The Chairman sent a request for documents that everybody agreed we should have. The Minority staff's actions evidenced bad faith and politicized what should have been a bipartisan process.

6% vs. 99% Comparison is Misleading

- Some of my colleagues keep saying that we have only 6% of Judge Kavanaugh’s White House records, but that 99% of Justice Kagan’s White House records were made public before the hearing. They’re using fuzzy math. My colleagues calculate their phony 6% figure with two inaccurate numbers.
- First, their 6% figure counts the estimated page count by the career archivists at the National Archives, based upon their historical practice, before the unprocessed emails and attachments are actually reviewed.
 - With Judge Kavanaugh’s White House emails we have received, the actual number of pages ended up being significantly less than the number the National Archives estimated before its actual review.
 - One reason is because we were able to use technology to cull out the exact duplicate emails.
 - Instead of having to read 13 times an email that Judge Kavanaugh sent to 12 White House colleagues, we only had to read the email once.
- Second, the 6% figure counts millions and millions of pages of irrelevant Staff Secretary documents that we never even requested nor need.
- More importantly, we received 100% of the documents we requested from Judge Kavanaugh’s time as an Executive Branch lawyer.
- And while we may have received 99% of Justice Kagan’s **White House** records, we received **zero** records from her most relevant legal service as the Solicitor General of the United States—the federal government’s top Supreme Court advocate. We received much less than 99% of her records as a government lawyer.

- And even though we never received them, Justice Kagan’s Solicitor General records were much more needed at the time – because Justice Kagan was a “blank slate” as a judge. Indeed, unlike Judge Kavanaugh, with his 12 years of judicial service and over 10,000 pages of judicial writings on the nation’s most important federal circuit court, Justice Kagan had **zero** years of judicial service and **zero** pages of judicial writings before her appointment to the highest court in the land.

Bill Burck is Not a “Partisan Lawyer”

- Some of my colleagues have unfairly criticized Bill Burck, President Bush’s longtime attorney and Presidential Records Act representative, for Mr. Burck’s involvement with the review and release of Judge Kavanaugh’s presidential records from his service in the Bush White House.
- These colleagues have suggested Mr. Burck is nothing more than a “partisan lawyer.” They are engaged in unfair character assassination of a good man and very able attorney, who has worked to ensure that the Senate and the public received a record number of White House records, in record time, so we could fully evaluate Judge Kavanaugh’s impressive record and hold his hearing this year.
- Far from being a partisan hack, Bill Burck is a partner at one of America’s most liberal and prestigious law firms. And he’s been doing his job as President Bush’s Presidential Records Act representative since 2009.
- By federal law, Mr. Burck and his team assist President Bush in reviewing records requested by the Senate. He did the same thing when we got documents for Justice Gorsuch’s confirmation, and no one complained.
- The Democrats have also forgotten that Democratic lawyers were involved in reviewing Justice Sotomayor’s and Justice Kagan’s documents. Leslie Kiernan reviewed documents for Justice Sotomayor’s confirmation before we received them. She represented Obama campaign manager David Plouffe and former Representative Charlie Rangel and eventually became Deputy White House Counsel in the Obama Administration.

- And Bruce Lindsey reviewed documents for President Clinton when we sought Justice Kagan's records. He served as President Clinton's national campaign director in 1992, as President Clinton's hyper-partisan senior lawyer and fixer in the White House, and as CEO of the Clinton Foundation for ten years. How much more partisan can you get? He also overlapped with Justice Kagan in the White House.
- Democrats didn't object to Ms. Kiernan's or Mr. Lindsey's involvement in 2009 and 2010. And they did not even object to Mr. Burck's involvement last year, with Justice Gorsuch's confirmation. Their objection to Mr. Burck's role now is meant to politicize the document process and avoid talking about Judge Kavanaugh's exceptional qualifications.

Process is Fully Consistent with the PRA

- Our document process has fully complied with the Presidential Records Act. Under this federal statute, President Bush has the right to request his own Administration's records. He also has the authority to review his records before the Senate receives them. Indeed, the Archives **may not** produce them to the Committee without giving President Bush and his statutory representatives an opportunity to review first. This is what President Bush has done. The National Archives does not have the authority to second-guess President Bush's decision to release records to us.
- There is a small range of documents—those that should be classified as personal records—that the National Archives **does** have final authority to decide whether to produce. But the Archives has already reviewed nearly every single document President Bush withheld as a “personal record” and produced any that should be produced.
- The National Archives was **not** cut out of this process. As President Bush's representative informed the Committee: “Because we have sought, received, and followed NARA's views on any documents withheld as personal documents . . . the **resulting production of documents to the Committee is essentially the same as if NARA had conducted its review first** and then sought our views and the current Administration's views, as required by law.”
- In other words, the documents this Committee received are the same as if the Archives had done the initial review. We were just able to get the documents faster by doing it this way, which gave the Senate and the American people unprecedented access in record time to a Supreme Court nominee's record.

Committee Confidential Documents

- Like with prior nominees, including Justices Kagan and Gorsuch, there are a large number of presidential records that are restricted by federal law from public release because they contain sensitive information—including highly confidential advice delivered to the President and personal identifying information, including full names, dates of birth, and social-security numbers.
- In order to balance the need to timely obtain records for senators to evaluate a Supreme Court nominee’s background with the federal law’s prohibition of dumping sensitive presidential records for the whole world to see, the Senate Judiciary Committee agrees to receive presidential records initially on a Committee Confidential basis for Supreme Court nominations.
- This practice did not start today; this has been the practice of the Committee, on a bipartisan basis, long before I became the chairman. In fact, we have used this process for the last three Supreme Court justices, going back to 2009.
- While the Committee began its review of the presidential records, President Bush’s representatives conducted a second review for presidential records restricted from public disclosure by federal statute.
- The Committee posted on our public website all presidential records that we received that were not restricted by federal law from posting.
- We provided unprecedented public access to a record number of presidential records, in record time.

- The Majority staff worked with the lawyers for the former and incumbent presidents to immediately make public nearly two-thirds of the documents we received initially on a Committee Confidential basis.
- But the most sensitive presidential records remain Committee Confidential under federal law—just as restricted presidential records were held on a Committee Confidential basis during the nominations of Justices Kagan and Gorsuch.
- But even though Committee Confidential, we have still provided unprecedented access to the Senate.
- Indeed, instead of just providing access to Judiciary Committee members, we provided access to **all** senators.
- Instead of just providing access to select Judiciary Committee aides, we have provided access to **all** such aides.
- Instead of just providing access to binders of paper, we have provided **24/7 digital** and **searchable** access to **all** senators and **all** Judiciary Committee aides.

Using Committee Confidential Documents at the Hearing

- Documents being held on a Committee Confidential basis contain material restricted by federal law—the Presidential Records Act and the Freedom of Information Act—from public access. This Committee held such documents as confidential in each of the last three Supreme Court nominations.
- These documents were produced to the Committee on the condition that we hold them on a Committee Confidential basis and that they we discuss them only at the closed session of the hearing. And for good reason. They are restricted by federal law because they contain sensitive information—including highly confidential advice delivered to the President and personal identifying information, including full names, dates of birth, and social-security numbers. Of course, no senator would be so reckless as to want to dump that information for the whole world to see.
- This Committee routinely keeps restricted documents on a Committee Confidential basis. We did this for the restricted documents we received from the Archives for Justice Kagan’s nomination. Then-Chairman Leahy explained that he decided to do so “in order to permit the Committee prompt access to the documents.”
- But the Chairman offered to work with each and every Member of this Committee to help them get the legal restrictions on public disclosure lifted on any specific documents they wanted to use in the open session of the hearing. The Chairman asked only that Members submit their lists of documents a week before the hearing to give Presidents Bush and Trump time to review the documents and decide whether to lift the restrictions.

- Only **one** Senator made such a request, and the documents she requested were made ready for public disclosure.
- Discussing Committee Confidential documents in the open session would be inconsistent with the Presidential Records Act. Even worse, it would violate the conditions under which we have received the documents—conditions much less onerous than the Archives have imposed on us in previous nominations.
- If we discuss Committee Confidential documents in open session, we will irreparably damage our ability to ever get sensitive documents without a subpoena ever again. No one would trust us to handle sensitive materials in a responsible matter. We **must** limit our discussion of Committee Confidential documents to the closed session on Thursday evening to avoid harming this Committee.

Privileged Documents

- The President needs candid advice from his lawyers and other advisors in order to carry out his constitutional duties. But if the President’s advisors thought that the whole world might read their advice one day, their advice would not be as frank and honest as any President requires and deserves. As the Supreme Court has put it, “unless the President can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends.”
- To ensure that the President gets honest advice, the Constitution gives the current and former Presidents the power to prevent some of his and his advisors’ records from becoming public by asserting constitutional privilege. Out of respect for the President’s ability to obtain candid advice, we didn’t request privileged documents. After all, we wouldn’t want the Executive Branch demanding communications between a senator and the senator’s staff. We also didn’t ask for communications between Justice Kagan and Senator Biden, for example, when she served as his Judiciary Committee staffer.
- Judge Kavanaugh was a lawyer in the White House. He spent much of his time there working on judicial nominations. Many presidential records contain advice he gave on judicial nominees and other important matters. These are precisely the sorts of documents that must remain confidential in order to ensure that the current and **all** future presidents receive candid advice from their lawyers. We didn’t ask for these documents, nor could we get them under the Constitution. We agree with the decision not to turn them over to the committee.

- This Committee has always agreed to follow the Constitution in its document requests. In our requests for Justice Gorsuch's documents, we said that we would respect claims of privilege. I said the same thing in my requests for Judge Kavanaugh's records. Senator Feinstein signed the Gorsuch letters. I don't understand why Democrats are objecting now when I'm doing what we all promised to do last year—respect the privilege claims of a co-equal branch of government.
- This is not the first time a President has asserted privilege in a Supreme Court nomination. President Reagan asserted it over documents this Committee requested during Chief Justice Rehnquist's nomination. And the Department of Justice informed the Committee that around one-tenth of the documents this Committee sought for Chief Justice Roberts were constitutionally privileged. Privilege is being applied for a similar proportion here—approximately one-ninth of the records I requested.
- Really, the remarkable thing here is just how transparent Presidents Bush and Trump have been. Judge Kavanaugh was a lawyer in the White House. Even though much of his work would have been privileged, we have still received over 440,000 pages of presidential records. This is more than the last five Supreme Court nominees combined.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 4, 2018 7:56 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Grassley's 3 Press Releases Today



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Judiciary Committee

Hearing on the Nomination of Judge Brett M. Kavanaugh to be an Associate Justice of the U.S. Supreme Court
September 4, 2018

One of the Senate's most solemn constitutional duties is to provide advice and consent to the President on his nominations of Supreme Court justices.

We are here this week to hear from Brett Kavanaugh, to hear about his exceptional qualifications, his record of dedication to the rule of law, and his demonstrated independence and his appreciation of the importance of the separation of powers.

Indeed, to protect individual liberty, the Framers designed a government of three co-equal branches, strictly separating the legislative, executive and judicial powers. The Framers intended for the Judiciary to be immune from the political pressures the other two branches face. That is so that judges would decide cases according to the law and not according to popular opinion.

Now, 230 years after ratification, our legal system is the envy of the world. It provides our people stability, predictability, protection of our rights and equal access to justice. But this is only possible when judges are committed to the rule of law.

Our legal system's success is built on judges accepting that their role is limited to deciding cases and controversies. A good judge exercises humility and makes decisions according to the specific facts of the case and according to the law.

A good judge never bases decisions on his preferred policy preferences.

A good judge also has courage, recognizing that we have an independent judiciary to restrain government when it exceeds its lawful authority.

As President Andrew Jackson said, "All the rights secured to the citizens under the Constitution are worth nothing, and a mere bubble, except guaranteed to them by an independent and virtuous Judiciary."

Confirmation hearings for Supreme Court nominees are an important opportunity to discuss the appropriate

role of judges. As I see it, and I expect many of my colleagues will agree, the role of the judge is to apply the law as written, even if the legal result is not one the judge personally likes.

As Justice Scalia was fond of saying, if a judge always likes the outcomes of cases he decides, he is probably doing something wrong. I don't want judges who always reach a "liberal" result or a "conservative" result; I want a judge who rules the way the law requires.

Judges must leave the lawmaking to Congress.

Now, some have a very different view of what a judge's role should be. According to this view, judges should decide cases based on a particular outcome in order to advance their politics. But the American people don't want their judges to pick sides before they hear a case. They want a judge who rules based upon what the law commands.

This is the reason why all Supreme Court nominees since Ginsburg have declined to offer their personal opinions on the correctness of precedent. Seeking assurances from a nominee on how he will vote in certain cases or how he views certain precedent undermines judicial independence and essentially asks for a promise in exchange for a confirmation vote. It's unfair and unethical. Indeed, what litigant could expect a fair shake if the judge has already pre-judged the case before the litigant even enters the courtroom?

I expect Judge Kavanaugh will follow the example set by Ginsburg, and all the nominees that followed her, that a nominee should offer "no hints, no forecasts, no previews" on how they will vote.

Justice Kagan, when asked about *Roe v. Wade*, said the following: "I do not believe it would be appropriate for me to comment on the merits of *Roe v. Wade* other than to say that it is settled law entitled to precedential weight. The application of *Roe* to future cases, and even its continued validity, are issues likely to come before the Court in the future." Senators were satisfied with these answers on precedent. They should be satisfied if Judge Kavanaugh answers similarly.

This is my fifteenth Supreme Court confirmation hearing since I joined the Committee in 1981. Thirty-one years ago, during my fourth Supreme Court confirmation hearing, liberal outside groups and their Senate allies engaged in an unprecedented smear campaign against Judge Robert Bork.

As Mark Pulliam said in an op-ed over the weekend, "The borking of Robert Bork taught special-interest groups that they could demonize judicial nominees based solely on their worldview. Worse, character assassination proved an effective tactic, nearly sinking Justice Clarence Thomas's appointment four years later."

But he also said, "By confirming Judge Kavanaugh, the Senate can go some way toward atoning for its shameful treatment of Robert Bork 31 years ago."

Judge Kavanaugh is one of the most qualified nominees – if not the most qualified nominee – I have seen. Judge Kavanaugh is a graduate of Yale Law School. He clerked for three federal judges, including the man he is nominated to replace. He spent all but three years of his career in public service and has served as a judge for twelve years on the D.C. Circuit – the most influential federal circuit court. He has one of the most impressive records for a lower court judge in the Supreme Court. In at least a dozen separate cases, the Supreme Court adopted positions advanced by Judge Kavanaugh.

The American Bar Association, whose assessment Democratic leaders have called the "gold standard" of judicial evaluations, rated Judge Kavanaugh unanimously well-qualified.

A review of Judge Kavanaugh's extensive record demonstrates a deep commitment to the rule of law. He has written eloquently that both judges and federal agencies are bound by the laws Congress enacts. And he has criticized those who substitute their own judgments about what a statute *should* say for what the statute *actually* says.

After the President nominated Judge Kavanaugh, I said this would be the most thorough and transparent confirmation process in history. It has proven to be. Judge Kavanaugh has a twelve-year record on the D.C. Circuit, where he authored 307 opinions and joined hundreds more—amounting to more than 10,000 pages.

He submitted more than 17,000 pages of speeches, articles, and other material to the committee, along with his 120-page written response to the Senate Questionnaire—the most robust ever submitted to a Supreme Court nominee. These add up to more than 27,000 pages of Judge Kavanaugh's record already available to the American people.

And we received just shy of half a million pages of emails and other documents from Judge Kavanaugh's service as an executive branch lawyer—which is more than we received for the last five Supreme Court nominees combined. Every one of these more than 483,000 pages of Executive Branch records are available to any senator, anytime, 24/7.

And I pushed for federal officials to significantly expedite the public disclosure process under federal law, so that all Americans have online access to more than 290,000 pages of these records right now on the Judiciary Committee website.

In short, the American people have unprecedented access and more materials to review for Judge Kavanaugh than they ever had for a Supreme Court nominee. And to support the review of Judge Kavanaugh's historic volume of material, I've worked to ensure that more Senators have more access to more material than ever.

Despite this unprecedented transparency, some of my colleagues on the other side have come up with every excuse for resisting this hearing. Indeed, some pledged to oppose Judge Kavanaugh from the moment of announcement.

The Minority Leader said that he would fight Judge Kavanaugh with everything he's got. And for the most part, his side has tried tactic after tactic to delay and obstruct this process.

One of their tactics was to try to bury this Committee in millions of pages of irrelevant paperwork. Indeed, the Ranking Member even made the unprecedented demand for the search of every email and every other document from every one of the hundreds of White House aides who came and went during the entire eight years of the Bush Administration. This would have taken months and months to complete. As I have repeatedly stated, I am not going to put the American taxpayers on the hook for the Democratic leaders' fishing expedition.

Democratic leaders made the unprecedented demand for documents from Judge Kavanaugh's time as the White House Staff Secretary, the presidential aide in charge of managing the paper flow to and from the President. These Staff Secretary documents are both the least revealing of Judge Kavanaugh's legal thinking and the most sensitive to the Executive Branch. They're not revealing of his legal thinking because the Staff Secretary's primary responsibility is making sure the President sees advice from *other* advisors, not sharing advice—let alone legal advice—of his own. These documents are the most sensitive to the Executive Branch because they contain advice transmitted directly to the President and are at the heart of executive

privilege.

You will hear my Democratic colleagues argue that we are hiding documents—that we have only received 6 percent of Judge Kavanaugh’s Executive Branch documents.

This is simply wrong.

They calculate their phony 6 percent figure with two inaccurate numbers. First, their 6 percent figure counts the *estimated* page count by the career archivists at the National Archives, based upon their historical practice, *before* the unprocessed emails and attachments are actually reviewed.

With Judge Kavanaugh’s White House emails we have received, the *actual* number of pages ended up being significantly less than the number the National Archives estimated before its processing and review. One reason is because we were able to use technology and cull out the exact duplicate emails. Instead of having to read 13 times an email that Judge Kavanaugh sent to 12 White House colleagues, we only had to read the email once.

Second, the 6 percent figure counts millions and millions of pages of irrelevant Staff Secretary documents that we never even requested nor need.

More importantly, we requested 100 percent of the non-privileged documents from Judge Kavanaugh’s time as an Executive Branch lawyer.

As I indicated in my document request, I did not expect to receive privileged documents. Just as we don’t ask for staffers’ communications with senators when Senate staffers are nominated—Justice Kagan, for example—we shouldn’t expect similar communications with the President to be disclosed.

A significant portion of the privileged documents contain deliberations and advice regarding the nomination of judges, and it’s critical that these deliberations remain confidential to guarantee that the current and *all future* presidents continue to receive candid advice.

Following the recommendation of former President George W. Bush, the White House claimed a reasonable number of documents as privileged, similar to the number of documents that were privileged during Chief Justice Roberts’s confirmation. Then, the Department of Justice informed the Committee that it withheld as privileged roughly 1 in 10 documents sought from the Department.

My document request was modeled after the document request then-Chairman Leahy sent during Justice Kagan’s nomination. At that time, he requested a large number, but not all, of her Executive Branch records. Despite Republican questions, he didn’t request internal documents from her time as Solicitor General because both sides agreed the documents were too sensitive for disclosure.

If Solicitor General documents were too sensitive to request, then by the same logic, White House Staff Secretary documents are even more sensitive, because they contain candid advice sent directly to the President.

Complaints that the committee’s review of an unprecedented volume of documents is somehow insufficient is simply an attempt to distract from Judge Kavanaugh’s extensive and very impressive record.

In 2009, then-Chairman Leahy explained that Justice Sotomayor’s judicial record “is the best indication of her judicial philosophy. We do not have to imagine what kind of a judge she will be because we see what

kind of a judge she has been.”

Similarly, we know what kind of judge Kavanaugh will be, because we know what kind of judge he has been for the last twelve years on the most influential circuit court.

Democratic leaders tried their best to stop today’s hearing from happening. For all their talk about transparency, what they most feared was a chance for the American people to hear directly from Judge Kavanaugh.

Based on Judge Kavanaugh’s extensive record, he is the kind of judge Americans want on the Supreme Court —committed to the rule of law, protective of our constitutional rights, and unfailingly independent.

Welcome, again, Judge Kavanaugh, and congratulations on your nomination.

-30-



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE

Tuesday, September 04, 2018

SCOTUS: “Democrats Wasted Day One”...“Democrats Create Chaos at Kavanaugh Hearing”

WASHINGTON – The confirmation hearings for Supreme Court nominee Judge Brett Kavanaugh began today with desperate delay tactics from Senate Judiciary Committee Democrats, who repeatedly, interrupted other senators’ remarks and attempted to stop proceedings.

[Politico](#): Democrats create chaos at Kavanaugh hearing: Chuck Schumer helped coordinate the Democrats' strategy...

“The volley of Democratic interjections began after Senate Judiciary Chairman Chuck Grassley (R-Iowa) attempted to open the high-stakes four-day hearing. Senate Minority Leader Chuck Schumer (D-N.Y.) helped coordinate that strategy despite not serving on the Judiciary panel, convening a call with the committee's minority members over the weekend, according to a source familiar with the planning.”

“One after another, Democrats repeatedly interrupted Grassley in the opening minutes, breaking into their protests to allow Kavanaugh to speak before resuming their push to stop the process until they can examine more records.”

“But the display of disruption, galvanizing as it was to Kavanaugh’s liberal critics, ultimately did little but delay a day of partisan jockeying that closed, more than seven hours later, with the nominee telling senators that “I do not decide cases based on personal or policy preferences.”

[FOX News](#) Op-ed: Kavanaugh confirmation hearing turns into outrageous Senate circus

“The Ringling Bros. and Barnum & Bailey Circus went out of business last year, but it found a successor Tuesday on Capitol Hill as Democrats and demonstrators performed at the Senate Judiciary Committee hearing on the nomination of Judge Brett Kavanaugh to the Supreme Court.”

“The political theatrics kicked into high gear right out of the gate. Grassley wasn’t more than three lines into his opening statement when, one by one, Democrats attempted to hijack the hearing with calls for more of Kavanaugh’s documents, and even a motion to adjourn the hearing altogether.”

“So get the popcorn ready and expect to see more political theater throughout this week. Democrats will move on to Act II with their political posturing and outrage on full display.”

“Who needs the Ringling Bros. circus when we have the Senate circus?”

MSNBC’s Garrett Haake:



Garrett Haake 
@GarrettHaake



All of this fight about process and voting on a motion to adjourn is indicative of how weak a hand that Democrats have to play here. Not much else they can do to fight.

7:10 AM - 4 Sep 2018

[SLATE](#): Democrats Wasted Day One

“Heading into Brett Kavanaugh’s confirmation hearing Tuesday morning, my unofficial over/under on how many words Senate Judiciary Committee Chairman Chuck Grassley could get through before a protester interrupted him was 14.5. Sure enough, it was just before the 14th word when that interruption happened.”

“Grassley, who tried to stay patient as Democrats executed their very foreseeable, scripted protest, denied the request as out-of-order several times.”

[Chicago Tribune](#): Chaos marks start of Brett Kavanaugh Senate hearing as Dems call for delay after document dump

“Democrats, including several senators poised for 2020 presidential bids, tried to block the proceedings over Kavanaugh records withheld by the White House”

“One by one, Democrats, including Kamala Harris of California, Cory Booker of New Jersey and Amy Klobuchar of Minnesota, all potential presidential contenders, demanded that Republicans delay the

hearing.”

“Many Democratic senators already have announced their intention to vote against Kavanaugh and many Republicans have likewise signaled their support.”

[Roll Call: Kavanaugh Hearing Erupts in Chaos as Dems Demand Documents](#)

“Democratic members of the panel overseeing Brett Kavanaugh’s Supreme Court nomination interrupted the hearing and protesters injected chaos as Chairman Charles E. Grassley attempted to start the proceedings.”

“Chaos broke out again at 10:08 a.m. when Blumenthal and yet another possible 2020 Democratic candidate, Amy Klobuchar, pressed Grassley to hold a vote on his motion to adjourn. Protestors again erupted as the hearing stalled — before it had really began.”

MSNBC’s Kasie Hunt:



[The Hill: Dems interrupt Kavanaugh hearing, asking that it be adjourned](#)

“Democrats repeatedly interrupted the first day of Brett Kavanaugh’s Supreme Court confirmation hearings on Tuesday, arguing the confirmation process should be delayed...”

“Democrats began interrupting the committee chairman almost as soon as he started giving his opening statement.”

“Democrats were not the only ones interrupting the hearing. Protesters, who were present in the audience to criticize Kavanaugh, spoke over Grassley's response to Democrats.”

[CNN: How Democrats coordinated a tense start to Kavanaugh hearing](#)

“Democratic senators opened Judge Brett Kavanaugh’s confirmation hearing with an aggressive approach Tuesday, pushing to postpone the hearing and repeatedly interrupting the Senate Judiciary Committee Chairman...”

“Throughout the holiday weekend, there were ongoing discussions, including a call led by Senate Minority Leader Chuck Schumer, a New York Democrat, to lay out a plan ahead of Tuesday’s

hearing.”

“Senate Judiciary Committee Democrats agreed to protest the document issues at the beginning of the hearing with the goal of slowing down the process.”

“But despite the political realities, the fact remains that the Democratic base wants more from the minority.”

[FOX News: Brett Kavanaugh hearing repeatedly interrupted by Dem objections, protests](#)

“Earlier Tuesday, protests from Democratic lawmakers and demonstrators delayed the formal start of proceedings by more than an hour.”

“Within moments of Tuesday's confirmation hearing kickoff, top Democrats tried to sideline the session with a rapid-fire string of objections concerning access to the nominee's records.”

“The spectacle underscored the political nature of the confirmation hearings, coming two months before the midterms and as some senators gear up for a possible 2020 presidential run against President Trump. Several of those senators led the charge Tuesday in objecting to Kavanaugh.”

“The disruptions continued as lawmakers attempted to make opening statements. There were 63 interruptions before the break for lunch.”

FOX News's Dana Perino:



Dana Perino
@DanaPerino

Follow

The hearing is not going to be postponed. Complaining about process is to get good headlines inside the beltway. But it doesn't last. No dem seems mad that their former leader of the senate opened the door to 50 vote threshold for nominees.

12:14 PM - 4 Sep 2018

[Washington Examiner: 'Morning Joe' called for Dem obstruction on Kavanaugh, 'why even show up?'](#)

“Tuesday's fight by Senate Judiciary Committee Democrats to block the Supreme Court nomination hearing of Brett Kavanaugh was urged by MSNBC Morning Joe host Joe Scarborough, who even suggested that liberals walk out if a delay doesn't happen.”

[Reuters: Chaos grips Senate hearing on Trump Supreme Court pick Kavanaugh](#)

“With Democratic senators repeatedly interrupting the Judiciary Committee's Republican chairman Chuck Grassley at the outset of the hearing and dozens of shouting protesters removed one by one by security personnel, the session quickly became a ruckus.”



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

More Access to More Records by More People

In evaluating Judge Brett Kavanaugh's nomination to the Supreme Court, Senate Judiciary Committee Chairman Chuck Grassley has greatly expanded transparency and access to relevant materials. As a result, a historic volume of records is accessible to more people than ever before.

More Records



HISTORIC VOLUME: The committee has received more pages of Executive Branch records for Judge Kavanaugh's nomination than for the last five confirmed Supreme Court nominees *combined*.

PUBLIC RECORD: [Public Executive Branch material](#) for Judge Kavanaugh totals more than 290,000 pages, dwarfing the volume of public records for previous Supreme Court nominees by well over 100,000 pages.

HIGH PUBLIC RELEASE RATE: Nearly two-thirds of material provided by President Bush has been *made public*. By comparison, nearly two thirds of Judge Kavanaugh's emails that have been reviewed by the National Archives are *restricted from the public* ([Source 1](#), [Source 2](#), [Source 3](#)). In other words, President Bush released a greater percentage of documents than the Archives for the documents it has reviewed thus far.

More Access by More People

For previous nominees, confidential records were provided in non-searchable paper format and access was limited to committee members, committee chief counsels and the chief nominations counsel for the Chair

and Ranking Member. **Today that would be only 42 people.** As a practical matter, access was further limited to the number of people that could review paper records at once.

For this nominee, Chairman Grassley established a process of receiving confidential material in searchable digital format on a software platform that allows simultaneous access, vastly improving and expediting the review process.

Chairman Grassley also insisted on granting access to *all senators* (not just committee members) members, *all committee staff*. **That's roughly 250 people.**

Grassley set up computer terminals for [non-committee Senators](#) to review confidential documents and pledged to dedicate his own staff – on a 24/7 basis – to assist in searching and navigating the records. Not a single off-committee senator took him up on this offer.



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
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Otus84, AG (OAG)

Subject: Interview Setup- Fox News

Location: AG's Conference Room

Start: Tuesday, September 18, 2018 10:00 AM

End: Tuesday, September 18, 2018 10:30 AM

Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)

Required Attendees: Calendar, AG84 (OAG); AGPD; Whitaker, Matthew (OAG); Allen, Alexis (OAG); Sutton, Sarah E. (OPA); Schreiber, Jayne (OAG); Williams, Toni (OAG)

Cutrona, Danielle (OAG)

From: Cutrona, Danielle (OAG)
Sent: Wednesday, September 5, 2018 2:41 PM
To: Whitaker, Matthew (OAG)
Subject: FW: CBS This Morning – Sen. Chuck Grassley (Kavanaugh Hearing, Sessions)

From: Flores, Sarah Isgur (OPA)
Sent: Wednesday, September 5, 2018 2:13 PM
To: Cutrona, Danielle (OAG) (b) (6) >; Boyd, Stephen E. (OLA) (b) (6) >
Subject: Fwd: CBS This Morning – Sen. Chuck Grassley (Kavanaugh Hearing, Sessions)

Begin forwarded message:

From: Sarah Isgur Flores (b) (6) >
Date: September 5, 2018 at 1:12:10 PM CDT
To: "Flores, Sarah Isgur (OPA)" (b) (6) >
Subject: Fwd: CBS This Morning – Sen. Chuck Grassley (Kavanaugh Hearing, Sessions)

From: Comms Alert <CommsAlert@gop.com>
Sent: Wednesday, September 5, 2018 7:10:50 AM
Subject: CBS This Morning – Sen. Chuck Grassley (Kavanaugh Hearing, Sessions)

CBS This Morning – Sen. Chuck Grassley (Kavanaugh Hearing, Sessions)

<http://mms.tveyes.com/transcript.asp?PlayClip=FALSE&DTSearch=TRUE&DateTIme=09%2F05%2F2018+08%3A03%3A13&market=m135&StatID=1079>

NORAH O'DONNELL: senator chuck grassley is leading the confirmation hearings for judge brett kavanaugh and he joins us now from washington. good morning, senator. boy, you had your hands full yesterday.

SEN. CHUCK GRASSLEY: yes. a little bit different than other committee meetings i've chair and a lot difference than gorsuch as an example.

O'DONNELL: yes. today we'll get to more substance as the senators get to ask specific question ss how juv kav – judge kavanaugh review. do you believe he would restore authority of states to regulate late term abortions?

SEN. GRASSLEY: i even advised him that he should go by the ginsburg rule that every nominee to the supreme court since then when she was asked specific questions about something that comes before the

court, she would say there's not going to be any predictions, no nothing because it isn't right for a candidate for the supreme court to state what their views might be because then it would be questionable about whether you're using your own personal views or basing it on the constitution and the law, and i think you're going to see that answer from him. and then to answer your question you just asked me, i would expect him to give that answer.

O'DONNELL: okay. got it. well, as you know, some believe there is no constitutional right to abortion. so the question becomes with roe versus wade, why should. this be a legitimate form of questions for him to answer his legal views on that question?

SEN. GRASSLEY: well, he will answer very thoroughly, i think, but it's going to be based upon the fact that he doesn't know the specific facts of the case. he doesn't know the specific law that might be before us because right now, you know, 50 states can have 50 different approaches to abortion. still win roe v. wade, he may have to make a ruling on.

JOHN DICKERSON: let me ask you about these documents.

SEN. GRASSLEY: yeah.

DICKERSON: you say it's a process matter. the documents are about a period brett kavanaugh worked on in politics. when elena kagan was up before a committee, everyone wanted to know what she did during that time, they said that period in many ways is the most instructive. if that's the case, why don't they have more time to look into documents or see more documents that haven't been turned over?

SEN. GRASSLEY: i think what kavanaugh was saying, it's very instructive to him to be a judge, to know what goes on in the executive branch of government and he surely knew what went on in the executive branch of government because he had papers from every cabinet member and every intelligence agency and all that stuff. he had to decide what went to the prpt or not to the president. so i interpret his statement as meaning that he got very well educated in the processes.

DICKERSON: that's your reading of it, but but why shouldn't democrats get to examine that thinking based on the actual record and not having to guess abo it?

SEN. GRASSLEY: because it's irrelevant to his being a judge. and not only that, but remember what schumer and leahy have said in the past, that the best judge of whether a candidate should be on the supreme court or not is where the cases they've already heard in lower courts and this person has 307 cases, 10 or 11,000 pages that people can go by. that's the best judgment that leahy and schumer said for knowing whether somebody should be on the supreme court. if that's a rule that you would use for soto marymayorsotomayor, why wouldn't you use that for kavanaugh?

GAYLE KING: you got a lot of use out of your gavel yesterday. after yesterday there was a lot of calls for bipartisanship and that seemed to last a very short time yesterday looking at what we saw in your hearing room yesterday.

SEN. GRASSLEY: i made a statement yesterday of what's more true going on in the united states senate and there's more going on in the by partisan senateship than what people see. we're very different on this judgeship or judges generally. there are republican/democrat differences. in the 3 1/2 years i've been

chairman of the committee, every bill that's come out of the judiciary committee has had bipartisan support. that speaks more about how we work in a collegial way than what you're seeing on television.

O'DONNELL: senator, president trump has called jeff sessions, said this guy is mentally retarded. he's a dumb southerner, according to bob woodward's new book. would you support president trump firing his attorney general?

SEN. GRASSLEY: that's president trump's decision to make, and i'll only be involved in that if he appoints a new person.

DICKERSON: all right. thank you, senator.

Spolar, Ellen S. (ODAG)

From: Spolar, Ellen S. (ODAG)
Sent: Friday, September 7, 2018 7:14 PM
To: Leeman, Gabrielle (ODAG); Bacon, Antoinette T. (ODAG); Baughman, Matthew (ODAG); Catizone, Christopher (ODAG); Cook, Steven H. (ODAG); Daly, Mary (ODAG); Ellis, Corey F. (ODAG); Frank, Michael (ODAG); Gauhar, Tashina (ODAG); Geise, John (ODAG); Goldsmith, Andrew (ODAG); Groves, Brendan M. (ODAG); Hovakimian, Patrick (ODAG); Hunt, Ted (ODAG); Lan, Iris (ODAG); Loveland, Daniel (ODAG); Michalic, Mark (ODAG); Murray, Michael (ODAG); Perkins, Paul (ODAG); Raman, Sujit (ODAG); Sheehan, Matthew (ODAG); Thiemann, Robyn (ODAG); Weinsheimer, Bradley (ODAG); Wetmore, David H. (ODAG); Wu, Connie V. (ODAG); Harris, Stacie (USAFLM) 2; Suero, Maya A. (ODAG); Morrissey, Brian (OAG); Gamble, Nathaniel (ODAG); Whitaker, Matthew (OAG); O'Callaghan, Edward C. (ODAG)
Cc: Simms, Donna Y. (ODAG); Brown, Angela M. (ODAG)
Subject: RE: Weekly Report Reminder
Attachments: 09.10.18 ODAG Weekly Report.pdf

Hi all,

Please find the Weekly Report attached.

