2/11/2026 9:19:35 PM

2/12/2026 8:00:06 AM

Matthew Lehman Mackowiak, Ryan Hedley Downton

2/12/2026 9:37:10 AM

2/13/2026 7:58:06 PM

2/14/2026 11:32:33 AM

[redacted] (b) (5), (b) (6)

2/15/2026 6:09:39 AM

2/16/2026 7:46:40 AM

https://x.com/desireeamerica4/status/2023184524100964695?s=46

https://x.com/dadsaysjokes/status/2023101497685532914?s=46

2/17/2026 5:50:33 AM

https://x.com/edmartindoj/status/2023710775932842260?s=46

2/17/2026 9:53:48 PM

Cynthia Hughes
Nicholas Smith
Thomas Kenniff
Michael Farkus
Alveda King
Tanya Pierce
Brian Twomey
Blaine Iler
Daniel Del Valle
Benjamin Vaynberg
Eddie Yaghen
Jeremy Hutchinson
Marcus Ratmathicam
Anjuli Ayer
Maya Gilbert
Keith Pearson
Rod R. Blagojevich
Angela Stanton King

2/18/2026 3:40:57 PM

2/19/2026 2:58:59 PM

https://x.com/hbrabinowitz/status/2024545612759195739?s=46

https://x.com/nfl_dovkleiman/status/2024234483700977963?s=46

2/20/2026 1:59:48 PM

(b) (6)

2/20/2026 11:53:04 PM

2/21/2026 2:01:07 PM

2/23/2026 6:43:11 AM

https://x.com/edmartindoj/status/2025899093973999934?s=46

2/24/2026 6:56:10 AM

https://x.com/edmartindoj/status/2026264686799560908?s=46

2/24/2026 10:28:21 AM

10am meeting in pardon with Christopher Kolbet Schrichte and James Paul Kemp

2/25/2026 8:23:54 AM


ROB
SMITH


BILL
FEDERER

2/25/2026 11:24:39 AM

https://x.com/edmartindoj/status/2026264686799560908?s=46

[redacted]

https://www.justice.gov/legal-careers/job/supervisory-attorney-advisor-24

https://www.justice.gov/legal-careers/job/supervisory-attorney-advisor-24

Joseph P. Ganim

2/25/2026 2:45:17 PM

2/25/2026 6:36:23 PM

2/26/2026 8:22:15 AM

https://x.com/edmartindoj/status/2026989372914991287?s=46

2/26/2026 2:00:52 PM

[redacted]

[redacted] (b) (6)

2/27/2026 11:41:48 AM

https://x.com/edmartindoj/status/2027343536786444296?s=46

3/2/2026 6:53:12 AM

https://x.com/themossadil/status/2027881466097484021?s=46

3/2/2026 8:13:43 AM

https://x.com/linda_mcmahon/status/2028402919268139287?s=46

3/2/2026 12:54:54 PM

https://x.com/edmartindoj/status/2028529288216007036?s=46

3/2/2026 8:10:08 PM

Nachiketa “Nick” Bhatt,

[redacted] (b) (6)

3/3/2026 1:13:25 PM

3/3/2026 2:15:08 PM

3/4/2026 4:48:43 PM

3/4/2026 5:51:42 PM

Nick and Leigh mcmichael. Joel Gilbert. Nick Bhatt. Rod blagojevich. David Rivera lawyer.

3/4/2026 8:42:01 PM

Ed signed warrants x 2 :; all presidential pardons going back to Truman; weaponization scans.

3/5/2026 6:15:24 AM

https://x.com/edmartindoj/status/2029515150642872325?s=46

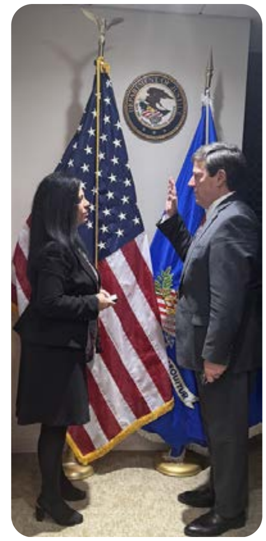
3/5/2026 2:24:30 PM

(b) (6) [redacted]


IN GOD
WE
TRUST

(b) (6)
[redacted]


THE EPOCH TIMES
70
AMERICAN REVIVAL




PRESS


YLLIS S AFLY
AG ES


ELECTION
BOARD

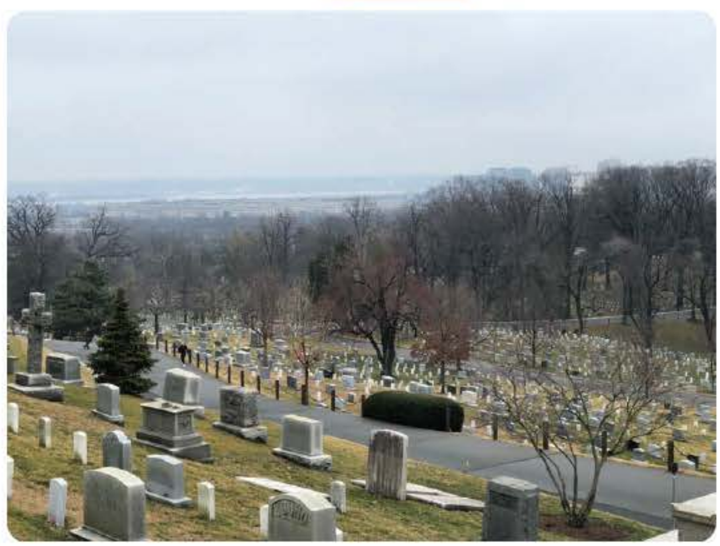

DEPARTMENT OF HOUSING


No Catholic school can
be effective without
dedicated Catholic


ST LOUIS
ELECTION
BOARD

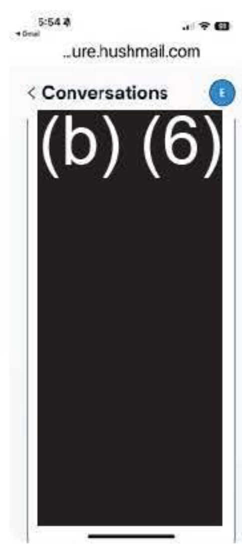
(b) (6)
[redacted]


ST. LOUIS
ELECTION
BOARD
300 N. TUCKER



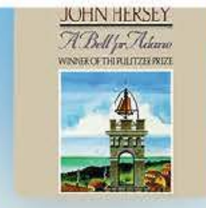

DEPARTMENT

[redacted]



(b) (5), (b) (6), (b) (7)(C)
[redacted]

[redacted] (b) (5), (b) (6)



▶ Preview

A Bell for Adano
Audiobook · 8h 33m
4.7 ★★★★★ 35
4.0 on Goodreads
(8,852 ratings)

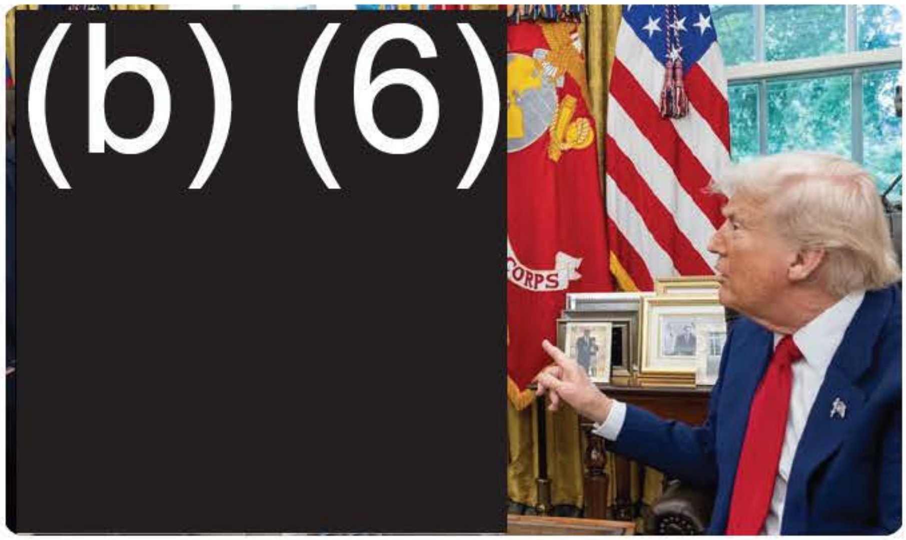
BY
John Hersey

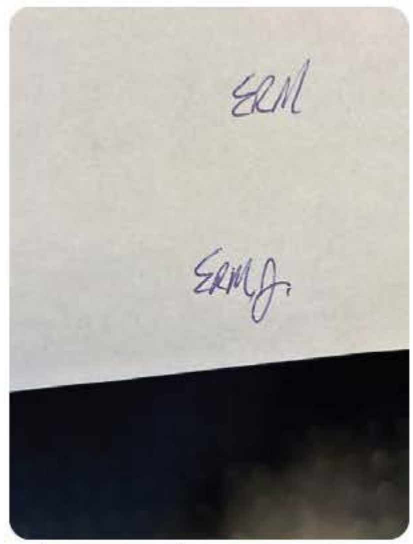
Chris Alvarez
DAAG Controller
Justice Management Division
U.S. Department of Justice
Email:
[redacted] (b) (6)

(b) (6) [redacted]

(b) (5), (b) (6), (b) (7)(C)

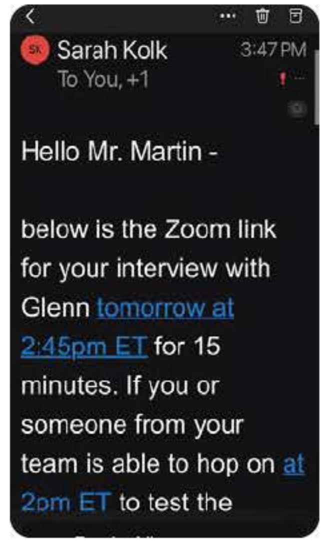
[redacted]


[redacted] (b) (6)

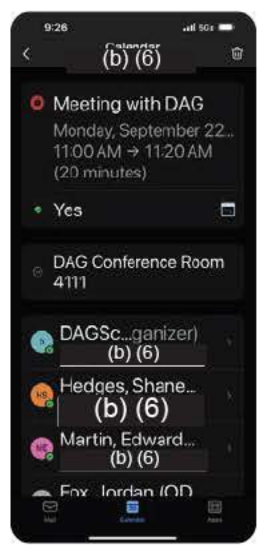

ERM
ERM Jr.

(b) (5), (b) (6), (b) (7)(C)
[redacted]

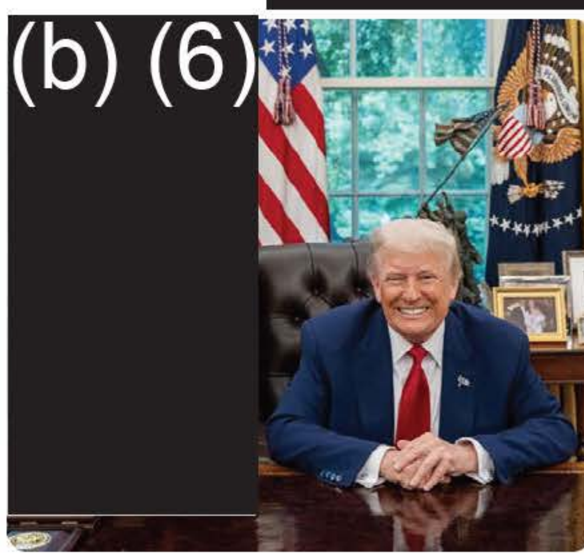
(b) (6)
[redacted]


Sarah Kolk
3:47 PM
To You, +1
Hello Mr. Martin -
below is the Zoom link for your interview with Glenn tomorrow at 2:45pm ET for 15 minutes. If you or someone from your team is able to hop on at 2pm ET to test the

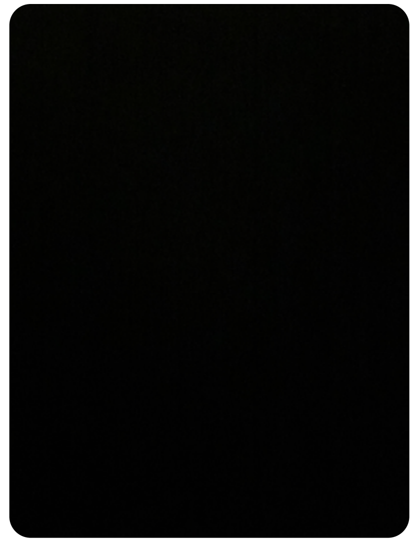
[redacted]


9:26
[redacted]
Meeting with DAG
Monday, September 22...
11:00 AM → 11:20 AM
(20 minutes)
Yes
DAG Conference Room 4111
DAGSc...ganizer)
[redacted]
Hedges, Shane...
[redacted]
Martin, Edward...
[redacted]

[redacted] (b) (6)

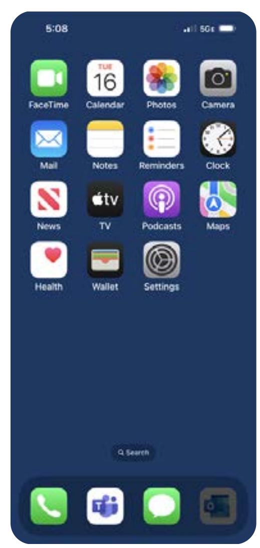


[redacted] (b) (6)



THE SNAKE

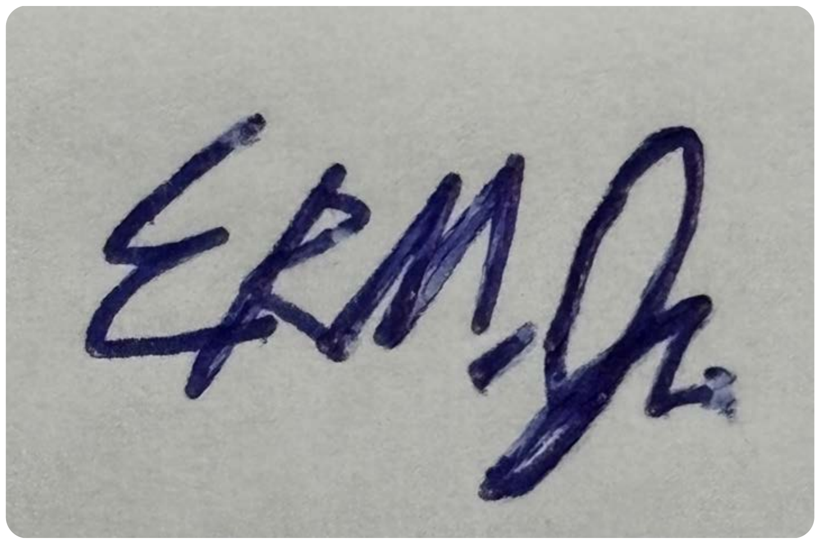
On her way to work one morning,
Down the path alongside the lake,
A tender-hearted woman saw a poor half-frozen snake.
His pretty-colored skin had been all frosted with the dew.
"Oh well," she cried, "I'll take you in and I'll take care of you."
"Take me in oh tender woman,
"Take me in, for heaven's sake,
"Take me in oh tender woman," sighed the vicious snake.
She wrapped him up all cozy in a curvature of silk
And then laid him by the fireside with some honey and some milk.
Now she hurried home from work that night as soon as she arrived.
She found that pretty snake she'd taken in had been revived.
"Take me in, oh tender woman,
"Take me in, for heaven's sake,
"Take me in oh tender woman," sighed the vicious snake.
Now she clutched him to her bosom, "You're so beautiful," she cried.
"But if I hadn't brought you in by now you might have died."
Now she stroked his pretty skin and then she kissed and held him tight.
But instead of saying thanks, that snake gave her a vicious bite.
"Take me in, oh tender woman,
"Take me in, for heaven's sake,
"Take me in oh tender woman," sighed the vicious snake.
"I saved you," cried that woman.
"And you've bit me even, why?
"You know your bite is poisonous and now I'm going to die."
"Oh shut up, silly woman," said the reptile with a grin,
"You knew damn well I was a snake before you took me in."



(b) (6) [redacted]

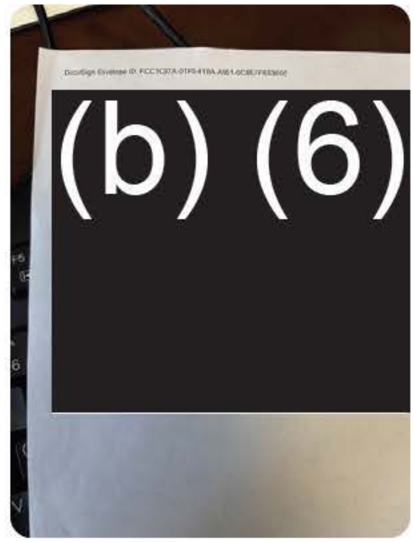
(b) (5), (b) (6), (b) (7)(C) [redacted]

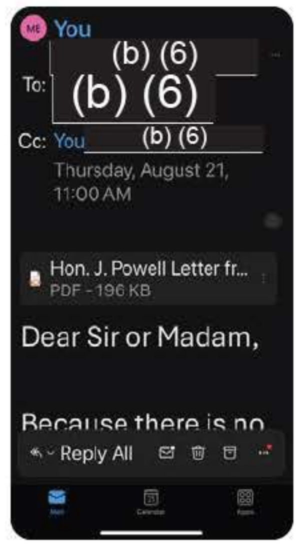

U.S. ATTORNEY'S OFFICE
EASTERN DISTRICT OF



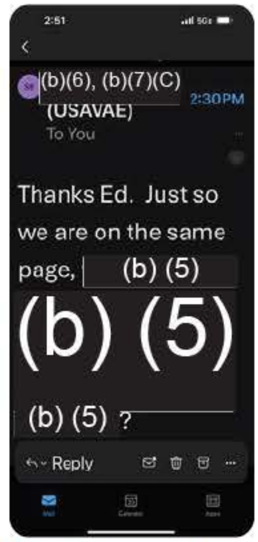

Akash re Chris Kess (see email)
Akash re Chris Kess (see email)
Friday, August 1, 2025
8:00 am - 9:00 am
Microsoft Teams Meeting
Share meeting invite
+1 (202) 235-7900 (Toll)
United States
Join
Edit
Microsoft Teams Need help? Join the meeting now Meeting ID: [redacted] Passcode: [redacted] Dial in by
See more
Cancel event

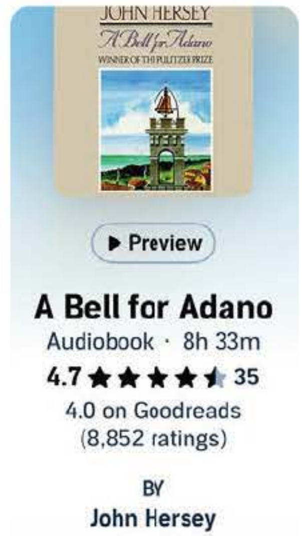

ASSOCIATE

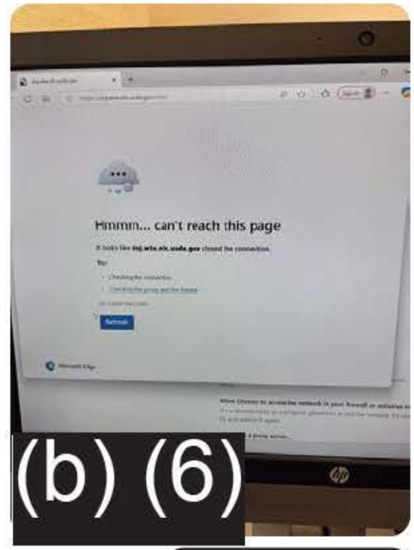

[redacted] (b) (6)


You
[redacted] (b) (6)
To: [redacted] (b) (6)
Cc: You [redacted] (b) (6)
Thursday, August 21,
11:00 AM
Hon. J. Powell Letter fr...
PDF - 196 KB
Dear Sir or Madam,
Because there is no
Reply All

[redacted] (b) (5)

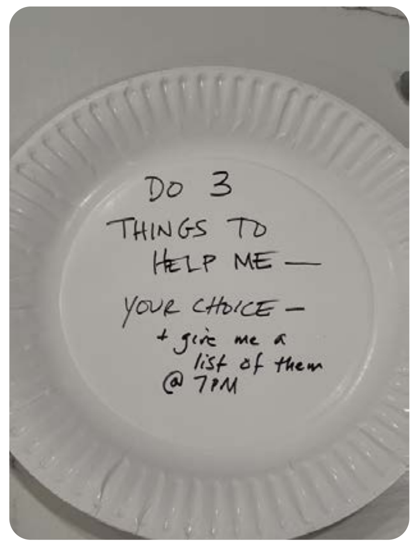

2:51
(b)(6), (b)(7)(C) [redacted]
(USAVAE)
2:30PM
To You
Thanks Ed. Just so we are on the same page, [redacted] (b) (5)
[redacted] (b) (5)
[redacted] (b) (5) ?
Reply

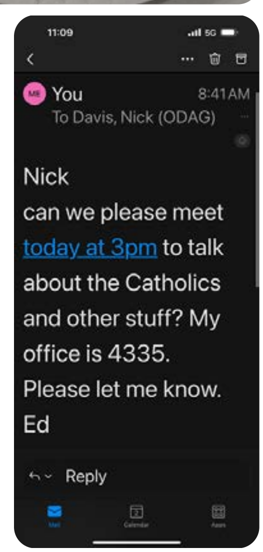

JOHN HERSEY
A Bell for Adano
WINNER OF THE PULITZER PRIZE
▶ Preview
A Bell for Adano
Audiobook · 8h 33m
4.7 35
4.0 on Goodreads
(8,852 ratings)
BY
John Hersey

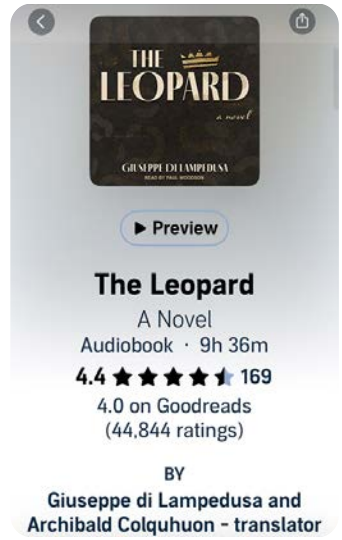

Hmmm... can't reach this page
[redacted]

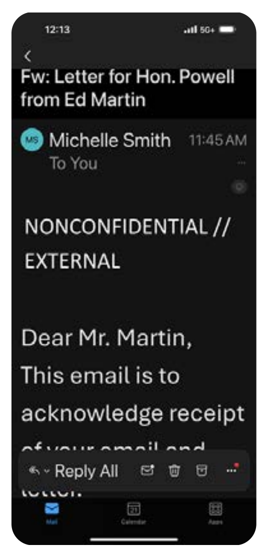

12:13
letter.
Thanks,
-Michelle
Michelle Smith
Chief of staff
Federal Reserve
Board
Reply All

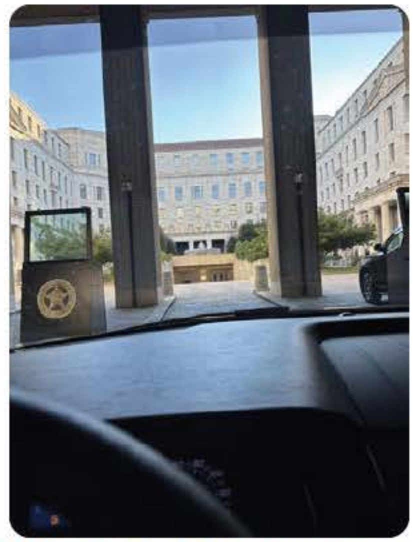
reach out anytime for any reason [redacted] com [redacted] and if you are ever in or around Sacramento, my