Thanks,
Ellen

From: Spolar, Ellen S. (ODAG)
Sent: Friday, September 7, 2018 9:22 AM
To: Leeman, Gabrielle (ODAG) (b) (6) >; Bacon, Antoinette T. (ODAG) (b) (6) >; Baughman, Matthew (ODAG) (b) (6) >; Catizone, Christopher (ODAG) (b) (6) >; Cook, Steven H. (ODAG) (b) (6) >; Daly, Mary (ODAG) (b) (6) >; Ellis, Corey F. (ODAG) (b) (6) >; Frank, Michael (ODAG) (b) (6) >; Gauhar, Tashina (ODAG) (b) (6) >; Geise, John (ODAG) (b) (6) >; Goldsmith, Andrew (ODAG) (b) (6) >; Groves, Brendan M. (ODAG) (b) (6) >; Hovakimian, Patrick (ODAG) (b) (6) >; Hunt, Ted (ODAG) (b) (6) >; Lan, Iris (ODAG) (b) (6) >; Loveland, Daniel (ODAG) (b) (6) >; Michalic, Mark (ODAG) (b) (6) >; Murray, Michael (ODAG) (b) (6) >; Perkins, Paul (ODAG) (b) (6) >; Raman, Sujit (ODAG) (b) (6) >; Sheehan, Matthew (ODAG) (b) (6) >; Thiemann, Robyn (ODAG) (b) (6) >; Weinsheimer, Bradley (ODAG) (b) (6) >; Wetmore, David H. (ODAG) (b) (6) >; Wu, Connie V. (ODAG) (b) (6) >; Harris, Stacie (USAFLM) 2 (b) (6) >
Cc: Simms, Donna Y. (ODAG) (b) (6) >; Brown, Angela M. (ODAG) (b) (6) >
Subject: Weekly Report Reminder

Good Morning!

Please send your weekly report submissions to me, Donna, and Angie by noon today.

Thank you,

Ellen

For ODAG Internal Use Only



WEEKLY REPORT
FOR
THE DEPUTY ATTORNEY GENERAL

WEEK OF
10 September 2018

	(b) (6)	(b) (6)	(b) (6)
	Date	OAG/ODAG action required?	Recommend notifying PAO?
On September 20, 2018, defendants-appellees will file their opposition brief in <i>United States v. AT&T Inc., DirecTV Group Holdings, LLC, and Time Warner Inc.</i> (D.C. Cir.). The case is on appeal from a final judgment denying the United States' request to enjoin AT&T's \$85 billion proposed acquisition of Time Warner. The Government's reply brief will be due October 11.	9/20/18	FYSA	Already aware

ATF Alcohol, Tobacco, Firearms, and Explosives	ODAG POC: Robyn Thiema (b) (6) Component POC: Chief of Staff Joseph Alle (b) (6)	Date	OAG/ODAG action required?	Recommend notifying PAO?
<p>On September 6, 2018, ATF Cincinnati responded to assist the Cincinnati Police Department (CPD) in the investigation of a multiple shooting incident in the lobby/plaza area of the Fifth Third Bank headquarters building in downtown Cincinnati. The suspect, (b)(6) per EOUSA, randomly shot and killed three individuals in the lobby, and wounded two others. Responding CPD officers, who were in the plaza area when the shooting began, quickly engage (b)(6) per EOUSA killing him. ATF assisted CPD with recovery of the firearm used in the shooting and completed an urgent trace on the firearm within hours. ATF determined that (b)(6) per EOUSA purchased the handgun from an FFL on August 2, 2018. The FFL originally received a "delay" response on the NICS background check for the purchase (initiated on July 31, 2018), but received a "proceed" on August 2, 2018. At the time of the shooting, (b)(6) per EOUSA also possessed several hundred rounds of ammunition, and ATF is investigating his acquisition of the ammunition with CPD. ATF also assisted CPD and FBI with a search of (b)(6) per EOUSA residence. Investigation to date indicates the shooting was random (i.e., not targeted at specific individuals), but may have been spurred by the recent dismissal of a federal civil lawsuit (b)(6) per EOUSA had filed. (The federal courthouse is adjacent to the plaza where the shooting occurred.)</p>		09/06/18		

<p>On August 28, 2018, as the result of a joint ATF-Dallas Police Department investigation of the “Familia Homeboys” street gang, three federal arrest warrants were issued charging members of the gang with multiple firearm and armed drug trafficking offenses. Much of the evidence in the investigation resulted from NIBIN leads linking approximately 30 drive-by shootings in South Dallas. Following up on these leads, the ATF CGIC and the DPD Gang Unit conducted dozens of interviews and extensive surveillance, analyzed social media and cell phone records, and executed multiple search warrants. NIBIN analysis confirmed that two firearms seized during execution of the search warrants were used in many of the drive-by shootings. The USAO ND Texas is prosecuting the federal offenses.</p>	08/28/18		
<p>On August 29, 2018, ATF and the Arizona Department of Public Safety arrested (b)(6) per EOUSA for the possession and manufacture of approximately 42 pipe bombs (b)(6) per EOUSA is currently detained on Arizona state charges for possession of the bombs, pending review of a federal prosecution referral to the USAO, District of Arizona.</p>	08/29/18		
<p>On August 30, 2018, ATF, with the assistance of several local police departments, executed federal arrest warrants in Springfield, MA, Camden, NJ, Ft. Lauderdale, FL, Allentown, PA, and San Juan, PR, as part of “Operation G-City,” an investigation of a violent drug trafficking organization (DTO) operating in and around San Juan. Evidence developed in the investigation linked the organization to numerous violent firearm crimes, including a multiple-victim shooting at the Rosaleda Public Housing Project, and several murders. The Puerto Rico USAO obtained indictment charging 20 members and associates of the DTO with firearm and drug trafficking offenses. The operation resulted in the arrest of 18 of the 20 charged defendants. Several firearms, including a fully automatic Glock pistol were seized during the arrests.</p>	08/30/18		
<p>On September 6, 2018, ATF Deputy Director Brandon met with the House Oversight and Government Reform Committee (HOCR) Chairman Trey Gowdy. The meeting, which was also attended by OLA, focused on an ongoing HOCR inquiry of ATF tobacco churning operations conducted from 2006 to 2012. Chairman Gowdy has requested that his staff be provided direct access to line ATF agents and attorneys for transcribed interviews, notwithstanding Department policy disfavoring this practice. OLA leadership is working with ATF on a response to the Chairman’s request.</p>	09/06/18		

BOP Bureau of Prisons	ODAG POC: Connie W (b) (6) Component POC: Deputy Director Judi Garrett (b) (6)
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<p>BOP Population: As of Sept 6, 2018, the inmate population was 182,335. The BOP is housing 275 ICE detainees at 5 facilities. Without these temporary detainees, the BOP population actually decreased by 346 for a total decrease of 3,557 in FY 2018.</p> <p>Temporary ICE Detainee Population by Facility on 8/30/2018</p> <table border="1"> <thead> <tr> <th>Facility</th> <th>Population</th> </tr> </thead> <tbody> <tr> <td>LA TUNA FCI (TX)</td> <td>141</td> </tr> <tr> <td>PHOENIX FCI (AZ)</td> <td>0</td> </tr> <tr> <td>SEATAC FDC (WA)</td> <td>9 (M)/ 20 (F)</td> </tr> <tr> <td>SHERIDAN FCI (OR)</td> <td>55</td> </tr> <tr> <td>VICTORVILLE MED II FCI (CA)</td> <td>50</td> </tr> <tr> <td>Total</td> <td>275</td> </tr> </tbody> </table>	Facility	Population	LA TUNA FCI (TX)	141	PHOENIX FCI (AZ)	0	SEATAC FDC (WA)	9 (M)/ 20 (F)	SHERIDAN FCI (OR)	55	VICTORVILLE MED II FCI (CA)	50	Total	275	Date	OAG/ODAG action required?	Recommend notifying PAO?
	Facility	Population															
LA TUNA FCI (TX)	141																
PHOENIX FCI (AZ)	0																
SEATAC FDC (WA)	9 (M)/ 20 (F)																
SHERIDAN FCI (OR)	55																
VICTORVILLE MED II FCI (CA)	50																
Total	275																
	08/30/18																

Child Sexual Exploitation and Human Trafficking	ODAG POC: Michael Fra (b) (6)
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<p><i>United States v. Edward Thomas Parsons and Bradley Robert Segert (E.D. Va.).</i> On September 13, 2018, it is anticipated that defendants Edward Thomas Parsons and Bradley Robert Segert will be indicted for conspiring to distribute child pornography using Kik. The</p>	Date	OAG/ODAG action required?	Recommend notifying PAO?
	09/13/18	Not at this time	N/A

<p>FBI identified both men via a (b)(7)(E) per FBI [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. This case is being prosecuted by CEOS Trial Attorney James E. Burke IV.</p>			
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<p>CIV Civil Division</p>	<p>ODAG POC: Michael Murra (b) (6) Component POC: Chief of Staff Alex Haas (b) (6)</p>		
<p>Census. The court ordered the deposition of (A)AAG John Gore; CIV filed a mandamus petition this week. The next issue to arise is likely to be the potential deposition of Secretary Ross.</p> <p>Affordable Care Act. Judge O'Connor (SDTX) held a hearing on Texas's suit to strike down the individual mandate and the Affordable Care Act. CIV anticipates an adverse ruling.</p>	<p><i>Date</i></p> <p>No date specified</p> <p>No date specified</p>	<p><i>OAG/ODAG action required?</i></p> <p>No</p> <p>No</p>	<p><i>Recommend notifying PAO?</i></p> <p>Already aware.</p> <p>Already aware.</p>

<p>COPS Community Oriented Policing Services</p>	<p>ODAG POC: Connie W (b) (6) Component POC: Acting Director Russ Washington (b) (6)</p>		
<p>COPS Office staff will attend a meeting hosted by the FBI on Intelligence and Information Sharing taking place in Washington, DC on September 11, 2018. The goal of the meeting is for attendees to identify gaps, areas for improvement, and successes of state, local, and federal members of the domestic intelligence enterprise to continue improving intelligence and information sharing efforts nationwide.</p>	<p><i>Date</i></p> <p>09/11/18-09/13/18</p>	<p><i>OAG/ODAG action required?</i></p>	<p><i>Recommend notifying PAO?</i></p>

COPS Office staff will travel to the Mashantucket Pequot Tribal Nation in Connecticut from September 11-13, 2018 for the expansion and deployment of the Tribal Access Program (TAP), which will provide the tribe access to national crime information databases and technical support. To date, 47 tribes have received access to national crime information systems through TAP.

COPS Office Director Phil Keith and COPS Office staff will attend the National Narcotic Officers' Associations' Coalition (NNOAC) 2018 Drug Enforcement Forum taking place in Washington, DC on September 12, 2018.

COPS Office staff will attend a session of the National Organization of Black Law Enforcement Executives (NOBLE) "Law and Your Community" training at Gallaudet University in Washington, DC on September 12, 2018.

On September 13, 2018, the COPS Office will host a webinar on the National Blue Alert Network for tribal leaders and advocates wishing to learn more about establishing Blue Alert plans.

COPS Office publication:

Below Ten: Combating Drugs, Guns, and Human Trafficking at the U.S. Southwest Border. The Below Ten project was designed to apply community policing principles to the unique crime challenges faced by communities on the southwestern border of the United States. It focuses on three cities located on or below Interstate 10 – Nogales, Arizona; Pharr, Texas; and San Diego, California – and their efforts to respond to a wide range of problems related to guns, drugs, and human trafficking. This publication describes the outcomes of stakeholder-led summits, which brought community members together with local, state, federal and tribal law enforcement, public health providers, social services, and other groups to identify problems, challenges, and solutions. It also provides detailed information on the approach adopted by each community and the activities that have been sustained since the project ended. <https://ric-zai-inc.com/ric.php?page=detail&id=COPS-P369>

To be released
09/12/18

CRM
Criminal Division

ODAG POC: Corey Elli (b) (6)
Component POC: PDAAG John Cronan (b) (6)

	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>United States v. Edward Thomas Parsons and Bradley Robert Segert (E.D. Va.). On Sept. 13, it is anticipated that defendants Parsons and Segert will be indicted for conspiring to distribute child pornography using Kik. The FBI identified both men via (b)(7)(E) per FBI [REDACTED]. This case is being handled by the Child Exploitation and Obscenity Section (CEOS) and the U.S. Attorney's Office (USAO) for the Eastern District of Virginia</p>	09/13/18		
<p>U.S. v. Montana Barronette, et al. (D. Md.). On Sept. 11, defendant Brandon Bazemore is scheduled to plead guilty to RICO Conspiracy and narcotics conspiracy. This case charges the purportedly most violent heroin distribution gang in Baltimore with RICO and narcotics offenses, which include several drug-related homicides. The case is being handled by the Organized Crime and Gang Section (OCGS) and the USAO for the District of Maryland.</p>	09/11/18		
<p>United States v. Hussein Saad, M.D. and Manish Bolina, M.D. (E.D. Mich.) (OPIOID). On September 13, Hussein Saad and Manish Bolina, both physicians, are each expected to plead guilty to informations charging them with one count of false statements. The charges stem from a \$300 million investigation into the Tri-County Network, which involves numerous medical clinics, laboratories, and home health providers in Michigan and Ohio. Saad and Bolina made false statements and material omissions in claims that they submitted to Medicare, including by requiring Medicare beneficiaries to submit to unnecessary and sometimes painful injections if they wished to obtain opioids and making medically unnecessary referrals to diagnostic providers, laboratories, and home health agencies. The defendants will be the thirteenth and fourteenth defendants and seventh and eighth physicians to plead guilty in connection with the Tri-County investigation. Both are expected to cooperate against Mashiyat Rashid and four other charged physicians. The case is being handled by the Fraud Section.</p>	09/13/18		
<p>Criminal Division's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) Organizes Inaugural Colombia-Mexico-U.S. Workshop on Transnational Organized Crime (TOC). On Aug. 28-30, in Mexico City, Mexico, OPDAT</p>	08/28/18-08/30/18		

organized the first ever Colombia-Mexico-U.S. technical assistance workshop on TOC. Prosecutors from the U.S. Department of Justice, the Mexican Attorney General's Office, and the Colombian Attorney General's Office discussed their respective legal frameworks, investigative tools, and litigation tactics in combatting TOC, including illicit financial activities. Subject matter experts presented overviews of regional trends and challenges along with successful examples of bilateral and trilateral cooperation on money laundering/illicit finance cases. Participants from each country also discussed best practices and exchanged strategies to more effectively investigate and prosecute TOC. U.S. Attorney for the Middle District of Florida Maria Chapa brought a delegation of eight Assistant United States Attorneys from border districts, all of whom specialize in TOC prosecutions. The Mexican and Colombian delegations consisted of 15 prosecutors from their respective organized crime and money laundering units. OPDAT organized the event, and provided expertise. This event was convened to fulfill the Joint Declaration by the Attorneys General of the U.S., Colombia, and Mexico at the December 2017 Trilateral Summit against Transnational Organized Crime. A second technical workshop aimed at building capacity in combating money laundering is being planned for Bogotá, Colombia.

OPDAT Assistance Helps El Salvador Arrest 627 Leaders and Members of MS-13. On Aug. 28, Salvadoran prosecutors filed criminal charges and issued arrest warrants against 627 leaders and members of MS-13 as part of Operation Pacific Harpoon, which involved the investigation of nine different MS-13 cells, operating primarily in El Salvador's coastal regions. Charges included 70 homicides, 51 extortions, 27 kidnappings, and approximately 100 conspiracies to commit homicide. Prosecutors also ordered the seizure of properties utilized by MS-13 for illicit purposes and/or obtained with criminal proceeds. These investigations and prosecutions are being handled by eight different prosecution units, all of which have received significant mentoring and skills training from OPDAT Resident Legal Advisors, particularly on targeting gang structures, police/prosecutor coordination, and using sophisticated investigative techniques in organized crime cases. They utilized these best practices and, of particular note, obtained information that has provided leads for U.S.-based investigations.

08/18/18

	ODAG POC: Matthew Sheeha (b) (6) Component POC: Acting AAG John Gore (b) (6)
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	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p><u>Appellate</u> <i>United States v. Hill</i> (4th Cir. & E.D. Va.): By September 14, 2018, the Division expects to file a protective notice of appeal of the district court’s judgment of acquittal. A jury convicted defendant of violating the Shepard-Byrd Hate Crimes Prevention Act by attacking a co-worker in an Amazon shipping center because of his sexual orientation. The district granted defendant’s motion for judgment of acquittal, concluding that the hate crimes statute, as applied, exceeded Congress’ authority under the Commerce Clause</p>	By 9/14	No	No
<p><u>Housing</u> <i>United States v. Town of Irmo</i> (D.S.C.): By September 12, 2018, the Division expects to file a complaint alleging that the town engaged in disability discrimination in violation of the Fair Housing Act by refusing to grant a reasonable accommodation to allow a person with a disability to build a carport to prevent rain, snow, and ice from accumulating on the ramp that she uses to enter her house.</p>	By 9/12	No	No
<p><i>United States v. Twin Creek Apartments</i> (D. Neb.): As early as the week of September 10, 2018, the Division may announce a settlement with defendants to remedy violations of the Servicemembers Civil Relief Act (SCRA). The United States alleges that defendants unlawfully charged lease termination penalties to more than 60 servicemembers who exercised their SCRA rights to terminate their residential leases early.</p>	Early as 9/10	No	No
<p><u>Immigration</u> <i>United States v. Palmetto Beach Hospitality</i> (OCAHO): Within the next week, the Division expects to enter into a settlement with Palmetto Beach Hospitality, LLC, to resolve claims that it discriminated against U.S. workers because of their citizenship. The Division’s investigation found that the company engaged in a pattern or practice of discriminatory recruitment and hiring based on citizenship status by preferring to hire H-2B visa workers instead of qualified and available U.S. workers. Under the terms of the anticipated settlement, Palmetto will engage in enhanced U.S. worker recruitment efforts that go well beyond the minimum requirements of the H-2B visa program. Palmetto will also set aside \$35,000 to compensate any U.S. workers who lost wages because the company improperly</p>	Early as 9/10	No	No

rejected them or ignored their applications, pay \$42,000 in civil penalties to the United States, and be subject to Departmental monitoring.			
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DEA Drug Enforcement Administration	ODAG POC: Mary Dal (b) (6) Component POC: Chief of Staff Greg Cherundolo (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<i>Seizure of Seven Kilograms of Suspected Fentanyl, Four Kilograms of Heroin, 5,000 Oxycodone Tablets, and \$25,000 in U.S. Currency in Massachusetts.</i> On August 29, 2018, DEA New England Field Division Cross Border Initiative Group agents, along with the DEA Airwing, Massachusetts State Police, and the Andover, North Andover, and Tewksbury (Massachusetts) Police Departments, established surveillance of a tractor trailer in a parking lot in North Andover, Massachusetts. Surveillance units converged on the tractor trailer and arrested the driver and seized four kilograms of suspected heroin, five kilograms of suspected fentanyl, and approximately 5,000 oxycodone tablets from a duffel bag. Agents and officers searched the tractor trailer and seized an additional two kilograms of suspected fentanyl and approximately \$25,000 in U.S. currency. The driver was charged in the District of Massachusetts for conspiracy to possess with intent to distribute and distribution of fentanyl and heroin. The narcotics were transported by a Mexican-based DTO that imports large shipments of heroin and fentanyl into the U.S. on behalf of the Sinaloa Cartel. The SOD supported this investigation along with the aforementioned agencies.	08/29/18	FYSA	No
<i>Indictment of Bulgarian Chemist and Sinaloa Cartel Member under SOD Operation Pills & Thrills.</i> On August 28, 2018, Bulgarian chemist Anton Petrov Kulkin, who is responsible for the production of carfentanil-laced oxycodone dosage units that are being sold by trafficking organizations in California, New Jersey, New York, the Carolinas, and Massachusetts, was indicted by a Grand Jury in the District of Massachusetts. Kulkin currently directs a clandestine fentanyl and carfentanil laboratory in Tijuana, Mexico. Also indicted was his Sinaloa Cartel controller Carlos Acero Padilla.	08/28/18	FYSA	No
<i>Speeches/Travel/Meetings</i>			
September 5. House Oversight and Government Reform (HOCR) majority and minority staff requested a briefing regarding the implementation of OIG's Confidential Source recommendations highlighted in its 2016 report. Specifically, the staff wanted to understand	09/05/18	FYSA	No

<p>what policy updates have been implemented in DEA’s Haiti office given past reports of misconduct with vetted units. DEA was represented by Chief Compliance Officer Mary Schaefer and CP Chief James Schrant and CPC Section Chief Sean Mitchell.</p> <p>September 5. Acting Administrator Dhillon spoke with Senator Orrin Hatch (R-UT) in order to provide an update on the status of (b)(5) per DEA and address any questions that the Senator may have.</p> <p>September 6. The House Foreign Affairs Committee has invited DEA to provide a witness for a hearing on what the United States is doing to combat the flow of fentanyl and related analogues from China and Mexico. Hearing witnesses will be State/INL and DEA. DEA’s witness will be Paul Knierim, Deputy Chief of Operations.</p> <p>September 1. China announced the scheduling of 32 designer synthetic drugs, including cathinones, cannabinoids and fentanyl-class substances that have been identified in the United States and globally as dangerous and potentially deadly. This announcement is yet another success resulting from DEA’s ongoing collaboration with the Government of China and continues to reaffirm our shared commitment to countering the manufacture and sale of these harmful and emerging new psychoactive substances.</p> <p>September 10. Deputy Assistant Administrator Doherty and DC staff will meet with the Principal Deputy Director for the Centers for Disease Control and Prevention and other HHS components to begin the planning for a “cross department” initiative to develop and deploy Opioid Rapid Response Teams following a surge in opioid overdose deaths or a pain clinic closure that overwhelms local resources.</p>	09/05/18	FYSA	No
	09/06/18	FYSA	No
	09/01/18	FYSA	No
	09/10/18	FYSA	No

ENRD Environmental & Natural Resources Division	ODAG POC: Andrew Goldsmit (b) (6) Component POC: Counsel Brandon Middleto (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<i>Trial in Colorado Springs Clean Water Act Case, September 5.</i> A two-week trial in <i>United States & State of Colorado, et al. v. City of Colorado Springs</i> (D. Colorado) began on September 5. The United States and the State of Colorado filed suit against the City of Colorado Springs for significant violations of its Clean Water Act permit, all related to inadequate control and unlawful discharges of stormwater that are harming downstream	09/05/18	No	No

communities. Acting AAG Wood and Deputy AAG Bruce Gelber have been in recent discussions with the State of Colorado and the City of Colorado Springs about possible avenues for resolving the litigation. Those discussions are continuing.

Favorable Decisions in Mountain Valley Pipeline Cases, August 29. ENRD continues to actively defend the Administration’s decisions approving new pipelines across the United States. On August 29, the Fourth Circuit issued brief orders in two related cases regarding construction of the Mountain Valley Pipeline, terminating injunctive relief that it previously granted (in West Virginia) and denying injunctive relief (in Virginia). On the same day, FERC terminated a stop-work order issued earlier in August. Although litigation continues in these cases, these developments clear several obstacles to construction of the pipeline in 2018. Currently, Mountain Valley Pipeline is authorized to continue construction on the entire pipeline route except for small portions of U.S. Forest Service and National Park System lands. It has stated that it will work to begin service by the end of 2018. According to a statement issued last week by the pipeline owner, the company “is now able to return approximately 1,000 workers who have been suspended from their duties on the project” due to the previous court injunctions.

Completion of Remand Process in Dakota Access Pipeline Case. In *Standing Rock Sioux Tribe v. Army Corps* (D.D.C.), the plaintiffs sought to enjoin the operation of the Dakota Access Pipeline under numerous environmental statutes. The court rejected the plaintiffs’ request to stop construction and operation of this new pipeline, although it previously granted in part and denied in part cross motions for partial summary judgment and remanded to the Corps (without vacatur) its permit approvals for further analysis under the National Environmental Policy Act (NEPA). On August 31, we informed the court that the Corps’ remand analysis is now complete. The Corps has determined that, based on its additional analysis, it still does not find a need to alter its approval of the pipeline permits.

08/29/18	No	No
08/31/18	No	No

ODAG POC: Iris La (b) (6)		Component POC: Acting Director James Crowell (b) (6)	
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

<p>NAC Training First Assistant United States Attorneys' Conference</p>	09/11/18-09/13/18	No.	No.
<p>NAC Training Administrative Officers' Conference</p>	09/11/18-09/13/18	No.	No.
<p>NAC Training Basic Civil Trial Advocacy Seminar</p>	09/11/18-09/20/18	No.	No.
<p>Distance Training Real Life Criminal Minds: Working FBI's Behavioral Analysis Unit to Assist Your Child Exploitation Investigation</p>	09/06/18	No.	No.
<p>Distance Training eLitigation Workflow Training</p>	09/05/18	No.	No.
<p><i>Pembroke Medical Doctor Sentenced to 20 Years for Unlawfully Distributing Oxycodone (EDNC).</i> Donovan Dave Dixon, a licensed physician with a medical practice in Pembroke, N.C., was sentenced to 240 months in prison for unlawfully distributing oxycodone. According to court records, Dixon operated a family medical clinic from 2012 until April 6, 2015, when his ability to prescribe controlled substances was restricted by the North Carolina Medical Board. The Drug Enforcement Administration's Tactical Diversion Squad, based in Charlotte, began investigating Dixon when they discovered that pharmacists in Lumberton, N.C. were some of the highest prescribers of opioids in the state. At trial, the evidence showed that Dixon prescribed high strength, high dosage amounts of oxycodone with little or no medical examination. Multiple witnesses testified that they had never even met Dixon despite the fact that hundreds of prescriptions were written in their name. <i>USA Robert J. Higdon Jr.</i> (b) (6)</p>	08/27/18	No.	Already notified.
<p><i>Members of Eastern European Organized Crime Syndicate Convicted of Racketeering and Other Violent Crimes (EDNY).</i> Leonid "Lenny" Gershman and Aleksey Tsvetkov were found guilty on charges of racketeering, which include predicate acts of illegal gambling, loansharking, extortion, arson, and marijuana distribution. According to court records, between 2011 and May 2017, Gershman and Tsvetkov, together with co-conspirators from states of the former Soviet Union, operated as a racketeering enterprise, committing a host of crimes to enrich themselves. Members of the criminal syndicate were linked to high-level members of Russian organized crime known as "Thieves in Law." The "Thieves" authorized</p>	08/28/18	No.	Already notified.

syndicate members to use violence to protect their criminal activities. Beginning in 2016, the defendants partnered in an illegal high-stakes poker game on Coney Island Avenue. The Coney Island poker spot, where the bets wagered on a given night could exceed \$800,000, generated substantial illicit profits for the defendants' criminal syndicate. Additionally, the defendants' criminal syndicate preyed upon numerous extortion victims in the Eastern District of New York and elsewhere. *USA Richard Donoghue* (b) (6)

Alachua County Man Sentenced to 327 Months in Prison for Sex Trafficking by Force, Fraud, and Coercion (NDFL). Arthur Larange Lee Jr. was sentenced to 327 months in prison for sex trafficking of an adult, and 60 months each for two counts of use of interstate commerce to commit prostitution. According to the indictment, Lee abducted a young woman from the parking lot of a Gainesville church where she was attending a Narcotics Anonymous meeting. After taking the victim's phone, he ordered her to drive to a nearby hotel where he took photographs of her for use in a Backpage.com advertisement. At the hotel, Lee raped the victim, burned her, and committed other acts of violence against her. Over the course of two days, Lee forced and coerced the victim to engage in sexual acts with numerous "johns." While at one hotel, the victim texted a "john" who agreed to help her escape by picking her up outside the hotel. The victim then fled with Lee's phone and called law enforcement officers. The responding officers were able to locate and arrest Lee, who was still inside the hotel. *USA Chris Canova* (b) (6)

U.S. Soldier Pleads Guilty to Attempting to Provide Material Support to ISIS (HI). Ikaika Erik Kang, a Sergeant First Class in the U.S. Army stationed at Schofield Barracks, pled guilty to four counts of attempting to provide material support to the Islamic State of Iraq and al-Sham (ISIS), a designated foreign terrorist organization. According to court documents, as early as 2016, Kang became sympathetic to ISIS and regularly watched propaganda videos online. He began making statements of support that advocated committing acts of violence (b)(7)(C)

(b)(3) [50 U.S.C. §3024(i)(1)], (b)(7)(E) per FBI

Law enforcement also recorded Kang swearing an oath of loyalty to ISIS and its leader Abu Bakr al-Baghdadi, kissing the ISIS flag, and expressing a desire to shoot individuals in

08/28/18

No.

Already notified.

08/29/18

No.

Already notified.

downtown Honolulu. Following this declaration, Kang was arrested and taken into custody. USA Kenji Pric (b) (6)			
MS-13 Leader Sentenced to 212 Months in Prison for Racketeering Conspiracy (MA). Jose Vasquez was sentenced to 212 months in prison and three years of supervised release for racketeering conspiracy. According to court records, Vasquez was a member and local leader of the Trece Locos Salvatrucha, or TLS, clique of MS-13. In addition to being a leader of an MS-13 clique, Vasquez personally participated in racketeering activity and acts of violence on behalf of MS-13. Among other things, on September 8, 2014, Vasquez and another MS-13 member, Angel Pineda, were involved in an attempted murder of a 16-year-old suspected gang rival. In a separate incident, Vasquez assisted other MS-13 members in burying evidence relating to a murder of another 16-year-old boy in East Boston in January 2016. A few days after the boy's death, Vasquez, who did not participate in the murder, helped a gang affiliate bury the knives used in the killing, as well as the bloody clothes worn by those who committed the murder. Vasquez pled guilty in May 2018. USA Andrew Lellin (b) (6)	08/30/18	No.	Already notified.

OCDETF Organized Crime Drug Enforcement Task Forces	ODAG POC: Mary Dal (b) (6) Component POC: Acting Director Thomas Padde (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
OCDETF Support for Operation SOS. OCDETF National Opioid Coordinator MJ Menendez (CO), Executive Officer Peter Maxey, and Budget Officer Simshindo Msola met with Dr. Scott Oulton, Director of DEA Laboratories, and staff at DEA's Maryland Lab to discuss (b)(5) per DEA (b)(5) per DEA; (b)(7)(E) per OCDETF	09/05/18	No	No
(b)(5), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per OCDETF; (b)(6), (b)(7)(C), (b)(7)(F) per DEA in part; (b)(5), (b)(7)(E) per FBI in part	09/05/18	No	No

(b)(7)(E) per OCDETF; (b)(5), (b)(7)(E) per FBI in part [Redacted]			
Transnational Organized Crime Sub-PCC. (b)(6), (b)(7)(C), (b)(7)(E) per OCDETF; (b)(6), (b)(7)(C), (b)(7)(F) per DEA in part [Redacted]	09/04/18	No	No
GAO Review. (b)(6), (b)(7)(C), (b)(7)(E) per OCDETF [Redacted]	09/05/18	No	No
(b)(6), (b)(7)(C), (b)(7)(E) per OCDETF; (b)(7)(E) per DEA in part [Redacted]	09/18	No	No

(b)(6), (b)(7)(C), (b)(7)(E) per OCDEF			
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ODAG POC: David Wetmor (b) (6); Robyn Thiema (b) (6)			
Component POC: Acting AAG Alan Hanso (b) (6)			
Meetings. On September 11, 2018, in Washington, DC, PDAAG Rogers and BJA Deputy Director Tracey Trautman (and other BJA staff) will participate in the Intelligence and Information Sharing Meeting at FBI Headquarters. This meeting will (b)(5) per OJP [Redacted] [Redacted] [Redacted]	<i>Date</i>	<i>OAG/ODAG action required?</i>	
	9/11/18	No	<i>Recommend notifying PAO?</i> No

OLA Office of Legislative Affairs		ODAG POC: Paul Perki (b) (6)	
		Component POC: DAAG Jill Tyso (b) (6)	
<ol style="list-style-type: none"> The Senate is in session this week. The House returns Tuesday, September 4, 2018. <i>Briefing.</i> The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will brief staff from Senate CJS on 3D printed firearms. Joe Allen, Chief of Staff, and Earl Griffith, Chief of Firearms and Ammunition Technology Division, will brief the Committee. Robyn Thiemann, Office of the Deputy Attorney General, will also participate in the briefing. <i>Briefing.</i> Officials from the Bureau of Prisons (BOP) and the Federal Bureau of Investigation (FBI) will brief majority and minority staff of the House Homeland 	<i>Date</i>	<i>OAG/ODAG action required?</i>	
	N/A	Situational awareness.	<i>Recommend notifying PAO?</i> N/A
	9/10 Morn.		
	9/10 Afternoon.		

Security Committee, Subcommittee on Counterterrorism and Intelligence regarding efforts to manage inmates linked to radicalization.