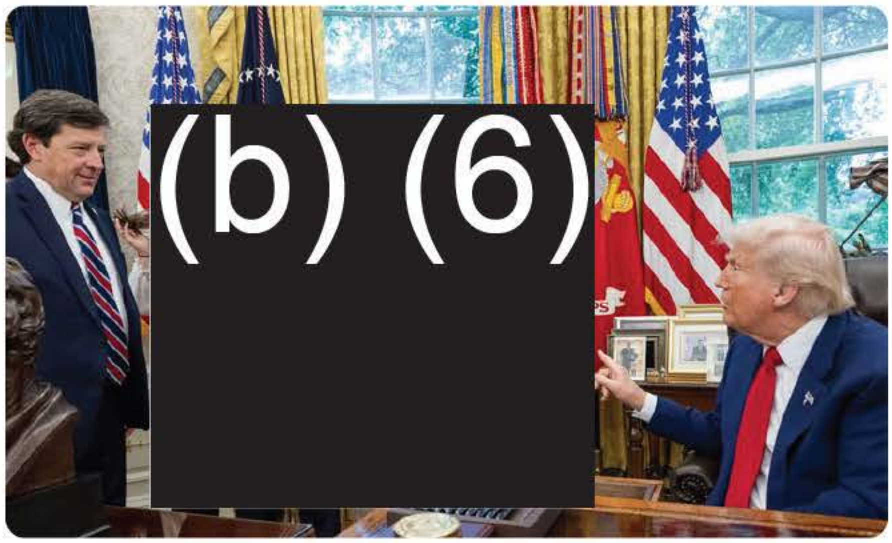

Do 3
THINGS TO
HELP ME —
YOUR CHOICE —
+ give me a
list of them
@ 7PM

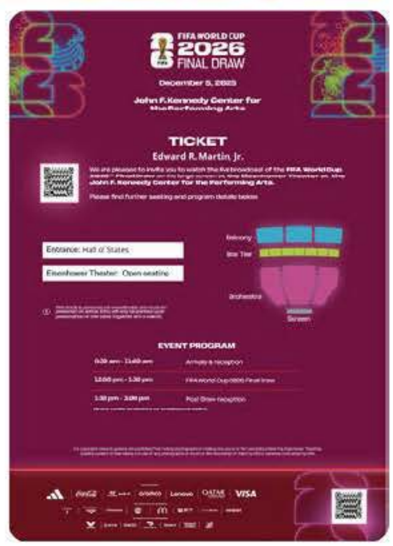

11:09
You
8:41 AM
To Davis, Nick (ODAG)
Nick
can we please meet today at 3pm to talk about the Catholics and other stuff? My office is 4335.
Please let me know.
Ed
Reply

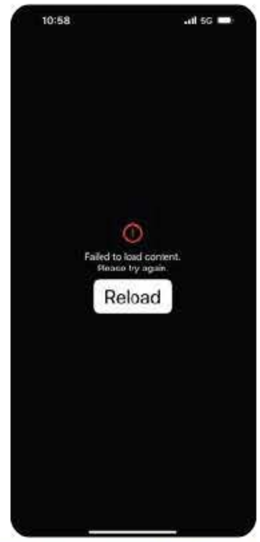

THE
LEOPARD
a novel
GIUSEPPE DI LAMPEDUSA
Preview
The Leopard
A Novel
Audiobook · 9h 36m
4.4 169
4.0 on Goodreads
(44,844 ratings)
BY
Giuseppe di Lampedusa and
Archibald Colquhuon - translator


12:13
Fw: Letter for Hon. Powell
from Ed Martin
Michelle Smith
11:45 AM
To You
NONCONFIDENTIAL //
EXTERNAL
Dear Mr. Martin,
This email is to
acknowledge receipt
Reply All

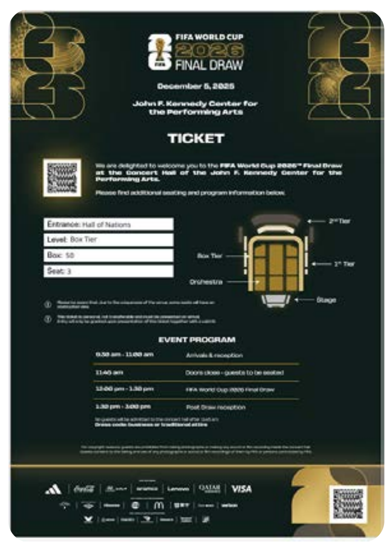





FIFA WORLD CUP
2026
FINAL DRAW
John F. Kennedy Center for
TICKET
Edward R. Martin, Jr.
John F. Kennedy Center for the Performing Arts.
Entrance: Hall of States
Eisenhower Theater: Open seating
Balcony
Box Tier
Orchestra
Screen
EVENT PROGRAM
Lenovo
VISA


10:58
Failed to load content.
Please try again.
Reload


11:39
zscaler
ZERO TRUST
CONNECTIVITY
Username
[redacted]
Service Status
ON
TURN OFF
Network Status
Off-Trusted Network
Authentication Status
Authenticated
[redacted]
Time Connected
12/05/2025 11:34AM
Tunnel Protocol
TLS
Tunnel SDK Version


FIFA WORLD CUP
2026
FINAL DRAW
December 5, 2025
John F. Kennedy Center for the Performing Arts
TICKET
We are delighted to welcome you to the FIFA World Cup 2026™ Final Draw at the Concert Hall of the John F. Kennedy Center for the Performing Arts.
Please find additional seating and program information below.
Entrance: Hall of Nations
Level: Box Tier
Box: 50
Seat: 3
2nd Tier
Box Tier
1st Tier
Orchestra
Stage
EVENT PROGRAM
9.30 am - 11.00 am
Arrivals & reception
11.40 am
Doors close - guests to be seated
12.00 pm - 1.30 pm
FIFA World Cup 2026 Final Draw
1.30 pm - 3.00 pm
Post Draw reception
VISA

[redacted]

[redacted]


IN GOD
WE
TRUST

[redacted]

FIFA WORLD CUP 2026 FINAL DRAW

WELCOME RECEPTION
DECEMBER 4, 2025

INVITATION

Edward R. Martin, Jr.

It is our great pleasure to invite you to the **welcome reception** at Washington, D.C.'s iconic John F. Kennedy Center for the Performing Arts on the eve of the Final Draw for the FIFA World Cup 2026™ for an unforgettable evening of international cuisine, entertainment and celebration.

Join us as we come together to connect and share the excitement surrounding the draw.

ADDITIONAL INFORMATION

Date:	Thursday, December 4, 2025
Time:	5:30 pm
Location:	The John F. Kennedy Center for the Performing Arts 2700 F Street, NW, Washington, D.C. 20566
Dress code:	Business or traditional attire

We look forward to seeing you there.

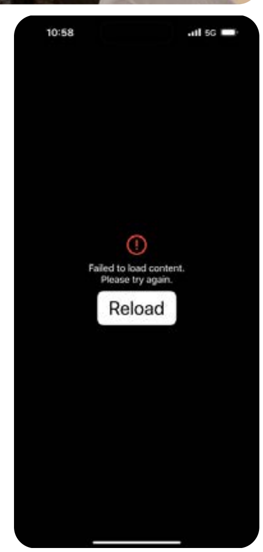

IN GOD WE TRUST


IN GOD WE TRUST


James B. Comey
December 18, 2003– August 15, 2005


NATIONAL
GUARD
BIRTHDAY


IN GOD
WE
TRUST

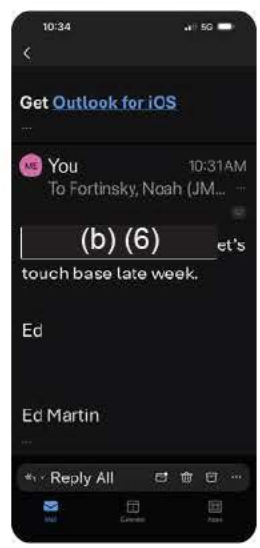

10:58
5G
Failed to load content.
Please try again.
Reload

[redacted]

[redacted] (b) (6)


FirstNet
5G
Wednesday, December 17
10:20
DEPARTMENT OF JUSTICE
QUI PRO DOMINA JUSTITIA SEQUITUR
Notice
US Govt. System.
Unauthorized Use Prohibited.
Use may be monitored.
See DOJ Order 0908.
If found, please call 202.616.7100


11:39
zscaler
ZERO TRUST CONNECTIVITY
Username
[redacted] (b) (6)
Service Status
TURN OFF
Network Status
Off-Trusted Network
Authentication Status
[redacted] (b) (6)
Time Connected
12/05/2026 11:34AM
TLS
Tunnel SDK Version


10:34
Get Outlook for iOS
You
10:31AM
To Fortinsky, Noah (JM...
[redacted] (b) (6) et's
touch base late week.
Ed
Ed Martin
Reply All


U.S. NAVY

[redacted] (b) (6)


LUCIFER'S
rumble

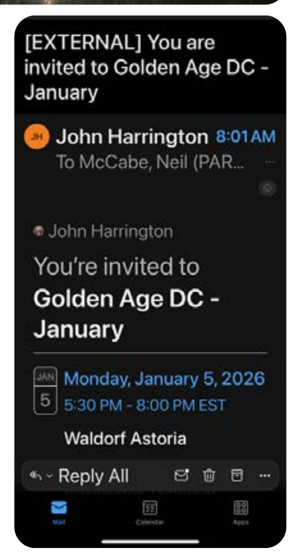

LUCIFER'S
BANNER
rumble
een Room

[redacted]

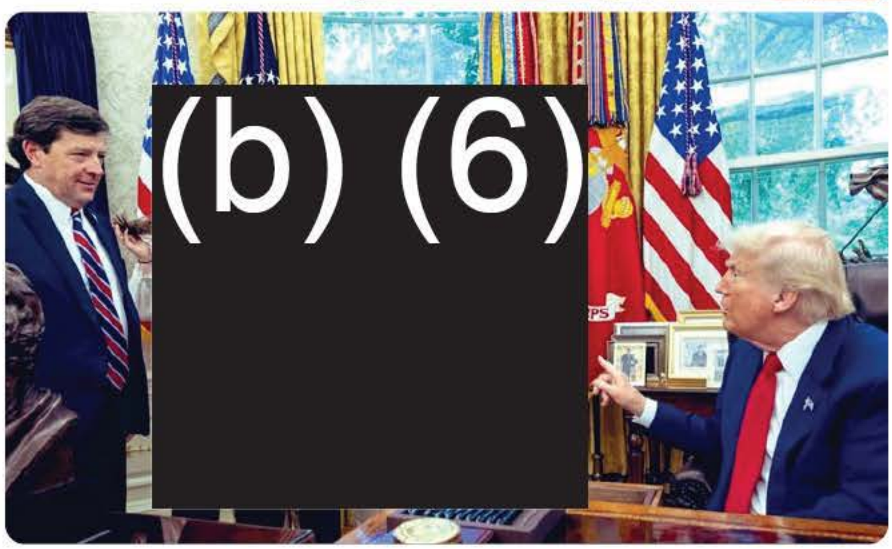
March 27, 2025 - 6 Pardons

NAME and WARRANT	DISTRICT	SENTENCES	OFFENSE
[illegible]	Southern District of New York	[illegible]	Violation of the Bank Secrecy Act
[illegible]	Southern District of New York	One year's probation; $150,000 fine ([illegible] 2022)	Violating the Bank Secrecy Act
Arthur Hayes	Southern District of New York	Two years' probation, conditioned upon six months' home confinement (May 20, 2022)	Violation of the Bank Secrecy Act
HDR Global Trading Limited	Southern District of New York	Two years' unsupervised probation; $100,000,000 fine (January 15, 2025)	Violation of Bank Secrecy Act
[illegible]	Southern District of New York	48 months' imprisonment; three years' supervised release; (December 18, 2023)	Securities fraud, wire fraud ([illegible])
[illegible]	Southern District of New York	18 months' probation (July 13, 2022)	Violation of the Bank Secrecy Act

March 28, 2025 - 3 Commutations


[EXTERNAL] You are invited to Golden Age DC - January
John Harrington 8:01 AM
To McCabe, Neil (PAR...
John Harrington
You're invited to
Golden Age DC - January
JAN 5
Monday, January 5, 2026
5:30 PM - 8:00 PM EST
Waldorf Astoria
Reply All

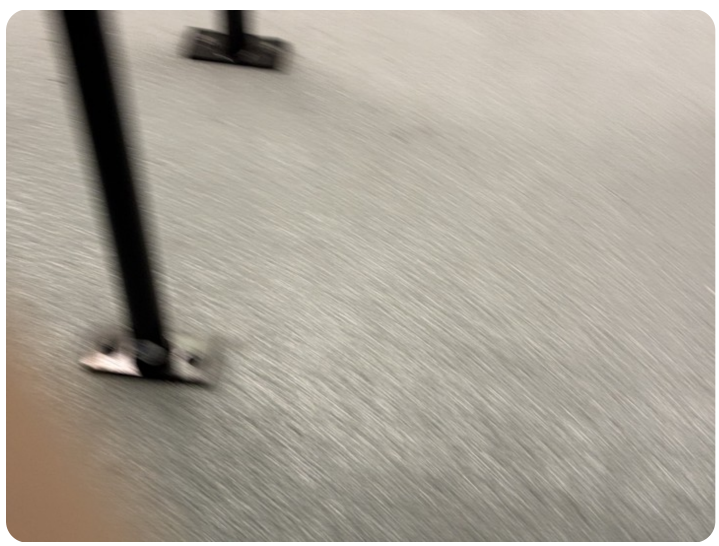
[redacted]

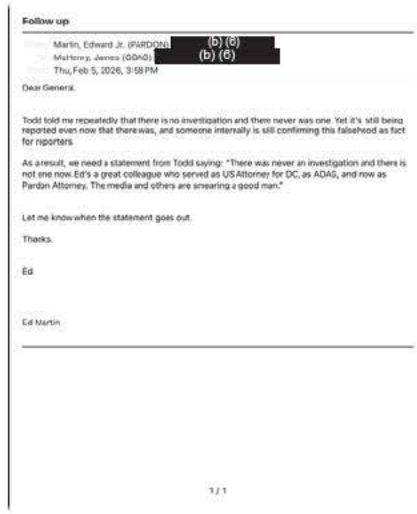


[redacted]


FirstNet
LTE
Tue Jan 6
6:36
DEPARTMENT OF JUSTICE
QUI PRO DOMINA JUSTITIA SEQUITUR
Notice
US Govt. System.
Unauthorized Use Prohibited.
Use may be monitored.
See DOJ Order 0908.
If found, please call 202.616.7100

[redacted]





Follow up

Martin, Edward Jr. (PARDON) [redacted] (b) (6)
McHenry, James (ODAG) [redacted] (b) (6)
Thu, Feb 5, 2026, 3:58 PM

Dear General,

Todd told me repeatedly that there is no investigation and there never was one. Yet it's still being reported even now that there was, and someone internally is still confirming this falsehood as fact for reporters.

As a result, we need a statement from Todd saying: "There was never an investigation and there is not one now. Ed's a great colleague who served as US Attorney for DC, as ADAG, and now as Pardon Attorney. The media and others are smearing a good man."

Let me know when the statement goes out.

Thanks,

Ed

Ed Martin

1 / 1

Recommendations

PP Perkins, Paul (ODAG) 9:54 AM

To Gillespie, Kira (PAR...

The DAG has decided [redacted] (b) (5)

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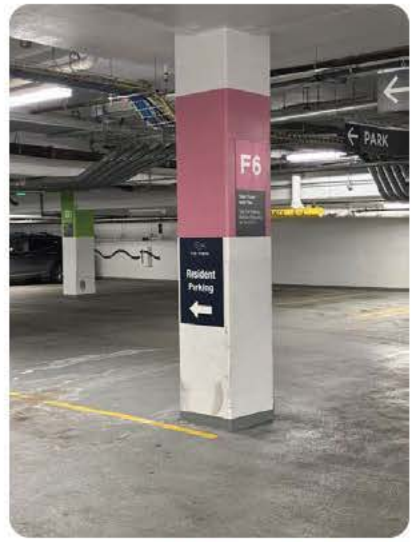
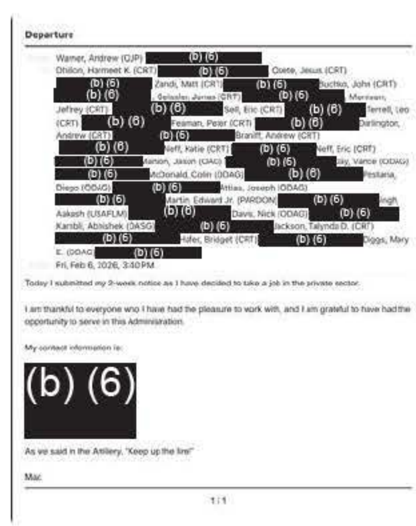
Paul





Departure

Warner, Andrew (OJP) [redacted] Dhillon, Harmeet K. (CRT) [redacted] Coete, Jesus (CRT) [redacted] Zandi, Matt (CRT) [redacted] Buchko, John (CRT) [redacted] Geissler, James (CRT) [redacted] Morrison, Jeffrey (CRT) [redacted] Sell, Eric (CRT) [redacted] Terrell, Leo (CRT) [redacted] Feaman, Peter (CRT) [redacted] Darlington, Andrew (CRT) [redacted] Braniff, Andrew (CRT) [redacted] Neff, Katie (CRT) [redacted] Neff, Eric (CRT) [redacted] Marion, Jason (OAG) [redacted] Day, Vance (ODAG) [redacted] McDonald, Colin (ODAG) [redacted] Pestana, Diego (ODAG) [redacted] Attias, Joseph (ODAG) [redacted] Martin, Edward Jr. (PARDON) [redacted] Singh, Aakash (USAFLM) [redacted] Davis, Nick (ODAG) [redacted] Kambli, Abhishek (OASG) [redacted] Jackson, Talynda D. (CRT) [redacted] Hafer, Bridget (CRT) [redacted] Diggs, Mary E. (ODAG) [redacted]

Fri, Feb 6, 2026, 3:40 PM

Today I submitted my 2-week notice as I have decided to take a job in the private sector.

I am thankful to everyone who I have had the pleasure to work with, and I am grateful to have had the opportunity to serve in this Administration.

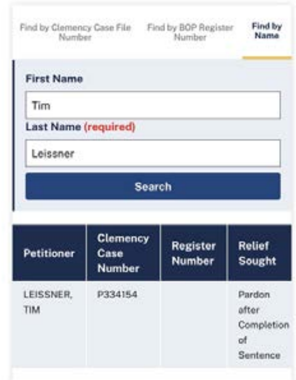
My contact information is:

[redacted]

As we said in the Artillery, "Keep up the fire"

Mac

1 / 1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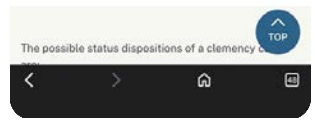
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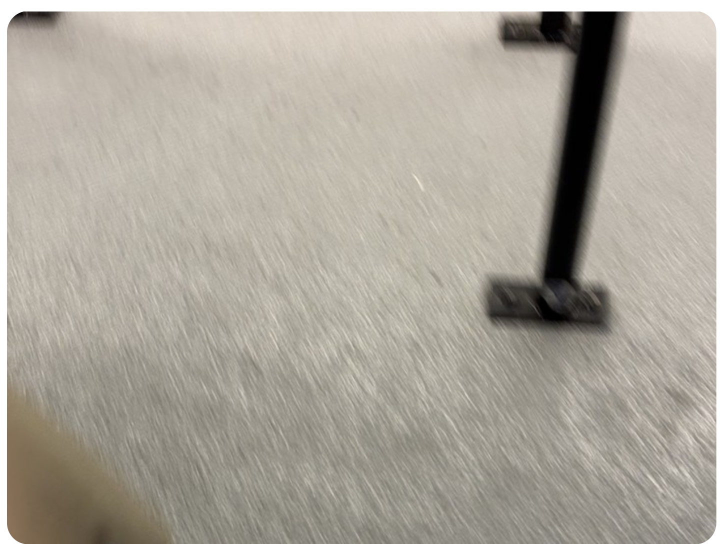
The possible status dispositions of a clemency



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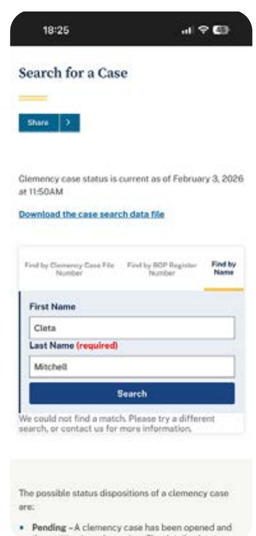
18:25
Search for a Case
Share
Clemency case status is current as of February 3, 2026 at 11:50AM
Download the case search data file
Find by Clemency Case File Number
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We could not find a match. Please try a different search, or contact us for more information.
The possible status dispositions of a clemency case are:
Pending – A clemency case has been opened and

US Marshals Arrest Rabid Leftist Who Spat on Ed Martin
truthpress.com


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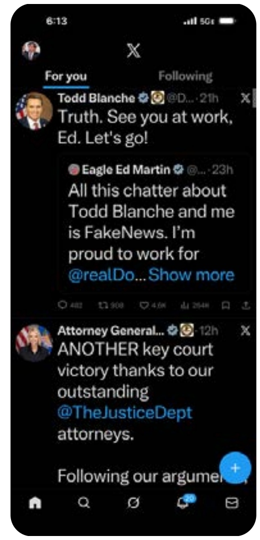
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For you
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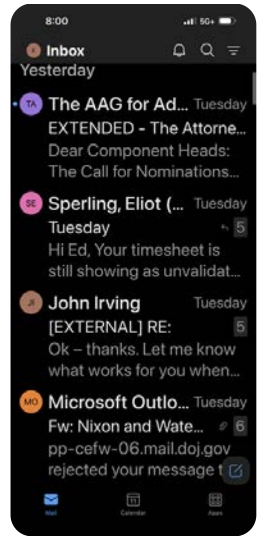
Todd Blanche @D... · 21h
Truth. See you at work, Ed. Let's go!
Eagle Ed Martin @... · 23h
All this chatter about Todd Blanche and me is FakeNews. I'm proud to work for @realDo...Show more
Attorney General... · 12h
ANOTHER key court victory thanks to our outstanding @TheJusticeDept attorneys.
Following our argume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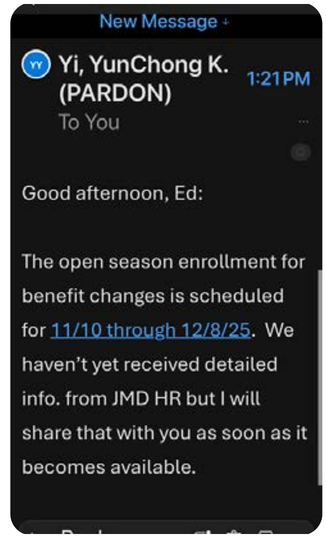
New Message

Yi, YunChong K. (PARDON) 1:21 PM

To You

Good afternoon, Ed:

The open season enrollment for benefit changes is scheduled for 11/10 through 12/8/25. We haven't yet received detailed info. from JMD HR but I will share that with you as soon as it becomes available.

[redacted]

President Biden by covering up President Biden's incapacity. The abuses carried in connection with my office provide further evidence on this front, which certainly suggest that bad actors exploited President Biden's infirmary to secure their own agenda by, with, and through various means including the AutoPen.
As the Pardon Attorney, I can tell you unequivocally that my Office cannot support the validity and ongoing legal effect of pardons and commutations issued during the Biden Administration without further examination. Their validity must be fully examined in light of what we now know - and I suspect ultimately by a Court with a presentation of the evidence you and others have gathered.
In August, I released an internal email in my possession from former Deputy Attorney General Brad Weinsheimer that is emblematic of the problems in the former administration's commutation process. The e-mail was sent the Saturday morning after the White House announced sweeping commutations of thousands of so-called "non-violent" felons the day prior. Weinsheimer correctly noted that the list of individuals whose sentences were supposedly commuted contained seriously violent offenders. He requested clarification directly from the President as to the clear conflict between the White House's statements and the names put forward as somehow fitting into the category of the commutation.
In a New York Times article a month prior to my release of that particular e-mail, former President Biden disclosed that "he did not individually approve each name for categorical pardons that applied to large numbers of people." This alone seems to raise serious questions of whether those commutations are invalid. After all, only the President has the power to issue pardons or commutations. Setting aside other evidence regarding former President Biden's incapacity, his statement seems an admission that the commutations to which Mr. Weinsheimer took issue were not valid commutations in the first place, notwithstanding their other defects.
Other defects apply to the pardon process for several other high-profile pardons towards the end of the Biden Administration. My office cannot support the validity of AutoPen pardons for individuals such as Anthony Fauci, Adam Schiff, Mark Milley, and many more without further examination and fact-finding. In my tenure here, I have not seen any evidence supporting the theory that President Biden was personally aware and authorized these AutoPen'd pardons.
If these pardons or commutations are challenged in any way, I recognize serious difficulties in defending them. I greatly appreciate the work of Congress and your Committee in particular in conducting vigorous oversight into AutoPen abuses and its connections to pardons and commutations.
While it is unfortunate that such work is necessary, Americans now have a fuller accounting of the constitutional breakdown in their system of government. It is that broken trust that I as Pardon Attorney am committed to restoring. That work must involve accountability for official actions in violation of law. It will also involve recommitting my office to ensure that proper procedures are in place to ensure that only constitutional actions are effectuated through my office. No longer will we tolerate government by AutoPen.
Please let this letter serve as official recognition that I, as Pardon Attorney, recognize the grave abuses in the pardon and commutation process of the last Administration. My office stands ready to work with you to ensure

2 / 3

these abuses never occur again. Sorry for this long email but I believe my follow up to our June meeting was deserved and late - for you so apologize.
All the best.
Ed Martin
U.S. Pardon Attorney

President Biden by covering up President Biden's incapacity. The abuses carried in connection with my office provide further evidence on this front, which certainly suggest that bad actors exploited President Biden's infirmary to secure their own agenda by, with, and through various means including the AutoPen.
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2 / 3

[redacted]

Follow up from June in person meeting.

Martin, Edward Jr. (PARDON) [redacted]
[redacted]
Mon, Oct 27, 2025, 3:56 PM

Mr. Martin,
Please forward this to Chairman Comer.
Ed

Dear Chairman Comer,

Good to talk to your staff today about this very important matter.

As I mentioned on the phone, since we met in your office last June, I have been working on understanding the circumstances and facts that surround the unprecedented pardons and commutations of the President Joseph R. Biden Jr.'s administration.

My ongoing investigation has revealed abuses of the pardon and commutation process by political actors in the Biden Administration. The use of AutoPen at the direction of staff and perhaps others is troubling.

As an attorney, I am very aware that the power of the pardon rests with the President and that I am called to act on his behalf and within his power. I am not able in any way to act on my own behalf, and to bind him to any commutation or pardon. No other staffer may do so.

To be clear: All Executive power is vested in a duly elected and President. The highest functions of that Office–including the pardon power–are non-delegable. This is at once profound and common sense—it provides a clear line of democratic accountability between decisions and consequences.

What I am seeing in my investigation of the Biden pardons is disturbing. Not only were there regularities but questions of confidence in the system and competence of the participants.

The Constitution only works if the President is competent. The 25th Amendment was adopted after historical failures–such as President Woodrow Wilson's incapacity and the shock of President John F. Kennedy's assassination–to ensure our Nation never had an incompetent Chief Executive again.

That Amendment ultimately relies upon those it charged with monitoring the competency of the President doing that right thing and upholding their oaths. The Biden Administration broke this system down, when they hid the truth of the president's health from the American people.

By accounts and now public admission, President Biden did not appear competent, and all available evidence indicates that those charged under the 25th Amendment did not protect the Country, because the individuals charged with executing the Amendment's intent failed. Instead, they seem to have protected themselves and

1 / 3

3/5/2026 7:05:29 PM


IN GOD
WE
TRUST

3/6/2026 5:31:23 AM

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America's Lawman
@EagleEdMartin

3/6/2026 7:10:11 PM

3/7/2026 4:40:41 AM

3/7/2026 10:28:03 AM

[redacted]

3/8/2026 11:13:40 AM

Delivered

3/8/2026 3:33:56 PM

New York Attorney General Letitia James
Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005

Delivered by email: NYSAG@ag.ny.gov

Dear Attorney General James:

As Associate Deputy United States Attorney General, I receive frequent requests for information and clarification. I take these requests seriously and act on them with letters like this one you are receiving.

I am writing about the serious matter of Iran sanctions evasion by Standard Chartered Bank, featured in the case now before the United States Court of Appeals for the Second Circuit, Brutus Trading, LLC, vs. Standard Chartered Bank 25-115. I have come to understand that internal bank records were presented to representatives of the Office of the New York State Attorney General raise troubling concerns.

Whistleblowers report that alleged illicit payments were disclosed to senior attorneys in your office in meetings February 14, 2024, and March 20, 2024. The NYS Attorney General was made aware that previously unknown $9.6 billion in illegal payments were made by Standard Chartered Bank to entities listed on the Treasury Office of Foreign Asset Control that are Specifically Designated Global Terrorists. Your office was advised that Standard Chartered Bank failed in its obligations to file any Suspicious Activity Reports on the $9.6 billion, nor did the bank disclose the payments as required under its active Deferred Prosecution Agreement.

These payments appear to have violated United States law and were not among any of the illicit payments made by Standard Chartered Bank that are the subject of an ongoing Deferred Prosecution Agreement between the bank and the United States Government.

Assistant New York Attorney General Scott Spiegelman and other representatives from your office participated in these two 2024 meetings. Representatives of the Federal Reserve, the New York District Attorney's Office, and DOJ officials joined your officials in previous meetings.

In opening this inquiry, several matters require your response. Did senior attorneys in the New York Attorney General's office who attended these meetings communicate with you regarding the $9.6 billion of alleged illegal Iran sanctions payments made by Standard Chartered Bank?

Did you have any discussions on this $9.6 billion with or reach any agreement on the legal case disposition strategy with any Biden administration official? Were you aware of or did you participate in any Biden DOJ decision-making regarding the case?

Why, when presented with irrefutable evidence, did you not further investigate, suspend or revoke the Standard Chartered Bank license to operate? It appears that the bank's license was instead renewed after your involvement while these serious sanctions issues remain unresolved.

These and other questions require your answers, under oath, by June 5, 2025. I look forward to your cooperation with my letter of inquiry after request. Please do not hesitate to call my office or schedule a time to meet.

All the best.

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Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005

Delivered by email: NYSAG@ag.ny.gov

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All the best.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US DOMINION, INC., *et al.*, Plaintiffs, v. HERRING NETWORKS, INC., *et al.*, Defendants.	No. 1:21-cv-02130-CJN Judge Carl J. Nichols

AMENDED COUNTERCLAIM/THIRD-PARTY COMPLAINT

Herring Networks, Inc., d/b/a One America News Network ("Herring"), Charles Herring, Robert Herring, and Chanel Rion (collectively, "Counterclaim Plaintiffs"), by and through their undersigned attorneys, bring this amended action against plaintiffs/counterclaim defendants US Dominion, Inc., Dominion Voting Systems, Inc., and Dominion Voting Systems Corporation (collectively, "Counterclaim Defendants"); counterclaim defendant Staple Street Capital LLC ("Staple Street"); and third-party defendants AT&T Services, Inc. ("AT&T Services"), and AT&T, Inc. Board Chairman and Staple Street Operating Executive Board Member William Kennard ("Kennard") (collectively, "Third-Party Defendants"), alleging counts against some or all of them for tortious interference and contractual indemnity. In support of their Counterclaim/Third-Party Complaint, Counterclaim Plaintiffs state as follows:

NATURE OF THE ACTION

1. Counterclaim Defendants appear to have hit upon a business model for the "Dominion" brand that has nothing to do with voting machines, software, or technology. Financed by Staple Street and directed by Kennard, Counterclaim Defendants have retooled themselves as professional litigants.

2. Less than three years after the election, Counterclaim Defendants have already been able to parlay allegations of defamation into a $787.5 million settlement with Fox News Network ("Fox") (approximately 15 times what Staple Street paid for a controlling stake in Counterclaim Defendants in 2018), and politically-like-minded admirers now routinely speak highly of Dominion voting machines, software, and technology without questioning or investigating how (or if) the technology works as it should.

3. Counterclaim Defendants have managed to position themselves as purported crusaders for democracy while generating a financial windfall from Fox through litigation and distracting the public from the well-documented history of very real problems with Dominion voting machines, software, and technology. It's a clever trick — Counterclaim Defendants have turned core political speech earnestly criticizing them into a valuable return on investment for Staple Street.

4. *CBS News* recognized that Staple Street is the "biggest financial winner" in Counterclaim Defendants' settlement with Fox. *See* **Exhibit A**. As *CBS News* reported, "A former Staple Street employee foresaw the possibility of windfall emerging from Dominion's litigation against Fox, according to court filings. In December 2020, the person sent a Staple Street executive a text reading, 'Would be pretty unreal if you guys [make] like 20 [times] your Dominion investment with these lawsuits.'" *Id.*

5. As part of their effort to artificially boost their reputation and fatten their bottom line, Counterclaim Defendants have sought to destroy anyone who stood in their way, including Herring. Herring's claims seek to redress the unchecked influence and power that Counterclaim Defendants, Staple Street, and Third-Party Defendants have wielded in an attempt to unlawfully destroy an independent, family-run business and torch First Amendment freedoms.

6. Family-owned and operated Herring manages two television networks: One America News Network ("OAN") and A Wealth of Entertainment, or "AWE." For several years, Herring and AT&T Inc. ("AT&T") had enjoyed a profitable, mutually beneficial business relationship through which AT&T (through AT&T Services and DIRECTV, LLC ("DIRECTV")) carried OAN and AWE and was paid generous commissions via selling advertising on OAN and AWE.

7. As a result of the contractual carriage and advertising arrangements, AT&T, AT&T Services, and DIRECTV profited handsomely, and Herring thrived by growing OAN into one of the most popular cable channels offered on DIRECTV's platform.

8. But OAN's coverage of the 2020 presidential election upset Counterclaim Defendants, Staple Street, and one of their "founding investors," Kennard.

9. Kennard proceeded to put his unlawful personal, political, and financial interests ahead of the interests of AT&T and orchestrated pressure on AT&T, AT&T Services, and DIRECTV to violate their contractual duties to Herring and terminate carriage of OAN and AWE.

10. The unlawful actions of AT&T, AT&T Services, Kennard, and DIRECTV in removing OAN and AWE from the airwaves are currently being litigated in the Superior Court of San Diego County, California in *Herring Networks, Inc. v. AT&T, Inc., et al.*, Case No. 37-2022-00008623-CU-BC-CTL (the "San Diego Litigation").

11. In contrast to and distinct from the San Diego Litigation — which involves numerous different parties and different claims — the Counterclaim asserted here focuses on the unlawful efforts of Counterclaim Defendants to interfere with Herring's business relationships, contracts, and reasonable business expectancies through Counterclaim Defendants' unlawful influence and the unlawful influence of Staple Street and Kennard.

12. Also in contrast to and distinct from the San Diego Litigation, the Counterclaim seeks to hold Staple Street liable for tortious interference with Herring's business relationships and reasonable business expectancies, and the Third-Party Complaint seeks to hold AT&T Services and Kennard liable for their contractual indemnity obligations to Herring.

13. Counterclaim Defendants, together with Staple Street and Third-Party Defendants, have flouted the First Amendment in acting unlawfully to try to destroy an independent family business based on Counterclaim Defendants' and Third-Party Defendants' viewpoint discrimination, political power, selfish profit motives, backroom handshake shenanigans, and improper manipulation of governmental influence. In fact, Herring is confident discovery will further reveal that one or more Dominion entities or Dominion-affiliated entities (including via Dominion Voting Systems Vice President of Government Affairs Kay Stimson) used governmental entities to unlawfully censor speech. Counterclaim Defendants coordinated out of the public eye with the Mis-, Dis-, and Malinformation ("MDM") team at the U.S. Cybersecurity and Infrastructure Security Agency ("CISA") (among others) to attack speech that one or more Dominion entities found troubling for selfish business reasons. This was part and parcel of Counterclaim Defendants', Staple Street's, and Third-Party Defendants' efforts to unlawfully interfere with, disparage, and destroy viewpoints politically and financially detrimental to them, including those expressed via Herring.

14. Moreover, Kennard's involvement in the filing of this lawsuit against Herring is, in and of itself, a violation of the non-disparagement provision of the relevant Affiliation Agreement.

15. These wrongdoings are inextricably intertwined with a larger, coordinated, well-financed scheme to build up the "Dominion" brand and weaponize it as a profit-making litigation

machine while taking down Herring (among others) and unlawfully destroying its ability to operate in the media business.

THE PARTIES

16. Herring is a California corporation with its principal place of business in San Diego, California. It thus is a California citizen for purposes of diversity of citizenship. *See* 28 U.S.C. § 1332(c)(1).

17. Robert Herring is CEO of Herring and a California citizen for purposes of diversity jurisdiction.

18. Charles Herring is President of Herring and a California citizen for purposes of diversity jurisdiction.

19. Rion is an OAN reporter and Chief White House Correspondent and a Maryland citizen for purposes of diversity jurisdiction.

20. US Dominion, Inc. is a for-profit Delaware with its principal place of business in Denver, Colorado. It thus is a Delaware and Colorado citizen for purposes of diversity of citizenship. *See* 28 U.S.C. § 1332(c)(1). It is majority-owned by private equity firm Staple Street, whose principal place of business is in New York, New York.

21. Dominion Voting Systems, Inc. is a for-profit Delaware corporation with its principal place of business in Denver, Colorado. It thus is a Delaware and Colorado citizen for purposes of diversity of citizenship. *See* 28 U.S.C. § 1332(c)(1). It is a wholly owned subsidiary of US Dominion, Inc.

22. Dominion Voting Systems Corporation is a for-profit Ontario corporation with its principal place of business in Toronto, Ontario. It thus is a citizen of Canada for purposes of

diversity of citizenship. *See* 28 U.S.C. § 1332(a)(3), (c)(1). It is a wholly owned subsidiary of US Dominion, Inc.

23. AT&T Services is a Delaware corporation with its principal place of business in Dallas, Texas. It thus is a Delaware and Texas citizen for purposes of diversity of citizenship. AT&T is the parent company of AT&T Services.

24. Staple Street is a Delaware limited liability company. Counterclaim Plaintiffs have thoroughly investigated Staple Street's membership but have been unable to confirm with certainty the identity of the members of the company. On information and belief, Stephen D. Owens, who is a citizen of New York, and Hootan Yaghoobzadeh, who is a citizen of New York, are the members of Staple Street. Thus, it is likely a citizen of New York for purposes of diversity of citizenship. Staple Street is the majority owner of US Dominion, Inc., which in turn is the sole owner of Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation.[1]

25. Kennard is a resident, domiciliary, and citizen of South Carolina for purposes of diversity of citizenship. Kennard is the Chairman of the Board of Directors of AT&T. Kennard also is a founding investor of Staple Street and serves as an Operating Executive Board member.

JURISDICTION AND VENUE

26. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332 because the parties are of diverse citizenship and the amount in controversy exceeds $75,000 exclusive of interest and costs.

[1] During the meet-and-confer process, Staple Street suggested that the appropriate corporate defendants may be Staple Street Capital II LP and Staple Street Capital II-A LP. But Staple Street did not respond to Counterclaim Plaintiffs' request for sufficient information to plead the identity of those parties. Accordingly, Counterclaim Plaintiffs have pled Staple Street's corporate form based on the information currently available to them and reserve the right to further amend if needed.

27. This Court can exercise specific personal jurisdiction over Counterclaim Defendants because they caused tortious injury in this District by an act or omission outside this District, harming Counterclaim Plaintiffs' reputations and business prospects in this District, where Herring has a news bureau and the Court has held (but Counterclaim Plaintiffs dispute in part and reserve the right to raise on appeal) that Counterclaim Plaintiffs have sufficient contacts for jurisdiction in this case. *See* D.C. Code § 13-432(a)(4). Counterclaim Defendants also have engaged in a persistent course of conduct in this District by filing this and other lawsuits in the District related to the 2020 U.S. election. Thus, Counterclaim Defendants have personally availed themselves of jurisdiction in this Court.

28. This Court can exercise specific personal jurisdiction over AT&T Services because it caused tortious injury in this District by an act or omission outside this District, harming Counterclaim Plaintiffs' reputations and business prospects in this District, where Herring has a news bureau, and the Court has held (but Counterclaim Plaintiffs dispute in part) that Counterclaim Plaintiffs have sufficient contacts for jurisdiction. *See* DC Code § 13-432(a)(4). Moreover, AT&T Services regularly does and solicits business in this District.

29. This Court can exercise specific personal jurisdiction over Staple Street because it caused tortious injury in this District by an act or omission outside this District, harming Counterclaim Plaintiffs' reputations and business prospects in this District, where Herring has a news bureau and the Court has held (but Counterclaim Plaintiffs dispute in part) that Counterclaim Plaintiffs have sufficient contacts for jurisdiction. *See* DC Code § 13-432(a)(4).

30. This Court can exercise specific personal jurisdiction over Kennard because he possesses real property in the District of Columbia. *See* DC Code § 13-432(a)(5); *see also* Decl. of William Kennard in Support of Mot. to Quash, *Herring Networks, Inc. v. AT&T, Inc.*, Case No.

37-2022-00008623-CU-BC-CTL, ¶ 11 (Cal. Super. Ct. Apr. 6, 2022) ("I primarily conduct my duties for AT&T Inc. from one of my two residences — in South Carolina and Washington, D.C."). Moreover, Kennard has caused tortious injury in this District by an act or omission outside this District, harming Counterclaim Plaintiffs' reputations and business prospects in this District, where Herring has a news bureau and the Court has held (but Counterclaim Plaintiffs dispute in part) that Counterclaim Plaintiffs have sufficient contacts for jurisdiction. *See* D.C. Code § 13-432(a)(4).

31. Venue is proper under 28 U.S.C. § 1391(b) because the Court has personal jurisdiction over all parties and a substantial part of the events giving rise to the counterclaims and third-party claims occurred in this District.

FACTUAL BACKGROUND

A. Herring's business

32. Herring is an independent media company headquartered in San Diego, California. CEO Robert Herring, Sr. ("Robert") started the company in 2003 with his sons, Charles Herring ("Charles") and Robert Herring, Jr. ("Bobby"). Charles is the President of Herring, and Bobby is the General Manager.

33. OAN, launched on July 4, 2013, is a news channel that delivers timely national and international news 24 hours a day throughout the United States. It features political analysis programming, political talk shows, and special documentary-style reports. OAN provides more live news than any other network. As of the third quarter of 2021 (the last time this data was made available to Herring), AT&T's own data showed that OAN was a top-performing network, ranked 24th (excluding broadcast networks) out of over 300 channels, putting OAN in the top 10 percent of channels offered via DIRECTV. OAN outperformed CNBC, Fox Business, CNN Headline

News, and Newsmax, as well as popular entertainment channels such as Paramount Network, Comedy Central, and Animal Planet. Additionally, OAN's extensive live programming lineup, which preserves the linear experience for viewers, is an ideal genre moving forward to compete with streaming services that don't offer live programming experiences.

34. AWE is a lifestyle and entertainment channel, which Herring launched in 2004. AWE airs a wide range of programming, including travel-related series, automotive shows, international news, documentaries, and live championship boxing. AWE has demonstrated excellent performance since its inception. It is distributed domestically on dozens of cable systems; it has received regional Emmy awards and nominations for its productions; its live championship boxing programming has received multiple recognitions; and as of Q3 2021 (the last time this data was made available to Herring), AWE performed in the top 35 percent of the channel lineup according to AT&T's own data.

B. AT&T helped launch OAN.

35. AT&T is the largest combined telecommunications and entertainment company in the world. It provides mobile telecommunications, broadband, and Internet subscription services throughout the United States and Latin America. Between 2018 and April 2022, AT&T also ran a significant media business through its WarnerMedia division and owned and operated several networks, including CNN and HBO. Herring and AT&T had been in business together since 2006, when AT&T began distributing AWE on its "U-Verse" network. Through its then-WarnerMedia subsidiary, AT&T managed one of the world's largest TV and film studios and delivered streaming services through the HBO Max platform. WarnerMedia also offered a significant portfolio of advertising solutions through Basic Networks, which sold advertising on WarnerMedia's networks and digital properties and through another wholly owned AT&T subsidiary called Xandr, Inc.

("Xandr") (which provides marketers with advanced advertising solutions). As of the close of the 12-month period ending September 30, 2022, AT&T reported $155.65 billion in revenue.

36. DIRECTV is the country's largest paid satellite TV provider. AT&T acquired DIRECTV in 2015. With a 70 percent ownership interest in DIRECTV, AT&T remains the majority owner of DIRECTV.

37. AT&T Services is another wholly owned subsidiary of AT&T.

38. In 2013, at the urging of AT&T, which wanted to compete with Fox News Network with an alternative conservative-leaning network, Herring launched OAN. AT&T Services and OAN entered into a Network Affiliation Agreement on April 10, 2014. AT&T was planning to take an equity stake in Herring to ensure that OAN gained carriage on DIRECTV (pursuant to a put-right agreement between AT&T and DIRECTV). The plan was terminated as AT&T began targeting DIRECTV for a possible acquisition.

39. AT&T announced its plan to acquire DIRECTV shortly thereafter and enlisted Herring's help to ensure that the Federal Communications Commission ("FCC") approved the acquisition. Herring obliged by, among other things, hiring lobbyists, meeting with FCC officials, and signing filings in support of the acquisition that were ghostwritten by AT&T. In exchange, AT&T promised to air OAN and AWE on U-Verse and DIRECTV.

40. But when the FCC approved AT&T's acquisition of DIRECTV and the acquisition completed in July of 2015, AT&T and DIRECTV did not hold up their end of the bargain, forcing Herring to file suit.

41. AT&T Services, DIRECTV, and Herring subsequently entered into an Affiliation Agreement on March 9, 2017 ("Affiliation Agreement"), which is attached as **Exhibit B**.

42. Upon information and belief, AT&T Services later fully assigned the Affiliation Agreement to DIRECTV, but Herring does not possess any assignment agreement. If the Affiliation Agreement was in fact assigned to DIRECTV, AT&T Services either took the position that DIRECTV is an Affiliated Company as defined by the Affiliation Agreement (in which case, the corporate family at issue remains the same) or AT&T Services assigned the agreement without Herring's consent in violation of Section 12.[2] *See* Exh. B.

C. <u>Affiliation Agreement</u>

43. The Affiliation Agreement expanded the business relationship between AT&T and Herring and further extended the business relationship between DIRECTV and Herring. The Affiliation Agreement demonstrates AT&T's desire for OAN to compete with Fox News Network, providing that OAN's programming was "designed to have broad appeal with special interest to viewers interested in independent and conservative political thought."

44. The term of the Affiliation Agreement is five years.

45. The opening paragraph of the Affiliation Agreement establishes the parties to the agreement:

> AGREEMENT, made as of March 9, 2017 (the "Effective Date"), by and among Herring Networks, Inc., a California corporation ("Programmer"), on the one hand and DIRECTV, LLC, a California limited liability company ("DIRECTV") and AT&T Services, Inc., a Delaware corporation, ***on behalf of itself and its Affiliated Companies*** other than AT&T, Inc., which is not a party to this Agreement, on the other hand ("AT&T" and collectively with DIRECTV, "Affiliate" and together with Programmer, each a "Party" and collectively the "Parties")). "Affiliated Company(ies)" means, with respect to any person or entity, ***any other person*** or entity ***directly or indirectly controlling***, controlled by or under common control

[2] Regardless, "under California law, after assigning a contract, the assignor remains responsible for any obligation imposed by the contract absent consent from the party entitled to its benefit. In other words, without a release, a third party may assume the obligations, i.e. agree to perform, but the assignor continues to be liable to the other party to the contract in the event of a default on the part of the assignee." *Cuscinetti v. Beaver Precision Prod.*, 1996 WL 743801, *6 (N.D. Cal. Dec. 23, 1996).