- | | | | |
|---|--------------------|--|--|
| 4. <i>Briefing.</i> FBI Section Chief Amy Weber and FBI Supervisory Intelligence Analyst (b)(3) [50 U.S.C. §3024(i)(1)], (b)(6), (b)(7)(C), (b)(7)(E) per FBI will brief Senate Select Committee on Intelligence staff regarding (b)(3) [50 U.S.C. §3024(i)(1)], (b)(6), (b)(7)(C), (b)(7)(E) per FBI. | 9/10
Afternoon. | | |
| 5. <i>Briefing.</i> the Drug Enforcement Administration (DEA) will brief Senator Boozman's staff regarding the opioid threat, its impact in Arkansas, and efforts to combat it. Assistant Special Agent in Charge (b)(6), (b)(7)(C), (b)(7)(E) per DEA of the Little Rock District Office will represent DEA. | 9/10
Afternoon. | | |
| 6. <i>Briefing.</i> Staff of the House Oversight and Government Reform Committee staff will visit the Federal Correctional Institution in Greenville, Illinois to observe the prison's programming and operations. | 9/11
Afternoon. | | |
| 7. <i>Briefing.</i> FBI Deputy Assistant Director (DAD) Joseph Bonavolonta and FBI Acting Section Chief (b)(3) [50 U.S.C. §3024(i)(1)], (b)(6), (b)(7)(C), (b)(7)(E) per FBI will brief the Senate Select Committee on Intelligence regarding (b)(3) [50 U.S.C. §3024(i)(1)], (b)(6), (b)(7)(C), (b)(7)(E) per FBI. | 9/12
Morn. | | |
| 8. <i>Briefing.</i> Wayne Salzgaber, Director, and Kevin Smith, General Counsel, of the US National Central Bureau will provide a briefing to majority and minority staff of the Senate Appropriations CJS Subcommittee, and representatives of majority and minority staff to Senate Judiciary Committee, regarding the INTERPOL process and the potential for abuse of the process by other countries for political purposes. The same briefing will be given to minority offices at 11:00 a.m. the same day. | 9/12
Morn. | | |
| 9. <i>Briefing.</i> BOP officials will brief staff of the House Committee on Oversight & Government Reform Committee, National Security Subcommittee, on BOP's employee disciplinary process. | 9/12
Afternoon. | | |
| 10. <i>Briefing.</i> FBI DAD Joseph Bonavolonta will participate in a briefing for House Oversight and Government Reform Members regarding election security. | | | |

<p>Department of Homeland Security Undersecretary Chris Krebs, Cyber Director Chris Wright, Office of the Director of National Intelligence Manager for Russia, Europe and Eurasia Shelby Pierson, National Intelligence Officer for Russia and Eurasia Chris Bort will also participate. The same briefing will be provided to all Senate staff on Friday, September 14, at 3:00 p.m.</p>	<p>9/13 Morn.</p>		
<p>11. <i>Briefing.</i> FBI officials will provide a counterterrorism update to members of the Senate Select Committee on Intelligence.</p>			
<p>12. <i>Senate Floor.</i> Jeffrey Clark (nominee to be Assistant Attorney General, Environment and Natural Resources Division); Brian Benczkowski (nominee to be Assistant Attorney General, Criminal Division); Eric Dreiband (nominee to be Assistant Attorney General, Civil Rights Division); and Jody Hunt (nominee to be Assistant Attorney General, Civil Division)</p>	<p>9/13 Afternoon. Ongoing.</p>		

<p>OLP Office of Legal Policy</p>	<p>ODAG POC: Michael Murra (b) (6), Matthew Sheeha (b) (6) Component POC: COS Katie Crytzer (b) (6)</p>		
<p>(b)(5) per DEA</p> <p>Nationwide Injunctions. OLP submitted an AG memorandum through ExecSec, which is now under review in OAG.</p> <p>Nominations. This week, OLP continued to assist in the confirmation of Brett Kavanaugh to the Supreme Court. The confirmation will take place next week. This week, the Senate voted to confirm seven judicial nominees: Terry F. Moorer (S.D. Ala.); R. Stan Baker (S.D.</p>	<p><i>Date</i></p> <p>No date specified</p> <p>No date specified</p> <p>No date specified</p>	<p><i>OAG/ODAG action required?</i></p> <p>Not at this time</p> <p>Yes</p> <p>No</p>	<p><i>Recommend notifying PAO?</i></p> <p>N/A</p> <p>Not yet</p> <p>Already aware</p>

Ga.); Charles Goodwin (W.D. Okla.); Barry W. Ashe (E.D. La.); James R. Sweeney II (S.D. Ind.); Susan Baxter (W.D. Pa.), and Nancy Bessel (D. Minn.).			
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ODAG POC: Sujit Rama (b) (6)			
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
On September 11, a brief as amicus curiae in support of petitioner in Herrera v. Wyoming would be due. The questions presented are whether the Crow Tribe of Indians' right under an 1868 treaty to hunt on "unoccupied lands of the United States" survived Wyoming's admission to the Union, and whether the establishment of a National Forest rendered the lands "occupied" within the meaning of the treaty. The Department filed a brief at the certiorari stage at the Court's invitation, taking the position that the Crow Tribe of Indians retained its hunting right because the treaty did not provide for termination of the right upon the admission of a State, Wyoming's Statehood Act did not repeal the right, and the land at issue remains unsettled.	09/11/18	Not at this time	N/A
On September 11, the Department expects to file a brief as respondent in Sturgeon v. Frost. The question presented is whether Section 103(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3103(c), divests the National Park Service of authority to regulate activities on navigable waters within the boundaries of the National Park System in Alaska. The Department is taking the position that the Alaska National Interest Lands Conservation Act does not divest the National Park Service of such authority.	09/11/18	Not at this time	N/A

OTJ/Indian Country Office of Tribal Justice	ODAG POC: Dan Lovela (b) (6) Component POC: Director Tracy Toulou (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Speeches/Travel/Meetings/Requests			

<p>On September 4, OTJ participated in Tribal SAUSA discussions with OVW and USAO representatives from the Districts of Eastern Oklahoma, Minnesota, and South Dakota.</p> <p>On September 5, OTJ participated in Tribal SAUSA discussions with OVW and USAO representatives from the District of Oregon.</p> <p>On September 5, OTJ participated in the human trafficking-focused Ad Hoc Working Group on American Indians and Alaska Natives with several other federal agencies including State and HHS.</p> <p>On September 6, OTJ participated in Tribal SAUSA discussions with OVW and USAO representatives from the District of Arizona.</p> <p>On September 6, OTJ co-hosted with BIA/OJS the Indian Country Federal Law Enforcement Coordination Group meeting at RFK Main.</p> <p>TAP activities.</p> <ul style="list-style-type: none"> • September 11-13, TAP is being deployed to the Mashantucket Pequot Tribe in Connecticut. • September 14, OTJ and OCIO will provide FBI with a TAP demo in the OTJ offices. • OTJ continues to work with BIA to provide TAP access to direct service law enforcement and social service Tribes and is working now to identify deployment sites. • Applications for the FY19 expansion are being accepted and reviewed now. 			
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OVW Office on Violence Against Women	ODAG POC: Michael Fra (b) (6) Component POC: Acting Director Nadine Neufville (b) (6)		
Nothing to report.	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

TAX Tax Division	ODAG POC: Matthew Baughma (b) (6) Component POC: DAAG Travis Greave (b) (6)			
<i>Nothing to report.</i>		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

Unmanned Aircraft Systems UAS	ODAG POC: Brendan Grove (b) (6), Mark Michali (b) (6)			
<p>Counter-UAS Legislation. This week DOJ played a leading role in two significant Congressional engagements. First, Brendan served as the Administration’s principal briefer to Speaker Ryan’s and Majority Leader McCarthy’s national and homeland security advisors. The briefing aimed to secure the Speaker’s support to pass the legislation this year. Second, ODAG led a team from NSD, FBI, and BOP to brief the combined staff of three House committees—Homeland, Judiciary, and Transportation and Infrastructure—on the legislation. The engagement sought to overcome concerns raised by members of the minority about the legislation.</p> <p>Public Messaging:</p> <ol style="list-style-type: none"> Next week, Brendan will discuss the drone threat and efforts to combat it on two panels—including a keynote panel—at the New York UAS Symposium in Syracuse, NY. Next week, you will give the keynote remarks at the closing event of the 2018 Leadership in Counterterrorism (LinCT) Global II Event, the Alumni Dinner and Reception, at The Hamilton Hotel 		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
		09/03/18		
		09/11/18		

USMS U.S. Marshals Service	ODAG POC: Toni Baco (b) (6) Component POC: CO (b) (6), (b) (7)(C), (b) (7)(F) per USMS (b) (6)			
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	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>Notable Fugitive Arrests. USMS “15 Most Wanted (b)(6) per EOUSA” was arrested on September 4, 2018, in Bridgeport, Connecticut. He had been wanted by the New York Police Department since July 2002 for the murder of his sister and his ex-fiancé.</p> <p>Basic Deputy United States Marshal Graduation. Deputy Attorney General Rosenstein delivered the keynote address, administered the oath of office, and presented the 38 new Deputies with their badges and credentials at the graduation ceremony for USMS Basic Deputy United States Marshal Class 803.</p> <p>Eastern District of Pennsylvania (E/PA (b)(6) per EOUSA, all confirmed gang members, were arrested on August 21, 2018, in multiple locations, by members of the New York/New Jersey Regional Fugitive Task Force. They were wanted for their involvement in a shooting that took place on August 7, 2018, in which they fired 25 rounds from their vehicle into another vehicle containing two detectives from the Camden County, New Jersey, Police Department. One detective was struck in the hand, while the other sustained multiple rounds to his arm.</p>			

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Monday, September 10, 2018 1:50 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- 4 more Grassley press statements



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

Opposition to Kavanaugh Is Failing Because It's Meritless

[The Daily Signal](#) | September 7, 2018

By Senator Chuck Grassley

The American people have had a chance this week to hear directly from Supreme Court nominee Brett Kavanaugh in what might be the longest nomination hearing in Supreme Court history.

For more than 32 hours, Kavanaugh has sat before the TV lights of the Senate Judiciary Committee, fielding questions from our 21-member panel.

By any measure, his testimony was outstanding.

In the face of a coordinated effort by opponents to derail the hearing, Kavanaugh was unflappable, showcasing his deep understanding of case law and legal precedent, his judicial independence, and his unwavering fidelity to the Constitution.

His straightforward, patient, and articulate responses to questions outshined a steady stream of outbursts and interruptions that I have not witnessed in the 14 other Supreme Court nomination hearings that I have attended.

Kavanaugh's qualifications for the high court are unquestionable. He has been praised by legal scholars, practicing attorneys, and community leaders from across the political spectrum.

His more than 12 years of service on the U.S. Court of Appeals for the D.C. Circuit, the second-highest court in the land, earned him the highest rating from the American Bar Association.

Democratic leaders previously have called the bar association rating the "[gold standard](#)" for evaluating judicial candidates, and they've acknowledged that nominees' judicial records are the best indication of their judicial philosophy. Despite this, many Democrats announced their opposition to Kavanaugh within hours of his nomination—several weeks before the Senate Judiciary Committee confirmation hearing was even scheduled.

Unable to point to any blemishes in his background or judicial record, they've turned to criticizing the process.

They've complained that they didn't have enough material to evaluate his years of public service, and they've claimed that much of the material they do have couldn't be used to question the nominee.

Some have even publicly released legally restricted documents in defiance of committee norms and Senate rules. But these acts are nothing more than political stunts to distract from Kavanaugh's impeccable credentials and to placate the political left.

The reality is that this committee received more records from Kavanaugh's executive branch service than from the previous five Supreme Court nominees combined.

The committee has taken more time to evaluate this material than it has for previous nominees. I've worked to ensure that [more people have more access](#) to this vast trove of information than ever before.

I've even offered 24/7 access to sensitive records to all senators, including those who aren't on the committee. For several weeks, I pledged to work with my committee colleagues to responsibly release sensitive material they wished to discuss.

While only one Democrat took me up on this offer ahead of the hearing, my staff worked through the night to facilitate 11th-hour requests from multiple Democrats during the hearing—all of which were honored.

But playing by the established rules doesn't square with their talking points or satisfy the radical left.

There's no question that Kavanaugh has a lengthy paper trail, which is why I've been committed from the start to having the most transparent evaluation process in history. This transparency has served to further underscore his exceptional legal skills, thoroughness, independence, and unimpeachable character.

Kavanaugh is, without a doubt, one of the most qualified and prepared candidates I have ever encountered in my 38 years on the Judiciary Committee. He will make an exceptional justice on the Supreme Court.

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For Immediate Release

Friday, September 7, 2018

Iowan Adam White Testifies in Support of Judge Kavanaugh Before Senate Judiciary Committee Hearing

WASHINGTON – Iowan Adam J. White testified today before the Senate Judiciary Committee in support of the nomination of Judge Brett M. Kavanaugh to serve as an Associate Justice on the Supreme Court of the United States.

Senate Judiciary Committee Chairman Chuck Grassley of Iowa, who has led the committee since 2015, selected White to testify before the committee. White grew up in Dubuque and his parents live in Bettendorf. A photo of Grassley and White's parents, Bob and Marsha, can be found [here](#).

White is a Research Fellow at Stanford University's Hoover Institution and Assistant Professor and Executive Director of C. Boyden Gray Center for the Study of the Administrative State at George Mason University's Antonin Scalia Law School.

Video of White's testimony before the committee can be found [here](#). A copy of White's prepared remarks can be found [here](#).

News media interested in speaking with White can arrange interviews by emailing (b) (6).

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CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE

Thursday, September 6, 2018

After Two Days of Questioning, Democrats Still Struggle to Make a Legitimate Case against Kavanaugh

"Chances of Blocking Trump's Nominee Seemed to Fade Away"

"...despite two days of pummeling by partisan Democrats, Kavanaugh showed Wednesday he was not going to be their punching bag"

WASHINGTON – At the end of the Senate Judiciary Committee's second day of questioning, Senate Democrats still haven't been able to achieve a "gotcha" moment on Judge Brett Kavanaugh. Instead, day two was little more than a continuation of political theatrics that failed to outshine a stellar performance by a highly-qualified nominee for the high court.

[Associated Press](#)

"Senate Democrats mounted a last, ferocious attempt Thursday to paint Supreme Court nominee Brett Kavanaugh as a foe of abortion rights and a likely defender of President Donald Trump if he makes it to the high court. But their chances of blocking Trump's nominee seemed to fade away by the end of a second marathon day of testimony in his confirmation hearing."

"Questioning of the 53-year-old appellate judge wound down without him... making any serious mistakes that might jeopardize his confirmation."

"Much of the debate among senators has focused more on the disclosure of documents than on Kavanaugh's record."

[FOX News op-ed](#)

“...Democrats on the Senate Judiciary Committee and protesters who kept interrupting Kavanaugh’s confirmation hearing for a second day Wednesday are engaging in nonstop character assassination of this highly qualified member of the U.S. Circuit Court of Appeals for the District of Columbia.”

“Instead of making serious inquiries to decide how to cast their votes on Kavanaugh’s nomination, Democratic committee members are using the judge’s confirmation hearing to grandstand before a national TV audience.”

“But despite two days of pummeling by partisan Democrats, Kavanaugh showed Wednesday he was not going to be their punching bag. He more than held his own in responding to hostile questions and long-winded attacks from Democratic senators.”

[Wall Street Journal editorial](#)

“Democrats have been acting out at Brett Kavanaugh’s confirmation hearing, but Cory Booker is distinguishing himself in a crowded field.”

“None of this offers new insight about Judge Kavanaugh, but it does tell us something about Senator Booker’s presidential ambitions and the degree to which Democrats are willing to demean the Senate to defeat a nominee. You might even say they’re abusing ‘democratic norms.’”

[New York Times op-ed](#)

“...senators should spend less time grandstanding with questions that simply highlight Judge Kavanaugh’s well-known ideological positions, and a lot more time trying to assess how he would vote in these much trickier cases.”

“Unless the Democrats come up with something disqualifying, he should be confirmed.”

[Boston Herald op-ed](#)

“Clearly liberals have no respect for the rule of law or the U.S. Constitution — the cornerstone of our democracy. If they did, they would’ve let members of Congress speak and ask Kavanaugh important questions impacting future generations — and given him a chance to answer — without obstruction.”

[FOX News](#)

“In yet another bizarre turn of events at Brett Kavanaugh’s Supreme Court confirmation hearing, Republicans have revealed that documents Democratic Sen. Cory Booker published Thursday morning in supposed defiance of Senate rules had already been cleared for release.”

“It came as Kavanaugh entered the final stretch of questioning in his confirmation hearing Thursday with Democrats springing a series of cryptic questions — in an apparent attempt to box the nominee into an embarrassing admission or at least throw him off what has been a relatively steady performance.”

“...lines of questioning from Democrats have been more mysterious, suggesting an effort to lay a trap.”

[Washington Post](#)

“In one of the most confusing – and tense – exchanges Wednesday, Sen. Kamala D. Harris (D-Calif.) raised the prospect without offering evidence that Kavanaugh may have spoken about the Mueller investigation with somebody at Kasowitz, Benson and Torres, a law firm that has represented Trump.”

[Washington Examiner op-ed](#)

“It turns out Sen. Cory Booker's, D-N.J., self-aggrandizing act of "civil disobedience" was a dishonest stunt.”

“The bottom line is that Booker knew the documents had been cleared, but elected to go through with his misleading melodrama anyway, portraying himself as a bold civil dissident. Why would a senator risk the exposure to win favor with #resisters? Because he wants to run for president.”

[Washington Examiner](#)

“Antics like that are likely to continue all week, as Democrats explore every procedural tool at their disposal to disrupt Republicans, who are determined to confirm Kavanaugh by the end of the month.”

“Democrats are under intense pressure to do all they can to obstruct Kavanaugh’s confirmation despite their minority status and inability to filibuster a Supreme Court pick.”

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CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE

Thursday, September 06, 2018

More than 1,000 Additional Pages Become Public

WASHINGTON – The Senate Judiciary Committee today received and posted on its public website more than 1,000 pages of Executive Branch documents from Judge Brett Kavanaugh’s work as a White House lawyer. The release brings the total public Executive Branch material to more than 295,000 pages. Today’s release includes:

- [Cover Sheet](#)
- [09-06-18 GWB Document Production \(Pages 1 - 1066\)](#)

Nomination material is being posted [HERE](#) as it becomes available.

The Chairman's team has completed its review of an historic volume of Executive Branch documents and Chairman Grassley has [expanded access](#) to this material consistent with federal law. This includes more than 458,400 pages of White House Counsel's Office documents submitted by President Bush, as well as more than 22,000 pages of documents from the Office of the Independent Counsel provided by the National Archives and Records Administration (NARA) and more than 3,500 pages from Judge Kavanaugh's D.C. Circuit nomination file provided by NARA. That's in addition to reviewing other public material, including more than 10,000 pages of the judicial opinions that Judge Kavanaugh wrote or joined in his 12 years of service on the D.C. Circuit and more than 17,000 pages of academic writings, speeches and other material Judge Kavanaugh [submitted to the committee](#) in response to its bipartisan questionnaire.

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

Hamilton, Gene (OAG)

From: Hamilton, Gene (OAG)
Sent: Monday, September 10, 2018 2:56 PM
To: Troy Edgar; O'Malley, Devin (OPA); Whitaker, Matthew (OAG)
Subject: RE: CA Sanctuary Update: Latest Media Supporting ICE and ACLU vs Los Alamitos Sanctuary Lawsuit

Thanks, Troy.

Gene P. Hamilton
Counselor to the Attorney General
U.S. Department of Justice

From: Troy Edgar (b) (6) >
Sent: Monday, September 10, 2018 2:18 AM
To: O'Malley, Devin (OPA) (b) (6) >; Whitaker, Matthew (OAG) (b) (6) >; Hamilton, Gene (OAG) (b) (6) >
Subject: CA Sanctuary Update: Latest Media Supporting ICE and ACLU vs Los Alamitos Sanctuary Lawsuit

Hello Devin and Gene,
I hope you are doing well. We are working on our amicus brief and will decide next Monday whether we will file with the IRLI team with the US V CA Sanctuary lawsuit. We saw that the case schedule has changed. Please go hard on your appeal. California is depending on it!!! Please let me know if there is anything else we can do to assist.

I also wanted to keep you informed of my efforts to continue supporting Los Alamitos, the White House, USAG, Homeland Security and the heroes of ICE after my 8/26/18 OpEd in the Orange County Register. I am continuing to focus on finding direct and indirect funding to cover or offset our legal fees. As you can see in the article below, I am on the edge of losing my 4th vote to stay in the ACLU lawsuit. May be down to three.

Shannon Bream – Fox News at Night – Sept 7th

<http://video.foxnews.com/v/5832534998001/>

- Discussing Oregon Sanctuary Law on the November Ballot
- Atlanta Mayor's action to abolish ICE
-





KRLA Radio (LA/Orange County) – August 27th

- Discussing OpEd supporting ICE and the impacts of Sanctuary Laws

Graham Ledger – One America News - The Daily Ledger – Sept 5th

- Discussing OpEd supporting ICE and the impacts of Sanctuary Laws

ACLU Lawsuit versus Los AI – Sept 7th

Court held case conference with the following update last Friday:

Plaintiffs (ACLU) has opted not to amend their complaint following Judge Claster’s ruling on our demurer and motion to strike. Therefore, we will now finalize and submit our answer to the complaint. We expect to receive a notice of status conference with newly assigned Judge Crandall within the next 2-3 weeks. A briefing schedule and trial date will be determined at that status conference. I will inform you of new information as it becomes available.

Los AI Councilmember Rich Murphy Changes Positions on Sanctuary Ordinance Due to Lawsuit Costs – Aug 30th

Councilmember Murphy has stated that he will be switching his support position of opting out of CA Sanctuary Law due to financial concerns. Explained in article.

http://www.oc-breeze.com/2018/08/30/126388_los-alamitos-councilman-murphy-changes-position-on-city-ordinance/

Please let me know if you have any questions or I can be of assistance.

Troy Edgar
Mayor, City of Los Alamitos
Mobile: (b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 12, 2018 2:50 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- 2 more Grassley press releases (unprecedented D obstruction; more praise for Grassley)



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FOR IMMEDIATE RELEASE

Wednesday, September 12, 2018

Committee Democrats Continue Delay Tactics with Volume of Written Questions for Kavanaugh

Kavanaugh receives more written questions than every prior Supreme Court nominee combined

WASHINGTON – As the Senate Judiciary Committee continues its work reviewing the nomination of Judge Brett M. Kavanaugh to serve as an Associate Justice of the Supreme Court of the United States, committee Democrats—all of whom are expected to vote against Judge Kavanaugh’s nomination—continue their meritless obstruction campaign by issuing an unprecedented 1,278 written questions for the record to the nominee. This is more than the combined number of written questions submitted to every prior Supreme Court nominee.

“Last week, Judge Kavanaugh sat before the Senate Judiciary Committee for well over 32 hours of statements and questions. In just the same way I handled the Gorsuch hearing, members had the opportunity to ask as many questions they wanted to ask,” Chairman Grassley said. “Submitting this many written questions appears to be just one more effort to gum up the process. It’s unnecessary and dilatory, especially when many have already decided to vote against Judge Kavanaugh. What more do they need to know to vote ‘no’?”

After every nominations hearing held by the committee—from lower court to Supreme Court nominees, members can submit written questions for the record (QFRs). Since the Senate began taking testimony for Supreme Court nominations, **only 1,247 questions for the record have ever been submitted**. Here’s a breakdown of the number of questions members of the minority sent to Judge Kavanaugh.

- Ranking Member Feinstein ([“ready to lead the anti-Kavanaugh brigade”](#)) submitted **241** questions for the record
- Senator Leahy submitted ([indicated opposition](#)) **117** questions for the record
- Senator Durbin submitted ([indicated opposition](#)) **128** questions for the record
- Senator Whitehouse ([announced he’s voting ‘no’](#)) submitted **161** questions for the record
- Senator Klobuchar ([indicated opposition](#)) submitted **14** questions for the record
- Senator Coons ([indicated opposition](#)) submitted **192** questions for the record

- Senator Blumenthal ([announced he's voting 'no'](#)) submitted **100** questions for the record
- Senator Hirono ([announced she's voting 'no'](#)) submitted **122** questions for the record
- Senator Booker ([announced he's voting 'no'](#)) submitted **90** questions for the record
- Senator Harris ([announced she's voting 'no'](#)) submitted **113** questions for the record

As [they did last week](#), Democrats appear to be seeking a sideshow instead of senatorial deliberation. On Friday, Chairman Grassley wrote that this [opposition is failing because it's meritless](#).

Historical breakdowns on the number of written questions for Supreme Court nominees follows.

Historical QFR Practice

Kavanaugh Total QFRs: 1287

All other SCOTUS nominees who testified before the Senate Judiciary Committee,
Total QFRs: 1247

Nominee	# QFRs	Nominee	# QFRs
Kavanaugh (2018)	1287	White (1962)	0
Gorsuch (2017)	324	Stewart (1959)	0
Kagan (2010)	210	Whittaker (1957)	0
Sotomayor (2009)	214	Brennan (1957)	0
Alito (2006)	99	Harlan II (1955)	0
Roberts (2005)	231	Warren (1954)	0
Breyer (1994)	5	Minton (1949)	0
Ginsburg (1993)	20	Clark (1949)	0
Thomas (1991)	18	Vinson (1946)	0
Souter (1990)	4	Burton (1945)	0
Kennedy (1987)	47	Rutledge (1943)	0
Bork (1987)	15	Jackson (1941)	0
Rehnquist (1986 CJ, 1971)	44	Byrnes (1941)	0
Scalia (1986)	3	Stone (1941)	0
O'Connor (1981)	8	Murphy (1940)	0
Stevens (1975)	5	Douglas (1939)	0
Powell (1971)	0	Frankfurter (1939)	0
Blackmun (1970)	0	Reed (1938)	0*
Carswell (1970)	0	Cardozo (1932)	0*
Haynsworth (1969)	0	Parker (1930)	0*
Burger (1969)	0	Stone (1925)	0
Thornberry (1968)	0	Butler (1922)	0*
Fortas (1965, 1968)	0	Brandeis (1916)	0*
Marshall (1968)	0	Williams (1873)	0*
Goldberg (1962)	0	Total Other QFRs:	1247

* No testimony from nominee at hearing or in QFRs.

OVERVIEW OF QFRS PER NOMINEE

Kavanaugh QFRs: TOTAL = 1287

Grassley: 8

Coons: 192

Durbin: 128
Feinstein: 241
Flake: 1
Harris: 113
Hirono: 122
Leahy: 117
Klobuchar: 14
Whitehouse: 161
Blumenthal: 100
Booker: 90

Gorsuch QFRs: TOTAL = 324

Blumenthal: 50
Coons: 43
Durbin: 3
Feinstein: 100
Franken: 27
Hirono: 42
Leahy: 33
Whitehouse: 26

Kagan QFRs: TOTAL = 210

Grassley: 27
Sessions: 88
Cornyn: 45
Coburn: 20
Graham: 8
Kyl: 22

Sotomayor QFRs: TOTAL = 214

Cornyn: 19
Coburn: 32
Grassley: 62
Sessions: 98
Kyl: 3

Roberts QFRs: TOTAL = 231

Biden: 19
Brownback: 7
Feingold: 5
Feinstein: 13
Kennedy: 101
Kyl: 1
Leahy: 17 (8 submitted on behalf of Sen. Levin)
Feinstein for Mikulski: 17
Schumer: 51

Alito QFRs: TOTAL = 99

Biden: 11
Durbin: 22

Kennedy: 2
Leahy: 1
Levin: 14
Schumer: 45
Feingold: 2

Ginsburg QFRs: TOTAL = 20

Biden: 3
Thurmond: 4
Kohl: 1
Pressler: 12

Breyer QFRs: TOTAL = 5

Simpson (for Warner): 5

Souter QFRs: TOTAL = 4

Levin: 4

Thomas QFRs: TOTAL = 18

Biden: 5
Levin: 11
Byrd: 2

Kennedy QFRs: TOTAL = 47

Biden: 6
DeConcini: 10
Heflin: 4
Simon: 23
Levin: 4

Bork QFRs: TOTAL = 15

Biden: 4
Weicker: 1
Leahy: 1
Byrd: 7
Simon: 1
Metzenbaum: 1

Rehnquist (Chief Justice Nomination + Original Nomination) QFRs: TOTAL = 44

Levin: 8 (Chief Justice Hearing)
Bayh, Hart, Kennedy (joint questions): 36

Scalia QFRs: TOTAL = 3

Levin: 3

O'Connor QFRs: TOTAL = 8

Humphrey: 8

Stevens QFRs: TOTAL = 5

McClellan: 5

[Powell QFRs](#): TOTAL = 0
No QFRs

-30-



COMMITTEE *on the* **JUDICIARY**
CHAIRMAN CHUCK GRASSLEY WWW.JUDICIARY.SENATE.GOV

FOR IMMEDIATE RELEASE

Wednesday, September 12, 2018

ICYMI: Chuck Grassley is the Point Man in Our Judiciary Remake

Grassley “is Spearheading One of the Most Profound Changes to the Federal Judiciary in Modern History”

“Chairman Grassley Has Led an Extremely Fair and Transparent Process”

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley of Iowa receives high marks for his leadership of the confirmation process for Judge Brett Kavanaugh to serve as an Associate Justice of the Supreme Court of the United States in an op-ed in [The Hill](#). Excerpts can be found below.

When future Supreme Court Justice Brett Kavanaugh is confirmed later this month, the unsung hero of the battle will be Senate Judiciary Committee Chair Chuck Grassley (R-Iowa). Grassley, who is spearheading one of the most profound changes to the federal judiciary in modern history, had already played a central role in confirming a record number of circuit court judges and Supreme Court Justice Neil Gorsuch. Following Kavanaugh’s nomination, Grassley smoothly navigated through choppy political waters, running the hearings with aplomb and applying just the right touch for the brilliant, polished Kavanaugh to shine at his brightest.

...

Throughout this battle, Chairman Grassley and his staff outmaneuvered Democrats at each step, diligently producing 483,000 documents for review, the largest number ever for a Supreme Court nominee and more than the five previous nominees combined.

...

Chairman Grassley extended his hand to work with any Senator who wanted to use Committee Confidential documents to question Judge Kavanaugh during the hearing. Only a single Democrat requested materials. Grassley’s staff promptly made them available to her.

All told, Grassley's team logged over 5,000 hours on document review and Judge Kavanaugh's hearing preparation. The Senator himself was at the Capitol on Labor Day, working over 12 hours preparing for the hearing that would take place fifty-seven days after Kavanaugh's appointment, a week longer than those of Justices Gorsuch, Kagan and Sotomayor.

...

Calmly, steadily, with a dogged fidelity to preservation of free speech, Grassley gave Democrats their rope. As their partners in the audience rudely and noisily disrupted the proceedings, Senators exhausted themselves and the American people with their persistent haranguing of Judge Kavanaugh, hurling accusations and badgering him as if he were a defendant in a criminal trial.

Whether Cory Booker's falsely proclaimed Spartacus moment — Grassley and his team worked until 4AM that day to release the documents Booker claimed were confidential Democrats' false and misleading accusations about withheld records, phony insinuations about Roe v. Wade or deliberate misrepresentations of Kavanaugh's judicial opinions and other writings, Chairman Grassley, unruffled, let Democrats put their pettiness, meanness, and foolishness on display for 300 million Americans.

At just the right moments he intervened to deflate misleading lines of questioning, correct fallacious assertions, and hold Committee members to account, solidifying Judge Kavanaugh's spectacular performance.

Chairman Grassley has led an extremely fair and transparent process. President Trump's outstanding judicial legacy, the indelible mark he is leaving on the federal courts including the confirmation of soon to be Justice Brett Kavanaugh, could not occur without the groundwork, persistence, and heroics of Senator Charles Grassley.

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

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202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 12, 2018 8:44 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS | Kavanaugh Responds to Written Questions for the Record

Greetings,

This evening, Judge Brett Kavanaugh returned responses to an unprecedented 1,287 written questions from senators following his four-day Supreme Court nominations hearing. Of those, 1,278 questions came from Democrats, [many of whom have already voiced their opposition](#) to the nominee long ago. That's more questions than have been submitted to ***all previous SCOTUS nominees***. Ever.

Here's Chairman Grassley's statement from earlier on that point:

"Last week, Judge Kavanaugh sat before the Senate Judiciary Committee for well over 32 hours of statements and questions. In just the same way I handled the Gorsuch hearing, members had the opportunity to ask as many questions they wanted to ask," Chairman Grassley said. "Submitting this many written questions appears to be just one more effort to gum up the process. It's unnecessary and dilatory, especially when many have already decided to vote against Judge Kavanaugh. What more do they need to know to vote 'no'?"

Judge Kavanaugh's responses are available [HERE](#).

Best,
Taylor

Taylor Foy | *Communications Director*

 [Senate Judiciary Committee](#)

Chairman Chuck Grassley (R-Iowa)

(b) (6) | [Get The SCOOP](#)

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 14, 2018 3:31 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Hatch Statement on Brett Kavanaugh

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
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ORRIN HATCH
UNITED STATES SENATOR for **UTAH**

PRESS RELEASE

FOR IMMEDIATE RELEASE

September 14, 2018

Media Contact:

Matt Whitlock: (202) 224-4511

Ally Riding: (202) 224-5255

Hatch Statement on Brett Kavanaugh

Washington, DC—Senator Orrin Hatch (R-UT), the senior member and former Chairman of the Senate Judiciary Committee, released the following statement in response to reports of accusations made against Brett Kavanaugh, nominee for the United States Supreme Court:

“Brett Kavanaugh has done everything that’s been asked of him. He’s complied with six background checks over the last 25 years that have included interviews with friends, families, and even acquaintances, none of which have ever revealed an issue with his character. After over 30 hours of public hearing, his judicial record, qualifications, and understanding of the law stood unimpeachable. He participated in a closed hearing where Judiciary Committee members could ask any question they

wanted. He answered more written questions than every previous Supreme Court nominee combined.

Judge Kavanaugh has had his words distorted and manipulated. He has been accused of having gambling problems, having financial problems, being hostile towards groups that he has actively fought for, and having bad taste in food. And he has answered questions fully and professionally, in a confirmation timeframe well within the norm for Supreme Court nominations.

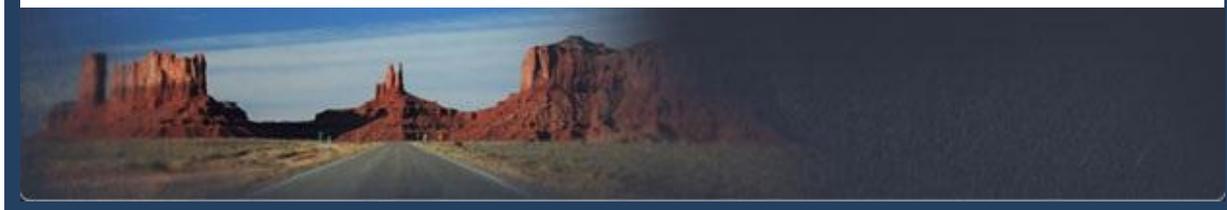
I do not intend to allow Judge Kavanaugh's confirmation to be stalled because of an 11th hour accusation that Democrats did not see fit to raise for over a month. The Senator in the best position to determine the credibility of these accusations made the conscious decision not to take action on them, and the authorities to whom the accusations have been referred have decided not to take action either. Judge Kavanaugh has denied these accusations categorically, the only other potential witness has no recollection of the alleged event, and now 65 women who knew Brett in high school have come forward as witnesses of his strong character.

Every accuser deserves to be heard. But a process of verification is also necessary. In this case, the accusations were made in a private letter, which has been misrepresented in a number of media stories, from an accuser who has declined to go public and has asked for privacy. The letter sent to investigators has had her name redacted, meaning no further investigation could take place. The claims are wholly unverifiable, and come at the tail-end of a process that was already marred by ugly innuendo, dishonesty, and the nastiest form of our politics. The American people deserve much better from the Senate as an institution."

###



hatch.senate.gov



--
Matt Whitlock
Deputy Chief of Staff &
Director of Communications

Senator Orrin Hatch (UT)
104 Hart Senate Office Building
Washington, D.C. 20510

Office (b) (6)
Mobil (b) (6)



Leeman, Gabrielle (ODAG)

From: Leeman, Gabrielle (ODAG)
Sent: Friday, September 14, 2018 5:38 PM
To: Bacon, Antoinette T. (ODAG); Baughman, Matthew (ODAG); Catizone, Christopher (ODAG); Cook, Steven H. (ODAG); Daly, Mary (ODAG); Ellis, Corey F. (ODAG); Gauhar, Tashina (ODAG); Geise, John (ODAG); Goldsmith, Andrew (ODAG); Groves, Brendan M. (ODAG); Hovakimian, Patrick (ODAG); Hunt, Ted (ODAG); Lan, Iris (ODAG); Loveland, Daniel (ODAG); Michalic, Mark (ODAG); Murray, Michael (ODAG); Perkins, Paul (ODAG); Raman, Sujit (ODAG); Sheehan, Matthew (ODAG); Thiemann, Robyn (ODAG); Weinsheimer, Bradley (ODAG); Wetmore, David H. (ODAG); Wu, Connie V. (ODAG); Harris, Stacie (USAFLM) 2; O'Callaghan, Edward C. (ODAG); Morrissey, Brian (OAG); Whitaker, Matthew (OAG); Suero, Maya A. (ODAG); Gamble, Nathaniel (ODAG)
Cc: Spolar, Ellen S. (ODAG); Simms, Donna Y. (ODAG); Brown, Angela M. (ODAG)
Subject: RE: Weekly Report Reminder
Attachments: 09.17.18 ODAG Weekly Report.pdf

Please see attached weekly report for this upcoming week, September 17-21. Have a nice weekend!

-Gabi

From: Leeman, Gabrielle (ODAG)
Sent: Friday, September 14, 2018 9:12 AM
To: Bacon, Antoinette T. (ODAG) (b) (6) >; Baughman, Matthew (ODAG) (b) (6) >; Catizone, Christopher (ODAG) (b) (6) >; Cook, Steven H. (ODAG) (b) (6) >; Daly, Mary (ODAG) (b) (6) >; Ellis, Corey F. (ODAG) (b) (6) >; Gauhar, Tashina (ODAG) (b) (6) >; Geise, John (ODAG) (b) (6) >; Goldsmith, Andrew (ODAG) (b) (6) >; Groves, Brendan M. (ODAG) (b) (6) >; Hovakimian, Patrick (ODAG) (b) (6) >; Hunt, Ted (ODAG) (b) (6) >; Lan, Iris (ODAG) (b) (6) >; Loveland, Daniel (ODAG) (b) (6) >; Michalic, Mark (ODAG) (b) (6) >; Murray, Michael (ODAG) (b) (6) >; Perkins, Paul (ODAG) (b) (6) >; Raman, Sujit (ODAG) (b) (6) >; Sheehan, Matthew (ODAG) (b) (6) >; Thiemann, Robyn (ODAG) (b) (6) >; Weinsheimer, Bradley (ODAG) (b) (6) >; Wetmore, David H. (ODAG) (b) (6) >; Wu, Connie V. (ODAG) (b) (6) >; Harris, Stacie (USAFLM) 2 (b) (6) >
Cc: Spolar, Ellen S. (ODAG) (b) (6) >; Simms, Donna Y. (ODAG) (b) (6) >; Brown, Angela M. (ODAG) (b) (6) >
Subject: Weekly Report Reminder

Good Morning!

Please send your weekly report submissions to me, Donna, and Angie by noon today.

Thank you,
Gabi

For ODAG Internal Use Only



WEEKLY REPORT
FOR
THE DEPUTY ATTORNEY GENERAL

WEEK OF
17 SEPTEMBER 2018

ATR Antitrust Division	ODAG POC: Michael Murra (b) (6), Matthew Baughma (b) (6) Component POC: Chief of Staff John Elias (b) (6)		
<p>Likely during the week of September 17, 2018, ATR anticipates announcing that they will be closing their investigation into Cigna Corporation’s \$67 billion proposed acquisition of Express Scripts Holding Company. Cigna is a global health insurance company and Express Scripts is a pharmacy benefit management company. ATR will not be taking any action to sue to block the transaction or require any divestitures.</p> <p>On September 20, 2018, defendants-appellees will file their opposition brief in <i>United States v. AT&T Inc., DirecTV Group Holdings, LLC, and Time Warner Inc.</i> (D.C. Cir.). The case is on appeal from a final judgment denying the United States’ request to enjoin AT&T’s \$85 billion proposed acquisition of Time Warner. The Government’s reply brief will be due October 11.</p>	<p><i>Date</i></p> <p>09/17/18</p> <p>09/20/18</p>	<p><i>OAG/ODAG action required?</i></p> <p>FYSA</p> <p>FYSA</p>	<p><i>Recommend notifying PAO?</i></p> <p>Already aware</p> <p>Already aware</p>

ATF Alcohol, Tobacco, Firearms, and Explosives	ODAG POC: Robyn Thieman (b) (6) Component POC: Chief of Staff Joseph Allen (b) (6)		
<p>On September 6, 2018, ATF responded to assist local authorities in the investigation of a structure fire at the Albany County, Wyoming, Republican Party Office. After the fire department extinguished a small fire inside the building, they discovered that a window on the side of the building had been broken to gain access. Several special agents responded including an ATF Certified Fire Investigator and an accelerant detection K9 team, and made a preliminary determination the fire had been intentionally. Evidence collected at the scene has been sent to the ATF National Laboratory for analysis. Investigation continues.</p> <p>On September 11, 2018, ATF arrested the final six defendants charged as part of “Operation FAM,” a year-long ATF-led multi-agency investigation focused on violent firearm offenders in the Moss Point/Pascagoula area of Mississippi. Over the course of the investigation, ATF extensively utilized NIBIN-generated leads and evidence to identify, arrest, and prosecute</p>	<p><i>Date</i></p> <p>09/06/18</p> <p>09/11/18</p>	<p><i>OAG/ODAG action required?</i></p>	<p><i>Recommend notifying PAO?</i></p>

active shooters. To date, ATF referrals have resulted in the prosecution of twenty-five defendants, and ATF has seized a total of 97 firearms, 20 of which had been reported stolen or had obliterated serial numbers. Since initiation of the investigation, shootings in the community have decreased by nearly 75% from more than 400 in 2017 to only 100 year to date in 2018.

On September 12, 2018, as the result of a joint ATF, Delaware State Police (DSP) and Delaware Fire Marshals investigation, ATF and DSP arrested a suspect in a series of seven arson fires in Seaford, Delaware, including arsons at four houses of worship. Upon arrest, the suspect (b)(6) per EOUSA, confessed to setting all seven fires, and confessed to an additional arson at house of worship arson in Concord, Delaware that had not been reported to law enforcement. ATF Wilmington is working with the USAO Delaware to develop additional charges related to possession of the unregistered destructive device.

09/12/18

On September 13, 2018, a member of an ATF Special Response Team (SRT) shot and wounded an armed defendant during a felony arrest operation. No law enforcement personnel were injured in the operation, and the defendant's injuries are non-life threatening. The defendant's criminal history includes multiple felony convictions, including a prior federal felon-in-possession conviction, and numerous arrests including charges relating to homicide and aggravated assault.

09/13/18

On September 20, 2018, ATF will execute four search warrants and four arrest warrants as part of the ongoing Tin Panda investigation. The investigation has focused on armed trafficking of heroin, cocaine and marijuana in the Washington D.C. metropolitan area. To date, over 70 individuals have been arrested and convicted as part of the investigation. These search warrants will be executed in Stafford and Prince William Counties, and Alexandria, Virginia. The investigation has been jointly conducted with the FBI, the Prince William County Police Department, the Stafford County Sheriff's Office, and the Alexandria Police Department.

09/20/18

On September 20, 2018, ATF and partner agencies plan to execute 10 federal search warrants and 4 federal arrest warrants as part of an investigation focusing on violent street gangs in the Sacramento/Stockton area. The subject gangs include the "Asian Boyz"(ABZ), "Bandland Boys" (BLB), "Asian Street Walkers"(ASW), "Stockton Loco Boys" (SLB), "Asian Gangsters"(AG), "Bloods." This investigation involves firearms trafficking; the manufacturing of firearms made from unfinished receivers; and the trafficking of auto sears

09/20/18

<p>used in the conversion of semiautomatic Glock pistols to fire fully automatic. ATF is conducting the investigation in partnership with the Sacramento Police Department, the Stockton Police Department, the City of West Sacramento Police Department, the California Highway Patrol, and the Department of Corrections and Rehabilitation.</p> <p>Congressional: On September 10, 2018, ATF provided a briefing on 3D printed firearms and self-made, un-serialized firearms (“Ghost Guns”) to staffers from the Senate Appropriations and Judiciary Committees. OLA, JMD, and ODAG also attended the briefing and coordinated the presentation with ATF.</p>	09/10/18		
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BOP Bureau of Prisons	ODAG POC: Connie W (b) (6) Component POC: Deputy Director Judi Garre (b) (6)																
<p>BOP Population: As of Sept 13, 2018, the inmate population was 182,094.</p> <p>The BOP is housing 227 ICE detainees at 4 facilities. Without these temporary detainees, the BOP population actually decreased by 193 for a total decrease of 3,750 in FY 2018.</p> <p style="text-align: center;">Temporary ICE Detainee Population by Facility on 9/13/2018</p> <table border="1" data-bbox="386 1203 810 1451"> <thead> <tr> <th>Facility</th> <th>Population</th> </tr> </thead> <tbody> <tr> <td>LA TUNA FCI (TX)</td> <td>124</td> </tr> <tr> <td>PHOENIX FCI (AZ)</td> <td>0</td> </tr> <tr> <td>SEATAC FDC (WA)</td> <td>9 (M)/20 (F)</td> </tr> <tr> <td>SHERIDAN FCI (OR)</td> <td>29</td> </tr> <tr> <td>VICTORVILLE MED II FCI (CA)</td> <td>45</td> </tr> <tr> <td>Total</td> <td>227</td> </tr> </tbody> </table>	Facility	Population	LA TUNA FCI (TX)	124	PHOENIX FCI (AZ)	0	SEATAC FDC (WA)	9 (M)/20 (F)	SHERIDAN FCI (OR)	29	VICTORVILLE MED II FCI (CA)	45	Total	227	<i>Date</i> 09/13/18	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
Facility	Population																
LA TUNA FCI (TX)	124																
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SHERIDAN FCI (OR)	29																
VICTORVILLE MED II FCI (CA)	45																
Total	227																

Child Sexual Exploitation and Human Trafficking		ODAG POC: Matthew Sheeha (b) (6)		
	Date	OAG/ODAG action required?	Recommend notifying PAO?	
<p>U.S. v (b)(6) per EOUSA (NDOH) (Mulhauser): On September 17, 2018, the fourth defendant in this case is scheduled to plead guilty to one count of alien smuggling for his role in bringing unaccompanied Guatemalan minors to the United States and coercing them to labor at an egg farm. Three other defendants previously pleaded guilty for their roles in the forced labor scheme and were sentenced to 51, 120, and 188 months in prison.</p>	09/17/18	Not at this time	N/A	
<p>United States v (b)(6) per EOUSA (D. P.R.): On September 19, defendan (b)(6) per EOUSA is scheduled to be sentenced following his December 2017 guilty plea to abusive sexual contact of a child under 12 years old. This is a Military Extraterritorial Jurisdiction Act case in whic (b)(6) per EOUSA was the father and dependent of a U.S. Army Soldier who was stationed in Germany. During his stay in Germany (b)(6) per EOUSA sexually abuse (b)(3) [18 U.S.C. 3509 (d)], (b)(6) per CRM [REDACTED]. This case is being prosecuted by CEOS Trial Attorney Austin M. Berry and AUSA Cristina Caraballo.</p>	09/19/18	Not at this time	N/A	
<p>U.S. v. Toure (NDTX) (b)(6) per EOUSA): On September 19, 2018, we anticipate presenting an indictment charging defendan (b)(6) per EOUSA with forced labor and alien harboring for financial gain. Once indictment, trial is expected to commence in late October or early November. The defendants were charged by complaint and arrested on April 26, 2018. The complaint alleges that the defendants arranged for the minor victim to travel from Guinea, West Africa, to their home in Texas in 2000. Throughout the years, until the victim escaped in 2016, the defendants forced her to labor as their domestic servant and nanny for no pay.</p>	09/19/18	Not at this time	N/A	
<p>United States v (b)(6) per EOUSA E.D. Va.). On September 20, it is anticipated that (b)(6) per EOUSA will be indicted for receiving and distributing child pornography. The FBI identifie (b)(6) per EOUSA currently serving as a member of the U.S. Army (b)(7)(E) per FBI [REDACTED]. A search at his residence recovered several digital devices. Computer forensic examination discovered numerous images and videos of child pornography on his computer. This case is being prosecuted by CEOS Trial Attorney James E. Burke IV.</p>	09/20/18	Not at this time	N/A	

CIV Civil Division	ODAG POC: Michael Murra (b) (6) Component POC: Chief of Staff Alex Haas (b) (6)			
Census. The Second Circuit issued an administrative stay regarding the deposition of (A)AAG John Gore; briefing continues this week. Briefing in the district court on the potential deposition of Secretary Ross is ongoing.		Date	OAG/ODAG action required?	Recommend notifying PAO?
		No date specified	No	Already aware

COPS Community Oriented Policing Services	ODAG POC: Connie W (b) (6) Component POC: Acting Director Russ Washington (b) (6)			
COPS Office staff will attend the 2018 National Historically Black Colleges and Universities (HBCU) Conference in Washington, DC on September 17, 2018.		Date	OAG/ODAG action required?	Recommend notifying PAO?
The COPS Office will host the second annual Attorney General’s Award for Distinguished Service in Policing at the Great Hall of the RFK Main Building on September 18, 2018. The Attorney General’s Award for Distinguished Service in Policing recognizes individual state, local, or tribal sworn rank-and-file police officers and deputies for exceptional efforts in effective policing. The winning officers and deputies have demonstrated exceptional performance in one of three areas: Innovations in Community Policing, Criminal Investigations, and Field Operations.		09/17/18		
On September 19, 2018, Acting Associate Attorney General Jesse Panuccio will announce the 2018 DOJ Coordinated Tribal Assistance Solicitation (CTAS) awards at the Four Corners Indian Country Conference in Santa Fe, NM.		09/18/18		
On September 19, 2018, the COPS Office and the Police Foundation will hold a working group meeting on the LEO Near Miss System in Washington, DC. The LEO Near Miss System helps law enforcement officers learn from the “near misses” of their peers, helping individual officers make decisions that will keep them safer on the job and encouraging agencies to train on procedures that maximize safety. Attendees will include representatives		09/19/18		
		09/19/18		

<p>of law enforcement agencies currently using LEO Near Miss as part of their officer safety and risk management strategy.</p> <p>COPS Office staff will attend a United Nations Association of the National Capital Area (UNA-NCA) International Law Committee presentation titled “The Critical Challenges of Human Trafficking and Corruption” in Washington, DC on September 20, 2018.</p>	09/20/18		
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CRM Criminal Division	ODAG POC: Corey Elli (b) (6) Component POC: PDAAG John Cronan (b) (6)		
<p>IMDB Investigation: During the week of September 17, a delegation of prosecutors is planning to travel to Malaysia to meet with law enforcement counterparts from Malaysia, Singapore, and Switzerland regarding asset recovery issues arising out of this investigation into the embezzlement of billions of dollars from 1MDB, the Malaysian sovereign wealth fund. On September 17 members of the delegation will meet in a smaller setting with the Attorney General of Malaysia to discuss, among other things, the potential extradition of a Malaysian national and forme (b)(6) per ECUSA banker to face prosecution in the United States for his role in the embezzlement scheme. The criminal case is being prosecuted by the Money Laundering and Asset Recover Section (MLARS), the Fraud Section, and the USAO for the Eastern District of New York. The civil forfeiture case is being prosecuted by MLARS and the USAO for the Central District of California.</p> <p>United States v. Rodrigo Gomez and Miguel Gomez (E.D. Ark.): On September 18, the defendants are scheduled to be arraigned on a superseding indictment that added additional charges against Rodrigo Gomez and added his son, Miguel Gomez, as a co-defendant. On December 31, 2016, the defendants, dependent family members accompanying a U.S. Air Force Major stationed on Misawa Air Base in Japan, seriously assaulted a U.S. airman during a fight at a restaurant on base. This case is being handled by the Human Rights and Special Prosecution Section and the USAO for the Eastern District of Arkansas.</p>	<i>Date</i> 09/17/18 09/18/18	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

CRT Civil Rights Division	ODAG POC: Matthew Sheeha (b) (6) Component POC: Acting AAG John Gore (b) (6)		
<p><u>Appellate:</u></p> <p><i>Ryle v. United States (D. Wyo.):</i> By September 17, 2018, the Division expects to file a response to a prisoner’s motion under 28 U.S.C. 2255 challenging his conviction under 18 U.S.C. 924(c) on vagueness grounds. The Division expects to argue that the motion is untimely and that the prisoner is not entitled to any relief at this time. The Tenth Circuit has held that Section 924(c) is unconstitutionally vague, but that decision is not yet final. If it becomes final, the prisoner may be able to seek relief at that time.</p> <p><i>United States v. Brown (11th Cir.):</i> On September 20, 2018, the Division expects to file its brief as appellee/cross-appellant in this criminal case. Defendant, a former police officer, was found guilty of violating 18 U.S.C. 242 for using excessive force against an automobile passenger after a high-speed car chase. We expect to urge the court to affirm his conviction, but to vacate his non-custodial sentence.</p> <p><u>Immigration:</u></p> <p><i>United States v. Palmetto Beach Hospitality (OCAHO):</i> Within the next week, the Division expects to enter into a settlement with Palmetto Beach Hospitality, LLC, to resolve claims that it discriminated against U.S. workers because of their citizenship. The Division’s investigation found that the company engaged in a pattern or practice of discriminatory recruitment and hiring based on citizenship status by preferring to hire H-2B visa workers instead of qualified and available U.S. workers. Under the terms of the anticipated settlement, Palmetto will engage in enhanced U.S. worker recruitment efforts that go well beyond the minimum requirements of the H-2B visa program. Palmetto will also set aside \$35,000 to compensate any U.S. workers who lost wages because the company improperly rejected them or ignored their applications, pay \$42,000 in civil penalties to the U.S., and be subject to Departmental monitoring.</p>	<p><i>Date</i></p> <p>09/17/18</p> <p>09/20/18</p> <p>09/17/18</p>	<p><i>OAG/ODAG action required?</i></p> <p>No</p> <p>No</p> <p>No</p>	<p><i>Recommend notifying PAO?</i></p> <p>No</p> <p>No</p> <p>No</p>

allegations regarding the unauthorized discharge of dredged or fill material to streams and wetlands upstream of the Sacramento River, California. The defendants had disked, deep ripped, land-leveled, and built roads on the site, while converting a 1,500-acre site to orchards without obtaining the required permits from the Army Corps of Engineers. Under the terms of the proposed consent decree, the defendants would pay a \$1.75 million civil penalty; effect \$3.55 million worth of off-site compensatory mitigation; and remediate and preserve a 616-acre section of the site, while also allowing the owner to seek permits for additional work at the site.

Briefs Filed in Supreme Court, September 11. On September 11, OSG filed briefs in two ENRD cases pending before the Supreme Court: *Herrera v. Wyoming* and *Sturgeon v. Frost*.

In *Herrera v. Wyoming*, we filed a merits-stage *amicus* brief supporting the petitioner, a member of the Crow Tribe, who challenges his state-court conviction for taking elk on Bighorn National Forest during Wyoming’s closed season. The petitioner argues that he was exercising a reserved treaty right to hunt in the forest. Wyoming argues that the petitioner is bound by a Tenth Circuit decision that the Crow’s treaty right was extinguished by Wyoming’s admission to the Union on equal footing with the other states. The United States had asked the Supreme Court to grant the petition for *certiorari*.

In *Sturgeon v. Frost*, we also filed a merits-stage response brief. The petitioner challenges the Park Service’s application of its ban on the use of hovercraft on navigable waters within National Park Service units in Alaska on the ground that section 103(c) of the Alaska National Interest Lands Conservation Act (ANILCA) prohibits regulation in areas “conveyed to the State.” The petitioner contends that the state owns navigable waters by virtue of the Submerged Lands Act. After the Supreme Court rejected the Ninth Circuit’s decision that the petitioner’s challenge incorrectly interpreted ANILCA, the Ninth Circuit again rejected the challenge, this time relying on precedent holding that navigable waters within and adjacent to areas reserved for use as federal parks are subject to regulation as federal lands, defined by ANILCA as “lands, waters and interests therein the title to which is in the United States.”

New Suit Challenging the Keystone XL Pipeline, Filed September 10. In *Rosebud Sioux Tribe v. State* (D. Mont.), the Rosebud Sioux Tribe and Fort Belknap Indian Community challenge the State Department’s issuance of a Presidential Permit for the transboundary

09/11/18	No	No
09/10/18	No	No

<p>crossing of the Keystone XL Pipeline, alleging that the State violated NEPA, the National Historic Preservation Act (NHPA), and inter-governmental tribal consultation obligations. This is the third filed case challenging the KXL Pipeline Project. The case has been assigned to Judge Brian Morris, who is handling the other two pending cases.</p>			
<p>Consent Decree in Oil Spill Case, September 7. We lodged a partial consent decree in <i>U.S. v. Azure Fishery LLC et al.</i> (D. Haw.), to resolve certain issues in a Clean Water Act oil spill case brought on behalf of the Coast Guard against the Hawaii-based longline fishing companies Azure Fishery LLC and Linh Fishery LLC, and certain individuals affiliated with the companies. The partial consent decree resolved the claims against two company managers and will secure penalties of \$475,000 and injunctive relief addressing their entire fleet of 25 fishing vessels.</p>	09/07/18	No	No
<p>Easement to Facilitate Isabella Lake Dam Safety Modification Project. We plan to file a condemnation of an easement in <i>United States v. 10.7 Acres of Land, more or less, Situated in Kern County, California, and Southern California Edison, et al.</i> (unfiled E.D. Cal.), within the next few weeks, on behalf of the U.S. Army Corps of Engineers, for the Isabella Lake Dam Safety Modification Project. The Isabella Dam, built over 60 years ago and situated on an active seismic fault line, is one of the highest-risk in the nation. The easement, which is held by Southern California Edison (SCE), traverses the Isabella Dam and is used by SCE to supply water to the utility's currently inactive Borel Hydroelectric Power Plant. Acquisition of the SCE easement is expected to make operation of the Borel Plant impossible, prompting potentially significant decommissioning costs. We are reviewing the referral package that includes estimated just compensation of \$18 million. The Army Corps needs possession promptly to avoid significant project delays.</p>	N/A	No	No

EOIR Executive Office for Immigration Review		ODAG POC: David H. Wetmor (b) (6) Component POC: Acting Director James McHenry (b) (6)		
		<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
The Backlog: EOIR continues to work to standardize a true picture of the backlog based on a combination of pending cases and length of time cases are pending. The relevant numbers for the pending caseload as of September 7 are:		09/07/18	No	No
Total Active Pending Cases:	761,084			
Total Active Detained Pending Cases:	21,265			
Total Active Non-Detained Pending Cases:	739,819			
Total Riders on Non-Detained Active Pending Cases:	166,108			
Median Time Pending for a Non-Detained Case:	666 days (~21.5 mo)			
Median Time Pending for a Detained Case:	52 days			
Total Inactive Pending Cases	327,568 (Court) 19,863 (BIA)			
UAC Cases Pending	83,342			
Nationwide Clearance Rate	61.97%			
<u>Removal Proceedings, FYTD</u>				
Total New Case Receipts:	271,571			
Total Completions	168,292			
<u>Asylum-Only/Withholding-Only, FYTD</u>				
Total New Case Receipts:	3,616			
Total Completions	3,073			
<u>CF/RF Reviews, FYTD</u>				
Total New Case Receipts:	87,01			
Total Completions	8,680			
<u>Totals</u>				
New Case Receipts:	283,888			
Completions	180,045			

<p>Surge Locations: Since May 14, 2018, ACIJ's surged to 10 SW border courts have completed 6,967 total cases.</p>	Ongoing	No	No
<p>BIA Decision: On August 29, 2018, the Attorney General issued a published decision <i>in Matter of Valenzuela Gallardo</i>, 27 I. & N. Dec. 449 (BIA 2018), regarding whether a conviction under California law constitutes an aggravated felony offense under the INA:</p> <p>(1) An "offense relating to obstruction of justice" under 8 U.S.C. § 1101(a)(43)(S) (2012), encompasses offenses covered by chapter 73 of the Federal criminal code, 18 U.S.C. §§ 1501–1521 (2012), or any other Federal or State offense that involves (1) an affirmative and intentional attempt (2) that is motivated by a specific intent (3) to interfere either in an investigation or proceeding that is ongoing, pending, or reasonably foreseeable by the defendant, or in another's punishment resulting from a completed proceeding. <i>Matter of Valenzuela Gallardo</i>, 25 I. & N. Dec. 838 (BIA 2012), <i>clarified</i>.</p> <p>(2) A conviction for accessory to a felony under section 32 of the California Penal Code that results in a term of imprisonment of at least 1 year is a conviction for an aggravated felony offense relating to obstruction of justice under section 1101(a)(43)(S).</p>	08/29/18	No	No

EOUSA Executive Office for United States Attorneys	ODAG POC: Iris La (b) (6) Component POC: Acting Director James Crowell (b) (6)		
	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>NAC Training <i>Basic Civil Trial Advocacy Seminar-Postponed</i></p>	09/11/18-09/20/18	No	No
<p>NAC Training <i>Fundamentals of Criminal Law for Support Staff Seminar</i></p>	09/17/18-09/19/18	No	No

<p>NAC Training <i>Basic Criminal Trial Advocacy Seminar</i></p>	09/18/18-09/27/18	No	No
<p>Two High-Ranking Bloods Gang Leaders Sentenced to 20 Years for Racketeering Conspiracy (WDNC). Pedro Gutierrez and James Baxton, two high-ranking leaders of the Nine Trey Gangsters set of the United Blood Nation (UBN or Bloods) street gang, were sentenced to 20 years in prison for racketeering conspiracy. According to court documents, the UBN is a violent criminal street gang operating throughout the east coast of the United States since its inception as a prison gang in 1993. As UBN members, Gutierrez, along with Baxton, conducted gang business and participated in the distribution of gang dues while incarcerated in the New York State Department of Corrections. Trial evidence also established that Gutierrez ordered a gang war in North Carolina in 2011, directing that members of the Bloods gang attack and kill members of a renegade gang called Pretty Tony. The war resulted in numerous injuries among inmates and the lockdown of five North Carolina prisons for six months. Additionally, while incarcerated in the New York State Department of Corrections, Baxton trafficked heroin within the prison system and engaged in wire fraud by threatening the relatives of other incarcerated inmates. In all, 58 defendants have pled guilty in this investigation.</p>	09/04/18	No	Already notified
<p><i>USA Andrew Murray</i> (b) (6)</p> <p>Five Defendants Charged in Manhattan Federal Court with Racketeering and Narcotics Offenses (SDNY). Rafael Reyes, Luis Ortiz, Steven Brown, Hector Marrero, and Peter Gonzalez were charged with racketeering and narcotics offenses. Three of the defendants were also charged in connection with their roles in the August 2, 2009 murder of Derrick Moore, in the Bronx. The Taylor Avenue Crew and the Creston Avenue Crew were criminal enterprises that operated principally in and around Taylor Avenue and Creston Avenue in the Bronx, New York. Members of these groups associated with each other and assisted each other by, among other things, carrying out acts of violence on each other's behalf upon request by the leaders of the respective crews. One such act of violence was the murder of Derrick Moore, committed by Creston Avenue Crew members Rafael Reyes and Luis Ortiz to assist Taylor Avenue Crew member Steven Brown.</p>	09/04/18	No	Already notified
<p><i>USA Geoffrey Berma</i> (b) (6)</p>			

<p>Massachusetts Man Sentenced to 20 Years in Prison for Planning ISIS Inspired Attack (MA). Alexander Ciccolo was sentenced to 20 years in prison and a lifetime of supervised release in connection with a plot to engage in terrorist activity inspired by the Islamic State of Iraq and Syria (ISIS). On July 4, 2015, Ciccolo received four firearms that he ordered from an individual who was cooperating with law enforcement and who had been communicating with Ciccolo about his plans to engage in a terrorist act. According to court records, Ciccolo had spoken with a cooperating witness in recorded conversations about his plans to commit acts of terrorism inspired by ISIS. These plans included setting off improvised explosive devices, such as pressure cookers filled with black powder, nails, ball bearings, and glass, in places where large numbers of people congregate. After his arrest, Ciccolo attacked and stabbed a nurse with a pen nearly a dozen times, leaving a bloody gash on the top of the nurse's head at the Franklin County Correctional Center. Prior to his arrest, agents had observed Ciccolo purchase a pressure cooker similar to the one used in the Boston Marathon bombings</p> <p><i>USA Andrew Lellin</i> (b) (6)</p>	09/05/18	No	Already notified
<p>Leaders in St. Mary's County Cocaine Distribution Conspiracy Each Sentenced to 11 Years in Federal Prison (MD). Joseph Darren Brooks and Marvin Leon Young, leaders in a St. Mary's County cocaine distribution conspiracy, were sentenced to 11 years in prison followed by five years of supervised release for conspiracy to distribute and possess with intent to distribute powder and crack cocaine. Brooks was also convicted of being a felon in possession of a firearm. According to Young's plea agreement and information presented to the Court, from at least February 2015 through December 2016, Brooks and Young conspired with others, including Darryl Michael Franklin and Brandon Darnell Bowman, to distribute cocaine and crack cocaine primarily in St. Mary's County. During the course of the conspiracy, Young and Brooks were business partners and Franklin was their source of supply for cocaine. Young would typically acquire kilograms of cocaine from Franklin, which he would split with Brooks. Brooks sold smaller distribution quantities of cocaine to other members of the conspiracy and to his own customers. On occasion, Brooks would cook the powder cocaine into crack cocaine and distribute the crack cocaine. The conspirators used Bowman's residence as a stash house and to cook the powder cocaine into crack. Bowman has been sentenced to 86 months in prison, followed by three years of supervised release.</p> <p><i>USA Robert Hu</i> (b) (6)</p>	09/05/18	No	Already notified

<p>Nine Members of a Violent Drug Crew Charged with Racketeering Conspiracy and Four Murders (EDNY). Nine members of a violent drug crew were charged for their participation in a drug-trafficking enterprise based in Brooklyn and Queens. The “Bushwick Crew” allegedly committed multiple acts of violence to further their drug distribution operations in these cities. Eight defendants were charged with racketeering conspiracy, including predicate acts of murder, kidnapping, robbery, extortion conspiracy and heroin distribution conspiracy, and a ninth defendant is charged with murder in aid of racketeering. The Bushwick Crew was involved in a large-scale heroin trafficking organization with Mexican cartel connections. Various members of the crew served as enforcers to protect its interests by arming themselves to escort drug traffickers, forcibly collecting drug debts and committing acts of violence against anyone who interfered with the crew’s operations or offended its members. If convicted, the defendants face minimum sentences of 17 years and 20 years in prison to mandatory life sentences.</p> <p>USA Richard Donoghue (b) (6)</p>	09/06/18	No	Already notified
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OCDETF Organized Crime Drug Enforcement Task Forces	ODAG POC: Mary Dal (b) (6) Component POC: Acting Director Thomas Padden (b) (6)		
<p>Briefing to AGAC Controlled Substances Subcommittee: OCDETF Associate Director (b)(6), (b)(7)(C) per OCDETF and Attorney Adviso (b)(6), (b)(7)(C) per OCDETF met with the members of the AGAC’s Controlled Substances Subcommittee and discussed FY 2019 priorities for the OCDETF Program. Subcommittee members were briefed on OCDETF’s strategy to address the domestic and transnational criminal organizations that have the greatest impact on public safety in each district, focusing on trafficking of illegal drugs, diversion of pharmaceuticals, drug-related violent crime, violent criminal gangs, money laundering, and Priority Transnational Criminal Organizations. A particular focus was on OCDETF’s role in supporting the U.S. Attorneys and other Department components in attacking the opioid epidemic, including case selection criteria for opioid overdose cases, the use of OCDETF’s National Opioid Strategic Initiative, ongoing support projects at the parcel carrier and U.S. Postal hubs, and the Synthetic Opioid Surge Initiative.</p>	<i>Date</i> 09/11/18	<i>OAG/ODAG action required?</i> No	<i>Recommend notifying PAO?</i> No

costs (i.e., profits) from their management of grants awarded by BJA. These allegations were initially identified during a BJA programmatic site visit of NASCIO. OJP’s Office of Audit, Assessment, and Management referred the matter to the OIG for investigation in August 2015, and they initiated an investigation shortly thereafter. Based on the current draft agreement (b)(5) per OJP

(b)(5) per OJP). OJP will likely also (b)(5) per OJP

On September 20, 2018, Lee Loftus has coordinated Hill briefings to give OJP leadership an opportunity to be briefed about some of the solicitations / programs in OJP’s portion of the spend plan. The briefing will be for Senate CJS (majority and minority staff) only and will not include OLA

OJJDP Administrator, Caren Harp, has been asked to testify (as part of a panel) on September 26, 2018, before the Senate Committee on Indian Affairs for an Oversight Hearing entitled: “Justice for Native Youth: the GAO Report on ‘Native American Youth Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency.’” (b)(5) per OJP

Meetings: On September 24, 2018, PDAAG Dummermuth introduces AG Sessions who addresses the BJA-hosted 2018 Public Safety Partnership (PSP) Symposium, attended by BJA Director Jon Adler (and OJP leadership and staff) The Symposium, in Birmingham, Alabama is an invitation-only event that convenes executive leadership, including U.S. Attorneys and key stakeholders from PSP sites to participate in focused discussions on effective violence reduction strategies. Panel topics focus on the core components of PSP: federal partnerships, gun violence, criminal justice collaboration, crime analysis and investigations.

Report: OJP anticipates media interest in the September 24, 2018, release of a report entitled: *Assessing the Role of School Discipline in Disproportionate Minority Contact with the Juvenile Justice System: Final Technical Report*. In brief, using grant funding, researchers from Texas A&M University conducted this project to assess the predictors of school discipline contact and the consequences of this contact on educational and juvenile justice outcomes of racially and ethnically diverse students. This project examined the predictors of moving through the various stages of the juvenile justice system and looked at

09/20/18	No	No	No
09/26/18	No	No	No
09/24/18	No	No	No
09/24/18	No	No	No

the relationship between school strictness and outcomes including school achievement and juvenile justice contact. The key measures of racial composition of school, teacher diversity, student–teacher racial/ethnic incongruence and proportion of students receiving free or reduced lunch were used as controls to investigate the prevalence of harsh discipline, poor educational outcomes and justice system referrals across harsh/lenient schools and rural-urban communities. This report summarizes key findings from 14 manuscripts.

OLP Office of Legal Policy	ODAG POC: Michael Murra (b) (6), Matthew Sheeha (b) (6) Component POC: COS Katie Crytzer (b) (6)		
<p>Nationwide Injunctions. The AG announced OLP’s litigation guidelines on September 13.</p> <p>Nominations. This week, OLP continued to assist in the confirmation of Brett Kavanaugh to the Supreme Court, particularly with the QFRs. The confirmation will take place next week. On September 13, the Senate Judiciary Committee held its first markup session on Judge Kavanaugh’s nomination. A second markup session is anticipated for September 20.</p>	<i>Date</i> No date specified No date specified	<i>OAG/ODAG action required?</i> No No	<i>Recommend notifying PAO?</i> Already aware Already aware

OSG Office of the Solicitor General	ODAG POC: Sujit Rama (b) (6); Christopher Catizon (b) (6)		
<p>On September 20, a brief as amicus curiae in support of petitioner in <i>Merck Sharp & Dohme Corp. v. Albrecht</i> would be due. The question presented is whether a state-law failure-to-warn claim alleging the insufficiency of brand-name drug labeling is preempted by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 <i>et seq.</i>, when the Food and Drug Administration, after the drug manufacturer provided it with the relevant scientific data, rejected the manufacturer's application to modify its labeling to warn about the risk underlying the tort claim. The Department filed a brief at the certiorari stage at the Court's invitation, taking the position that the meaning and effect of an FDA labeling decision is a question of law for courts to resolve and that a May 2009 decision from the FDA preempted respondents' claim that petitioner should have updated its labeling.</p>	Date 09/20/18	OAG/ODAG action required?	Recommend notifying PAO?

OTJ/Indian Country Office of Tribal Justice	ODAG POC: Paul Perkin (b) (6) Component POC: Director Tracy Toulou (b) (6)		
<p>Speeches/Travel/Meetings/Requests</p> <p>On September 10, OTJ participated in a meeting with OPA, EOUSA, and USAND about a media request from the Scripps news agency.</p> <p>On September 11, OTJ participated in a meeting with OLA and OJP on an upcoming Senate Committee on Indian Affairs hearing on a recent GAO report on juvenile justice in Indian country.</p> <p>On September 12, OTJ participated in a meeting with several DOJ components and other federal agencies regarding federal participation in an upcoming Inter-American Commission on Human Rights hearing on violence against Native women.</p> <p>TAP activities:</p>	Date 09/10/18 09/11/18 09/12/18	OAG/ODAG action required?	Recommend notifying PAO?