(i.e., ***the power to direct affairs by reason of ownership of voting stock, by contract or otherwise***) with such person or entity." (Emphasis added).

46. Kennard certainly falls within the definition of a "Party" via the broad definition of an "Affiliate Company" — he is a "person" who "directly controls" AT&T Services, Inc. (i.e., has the "power to direct affairs") by virtue of his role as the board chair for parent company AT&T, which is the 100 percent owner of AT&T Services, and by virtue of actions he has taken to influence the relevant actions of AT&T Services with respect to the Affiliation Agreement.

47. The remainder of the agreement (taken as a whole) is consistent with this interpretation because the Affiliation Agreement repeatedly reflects a desire to extend the provisions of the contract beyond the signatories.

48. Section 8.1 extends indemnity protection to all of "Affiliate's contractors, subcontractors and authorized distributors and agents, and the members, directors, officers, employees and agents of Affiliate, such Affiliated Companies and such contractors, subcontractors and distributors and agents."

49. Section 16 extends the confidentiality and non-disparagement obligations to "Affiliate and its Affiliated Companies and all of their current, then-current and former members of the Board of Directors, officers, representatives, agents, employees, attorneys, parent companies, subsidiaries, insurers, partners, predecessors, contractors, successors and assigns."

50. Section 19 states that "[n]either Party may interfere with, and each Party shall take reasonable steps to prevent its officers and employees from interfering with, the other Party's and such other Party's Affiliated Companies' (and/or the Programmer Related Parties' or the AT&T Related Parties', as applicable) relations with its or their customers, third-party vendors, or government or community relations."

51. Section 25.2 extends the mutual release to "Affiliate, the AT&T Related Parties, and their respective Representatives, or any of them, and all of their respective past, present and future parent entities, direct or indirect subsidiaries, affiliates, divisions, facilities, operators, partners, members, representatives, principals, officers, directors, shareholders, agents, employees, insurers, independent contractors, heirs, trusts, beneficiaries, successors-in-interest, assigns and attorneys."

52. All of these provisions clearly show that the parties did not envision that the rights and responsibilities in the Affiliation Agreement would be narrowly limited to the signatories.

53. Moreover, the facts demonstrate that Kennard, as the board chairman for AT&T, sets the agenda for and directly formulates AT&T's and its subsidiaries' strategic policy, has an outsized role in directing its management's actions in significant matters, and has sufficient power to direct the affairs of AT&T Services to be considered within the definition of a party under the Affiliation Agreement.

54. [redacted]

55. After execution of the Affiliation Agreement, OAN grew substantially, benefiting AT&T, AT&T Services, and DIRECTV. As of 2021, a substantial amount of OAN's revenue came from the Affiliation Agreement.

D. Violations of the Affiliation Agreement by AT&T Services.

56. From April 2020 through mid-2021, AT&T Services' Representatives[3] openly disparaged OAN through CNN and HBO, which AT&T at the time owned via its WarnerMedia division.

57. While DIRECTV was still 100 percent owned by AT&T, AT&T Services began breaching the non-disparagement provisions in the Affiliation Agreement through CNN, which competes with OAN. On January 10, 2021, during CNN's *Reliable Sources* program, CNN chief media correspondent Brian Stelter (now terminated) interviewed CNN media reporter Oliver Darcy, who stated, "You have corporations and people that are profiting off of lies and conspiracy theories, whether that is big tech, whether that's Fox News, whether that's TV providers that beam OAN and Newsmax into homes." Stelter responded, "Right. This is a poisoned informational well. That is the big story here."

58. On January 17, 2021, CNN's Stelter continued promoting disparagement of OAN by inviting former Facebook Chief Security Officer Alex Stamos on his *Reliable Sources* program. During the program, Stamos advocated eliminating the capability of conservative programs such as OAN from reaching large audiences. Stamos stated, "And then we're going to have to figure out the OANN and Newsmax problem, that these companies have freedom of speech, but I'm not sure we need Verizon, AT&T, Comcast, and such to be bringing them into tens of millions of homes. . . . Allowing people to seek out information if they really want to, but not pushing it into their faces, I think, is where we're going to have to do here." CNN's Stelter thanked Stamos for his comments.

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[3] The Affiliation Agreement defines "Representatives" as "any individual or entity over which a Party or an AT&T Related Party . . . exercises influence."

59. On January 22, 2021, Bloomberg News Canada published an article quoting CNN's Darcy and CNN analyst Max Boot. In the article, Darcy implied that conservative channels contributed to the deeply unfortunate events of January 6, 2021 at the U.S. Capitol. In that same article, Boot wrote that "cable providers should 'step in and kick Fox News off.' If Newsmax and rival One America News Network 'continue to incite viewers, they, too, should be booted off,' [CNN analyst Boot] added."

60. Throughout 2021, CNN steadily released a drumbeat of similar reports and commentary that falsely accused OAN of contributing to the events of January 6, 2021 and engaging in "disinformation" campaigns.

61. AT&T Services also breached the non-disparagement provisions in the Affiliation Agreement on April 5, 2020, when HBO's *Last Week Tonight with John Oliver* dedicated an entire segment to OAN. Host John Oliver made the following comments about OAN during the segment:

- "The whole selling point for OAN is that they are Fox News with even less shame and even fewer scruples."
- "And I know that it is easy to dismiss OAN as just a stupid, little watched, borderline self-parody. The problem is if we're learning one thing right now it's that toxic things that start small can get big fast and it's dangerous to ignore them."
- "OAN's weird combination of far right-wing talking points and dirt stupid reporting is incredibly dangerous at a time like this."
- "It is more important than ever to be on the lookout for OAN's bullshit and to make sure no one that you know is falling for it either."

62. Oliver doubled down in his October 10, 2021 episode, referring to OAN as a "ragtag band of fascists" and stating that "with [AT&T's] help, OAN has grown into the toxic

network that is today — one that's happy to give a platform to batshit election fraud theories from America's most out-of-breath pillow fetishist."

63. Around that same time, CNN also doubled down on its disparagement attack on OAN. For example, on October 6, 2021, CNN anchor Don Lemon (now terminated) stated that OAN is "corrosive to our democracy" and CNN media reporter Oliver Darcy referred to OAN as a "far right-wing conspiracy channel" that "promotes all sorts of nonsense." The next day when appearing on CNN's *New Day*, Stelter called OAN "conspiracy laden" and accused OAN of putting "some of the worst of the worst content out there." He went even further to state that "there's a difference between real news and conspiracy crap. . . [OAN] goes on the air and lies to people who for some reason want the lies."

64. Additionally, when speaking with Darcy and Reuters reporter John Shiffman on an October 7, 2021 episode of *The Lead with Jake Tapper*, Tapper referred to OAN as "the ultra-far-right cable network that's a major source of lies masquerading as facts."

65. Most recently, AT&T took aim at OAN in its 2023 Notice of Annual Meeting of Stockholders and Proxy Statement, claiming without provocation that "OAN's news anchors have been tied to white supremacist movements and have actively supported claims that the 2020 presidential election was stolen." *See* **Exhibit D**.

66. These are mere examples of the ways in which AT&T Services has breached the non-disparagement provision in the Affiliation Agreement.

E. <u>Violations of the Affiliation Agreement by Kennard</u>

67. Kennard also has repeatedly violated the Affiliation Agreement.

68. [redacted]

[redacted]

69. [redacted]

70. [redacted]

71. [redacted]

72. [redacted]

73. [redacted]

74. [redacted]

75. [redacted]

> [redacted]

> [redacted]

> [redacted]

[redacted]

76. [redacted]

77. In all of the actions set forth in Paragraphs 67-77, Kennard plainly took an active interest and role in addressing and dealing with AT&T and DIRECTV's relationship with Herring.

F. <u>The links between Counterclaim Defendants and AT&T</u>

78. Kennard serves as a member of the Operating Executive Board of Directors of Staple Street, which is the majority owner of US Dominion, Inc.

79. But Kennard is not just a board member — according to a public biography, he also is a "founding investor" in Staple Street, deeply and personally invested in its financial success.[4]

80. [redacted]

81. Kennard was appointed as Chairman of AT&T's Board on November 6, 2020 — three days after the 2020 U.S. presidential election. Around this same time, Staple Street's Web site underwent a full transformation, and all information about Staple Street's investment in Dominion and Kennard's role as a member of Staple Street's Operating Executive Board of Directors vanished.

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[4] *See* https://law.yale.edu/studying-law-yale/alumni-student-profiles/william-kennard-81 (last visited May 5, 2023)

82. In addition to being Chairman of the Board of AT&T, Kennard also sits on AT&T's Public Policy and Corporate Reputation Committee, which has "the authority to review AT&T's management of its brands to ensure that the value and reputation of the Company's brand names is maintained and enhanced."

83. Kennard, who is a registered Democrat, has deep ties to the Democratic Party, having been appointed in 1997 as Chairman of the FCC by President Bill Clinton and in 2009 as the U.S. Ambassador to the European Union by President Barack Obama.

84. Kennard has personally donated nearly $90,000 to a combination of Barack Obama, the Democratic National Committee, the Democratic Congressional Campaign Committee, and the Democratic Senatorial Campaign Committee and bundled more than half a million dollars in donations to the Obama campaign.

85. When Staple Street acquired US Dominion, Inc. in 2018, it announced that "[w]e are excited to partner with [Dominion CEO John Poulos] and the Dominion Voting team as they embark on their next phase of growth. . . ." Like any private equity company, Staple Street's goal in acquiring US Dominion, Inc. as a portfolio company was presumably to make the company as profitable as possible so Staple Street could in turn sell it for a profit.

86. On October 8, 2020, Staple Street's Form D Notice of Exempt Offering of Securities filed with the Securities and Exchange Commission disclosed that Staple Street had raised $400 million from unknown investors in an unusual "one and done" deal. This additional capital raise suggests that Staple Street continues to invest in US Dominion, Inc.'s success.

87. Dominion similarly is profiting handsomely from Staple Street's investment. In addition to the $787.5 million received from Fox, public filings from that litigation reveal that in

October 2021, Staple Street caused Dominion to distribute \$8 million to shareholders and that as of April 2022, Dominion was on pace to exceed \$110 million in revenue in 2022.[5]

88. Kennard's role as Chairman of AT&T's Board gives Kennard significant influence over AT&T, its subsidiaries, and the companies it owns majority stakes in. Indeed, according to the publicly filed bylaws of AT&T, "the Chairman of the Board . . . shall have authority to vote and otherwise act on behalf of the corporation . . . at any meeting of stockholders, or with respect to any action of stockholders of any other corporation in which this corporation may hold securities, and otherwise to exercise any and all rights and powers that this corporation may possess by reason of its ownership of securities in any other corporation."

89. Despite these significant connections and the potential for conflicts of interest, AT&T and Kennard have made this information difficult for investors to discover. For example, the recent AT&T proxy statement contains a bio for Kennard that omits any reference to Staple Street. *See* Exh. D, p. 4.

90. Likewise, AT&T's most recent and other prior proxy statements repeatedly highlighted that Kennard is the "independent" Chairman of the Board of Directors of AT&T. Yet, AT&T's proxy statements have not disclosed that (i) Kennard indirectly owns an interest in one or more of Counterclaim Defendants, (ii) Kennard serves on the Operating Executive Board of Staple Street, and (iii) Kennard was personally involved in the decision not to renew OAN, to the financial detriment of AT&T's stockholders.

[5] *US Dominion, Inc. v. Fox Corporation*, N21C-11-082 (Superior Court of Delaware, Feb. 16, 2023 Fox News Network Br. in support of its Rule 56 Mot. for Summ. J. at 153.)

91. Additionally, AT&T ***declined*** to include in its proxy statement a proposal from the National Center for Public Policy Research that would have highlighted these conflicts. The proposed language stated:

> The Company's fiduciary duty to its shareholders demands that decisions as to which networks and programming to carry should not be the result of activist pressure or any reason other than the pecuniary interest of the Company. Making decisions on the basis of viewpoint discrimination harms the Company's bottom line by reducing diversity of programing and the Company's attraction to a wide array of audiences, while placing the Company at great reputational, financial, and legislative and related risk.

See **Exhibit M**.

G. Counterclaim Defendants sued Herring for defamation, seeking more than $1.6 billion in damages in an attempt to destroy Herring and silence OAN.

92. According to Counterclaim Defendants, OAN's coverage of President Trump's newsworthy allegations that the integrity of the 2020 presidential election was compromised, including allegations that Counterclaim Defendants' voting machines were unreliable and unsecure, harmed their reputations.

93. Counterclaim Defendants began pursuing a public relations strategy to burnish Counterclaim Defendants' public image in early 2021 by unleashing a torrent of defamation lawsuits against multiple Trump campaign surrogates and media outlets including Fox, Newsmax, Rudy Giuliani, Sidney Powell, Patrick Byrne, and Michael Lindell.

94. As an Operating Executive Board member of US Dominion, Inc.'s majority owner, Staple Street, Kennard is invested in helping to make the Dominion entities succeed and become as profitable as possible. This includes ensuring that the Dominion entities silence their opponents such as Herring, which featured critics of the Counterclaim Defendants in the marketplace of ideas.

95. In addition to being an Operating Executive Board member of Staple Street, Kennard also is a direct investor in one or more Counterclaim Defendants.

96. Kennard is an agent of both Staple Street and Counterclaim Defendants.

97. At some point in or before August 2021, Counterclaim Defendants, through Staple Street and Kennard, determined that the destruction of Herring would be beneficial to their political and business interests.

98. Accordingly, on August 10, 2021, Counterclaim Defendants, under the direction of Staple Street and Kennard, filed this lawsuit against Herring, Robert Herring, Charles Herring, Rion, and then-Herring employee Christina Bobb. Counterclaim Defendants allege that Herring and the other defendants defamed Counterclaim Defendants in connection with OAN's coverage of the 2020 presidential election and seek at least **$1.6 billion** in damages against Herring.

99. In public interviews, Poulos claimed that it is "[o]ne hundred percent correct" that Counterclaim Defendants will not accept a settlement in their defamation litigation and that they intend to take all of their cases to trial.[6] Lo and behold, Counterclaim Defendants were willing to settle at least one case (i.e. the one against Fox) before opening statements even occurred — for nearly $1 billion.

100. One way to hasten Herring's destruction was by cutting off Herring's ability to earn revenue to help fund speech, including speech critical of Counterclaim Defendants, and Herring's litigation defense by pressuring carriers to take OAN off the air.

H. Liberal organizations pressured AT&T to "drop" OAN.

101. The prime opportunity for Counterclaim Defendants, through Staple Street and Kennard, to put pressure on AT&T to ensure that DIRECTV ceased carrying OAN arose in the fall of 2021.

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[6] *Dominion Voting Systems Sues Ex-Trump Lawyer Over False Claims*, NPR (Jan. 12, 2021, 5:06 AM), https://www.npr.org/2021/01/12/955938741/dominion-voting-systems-sues-ex-trump-lawyer-over-false-claims (last visited May 5, 2023).

102. On October 6, 2021, Reuters published an article titled "How AT&T helped build far-right One America News."

103. In response to that article, AT&T released the following statement, providing confidential information on how the Affiliation Agreement came to be (and implying that AT&T carried OAN only because OAN had forced AT&T's hand by suing AT&T in 2016):

> "
>
> AT&T has never had a financial interest in OAN's success and does not 'fund' OAN. When AT&T acquired DIRECTV, we refused to carry OAN on that platform, and OAN sued DIRECTV as a result. Four years ago, DIRECTV reached a commercial carriage agreement with OAN, as it has with hundreds of other channels and as OAN has done with the other TV providers that carry its programming. DIRECTV offers a wide variety of programming, including many news channels that offer a variety of viewpoints, but it does not dictate or control programming on the channels. Any suggestion otherwise is wrong. The decision of whether to renew the carriage agreement upon its expiration will be up to DIRECTV, which is now a separate company outside of AT&T.

104. Immediately upon release of the Reuters article, liberal organizations began publicly criticizing AT&T for its relationship with OAN.

105. On October 6, 2021, NAACP President Derrick Johnson issued a public statement condemning AT&T for supporting OAN. In that statement, the NAACP accused AT&T of causing

"irreparable damage to our democracy," stating that it was "sickened by these revelations."[7] The NAACP's statement was picked up and published throughout the media.[8]

106. Media Matters of America ("Media Matters"), a politically left-wing organization founded by a prominent political operative within the Democratic Party, began a public Twitter campaign criticizing OAN and AT&T. On October 6, 2021, Media Matters President Angelo Carusone tweeted, "I want to just put a few things out there about OANN and ATT/DirecTV . . . on how absurd and odious this deal is. ATT has been paying OANN. . . . The amount of revenue they give OANN every month is massive. But it's worse than that."[9] Carusone went on to take AT&T to task for "propping up" OAN.

107. Media Matters then published articles critical of AT&T's relationship with OAN. One such article published October 8, 2021, titled "Fact-checking AT&T's defense of single-handedly funding OAN," criticized AT&T, stating "AT&T is having a bad day after the first part of a bombshell Reuters exposé uncovered the company's extensive involvement in helping to create and fund the far-right conspiracy theory outlet One America News Network."

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[7] Press Statement, NAACP, NAACP President and CEO, Derrick Johnson, Released the Following Statement Following the Revelation that AT&T Backs One America News (OAN) (Oct. 6, 2021), https://naacp.org/articles/naacp-president-and-ceo-derrick-johnson-released-following-statement-following-revelation (last visited May 5, 2023).

[8] *See, e.g.*, Dominick Mastrangelo, *NAACP President blasts AT&T after report linking company to One America News*, THE HILL (Oct. 6, 2021, 2:51 PM), https://thehill.com/homenews/media/575604-naacp-president-blasts-att-after-report-linking-company-to-one-america-news/ (last visited May 5, 2023).

[9] Angelo Carusone (@GoAngelo), TWITTER (Oct. 6, 2021, 4:07 PM), https://twitter.com/GoAngelo/status/1445858337673781249, *available at* https://tinyurl.com/MMtweet5 (last visited May 5, 2023).

108. On October 7, 2021, Ultraviolet, a women's advocacy group, joined the fray, calling on AT&T CEO John Stankey to either resign or immediately sever ties with OAN and fire Ed Gillespie, the former Chairman of the Republican National Committee who had joined AT&T as its senior vice president of external and legislative affairs.[10] Ultraviolet also criticized AT&T for donating to Texas Republican lawmakers who facilitated the passage of recent legislation relating to abortions.

109. Other left-leaning publications and organizations followed suit.[11]

110. Kennard — acting as an agent in the financial interests of Staple Street and Counterclaim Defendants — saw this as an opportunity to weaken Herring and decided to offer up OAN as a sacrificial lamb to the NAACP and other groups, while Kennard and/or AT&T's representatives convinced Herring that there was no reason to be concerned.

111. AT&T agreed to meet with the NAACP shortly after the Reuters article was published. On information and belief, AT&T executives first met with the NAACP during the week of October 11, 2021 to address OAN.

112. On October 20, 2021, the NAACP issued a press release stating that NAACP President Derrick Johnson would be meeting with AT&T leadership the next day, on October 21,

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[10] Press Release, UltraViolet, UltraViolet Says AT&T CEO John Stankey Should End Company's Relationship With Radical Right-Wing Media Outlet OAN, Stop Donations to Anti-Choice Politicians—or Step Down (Oct. 7, 2021, 2:50 PM), https://www.commondreams.org/newswire/2021/10/07/ultraviolet-says-att-ceo-john-stankey-should-end-companys-relationship-radical (last visited May 5, 2023).

[11] Charlie Cray, *How AT&T Funds Right Wing Extremism and Six More Scary Things You Need to Know About the Company*, GREENPEACE (Oct. 26, 2021), https://www.greenpeace.org/usa/how-att-funds-right-wing-extremism-and-six-more-scary-things-you-need-to-know-about-the-company/; November 8, 2021 letter to AT&T and DIRECTV at 1, *available at* https://tinyurl.com/oannletter (last visited May 5, 2023) (emphasis in original).

in Washington, D.C.[12] The release further stated, "The meeting will focus on the need for AT&T to drop OAN immediately."

113. At least one more meeting with the NAACP related to the carriage of OAN occurred during the week of October 25, 2021.

114. The meetings included Mr. Gillespie and others in AT&T's leadership. During those meetings, the NAACP demanded that AT&T de-platform OAN from DIRECTV and AT&T U-Verse, which are both products directly owned by DIRECTV, not AT&T. In other words, while AT&T publicly claimed on the one hand that it was not affiliated with DIRECTV and did not participate in programming decisions made by DIRECTV, AT&T took meetings with organizations such as the NAACP suggesting that AT&T in fact had the authority and ability to influence DIRECTV's programming decisions (which makes sense because AT&T is a majority owner of and controls the board of DIRECTV). And the chairman of AT&T's board was Kennard, whose personal fortunes are inextricably tied to Staple Street and Counterclaim Defendants.

115. Kennard's dual roles with AT&T and Staple Street created a conflict of interest for him in anything having to do with AT&T's or DIRECTV's relationship with Herring because US Dominion, Inc., owned largely by Staple Street, is suing Herring for $1.6 billion.

116. At least one journalist seemed to understand the conflict of interest facing Kennard — *New York Times* reporter Ken Vogel contacted Counterclaim Defendants on October 18, 2021, asking about Kennard's "affiliations on both sides of this legal dispute."

117. As AT&T and DIRECTV faced this criticism and mounting pressure to remove OAN from the airwaves, Kennard's and/or AT&T's representatives were in direct contact with

[12] *See* Joseph Choi, *NAACP, AT&T to meet to discuss OANN*, THE HILL (Oct. 20, 2021, 5:42 PM), https://thehill.com/homenews/media/577669-naacp-att-to-meet-to-discuss-oann (last visited May 5, 2023).

Charles Herring and Robert Herring, lying to them by claiming that there was no reason to be concerned and continuing with business as usual, leading Herring to believe that carriage would continue on DIRECTV.

118. If Herring had known the true motives of AT&T — driven by Kennard's desire to bolster Staple Street and Counterclaim Defendants and destroy Herring — it would have taken action much sooner to protect its interests and ensure that carriage continued.

I. <u>AT&T publicly announced that DIRECTV would "drop" OAN and AWE</u>.

119. Given AT&T's sole ownership of AT&T Services and AT&T's majority ownership in DIRECTV, it is obvious that AT&T — through Kennard — induced DIRECTV to discontinue its relationship with Herring without legally adequate justification.

120. On Friday, January 14, 2022, OAN President Charles Herring spoke with DIRECTV Senior Vice President of Content Rob Thun ("<u>Thun</u>"). Throughout much of Herring's relationship with AT&T, Thun has been Herring's primary contact with AT&T and DIRECTV. During that call, Thun informed Charles that DIRECTV decided not to renew the Affiliation Agreement. Thun informed Charles that the decision was made ***at the board level*** and was "political," implying that outside forces, such as AT&T and/or Kennard (given his agency role with US Dominion, Inc.'s owner, Staple Street), had influenced the decision. Indeed, Charles later learned that AT&T's CEO, John Stankey, knew at least two days before that OAN would not be renewed. The news stunned Herring.

121. That same day, Bloomberg News released an article titled "DirecTV to Drop One America News in Blow to Conservative Channel."[13] DIRECTV provided confidential information

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[13] *See* Gerry Smith, *DirecTV to Drop One America News in Blow to Conservative Channel*, BLOOMBERG (Jan. 14, 2022, 5:44 PM), https://www.bloomberg.com/news/articles/2022-01-14/directv-to-drop-one-america-news-in-blow-to-conservative-channel (last visited May 5, 2023).

regarding the parties' discussions on the non-renewal of the Affiliation Agreement to Bloomberg News, writing via email that it had "informed Herring Networks that, following a routine internal review, we do not plan to enter into a new contract when our current agreement expires." Multiple news outlets such as *The Wall Street Journal, The New York Times* and *The Washington Post* picked up the article, and DIRECTV has since provided similar statements to other media outlets.

122. The pre-announcement by DIRECTV to not renew OAN — more than 75 days in advance — is atypical in the industry. There is no question that AT&T's strategy, overseen by Kennard, was intended to harm OAN. By making the gratuitous announcement that breached the Affiliation Agreement, AT&T signaled to the public that something was wrong, hurting OAN's business and standing in the news media business.