<ul style="list-style-type: none"> September 11-13, TAP was deployed to the Mashantucket Pequot Tribe in Connecticut. September 14, OTJ and OCIO will provide FBI with a TAP demo in the OTJ offices. OTJ continues to work with BIA to provide TAP access to direct service law enforcement and social service Tribes and is working now to identify deployment sites. Applications for the FY19 expansion are being accepted and reviewed now. 	<p>09/11/18-09/14/18</p>		
<p>On September 18, OTJ will host the monthly call with the Tribal Nations Leadership Council.</p>	<p>09/18/18</p>		
<p>On September 19, OTJ will participate in the human trafficking-focused ad hoc working group on American Indians and Alaska Natives along with several federal agencies include the State Department.</p>	<p>09/19/18</p>		
<p>On September 21, OTJ will co-host with ENRD the Indian Civil Litigation and Policy Working Group.</p>	<p>09/21/18</p>		
<p>On September 21, OTJ will participate in a discussion with several DOJ components and ODAG regarding the Fix NICS implementation plan.</p>	<p>09/21/18</p>		
<p>OTJ will continue to provide materials to ODAG in support of judicial nominations upon request.</p>			
<p>OTJ continues to work with the US Attorney’s Office in the Western District of New York and the Department of the Interior to address law enforcement at the Cayuga Nation.</p>			
<p>OTJ continues to participate in regularly scheduled Elder Abuse Working Group meetings.</p>			
<p>Press</p>			
<p>Nothing to report</p>			

<p>organizations serving underserved, un-served and inadequately served populations. Hosted by the Women of Color Network, Inc.</p> <p>National Leadership Education and Advancement for Professionals (LEAP) Summit – September 18-19, 2018, Los Angeles, CA. The LEAP Project provides skills training and professional development to aspiring leaders working to end violence against women. This two-day National Summit will bring together the LEAP Project cohorts to continue skills development with a focus on practical leadership and management skills that address current nonprofit management needs and challenges. Hosted by the California Coalition Against Sexual Assault in partnership with the Women of Color Network.</p>	09/18/18-09/19/18	Not at this time	N/A
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TAX Tax Division	ODAG POC: Matthew Baughma (b) (6) Component POC: DAAG Travis Greave (b) (6)		
Nothing to report.	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

Unmanned Aircraft Systems UAS	ODAG POC: Brendan Grove (b) (6), Mark Michali (b) (6)		
<p>Counter-UAS Legislation: DOJ's C-UAS legislation made significant progress this week. ODAG staff played a leading role in multiple meetings with Speaker Paul Ryan's staff and the senior staff of three House-side committees: Judiciary, Homeland, and Transportation. Those meetings produced draft language that the majority believes will be acceptable to the Chairmen of those committees, and hopefully the Ranking members as well. (The Chairmen and Ranking members on the Senate side already support the bill.)</p> <ul style="list-style-type: none"> ○ Assuming we secure the support of the Chairman and Ranking members in the House, the bill will be inserted in the House's version of the FAA Reauthorization Act, which could pass the House in the next several weeks. The Senate would then pass the same bill by unanimous consent. 	<i>Date</i>	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>

Public Outreach: First, Brendan appeared on two panels at the New York UAS Conference this week to discuss drone security and the need to pass Counter-UAS legislation, among other issues. Second, ODAG staff met with OPA to discuss ways to expand the Department's public messaging on the UAS threat and the need for legislation.

USMS U.S. Marshals Service	ODAG POC: Toni Baco (b) (6) Component POC: CO (b) (6) per EOUSA, (b) (7)(C), (b) (7)(F) per USMS	<i>Date</i> 09/04/18 Ongoing	<i>OAG/ODAG action required?</i>	<i>Recommend notifying PAO?</i>
<p>Media Coverage on MS13 Arrests: On September 4, 2018, numerous news outlets featured media coverage on the results of the USMS Organized Crime Drug Enforcement Task Force's Operation Blue Northern that took place over the course of 3 months in Houston, Texas, which resulted in the arrest of 11 members of MS-13 connected to five brutal homicides. During the arrest and subsequent search warrant, evidence was discovered linking MS-13 to eight other murders. In addition, several MS-13 associates that were in the country illegally were arrested along with the targets.</p> <p>Multi-Agency Manhunt: The USMS continues to lead a multi-agency manhunt for (b) (6) per EOUSA, (b) (6), (b) (7)(C), (b) (7)(F) per USMS wanted in the Middle District of Pennsylvania for various charges including two counts of Presidential Threats, a state parole violation on the original charge of terroristic threats, failure to appear on an original charge of assault, and general threats toward law enforcement officers. Between June 3-12, 20 (b) (6) per EOUSA, (b) (6), (b) (7)(C), (b) (7)(F) per USMS posted threats on Facebook stating that he plans to shoot President Trump in the head and would use lethal force on any law enforcement officer attempting to detain him. The USMS, FBI and USSS will continue in their coordinated efforts to locate and apprehend (b) (6) per EOUSA, (b) (6), (b) (7)(C), (b) (7)(F) per USMS.</p>				

USTP U.S. Trustee Program	ODAG POC: Matthew Sheeha (b) (6) Component POC: Director Clifford White (b) (6)		
<p>Citibank: On Monday, the USTP will file a settlement with Citibank, N.A. and its affiliates resolving violations pertaining to more than 70,000 robo-signed claims filed for Macy's branded credit card debt in districts throughout the country. The settlement, which will be filed in the Bankruptcy Court for the Northern District of Georgia, requires the payment of \$5 million in remediation to affected bankruptcy debtors.</p>	<i>Date</i> 09/17/18	<i>OAG/ODAG action required?</i> Not at this time	<i>Recommend notifying PAO?</i> N/A

Otus84, AG (OAG)

Subject: PRESS: Fox News
Location: AG's Conference Room

Start: Tuesday, September 18, 2018 10:30 AM
End: Tuesday, September 18, 2018 11:00 AM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)
Required Attendees: Calendar, AG84 (OAG); AGPD; Whitaker, Matthew (OAG); Allen, Alexis (OAG); Sutton, Sarah E. (OPA); Flores, Sarah Isgur (OPA); Barnett, Gary E. (OAG); Williams, Toni (OAG); Schreiber, Jayne (OAG)

POC: Sarah Flores
Attendees: Sarah Flores and Sarah Sutton

Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation without prior permission of the OAG scheduling office. If you believe that the invitation was received in error or that other individuals should be included, please contact the OAG scheduling office.

Whitaker, Matthew (OAG)

From: Whitaker, Matthew (OAG)
Sent: Monday, September 17, 2018 10:06 AM
To: Schreiber, Jayne (OAG)
Subject: RE: Representation Fund Request

Both are approved

From: Schreiber, Jayne (OAG)
Sent: Monday, September 17, 2018 9:40 AM
To: Whitaker, Matthew (OAG) (b) (6) >
Subject: Representation Fund Request

Matt,

Request your approval to spend no more than \$375 from the Representation Fund for lunch w/Former Attorney General John Ashcroft on September 20, 2018.

Request your approval to spend no more than \$800 from the Representation Fund for lunch w/representatives from FOX News on September 25, 2018.

Thank you.

Jayne

Schedule, AG84 (OAG)

From: Schedule, AG84 (OAG)
Sent: Monday, September 17, 2018 3:56 PM
To: Schedule, AG84 (OAG)
Cc: Jackson, Wykema C. (OAG (b)(6), (b)(7)(C) per FBI. (SECD) (FBI); Tucker, Rachael (OAG); Whitaker, Matthew (OAG); Williams, Toni (OAG); Hilliard, Everett R (JMD); Schreiber, Jayne (OAG (b)(6), (b)(7)(C) per FBI. (SECD) (FBI); Bennett, Catherine T (OAG); Washington, Tracy T (OAG); Oliver, Emanuel L. (JMD); Cabral, Joseph (JMD); AGPD; Hamilton, Gene (OAG); Barnett, Gary E. (OAG); Cutrona, Danielle (OAG); Morrissey, Brian (OAG); JCC (JMD); Bumatay, Patrick (OAG); Avery, Charles W (JMD); Wiles, Morgan (OAG); Allen, Alexis (OAG); Holden, Ronald (OAG); Watson, Theresa (OAG); Bryant, Errical (OAG)
Subject: AG's Calendar for Tuesday, September 18, 2018
Attachments: Tuesday, September 18.pdf

September 18, 2018

Tuesday

7:15 AM - 7:15 AM **En Route to Senate**

7:30 AM - 8:00 AM **Personal Appointment -- Senate**
Attendees: AG Only
POC: Errical Bryant
Contact: Mario (b) (6) //Email (b) (6)

8:00 AM - 8:00 AM **En Route to DOJ**

8:30 AM - 9:30 AM **Congressional Breakfast -- AG's Dining Room**
POC: Stephen Boyd
Attendees: AG, Stephen Boyd, Matt Whitaker, Gary Barnett and Patrick Bumatay
Outside Attendees:
Senator Risch
Senator Cotton
Senator Blunt
Senator Burr
[Redacted]

9:45 AM - 10:15 AM **Interview Prep -- AG's Office**
POC: Sarah Flores
Attendees: Sarah Flores

10:00 AM - 10:30 AM **FYI Only Interview Setup- Fox News -- AG's Conference Room**
POC: Sarah Sutton

10:30 AM - 11:00 AM **PRESS: Fox News -- AG's Conference Room**
POC: Sarah Flores
Attendees: Sarah Flores and Sarah Sutton

11:00 AM - 11:30 AM (b) (7)(E) per [Redacted] **Case Review -- AG's Office**
POC: David Rybicki
Attendees: David Rybicki

11:00 AM - 11:30 AM **FYI Only Room Breakdown -- AG's Conference Room**
POC: Sarah Sutton

11:30 AM - 12:30 PM **LUNCH -- AG's Office**

12:40 PM - 1:10 PM **Meet/Greet: Award recipients of AG award for distinguished policing -- AG's Conference Room**
POC: Gary Barnett
Attendees: Gary Barnett, Matt Whitaker and Steve Cook
Outside attendees: 25

1:15 PM - 1:45 PM **Weekly Immigration Meeting -- AG's Conference Room**
POC: Gene Hamilton
Attendees:
OAG: Gene Hamilton, Danielle Cutrona, Matt Whitaker, Rachael Tucker
ODAG: Rod Rosenstein, Ed O'Callaghan, Corey Ellis, Dave Wetmore, Iris Lan
EOIR: James McHenry
CIV: Chad Readler, Scott Stewart, Brett Shumate, Hashim Mooppan, August Flentje
OASG: Jesse Panuccio, Jimmy Percival, Steve Cox, Rachel Parker
OSG: Jeff Wall
OJP: (Acting AAG/PDAAG) Matt Dummermuth

September 18, 2018 Continued

Tuesday

2:00 PM - 4:00 PM

Attorney General's Award for Distinguished Service in Policing -- Main Justice

POC: Gary Barnett

Attendees:

POC: Alicia Colema (b) (6) (b) (6)

Notes:

Remarks and Introduction of Attorney General (2:18 – 2:23 p.m.)

- a. Deputy Attorney General Rosenstein will provide remarks
- b. Deputy Attorney General Rosenstein will introduce Attorney General Jeff Sessions

Attorney General Address (2:23 – 2:38 p.m.)

- c. Attorney General Sessions will provide remarks.
- d. At the conclusion of his remarks, Attorney General Sessions will remain standing, but step over to his standing position for the conferring of the medals.

[REDACTED]

4:45 PM - 4:45 PM

(b) (7)(E), (b) (7)(F)

In Limo: AG, Matt Whitaker, Gary Barnett and Sarah Flores

5:30 PM - 6:00 PM

Wheels Up

Otus84, AG (OAG)

Subject: FYI Only Interview Setup- Fox News
Location: AG's Conference Room

Start: Tuesday, September 18, 2018 9:30 AM
End: Tuesday, September 18, 2018 10:30 AM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)
Required Attendees: Calendar, AG84 (OAG); AGPD; Whitaker, Matthew (OAG); Allen, Alexis (OAG); Sutton, Sarah E. (OPA); Schreiber, Jayne (OAG); Williams, Toni (OAG)

POC: Sarah Sutton

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 18, 2018 10:12 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Ford's Attorney Responds to Judiciary Committee



FOR IMMEDIATE RELEASE

Tuesday, September 18, 2018

Ford's Attorney Responds to Judiciary Committee

WASHINGTON – Senate Judiciary Committee Chairman Chuck Grassley issued the following statement tonight after lawyers for Christine Blasey Ford [sent a letter](#) to the Judiciary Committee responding to its invitations for her to share her story with committee members.

“Nobody should be subject to threats and intimidation, and Dr. Ford is no exception. These are serious allegations and Dr. Ford deserves to be heard.

“Immediately after learning of Dr. Ford’s identity from news reports Sunday, committee staff started working to gather facts related to her claims. We’ve offered Dr. Ford the opportunity to share her story with the committee, as her attorney said yesterday she was willing to do. We offered her a public or a private hearing as well as staff-led interviews, whichever makes her most comfortable. The invitation for Monday still stands.

“Dr. Ford’s testimony would reflect her personal knowledge and memory of events. Nothing the FBI or any other investigator does would have any bearing on what Dr. Ford tells the committee, so there is no reason for any further delay.”

Contrary to suggestions by Dr. Ford’s attorneys, the committee had no plans to place Dr. Ford and Judge Kavanaugh on a panel together, and never indicated plans to do so. Grassley’s staff offered Dr. Ford multiple dates as well as a choice of providing information in a public or private setting.

Ranking Member Feinstein first received a letter with allegations against Judge Brett Kavanaugh from Dr. Ford in July. However, Feinstein neglected to notify Committee Republicans of the letter until the day of the first Committee markup, six weeks after receiving the letter and well after the vetting and hearing process had concluded. Feinstein referred the letter to the FBI, which added it to Kavanaugh’s background investigation file. She should have treated these allegations seriously, as Grassley has done, in immediately acting upon hearing of them.

The FBI has indicated to the committee and in public statements that it considers the matter closed. The FBI does not make credibility determinations. The FBI provides information on a confidential basis in order for decision makers to determine an individual's suitability. The Senate has the information it needs to follow up with witnesses and gather and assess the relevant evidence.

Grassley's staff has sought to work with the Democratic staff to reach out to relevant witnesses. The Democratic staff declined to participate in a follow-up call with Judge Kavanaugh Monday regarding these allegations. And they have declined to join efforts to conduct a bipartisan investigation of the allegations.

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: USDOJ-Office of Public Affairs
Sent: Wednesday, September 19, 2018 2:37 PM
To: (b)(6) Matthew Whitaker
Subject: ATTORNEY GENERAL JEFF SESSIONS DELIVERS REMARKS AT THE VALOR SURVIVE AND THRIVE CONFERENCE

The United States Department of Justice



FOR IMMEDIATE RELEASE
WEDNESDAY, SEPTEMBER 19, 2018

**ATTORNEY GENERAL JEFF SESSIONS DELIVERS REMARKS
AT THE VALOR SURVIVE AND THRIVE CONFERENCE**

Waukegan, Illinois

But nationally in the last two years of the previous administration, the trends ominously reversed.

From 2014 to 2016, the violent crime rate went up by nearly seven percent. Assaults and rape went up nearly 10 percent. Murder shot up by more than 20 percent.

Sadly, this was a nationwide phenomenon. But Chicago is, without a doubt, the most dramatic example.

In 2014, the police here came under intense criticism. A year later, the ACLU issued a report on “Stop and Frisk in Chicago” and threatened the City of Chicago with a lawsuit—and the politicians went into a retreat.

In the aftermath, the city’s leadership rushed into an irresponsible consent decree with the radical activists and the ACLU.

After the consent decree became effective on January 1, 2016, policing went down; crime went up—and as a result, hundreds of Chicagoans are now dead—almost all of them African-American or Latino.

Chicago saw the biggest single-year increase in the murder rate since we’ve had reliable statistics—which is over 60 years.

765 people were killed in Chicago, the most the city had seen in 20 years. Over the previous decade before the consent decree, the average was 454. That means that 311 Chicagoans—friends, neighbors, moms, dads—were killed in 2016 who might still be alive if the murder rate had stayed at the 10-year average.

More people were murdered in Chicago in 2016 than in New York and Los Angeles combined—even though Chicago has one-fifth of the population of those two cities.

The situation was so bad that nearly a quarter of the nationwide increase in homicide that year happened in Chicago alone.

This did not need to happen. In 2015 and 2016, Chicago had the same police on patrol and the same prosecutors in court, but dramatically different results.

Remarks as prepared for delivery

Thank you, John for that generous introduction and thank you for your dozen years of service to the Department of Justice. John was once the captain of the Harvard football team and now he’s the captain of an office that serves 9 million people.

On behalf of President Donald Trump—I want to thank your staff and all of the federal officers who are here with us today.

And while we are inexpressibly proud of our justice team—FBI, DEA, ATF, the

Marshals Service—we also fully appreciate the fact that 85 percent of the law enforcement officers in this country serve at the state and local levels. It is simple arithmetic that we cannot succeed without you.

And so I want to thank:

- Waukegan Police Chief Wayne Walles and
- State’s Attorney Mike Nerheim

Thank you also to the Mid-States Organized Crime Information Center.

I want to commend all of the 146 officers from 51 agencies who are receiving VALOR training today. The day I was sworn in as Attorney General President Trump ordered me to enhance officer safety and to “back the blue.” That’s exactly what we are doing.

It is an honor to be back in the Chicago area and to meet with law officers on the front lines in the fight against violent crime.

This morning, I met with police department commanders that explained what they are putting in place to curb the violence here and I met with community members who are affected every day. Mothers who’s sons were gunned down. Students from a local high school who are being exposed to unspeakable violence every day.

So I am here to tell you this is urgent. The people in these neighborhoods are entitled to the same safety and security as the people living in the mansions and gated communities on the north shore.

They deserve the same protection as every Chicagoan. They deserve to go to sleep at night without the fear of a stray bullet hitting coming through the wall as their children sleep.

But we have children being gunned down every day and it is our duty to do everything in our power to stop it.

Accepting this status quo of death and crime because it's confined to a few neighborhoods not responsible or moral. This storied city cannot capitulate to the violence.

And that is why I am here today. Your work has never been easy. But in recent years you have faced obstacles that have made your jobs more difficult and more dangerous than they have to be.

Colossal mistakes have been made by politicians and leaders that have had particular catastrophic consequences for the people of cities like Chicago, Baltimore, and St. Louis.

From 1991 to 2014, we saw an historic nationwide decline in violent crime. Murder dropped by half. Violent crime overall dropped by half.

Rape decreased by more than a third, and robbery plummeted by nearly two-thirds.

This was an incalculable benefit to America.

But nationally in the last two years of the previous administration, the trends ominously reversed.

From 2014 to 2016, the violent crime rate went up by nearly seven percent. Assaults and rape went up nearly 10 percent. Murder shot up by more than 20 percent.

Sadly, this was a nationwide phenomenon. But Chicago is, without a doubt, the most dramatic example.

In 2014, the police here came under intense criticism. A year later, the ACLU issued a report on “Stop and Frisk in Chicago” and threatened the City of Chicago with a lawsuit—and the politicians went into a retreat.

In the aftermath, the city’s leadership rushed into an irresponsible consent decree with the radical activists and the ACLU.

After the consent decree became effective on January 1, 2016, policing went down; crime went up—and as a result, hundreds of Chicagoans are now dead—almost all of them African-American or Latino.

Chicago saw the biggest single-year increase in the murder rate since we’ve had reliable statistics—which is over 60 years.

765 people were killed in Chicago, the most the city had seen in 20 years. Over the previous decade before the consent decree, the average was 454. That means that 311 Chicagoans—friends, neighbors, moms, dads—were killed in 2016 who might still be alive if the murder rate had stayed at the 10-year average.

More people were murdered in Chicago in 2016 than in New York and Los Angeles combined—even though Chicago has one-fifth of the population of those

two cities.

The situation was so bad that nearly a quarter of the nationwide increase in homicide that year happened in Chicago alone.

This did not need to happen. In 2015 and 2016, Chicago had the same police on patrol and the same prosecutors in court, but dramatically different results.

So what happened?

According to a study by two professors from the University of Utah—one of whom is a former federal judge—the consent decree mandated a major change in Chicago’s community-based policing—including Terry stops—that allowed this bloodshed to take place.

The professors found that the increased crime cost a staggering \$1.5 billion and noted that 78 percent of its victims were African-American and 16 percent were Latino. Ninety-four percent of the victims were minorities.

The ACLU consent decree required police officers to submit a detailed report to the ACLU, a former federal judge, and a publicly available database after every single Terry stop.

John’s predecessor as United States Attorney, Zachary Fardon, said in an open letter to the City that the ACLU agreement “[told] cops if you go talk to those kids on the corner, you’re going to have to take 40 minutes to fill out a form, and you’re going to have to give them a receipt with your badge number on it.”

And he noted that as a result, by January 2016, “the city was on fire” because “the rule of law, law enforcement, had been delegitimized.” That is a devastating analysis.

Reporting by the Chicago Sun Times confirms this, stating in January 2016, that Chicago officers say that “they fear getting in trouble for stops later deemed to be illegal and the new [required forms] take too much time to complete.”

After the consent decree pushed by the ACLU went into effect in 2016, these stops declined by 75 percent. Chicago police made 24 percent fewer arrests in 2016 than they made in 2015, and about half as many arrests as they made in 2011.

To any police officer or sheriff’s deputy on the beat, the dangers created were immediately obvious.

But tragically, it was not obvious to the politicians, the media, or the activists.

As former U.S. Attorney Fardon put it, “cops stopped making stops and kids started shooting more.”

The professors who studied Chicago call it “the ACLU effect.” Policing went down and crime went up.

There’s a clear lesson here: if you want more shootings and more death, then listen to the ACLU, Black Lives Matter, or Antifa. If you want public safety, then listen to the police professionals who have been studying this for 35 years.

Chicago’s officers are still on these streets every day doing honorable, respectable work on behalf of the community. Chicago hired 1,100 more police officers in 2017. That is a positive step.

But the disastrous consent decree is still in effect.

And while the police here are doing everything in their power to reverse these trends, their hands still remain tied. We’ve seen some important progress thanks to your efforts—its encouraging—but the murders in 2017 remained at historic highs—still 35 percent higher than 2015.

Hundreds more people gunned down for another year. And yet, there’s been recent discussion of even more restrictions. Clearly that is not the answer. We need to get back to community based policing not further limit the very tactics that have the best chance to reduce crime and violence.

This is why—sadly—Chicago has become a cautionary tale for leaders across America.

But Chicago is not alone. Good and decent people of other cities have also suffered from leadership and politics forcing their police departments to restrict proactive community policing.

One of the most tragic examples is Baltimore.

After the death of Freddie Gray, violence and riots followed. City leadership signed a consent decree with the ACLU. The results were the same as in Chicago.

From 2014 to 2017, the average number of field interviews conducted by police in Baltimore fell by 70 percent.

Arrests fell dramatically and arrests on outstanding warrants dropped by half.

Meanwhile, homicides in Baltimore increased by 62.5 percent. Rape more than tripled. Car theft and aggravated assault went up by third.

St. Louis has gone through a similar ordeal.

In St. Louis, after the fatal shooting of Michael Brown in 2014 in nearby Ferguson, there were riots and police pulled back from the community.

In 2015—the year after the riots—St. Louis became the murder capital of the United States.

In 2016, it had a murder rate more than 10 times the national average and double the murder rate of Chicago.

But it doesn't have to be this way. Smart law enforcement policies can bring down crime rates and start a virtuous cycle of safety and prosperity.

Think about the example of New York City.

In 1990, there were 2,605 murders in New York City. Last year there were 292. Thanks to the historic work of Bill Bratton and Rudy Giuliani, the burglaries are down by nearly two-thirds and robberies have been cut in half since 2000.

Results like these don't happen by accident. This was the work of smart and diligent policing.

New York targets criminals whom they refer to as Alpha Criminals—ones who commit a disproportionate amount of violent crime and recruit others to join their enterprises.

NYPD monitors crime rates block by block.

Los Angeles has also shown how to reduce crime. Violent crime fell by more than 70 percent from the 1980s to 2015. From 2005 to 2013, the murder rate fell by nearly half.

The proof is in. It can no longer be denied: disrespect and lack of support for police officers has real world consequences.

Leaders must understand and affirm the important and dangerous work of our

officers. Failure to support our professionals undermines the pro-active policing that has been shown to save lives.

President Trump is a lifelong New Yorker. He saw how a surge of violence almost lost that great city.

And he saw Rudy Giuliani and Bill Bratton save his hometown and the prosperity that has followed.

Under his strong leadership, we are respecting police again and enforcing our laws.

Based on my experience meeting with officers like you across the country, I believe that morale has already improved under President Trump. I can feel the difference.

Last summer, I deployed more ATF agents and prosecutors to Chicago, and I prioritized prosecutions to focus on reducing violent crime. That will help.

We believe that law enforcement is a noble profession and one that demands respect.

Of course, the Department of Justice will continue to hold accountable any officer who violates the law and undermines the good work of our police.

But we will not malign entire police departments. We will not try to micromanage their daily work all the way from Washington. We will encourage proven, constitutional, and proactive policing that departments must do to keep all Americans safe—and especially our minority communities who are by far the most victimized by crime.

They are crying out for safety and they are right to do so.

We will not participate in anything that would give comfort to criminals or radicals who preach hostility rather than respect for police.

The work ahead of you is difficult, but it is not hopeless. It may take some time, but Chicago can choose a better future.

Nothing is more important to Chicago than restoring safety.

Chicago cannot accept an image as a violent, crime-ridden city. If it does, then it continues down the vicious cycle of crime, poverty, and low growth. Chicago's

population has declined for three years in a row.

In 2016, it was the only one of our 10 biggest cities to have a shrinking population.

And so I would urge that the city take on a great mission to recognize the mistakes of the past and develop a plan for the future.

If anybody thinks that it can't be done, then look at New York City and Los Angeles. It can be done. But Chicago must listen to the police professionals and support them financially and morally.

And so, in our joint effort to protect the good people of this city and this country, you can be certain about this: we have your backs, and you have our thanks.

#

AG

18 1224

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

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Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 19, 2018 5:42 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- Grassley Letter for Feinstein Re Refusal to Publicly Release Hidden Evidence
Attachments: 09.19.18 CEG to Feinstein.pdf
Importance: High

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Davis, Mike (Judiciary-Rep)
Sent: Wednesday, September 19, 2018 5:41 PM
To: Duck, Jennifer (Judiciary-Dem) (b) (6) >
Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Marc A. Hearron
(b) (6) (b) (6) >; Brest, Phillip (Judiciary-
Dem) (b) (6) >
Subject: SCOTUS -- Grassley Letter for Feinstein Re Refusal to Publicly Release Hidden Evidence
Importance: High

Jennifer:

Please find the attached letter from the Chairman to the Ranking Member regarding the Ranking Member's refusal to publicly release hidden evidence.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
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RICHARD BLUMENTHAL, CONNECTICUT
MAZIE K. HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

September 19, 2018

The Honorable Dianne Feinstein
Ranking Member, United States Senate Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

I am writing to request that you provide me a copy of the letter dated July 30, 2018, that you received from Dr. Christine Blasey Ford containing allegations of sexual assault against Judge Brett Kavanaugh. My staff has made repeated requests for this document—which has become a significant piece of evidence in Judge Kavanaugh’s confirmation process—but your staff has so far refused to provide a copy of the letter. You are able to share this unredacted copy with all the members of your caucus and their staff, as well as anyone else you choose. The only version we have of this letter is a redacted version contained in the supplemental FBI background investigation file that only senators and a handful of very select staff are authorized to read.

Sexual assault allegations deserve serious attention, and those who make such allegations must be heard. They should not be deployed strategically for political gain. You received this letter approximately seven weeks ago. But the contents of the letter were leaked only last week when it appeared the Senate was about to confirm Judge Kavanaugh. There were numerous opportunities to raise the serious allegations made in the letter during the course of this nomination process. They could have been raised in your closed-door meeting with Judge Kavanaugh on August 20. Sixty-four other senators also met with Judge Kavanaugh prior to his confirmation hearing. These senators could have asked Judge Kavanaugh about these allegations if you had shared the letter.

Your staff could have raised these allegations during routine background investigation phone calls in late-August. Questions about these allegations could have been asked of Judge Kavanaugh during his more than 32 hours of testimony before the Committee over the course of three days. You could have asked him about these allegations during the closed session of his confirmation hearing, where sensitive material can be discussed. But you did not attend the closed session. Finally, these allegations could have been addressed in one of the nearly 1,300 written questions issued to him after the hearing—more written questions to any Supreme Court nominee than *all* prior Supreme Court nominees *combined*.

You have said that you didn’t raise Dr. Ford’s allegations previously because you wanted to protect Dr. Ford’s anonymity. But these allegations could have been raised to me, or to Judge Kavanaugh,

while protecting Dr. Ford's anonymity. Indeed, the only version of her letter that I have is the redacted version from the FBI, which protected Dr. Ford's anonymity. Had Dr. Ford not made her allegations public via the *Washington Post* over the weekend, I still would not know her identity. The fact is that these allegations could have been raised both within the last seven weeks *and* in a way that protected Dr. Ford's anonymity. Instead, you chose to sit on the allegations until a politically opportune moment. I cannot overstate how disappointed I am in this decision. It has caused me to have to reopen the hearings for the fifth day of testimony, when we easily could have—and should have—raised these issues before or during the first four days of the hearing.

As you know, the Senate Judiciary Committee has extended invitations to Dr. Ford and Judge Kavanaugh to testify on Monday, September 24. They have until this Friday at 10:00 a.m. to let us know whether they are coming. Dr. Ford has asked for the opportunity to be heard in a hearing, and I believe she should have that opportunity. I recognize that testifying publicly about sexual assault allegations may be difficult for Dr. Ford, so I have offered her the opportunity to testify in any of four possible venues: (1) a public hearing; (2) a private hearing; (3) a public staff interview; or (4) a private staff interview. I am even willing to have my staff travel to Dr. Ford in California—or anywhere else—to obtain her testimony.

As you know, the Majority staff spoke with Judge Kavanaugh as part of the background investigation. Judge Kavanaugh immediately agreed to cooperate with Senate investigators. He sat for a transcribed interview on Monday. He understood that he was under penalty of felony, if he was not truthful. He fully, candidly, and unequivocally answered all questions. We have no reason to doubt the truthfulness of Judge Kavanaugh's testimony. Judge Kavanaugh volunteered to come back to a public hearing.

As is standard practice, we invited the Minority staff to participate and ask Judge Kavanaugh its own questions, but the Minority staff declined. The Majority staff has also sought to set up interviews with Dr. Ford, Mark Judge, and two other alleged witnesses. The Minority staff is welcome to participate in the investigative process as well, but it has thus far declined.

In order to prepare for Monday's hearing, and any discussions with Dr. Ford that occur before then, I must review the unredacted letter that Dr. Ford sent to you, dated July 30, 2018. I ask that you send me a copy of the original, unredacted letter immediately.

Sincerely,



Chuck Grassley
Chairman

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Friday, September 21, 2018 6:35 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Judiciary Committee Continues Effort to Accommodate Testimony from Dr. Ford Next Week



FOR IMMEDIATE RELEASE
Friday, September 21, 2018

Judiciary Committee Continues Effort to Accommodate Testimony from Dr. Ford Next Week

WASHINGTON – The Senate Judiciary Committee earlier today offered to move next week’s hearing to receive testimony from Dr. Christine Blasey Ford and Judge Brett Kavanaugh to Wednesday, in order to accommodate one of several requests made by Ford’s legal team. The Committee also offered to accommodate certain other terms while respecting fairness, due process and the senators’ ability to fulfill their constitutional duties.

Chairman Grassley issued the following statement:

“Despite the fact that the July 30th letter remains hidden, my committee has been investigating the allegations and has heard from multiple witnesses since Sunday. Ms. Katz has discussed Dr. Ford’s allegations in numerous media interviews and said on TV Monday morning that Dr. Ford wants to share her account with the Senate Judiciary Committee. It’s Friday night and nothing’s been agreed to despite our extensive efforts to make testimony possible,” Grassley said. ***“I’m extending the deadline for response yet again to 10 o’clock this evening. I’m providing a notice of a vote to occur Monday in the event that Dr. Ford’s attorneys don’t respond or Dr. Ford decides not to testify. In the event that we can come to a reasonable resolution as I’ve been seeking all week, then I will postpone the committee vote to accommodate her testimony. We cannot continue to delay.”***

The chairman issued a notice of a committee executive business meeting, at which the committee can vote on the nomination of Judge Brett M. Kavanaugh to be an Associate Justice on the Supreme Court of the United States. The official notice can be found below.

In addition to the delayed hearing date, the committee has also agreed to certain hearing logistics requests and to assist in coordinating security for the hearing. The Committee did not agree to a number of demands regarding witness numbers and speaking orders, as the committee does not accept witness or subpoena requests from other witnesses as a condition of testimony. As a fundamental matter of fairness and due

process, Dr. Ford would provide her testimony containing the allegations and Judge Kavanaugh would be able to respond. The Committee also will determine who will conduct the questioning.

“Consistent with our sincere desire to hear Dr. Ford’s testimony in her preferred setting—while, at the same time, respecting fundamental notions of due process and Committee practice—we are willing to meet you halfway,” a proposal from Committee staff said.

“This Committee has been extremely accommodating to your client. We want to hear Dr. Ford’s testimony and are prepared to accommodate many of your demands, including further delaying a hearing that is currently scheduled for Monday. We are unwilling to accommodate your unreasonable demands. Outside counsel may not dictate the terms under which Committee business will be conducted.”

Full text of the proposal from earlier today follows:

Dear Ms. Katz and Ms. Banks:

I am writing in response to your conditions under which your client, Dr. Christine Blasey Ford, is willing to testify as to her allegations of sexual assault by Judge Brett Kavanaugh while the two individuals were in high school more than 35 years ago. On behalf of Chairman Chuck Grassley, I want to reiterate that the Senate Judiciary Committee considers these serious allegations and wants to honor Dr. Ford’s request to testify. We are committed to providing a secure and respectful setting for her testimony. The Chairman fully agrees with Dr. Ford that we cannot have another “media circus.” The Chairman has offered the ability for Dr. Ford to testify in an open session, a closed session, a public staff interview, and a private staff interview. The Chairman is even willing to fly female staff investigators to meet Dr. Ford and you in California, or anywhere else, to obtain Dr. Ford’s testimony.

Sometime before last Sunday, September 16, your client described her allegations to a reporter for the Washington Post, which published the allegations that Sunday. This was the first time that the Chairman or his staff learned of Dr. Ford’s identity. Dr. Ford had made these allegations privately to her elected representatives, including Senator Feinstein, who was aware of these allegations since July. Neither Senator Feinstein nor her staff asked Judge Kavanaugh about these allegations despite having numerous opportunities to do so, including in a closed-door meeting between the senator and the nominee, during confidential phone calls with Judge Kavanaugh regarding his background, during three days and more than 32 hours of testimony at his public confirmation hearing two weeks ago, during a closed session of that hearing when sensitive information could be discussed—which Senator Feinstein did not attend—or when senators issued Judge Kavanaugh nearly 1,300 written questions after his confirmation hearing, more written questions submitted than were submitted to all previous Supreme Court nominees combined. Senator Feinstein also could have referred these allegations anonymously and confidentially to the FBI when she was made aware of them. That would have protected her anonymity, as Dr. Ford requested.

These actions were profoundly unfair to both parties. Judge Kavanaugh has unequivocally denied Dr. Ford’s allegations. He should have been given the opportunity to say so directly to Senator Feinstein had he been made aware of serious allegations against him. And 64 other senators met with Judge Kavanaugh before his hearing. If Senator Feinstein had made them aware of these serious allegations, those senators could have also questioned Judge Kavanaugh. Dr. Ford requested that her allegations remain confidential. Instead, this confidential information leaked due to the actions of Democratic offices on the Judiciary Committee, and the allegations are now in the public arena, contrary to Dr. Ford’s wishes. The media circus and eleventh-hour intrigue could have been avoided if my colleagues and their staff treated these allegations seriously and responsibly. I’m afraid their actions have undermined the dignity of these proceedings.