123. The gratuitous announcement by DIRECTV also constituted a breach of the confidentiality provision in the Affiliation Agreement, a breach that DIRECTV has ***admitted*** in its answer in the San Diego Litigation. *See* **Exhibit N.**

124. Concerns about OAN's viability directly sparked by DIRECTV's aggressive, well-in-advance notification approach, have significantly harmed OAN.

125. Counterclaim Defendants' goal of destroying OAN — which is the stated goal of this litigation — was clearly served by the decision not to renew OAN, as was the unusual public notice of that decision.

126. Limited jurisdictional discovery in the San Diego Litigation has already revealed that Kennard ***directly*** disparaged Herring.

127. Herring is confident that discovery will further demonstrate that Kennard, working as an agent for both Staple Street and Counterclaim Defendants, was directly involved in DIRECTV's decision to non-renew OAN and that Kennard has personal, political, and financial

interests in the destruction of OAN that are inconsistent with his fiduciary obligations to AT&T shareholders.

128. The attacks on carriage of OAN and Counterclaim Defendants' stated goal of silencing the network are inextricably intertwined with the allegations Counterclaim Defendants have made in their Complaint. The Complaint by the Dominion entities is not a typical defamation case, seeking reasonable damages to remedy reputational harm. It is a scorched-earth effort by the Dominion entities (under the direction of Staple Street and Kennard) to use defamation law to silence critics and eliminate differing opinions, something that should be of concern to Americans across the political spectrum, while attempting to achieve a personal astronomical return on investment.

129. Counterclaim Defendants' focus on muzzling OAN and similar voices while laughing all the way to the bank is apparent from the Counterclaim Defendants' discovery efforts in *US Dominion, Inc. v. Fox Corporation*, N21C-11-082 (Superior Court of Delaware), where Counterclaim Defendants issued subpoenas to Altice USA Inc., Verizon Communications Inc., and Comcast Corp. seeking carriage information and related agreements, including discussions ***related to OAN*** (which is not a party in that case).

130. Counterclaim Defendants are not satisfied with trying to extract a pound of flesh — they are clearly focused on trying to use their lawsuits and their disparagement of conservative voices to punish dissenting speech and drive it from the marketplace of ideas in an improper and tortious fashion.

131. Indeed, Counterclaim Defendants, through the efforts of Kennard and Staple Street, have already largely achieved that goal with respect to carriage of OAN on DIRECTV and other carriers.

132. Notably, while this is to the benefit of Counterclaim Defendants, Staple Street, and Kennard, it is not in the best interests of AT&T and its shareholders.

133. The harm to shareholders is not hypothetical — on January 13, 2022, the day before DIRECTV announced that it was dropping OAN and AWE, AT&T stock was trading at $22.06 per share. By April 6, 2022, the day after carriage of OAN and AWE ended, the price of AT&T stock had dropped to $17.41 per share (a 21 percent drop representing an overall loss in market value of more than $20 billion).

134. On information and belief, tens of thousands of subscribers left DIRECTV and AT&T after the carriage announcement.

135. AT&T stock experienced a similar loss in value after DIRECTV announced it was dropping Newsmax in January 2023.

136. Notably, prominent figures in Washington, D.C., including former FCC commissioner nominee Gigi Sohn and dozens of Republican lawmakers, have called for investigations into the de-platforming of OAN and Newsmax.

137. The de-platforming efforts have not been limited to satellite carriers — political adversaries are also going after advertising dollars. A series published in the *Washington Examiner* in February 2023 revealed that advertising company Xandr was being provided with a "disinformation blacklist" by a British organization known as the Global Disinformation Index that identified OAN and other conservative outlets as among the "ten riskiest" outlets targeted for blacklisting by advertisers.

138. Xandr's use of this list prevented certain companies, including OAN, from advertising because their sites were unfairly marked as "false/misleading."

139. It is notable that around the time that this series of articles was published, Xandr attempted to prematurely terminate its contract with OAN.

140. Although Xandr is now owned by Microsoft, it was owned by AT&T until mid-2022, and it is easy to see how the same forces working to boost Counterclaim Defendants to the detriment of Herring from within AT&T likely utilized Xandr's "blacklist" to further undermine Herring.

H. AT&T's accusations of defamation, followed by silence, confirm Kennard's involvement.

141. After DIRECTV announced it would not renew the Affiliation Agreement, OAN anchor Dan Ball reported on January 17, 2022, that Kennard pressured DIRECTV to drop OAN and not renew the Affiliation Agreement. Herring CEO Robert Herring also gave a statement on January 20, 2022, in which he concluded that Kennard and the AT&T Board directed DIRECTV to remove OAN from DIRECTV's channel lineup. On January 21, 2022, AT&T's counsel sent a letter to Robert Herring and Ball accusing them of defaming AT&T and Kennard by suggesting that AT&T and Kennard pressured DIRECTV to drop OAN from its channel lineup. In that letter, AT&T's counsel demanded that OAN issue a retraction. *See* **Exhibit O**.

142. That demand for retraction invoked the Texas Defamation Mitigation Act ("DMA"), Tex. Civ. Prac. & Rem. Code §§ 73.051-73.062. The DMA states, in relevant part:

> A person who has been requested to make a correction, clarification, or retraction may ask the person making the request to provide reasonably available information regarding the falsity of the allegedly defamatory statement not later than the 30th day after the date the person receives the request. Any information requested under this section must be provided by the person seeking the correction, clarification, or retraction not later than the 30th day after the date the person receives the request.

DMA § 73.056(a).

143. The DMA further states, in relevant part:

> If a correction, clarification, or retraction is not made, a person who, without good cause, fails to disclose the information requested under Subsection (a) may not recover exemplary damages, unless the publication was made with actual malice.

DMA § 73.056(b).

144. On February 2, 2022, Herring sent AT&T a letter responding to AT&T's accusations, noting that OAN's assertions that AT&T and Kennard were involved in DIRECTV's decision were not defamatory. *See* **Exhibit P**.

145. Among other reasons, Herring's letter stated that the statements were true or substantially true because AT&T owns 70 percent of DIRECTV and it is likely irrefutable that Kennard, Chairman of the Board and a member of AT&T's Public Policy and Reputation Committee, provided input on how to respond to the demands to drop OAN.

146. Herring also demanded, pursuant to the DMA, that AT&T produce information relating to AT&T's retraction demand, including but not limited to (i) communications relating to demands or complaints to AT&T about OAN, including requests that AT&T and/or DIRECTV drop OAN from carriage via DIRECTV; (ii) internal and external communications by Kennard about OAN; (iii) information and communications relating to Kennard's relationship with Staple Street; (iv) internal and external communications about reporting by OAN regarding DIRECTV's non-renewal, AT&T's ownership interest in or control of DIRECTV, Kennard's role in non-renewal of OAN, and the AT&T Board of Directors' role in the non-renewal of OAN; and (v) Kennard's human resources file. Under the DMA, AT&T was required to provide this information to Herring no later than March 2, 2022.

147. Despite the statutory deadline of March 2, 2022, under the DMA — a statute first invoked by AT&T in its letter — AT&T has neither responded to Herring's letter nor produced any of the information requested as of filing this Third-Party Complaint. Given AT&T's obvious

familiarity with the DMA and the implications of failing to respond by the deadline, AT&T's lack of response shows that AT&T actually has no evidence of falsity as to Dan Ball's and Robert Herring's statements.

148. Thus, Ball and Robert Herring were right that AT&T and Kennard, at minimum, were involved in the decision not to renew the Affiliation Agreement.

149. Kennard was motivated to use his role and position of influence at AT&T to induce DIRECTV not to continue its carriage of OAN, to the benefit of Kennard, Staple Street, and Counterclaim Defendants and to the detriment of OAN — as well as the detriment of AT&T, which no longer receives advertising revenue from OAN.

FIRST CAUSE OF ACTION

Tortious Interference With Business Relationship/Contract
Herring Networks, Inc. v. Counterclaim Defendants

150. Herring incorporates Paragraphs 1-55, 78-149 by reference as if fully set forth herein.

151. Until April 2022, Herring had a mutually beneficial and mutually profitable relationship with DIRECTV and AT&T related to the carriage of OAN and AWE, including through the Affiliation Agreement.

152. Counterclaim Defendants were certainly aware of this relationship — in addition to the fact that it is widely known to the public that OAN and AWE were carried on DIRECTV, Counterclaim Defendants had knowledge through their agent Kennard.

153. Moreover, the business relationship and related contract between AT&T and OAN were widely reported in October 2021 and became a source of significant public discussion and controversy.

154. Counterclaim Defendants, through the actions of their agent Kennard (which were violations of his fiduciary obligations to AT&T), sought to further their goal of destroying Herring by pressuring AT&T and DIRECTV to ensure non-renewal of OAN, breaching the disparagement and confidentiality provisions of the Affiliation Agreement in the process.

155. As a result of the pressure imposed by Counterclaim Defendants, through their agent Kennard, AT&T and DIRECTV breached the confidentiality provision of the Affiliation Agreement by leaking the details of the carriage agreement in announcing non-renewal.

156. Similarly, as a result of the pressure imposed by Counterclaim Defendants, through their agent Kennard, AT&T and its agents and affiliates breached the non-disparagement provision in the Affiliation Agreement by repeatedly disparaging OAN.

157. Counterclaim Defendants acted with intent, malice and willful disregard for Herring's rights through a wrongful act (Kennard's fiduciary breach) in attempting to undermine Herring's business relationships and destroy the company.

158. As a result of Kennard's actions on behalf of Counterclaim Defendants, Herring was significantly damaged by the breaches of the Affiliation Agreement, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, counter plaintiff Herring Networks, Inc. respectfully requests that the Court enter judgment in its favor on Count I and award the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Punitive damages;

C. Pre-judgment and post-judgment interest;

D. Costs of suit; and

E. Such other and further relief as the Court deems just and proper.

SECOND CAUSE OF ACTION

Tortious Interference With Business Expectancy
Herring Networks, Inc. v. Counterclaim Defendants

159. Herring incorporates Paragraphs 1-55, 78-149 by reference as if fully set forth herein.

160. Until April 2022, Herring had a mutually beneficial and mutually profitable relationship with DIRECTV and various other cable television carriers related to the carriage of OAN and AWE.

161. Counterclaim Defendants were certainly aware of these relationships — in addition to the fact that it is widely known to the public that OAN and AWE were carried on DIRECTV and other carriers, Counterclaim Defendants had knowledge of the DIRECTV relationship through their agent Kennard.

162. Counterclaim Defendants, through the actions of their agent Kennard, sought to further their goal of destroying Herring by disparaging OAN and catering to left-leaning organizations seeking the non-renewal of OAN.

163. In dereliction of his fiduciary obligations to AT&T stockholders, Kennard (for the benefit of Counterclaim Defendants) used his influence at AT&T to persuade DIRECTV to change the status quo and non-renew the Affiliation Agreement, resulting in reduced revenue for both AT&T and DIRECTV.

164. Before Kennard's exercise of his influence for the benefit of Counterclaim Defendants, Herring reasonably believed that DIRECTV and other carriers would renew carriage of OAN, and there was a reasonable probability that this could occur because carriage was mutually beneficial, generating revenue for Herring and the carriers.

165. Counterclaim Defendants acted with intent, malice, and willful disregard for Herring's rights through wrongful acts (Kennard's fiduciary breaches) in attempting to undermine Herring's business relationships and destroy the company.

166. As a result of Kennard's actions on behalf of Counterclaim Defendants, Herring has been significantly damaged through the loss of its expected future business relationship with DIRECTV and the loss of carriage on DIRECTV, as well as carriage and future business relationships on other providers that followed DIRECTV's lead, including Verizon Fios and Frontier.

PRAYER FOR RELIEF

WHEREFORE, counter plaintiff Herring Networks, Inc. respectfully requests that the Court enter judgment in its favor on Count II and award the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Punitive damages;

C. Pre-judgment and post-judgment interest;

D. Costs of suit; and

E. Such other and further relief as the Court deems just and proper.

THIRD CAUSE OF ACTION

Tortious Interference With Business Relationship/Contract
Herring Networks, Inc. v. Staple Street Capital LLC

167. Herring incorporates Paragraphs 1-55, 78-149 by reference as if fully set forth herein.

168. Until April 2022, Herring had a mutually beneficial and mutually profitable relationship with DIRECTV and AT&T related to the carriage of OAN and AWE, including through the Affiliation Agreement.

169. Staple Street was certainly aware of this relationship — in addition to the fact that it is widely known to the public that OAN and AWE were carried on DIRECTV, Staple Street had knowledge through its agent Kennard.

170. Moreover, the business relationship and related contract between AT&T and OAN were widely reported in October 2021 and became a source of significant public discussion and controversy.

171. Staple Street, through the actions of its agent Kennard (which were violations of his fiduciary obligations to AT&T), sought to further its goal of destroying Herring by pressuring AT&T and DIRECTV to ensure non-renewal of OAN, breaching the disparagement and confidentiality provisions of the Affiliation Agreement in the process.

172. As a result of the pressure imposed by Staple Street, through its agent Kennard, AT&T and DIRECTV breached the confidentiality provision of the Affiliation Agreement by leaking the details of the carriage agreement in announcing non-renewal.

173. Similarly, as a result of the pressure imposed by Staple Street, through its agent Kennard, AT&T breached the non-disparagement provision in the Affiliation Agreement by repeatedly disparaging OAN.

174. Staple Street acted with malice, intent, and willful disregard for Herring's rights through wrongful acts (Kennard's fiduciary breaches) in attempting to undermine Herring's business relationships and destroy the company.

175. As a result of Kennard's actions on behalf of Counterclaim Defendants, Herring was significantly damaged by the breaches of the Affiliation Agreement, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, counter plaintiff Herring Networks, Inc. respectfully requests that the Court enter judgment in its favor on Count III and award the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Punitive damages;

C. Pre-judgment and post-judgment interest;

D. Costs of suit; and

E. Such other and further relief as the Court deems just and proper.

FOURTH CAUSE OF ACTION

Tortious Interference With Business Expectancy
Herring Networks, Inc. v. Staple Street Capital LLC

176. Herring incorporates Paragraphs 1-55, 78-149 by reference as if fully set forth herein.

177. Until April 2022, Herring had a mutually beneficial and mutually profitable relationship with DIRECTV and various other cable television carriers related to the carriage of OAN and AWE.

178. Staple Street was certainly aware of these relationships — in addition to the fact that it is widely known to the public that OAN and AWE were carried on DIRECTV and other carriers, Staple Street had knowledge of the DIRECTV relationship through its agent Kennard.

179. Staple Street, through the actions of its agent Kennard, sought to further its goal of destroying Herring by disparaging OAN and bowing to the pressure of left-leaning organizations seeking the non-renewal of OAN.

180. In dereliction of his fiduciary obligations to AT&T stockholders, Kennard (for the benefit of Staple Street) used his influence at AT&T to convince DIRECTV to change the status

quo and non-renew the Affiliation Agreement, resulting in reduced revenue for both AT&T and DIRECTV.

181. Prior to Kennard's exercise of his influence for the benefit of Staple Street, Herring reasonably believed that DIRECTV and other carriers would renew carriage of OAN, and there was a reasonable probability that this could occur because carriage was mutually beneficial generating revenue for Herring and the carriers.

182. Staple Street acted with malice, intent, and willful disregard for Herring's rights through wrongful acts (Kennard's fiduciary breach) in attempting to undermine Herring's business relationships and destroy the company.

183. As a result of Kennard's actions on behalf of Staple Street, Herring has been significantly damaged through the loss of its expected future business relationship with DIRECTV and the loss of carriage on DIRECTV, as well as carriage and future business relationships on other providers that followed DIRECTV's lead, including Verizon Fios and Frontier.

PRAYER FOR RELIEF

WHEREFORE, counter plaintiff Herring Networks, Inc. respectfully requests that the Court enter judgment in its favor on Count IV and award the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Punitive damages;

C. Pre-judgment and post-judgment interest;

D. Costs of suit; and

E. Such other and further relief as the Court deems just and proper.

FIFTH CAUSE OF ACTION

Contractual Indemnity
Counterclaim Plaintiffs v. AT&T Services

184. Counterclaim Plaintiffs incorporate Paragraphs 1-66, 78-149 by reference as if fully set forth herein.

185. Section 8.2 of the Affiliation Agreement states:

> Affiliate shall indemnify, defend and hold harmless each of [Herring], its parent company and its Affiliated Companies, contractors, subcontractors, authorized agents, each supplier to [Herring] of any portion of any Service under this Agreement and each participant therein and the directors, officers, employees and agents of [Herring], such Affiliated Companies, contractors, subcontractors, authorized agents, such suppliers and participants therein (collectively, the "**Programmer Indemnitees**") from, against and with respect to any and all claims, demands, actions, or causes of action, damages, liabilities, threatened claims, costs and expenses (including reasonable outside attorneys' and experts' fees) incurred in connection with any third-party claim against the Programmer Indemnitees to the extent arising out of (a) Affiliate's breach or alleged breach of any provision of this Agreement.

186. As addressed *supra* ¶ 45, "Affiliate" is defined to include AT&T Services, Inc.

187. AT&T Services breached the non-disparagement provision in the Affiliation Agreement (Section 16.3) including by, among other things, disparaging the Counterclaim Plaintiffs through its representatives at CNN and HBO repeatedly from April 2020 through mid-2021, laying the groundwork for this lawsuit in August 2021.

188. Because this disparagement by AT&T Services, Kennard's disparagement of Herring, Kennard's control over AT&T Services, Kennard's dual agency between AT&T Services and Staple Street, Kennard's associated conflicts of interest, and AT&T Services' failure to address and remedy those conflicts of interest by ensuring Kennard was removed from any decision-making related to or ability to harm Herring proximately caused Counterclaim Defendants' lawsuit

against the Counterclaim Plaintiffs, AT&T Services is obligated to defend and indemnify the Counterclaim Plaintiffs in this litigation.

189. Pursuant to the Affiliation Agreement, AT&T Services owes a duty to indemnify, defend, and hold harmless Herring and any of its directors, officers, employees and agents for any breach of the Affiliation Agreement.

190. Charles, Robert, and Rion were, at all relevant times, directors, officers, employees and/or agents of Herring.

191. Accordingly, under the Affiliation Agreement, AT&T Services and Kennard are required to indemnify, defend, and hold harmless the Counterclaim Plaintiffs against the claims, costs, and expenses (including attorneys' fees) arising out of the lawsuit brought by Counterclaim Defendants.

PRAYER FOR RELIEF

WHEREFORE, Herring Networks, Inc., Charles Herring, Robert Herring, and Chanel Rion respectfully request that the Court enter judgment in their favor on Count V and award them the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Attorneys' fees, as provided in the Affiliation Agreement;

C. Costs of suit;

D. Pre-judgment and post-judgment interest; and

E. Such other and further relief as the Court deems just and proper.

SIXTH CAUSE OF ACTION

Contractual Indemnity
Counterclaim Plaintiffs v. William Kennard

192. Counterclaim Plaintiffs incorporate Paragraphs 1-55, 67-149 by reference as if fully set forth herein.

193. Section 8.2 of the Affiliation Agreement states:

> Affiliate shall indemnify, defend and hold harmless each of [Herring], its parent company and its Affiliated Companies, contractors, subcontractors, authorized agents, each supplier to [Herring] of any portion of any Service under this Agreement and each participant therein and the directors, officers, employees and agents of [Herring], such Affiliated Companies, contractors, subcontractors, authorized agents, such suppliers and participants therein (collectively, the "**Programmer Indemnitees**") from, against and with respect to any and all claims, demands, actions, or causes of action, damages, liabilities, threatened claims, costs and expenses (including reasonable outside attorneys' and experts' fees) incurred in connection with any third-party claim against the Programmer Indemnitees to the extent arising out of (a) Affiliate's breach or alleged breach of any provision of this Agreement.

194. As addressed *supra* ¶¶ 45-54, although Kennard is not a signatory to the Affiliation Agreement, he clearly falls within the definition of an "Affiliated Company" and therefore is a party bound by the terms of the agreement, including Section 8.2.

195. Importantly, Kennard is not relieved from his obligations under the Affiliation Agreement by Section 27, which limits (in certain contexts) liability for directors and officers.

196. Any interpretation of Section 27 that would preclude Kennard's liability would be inconsistent with the Affiliation Agreement as a whole and would, if accepted, render numerous provisions of the Affiliation Agreement superfluous. *See, e.g.,* Sections 8.1, 8.2, 16, 19, and 25.

197. [redacted]

198. Kennard breached the non-disparagement provision in the Affiliation Agreement (Section 16.3) including by, among other things, [redacted]

[redacted], laying the groundwork both for the filing of this lawsuit by Counterclaim Defendants (in whom Kennard invests heavily) and the adverse carriage decision by AT&T and DIRECTV (which Kennard controls).

199. In fact, ***this lawsuit itself is a significant violation by Kennard of the non-disparagement provision***, given that the lawsuit was brought at Kennard's direction as a member of Staple Street's Operating Executive Board, and Kennard stands to potentially financially benefit personally from the contract-breaching disparagement that is this lawsuit given his direct investment in one or more Dominion entities and his founding investor status and executive roles as to Staple Street.

200. Kennard's influence in Counterclaim Defendants' decision to bring suit "arises out of" his breaches of the non-disparagement provision in the Affiliation Agreement (including but not limited to the filing of this lawsuit), triggering the indemnification provision.

201. Pursuant to the Affiliation Agreement, Kennard owes a duty to indemnify, defend, and hold harmless Herring and any of its directors, officers, employees and agents for any breach of the Affiliation Agreement.

202. Charles, Robert, and Rion were, at all relevant times, directors, officers, employees and/or agents of Herring.

203. Accordingly, under the Affiliation Agreement, Kennard is required to indemnify, defend, and hold harmless the Counterclaim Plaintiffs against the claims, costs, and expenses (including attorneys' fees) arising out of the lawsuit brought by Counterclaim Defendants.

PRAYER FOR RELIEF

WHEREFORE, Herring Networks, Inc., Charles Herring, Robert Herring, and Chanel Rion respectfully request that the Court enter judgment in their favor on Count VI and award them the following relief:

A. Compensatory and other damages, in an amount to be determined at trial;

B. Attorneys' fees, as provided in the Affiliation Agreement;

C. Costs of suit;

D. Pre-judgment and post-judgment interest; and

E. Such other and further relief as the Court deems just and proper.

PRAYER FOR RELIEF

(All Claims)

WHEREFORE, Herring Networks, Inc., Charles Herring, Robert Herring, and Chanel Rion respectfully request that the Court enter judgment on all causes of action and award the following relief:

A. Compensatory damages, in an amount to be determined at trial;

B. Punitive damages against Counterclaim Defendants and Staple Street for tortious interference;

C. Attorneys' fees against AT&T Services and Kennard pursuant to the Affiliation Agreement;

D. Pre-judgment and post-judgment interest;

E. Costs of suit incurred herein; and

F. Such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Herring Networks, Inc., Charles Herring, Robert Herring, and Chanel Rion demand a trial by jury on all claims and issues so triable and request that the jury consist of 12 members.

Dated: May 5, 2023

Respectfully submitted,

/s/ Blaine Kimrey
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Counsel for Counterclaim Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which I understand to have served counsel for the current parties of record.

/s/ Blaine C. Kimrey
Blaine C. Kimrey

United States Department of Justice

Edward R. Martin, Jr.
United States Pardon Attorney
Associate Deputy Attorney General
Director of the Weaponization Working Group

Robert F. Kennedy Federal Building
950 Pennsylvania Avenue NW
Washington, DC 20530

May 29, 2025

New York Attorney General Letitia James
Office of the New York State Attorney General
28 Liberty Street
New York, NY 10005

Delivered by email: NYSAG@ag.ny.gov

Dear Attorney General James:

As Associate Deputy United States Attorney General, I receive frequent requests for information and clarification. I take these requests seriously and act on them with letters like this one you are receiving.