Chairman Grassley, when he became aware of Dr. Ford's allegations last Sunday, instructed his staff to begin an immediate investigation. The next day, Ms. Katz went on morning shows asking that the Committee hold a public hearing so that Dr. Ford may offer her testimony. The Committee immediately honored that request, scheduling a hearing for one week later. Chairman Grassley informed you that the hearing could be public or private and that Dr. Ford could also choose to have a public or private staff interview with Democratic and Republican staff.

The next day, you withdrew your request for a hearing until the FBI conducted an investigation. The FBI, however, issued a statement that it considered the matter closed. The Senate does not have the authority to direct an Executive Branch department to conduct further investigation. Moreover, the Senate has a constitutional obligation to conduct its own investigations. Chairman Grassley's staff has tried to work with Democratic staff to conduct an investigation, but they have so far refused to participate. On Monday, September 17, Chairman Grassley's staff interviewed Judge Kavanaugh under penalty of felony. Democratic staff was invited to participate, and they could have asked any question they wanted to, but they declined. Judge Kavanaugh was forthright and emphatic in his testimony. He fully answered all questions. Chairman Grassley's staff also contacted three alleged witnesses named by Dr. Ford and obtained two statements under penalty of perjury. These witnesses directly contradict Professor Ford's allegations against Judge Kavanaugh.

Yesterday, you issued ten demands to us regarding the conditions under which Dr. Ford is willing to testify. Consistent with our sincere desire to hear Dr. Ford's testimony in her preferred setting—while, at the same time, respecting fundamental notions of due process and Committee practice—we are willing to meet you halfway. You demanded that we not hold the hearing on Monday because Dr. Ford needs time to prepare her testimony. Because Dr. Ford's testimony will concern only her personal knowledge of events, events which she already described to the Washington Post, holding a hearing more than one week after she aired these allegations is more than reasonable. We will nevertheless reschedule the hearing for later in the week, as you requested. The Committee will take Dr. Ford's and Judge Kavanaugh's testimony on Wednesday, September 26.

We deplore that Dr. Ford has faced serious threats and harassment over the past week, and we will make every effort to guarantee her safety. At the same time, Judge Kavanaugh and his family, including his two young daughters, have also faced serious death threats and vicious assaults as a result of these allegations. And they're getting worse each day. Judge Kavanaugh unequivocally and categorically denied these allegations. He was willing to testify last week after the allegations were made publicly, and he already accepted our invitation to testify on Monday. It is not fair to him or to his family to allow this situation to continue without a resolution and without an opportunity for him to clear his name. Holding the hearing on Wednesday honors your request for a later hearing date while recognizing that Judge Kavanaugh is entitled to due process. It is the fairest option for both parties.

We also accept some of your other demands. You demanded that Judge Kavanaugh not be in the hearing room during Dr. Ford's testimony. We have no objection to that.

You demanded that only one camera be permitted in the hearing room and that there be limited press access. We have no objection to that.

You demanded that the number of rounds and minutes per round of questions be equal for all senators. We have no objection to that.

You demanded that Dr. Ford be given adequate breaks during her testimony. We of course have no objection to that.

You also expressed concerns about Dr. Ford's safety and that the Senate provide adequate security. This, of course, we will do. The Capitol Police offers more than adequate security. The Senate hosts the President, Vice President, Cabinet secretaries, heads of state, and other prominent public figures all the time with the necessary precautions.

Some of your other demands, however, are unreasonable and we are unable to accommodate them. You demanded that Judge Kavanaugh be the first person to testify. Accommodating this demand would be an affront to fundamental notions of due process. In the United States, an individual accused of a crime is entitled to a presumption of innocence. And, further, the accused has the right to respond to allegations that are made about him. Judge Kavanaugh cannot be expected to respond to allegations that have been made to the press. He is entitled to hear the full, detailed testimony of Dr. Ford before he testifies. You have indicated that Dr. Ford has allegations that she would like to make in public and under oath. She will have the opportunity to do so before we give Judge Kavanaugh the opportunity to respond.

You also demanded that only senators be permitted to ask questions of the witnesses. We are also unable to accommodate this demand. There is no rule of the Senate or the Committee that precludes staff attorneys from asking witnesses questions. We reserve the option to have female staff attorneys, who are sensitive to the particulars of Dr. Ford's allegations and are experienced investigators, question both witnesses. We believe this will allow for informed questioning, will generate the most insightful testimony, and will help de-politicize the hearing.

You demanded that the Committee issue subpoenas for the testimony of Mark Judge and other unidentified witnesses. The Committee is unable to accommodate this demand. The Committee does not take subpoena requests from witnesses as a condition of their testimony. You went on television earlier this week and said Dr. Ford wants the chance to tell her story in public and under oath. This is the opportunity we have given her. We don't need to subpoena additional witnesses to do that.

You demanded that the Committee call additional witnesses that Dr. Ford requests. We are unable to accommodate this demand. The Committee does not take witness requests from other witnesses. Mark Judge and one other alleged witness to the events Dr. Ford has described have already denied the allegations under penalty of felony to the Committee. We can obtain additional testimony through staff interviews, obtaining statements, or other means that are subject to penalties of felony, if necessary.

This Committee has been extremely accommodating to your client. We want to hear Dr. Ford's testimony and are prepared to accommodate many of your demands, including further delaying a hearing that is currently scheduled for Monday. We are unwilling to accommodate your unreasonable demands. Outside counsel may not dictate the terms under which Committee business will be conducted.

Please respond by 5:00 pm to accept the invitation for Dr. Ford to testify on Wednesday according to the terms outlined above. We will have to issue various Committee notices soon after, so timeliness is extremely important.

The notice for committee executive business meeting on Monday, September 24 follows.

September 21, 2018

NOTICE OF COMMITTEE EXECUTIVE BUSINESS MEETING

An Executive Business Meeting has been scheduled by the Committee on the Judiciary for Monday,

September 24, 2018 at 10:00 a.m., in Room 226 of the Dirksen Senate Office Building.

By order of the Chairman.

AGENDA

Senate Committee on the Judiciary
Dirksen Senate Office Building, Room 226
Monday, September 24, 2018 at 10:00 a.m.

I. Nominees

Brett M. Kavanaugh, to be an Associate Justice of the Supreme Court of the United States

Jonathan A. Kobes, to be United States Circuit Judge for the Eighth Circuit

Kenneth D. Bell, to be United States District Judge for the Western District of North Carolina

Stephanie A. Gallagher, to be United States District Judge for the District of Maryland

Mary S. McElroy, to be United States District Judge for the District of Rhode Island

Carl J. Nichols, to be United States District Judge for the District of Columbia

John M. O'Connor, to be United States District Judge for the Northern, Eastern and Western Districts of Oklahoma

Martha Maria Pacold, to be United States District Judge for the Northern District of Illinois

Mary M. Rowland, to be United States District Judge for the Northern District of Illinois

Steven C. Seeger, to be United States District Judge for the Northern District of Illinois

II. Bills

S.2785, DETER Act (Durbin, Graham)

S. 3178, Justice for Victims of Lynching Act of 2018 (Harris, Scott, Feinstein, Leahy, Durbin, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker)

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary

Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 22, 2018 8:35 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- statement from Leland Keyser

----- Original message -----

From: Howard Walsh (b) (6) >
Date: 9/22/18 7:37 PM (GMT-05:00)
To: Leland Ingham (b) (6) >, "Mehler, Lauren (Judiciary-Rep)"
(b) (6) >
Subject: Ms. Leland Keyser

Dear Ms. Mehler:

Ms. Leland Keyser has engaged me in the limited capacity to address your request for information in the email below. Simply put, Ms. Keyser does not know Mr. Kavanaugh and she has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford.

Ms. Keyser hopes this information is helpful to your investigation. I am available for any further questions you may have.

Sincerely,

--
Howard J. Walsh III, Esq.
7101 Wisconsin Ave
Suite 1200
Bethesda, MD 20814-4884
(b) (6)
301-576-7900 (fx)
Begin forwarded message:

From: "Mehler, Lauren (Judiciary-Rep)" (b) (6) >
Date: September 18, 2018 at 12:39:57 EDT
To: (b)(6) Leland Ingham " (b) (6) >
Subject: Request from the Senate Judiciary Committee

Hello Ms. Keyser,

My name is Lauren Mehler and I serve as Senior Counsel for the Senate Judiciary Committee for Chairman Grassley. I understand that you have been identified as an

individual who was in attendance at a party that occurred circa 1982 described in a recent Washington Post article (https://www.washingtonpost.com/investigations/california-professor-writer-of-confidential-brett-kavanaugh-letter-speaks-out-about-her-allegation-of-sexual-assault/2018/09/16/46982194-b846-11e8-94eb-3bd52dfe917b_story.html?utm_term=.0d3d10f61a34).

Pursuant to our Committee's investigative practices, we would like to have a confidential phone call with you regarding the allegations made in the article about Judge Brett Kavanaugh. The Majority and Minority staffs typically participate in these calls. Please let us know if you are available this afternoon or tomorrow for a phone call. Happy to chat over email or the phone if you have any questions about logistics or process.

Thanks much,

Lauren

Lauren Mehler
Senior Nominations Counsel

<image001.gif>

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY
224 Dirksen Senate Office Building | Washington, DC 20510
phone (b) (6)

NOTICES

attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy it and notify me immediately.

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 12:35 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Dr. Ford's attorneys accept Chairman Grassley's invitation for Dr. Ford to testify on Thursday, 9/27/2018
Attachments: 09232018 Hearing Invitation Acceptance by Dr. Ford.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 1:26 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- additional statement from Mark Judge
Attachments: M. Judge Letter.pdf

Below is an additional statement from Mark Judge, through his counsel.

Additionally, the Ranking Member and Dr. Ford's attorneys have refused requests to publicly release the 7/30/2018 letter that Dr. Ford sent to Senator Feinstein.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Van Gelder, Barbara (b) (6)]
Sent: Sunday, September 23, 2018 11:37 AM
To: Mehler, Lauren (Judiciary-Rep) (b) (6) >
Cc: Davis, Mike (Judiciary-Rep) (b) (6) >; Ferguson, Andrew (Judiciary-Rep) (b) (6) >
Subject: Re: Phone call with your client Mark Judge

Dear Ms. Mehler,

As I stated in my September 18, 2018 email to you, Mr. Judge will answer the Committee's written questions. This morning, you asked if Mr. Judge would "share with Committee the facts on which Mr. Judge relied for his statement."

Mr Judge does not remember attending a party with Dr. Ford and Brett Kavanaugh. There is a limited amount of information in the public record with which to try to refresh his recollection. We do not have Dr. Ford's unredacted letter but we have reviewed the redacted version. The most complete recitation of the alleged event was provided by a reporter from the Washington Post. Since all of the people named in the email have self- identified themselves to the Committee, I am providing an unredacted copy of the email, see below.

These additional facts have not refreshed his memory.

Sincerely,
Barbara Van Gelder

Counsel for Mark Judge

Email from Washington Post sent Sep 16, 2018.

Subject: Re: urgent: new information regarding sexual misconduct allegations

Mark,

The woman who has accused Judge Kavanaugh of sexual assault in high school while you were in the room went by Christine (Chrissy) Blasey as a high school student at Holton-Arms. Her married name is Christine Ford. We intend to publish a story with her name and her allegation and very much want to speak with you this morning. We intend to publish early this afternoon.

The allegations she described to me mirror those that have been reported already: on her way to the bathroom, she was pushed into a bedroom by Brett Kavanaugh and Mark Judge, both of whom were very drunk. The two boys laughed as Brett Kavanaugh pinned her down on the bed, groped her and tried to take her clothes off. When she yelled out, he clapped his hand over her mouth and she was terrified. She got away when Mark Judge jumped on them, sending them toppling.

She believes this took place in early summer 1982, at a house party in Montgomery County. In addition to Brett Kavanaugh and Mark Judge, whom she called acquaintances she knew from past socializing, she recalls that her friend Leland (last name then was Ingham, now Keyser) was at the house and a friend of the boys named PJ.

On Sep 23, 2018, at 10:02 AM, Mehler, Lauren (Judiciary-Rep) (b) (6) > wrote:

Good morning Ms. Van Gelder,

Thank you for submitting Mr. Judge's statement. Would you please also share with the Committee the facts on which Mr. Judge relied for his statement?

Thanks much,

Lauren

From: Van Gelder, Barbara (b) (6)]
Sent: Tuesday, September 18, 2018 1:24 PM
To: Mehler, Lauren (Judiciary-Rep) (b) (6) >
Subject: RE: Phone call with your client Mark Judge

Dear Ms. Mehler, I just received your voicemail. I sent the attached letter to Mr. Davis. Mr. Judge will answer any written questions you wish to pose to him through counsel. Best Regards, Biz Van Gelder

<image001.gif>

Barbara "Biz" Van Gelder
Senior Counsel | Cozen O'Connor
1200 19th Street, NW | Washington, DC 20036
P (b) (6) F: 202-640-5525 (b) (6)
[Email](#) | [Map](#) | cozen.com

From: Mehler, Lauren (Judiciary-Rep) (b) (6) >

Sent: Tuesday, September 18, 2018 12:21 PM
To: Van Gelder, Barbara (b) (6) >
Subject: Phone call with your client Mark Judge

Hello Ms. Van Gelder,

I'm following up on the voicemail I just left you.

I understand that your client, Mark Judge, has been identified by Christine Blasey Ford as an individual who was in attendance at a party that occurred circa 1982 described in a recent Washington Post article (https://www.washingtonpost.com/investigations/california-professor-writer-of-confidential-brett-kavanaugh-letter-speaks-out-about-her-allegation-of-sexual-assault/2018/09/16/46982194-b846-11e8-94eb-3bd52dfe917b_story.html?utm_term=.0d3d10f61a34). Pursuant to our Committee's investigative practices, we would like to have a confidential phone call with Mr. Judge regarding the allegations made in the article about Judge Brett Kavanaugh. The Majority and Minority staffs typically participate in these calls. Please let us know if Mr. Judge is available this afternoon or tomorrow for a phone call.

Thanks much,

Lauren

Lauren Mehler
Senior Nominations Counsel

<image002.gif>

UNITED STATES SENATE COMMITTEE ON THE JUDICIARY
224 Dirksen Senate Office Building | Washington, DC 20510
phone (b) (6)

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Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, an employee or agent of the intended recipient who is responsible for delivering it to the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading or saving them in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.



September 18, 2018

VIA E-MAIL

Barbara "Biz" Van Gelder

Direct Phone (b) (6)
Direct Fax 202-640-5525
(b) (6)

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Re: Brett Kavanaugh Confirmation

Dear Chairman Grassley and Ranking Member Feinstein:

I represent Mark Judge. Mr. Judge asked me to convey the following statement:

"I did not ask to be involved in this matter nor did anyone ask me to be involved. The only reason I am involved is because Dr. Christine Blasey Ford remembers me as the other person in the room during the alleged assault.

In fact, I have no memory of this alleged incident. Brett Kavanaugh and I were friends in high school but I do not recall the party described in Dr. Ford's letter. More to the point, I never saw Brett act in the manner Dr. Ford describes.

I have no more information to offer the Committee and I do not wish to speak publicly regarding the incidents described in Dr. Ford's letter."

Sincerely yours,

COZEN O'CONNOR

Barbara Van Gelder
Counsel for Mark Judge

1200 19th Street, NW Washington, DC 20036

(b) (6) (b) (6) 202.861.1905 Fax cozen.com

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 2:05 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- statement from Patrick J. Smyth
Attachments: 2018 09 18 Eric Bruce Letter to Judiciary Committee.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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September 18, 2018

CONFIDENTIAL TREATMENT REQUESTED

VIA FEDERAL EXPRESS

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
331 Hart Senate Office Bldg.
Washington, DC 20510

Re: Confirmation Hearing for Judge Brett Kavanaugh

Dear Chairman Grassley and Ranking Member Feinstein:

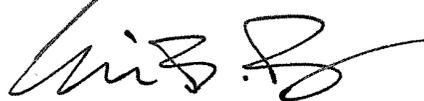
I have been retained to represent Patrick J. Smyth in connection with the above-referenced confirmation hearings. In an effort to help resolve the allegations by Dr. Christine Blasey Ford that are before the Judiciary Committee while balancing Mr. Smyth's own right to privacy, we respectfully offer the Committee the following statement that has been closely reviewed and approved by Mr. Smyth:

"I understand that I have been identified by Dr. Christine Blasey Ford as the person she remembers as 'PJ' who supposedly was present at the party she described in her statements to the Washington Post. I am issuing this statement today to make it clear to all involved that I have no knowledge of the party in question; nor do I have any knowledge of the allegations of improper conduct she has leveled against Brett Kavanaugh. Personally speaking, I have known Brett Kavanaugh since high school and I know him to be a person of great integrity, a great friend, and I have never witnessed any improper conduct by Brett Kavanaugh towards women. To safeguard my own privacy and anonymity, I respectfully request that the Committee accept this statement in response to any inquiry the Committee may have."

The Honorable Charles E. Grassley
The Honorable Dianne Feinstein
September 18, 2018
Page 2

I trust this information will be helpful to the Judiciary Committee's efforts in connection with Judge Kavanaugh's confirmation hearings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric B. Bruce". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eric B. Bruce
Kobre & Kim LLP

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 4:20 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: Update on the Senate Judiciary Committee's Investigation into Allegations Involving Supreme Court Nominee Judge Brett M. Kavanaugh



FOR IMMEDIATE RELEASE

Sunday, September 23, 2018

Update on the Senate Judiciary Committee's Investigation into Allegations Involving Supreme Court Nominee Judge Brett M. Kavanaugh

WASHINGTON – For the last week, the Judiciary Committee has been investigating Dr. Christine Blasey Ford's allegation that Judge Brett M. Kavanaugh sexually assaulted her at a house party while in high school approximately 36 years ago.

Dr. Ford first alerted the Ranking Member of her allegations in a letter dated July 30, 2018. The Ranking Member did not disclose the existence of this letter to the Committee or the FBI until September 13, 2018—after Judge Kavanaugh's confirmation hearing and a full six weeks after she first received them.

The Committee became aware of the substance of the allegations in [media reports](#) the next day. The Committee also learned from press reports that the person raising the allegations also claimed that Mr. Mark Judge had been in the room when the incident allegedly took place. Mr. Judge denied those allegations [in interviews with the press](#). Judge Kavanaugh similarly denied the allegations in a written statement.

The Committee learned of Dr. Ford's identity in a [Washington Post article](#) on September 16, 2018. The *Washington Post* article reiterated the claim that Judge Kavanaugh and Mr. Judge were both in the room when the alleged incident took place. We also learned that Dr. Ford alleged that "there were four boys at the party" and that her therapist's notes referenced in the article also stated that there were four boys at the party (and in the room where the assault took place). Dr. Ford also "named two other teenagers who she said were at the party" in addition to Judge Kavanaugh and Mr. Judge. The article claimed that those two other individuals did not respond to the *Post's* inquiries.

The Committee did not learn of the actual contents of the letter until [CNN published a redacted version](#) of the letter on September 17. We do not know who leaked this letter to the press, notwithstanding Dr. Ford's

request for confidentiality. Despite revelations of Dr. Ford's identity, the Ranking Member and Dr. Ford's attorneys to date still have not publicly released a copy of the original version of the letter or shared it more broadly than the 21 members and senior staff of the Judiciary Committee. The Chairman has [repeatedly called](#) for the public release of this hidden evidence.

In the course of the Committee's investigation, it also learned the identities of the four other individuals Dr. Ford claimed were at the party when the incident took place. They were not, however, all boys, as Dr. Ford apparently told her therapist and the *Washington Post*. The four individuals Dr. Ford claimed attended the party were Judge Kavanaugh, Mr. Judge, Mr. Patrick J. Smyth, and Ms. Leland Ingham Keyser. The Committee reached out to each person and asked for the opportunity to conduct a confidential interview.

Judge Kavanaugh submitted to an interview, where he reiterated his unqualified and categorical denial of Dr. Ford's allegations.

Mr. Judge submitted to the Committee a [statement through counsel](#) on September 18 in which he stated: **"I do not recall the party described in Dr. Ford's letter. More to the point, I never saw Brett act in the manner Dr. Ford describes."**

Mr. Smyth similarly [provided a statement](#) to the Committee through counsel on September 19 in which he said **"I have no knowledge of the party in question; nor do I have any knowledge of the allegations of improper conduct she has leveled against Brett Kavanaugh."**

Ms. Keyser [stated to the Committee](#) through her counsel last night that she **"does not know Mr. Kavanaugh and has no recollection of ever being at a party or gathering where he was present, with, or without, Dr. Ford."** News reports identify Ms. Keyser as a lifelong friend of Dr. Ford's.

A former schoolmate of Dr. Ford's—Ms. Christina King Miranda—claimed on social media posts on September 20 that "[t]his incident did happen, many of us heard about it in school." Hours later, the Committee reached out to Ms. Miranda and asked her to participate in a confidential interview on Dr. Ford's allegations with Committee investigators. Shortly thereafter, however, she deleted her posts and [claimed on National Public Radio](#) that she **"ha[d] no idea" whether the incident "happened or not."** She further stated that she would not participate in an interview with the Committee.

The Committee asked Dr. Ford to participate in a confidential interview with Republican and Democratic Committee staff the day after learning of her identity. The Committee has reiterated that request over the last week.

The Committee has therefore sought information from six individuals—five who were allegedly present at the party when the incident took place, and one who claimed to have secondhand knowledge of the incident. Four of those allegedly present at the party have provided statements to the Committee—Judge Kavanaugh, Mr. Judge, Mr. Smyth, and Ms. Keyser. Judge Kavanaugh has flatly denied the allegations, and Mr. Judge, Mr. Smyth, and Ms. Keyser deny having knowledge of any party matching Dr. Ford's description. Ms. King subsequently recanted her claim of secondhand knowledge and publicly refused to cooperate with the Committee's investigation.

Dr. Ford is the only first-hand witness not to provide a statement to, or interview with, the Committee. The Committee expects to hear from Dr. Ford at a [hearing on Thursday](#).



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 7:39 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Dr. Ford's 7/30/2018 Letter to Feinstein
Attachments: 09202018 Feintein Letter to Grassley with Ford Letter_Redacted.pdf

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)



United States Senate

September 20, 2018

Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley:

I am writing in response to your request for an unredacted copy of Dr. Christine Blasey Ford's letter containing allegations of sexual assault by Supreme Court nominee Brett Kavanaugh. As you know, I referred the unredacted letter to the FBI on September 12. The FBI redacted portions and sent it to the White House as part of the nominee's background investigation file.

The decision on redactions was made by the FBI and the resulting letter is now part of the background investigation file that has been shared with the Senate under a memorandum agreement with the White House. This means that all Senators and a limited number of staff have access to the letter as produced in the file.

As you know, the letter was given to me in confidence and I am giving it to you with the expectation that you will maintain its confidentiality and that it will not be released publicly or disseminated further, as requested by Dr. Blasey Ford's counsel Debra Katz.

Sincerely,


Dianne Feinstein

July 30, 2018

CONFIDENTIAL

Senator Dianne Feinstein

Dear Senator Feinstein:

I am writing with information relevant in evaluating the current nominee to the Supreme Court. As a constituent, I expect that you will maintain this as confidential until we have further opportunity to speak.

Brett Kavanaugh physically and sexually assaulted me during High School in the early 1980's. He conducted these acts with the assistance of his close friend, Mark G. Judge. Both were 1-2 years older than me and students at a local private school. The assault occurred in a suburban Maryland area home at a gathering that included me and 4 others. Kavanaugh physically pushed me into a bedroom as I was headed for a bathroom up a short stairwell from the living room. They locked the door and played loud music, precluding any successful attempts to yell for help. Kavanaugh was on top of me while laughing with Judge, who periodically jumped onto Kavanaugh. They both laughed as Kavanaugh tried to disrobe me in their highly inebriated state. With Kavanaugh's hand over my mouth, I feared he may inadvertently kill me. From across the room, a very drunken Judge said mixed words to Kavanaugh ranging from "go for it" to "stop". At one point when Judge jumped onto the bed, the weight on me was substantial. The pile toppled, and the two scrapped with each other. After a few attempts to get away, I was able to take this opportune moment to get up and run across to a hallway bathroom. I locked the bathroom door behind me. Both loudly stumbled down the stairwell, at which point other persons at the house were talking with them. I exited the bathroom, ran outside of the house and went home.

I have not knowingly seen Kavanaugh since the assault. I did see Mark Judge once at the Potomac Village Safeway, where he was extremely uncomfortable seeing me.

I have received medical treatment regarding the assault. On July 6, I notified my local government representative to ask them how to proceed with sharing this information. It is upsetting to discuss sexual assault and its repercussions, yet I felt guilty and compelled as a citizen about the idea of not saying anything.

I am available to speak further should you wish to discuss. I am currently vacationing in the mid-Atlantic until August 7th and will be in California after August 10th.

In Confidence,

Christine Blasey

Palo Alto, California



Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 7:58 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- Judiciary Committee Seeks Documentary Evidence, Releases Original Ford Letter Ahead of Kavanaugh Hearing



FOR IMMEDIATE RELEASE
Sunday, September 23, 2018

Judiciary Committee Seeks Documentary Evidence, Releases Original Ford Letter Ahead of Kavanaugh Hearing

WASHINGTON – The Senate Judiciary Committee today called on Judge Brett Kavanaugh and Dr. Christine Blasey Ford to disclose before Thursday’s hearing evidence related to Dr. Ford’s allegations dating back to their high school days more than 35 years ago. Chairman Grassley also released the original letter that Dr. Ford first sent to Ranking Member Dianne Feinstein back in July, which Feinstein kept hidden from most of her colleagues for nearly six weeks, until last Thursday.

The letters follow:

[2018-07-30 Ford to Feinstein – Kavanaugh Allegations](#)
[2018-09-23 Grassley to Ford – Evidence Request](#)
[2018-09-23 Grassley to Kavanaugh – Evidence Request](#)

-30-



Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)

(b) (6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 9:46 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS -- request for evidence

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 9:43 PM
To: (b)(6) Stan Garnett (b)(6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b)(6) >; Sawyer, Heather (Judiciary-Dem) (b)(6) >
Subject: SCOTUS -- request for evidence

Mr. Garnett,

I understand that you represent Deborah Ramirez in connection with the allegations made against Judge Brett Kavanaugh in a recent article in the *New Yorker*. Please let us know when Ms. Ramirez is available for an interview with Senate Judiciary Committee investigators. According to the article, Senate Democrats have been investigating these allegations. The Chairman's staff learned of these allegations only after they were made public in the *New Yorker* article. Democratic staff should have made Republican staff aware of these allegations to fully probe them rather than drop an eleventh-hour allegation at the tail-end of the confirmation process. But we are determined to take Ms. Ramirez's statement and investigate further as necessary as quickly as possible.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b)(6) (direct)
(b)(6) (cell)
202-224-9102 (fax)
(b)(6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018 10:36 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- Avenatti claim of evidence

FYI, I am not going to respond any further, unless Mr. Avenatti comes forward with evidence.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Michael J. Avenatt (b) (6)]
Sent: Sunday, September 23, 2018 10:29 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: Re: SCOTUS -- Avenatti claim of evidence

Thank you Mike. I read the link but it does not answer the question.

Is the Committee refusing to request that Mark Judge testify? If so, why?

Thank you.

Michael

Michael J. Avenatti, Esq.

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or constitutes non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

On Sep 23, 2018, at 7:24 PM, Davis, Mike (Judiciary-Rep) (b) (6) > wrote:

Mr. Avenatti,

Thank you for the email.

Here is the Committee's position on witnesses:

<https://www.judiciary.senate.gov/press/rep/releases/dr-blasey-ford-judge-kavanaugh-to-testify-thursday>

I look forward to receiving your evidence in a timely manner.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Michael J. Avenatt (b) (6)]
Sent: Sunday, September 23, 2018 10:16 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: Re: SCOTUS -- Avenatti claim of evidence

Mike: I represent a client. And seeing as we are talking about an appointment to the SCOTUS, there is nothing wrong with this process being public.

What is the status of Mark Judge's testimony?

I look forward to receiving the answers to the questions.

Michael

Michael J. Avenatti, Esq.

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On Sep 23, 2018, at 6:26 PM, Davis, Mike (Judiciary-Rep) (b) (6) >
wrote:

Mr. Avenatti,

Thank you for reaching out to me. I noticed that you just publicly Tweeted our email conversation below.

In your email below, you mentioned "we" several times. To clarify, are you representing a client? Or are you making these allegations yourself? On behalf of anyone else?

I look forward to receiving your evidence.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Michael J. Avenatt (b) (6)]
Sent: Sunday, September 23, 2018 9:07 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: RE: SCOTUS -- Avenatti claim of evidence

Dear Mr. Davis:

Thank you for your email. We are aware of significant evidence of multiple house parties in the Washington, D.C. area during the early 1980s during which Brett Kavanaugh, Mark Judge and others would participate in the targeting of women with alcohol/drugs in order to allow a "train" of men to subsequently gang rape them. There are multiple witnesses that will corroborate these facts and each of them must be called to testify publicly. As a starting point, Senate investigators should pose the following questions to Judge Kavanaugh without delay and provide the answers to the American people:

1. Did you ever target one or more women for sex or rape at a house party? Did you ever assist Mark Judge or others in doing so?
2. Did you ever attend any house party during which a woman was gang raped or used for sex by multiple men?
3. Did you ever witness a line of men outside a bedroom at any house party where you understood a woman was in the bedroom being raped or taken advantage of?
4. Did you ever participate in any sexual conduct with a woman at a house party whom you understood to be intoxicated or under the influence of drugs?
5. Did you ever communicate with Mark Judge or anyone else about your participation in a "train" involving an intoxicated woman?
6. Did you ever object or attempt to prevent one or more men from participating in the rape, or taking advantage, of a woman at any house party?

Please note that we will provide additional evidence relating to the above conduct both to the Committee and the American public in the coming days.

Regards,

Michael Avenatti

From: Davis, Mike (Judiciary-Rep) (b) (6)]
Sent: Sunday, September 23, 2018 4:42 PM
To: Michael J. Avenatti
Subject: SCOTUS -- Avenatti claim of evidence

Dear Mr. Avenatti,

According to your Tweet from 7:33 p.m. E.T. this evening, you claim to have information you consider credible regarding Judge Kavanaugh and Mark Judge. Please advise of this information immediately so that Senate investigators may promptly begin an inquiry.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Monday, September 24, 2018 11:41 AM
To: Flores, Sarah Isgur (OPA)
Cc: Whitaker, Matthew (OAG)
Subject: Re: Fox News lunch still good for tomorrow?

Understood.

Errical A. Bryant
Director of Scheduling
United States Attorney General Office

On Sep 24, 2018, at 11:40 AM, Flores, Sarah Isgur (OPA) (b) (6) > wrote:

We'll need to discuss tonight. I think the answer should be yes.

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: Bryant, Errical (OAG)
Sent: Monday, September 24, 2018 11:26 AM
To: Flores, Sarah Isgur (OPA) (b) (6) >
Subject: Fox News lunch still good for tomorrow?

Errical A. Bryant
Director of Scheduling
United States Attorney General

Bryant, Errical (OAG)

From: Bryant, Errical (OAG)
Sent: Monday, September 24, 2018 3:04 PM
To: Schedule, AG84 (OAG)
Cc: Jackson, Wykema C. (OAG (b)(6), (b)(7)(C) per FBI. (SECD) (FBI); Tucker, Rachael (OAG); Whitaker, Matthew (OAG); Williams, Toni (OAG); Hilliard, Everett R (JMD); Schreiber, Jayne (OAG (b)(6), (b)(7)(C) per FBI (SECD) (FBI); Bennett, Catherine T (OAG); Washington, Tracy T (OAG); Oliver, Emanuel L. (JMD); Cabral, Joseph (JMD); AGPD; Hamilton, Gene (OAG); Barnett, Gary E. (OAG); Cutrona, Danielle (OAG); Morrissey, Brian (OAG); JCC (JMD); Bumatay, Patrick (OAG); Avery, Charles W (JMD); Wiles, Morgan (OAG); Allen, Alexis (OAG); Holden, Ronald (OAG); Watson, Theresa (OAG)
Subject: AG's Calendar for Tuesday, September 25, 2018
Attachments: Tuesday, September 25.pdf

September 25, 2018

Tuesday

7:00 AM - 7:30 AM

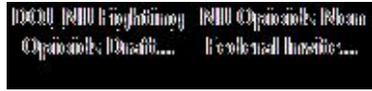
En Route to AG's Office

8:15 AM - 8:15 AM

En Route to OJP
In Limo: TBD

8:30 AM - 8:45 AM

Speaking Engagement: Fighting the Opioid Crisis Workshop -- Office of Justice Programs (OJP) Main Conference/Ballroom at 810 Seventh St, NW



POC: Patrick Bumatay

Attendees: Gary Barnett, Sarah Flores and Patrick Bumatay

Event POC: Steve Schuetz; Office (b) (6); Ce (b) (6);
(b) (6)

9:00 AM - 9:00 AM

En Route to DOJ
In Limo: AG, Gary Barnett, Patrick Bumatay and Sarah Flores

10:00 AM - 11:00 AM

Meeting with State AG's -- AG's Conference Room

POC: Brian Morrissey

Attendees: Matt Whitaker; Brian Morrissey; Jesse Panuccio; Makan Delrahim; John Gore; Mike Murray DAG
Sarah Flores; Stephen Boyd; Jeff Hall (OASG)

Outside Attendees:

State AGs

- Attorney General Xavier Becerra (CA)
- Attorney General Doug Peterson (NE)
- Attorney General Sean Reyes (UT)
- Attorney General Herbert Slatery III (TN)
- Attorney General Jim Hood (MS)
- Attorney General Steve Marshall (AL) (by phone)
- Attorney General Lisa Madigan (IL) (possibly by phone)
- Attorney General Brian Frosh (MD)

Staff Representing State AGs

- Chief Deputy Bill Stiles (LA – for AG Jeff Landry)
- First Assistant Attorney General Jeff Mateer (TX – for AG Ken Paxton)
- Solicitor General Nick Bronni (AK – for AG Leslie Rutledge)
- Chief of Govt. Accountability, Special Litigation & Antitrust O.H. Skinner (AZ – for AG Mark Brnovich)
- General Counsel Michael Martinich-Sauter (MO – for AG Josh Hawley)
- Deputy Attorney General Todd Bowers (WA – for AG Bob Ferguson)

Additional Staff

Eleanor Blume (with AG Becerra)
Security Detail for AG Becerra

Call-in Info: Dial in number (b) (6)

Participant code (b) (6)

11:30 AM - 12:00 PM

Luncheon Prep -- AG's Office

POC: Sarah Flores

Attendees: Sarah Flores

12:00 PM - 1:30 PM

Press Luncheon: Fox News -- AG's Dining Room

POC: Sarah Flores

Attendees: Sarah Flores Danielle Cutrona, Stephen Boyd and Matt Whitaker

September 25, 2018 Continued

Tuesday

1:45 PM - 2:45 PM

FBI Briefing (b)(7)(E) per FBI -- JCC

POC: Rachael Tucker

Attendees: Matt Whitaker, Rachael Tucker, DAG Rod Rosenstein, Tash Gauhar, Pam Byron (b)(6), (b)(7)(C) per FBI Ed O'Callaghan John Demers (b)(6), (b)(7)(C) per FBI, George Toscas, Brad Wiegmann, David Burns and Adam Hickey

3:00 PM - 3:30 PM

Drop In: Chad Bayse -- AG's Office

Attendees: AG and Chad Bayse

3:30 PM - 4:00 PM

Interview: Patrick Hovakimian -- AG's Office

POC: Patrick Bumatay

Attendees: Patrick Bumatay, Gary Barnett and Patrick Hovakimian

4:00 PM - 4:30 PM

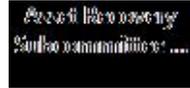
Speech Prep: National Security Conference for United States Attorney -- AG's Office

POC: Sarah Flores

Attendees: Sarah Flores, Rachael Tucker and Steve Stafford

4:30 PM - 5:00 PM

Meeting: AGAC Subcommittee on Asset Forfeiture -- AG's Conference Room



POC: Gary Barnett

Attendees: Gary Barnett and Corey Ellis

Additional Attendees: Attached

5:15 PM - 5:30 PM

Photo: Dan Loveland -- AG's Conference Room

POC: Patrick Bumatay

Attendees: Patrick Bumatay and Dan Loveland

Note: Last week at DOJ. Currently working for ODAG (since last April)

5:30 PM - 5:40 PM

Photo: Steve and Leah Siwecki -- AG's Conference R

Attendees: Steve and Leah Siwecki (b)(6)

6:30 PM - 8:00 PM

Dinner w/Dan Quayle -- The Monocle: 107 D Street, NE

POC: Rachael Tucker

Attendees: AG; Rachael Tucker; Former VP Quayle; VP Quayle and Steve Feinberg

Reservations under: Calista Walker; Two tables (4people at each)

Restaurant phone (b)(6)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Monday, September 24, 2018 3:33 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: Dr. Christine Blasey Ford
Attachments: 09.24.18 CEG to Ford.pdf; 180922 Letter to Grassley Final.pdf

From: Davis, Mike (Judiciary-Rep)
Sent: Monday, September 24, 2018 3:31 PM
To: 'Michael Bromwich' (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6); (b)(6) Lisa Banks; Debra Katz (b) (6); (b)(6) Joseph Abboud; Sawyer, Heather (Judiciary-Dem) (b) (6); (b) (6); Willey, Katharine (Judiciary-Rep) (b) (6); Covey, Jason (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Duplicative Material (Document ID: 0.7.22222.225237)

To: Davis, Mike (Judiciary-Rep) <Mike.Davis@iudiciary-rep.senate.gov>

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
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JEFF FLAKE, ARIZONA
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THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
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CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

September 24, 2018

Dear Dr. Blasey Ford,

Thank you for the personal letter you sent to me on Saturday.