I am writing about the serious matter of Iran sanctions evasion by Standard Chartered Bank, featured in the case now before the United States Court of Appeals for the Second Circuit, Brutus Trading, LLC, vs. Standard Chartered Bank 25-115. I have come to understand that internal bank records were presented to representatives of the Office of the New York State Attorney General raising troubling concerns.

Whistleblowers report that alleged illicit payments were disclosed to senior attorneys in your office in meetings February 14, 2024, and March 20, 2024. The NYS Attorney General was made aware that previously unknown $9.6 billion in illegal payments were made by Standard Chartered Bank to entities listed on the Treasury Office of Foreign Asset Control that are Specifically Designated Global Terrorists. Your office was advised that Standard Chartered Bank failed in its obligations to file any Suspicious Activity Reports on the $9.6 billion, nor did the bank disclose the payments as required under its active Deferred Prosecution Agreement.

These payments appear to have violated United States law and were not among any of the illicit payments made by Standard Chartered Bank that are the subject of an ongoing Deferred Prosecution Agreement between the bank and the United States Government.

Assistant New York Attorney General Scott Spiegelman and other representatives from your office participated in these two 2024 meetings. Representatives of the Federal Reserve, the New York District Attorney's Office, and DOJ officials joined your officials in previous meetings.

In opening this inquiry, several matters require your response. Did senior attorneys in the New York Attorney General's office who attended these meetings communicate with you regarding the $9.6 billion of alleged illegal Iran sanctions payments made by Standard Chartered Bank?

Did you have any discussions on this $9.6 billion with or reach any agreement on the legal case disposition strategy with any Biden administration official? Were you aware of or did you participate in any Biden DOJ decision-making regarding the case?

Why, when presented with irrefutable evidence, did you not further investigate, suspend or revoke the Standard Chartered Bank license to operate? It appears that the bank's license was instead renewed after your involvement while these serious sanctions issues remain unresolved.

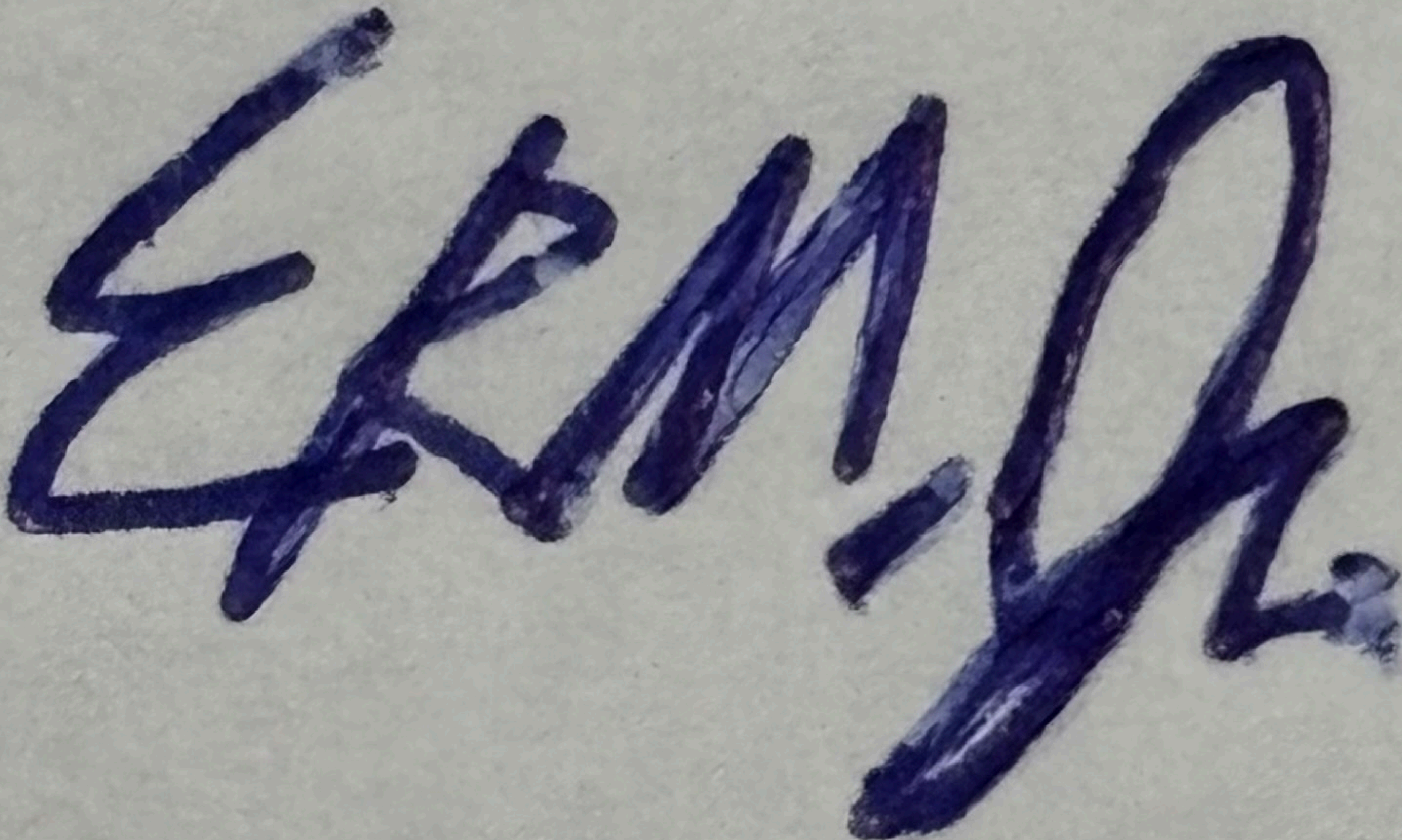
These and other questions require your answers, under oath, by June 5, 2025. I look forward to your cooperation with my letter of inquiry after request. Please do not hesitate to call my office or schedule a time to meet.

All the best.

Sincerely,

Edward R. Martin, Jr.
U.S. Pardon Attorney
Associate Deputy Attorney General
Director of the Weaponization Working Group
(b) (6) (b) (6) [redacted]

cc: Aakash Singh, Associate Deputy Attorney General



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May 7, 2025

Via Email
[redacted]

Mr. Sean Hayes
Executive Office of the President
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

Re: Alexander Smirnov

Dear Mr. Hayes,

Thank you for agreeing to review the materials related to Alexander Smirnov and his request for a pardon or a sentencing commutation.

Mr. Smirnov was prosecuted in the United States District Court for the Central District of California by Special Counsel David Weiss and his team. The cases were styled *United States v. Smirnov* Case Number 2:24-cr-00091 and *United States v. Smirnov* Case Number 2:24-cr-00702.

[redacted]

LAW OFFICES

Chesnoff & Schonfeld.

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

(b) (6)

[redacted]

We have prepared the attached brief with exhibits which expands on our position.

We have been in direct and frequent communication with Deputy Attorney General Blanche and his team, including but not limited to Mr. Aakash Singh, which has consisted of an in-person meeting in Washington as well as multiple MS Teams conferences, and have been advised that the Department of Justice leadership agrees that Mr. Smirnov should be granted relief.

We also welcome an opportunity to meet with you, and any other representatives of the Executive Office of the President, in person by traveling to Washington, D.C.

The material included within the brief and exhibits is governed by a protective order, attached hereto, and we have been given permission to share this with the Executive Branch.

Once again, thank you for your kind consideration.

Sincerely,

CHESNOFF & SCHONFELD

David Z. Chesnoff, Esq.
Richard A. Schonfeld, Esq.

Initial Report of the Weaponization Working Group: FACE Act Abuse

The Problem: Weaponization of the FACE Act in the Biden Administration

The FACE Act, 18 U.S. Code § 248 - Freedom of access to clinic entrances, makes it a federal crime to physically obstruct the entrance to a clinic or to use force, the threat of force, or physical obstruction, such as a sit-in, to interfere with, injure, or intimidate clinic workers or women seeking abortions or other reproductive health services. The Act also makes it a federal crime to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship. The term “reproductive health services” includes services relating to pregnancy or the termination of a pregnancy.

At the beginning of the Biden Administration Attorney General Merrick Garland had the DOJ establish a Reproductive Rights Task Force. According to a DOJ June 2024 press release, the Justice Department brought at least 25 cases against nearly 60 defendants for violations of the FACE Act during the Biden administration. The vast majority of the defendants were pro-life activist versus only three defendants who violated the FACE Act in relationship to crisis pregnancy centers (spray painting). Several fire-bombing cases against crisis pregnancy centers were given cursory investigations and then dropped by the Biden DOJ.

The Victims:

The weaponization of the FACE Act was primarily focused on increased prosecutions of pro-life advocates and organizations and inaction on criminal incidents again them. There was also a DOJ reluctance to pursue FACE Act cases for violations against Christian and Jewish house of worship.

A review of the Biden-Garland Justice Department actions demonstrates a lack of concerted effort to address and prosecute violations of the law where anti-Christian bias was demonstrated by the perpetrators. Instead, the Department of Justice pursued novel theories of prosecution against those simply speaking or demonstrating based upon their Christian faith.

The Solution:

On January 23, 2025, the President pardoned approximately two dozen individuals the Biden-Garland Justice Department had convicted for praying and demonstrating outside abortion facilities. On January 24, 2025, the DOJ made significant policy changes in how it was going to charge FACE Act incidents, specifically stating that:

To many Americans, prosecutions and civil actions under the Freedom of Access to Clinic Entrances Act ("FACE Act") have been the prototypical example of this weaponization. And for good reason. Even though more than 100 crisis pregnancy centers, pro-life organizations, and churches were attacked in the immediate aftermath of the Dobbs decision, nearly all prosecutions under the FACE Act have been against pro-life protesters. That is not the even-handed administration of justice.

The DOJ has directed that future abortion-related FACE Act prosecutions and civil actions will be permitted "only in extraordinary circumstances, or in cases presenting significant aggravating factors, such as death, serious bodily harm, or serious property damage. Cases not presenting significant aggravating factors can adequately be addressed under state or local law." The policy change comes after years of criticism and mounting evidence that the FACE Act was disproportionately enforced against anti-abortion activists during the Biden administration.

Under the direction of Attorney General Bondi, the Department of Justice has dismissed pending cases, reversed Biden era FACE Act policies and priorities, and has initiated the process of resolving civil suits with plaintiff's harmed by the weaponization of the FACE Act.

The Biden policy to weaponization of the FACE Act must be fully reversed and a department wide review performed in order to restore an equal application of the law. This process has been initiated but not thoroughly accomplished. The DOJ has taken the following specific steps in working towards this solution:

- January 2025, contemporaneously with President Trump's pardons, DOJ leadership directed the Civil Rights Division to dismiss with prejudice multiple civil lawsuits. As noted above, the DOJ has implemented a new charging policy allowing future abortion-related FACE Act prosecutions and civil actions "only in extraordinary circumstances".
- In February 2025, the Civil Rights Division filed a statement of interest supporting the plaintiff in *Pollack v. Codepink Women for Peace*, No. 2:24-cv-06253 9 (C.D. Cal.). While this case involved access to a synagogue, it was the first time that DOJ applied the FACE Act to a place of worship despite frequently applying it to alleged obstructions of abortion clinics. Breaking from the prior administration's refusal to apply the FACE Act to protect places of worship, the current DOJ made clear that the FACE Act prohibits the kind of physical obstructions of places of religious worship alleged in this case, where the physical obstructions are reasonably foreseeable, even if temporary or partial.

- (b)(5) per CRT [redacted]

Conclusion:

The Attorney General's memorandum of February 5, 2025 requires in part, that "[t]he Weaponization Working Group will conduct a review the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States over the last four years, in consultation with the heads of such departments and agencies and consistent with applicable law, to identify instances where a department's or agency's conduct appears to have been designed to achieve political objectives or other improper aims rather than pursuing justice or legitimate governmental objectives." The memorandum lists seven specific categories, one of which specifically focuses on "[c]riminal prosecutions under the Freedom of Access to Clinic Entrances Act for non-violent protest activity." The initial policy reversals have been accomplished. The remaining steps necessary to satisfy the requirement of the Attorney General's memorandum are as follows:

1. (b) (5) [redacted].
2. (b) (5) [redacted]
3. (b) (5) [redacted]

MEMO: Cleaning out the EDNY of anti-Trump bad actors after the political persecution of [redacted]

Executive Summary: The prosecution of [redacted], is an egregious example of governmental overreach denounced multiple times by President Trump. Spearheaded by the Eastern District of New York (EDNY) and the DOJ's Public Integrity Division, the case has been widely condemned for undermining First Amendment protections, relying on circumstantial evidence, and exhibiting political bias. This memo highlights misconduct by prosecutors [redacted] and calls for their removal from ongoing cases, investigation, and dismissal per President Trump's Executive Order on ending governmental weaponization. Public figures, legal analysts, and organizations have decried the case as a dangerous precedent for free speech and a blow to public trust in the justice system.

Background: The [redacted] prosecution was perhaps the first example of the egregious political persecution that occurred throughout the Biden administration's time in office. [redacted] In an act of alarming overreach, the Department of Justice leveraged a [redacted] It was a clear instance of selective prosecution, meant to stifle dissent and punish a political adversary, which in turn created a "chilling effect" on freedom of speech and undermined the public's confidence in the impartiality of our justice system.

The Eastern District of New York and the Public Integrity Division of the DOJ jointly spearheaded this prosecution. Both the EDNY and the Public Integrity Division have been producing politicized prosecutions for years now. Special Counsel Jack Smith, for example, previously led the Public Integrity Division after getting his start in the EDNY. Lawfare activist Andrew Weissman likewise launched his career at the EDNY. When Bob Mueller wound down his failed investigation into President Trump's entirely fabricated ties to Russia, he farmed out some ancillary cases to the EDNY, including the prosecution of Trump's friend Thomas Barrack, a case that ended in Barrack's acquittal on all charges.

The EDNY's long history of gamesmanship was detailed in a 2023 article by *The Economist*, which concluded that "the court's striking list of high-profile indictments reveals a prosecutorial wanderlust possibly unmatched by EDNY's 93 peer district courts." While this impulse may serve the nation in the fight against international terrorism, the EDNY's habit of stretching or outright flouting the law in politically weaponized domestic cases corrodes even cornerstones of the American legal system, such as the rights of the accused. (From the same article in *The Economist*: "Brooklyn's reputation for treating the FBI almost like a client is one reason agents bring their high-profile cases to EDNY. Brooklyn alumni in Washington are inclined to tap their old colleagues who, according to an EDNY prosecutor, are 'intensely motivated and creative,' a description that could raise eyebrows.")

On day one of his second term, President Trump signed the Executive Order "Ending the Weaponization of the Federal Government" that ordered the following investigations under Section 3:

Sec. 3. Ending the Weaponization of the Federal Government. (a) The Attorney General, in consultation with the heads of all departments and agencies of the United States, shall take appropriate action to review the activities of all departments and agencies exercising civil or criminal enforcement authority of the United States, including, but not limited to, the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, over the last 4 years and identify any instances where a department's or agency's conduct appears to have been contrary to the purposes and policies of this order, and prepare a report to be submitted to the President, through the Deputy Chief of Staff for Policy and the Counsel to the President, with recommendations for appropriate remedial actions to be taken to fulfill the purposes and policies of this order.

(b) (5), (b) (6) [redacted]

In (b) (5), (b) (6) [redacted] three prosecutors—(b) (5), (b) (6) [redacted] of Main Justice's Public Integrity Division—played leading roles in weaponizing the justice system to attack Constitutionally protected speech. All three should be removed from ongoing cases, dismissed, and investigated to preserve faith in the nation's judicial system:

(b) (5), (b) (6) [redacted] **AUSA at EDNY:** (b) (5), (b) (6) [redacted]

002296

[redacted] (b) (5), (b) (6)

EDNY career official [redacted] (b) (5), (b) (6)

[redacted] (b) (5), (b) (6) **of the Public Integrity Section at Main DOJ** also tried this case and was one of the most fanatical proponents of going after [redacted] (b) (5), (b) (6) According to defense attorneys familiar with the case, [redacted] (b) (5), (b) (6) referred to [redacted] (b) (5), (b) (6)

President Trump, Tucker Carlson, the *Harvard Law Review*, Eugene Volokh, Donald Trump Jr., *National Review*, and Andrew McCarthy all spoke out against this [redacted] (b) (5), (b) (6)

- [redacted] (b) (5), (b) (6)

- [redacted] (b) (5), (b) (6)

In addition to the three prosecutors above, the following two individuals also played key roles in this travesty of justice:

> [redacted] (b) (5), (b) (6) **served as the FBI Special Agent** on the case. [redacted] (b) (5), (b) (6)
>
> [redacted] (b) (5), (b) (6) **served as the head of the New York Field Office** for this prosecution. Upo [redacted] (b) (5), (b) (6)

STATUS OF THE [redacted] (b) (5), (b) (6) **CASE:** [redacted] (b) (5), (b) (6)

CONCLUSION: The above facts show that the conduct of [redacted] (b) (5), (b) (6) ll warrant, as per President Trump's Executive Order, immediate removal from all ongoing cases, investigation, and dismissal. If [redacted] (b) (5), (b) (6) conviction is overturned and sent back down to the District Court, the US Attorney for EDNY should immediately move to dismiss the case with prejudice.

United States Department of Justice

Edward R. Martin, Jr.
United States Pardon Attorney
Associate Deputy Attorney General
Director of the Weaponization Working Group

Robert F. Kennedy Federal Building
950 Pennsylvania Avenue NW
Washington, DC 20530

June 23, 2025

Hon. Coke Morgan Stewart
Acting Under Secretary of Commerce for Intellectual Property
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Via Email: cokem.stewart@uspto,gov

Dear Secretary Stewart:

As Associate Deputy United States Attorney General, I am writing to thank you for taking the time to inform me about allegations of weaponization of U.S. Patent and Trademark Office policies and procedures against American companies and inventors.

I was particularly interested that you recently discovered a Biden-era directive to secretly flag pending patents and allowable patent applications and claims to prevent them from issuing. You acted swiftly to end this illegal activity.

These policies and processes may violate President Donald Trump's Executive Orders against the weaponization of government (Executive Order No. 14,147) and requiring transparency and fairness in administrative proceedings (Executive Order No. 13,892). Worse, they appear to favor granting American patents to Chinese companies.

To investigate these matters, I am writing to you to ask your assistance with important information requests I have as director of the Attorney General's Weaponization Working Group:

- Would you please provide all internal and external emails and other documentation which lead to your discovery of the new Sensitive Application

Warning System (SAWS) program, restarted in 2021 under President Joe Biden? I am particularly interested in patent applications in the electrical arts, especially allowances of patent applications with artificial intelligence subject matter.

- Would you please provide all internal and external communications and documents related to the SAWS program that operated from 1994 until it was "retired" in 2015 - again, especially allowances of patent applications with artificial intelligence subject matter?

Because it appears that much of the unconstitutional SAWS activity favors Chinese foreign inventors, I am also interested in how the Patent Prosecution Highway (PPH) program and the Patent and Trademark Appeals Board (PTAB) were also weaponized to help the People's Republic of China create a mountain of U.S. patents during the Biden Administration.

I have great respect for your leadership at the USPTO and I look forward to working together with you on these weaponization matters as Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United USPTO. I would like to schedule a time soon to meet again on these matters. Please do not hesitate to call my office with any questions.

All the best.

Edward R. Martin, Jr.

Edward R. Martin, Jr.
U.S. Pardon Attorney
Associate Deputy Attorney General
Director of the Weaponization Working Group
(b) (6) [redacted]

SCOPE OF INVESTIGATION INTO MANIPULATION OF THE 2020 ELECTION

I. DEFINING THE PROBLEM

In order to take the steps necessary to ensure the integrity of our national elections going forward, we first must acknowledge the clear evidence demonstrating that the 2020 election was a well-orchestrated coup d'etat against the government of the United States by Deep State actors. That coup did not begin with the 2020 election, but rather, it was an extension of a Deep State operation beginning in 2016 against candidate, and later President Trump. This operation utilized a wide range of governmental and nongovernmental resources and tactics including spying on his campaign and his administration, fraudulent FISA warrants, a massive two-year special counsel investigation based on false allegations that he colluded with Russia, and a baseless impeachment based on a valid inquiry into corruption in Ukraine.

This coup involved persons working in governmental agencies, including the DHS, CISA, FBI, CIA, and U.S. Postal Service; social media companies; media outlets; voting machine companies; as well as other nongovernmental actors. These individuals participated in a multi-pronged strategy to control the outcome of the 2020 election that included: (1) mail-in ballot fraud; (2) voting machine manipulation exploiting designed vulnerabilities; (3) a broad-based censorship campaign to suppress information damaging to Biden and election fraud claims; and (4) last minute changes to state election laws to weaken or remove anti-fraud measures such as signature verification and voter ID.

Mail-in ballot fraud, long known to be a primary vector for election fraud, [1] was greatly expanded in 2020 using the Covid-19 pandemic as justification. Voting machine companies engineered security vulnerabilities into their own voting equipment, in violation of EAC certification requirements, allowing malicious actors to manipulate election outcomes, and then sought to prohibit the disclosure of information that would have permitted their detection. The FBI and the CIA are aware of the Chinese penetration of U.S. election systems and are blocking exposure of this fact. Notably, in his January 7, 2021 report *Views on Intelligence Community Election Security Analysis*, DNI Ratcliff called the CIA out for improperly "pressuring [analysts] to withdraw their support" for the opinion that China was interfering in the 2020 election.

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[1] In 2005, the bipartisan Jimmy Carter-James Baker Commission, formed in the wake of the contested 2000 election, identified absentee ballots as "the largest source of potential voter fraud." *See* Building Confidence In U.S. Elections: Report of The Commission on Federal Election Reform, at 46 (Sept. 2005).

Discovery in the case of *Missouri v. Biden* revealed that, in early 2020, DHS initiated a widespread censorship operation related to the upcoming 2020 election under the guise protecting the public from "disinformation." Individuals at DHS led this censorship effort, working through the National Association of Secretaries of State ("NASS"), National Association of State Election Directors ("NASED"), Center for Internet Security ("CIS"), Cybersecurity and Infrastructure Security Agency ("CISA"), social media companies including Facebook and Twitter, voting machine companies, state and local election officials, and others.

The President, and those who fought to expose the 2020 election fraud, were targeted by supposed "bipartisan" groups like the Soros-supported Project 65 and States United Democracy Center, founded by Norm Eisen, a former Obama administration official and a senior fellow at the Brookings Institute. Lastly, Democrat aligned groups guided principally by the law firm of Perkins Coie filed dozens of cases asking state courts to override election laws protecting ballot security enacted by state legislatures, especially in battleground states.

II. MATTERS TO INVESTIGATE AND PROSECUTE

This memorandum proposes that an inquiry be launched into several of the specific strategies used against the Country. The following topics are well grounded in evidence, qualified expert opinions based on that evidence, and in some cases findings by governmental entities. The federal election record retention period of 22 months has expired with respect to 2020 election records, and therefore, these recommendations focus on matters for which records are likely to still exist.

1. Current and former government officials participated in a criminal conspiracy to manipulate the 2020 election by suppressing the Hunter Biden laptop story.

On the eve of the 2020 election, the *New York Post* published a story on October 14, 2020 revealing explosive information obtained from a laptop computer that Hunter Biden left at a repair shop. Information from that laptop showed, among other things, that then candidate Biden lied about his interactions with his son's Ukrainian business partners. The Biden campaign quickly mobilized 51 former "intelligence" officials who signed and circulated a letter on October 19, 2020 casting doubt on the story by falsely suggesting that the laptop had all the earmarks of a Russian disinformation campaign against Biden. The media portrayed these "intelligence" officials' opinion as proof that the laptop was a Russian disinformation operation. Discovery obtained in the *Missouri v. Biden* litigation showed that FBI officials coerced social media companies to censor public discussions supporting the accuracy of the *Post's* story even though the FBI had evaluated the laptop, concluded that it was genuine, and knew that it was **<u>not</u>** part of a Russian disinformation plot.

Later surveys show that had the American people known the laptop was real, it would have altered the outcome of the election.

Rather than the *Post's* story being based on a Russian intelligence operation, a House Committee investigation found that "[t]he infamous Hunter Biden statement had all the hallmarks of an intelligence community influence operation….directed at the American people and our democratic processes."[2] The House Committee concluded:

> *The October 19, 2020, statement on Hunter Biden's laptop signed by 51 former senior intelligence community officials served to interfere in the American electoral system in the final weeks before the 2020 presidential election. The highest officials within the CIA were aware of the statement prior to its publication.*

2. Chinese penetration of U.S. election systems via Konnech, Inc. and a criminal coverup by the FBI and CIA.

The results of the 2020 Presidential election may have been influenced by Chinese operatives, protected by Deep State actors. In October of 2022, the Los Angeles District Attorney's Office concluded a grand jury proceeding, search warrant execution, and criminal investigation with the filing of criminal charges against Eugene Wei Yu, the founder and CEO of Michigan-based Konnech Inc., a major provider of election software in the United States. Yu is a Chinese national and a naturalized U.S. citizen. Konnech's primary product is PollChief, an election worker management system that is used to manage the poll workers, polling locations, campaigns, assets, mail-in ballots, voter registration, and supplies necessary to run elections in the United States, Canada, and Australia.

At the core of the case was the allegation that Konnech is little more than U.S. corporate front for a Chinese software operation collecting data on U.S. elections, and that Chinese contractors had "super administration" privileges for all PollChief clients enabling Chinese access to election-related data and software code. A whistleblower employee confirmed these facts. The cyber experts who executed the search warrant also notified the Defense Counterintelligence and Security Agency of "a total loss of control" of U.S. data.

A week after Yu's indictment and extradition from Michigan, former Soros-supported Los Angeles District Attorney George Gascon abandoned the case and

[2] The Intelligence Community 51: How CIA Contractors Colluded With The Biden Campaign To Mislead American Voters, Committee on the Judiciary, Select Subcommittee on the Weaponization of the Federal Government, and Permanent Select Committee on Intelligence, U.S. House of Representatives at 3.

ordered it dismissed. He and the County of Los Angeles then reached an agreement to deem Mr. Yu "factually innocent" of the charges and pay him $5 million. The Los Angeles prosecutor who had been in charge of the case against Yu resigned as a result, and currently is in active litigation with the Los Angeles District Attorney (case BA509784) to prevent the settlement with Yu from being finalized. A well-known investigative reporter stated privately that the FBI/CIA directed District Attorney Gascon to release Yu based on national security, and that the CIA was "monitoring" this Chinese penetration of U.S. elections.

3. Voting machine vendors' configuration of electronic voting machines to facilitate election fraud.

Forensic examination of electronic voting systems used in the 2020 election shows that Dominion Voting Systems, Inc.'s ("Dominion") equipment had been illegally configured to allow malicious actors access to manipulate election results without detection, and that in at least one case, a voting system was remote accessed surreptitiously, after which Dominion took steps to destroy evidence of such access. These security violations included the following.

- Dominion violated EAC certification requirements and placed master cryptographic keys, used to encrypt/decrypt system passwords and election data, unprotected and in plain text on its systems. With these keys Dominion, or any actor who knows where to look, can access and gain control over the election systems. Election data can be altered, fabricated, and transmitted, and the changes rendered undetectable.

- Dominion inserted common passwords into its voting systems used across multiple states. These vendor-supplied credentials allow Dominion—or anyone else with knowledge of the credentials—to have total control over the election data and results.

- Dominion has remote access capability into its election systems used in the U.S. including remote access performed from its offices in Belgrade Serbia. Notably, any voting systems with a modem, such as those supplied by ES&S, also have remote access capability.

- A forensic examination of the Dominion election management server used in Mesa County Co. revealed evidence that election data was manipulated via remote access. Dominion also violated federal and state records retention laws and destroyed critical electronic election records that might reveal such information in other counties when it installed a "trusted build" update in Colorado.

- In Wisconsin, Dominion and ES&S electronic voting machines are communicating with unauthorized unknown third parties over unsecure IP addresses in violation of Wisconsin law.

4. Manipulation of State voter registration rolls.

Numerous security vulnerabilities and breaches of voter registration systems have been identified. The nature of the centralized, computer-based rolls enables manipulation of voter data to, *e.g.*: add, remove, and change addresses; change party affiliations; shift voters between counties; and modify, erase, or fabricate voting histories. Often these changes could be made without detection, negating all attempts to "clean" the rolls of malicious changes, and providing no audit trail for citizens or other independent auditors. Mass mail-in voting with limited chain of custody using names from the voter registration systems is an invitation for voter fraud. Such acts have been confirmed to have occurred in Arizona and Wisconsin.

An analysis of voter registration rolls in Arizona, California, Georgia, Hawaii, New Jersey, New York, Ohio, Pennsylvania, Texas, and Wisconsin, reveals that each state has at least one hidden algorithm architected into its voter ID system that segregates voter records into distinguishable groups. This allows tracking of records by hidden attribute -- such as grouping faked or cloned voters. Collectively these voter rolls contain millions of randomly distributed fake and cloned voters.

5. Allegations regarding the U.S. Postal Service's shipping of millions of fake ballots.

Jesse Morgan, a U.S. Postal Service ("USPS") contractor, testified that on October 21, 2020 that he drove a tractor trailer filled with between one and two million completed mail-in ballots from Bethpage, New York to Lancaster, Pennsylvania. Morgan also testified how his trailer then unexpectedly disappeared after he left the trailer unattended in Lancaster for the night, only to mysteriously reappear in Bethpage a few days later. An analysis of the Pennsylvania voter registration system shows that Pennsylvania recorded 121,240 **more votes than voters** in the 2020 election. Biden's margin of victory in Pennsylvania was 80,555 votes. Under 25 Pa. Stat. § 3154, the 2020 election should not have been certified without investigating these discrepancies.

Multiple witnesses with first-hand knowledge have explained that then-Attorney General Bill Barr blocked any meaningful investigation of Morgan's allegations, as the "fix was in" with the FBI and Department of Justice to cover up Morgan's allegations. A lawsuit has been filed -- *Della Rocca v. United States Postal Service*, Case No. 22-0786 (DLF), in the U.S. District Court for the District of

Columbia -- to force USPS to produce documents related to this shipment of ballots. The USPS has refused to produce all relevant documents.

In a separate incident, Ethan J. Pease, a box truck delivery driver who had subcontracted with the USPS to deliver truckloads of mail-in ballots to the sorting center in Madison, WI, testified a senior USPS employee told him on November 4, 2020 that “[a]n order came down from the Wisconsin/Illinois Chapter of the Postal Service that 100,000 ballots were missing” and how the USPS dispatched employees to “find[] . . . the ballots.” These ballots supposedly were “found” after election day -- a number which far exceed Biden’s reported margin of 20,565 votes over President Trump in Wisconsin.

6. Illegal payments associated with Zuckerberg-financed entities.

The Center for Tech and Civic Life (“CTCL”) received more than $332 million from Facebook CEO billionaire Mark Zuckerberg to promote mail-in voting by eliminating or modifying state laws governing ballot security. While CTCL grants were touted as a resource meant to help all jurisdictions administer the election during the Covid pandemic, CTCL’s 2021 tax records reveal that the group awarded all of its larger grants -- on both an absolute and per capita basis -- to deeply Democratic urban areas especially in swing states. Doing so may have violated federal tax laws prohibiting Internal Revenue Code section 501(c)(3) organizations from participation in elections.

Georgia also partnered with another Zuckerberg-financed election group, the Center for Election Innovation and Research (“CEIR”). This separate Zuckerberg-financed group funneled over $70 million into the administration of elections, with most of the funds going to Democrat secretaries of state in swing states and used to “inflate voter rolls” and drive more ballots from Democrat areas.

7. Allegations regarding election fraud in Arizona (Margin: 10,457 votes).

Forensic examination of election systems and data from Maricopa and/or Pima counties shows that:

- The cast vote record data (“CVR”) for ballots in Maricopa County and Pima County were artificially processed through the tabulators tracking a Proportional-Integral-Derivative (“PID”) type control function in a closed-loop feedback system to reach a pre-determined election outcome. It is a simple mathematical calculation, and artificial control is the only plausible conclusion.

- Maricopa County used illegally altered voting system software in the 2020 election and falsely represented that its election software was the EAC-certified version of Democracy Suite 5.5B.

- Maricopa County destroyed election records in violation of state and federal records retention law, and a court-ordered subpoena.

- Maricopa deleted 1,039,568 ballot images from the 2020 election, and replaced 639,012 of those ballots with the same ballot image file numbers.

8. Allegations regarding election fraud in Georgia (Margin: 11,779 votes).

- On August 6, 2024, the Georgia State Election Board referred Complaint SEB2023-025 to the Georgia Attorney General for criminal investigation rejecting the Georgia Secretary of State's explanations regarding evidence showing outcome determinative discrepancies in Fulton County for the 2020 election. The Georgia Attorney General refused the State Election Board's request to investigate these claims.

- Georgia election officials destroyed election records, and as a result, hundreds of thousands of ballot images cannot be authenticated as genuine.

- In early January 2021, a contract election worker in Fulton County, Ruby Freeman, gave recorded statements to law enforcement describing election fraud during the 2020 election including the use of USB ports on electronic voting machines that would "blow your mind."

9. Allegations regarding election fraud in Wisconsin (Margin: 20,565 votes).

Two whistleblowers, a full-time employee of the City of Milwaukee elections office and a worker at Milwaukee's central count facility, have testified under oath that over 60,000 "skinny" ballots were created on disabled voter machines using Zuckerburg's CTCL staff from Chicago. It is alleged that the Milwaukee clerk, in conjunction CTCL, then tabulated over 60,000 skinny ballots in Milwaukee Central Count after hours to create the Biden victory.

Two cases have been filed in Milwaukee County, one against the Clerk of the City Milwaukee and the other against the Clerk of Milwaukee County. All records from the 2020 election in Milwaukee County have been preserved. The county clerk is withholding the ballot images created on election night, November 3, 2020, which would show the 60,000 "skinny" ballots were improperly tabulated.

From: "Martin, Edward Jr. (PARDON)" [redacted] (b) (6)
To: "McDonald, Colin (ODAG)" [redacted] (b) (6) >, "Wharton, Kendra (ODAG)" [redacted] (b) (6) >
Cc: "Singh, Aakash (ODAG)" [redacted] (b) (6) "Wise, Jared (ODAG)" [redacted] (b) (6) "DeLorenz, Chris (ODAG)" [redacted] (b) (6)
Subject: Re: Catching up
Date: Tue, 20 May 2025 05:45:46 -0400
Importance: Normal
Inline-Images: image001.png

Thank you.

Ed

Ed Martin

From: McDonald, Colin (ODAG) [redacted] (b) (6) >
Sent: Monday, May 19, 2025 11:01:01 PM
To: Wharton, Kendra (ODAG) [redacted] (b) (6) ; Martin, Edward Jr. (PARDON) [redacted] (b) (6)
Cc: Singh, Aakash (ODAG) [redacted] (b) (6) Wise, Jared (ODAG) [redacted] (b) (6) >; DeLorenz, Chris (ODAG) [redacted] (b) (6)
Subject: RE: Catching up

Ed,

FBI is coming over to discuss these matters on Wednesday at 4p. I will add you to the invite.

Thanks,
Colin

From: Wharton, Kendra (ODAG) [redacted] (b) (6) >
Sent: Monday, May 19, 2025 12:32 PM
To: Martin, Edward Jr. (PARDON) [redacted] (b) (6)
Cc: Singh, Aakash (ODAG) [redacted] (b) (6) Wise, Jared (ODAG) [redacted] (b) (6) >; DeLorenz, Chris (ODAG) [redacted] (b) (6) McDonald, Colin (ODAG) [redacted] (b) (6)
Subject: RE: Catching up

Hi Ed –

I'm adding Aakash, Chris, Jared and Colin to the chain.

I'm available to speak this afternoon regarding the FBI whistleblowers and other matters before the WWG, but I defer to others as to timing.

As promised, I'm also copying below some details regarding each of the FBI whistleblowers and the remedies they are seeking, based on our prior review of the case summaries, records submitted to Congress, and the public record. You can find the supporting materials in the WWG "Teams" files

under OAG-Weaponization WG → Documents → General → FBI Whistleblowers. You should be able to access it here: FBI Whistleblowers
I would note that Empower sent some additional materials on Friday that I have not yet reviewed. Those are also in the non-public letter folder.

Ed – I've also added you as an "Owner" of the WWG Teams and will ask JMD to add you as an owner of the (b) (6) [redacted] email account.

Kendra

Revocation of Security Clearances		
(b)(6), (b)(7)(C) per F [redacted]-related action: • FBI (b)(6), (b)(7)(C) per FBI [redacted] (b)(6), (b)(7)(C) per FBI [redacted]-related action: • FBI (b)(6), (b)(7)(C) per FBI [redacted] • FBI (b)(6), (b)(7)(C) per FBI [redacted] Raised concerns re (b)(6), (b)(7)(C) per FBI [redacted]: • FBI (b)(6), (b)(7)(C) per FBI [redacted] • FBI (b)(6), (b)(7)(C) per FBI [redacted] Raised concerns re (b)(6), (b)([redacted]: • FBI (b)(6), (b)(7)(C) per FBI [redacted] • FBI (b)(6), (b)(7)(C) per FBI [redacted] Raised concerns re (b)(6), (b)(7)(C) per FBI [redacted] • FBI (b)(6), (b)(7)(C) per FBI [redacted]	(b)(6), (b)(7)(C) per FBI [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted] • [redacted] [redacted] • [redacted]	OIG preview to ODAG re ongoing investigations 1/29/2025 Met with counsel on 4/3/2025 Review of case summaries complete Review of SecD interview summaries provided to Congress complete Met with counsel and Grassley staff on 5/16/2025

	• [redacted] (b)(6), (b)(7)(C) per FBI	
Other Removals / Demotions		
Raised concerns re [redacted] (b)(6), (b)([redacted]: • FBI [redacted] (b)(6), (b)(7)(C) per FBI Raised concerns re [redacted] (b)(6), (b)(7)(C) per FBI: • FBI [redacted] (b)(6), (b)(7)(C) per FBI	[redacted] (b)(6), (b)(7)(C) per FBI • [redacted] • [redacted] [redacted] • [redacted] • [redacted] • [redacted]	Met with counsel on 4/3/2025 Review of case summaries complete Review of SecD interview summaries provided to Congress complete Met with counsel and Grassley staff on 5/16/2025

From: Martin, Edward (USADC) <[redacted] (b) (6)
Sent: Monday, May 19, 2025 8:51 AM
To: Wharton, Kendra (ODAG) <[redacted] (b) (6)
Cc: Martin, Edward Jr. (PARDON) [redacted] (b) (6)
Subject: Catching up

Kendra

Good morning. I'm on boarding over at the pardon office this morning and should have my new email address up by midday. That's the one you see on the CC line.

Can we catch up this afternoon about the whistleblowers? I'd like to get the lay of the land and see if we can Try to get to solutions on some of it…

Looking forward to working with you.

Ed.

Ed Martin

From: "Martin, Edward Jr. (PARDON)" [redacted]
To: "Wise, Jared (ODAG)" [redacted]
Subject: Fw: Weaponization Working Group
Date: Wed, 28 May 2025 09:49:12 -0400
Importance: Normal

Ed Martin

From: Colin Dwyer [redacted]
Sent: Tuesday, May 27, 2025 10:44:23 PM
To: Martin, Edward Jr. (PARDON) [redacted]
Subject: Weaponization Working Group

Hello sir, pardon the late email, I hope it's not inappropriate to contact you directly. I've enjoyed a couple of your interviews recently.
I wanted to ask if there's more information available to employees on the Weaponization Working Group. Obviously the FBI is in the process of implementing new reforms, but I was just curious about the DOJ-specific mechanisms that are being put in place, or if employees will be canvassed about some of the issues we've observed over the last several years. Thank you for your time.

SA [redacted]
FBI Los Angeles/OCRA-6

From: "Martin, Edward Jr. (PARDON)" [redacted] (b) (6)
To: "McQueen, Steven L. (TSC) (FBI)" [redacted] (b)(7)(E) per FBI >
Cc: "Martin, Edward Jr. (PARDON)" [redacted] (b) (6) "McCabe, Neil (PARDON)" [redacted] (b) (6)
Subject:
Date: Tue, 03 Jun 2025 16:57:08 -0400
Importance: Normal
Attachments: Threat_Screening_Center_-_June_3_2025.pdf

Dear Sir,

Please see attached. Thank you for your attention to this important matter.

All the best.

Ed

Ed Martin
ADAG

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "Day, Vance (ODAG)" <[redacted]
Cc: "Wise, Jared (ODAG)" <[redacted] "Davis, Nick (ODAG)" [redacted]>, "Wharton, Kendra (ODAG)" <[redacted] "Singh, Aakash (ODAG)" <[redacted] "Bhirud, Ketan (ODAG)" <[redacted] "Henricks, Aaron (ODAG)" <[redacted] "DeLorenz, Chris (ODAG)" <[redacted]
Subject: Re: [EXTERNAL] Re: Friday 2 pm Meeting Link
Date: Mon, 09 Jun 2025 12:04:06 -0400
Importance: Normal
Inline-Images: image001.png; image002.jpg; image004.jpg; image005.jpg

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E

Ed Martin

From: Day, Vance (ODAG) [redacted]
Sent: Monday, June 9, 2025 12:02:01 PM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: Wise, Jared (ODAG) <[redacted] Davis, Nick (ODAG) [redacted]>; Wharton, Kendra (ODAG) <[redacted] Singh, Aakash (ODAG) <[redacted] Bhirud, Ketan (ODAG) <[redacted] Henricks, Aaron (ODAG) <[redacted] DeLorenz, Chris (ODAG) <[redacted] Wharton, Kendra (ODAG) <[redacted]
Subject: RE: [EXTERNAL] Re: Friday 2 pm Meeting Link

(dropping Josh Foster, the rest of his team, and Josh Flynn-Brown) (adding Ketan, Aaron, Chris, Kendra and Colin)

Ed:

Based upon our meeting last Friday, it seemed clear that Todd and Emil wanted these whistleblower issues resolved. [redacted]

Jared has crafted a summary of our recommendations and is updating based on last Friday's meeting. Ed, once Jared sends the updated version to us all, would you get clarity from Todd and Emil on the plan? If they [redacted].

Let us know your thoughts.

Vance D. Day
Senior Counsel
Office of the Deputy Attorney General
United States Department of Justice
Room 4131
[redacted]

From: Jason Foster [redacted]
Sent: Monday, June 9, 2025 11:22 AM
To: Martin, Edward Jr. (PARDON) <[redacted] Day, Vance (ODAG) [redacted] Josh Flynn-Brown (Judiciary-Rep) [redacted]
Cc: Wise, Jared (ODAG) <[redacted] Davis, Nick (ODAG) [redacted]; Wharton, Kendra (ODAG) <[redacted] Singh, Aakash (ODAG) <[redacted] Michael Zummer [redacted]; Tristan Leavitt [redacted]
Subject: [EXTERNAL] Re: Friday 2 pm Meeting Link

Dear Mr. Martin, et al:

There seems to be a whisper campaign going on where FBI allies are hinting publicly—and falsely claiming privately to reporters—that there is some unspecified derogatory information in our client's FBI files (SA [redacted]) that changed Chairman Grassley's mind about the case and allegedly caused him to cease advocating for a remedy after the FBI provided the Senate Judiciary Committee with the files.

As we all know—and as Josh Flynn-Brown in Chairman Grassley's office (cc'd here) has again confirmed to me —this claim is 100% false.

The public hinting to the contrary comes from two former FBI agents: [redacted]

E.g.:
[redacted]

Miranda Devine contacted us last night to ask whether the claim she said [redacted] made to her privately and more explicitly was true: that something in the nonpublic FBI files persuaded Chairman Grassley to change his mind. I confirmed with Chairman Grassley's office that it is false and shared that with Ms. Devine.

As far as I'm aware, whether and when the FBI shared nonpublic documents about SA [redacted] with the Senate Judiciary Committee is not public knowledge. This raises questions about: (1) what possible basis [redacted] could have to make this false claim, (2) who, if anyone, he and [redacted] have been in contact with at the FBI, and why [redacted] tried to plant this lie about our client in the press.

As you know, we have made everything the FBI provided to us from its files available to the Weaponization Working Group and have made our rebuttal to all the derogatory information in those files public as well. We are not hiding the ball.

If these self-proclaimed FBI allies are actually surrogates for, or coordinating with, *anyone* at the FBI on this bogus smear campaign of our client, that would be outrageous and unacceptable—something DOJ leadership, the Weaponization Working Group, and DOJ's Senate oversight committee should not tolerate.

(b)(6), (b)(7)(C) per FBI

[redacted]

The FBI has still failed to engage with us directly as counsel for our 10 FBI whistleblower clients. We have had zero substantive conversations with the FBI about resolving any of the cases since I wrote to the FBI GC in early March seeking to enter into settlement, mediation, or arbitration discussions.

We look forward to learning what next steps the Weaponization Working Group decides to take, and we are committed to engaging directly with the proper authorities in good faith towards resolving these cases. Thank you for your time and attention.

Cordially,
Jason Foster

Founder & Chair | (b) (6) [redacted]

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Whistleblowers & Research

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On May 29, 2025, at 2:15 PM, Day, Vance (ODAG) [redacted] wrote:

Sorry for the tardy reply, Josh.

We have round tabled the issues and have recently met with the FBI. We are in the final stages of seeking approval for a resolution, which we anticipate soon.

Before we schedule a meeting, let us get an answer on the approval we have sought.

Vance D. Day
Senior Counsel
Office of the Deputy Attorney General
United States Department of Justice
Room 4131
[redacted]

From: Flynn-Brown, Josh (Judiciary-Rep) [redacted]
Sent: Thursday, May 29, 2025 11:17 AM
To: Jason Foster [redacted]>; Day, Vance (ODAG) [redacted]
Cc: Singh, Aakash (ODAG) <[redacted] Michael Zummer [redacted]; Tristan Leavitt <[redacted]; Wharton, Kendra (ODAG) <[redacted] Martin, Edward (PARDON) [redacted]>; Wise, Jared (ODAG) <[redacted] Davis, Nick (ODAG) [redacted]
Subject: [EXTERNAL] RE: Friday 2 pm Meeting Link

Circling back to this. Can we schedule a time to discuss? Thank you.

From: Jason Foster [redacted]
Sent: Saturday, May 24, 2025 11:26 AM
To: Day, Vance (ODAG) [redacted]
Cc: Aakash Singh <[redacted] Michael Zummer [redacted] Tristan Leavitt [redacted]>; Flynn-Brown, Josh (Judiciary-Rep) [redacted]>; Kendra Wharton <[redacted] Martin, Edward (PARDON) [redacted]; Wise, Jared (ODAG) <[redacted] Davis, Nick (ODAG) [redacted]
Subject: Re: Friday 2 pm Meeting Link

Vance,

We'd appreciate any updates you can provide on next steps. Obviously, if you need anything further from us, please let us know. Have a great weekend.

Thanks.

Cordially,
Jason Foster

Founder & Chair | [redacted]

EMPOWER OVERSIGHT
Whistleblowers & Research

EMPOWR.us

On May 16, 2025, at 3:06 PM, Day, Vance (ODAG) [redacted] wrote:

Yes – It was a productive meeting, and we have developed a plan. We can discuss next steps early next week.

Vance D. Day
Senior Counsel
Office of the Deputy Attorney General
United States Department of Justice
Room 4131
[redacted]

<image001.png>

From: Singh, Aakash (ODAG) <[redacted]
Sent: Friday, May 16, 2025 2:32 PM
To: Michael Zummer [redacted]; Tristan Leavitt [redacted]; Jason Foster [redacted]>; Josh Flynn-Brown [redacted]
Cc: Wharton, Kendra (ODAG) <[redacted] Martin, Edward (PARDON) [redacted]>; Day, Vance (ODAG) [redacted]
Subject: Re: Friday 2 pm Meeting Link

I'm sorry I missed this guys, I had to [redacted], and had hoped they would wrap up before 2. Were you able to meet Ed and check in with the rest of the team?