I'm writing to say that I am committed to fair and respectful treatment of you, as you've requested. I've worked to make certain the committee I chair handles all individuals involved in hearings in that manner, and you deserve the same.

I appreciate receiving your account of how you tried to share information with me during the summer. As chairman of the Judiciary Committee, I have great responsibility for the hearing to consider the President's nominee. I should have been given your July 30 letter at the time your letter was sent by either my colleague Sen. Feinstein or the lawyer helping you so that what it said could have been considered in August and during the week of September 4, when the committee hearing was held, including a senators-only session of the hearing. I take letters from individuals seriously and over a long period of time have demonstrated a commitment to handling personal or sensitive information in a confidential manner.

Even so, when your allegations were publicly reported on September 16 by *The Washington Post*, I went to work to investigate them with my committee resources by contacting and interviewing everyone whom the article indicates was present at the gathering in question. It's important to me that you personally know how sincere and thorough this effort has been, including my commitment to make sure committee members and other senators are able to hear directly from you. The arrangements made to re-open and continue the confirmation hearing on Thursday will allow you to testify and also will allow the nominee to address the allegations made against him. Both of you deserve a credible and fair process in a secure and professional setting.

Again, thank you for sending your letter. I appreciate the direct communication.

*PS: I look forward to
your testimony -*

Sincerely,



Chuck Grassley
United States Senator
Chairman, Senate Judiciary Committee

September 22, 2018

Dear Senator Grassley:

There has been a lot of back and forth between your staff and my counsel, and I appreciate the chance to communicate with you directly. I kindly ask you to use your best discretion regarding this personal letter.

When I first learned that Brett Kavanaugh was on the short-list of nominees to fill a Supreme Court vacancy, prior to the President's selection among a list of what seemed to me as similarly-qualified candidates, I contacted my Congressperson's office in an attempt to provide information that could be useful to you and the President when making the selection from among a list of candidates. The decision to first report the assault to my Congresswoman, Rep. Anna Eshoo, was a very difficult one, but I felt that this was something that a citizen couldn't NOT do. I felt agony yet urgency and a civic duty to let it be known, in a confidential manner, prior to the nominee being selected. While it was difficult, I was able to share my information with two contacts during the period between the short list announcement and Mr. Kavanaugh's selection.

Mr. Kavanaugh's actions, while many years ago, were serious and have had a lasting impact on my life. I thought that knowledge of his actions could be useful for you and those in charge of choosing among the various candidates. My original intent was first and foremost to be a helpful citizen – in a confidential way that would minimize collateral damage to all families and friends involved.

I then took the step of sending a confidential letter to one of my Senators, Ranking Member Feinstein, and I understand that you have a copy of that letter. I am certainly prepared to repeat the facts in the letter and to provide further facts under oath at a hearing. I would welcome the opportunity to meet with you and other Senators directly, person to person, to tell you what occurred. I will answer any questions you have. I hope that we can find such a setting and that you will understand that I have one motivation in coming forward – to tell the truth about what Mr. Kavanaugh and his friend Mark Judge did to me. My sincere desire is to be helpful to persons making the decision.

In addition to talking with you and other Senators directly, I have asked my lawyers to continue discussions with your staff about the conditions you have proposed. As I am not a lawyer or a Senator, I am relying on them and you to ensure that the Committee will agree to conditions that will allow me to testify in a fair setting that won't disrupt families and become a media TV show. While the nationwide outpouring of love has been heartwarming, I am spending considerable time managing death threats, avoiding people following me on freeways, and disconcerting media intrusion, including swarms of vans at my home and unauthorized persons entering my classroom and medical settings where I work. I have received an inordinate number of requests to appear on major TV shows to elucidate further information, to which I have not responded. My goal is to return soon to my workplace, once it is deemed safe for me and importantly, for students. Currently, my family has physically relocated and have divided up separately on many nights with the tremendous help of friends in the broader community. Through gracious persons here and across the country, we have been able to afford hiring security. While I am frightened, please know, my fear will not hold me back from testifying and

you will be provided with answers to all of your questions. I ask for fair and respectful treatment.

Kind regards,

Christine Blasey

Otus84, AG (OAG)

Subject: Press Luncheon: Fox News
Location: AG's Dining Room

Start: Tuesday, September 25, 2018 12:00 PM
End: Tuesday, September 25, 2018 1:30 PM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Otus84, AG (OAG)
Required Attendees: Calendar, AG84 (OAG); AGPD; Whitaker, Matthew (OAG); Allen, Alexis (OAG); Barnett, Gary E. (OAG); Flores, Sarah Isgur (OPA); Cutrona, Danielle (OAG); Schreiber, Jayne (OAG); Boyd, Stephen E. (OLA)

POC: Sarah Flores
Attendees: AG, Sarah Flores Danielle Cutrona, Matt Whitaker Stephen Boyd (5)

Jay Wallace

Bryan Boughton

Shannon D. Bream

Bill Sammon

Jake Gibson
Martha MacCallum
Chris Wallace – (7)

12 attendees

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 11:22 AM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: SCOTUS -- request for evidence

From: John Clun (b) (6)]
Sent: Tuesday, September 25, 2018 11:04 AM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: Garnett, Stan (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >;
Davis, Mike (Judiciary-Rep) (b) (6) >
Subject: Re: SCOTUS -- request for evidence

Heather,

We have not referred the matter to the FBI would very much appreciate your assistance in determining the point of contact. Let's plan on 5pm, Mountain. Thank you.

John

JOHN CLUNE, Attorney
HUTCHINSON BLACK AND COOK, LLC
921 Walnut Street | Suite 200 | Boulder, CO 80302
t (b) (6) | fax 303.442.6593
(b) (6) |

On Sep 25, 2018, at 8:45 AM, Sawyer, Heather (Judiciary-Dem) (b) (6) > wrote:

Mr. Clune, Mr. Garnett, and Mike –

We'll make ourselves available at 5:00 MDT if you would like to talk through this. The Committee does not usually refuse to talk with counsel (or whistleblowers), and also does not usually place preconditions on getting on the phone to discuss next steps, so I'm not sure why that is happening here. In any event, we are happy to discuss options and a path for moving forward. We can do that tonight at 5:00 your time or will make ourselves available when convenient.

In the meantime, it was reported that your client is interested in an FBI investigation. If you have already referred the matter, could you please let us know? If not, and you need any assistance determining the appropriate point of contact, let us know and we can provide that information.

Thank you –

Heather

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 10:05 AM
To: John Clune (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Garnett, Stan (b) (6) >
Subject: RE: SCOTUS -- request for evidence

John,

Before we discuss a phone call or any other next steps, again, we need to have the following information:

1. Does Ms. Ramirez have any other evidence, including other statements, in addition to those that are contained in the New Yorker article?
2. Is Ms. Ramirez willing to provide her evidence, including her testimony, to committee investigators?

Again, we welcome the receipt of Ms. Ramirez's (and anyone else's) evidence in the form of a letter or email to the Chairman and Ranking Member, a letter or email from counsel to the Chairman and Ranking Member, or a statement to committee investigators.

Finally, I added back onto this email chain Stan Garnett from Brownstein Hyatt. I presume that he is still Ms. Ramirez's counsel, and he got dropped from the email chain.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: John Clun (b) (6)]
Sent: Tuesday, September 25, 2018 9:54 AM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: Davis, Mike (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >
Subject: Re: SCOTUS -- request for evidence

Thanks Heather,

Not having any confirmation on this call, I am now unavailable. I have a client meeting that

immediately precedes a deposition on a child sexual abuse case that I can't change. I can talk at the end of the day though. I expect to be done by 5pm MDT time if everyone is free then.

John

JOHN CLUNE, Attorney
HUTCHINSON BLACK AND COOK, LLC
921 Walnut Street | Suite 200 | Boulder, CO 80302
tel 303.442.6514 | fax 303.442.6593
(b) (6) |

On Sep 25, 2018, at 7:03 AM, Sawyer, Heather (Judiciary-Dem)

(b) (6) > wrote:

Mr. Clune –

I'm not clear on whether we've agreed on a time to talk. We (Senator Feinstein staff) can do the 10:00 EST time that you suggested. If that works, you can reach us (b) (6) and we can loop Chairman Grassley's staff if they are interested and available.

Thank you,

Heather

From: Davis, Mike (Judiciary-Rep)
Sent: Monday, September 24, 2018 7:11 PM
To: John Clune (b) (6) >
Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >
Subject: RE: SCOTUS -- request for evidence

John,

We welcome the receipt of Ms. Ramirez's (and anyone else's) evidence in the form of a letter or email to the Chairman and Ranking Member, a letter or email from counsel to the Chairman and Ranking Member, or a statement to committee investigators.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: John Clun (b) (6)]
Sent: Monday, September 24, 2018 6:59 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >
Subject: Re: SCOTUS -- request for evidence

Mike,

In response to the first question, there are certainly more witnesses than in the article. That would be the benefit of an actual investigation conducted by the FBI. We don't see how you can get to the root of the matter without that.

As for your second question, we couldn't answer without learning more from you about the details of whatever process you are contemplating. After hearing more, we would advise the client accordingly and she could decide.

John

JOHN CLUNE, Attorney
HUTCHINSON BLACK AND COOK, LLC
921 Walnut Street | Suite 200 | Boulder, CO 80302
tel 303.442.6514 | fax 303.442.6593
(b) (6) |

On Sep 24, 2018, at 1:46 PM, Davis, Mike (Judiciary-Rep)
(b) (6) > wrote:

Thanks, John.

Before we discuss next steps, please answer these two questions:

1. Does Ms. Ramirez have any other evidence, including other statements, in addition to those that are contained in the *New Yorker* article?
2. Is Ms. Ramirez willing to provide her evidence, including her testimony, to committee investigators?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman

224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: John Clun (b) (6)]
Sent: Monday, September 24, 2018 3:40 PM
To: Sawyer, Heather (Judiciary-Dem) (b) (6)
>
Cc: Davis, Mike (Judiciary-Rep) (b) (6) >;
Garnett, Stan (b) (6) >; Duck, Jennifer (Judiciary-Dem)
(b) (6) >
Subject: Re: SCOTUS -- request for evidence

Look forward to discussing that and Mike's questions tomorrow. 10am eastern?

Sent from my iPhone

On Sep 24, 2018, at 1:17 PM, Sawyer, Heather (Judiciary-Dem)
(b) (6) > wrote:

We would also be interested exploring Ms Ramirez's willingness to speak directly with Members, not at the staff level. so we'd also like to explore that possibility when we talk tomorrow.

Thank you - Heather

On Sep 24, 2018, at 3:11 PM, Davis, Mike (Judiciary-Rep)
(b) (6) > wrote:

Thank you, John.

Does Ms. Rameriz have any other evidence, including other statements, in addition to those that are contained in the *New Yorker* article?

Is Ms. Rameriz willing to provide her evidence, including her testimony, to committee investigators?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: John Clune

(b) (6)]

Sent: Monday, September 24, 2018 3:03 PM

To: Davis, Mike (Judiciary-Rep)

(b) (6) >

Cc: Garnett, Stan (b) (6) >; Duck,
Jennifer (Judiciary-Dem)

(b) (6) >;

Sawyer, Heather (Judiciary-Dem)

(b) (6) >

Subject: Re: SCOTUS -- request for evidence

Mr. Davis,

I am responding to your email of September 23 regarding the information that Deborah Ramirez has regarding events at Yale University during her freshman year, 1983-84. Our client has accurately relayed what she recalls to the New Yorker but, as she states in the article, she would welcome an investigation by the FBI into this information and would cooperate with such. On appropriate terms, she would also agree to be interviewed in person.

My co-counsel and I can be available for a phone call tomorrow morning at 8 am Mountain time if that is convenient to discuss further.

Please advise.

John

JOHN CLUNE, Attorney

HUTCHINSON BLACK AND COOK, LLC

921 Walnut Street | Suite 200 | Boulder, CO 80302

t (b) (6) | fax 303.442.6593

(b) (6) |

On Sep 23, 2018, at 9:00 PM,
Davis, Mike (Judiciary-Rep)

(b) (6) =

(b) (6) > wrote:

And good to connect, Mr. Clune.

I look forward to working with both of you.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the
Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Davis, Mike (Judiciary-Rep)
Sent: Sunday, September 23, 2018
10:44 PM
To: 'Garnett, Stan'
(b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem)
(b) (6)
>; Sawyer, Heather
(Judiciary-Dem)
(b) (6)
>; John C. Clune
(b) (6) >
Subject: RE: SCOTUS -- request for
evidence

Appreciate it, Mr. Garnett.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the
Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Garnett, Stan
(b) (6)]
Sent: Sunday, September 23, 2018

10:40 PM

To: Davis, Mike (Judiciary-Rep)

(b) (6)

>

Cc: Duck, Jennifer (Judiciary-Dem)

(b) (6)

>; Sawyer, Heather
(Judiciary-Dem)

(b) (6)

>; John C. Clune

(b) (6) >

Subject: Re: SCOTUS -- request for
evidence

Ms. Davis,

Thanks for reaching out. I will consult
with my client and get back to you.

I have also included the email of my
co-Counsel, John Clune of
Hutchinson Black and Cook.

Stanley L. Garnett
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO. 80202

(b) (6) tel

(b) (6) cell

(b) (6)

On Sep 23, 2018, at 7:43 PM, Davis,
Mike (Judiciary-Rep)

(b) (6)

> wrote:

Mr. Garnett,
I understand that you
represent Deborah
Ramirez in connection
with the allegations
made against Judge
Brett Kavanaugh in a
recent article in
the *New Yorker*. Please
let us know when Ms.
Ramirez is available for
an interview with
Senate Judiciary
Committee
investigators. According
to the article, Senate

Democrats have been investigating these allegations. The Chairman's staff learned of these allegations only after they were made public in the *New Yorker* article.

Democratic staff should have made Republican staff aware of these allegations to fully probe them rather than drop an eleventh-hour allegation at the tail-end of the confirmation process. But we are determined to take Ms. Ramirez's statement and investigate further as necessary as quickly as possible.

Thank you,
Mike Davis

Mike Davis, Chief Counsel
for Nominations
United States Senate
Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office
Building
Washington, DC 20510

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Flores, Sarah Isgur (OPA)

From: Flores, Sarah Isgur (OPA)
Sent: Tuesday, September 25, 2018 3:02 PM
To: Whitaker, Matthew (OAG); Boyd, Stephen E. (OLA); Cutrona, Danielle (OAG)
Subject: FW: AL.com (Montgomery, AL): [OPINION] Sessions could be Senate's SCOTUS backstop for Kavanaugh

Lolz

Sarah Isgur Flores
Director of Public Affairs

(b) (6)

From: DoJ Real Time News Clips <alert-doj@rendon.com>
Sent: Tuesday, September 25, 2018 11:32 AM
To: Flores, Sarah Isgur (OPA) (b) (6) >
Subject: AL.com (Montgomery, AL): [OPINION] Sessions could be Senate's SCOTUS backstop for Kavanaugh

AL.com (Montgomery, AL): [OPINION] Sessions could be Senate's SCOTUS backstop for Kavanaugh

Media: AL.com (Montgomery, AL)

Byline: Cameron Smith

Date: 25 September 2018

Hyperlink: https://www.al.com/opinion/index.ssf/2018/09/sessions_could_be_senates_scot.html

The Supreme Court seat vacated by Justice Anthony Kennedy's resignation is possibly the most significant position in American politics over the next few decades. Kennedy, appointed by President Ronald Reagan, has often been the decisive swing vote on the Supreme Court during his tenure. His opinions cement him as a strong independent on issues ranging from gun rights and campaign finance to abortion and the death penalty.

Democrats have demonstrated a willingness to fight for the seat; Republicans must do the same. That's why they should consider Attorney General Jeff Sessions for the Supreme Court if Judge Brett Kavanaugh's confirmation stalls.

It might sound crazy, but consider all the dynamics at play.

Right now, Democrats hope to create enough doubt about Kavanaugh's character to delay or deny his confirmation. Republicans, on the other hand, need to fill the Supreme Court vacancy before the midterm elections.

Allowing Democrats to focus their political campaigns on an open Supreme Court seat would be a major failure for Republicans. Trump, for example, gained a tremendous amount of electoral momentum running to fill the Supreme Court seat vacated by Antonin Scalia's death. Democrats will attempt to recreate that dynamic in their favor.

On top of that, it's no secret that President Donald Trump doesn't like Sessions at all. Even so, Trump is in a tough position to fire Sessions outright. Democrats will cast any effort to fire the attorney general as an effort by Trump to assert control over Special Counsel Robert Mueller's ongoing investigation. In short, Trump needs a legitimate excuse to move Sessions out of the Department of Justice if he'd like him gone before the Mueller investigation is complete.

If Democrats scuttle Kavanaugh's confirmation to the point where the Senate can't schedule a vote in the next few weeks, Republicans need a quick alternative.

Enter Sessions.

First, the Senate approved Sessions as attorney general in February of 2017. That wasn't too long ago. He's weathered the confirmation storm successfully. Democrats didn't pull any punches, so the likelihood they could derail Sessions would be slim.

He's also a known quantity. Democrats couldn't seriously argue that they don't have enough time to thoroughly vet him. They'd be able to ask some tough questions about his tenure as attorney general, but that's a relatively finite window.

More importantly, Democrats have publicly applauded and supported Sessions for representing the rule of law. He's nearly impossible for them to present as a Trump acolyte--particularly in light of the constant abuse he's endured from the president.

If Kavanaugh fails, Trump could appoint Sessions and pick a successor attorney general more to his liking. Sessions would become a staunch, qualified conservative Supreme Court justice. Democrats go into the midterms without a SCOTUS seat in play. Win for Trump. Win for GOP senators. Win for Republicans.

So what are the drawbacks?

Sessions will be 72 years old in December. Republicans would obviously like to put a younger jurist on the Supreme Court. The move also exposes Republicans to a nasty attorney general confirmation after the midterms. That's not going to be fun...at all. Finally, it requires Republicans to admit defeat on Kavanaugh's confirmation.

Taking lumps in an attorney general confirmation that might happen anyway and conceding Kavanaugh's confirmation are nothing compared to filling a swing seat on the Supreme Court. Concerns about age are fair, but there's an opportunity to address that if Republicans have the stomach for bare-knuckle politics.

Trump could appoint Sessions, and the Senate could confirm him. After the midterms, Republicans could reevaluate. If the Senate falls to Democrats, Sessions would simply remain on the Supreme Court. If Republicans keep the Senate, Sessions could serve for a year or so and resign in advance of the 2020 elections. Trump would be able to replace him with a younger nominee, and GOP senators wouldn't be as pressed as they are now.

That's about as brutal as politics gets, but a fifth vote on the Supreme Court is a game changer in terms of the legal landscape in America. Democrats and Republicans aren't likely to find a compromise candidate that both sides support. At the heart of the disagreement are incompatible views on topics like gun rights, abortion, and religious liberty. Americans passionately hold views in those spaces and obviously want five Supreme Court justices who agree with them.

Is nominating Sessions to the Supreme Court a wild idea? Certainly. But Trump, Senate Majority Leader Mitch McConnell (R-KY), and Senate Judiciary Chairman Chuck Grassley (R-IA) ought to be prepared if Kavanaugh fails. If Sessions isn't the answer, Republicans must find another one quickly.

Cameron Smith is a regular columnist for AL.com who previously served as counsel for Jeff Sessions in the Senate.

END

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Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 3:54 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: Letter from RM Feinstein
Attachments: 09.25.18 CEG to Feinstein.pdf; DF to CEG re Kavanaugh Nomination (2018.09.23).pdf

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 3:48 PM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >
Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >
Subject: RE: Letter from RM Feinstein

Heather,

Attached is Grassley's response to Feinstein.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Sawyer, Heather (Judiciary-Dem)
Sent: Sunday, September 23, 2018 8:51 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Davis, Kolan (Judiciary-Rep) (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >
Subject: Letter from RM Feinstein

Hi Mike – attached is a letter from Senator Feinstein to the Chairman. Thanks – Heather

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
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THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
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CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

September 25, 2018

The Honorable Dianne Feinstein
Ranking Member
United States Senate Committee on the Judiciary
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

I write regarding your request that I postpone the hearing scheduled for Thursday, September 27, during which we will hear Dr. Christine Blasey Ford's testimony regarding her allegations of Judge Brett Kavanaugh's conduct in high school. I respectfully decline your request. I am not going to silence Dr. Ford after I promised and assured her that I would provide her a safe, comfortable, and dignified opportunity to testify.

Both Dr. Ford and Judge Kavanaugh have, over the last week, requested the opportunity to testify to Congress regarding Dr. Ford's allegations. After protracted negotiations with Dr. Ford's attorneys, during which we postponed the hearing we had originally scheduled, Dr. Ford's attorneys agreed to a hearing this Thursday. There is no reason to delay the hearing any further.

Besides being unfair to Dr. Ford, whose attorneys asked for a public hearing one week ago, delaying the hearing further would be unfair to Judge Kavanaugh and his family. He has asked the Committee repeatedly for the chance to testify as soon as possible. He has categorically denied the allegations that have been made public. He did this in a transcribed interview with several Senate investigators, under penalty of up to five years' imprisonment for lying. We can no longer stand in the way of him presenting his testimony before the Committee.

It is unforgivable that Dr. Ford and her family have been subjected to threats and intimidation. But Judge Kavanaugh and his family, including his two young daughters, have also faced threats and intimidation. We must take his family's safety, and the trauma this is causing to his young daughters, into account no less than we must account for the threats and intimidation suffered by Dr. Ford and her family.

You suggest that Dr. Ford's testimony should be further delayed because of allegations made in the *New Yorker* by Deborah Ramirez. I am unclear why Ms. Ramirez's claims should have any bearing on Dr. Ford's testimony. In fact, the obvious connection between the two claims is that Senate Democrats hid both allegations of misconduct from the Committee and the public. Indeed,

it was reportedly Senate Democratic staff who conveyed the allegations to the media rather than alert Republican staff to conduct a bipartisan investigation.

Finally, you ask that the FBI investigate Ms. Ramirez's claims. As you know, Judge Kavanaugh has gone through six FBI background investigations over the past 25 years. The FBI's investigations covered his time at Yale and uncovered nothing remotely similar to the misconduct alleged by Ms. Ramirez. Additionally, as the *New Yorker* story itself states, the publication could "not confirm[] with other eyewitnesses that Kavanaugh was present at the party." And the *New York Times* spoke to several dozen people to corroborate Ms. Ramirez's allegations but "could find no one with firsthand knowledge." Indeed, the *Times* reports that Ms. Ramirez herself said she could not be sure Judge Kavanaugh did what she alleged in the *New Yorker* article. It's not clear how the FBI could further illuminate what transpired at a dormitory party 35 years ago. Even the liberal *New York Times* did not find these allegations "fit to print."

As of now, the only allegations of which the Committee is aware with respect to Ms. Ramirez are the allegations described in the *New Yorker*. As you know, false statements made to the press are not subject to criminal penalty, but false statements to Congress are. If Ms. Ramirez submits testimony and evidence to the Senate Judiciary Committee, which Committee investigators have requested, we can decide how to proceed. But, at this time, Democratic staff has not shared any such evidence it has with Republican staff. And, because Ms. Ramirez's allegations are unrelated to Dr. Ford's, there is no reason at all to delay the hearing on Thursday in light of these new allegations.

Sincerely,



Chuck Grassley
Chairman



United States Senate

September 23, 2018

Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley:

I am writing to request an immediate postponement of any further proceedings related to the nomination of Brett Kavanaugh. I also ask that the newest allegations of sexual misconduct be referred to the FBI for investigation, and that you join our request for the White House to direct the FBI to investigate the allegations of Christine Blasey Ford as well as these new claims.

Today, Deborah Ramirez came forward with serious allegations of sexual misconduct by Judge Kavanaugh. The *New Yorker* article recounting her experience states that there are witnesses who can corroborate her claims and who challenge Mr. Judge's account. An investigation needs to be conducted as part of Judge Kavanaugh's background investigation by career professionals at the FBI – not partisan staff of the Committee. We need a fair, independent process that will gather all the facts, interview all the relevant witnesses, and ensure the Committee receives a full and impartial report. Should the White House continue to refuse to direct the FBI to do its job, the Committee must subpoena all relevant witnesses.

It is time to set politics aside. We must ensure that a thorough and fair investigation is conducted before moving forward.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is fluid and cursive, with a large initial "D".

Dianne Feinstein
United States Senator

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 6:00 PM
To: Davis, Mike (Judiciary-Rep)
Subject: SCOTUS: ICYMI: Ronald Klain on Counsel Questioning

<https://twitter.com/RonaldKlain/status/1041722038346547200>

[Ronald Klain](#) Verified account @RonaldKlain Sep 17

More
Here's some advice, based on the Thomas-Hill experience: Both Dems and GOP should want professional, outside counsel to question Kavanaugh and Ford at a public hearing -- not Senators. Make this a search for the truth, not a political platform for Senators of EITHER party.

[Opinions](#)

The Senate should leave the Kavanaugh questioning to professionals



Supreme Court nominee Brett Kavanaugh is sworn in before the Senate Judiciary Committee on Sept. 4. (J. Scott Applewhite/AP)

By [Ronald A. Klain](#)

September 18

There's no way to go back in time and fix all the things that enraged people about the Senate Judiciary Committee's 1991 hearings on Anita Hill's charges against Supreme Court nominee Clarence Thomas. But today's Judiciary Committee — led by a chairman who participated in those hearings and a ranking Democrat first elected in the wave of reaction to them — can learn from that experience and can do better. Here are three ways the committee could do things differently as it investigates Christine Blasey Ford's allegation that Supreme Court nominee Brett M. Kavanaugh sexually assaulted her when they both were in high school — along with one fundamental change that simply must take place.

First, have professionals ask the questions. In 1991, senators questioning Thomas and Hill became the subject of national opprobrium, leading to ridicule in [one of the most biting "Saturday Night Live" sketches ever](#). Some senators — then and now — are good questioners, some are not, but that is not the principal issue. The more important point is that senators are, above all, political actors — as they should be. What these hearings require, however, is focused questioning designed to elicit facts; a quest to learn about events, not demonstrate opinions. This involves sensitive issues of memory and gender dynamics. Senatorial questioning — racing against the clock, seeking to make points for voters at home — is not the right model.

Outside counsel with experience in sexual harassment and assault, with particular skill in examining witnesses and developing factual records, should be employed to pose questions at the hearings — one for the Republicans and one for the Democrats. Senators can suggest questions to these counsels, and — if necessary — be given an opportunity to raise concerns that the counsels overlook. But the best way to avoid speech-making, repetition, grandstanding or political bickering is to have expert counsel

pose the questions to the key witnesses while senators focus on listening to their answers, not on formulating their next statements.

Second, take the time to get prepared before the hearing starts. Yes, both sides feel pressure to get the hearings going, and Republicans are particularly anxious about any unnecessary delay. But in 1991, that same time pressure created some of the worst dimensions of the Thomas-Hill hearings, which were held just five days after Hill's charges became public. That was not enough time for all the pre-hearing witness interviews to be completed or for reaching clear understandings about what would happen at the hearing. Half the staff was taking private statements from witnesses in a back room while the other half was listening to live testimony on television. The decision to hold these hearings on Monday — just seven days after Ford went public with her allegations — risks repeating this mistake. Hearings should not start until every witness is first interviewed by the FBI and then by committee investigators, follow-up questions to those interviews are resolved, a clear understanding on the roles of committee members is established, rules of conduct for the hearing are set and the witness list is formalized. These events will be etched in our history: A rush to hold this hearing will wind up reflecting poorly on all concerned.

Third, every witness with relevant information must be summoned to testify. For 27 years, the question of why — on a Sunday evening, at the end of a proceeding with an artificial time limit — one of Hill's colleagues at the Equal Employment Opportunity Commission, [Angela Wright](#), was removed from the witness list has been highly controversial. There should be no mystery or confusion this time.

Any witness with potentially relevant information should be directed to testify. This includes anyone who was present at the party where the assault is alleged to have taken place, others those people might have talked to or individuals with whom Ford discussed the incident. Testimony that turns out to be irrelevant can always be ignored; testimony that is never heard cannot help the Senate make this historic decision.

Above all, perhaps the most important change from 1991 is one that no rule or procedures can fix: It is the test of fairness and balance. In 1991, Republican senators largely took on the mantle of defenders of the nominee, lobbing softball questions at him and hurling disparaging points at Hill. Democrats cast themselves as fact-finders, putting neutral questions to both protagonists and declining to ally themselves with Hill specifically. A repeat of that asymmetry would be a grave mistake.

Let lawyers ask the questions, in a well-designed, balanced hearing that is not rushed, and with a witness list that is complete. If the Republicans come after Ford, Democrats should come to her defense — in that case, neutrality would be the opposite of fairness. But best of all would be for the senators on both sides to listen, learn and stake out their positions outside of the hearing room.

[Ronald A. Klain](#), a Post contributing columnist, served as a senior White House aide to both Presidents Barack Obama and Bill Clinton and was a senior adviser to Hillary Clinton's 2016 campaign. [Follow](#)

Davis, Mike (Judiciary-Rep)

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 7:26 PM
To: Davis, Mike (Judiciary-Rep)
Subject: FW: Dr. Christine Blasey Ford

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 7:23 PM
To: Sawyer, Heather (Judiciary-Dem) (b) (6) >; Michael R. Bromwich (b) (6) >
Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Thank you, Heather.

The decision is made.

We look forward to hearing from Dr. Ford on Thursday.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Sawyer, Heather (Judiciary-Dem)
Sent: Tuesday, September 25, 2018 7:20 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >; Michael R. Bromwich (b) (6) >
Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Mr. Bromwich:

Just to be clear with regard to request no. 3 in Mike's list, Democratic Members would prefer 10 minutes for

questioning and object to the limit of one round of questions. As we've made clear from the outset, these are very serious allegations and Senators should not be artificially limited in their ability to ascertain the facts. It may be that the Members are able to complete their questioning in one round, though having only five minutes makes that even more difficult. If, however, they are able to do so, there will be no need for additional rounds. Right now, however, it is impossible to know whether additional rounds will be needed and we can't waive, in advance, the need or right to request that.

Thank you,

Heather

From: Davis, Mike (Judiciary-Rep)
Sent: Tuesday, September 25, 2018 6:47 PM
To: Michael R. Bromwich (b) (6) >
Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Mr. Bromwich:

I am happy to relay the hearing logistics.

1. The Chairman and Ranking Member will give their opening statements. There is no time limitation.
2. Dr. Ford will get sworn and have the opportunity to give an opening statement. There is no time limitation.
3. Each senator will then have the opportunity to ask questions of Dr. Ford. If any senator prefers, another committee member or staff counsel can ask questions on behalf of that senator. Per Dr. Ford's request, each senator has 5 minutes of questioning. Per Dr. Ford's request, we will limit questioning to 1 round. The Committee Democrats object to Dr. Ford's requests. The Chairman, however, promised Dr. Ford that he would agree to these requests as part of his promise to provide Dr. Ford a safe, comfortable, and dignified forum in which to provide her testimony.
4. We will alternate questioning between the Republican and Democrat committee members (or staff counsel).
5. We will do the same for Judge Kavanaugh's testimony.
6. As for your questions about press and media, the Chairman's press team asked me to relay the following:

As a general matter, press access to Judiciary Committee hearings is limited only by the press seats in the room and photographer space in the well between the dais and the witness table. We do not select which reporters or outlets are able to cover hearings, and have been advising members of the

media to reserve spots through their correspondence gallery, which is helping to coordinate press operations. Here's some additional information regarding video, print and still photographer access:

Video

The room already has 3 robocameras built in for the purposes of streaming the hearing online. This feed cannot be used to pool for media outlets. Typically, CSPAN sets up three cameras in the room to serve as the TV pool feed. One of those cameras is manually operated at the back of the room; the other two are robocams: one in the well and one against the wall beside the witness table for witness profile shots. For this hearing, CSPAN has asked for a fourth camera. That equals **seven total video cameras**. For context, during the first four days of Judge Kavanaugh's hearing, the room had a minimum of 28 video cameras in it.

Still photographers

Because the hearing will occur in the Judiciary Committee hearing room rather than the larger hearing room that was used for the first four days of Judge Kavanaugh's hearing, the space for still photographers will naturally be limited. The minimum pool is typically 7 still photographers. Generally, we allow photographers to cycle in and out of the well during the hearing to ensure greater access. For this hearing we'd like to do that as well, but **we are happy to limit the well to seven still photographers at a time**. We would also like to set up stationary remote camera trees in the well, which we typically do upon request. This allows for greater access while limiting the number of people in the well. Please let us know if you have any objection to that. Typically, photographers are allowed to move about the well so long as they stay below the lip of the dais. However, for this hearing, the Senate Photographers Gallery will instruct photographers to remain with their backs to the dais at all times and refrain from approaching the witness table before and during the hearing. As a general practice, the official Senate photographer is also in attendance, though those photos are not used by news media and are not part of the pool. **So the number of photographers in the well will be limited to eight people at any given time and their proximity to the witness will also be limited**. The committee does not pick and choose specific photographers for hearings, but we are happy to request that the wire services you mentioned have an opportunity to attend. For context, there were roughly 50 still photographers in the room for Judge Kavanaugh's swearing in on September 4, not including remote-operated cameras.

Print/Wire reporters

Print reporters will be limited to 48 available press seats. For context, during the first days of Judge Kavanaugh's hearing print reporters had 156 seats. The committee does not pick and choose which reporters who cover hearings, but we are happy to request that the specific wire services you mentioned have an opportunity to attend.

The Chairman looks forward to meeting Dr. Ford on Thursday morning and hearing her testimony.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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(b) (6)

From: Davis, Mike (Judiciary-Rep)

Sent: Tuesday, September 25, 2018 6:10 PM

To: 'Michael R. Bromwich' (b) (6) >

Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >;

Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem)

(b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6)

(b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >

Subject: RE: Dr. Christine Blasey Ford

FYI, once Jennifer Duck (Ranking Member's staff director) and I reconnect today, I can relay the hearing logistics.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations

United States Senate Committee on the Judiciary

Senator Chuck Grassley (R-IA), Chairman

224 Dirksen Senate Office Building

Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Michael R. Bromwic (b) (6)]

Sent: Tuesday, September 25, 2018 2:16 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >;

Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem)

(b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6)

(b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >

Subject: Re: Dr. Christine Blasey Ford

A correction and an addition to what we specified below:

We want the three cameras to be the CSPAN TV pool, we also request a radio pool.

Thanks.

MRB

On Sep 25, 2018, at 12:50 PM, Michael R. Bromwich (b) (6) > wrote:

Mike,

Here are the specifics we request:

Three robocams for TV pool coverage

Three still photographers from wire services pooled (AP, Reuters, one other)

Pooled print press: Congressional Correspondents Association chooses who is next in the rotation

Three print wire services (AP, Reuters, Bloomberg)

We look forward to your responses to this and the other outstanding issues.

Thank you.

MRB

On Sep 25, 2018, at 10:51 AM, Davis, Mike (Judiciary-Rep) (b) (6)

> wrote:

Thank you, Ms. Katz.

Please also provide me the details of the specific media/press arrangements that you request, so I can respond in one email to all of your issues outlined below.

Again, for security reasons, I am not authorized at this time to provide the name of our staff counsel.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
(b) (6) (cell)
202-224-9102 (fax)
(b) (6)

From: Debra Kat (b) (6)]
Sent: Tuesday, September 25, 2018 10:44 AM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >; Michael Bromwich (b) (6) >; Debra Katz (b) (6) >
Subject: RE: Dr. Christine Blasey Ford
Importance: High

Dear Mike,

On Sunday, September 23rd we raised the following issues with you but you have failed to provide any information about these matters and have refused to speak with us about them:

The timing and logistics of the questioning: So far we do not know how many rounds of questions there will be, how long each questioner will get for each round, or the order of the questioners. Given your recent announcement that one unnamed “experienced sex crimes prosecutor” will be questioning the witnesses in lieu of all eleven members of the Majority, we have no way to predict how the questioning will proceed.

- The scope of the questioning: During our conference call on September 20, 2018, one of the Chairman’s staffers made the unprompted suggestion that the Chairman may wish to limit the scope of the questioning, but he declined to answer any questions. We have heard nothing further about this.
- Media coverage and press access to the hearing: During our conference call on September 20, we requested that press coverage be pooled. We also provided more specific proposals during our follow-up call on September 23, and specifically indicated we would like to speak with the Committee’s communications staff to work out details that would be satisfactory to the Committee. However, we have received no response from the Committee beyond Ms. Willey’s inaccurate characterization of our “demands” in her September 21 written proposal: “You demanded that only one camera be permitted in the hearing room and that there be limited press access. We have no objection to that.”

We requested that you provide us with answers to these outstanding questions promptly so that Dr. Ford and her counsel could prepare for the hearing. However, you have refused to provide this information and have denied our requests for a call to discuss them. Your persistence in withholding these basic details about the hearing’s format belies the Chairman’s promise to Dr. Ford and the public that the hearing will be conducted in a “fair and respectful” manner. Withholding such basic information is unfair and disrespectful.

Furthermore, you have continued to withhold the name of the “experienced sex crimes prosecutor” the Chairman has hired to ask questions on behalf of the Majority, citing unspecified security reasons, and have denied our request to meet with her. Please let us know if you have similarly withheld the name of this person from Mr. Kavanaugh and his counsel. If you have not, which we assume to be the case, can you please explain the disparate treatment. Please also advise whether Mr. Kavanaugh and his counsel have been given an opportunity to meet with this individual. We would similarly like the opportunity to meet with her at her soonest availability.

Given your refusal to talk by telephone, we would like to meet with you and staff from the Ranking Member at 12:30 p.m. today or soon thereafter to go over these outstanding issues. Please let us know what time and location would work best for you.

Sincerely,

Debra S. Katz

<image001.gif>

[Debra S. Katz](#)

1718 Connecticut Ave., N.W.

Sixth Floor

Washington, D.C. 20009

Te (b) (6)
Fax: 202-299-1148
Ema (b) (6)
Website: www.kmblegal.com

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From: Davis, Mike (Judiciary-Rep (b) (6))
Sent: Monday, September 24, 2018 11:49 PM
To: Debra Katz (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >; Michael Bromwich (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Ms. Katz,

1. I am not in a position to discuss security issues.
2. We can discuss via email any logistical issues or questions that you have.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
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(b) (6)

From: Debra Kat (b) (6)]
Sent: Monday, September 24, 2018 11:42 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >; Michael Bromwich (b) (6) >; Debra Katz (b) (6) >
Subject: RE: Dr. Christine Blasey Ford
Importance: High

Dear Mr. Davis,

For safety reasons? Please explain. Whose safety? Is the experienced sex crimes prosecutor under some kind of threat? When do you think you will be in a position to disclose her name? We renew our request for to meet with her tomorrow.

The proposed agenda for a phone call contains all the items you wouldn't answer on Sunday and which you said you would get back to us about after speaking to the Chairman. Do you really not have a list? Can we speak at 11:00 a.m.? We'll be happy to review the list of all of the outstanding items then.

Thanks,

Debbie

<image001.gif>

[Debra S. Katz](#)

1718 Connecticut Ave., N.W.

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Washington, D.C. 20009

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Fax: 202-299-1148

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From: Davis, Mike (Judiciary-Rep (b) (6))

Sent: Monday, September 24, 2018 11:29 PM

To: Debra Katz (b) (6) >

Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks

(b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather

(Judiciary-Dem) (b) (6) >; Willey, Katharine

(Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-

Rep) (b) (6) >; Michael Bromwich

(b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Ms. Katz,

For safety reasons, I am not in a position to disclose her name right now.

What is your proposed agenda for a phone call?

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

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202-224-9102 (fax)

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From: Debra Kat (b) (6)]

Sent: Monday, September 24, 2018 10:54 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks

(b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather

(Judiciary-Dem) (b) (6) >; Willey, Katharine

(Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-

Rep) (b) (6) >; Michael Bromwich

(b) (6) >; Debra Katz (b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Importance: High

Dear Mr. Davis,

Are there reasons -- other than strategic advantage and unfair surprise -- that you will not tell us the name of the experienced sex crimes prosecutor Senator Grassley hired to question our client? Please send us her name and cv immediately. It is impossible to square the Chairman's promise of a fair hearing with his staff's refusal to provide us with this most basic of information or to speak with us about the outstanding issues we raised on Sunday. We would like to have a call with the staff from both the Majority and Ranking Member tomorrow morning. I propose 11:00 a.m.

Please confirm that you will make yourself available to speak then.

Best regards,

Debbie Katz

<image001.gif>

[Debra S. Katz](#)

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From: Davis, Mike (Judiciary-Rep) (b) (6)]
Sent: Monday, September 24, 2018 3:31 PM
To: Michael Bromwich (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; Lisa Banks (b) (6) >; Debra Katz (b) (6) >; Joseph Abboud (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Mr. Bromwich,

The Chairman promised Dr. Ford that he would provide a fair, safe, dignified forum for Dr. Ford to provide her testimony. The Chairman and Dr. Ford both agree that we do not want a "circus," like we experienced during the first four days of the confirmation hearing.

For the most serious hearings in our more recent history, such as Watergate and Iran-Contra, the Senate had experienced counsel question the witnesses. The Chairman believes that Dr. Ford's allegations are serious. Thus, the Chairman has hired an experienced sex-crimes prosecutor to serve as an investigative staff counsel for the hearing. She will question Dr. Ford and Judge Kavanaugh on Thursday on behalf of the Republican members.

The Chairman's goal is to de-politicize this process and search for the truth – instead of creating a forum for senators to grandstand or launch their presidential campaigns.

As we discussed, the Chairman's staff looks forward to working with you on all the hearing logistics and security issues.

Finally, I have attached a letter from the Chairman, in response to Dr. Ford's letter on Saturday. As we discussed and agreed, we are going to publicly release these letters.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510
(b) (6) (direct)
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(b) (6)

From: Michael Bromwich (b) (6)]
Sent: Monday, September 24, 2018 12:55 PM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
Cc: Duck, Jennifer (Judiciary-Dem) (b) (6) >; (b) (6) Lisa Banks >; Debra Katz (b) (6) >; (b) (6) Joseph Abboud >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason (Judiciary-Rep) (b) (6) >

Subject: Re: Dr. Christine Blasey Ford

That's fine. We will look for your email.

On Mon, Sep 24, 2018 at 12:47 PM, Davis, Mike (Judiciary-Rep)

(b) (6) > wrote:

I have another meeting at 1 pm. Sorry. I will just send an email instead.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Duck, Jennifer (Judiciary-Dem)

Sent: Monday, September 24, 2018 12:34 PM

To: Michael Bromwich (b) (6) >; Davis, Mike (Judiciary-Rep)

(b) (6) >

C (b)(6) Lisa Banks ; Debra Katz (b) (6) (b)(6) Joseph Abboud ;
Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey,
Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason
(Judiciary-Rep) (b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Great, we will be at my number

From: Michael Bromwich (b) (6)]

Sent: Monday, September 24, 2018 12:32 PM

To: Davis, Mike (Judiciary-Rep) (b) (6) >

C (b)(6) Lisa Banks ; Debra Katz (b) (6) (b)(6) Joseph Abboud ;
Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer,
Heather (Judiciary-Dem) (b) (6) >; Willey,
Katharine (Judiciary-Rep) (b) (6) >; Covey, Jason
(Judiciary-Rep) (b) (6) >

Subject: Re: Dr. Christine Blasey Ford

Let's do it at 1 pm. We will call you.

On Mon, Sep 24, 2018 at 11:59 AM, Davis, Mike (Judiciary-Rep)

(b) (6) > wrote:

Mr. Bromwich,

I am just seeing this. Please call me.

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

(b) (6) (direct)

(b) (6) (cell)

202-224-9102 (fax)

(b) (6)

From: Michael Bromwich [mailto: (b) (6)]
Sent: Monday, September 24, 2018 10:59 AM
To: Davis, Mike (Judiciary-Rep) (b) (6) >
C (b)(6) Lisa Banks ; Debra Katz (b) (6) >;
(b)(6) Joseph Abboud ; Duck, Jennifer (Judiciary-Dem) (b) (6) >;
>; Sawyer, Heather (Judiciary-Dem) (b) (6) >;
>; Willey, Katharine (Judiciary-Rep) (b) (6) >;
>; Covey, Jason (Judiciary-Rep) (b) (6) >
>
Subject: Re: Dr. Christine Blasey Ford

Mike,

Please advise who will be handling the questioning of Dr. Ford at Thursday's hearing. We had requested that you provide us with an answer by noon.

We also want answers to the other open questions that we put to you.

Thanks very much.

On Sun, Sep 23, 2018 at 12:07 PM, Davis, Mike (Judiciary-Rep)

(b) (6) > wrote:

Mr. Bromwich, Ms. Katz, Ms. Banks, Mr. Abboud, and Ms. Barkoff:

Thank you for the call. We are pleased that you accepted the Chairman's invitation for Dr. Ford to testify on Thursday, 9/27/2018 at 10 am in an open hearing in Dirksen 226, in accordance with the parameters that we outlined in our emails below.

The Chairman asked me to relay again that he will do everything in his power to provide a safe, comfortable, and dignified forum for Dr. Ford to testify. I have noted the issues that you raised on the call. But again, as with any witness who comes before the Senate, the Senate Judiciary Committee cannot hand over its constitutional duties to attorneys for outside witnesses. The Committee determines which witnesses to call, how many witnesses to call, in what order to call them, and who will question them. These are non-negotiable.

I have copied Jason Covey, the committee's hearing clerk, who will work with

you on all hearing logistics.

As Jennifer Duck (the staff director for Ranking Member Feinstein) and I discussed on the call, the Senate Sergeant at Arms is the best point of contact for security coordination. In a separate email, I will connect you with the appropriate security official.

For any other issues, please feel free to contact me anytime.

I look forward to working with you.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman

(b) (6)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 22, 2018 10:16 PM
To: 'Michael R. Bromwich' (b) (6) >;
(b)(6) Lisa Banks (b) (6) >
Cc: Debra Katz (b) (6) >; Duck, Jennifer (Judiciary-Dem)
(b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Mr. Bromwich and Ms. Banks:

Thank you for the phone call today. The Chairman is pleased to invite Dr. Ford to testify on Thursday, 9/27/2018 at 10 a.m. ET. The Chairman looks forward to hearing from Dr. Ford, because he considers her allegations very serious. The Chairman asked me to assure you that he will do everything in his power to provide a safe, comfortable, and dignified forum for Dr. Ford to provide her testimony. As we discussed, we will hold the hearing in the regular committee room (Dirksen 226), to avoid the “circus” atmosphere that we witnessed in Hart 216 during the first 4 days of the hearing. The offer still stands for either a public or private hearing – whatever Dr. Ford prefers. And, as we have offered, committee investigators are available to meet with Dr. Ford, anywhere and anytime, if she would prefer to provide her testimony outside of a hearing setting. Please just let us know which forum Dr. Ford prefers, so we can make necessary arrangements.

You previously provided 10 conditions for Dr. Ford’s testimony, discussed below. The Chairman has met you more than halfway, accommodating 6 of those 10 conditions. But as with any witness who comes before the Senate, the

Senate Judiciary Committee cannot hand over its constitutional duties to attorneys for outside witnesses. The Committee determines which witnesses to call, how many witnesses to call, in what order to call them, and who will question them. Again, as I mentioned on the call, these are non-negotiable.

I look forward to our follow-up call tomorrow morning at 11 a.m. ET. I want to emphasize again that our call tomorrow morning is not a negotiation. The purpose is to discuss any outstanding logistical issues and answer any questions that you have.

The Chairman looks forward to hearing from Dr. Ford on Thursday.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman

(b) (6)

From: Davis, Mike (Judiciary-Rep)
Sent: Saturday, September 22, 2018 3:22 PM
To: 'Debra Katz' (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Ms. Katz,

Thank you for reaching out. Do you have time for a quick call right now? Katharine and I just want to get a better understanding of what you envision with the call with the broader group.

Thank you,
Mike Davis

From: Debra Kat (b) (6)]
Sent: Saturday, September 22, 2018 2:17 PM
To: Willey, Katharine (Judiciary-Rep) (b) (6) >; Davis, Kolan (Judiciary-Rep) (b) (6) >
Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-Rep) (b) (6) >; Davis, Mike (Judiciary-Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep) (b) (6) >; Lisa Banks (b) (6) >; Duck, Jennifer (Judiciary-Dem) (b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >; (b)(6) Michael Bromwich

Subject: RE: Dr. Christine Blasey Ford

Dear Ms. Willey:

Dr. Ford accepts the Committee's request to provide her first-hand knowledge of Brett Kavanaugh's sexual misconduct next week. Although many aspects of the proposal you provided via email, on September 21, 2018, at 2:33 pm, are fundamentally inconsistent with the Committee's promise of a fair, impartial investigation into her allegations, and we are disappointed with the leaks and the bullying that have tainted the process, we are hopeful that we can reach agreement on details. Can we set up a time for later this afternoon to continue our negotiations?

Sincerely,
Debra S. Katz

<image001.gif>

[Debra S. Katz](#)

[1718 Connecticut Ave., N.W.](#)

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Washington, D.C. 20009

Te (b) (6)

Fax: 202-299-1148

Emai (b) (6)

Website: www.kmblegal.com

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From: Willey, Katharine (Judiciary-Rep (b) (6)

)]

Sent: Friday, September 21, 2018 9:26 PM

To: Debra Katz (b) (6) >; Davis, Kolan (Judiciary-Rep)

(b) (6) >

Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-Rep) (b) (6) >; Davis, Mike (Judiciary-Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep)

(b) (6) >; Lisa Banks

(b) (6) >; Duck, Jennifer (Judiciary-Dem)

(b) (6) >; Sawyer, Heather (Judiciary-Dem) (b) (6) >

Subject: Re: Dr. Christine Blasey Ford

Dr. Ford's invitation has been on the table since Monday. The 10 p.m. deadline

stands, since we have already moved the deadline twice per your request. If she would like to share her story before the Senate Judiciary Committee next week, please let us know before 10 p.m. eastern.

----- Original message -----

From: Debra Katz (b) (6) >

Date: 9/21/18 9:12 PM (GMT-05:00)

To: "Willey, Katharine (Judiciary-Rep)" (b) (6)

>, "Davis, Kolan (Judiciary-Rep)" (b) (6)

>

Cc: Joseph Abboud (b) (6) >, "Mehler, Lauren (Judiciary-

Rep)" (b) (6) >, "Davis, Mike (Judiciary-

Rep)" (b) (6) >, "Lay, DeLisa (Judiciary-

Rep)" (b) (6) >, Lisa Banks

(b) (6) >, Debra Katz (b) (6) >, "Duck,

Jennifer (Judiciary-Dem)" (b) (6) >,

"Sawyer, Heather (Judiciary-Dem)" (b) (6)

>

Subject: RE: Dr. Christine Blasey Ford

Dear Ms. Willey and Ms. Davis:

I am writing to respond to your emails from earlier today. I was stunned to see that the Judiciary Committee noticed Judge Kavanaugh's vote for Monday morning, in the midst of our ongoing discussions regarding the terms and conditions under which Dr. Christine Blasey Ford could testify before the Committee. Incredibly, you did so well before the 10:00 p.m. deadline you had arbitrarily imposed just hours before. The imposition of aggressive and artificial deadlines regarding the date and conditions of any hearing has created tremendous and unwarranted anxiety and stress on Dr. Ford. Your cavalier treatment of a sexual assault survivor who has been doing her best to cooperate with the Committee is completely inappropriate.

Yesterday, we had what I thought was a productive dialogue about the conditions Dr. Ford would find acceptable to be able to testify before the Senate Judiciary Committee about her allegations of sexual assault involving Judge Brett Kavanaugh. Rather than continuing that dialogue, Senator Grassley today conveyed a counterproposal through the media, insisting that she appear for a hearing on a date I had expressly told you was not feasible for her. Hours after those media accounts first appeared, you sent me a response to the proposals that we had conveyed in good faith yesterday. You rejected a number of the proposals that are important to Dr. Ford to ensure that the process would be a fair one, including subpoenaing Mark Judge to testify. Instead, you spent much of your email making points that distorted the requests we had made and the sequence of events. It would be fruitless to review each of those misstatements as it is now abundantly clear that regardless of the assurances Senator Grassley has made, you have been tasked with pressuring

Dr. Ford to agree to conditions you find advantageous to the nominee and also with denying Democratic members of the Senate Judiciary Committee any input about how this hearing would proceed. When I urged you to include them in our discussions today, you rejected my request outright, accusing them of being the source of leaks. Even more disturbing, while you took almost a full day to consider our proposal, you demanded a 5:00 p.m. response to your proposal this evening.

By email sent today at 4:01 p.m., I advised you that Dr. Ford had traveled to meet with the FBI for several hours about the death threats she had been receiving, and we would need until tomorrow to confer with her and to be able to provide you with a well-considered response. Rather than allowing her the time she needs to respond to the take-it-or-leave-it demand you conveyed, you sent us an email at 5:47 p.m. – which you again gave to the media first – insisting that we accept your “invitation” for a Wednesday hearing by 10:00 p.m. tonight. I now have learned that Senator Grassley has scheduled the Committee’s vote for this Monday.

The 10:00 p.m. deadline is arbitrary. Its sole purpose is to bully Dr. Ford and deprive her of the ability to make a considered decision that has life-altering implications for her and her family. She has already been forced out of her home and continues to be subjected to harassment, hate mail, and death threats. Our modest request is that she be given an additional day to make her decision.

Sincerely,

Debra S. Katz
<image001.gif>
[Debra S. Katz](#)
[1718 Connecticut Ave., N.W.](#)
Sixth Floor
Washington, D.C. 20009
Te (b) (6)
Fax: 202-299-1148
Emai (b) (6)
Website: www.kmblegal.com

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From: Willey, Katharine (Judiciary-Rep (b) (6)

(b) (6)]

Sent: Friday, September 21, 2018 2:36 PM

To: Davis, Kolan (Judiciary-Rep) (b) (6) >;

Lisa Banks (b) (6) >; Debra Katz (b) (6) >

Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-

Rep) (b) (6) >; Davis, Mike (Judiciary-

Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep)

(b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Please note that we need a response by 5:00 PM today.

From: Davis, Kolan (Judiciary-Rep)

Sent: Friday, September 21, 2018 2:36 PM

To: Willey, Katharine (Judiciary-Rep) (b) (6)

>; Lisa Banks (b) (6) >; Debra Katz

(b) (6) >

Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-

Rep) (b) (6) >; Davis, Mike (Judiciary-

Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep)

(b) (6) >

Subject: RE: Dr. Christine Blasey Ford

And, we would ask that you keep these discussions confidential, until there is at least a resolution

From: Willey, Katharine (Judiciary-Rep)

Sent: Friday, September 21, 2018 2:33 PM

To: Lisa Banks (b) (6) >; Debra Katz (b) (6) >

Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-

Rep) (b) (6) >; Davis, Mike (Judiciary-

Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep)

(b) (6) >; Davis, Kolan (Judiciary-Rep)

(b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Ms. Banks—below is the response.

Dear Ms. Katz and Ms. Banks:

I am writing in response to your conditions under which your client, Dr. Christine Blasey Ford, is willing to testify as to her allegations of sexual assault by Judge Brett Kavanaugh while the two individuals were in high school more than 35 years ago. On behalf of Chairman Chuck Grassley, I want to reiterate that the Senate Judiciary Committee considers these serious allegations and wants to honor Dr. Ford's request to testify. We are committed to providing a secure and respectful setting for her testimony. The Chairman fully agrees with

Dr. Ford that we cannot have another “media circus.” The Chairman has offered the ability for Dr. Ford to testify in an open session, a closed session, a public staff interview, and a private staff interview. The Chairman is even willing to fly female staff investigators to meet Dr. Ford and you in California, or anywhere else, to obtain Dr. Ford’s testimony.

Sometime before last Sunday, September 16, your client described her allegations to a reporter for the *Washington Post*, which published the allegations that Sunday. This was the first time that the Chairman or his staff learned of Dr. Ford’s identity. Dr. Ford had made these allegations privately to her elected representatives, including Senator Feinstein, who was aware of these allegations since July. Neither Senator Feinstein nor her staff asked Judge Kavanaugh about these allegations despite having numerous opportunities to do so, including in a closed-door meeting between the senator and the nominee, during confidential phone calls with Judge Kavanaugh regarding his background, during three days and more than 32 hours of testimony at his public confirmation hearing two weeks ago, during a closed session of that hearing when sensitive information could be discussed—which Senator Feinstein did not attend—or when senators issued Judge Kavanaugh nearly 1,300 written questions after his confirmation hearing, more written questions submitted than were submitted to all previous Supreme Court nominees combined. Senator Feinstein also could have referred these allegations anonymously and confidentially to the FBI when she was made aware of them. That would have protected her anonymity, as Dr. Ford requested.

These actions were profoundly unfair to both parties. Judge Kavanaugh has unequivocally denied Dr. Ford’s allegations. He should have been given the opportunity to say so directly to Senator Feinstein had he been made aware of serious allegations against him. And 64 other senators met with Judge Kavanaugh before his hearing. If Senator Feinstein had made them aware of these serious allegations, those senators could have also questioned Judge Kavanaugh. Dr. Ford requested that her allegations remain confidential. Instead, this confidential information leaked due to the actions of Democratic offices on the Judiciary Committee, and the allegations are now in the public arena, contrary to Dr. Ford’s wishes. The media circus and eleventh-hour intrigue could have been avoided if my colleagues and their staff treated these allegations seriously and responsibly. I’m afraid their actions have undermined the dignity of these proceedings.

Chairman Grassley, when he became aware of Dr. Ford’s allegations last Sunday, instructed his staff to begin an immediate investigation. The next day, Ms. Katz went on morning shows asking that the Committee hold a public hearing so that Dr. Ford may offer her testimony. The Committee immediately honored that request, scheduling a hearing for one week later. Chairman Grassley informed you that the hearing could be public or private and that Dr. Ford could also choose to have a public or private staff interview with Democratic and Republican staff.

The next day, you withdrew your request for a hearing until the FBI conducted an investigation. The FBI, however, issued a statement that it considered the matter closed. The Senate does not have the authority to direct an Executive Branch department to conduct further investigation. Moreover, the Senate has a constitutional obligation to conduct its own investigations. Chairman Grassley's staff has tried to work with Democratic staff to conduct an investigation, but they have so far refused to participate. On Monday, September 17, Chairman Grassley's staff interviewed Judge Kavanaugh under penalty of felony. Democratic staff was invited to participate, and they could have asked any question they wanted to, but they declined. Judge Kavanaugh was forthright and emphatic in his testimony. He fully answered all questions. Chairman Grassley's staff also contacted three alleged witnesses named by Dr. Ford and obtained two statements under penalty of perjury. These witnesses directly contradict Professor Ford's allegations against Judge Kavanaugh.

Yesterday, you issued ten demands to us regarding the conditions under which Dr. Ford is willing to testify. Consistent with our sincere desire to hear Dr. Ford's testimony in her preferred setting—while, at the same time, respecting fundamental notions of due process and Committee practice—we are willing to meet you halfway. You demanded that we not hold the hearing on Monday because Dr. Ford needs time to prepare her testimony. Because Dr. Ford's testimony will concern only her personal knowledge of events, events which she already described to the *Washington Post*, holding a hearing more than one week after she aired these allegations is more than reasonable. We will nevertheless reschedule the hearing for later in the week, as you requested. The Committee will take Dr. Ford's and Judge Kavanaugh's testimony on Wednesday, September 26.

We deplore that Dr. Ford has faced serious threats and harassment over the past week, and we will make every effort to guarantee her safety. At the same time, Judge Kavanaugh and his family, including his two young daughters, have also faced serious death threats and vicious assaults as a result of these allegations. And they're getting worse each day. Judge Kavanaugh unequivocally and categorically denied these allegations. He was willing to testify last week after the allegations were made publicly, and he already accepted our invitation to testify on Monday. It is not fair to him or to his family to allow this situation to continue without a resolution and without an opportunity for him to clear his name. Holding the hearing on Wednesday honors your request for a later hearing date while recognizing that Judge Kavanaugh is entitled to due process. It is the fairest option for both parties.

We also accept some of your other demands. You demanded that Judge Kavanaugh not be in the hearing room during Dr. Ford's testimony. We have no objection to that.

You demanded that only one camera be permitted in the hearing room and that

there be limited press access. We have no objection to that.

You demanded that the number of rounds and minutes per round of questions be equal for all senators. We have no objection to that.

You demanded that Dr. Ford be given adequate breaks during her testimony. We of course have no objection to that.

You also expressed concerns about Dr. Ford's safety and that the Senate provide adequate security. This, of course, we will do. The Capitol Police offers more than adequate security. The Senate hosts the President, Vice President, Cabinet secretaries, heads of state, and other prominent public figures all the time with the necessary precautions.

Some of your other demands, however, are unreasonable and we are unable to accommodate them. You demanded that Judge Kavanaugh be the first person to testify. Accommodating this demand would be an affront to fundamental notions of due process. In the United States, an individual accused of a crime is entitled to a presumption of innocence. And, further, the accused has the right to respond to allegations that are made about him. Judge Kavanaugh cannot be expected to respond to allegations that have been made to the press. He is entitled to hear the full, detailed testimony of Dr. Ford before he testifies. You have indicated that Dr. Ford has allegations that she would like to make in public and under oath. She will have the opportunity to do so before we give Judge Kavanaugh the opportunity to respond.

You also demanded that only senators be permitted to ask questions of the witnesses. We are also unable to accommodate this demand. There is no rule of the Senate or the Committee that precludes staff attorneys from asking witnesses questions. We reserve the option to have female staff attorneys, who are sensitive to the particulars of Dr. Ford's allegations and are experienced investigators, question both witnesses. We believe this will allow for informed questioning, will generate the most insightful testimony, and will help depoliticize the hearing.

You demanded that the Committee issue subpoenas for the testimony of Mark Judge and other unidentified witnesses. The Committee is unable to accommodate this demand. The Committee does not take subpoena requests from witnesses as a condition of their testimony. You went on television earlier this week and said Dr. Ford wants the chance to tell her story in public and under oath. This is the opportunity we have given her. We don't need to subpoena additional witnesses to do that.

You demanded that the Committee call additional witnesses that Dr. Ford requests. We are unable to accommodate this demand. The Committee does not take witness requests from other witnesses. Mark Judge and one other alleged witness to the events Dr. Ford has described have already denied the

allegations under penalty of felony to the Committee. We can obtain additional testimony through staff interviews, obtaining statements, or other means that are subject to penalties of felony, if necessary.

This Committee has been extremely accommodating to your client. We want to hear Dr. Ford's testimony and are prepared to accommodate many of your demands, including further delaying a hearing that is currently scheduled for Monday. We are unwilling to accommodate your unreasonable demands. Outside counsel may not dictate the terms under which Committee business will be conducted.

Please respond by 5:00 pm to accept the invitation for Dr. Ford to testify on Wednesday according to the terms outlined above. We will have to issue various Committee notices soon after, so timeliness is extremely important.

From: Lisa Bank (b) (6)]
Sent: Friday, September 21, 2018 1:10 PM
To: Willey, Katharine (Judiciary-Rep) (b) (6) >; Debra Katz (b) (6) >
Cc: Joseph Abboud (b) (6) >; Mehler, Lauren (Judiciary-Rep) (b) (6) >; Davis, Mike (Judiciary-Rep) (b) (6) >; Lay, DeLisa (Judiciary-Rep) (b) (6) >; Davis, Kolan (Judiciary-Rep) (b) (6) >
Subject: RE: Dr. Christine Blasey Ford

Ms. Willey,

You have a concern regarding leaks, but we are now reading in the press about an offer you have not yet conveyed to us. Please forward to us as soon as possible whatever information you have.

Thank you,

Lisa Banks

<image001.gif>
Lisa J. Banks
Partner
[1718 Connecticut Ave., N.W.](mailto:lisa@kmblegal.com)
Sixth Floor
Washington, D.C. 20009
Te (b) (6)
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Website: www.kmblegal.com

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From: Willey, Katharine (Judiciary-Rep (b) (6) [REDACTED])
Sent: Friday, September 21, 2018 12:03 PM
To: Debra Katz (b) (6) [REDACTED] >
Cc: Lisa Banks (b) (6) [REDACTED] >; Joseph Abboud (b) (6) [REDACTED] >; Mehler, Lauren (Judiciary-Rep) (b) (6) [REDACTED] >; Davis, Mike (Judiciary-Rep) (b) (6) [REDACTED] >; Lay, DeLisa (Judiciary-Rep) (b) (6) [REDACTED] >; Davis, Kolan (Judiciary-Rep) (b) (6) [REDACTED] >
Subject: Re: Dr. Christine Blasey Ford

We will send you the response over email.

----- Original message -----

From: Debra Katz (b) (6) [REDACTED] >
Date: 9/21/18 11:58 AM (GMT-05:00)
To: "Willey, Katharine (Judiciary-Rep)" (b) (6) [REDACTED] >
Cc: Lisa Banks (b) (6) [REDACTED] >, Joseph Abboud (b) (6) [REDACTED] >, "Mehler, Lauren (Judiciary-Rep)" (b) (6) [REDACTED] >, "Davis, Mike (Judiciary-Rep)" (b) (6) [REDACTED] >, "Lay, DeLisa (Judiciary-Rep)" (b) (6) [REDACTED] >, "Davis, Kolan (Judiciary-Rep)" (b) (6) [REDACTED] >, Debra Katz (b) (6) [REDACTED] >
Subject: RE: Dr. Christine Blasey Ford

We would like to continue our dialogue about terms and conditions that will meet our client's legitimate fears for her safety and fairness. Email is not an effective substitute for direct communication. Please work this out between your offices.

<image001.gif>
[Debra S. Katz](#)
[1718 Connecticut Ave., N.W.](#)
Sixth Floor
Washington, D.C. 20009
Te (b) (6) [REDACTED]

Fax: 202-299-1148

Email: (b) (6)

Website: www.kmblegal.com

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From: Willey, Katharine (Judiciary-Rep (b) (6))

Sent: Friday, September 21, 2018 11:40 AM

To: Debra Katz (b) (6) >

Cc: Lisa Banks (b) (6) >; Joseph Abboud

(b) (6) >; Mehler, Lauren (Judiciary-Rep)

(b) (6) >; Davis, Mike (Judiciary-Rep)

(b) (6) >; Lay, DeLisa (Judiciary-Rep)

(b) (6) >; Davis, Kolan (Judiciary-Rep)

(b) (6) >

Subject: RE: Dr. Christine Blasey Ford

Our conversation yesterday was leaked to the press. Leaks undermine and hinder our discussions about this hearing. Ultimately, the Chairman is responsible for making decisions about the hearing and we can't have our discussions leaked to the press. If you can't accept we'll communicate via email moving forward.

From: Debra Kat (b) (6)

Sent: Friday, September 21, 2018 11:21 AM

To: Willey, Katharine (Judiciary-Rep (b) (6)) >

Cc: Lisa Banks (b) (6) >; Joseph Abboud

(b) (6) >

Subject: Re: Dr. Christine Blasey Ford

(b) (6). The earliest I can talk is at 2:15 p.m. Can we confirm that time? We are not comfortable with the ranking member's staff not participating. Please confirm that you will extend the invitation to them as well.

Debra S. Katz
Katz, Marshall & Banks
[1718 Connecticut Ave.](#)
Sixth Floor
Washington, D.C. 20009

(b) (6)

Sent from my iPhone. Please excuse any typos.

On Sep 21, 2018, at 11:03 AM, Willey, Katharine (Judiciary-Rep)

(b) (6) > wrote:

Ms. Katz—are you available for a 12:15 call with the Chairman’s staff? We’d like to discuss our latest proposal for a hearing with Dr. Ford. In light of the leaks that occurred after our call yesterday we will not invite the minority staff.

From: Debra Katz (b) (6)]
Sent: Thursday, September 20, 2018 6:29 PM
To: Duck, Jennifer (Judiciary-Dem) (b) (6)]
(b) (6) >
Cc: Lisa Banks (b) (6) >; Joseph Abboud (b) (6) >; Debra Katz (b) (6) >; Willey, Katharine (Judiciary-Rep) (b) (6)]
(b) (6) >
Subject: RE: Dr. Christine Blasey Ford
Importance: High

Dear Ms. Duck:

We authorize Senator Feinstein to provide Sen. Grassley’s staff with the unredacted letter to Senator Feinstein dated July 30, 2018 provided that Senator Grassley’s staff agrees not to publish or disseminate the letter.

Please do not transmit the letter electronically, Ms. Duck.

Sincerely,

Debra S. Katz

<image001.gif>
[Debra S. Katz](#)
[1718 Connecticut Ave., N.W.](#)
Sixth Floor
Washington, D.C. 20009
T (b) (6)
Fax: 202-299-1148
Email (b) (6)
Website: www.kmblegal.com

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MRB

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