Get [Outlook for iOS]

From: Michael Zummer [redacted]>
Sent: Wednesday, May 14, 2025 2:25:50 PM
To: Singh, Aakash (ODAG) <[redacted] Tristan Leavitt [redacted]>; Jason Foster [redacted]; Josh Flynn-Brown [redacted]
Cc: Wharton, Kendra (ODAG) <[redacted] Martin, Edward (PARDON) [redacted]>; Day, Vance (ODAG) [redacted]
Subject: [EXTERNAL] Re: Friday 2 pm Meeting Link

Everyone should have received an updated invitation for the meeting Friday, May 16th at 2 pm ET. If not, please see the invitation/link below. Please let me know if you have any questions or difficulties.

Mike Zummer invited you to a Microsoft Teams Meeting:

Empower Oversight w/ DOJ
Friday, May 16, 2025
2:00 PM - 2:30 PM (EST)
Meeting link: [redacted] (b) (6)

From: Singh, Aakash (ODAG) <[redacted] (b) (6)
Sent: Wednesday, May 14, 2025 11:04 AM
To: Michael Zummer [redacted] (b) (6) >; Tristan Leavitt [redacted] (b) (6); Jason Foster [redacted] (b) (6); Josh Flynn-Brown [redacted] (b) (6)
Cc: Wharton, Kendra (ODAG) <[redacted] (b) (6) Martin, Edward (PARDON) [redacted] (b) (6); Day, Vance (ODAG) <[redacted] (b) (6)
Subject: RE: Friday 2 pm Meeting Link

Thanks Mike, can you please also add the copied parties?

From: Michael Zummer [redacted] (b) (6)
Sent: Wednesday, May 14, 2025 11:15 AM
To: Tristan Leavitt [redacted] (b) (6) Jason Foster [redacted] (b) (6); Singh, Aakash (ODAG) <[redacted] (b) (6) Josh Flynn-Brown <[redacted] (b) (6)
Subject: [EXTERNAL] Friday 2 pm Meeting Link

You should have gotten meeting link for Friday at 2 pm, but, just in case, here it is again.

Thanks,

Mike

Mike Zummer invited you to a Microsoft Teams Meeting:

Empower Oversight w/ Aakash Singh
Friday, May 16, 2025
1:00 PM - 1:30 PM (CST)
Meeting link: [redacted] (b) (6)

From: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
To: "Yates, Marshall (OCA) (FBI)" [redacted] (b)(7)(E) per FBI >
Bcc: "Wise, Jared (ODAG)" <[redacted] (b) (6) "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
Subject: Request please
Date: Wed, 11 Jun 2025 17:28:49 -0400
Importance: Normal
Attachments: FBI_Letter_-_Sedition_Hunters.pdf

Dear Marshall,

Please see attached.

Thank you.

Ed

Ed Martin

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "Wise, Jared (ODAG)" <[redacted]
Subject: FW: [EXTERNAL EMAIL] -
Date: Wed, 11 Jun 2025 18:02:08 -0400
Importance: Normal
Attachments: Threat_Screening_Center_-_June_3_2025.pdf; DWWGltr.pdf.pdf; J6_EDR_Query.xlsx

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From: Steven McQueen <[redacted]
Sent: Wednesday, June 11, 2025 3:40 PM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: Cohen, Jodi (NSB) (FBI) [redacted]>; McCabe, Neil (PARDON) <[redacted] [redacted] (TSC) (FBI) [redacted]; [redacted] (TSC) (DET) (FBI) [redacted]; Holstead, Donald M. (CTD) (FBI) [redacted]; [redacted] (OGC) (FBI) [redacted]; Cambier, Afsoun A. (OGC) (FBI) [redacted] [redacted] (NSB) (FBI) [redacted]; [redacted] (TSC) (FBI) [redacted]>
Subject: FW: [EXTERNAL EMAIL] -

ADAG Martin,

Please see the attached document named "DWWGltr.pdf" which contains TSC's response to your information request related to the use of the Terrorism Screening Dataset in relation to individuals associated with the events at the United States Capitol on January 6, 2021. Also attached, is an excel spreadsheet containing the requested list of add/removal dates of each TSDS file. I will also send our response through our official routing channels in the Director Patel's ExecSec office. Please let me know if you have any additional questions we can answer.

Respectfully,

Steven L. McQueen
A/Assistant Director
FBI/Threat Screening Center
Desk: [redacted]

From: Martin, Edward Jr. (PARDON) <[redacted]
Sent: Tuesday, June 3, 2025 4:57 PM
To: McQueen, Steven L. (TSC) (FBI) [redacted]
Cc: Martin, Edward Jr. (PARDON) (JMD) <[redacted] McCabe, Neil (PARDON) (JMD) <[redacted]
Subject: [EXTERNAL EMAIL] -

Duplicative Material

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "McQueen, Steven L. (TSC) (FBI)" [redacted] >
Cc: "Cohen, Jodi (NSB) (FBI)" [redacted], "McCabe, Neil (PARDON)" <[redacted] (TSC) (FBI)" [redacted], [redacted] (TSC) (DET) (FBI)" [redacted] "Holstead, Donald M. (CTD) (FBI)" <[redacted], [redacted] (OGC) (FBI)" [redacted], "Cambier, Afsoun A. (OGC) (FBI)" [redacted] >, [redacted] (NSB) (FBI)" [redacted], [redacted] (TSC) (FBI)" [redacted]
Subject: RE: [EXTERNAL EMAIL] -
Date: Wed, 11 Jun 2025 18:05:59 -0400
Importance: Normal

Thank you.

Ed

From: Steven McQueen [redacted]
Sent: Wednesday, June 11, 2025 3:40 PM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: Cohen, Jodi (NSB) (FBI) [redacted]; McCabe, Neil (PARDON) <[redacted] (TSC) (FBI) [redacted] (TSC) (DET) (FBI) [redacted] >; Holstead, Donald M. (CTD) (FBI) [redacted] >; [redacted] (OGC) (FBI) <[redacted]; Cambier, Afsoun A. (OGC) (FBI) [redacted] >; [redacted] (NSB) (FBI) [redacted] (TSC) (FBI) [redacted]
Subject: FW: [EXTERNAL EMAIL] -

Duplicative Material

From: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
To: "McQueen, Steven L. (TSC) (FBI)" [redacted] (b)(7)(E) per FBI
Cc: "McCabe, Neil (PARDON)" <[redacted] (b) (6)
Subject: Follow up
Date: Fri, 13 Jun 2025 12:49:16 -0400
Importance: Normal
Attachments: TO_Hon._McQueen_Letter_-_June_13_2025.pdf

Sir,

Please see attached. I am cc'ing my colleague Neil McCabe to assist us with this.

Thank you.

All the best.

Ed

Ed Martin

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "Wise, Jared (ODAG)" [redacted]
Subject: Fw: TSC response to DOJ ADAG
Date: Fri, 20 Jun 2025 10:29:48 -0400
Importance: Normal
Attachments: DWWG2_06202025.pdf

Ed Martin

From: [redacted]
Sent: Friday, June 20, 2025 10:03:42 AM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: McQueen, Steven L. (TSC) (FBI) [redacted]; Cohen, Jodi (NSB) (FBI) [redacted]>; Holstead, Donald M. (CTD) (FBI) [redacted]>;[redacted] (TSC) (DET) (FBI) [redacted];[redacted] (OGC) (FBI) [redacted]; Cambier, Afsoun A. (OGC) (FBI) [redacted]; McCabe, Neil (PARDON) <[redacted]
Subject: TSC response to DOJ ADAG

Good morning, Sir,

On behalf of A/Director McQueen, I am submitting the TSC's response to your follow-up request dated June 13, 2025 for additional information regarding J6-related watchlisting. I will also coordinate with Neil McCabe for an in-person meeting for DOJ and TSC.

Please let the TSC know if you need anything else at this time.

Thank you,
[redacted]

[redacted]
Chief of Staff
Threat Screening Center
[redacted]

From: Martin, Edward Jr. (PARDON) <[redacted]
Sent: Friday, June 13, 2025 12:49 PM
To: McQueen, Steven L. (TSC) (FBI) [redacted]
Cc: McCabe, Neil (PARDON) (JMD) <[redacted]
Subject: [EXTERNAL EMAIL] - Follow up

Duplicative Material

From: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
To: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
Subject: FW: TSC response to DOJ ADAG
Date: Thu, 26 Jun 2025 09:27:58 -0400
Importance: Normal

From: Wise, Jared (ODAG) [redacted] (b) (6)
Sent: Monday, June 23, 2025 3:44 PM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6) McCabe, Neil (PARDON) <[redacted] (b) (6)>
Subject: FW: TSC response to DOJ ADAG

Ed,

Can we please request the following documents from Steven McQueen at the Threat Screening Center?

- 2023 “Watchlisting Guidance”
- Any version of the “Watchlisting Guidance” that was in effect from January 6, 2021 until the 2023 version was written

We need these prior to our in-person meeting at the TSC.

Thank you,

Jared Wise
Senior Advisor
Office of the Deputy Attorney General
United States Department of Justice

From: Wise, Jared (ODAG)
Sent: Friday, June 20, 2025 12:39 PM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Subject: RE: TSC response to DOJ ADAG

We also need to receive a copy of the “Watchlisting Guidance” that was in place on January 6, 2021 and until the point that the 2023 version was adopted.

Jared Wise
Senior Advisor
Office of the Deputy Attorney General
United States Department of Justice

From: Wise, Jared (ODAG)
Sent: Friday, June 20, 2025 12:33 PM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Subject: RE: TSC response to DOJ ADAG

Can we ask Steven McQueen for a copy of the "2023 Watchlisting Guidance" that he mentions in his response to your second letter? We need it before our meeting so we can read and prepare in advance.

Thank you,

Jared Wise
Senior Advisor
Office of the Deputy Attorney General
United States Department of Justice

From: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Sent: Friday, June 20, 2025 10:30 AM
To: Wise, Jared (ODAG) [redacted] (b) (6)
Subject: Fw: TSC response to DOJ ADAG

Ed Martin

From: [redacted] (b)(6), (b)(7)(C) per FBI [redacted] (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Friday, June 20, 2025 10:03:42 AM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Cc: McQueen, Steven L. (TSC) (FBI) [redacted] (b)(7)(E) per FBI >; Cohen, Jodi (NSB) (FBI) [redacted] (b)(7)(E) per FBI >; Holstead, Donald M. (CTD) (FBI) [redacted] (b)(7)(E) per FBI >; [redacted] (b)(6), (b)(7)(C) per FBI TSC) (DET) (FBI) [redacted] (b)(6), (b)(7)(C), (b)(7)(E) per FBI >; [redacted] (b)(6), (b)(7)(C) per FBI (OGC) (FBI) [redacted] (b)(6), (b)(7)(C), (b)(7)(E) per FBI Cambier, Afsoun A. (OGC) (FBI) [redacted] (b)(7)(E) per FBI >; McCabe, Neil (PARDON) <[redacted] (b) (6)
Subject: TSC response to DOJ ADAG

Duplicative Material

From: "Martin, Edward Jr. (PARDON)" < [redacted] (b) (6)
To: "Wise, Jared (ODAG)" [redacted] (b) (6)
Subject: Fw: Request
Date: Thu, 26 Jun 2025 14:42:22 -0400
Importance: Normal

Ed Martin

From: Martin, Edward Jr. (PARDON) < [redacted] (b) (6)
Sent: Thursday, June 26, 2025 2:37:50 PM
To: McQueen, Steven L. (TSC) (FBI) [redacted] (b)(7)(E) per FBI >
Cc: McCabe, Neil (PARDON) [redacted] (b) (6)
Subject: Re: Request

Perfect. Thx.

Ed Martin

From: Steven McQueen [redacted] (b)(7)(E) per FBI
Sent: Thursday, June 26, 2025 2:24:32 PM
To: Martin, Edward Jr. (PARDON) < [redacted] (b) (6)
Cc: McCabe, Neil (PARDON) [redacted] (b) (6)
Subject: RE: Request

We too are looking forward to meeting with you Ed, and your team. My EA, [redacted] (b)(6), (b)(7)(C) per FBI, is getting you both editions of the Watchlisting Guidance, 2023 and 2018, for your review. They are marked Law Enforcement Sensitive/SSI and can't be released to the public or disclosed to persons without a need to know. The SSI is controlled under 49 CFR parts 15 and 1520.

Respectfully,

Steve

From: Martin, Edward Jr. (PARDON) < [redacted] (b) (6)
Sent: Thursday, June 26, 2025 9:32 AM
To: McQueen, Steven L. (TSC) (FBI) [redacted] (b)(7)(E) per FBI
Cc: McCabe, Neil (PARDON) (JMD) [redacted] (b) (6)
Subject: [EXTERNAL EMAIL] - Request

Steve

Thanks for all the help so far. Looking forward to meeting in person.

Can we please request the following documents from your shop?

- 2023 "Watchlisting Guidance"

- Any version of the “Watchlisting Guidance” that was in effect from January 6, 2021 until the 2023 version was written

Thank you.

All the best.

Ed

From: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
To: "Wise, Jared (ODAG)" [redacted] (b) (6)
Subject: Fw: 2018 and 2023 editions of the Watchlisting Guidance
Date: Sat, 28 Jun 2025 17:09:48 -0400
Importance: Normal
Attachments: Watchlisting_Guidance_2023.pdf

Ed Martin

From: [redacted] (b)(6), (b)(7)(C) per FBI [redacted] (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Sent: Friday, June 27, 2025 3:42:50 PM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Cc: McQueen, Steven L. (TSC) (FBI) [redacted] (b)(7)(E) per FBI; McCabe, Neil (PARDON) <[redacted] (b) (6)
Subject: FW: 2018 and 2023 editions of the Watchlisting Guidance

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Good afternoon,

Per your request, attached please find the 2023 Watchlisting Guidance. The 2018 edition will be sent in a separate email. (My first attempt to send both in one email failed to transmit.) Please let us know if you need anything else.

Thank you,
[redacted] (b)(6), (b)(7)(C) per FBI

[redacted] (b)(6), (b)(7)(C) per FBI
Chief of Staff
Threat Screening Center
[redacted] (b)(7)(E) per

From: "McCabe, Neil (PARDON)" [redacted] >
To: "Huber, Kelley C. (PARDON)" [redacted] >, "Martin, Edward Jr. (PARDON)" < [redacted]
Subject: RE: [redacted]
Date: Mon, 30 Jun 2025 15:20:55 -0400
Importance: Normal

Thank you, Kelley!

From: Huber, Kelley C. (PARDON) [redacted] >
Sent: Monday, June 30, 2025 12:39 PM
To: Martin, Edward Jr. (PARDON) < [redacted]
Cc: McCabe, Neil (PARDON) [redacted]
Subject: FW: [redacted]

Good afternoon, Ed –
We just received the attached from our point of contact at OLA. It seems that this memo was originally sent to the FBI but pertains to the Working Group.

Thank you!
Kelley

From: [redacted] (OLA) [redacted] >
Sent: Monday, June 30, 2025 12:36 PM
To: Huber, Kelley C. (PARDON) [redacted]
Subject: FW: [redacted]

Hello Kelley,

I hope you had a nice weekend! I am reaching out to share a letter that got sent to FBI; not sure how you typically handle these types of informational letters, but figured we would pass your way to handle.

Thank you!
[redacted]

[redacted]
U.S. Department of Justice
Office of Legislative Affairs
[redacted]

From: [redacted] (OLA) [redacted]
Sent: Monday, June 30, 2025 12:27 PM
To: Primosch, Anna (OLA) [redacted] [redacted] (OLA) [redacted]
Cc: Boatright, Danny (OLA) [redacted] ; Lampard, Ronald (OLA) < [redacted] ; Schroeder, Ted (OLA) [redacted] Brown, David (OLA) [redacted] >; [redacted] (OLA) [redacted] >
Subject: FW: [redacted]

Anna and [redacted], please see the attached letter that came into FBI regarding [redacted] and the below email. Please forward to EOUSA and the Office of Pardon Attorney for their awareness and whatever actions they deem appropriate.

[redacted]

From: Christopher Dunham [redacted]
Sent: Thursday, June 26, 2025 4:26 PM
To: Boatright, Danny (OLA) [redacted]
Cc: Yates, Marshall (OCA) (FBI) [redacted]
Subject: [redacted]

Danny,

Putting this on your radar that Rep. Perry reached out to Marshall this week inquiring as to any action that can be taken to reduce the sentence of the above-named individual regarding his cooperation providing information related to a potential assassination plot against President Trump.

The attached information states that [redacted] was convicted of [redacted], but then subsequently provided info related to the assassination scheme. You may already be aware.

If you were not tracking, I am putting on your radar for whatever action the Department deems appropriate, especially as it relates to a status update to Rep. Scott Perry. Early-release for cooperation, etc. falls outside of the FBI's lane, so we will pass this one over to you for action.

Take care.

Chris

Christopher Dunham
Section Chief
FBI – Office of Congressional Affairs

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "Wise, Jared (ODAG)" <[redacted]>
Subject: FW: 2018 Watchlisting Guidance
Date: Mon, 30 Jun 2025 15:47:41 -0400
Importance: Normal
Attachments: Watchlisting_Guidance_2018.pdf

From: [redacted] [redacted]
Sent: Friday, June 27, 2025 3:42 PM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: McQueen, Steven L. (TSC) (FBI) [redacted]>; McCabe, Neil (PARDON) [redacted]
Subject: 2018 Watchlisting Guidance

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Good afternoon,

Per your request, attached please find the 2018 Watchlisting Guidance. The 2023 edition will be sent in a separate email. (My first attempt to send both in one email failed to transmit.) Please let us know if you need anything else.

Thank you,
[redacted]

[redacted]
Chief of Staff
Threat Screening Center
[redacted]

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "Perkins, Paul (ODAG)" <[redacted]
Cc: "McCabe, Neil (PARDON)" <[redacted]
Subject: Re: Hatchet Speed Pardon Issue
Date: Mon, 16 Jun 2025 06:46:43 -0400
Importance: Normal

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yes

Ed Martin

From: Perkins, Paul (ODAG) <[redacted]
Sent: Thursday, June 12, 2025 9:53:43 PM
To: Martin, Edward Jr. (PARDON) <[redacted]
Cc: McCabe, Neil (PARDON) <[redacted]
Subject: FW: Hatchet Speed Pardon Issue

Do you have time tomorrow to discuss?

From: Siebert, Erik S. (USAVAE) [redacted]
Sent: Wednesday, June 11, 2025 5:13 PM
To: Perkins, Paul (ODAG) <[redacted] Poplin, Cody (ODAG) [redacted]>; DeLorenz, Chris (ODAG) <[redacted]
Subject: FW: Hatchet Speed Pardon Issue

Paul, here you go. I kept off Aakash. I know it's a lot but can provide additional materials if necessary.

Hatchet Speed Pardon Issue:
Below is an over view of the conduct and posture at issue in the Speed case, drawn primarily from various court documents (have removed any citation and exhibit references). Additionally, Will Glaser shared the supplemental brief filed in the Fifth Circuit setting forth the government's new position on silencers. [redacted] (b)(5) per EOUSA . **The PDF attached is Speed's appellate filing from today arguing the appeal is moot due to pardon, which we anticipate will require us to respond soon(see above).**

- Speed came to the attention of the FBI following his participation in the incursion at the United States Capitol Building on January 6, 2021. In the ensuing investigation, law enforcement identified Speed as a naval reservist holding a top-secret security clearance. They further discovered that, in the four months following January 6, 2021, Speed spent over $50,000 on at least twelve firearms and various parts and ammunition because—as he explained to an undercover employee of the FBI ("UCE")—he felt the need to "panic buy[]" firearms during this time. Speed's comments to the UCE glorified convicted domestic terrorists and attempted to rationalize the use of violence to further his expressed anti-government and anti-Semitic beliefs.

- Specifically, as relates to the EDVA case, after learning that it could take up to a year for him to take possession of egally purchased and registered silencers, Speed placed an online order for devices marketed as solvent traps, which were intended to be used as silencers and were the same caliber as the legal silencers he had just purchased. Subsequently, Speed told an undercover agent that he had plans to conduct kidnappings and "wipe out" Jewish people in furtherance of his anti-Semitic ideology **(see word document of UC meeting excerpts describing antisemitism and criticism of President Trump).** Speed praised the approach of jihadists and suggested their approach would be an effective way to "wipe out the opposition," referring to the Jews. Speed acknowledged his solvent traps would be useful for this purpose. Ultimately, Speed proceeded to trial, where he was convicted of three counts of possession of unregistered silencers.

- Speed has asked for our position on a joint motion to dismiss the case against him, arguing that his EDVA case is covered by the Jan. 6 pardon. [redacted] (b)(5) per EOUSA [redacted] (b)(5) per EOUSA [redacted]

Background

- As briefly related to the events of January 6, 2021, Speed believed that fraud occurred during the 2020 presidential election and the election had been stolen. On January 6, 2021, the defendant participated in the mob at the U.S. Capitol that obstructed Congress's certification of the Electoral College vote, believing that it "'was the last opportunity to stop the steal,'" *id.* at 8. The defendant predicted ominous consequences arising from the certification of the election.

- A couple of weeks later, the defendant emphasized the need for political violence. On January 23, 2021, just a few days after the presidential inauguration, R.W. emailed the defendant and asked, "What are the PB's saying?" The term "PB's" was a reference to the Proud Boys—an organization that the defendant had been a member of since June 2020. The defendant responded to R.W., "About anything in particular, or just the coup in general?" The defendant stated that the Proud Boys were "lying low, letting all the conservatives who criticized the events of the 6th learn for themselves that surrendering to the communists will only mean more violence." The defendant further stated, "Conservatives need to overcome their aversion to direct action, but we can't take that journey for them. We'll see how much oppression they need to experience before they wake up."

- Against this backdrop, the defendant went on a firearm-buying spree from February 11, 2021, to May 26, 2021. During that period, the defendant purchased at least twelve firearms (rifles, shotguns, and handguns) and spent more than $40,000 at stores that sold firearms, firearm accessories, and ammunition. He later made comments to the UCE and a coworker that he was "panic buying" around that time.

- On February 15, 2021, during the time that he was panic buying, the defendant purchased four silencers from Silencer Shop, a company in Texas, for $4,109.00. Two of the silencers were for a 9mm caliber firearm, and two of the silencers were for a .45 caliber firearm. *See* Ex. F, at 24-25. The defendant paid for four NFA tax stamps and completed paperwork for the ATF Forms 4.3. The defendant then faced delay in getting the necessary approval for the transfer of the silencers. On March 11, 2021, the defendant received an email from Silencer Shop informing him that his "application was received by the ATF and the payment for [his] tax stamp(s) was cashed." *Id.* ¶ 21. The email stated that "[f]or many people, the best way to pass the time waiting for their approval is to just forget about it, but we realize that can be hard." The email provided the defendant with resources for tracking approval times for NFA transfers.

- Faced with the delay in obtaining the silencers, the defendant purchased three devices from Hawk Innovative Tech, a company in Georgia, on March 17, 2021. He spent a total of $887.49 to purchase the three devices and two adapters. Like the silencers that he was waiting for the approval to receive from Silencer Shop, one of the devices was for a 9mm caliber firearm and another was for a .45 caliber firearm. The third device was for a .223/5.56 caliber firearm. These devices were not registered to the defendant in the National Firearms Registration and Transfer Record (NFRTR). In sharp contrast to the silencers that he bought and sought to register from Silencer Shop (the transfer of which was still pending approval), the defendant received these unregistered devices from Hawk Innovative Tech on March 23, 2021, less than a week after purchasing them. *See* Ex. F, at 29. Hawk Innovative Tech marketed the devices as "particulate filters," "solvent traps," and "solvent filters," ostensibly to be used to capture and recycle solvent fluid when cleaning the barrel of a firearm. *See* PSR ¶ 31; Ex. G, at 59. But as proven at trial, the devices were actually designed to be silencers, not solvent traps. On or about April 14, 2021, less than a month after the defendant's purchase, the ATF seized Hawk Innovative Tech's website. The seizure notice on the website cautioned people that "[t]he possession of a silencer sold by Hawk Innovative Tech may be a violation of federal law" and that "[i]f you are in possession of a silencer sold by Hawk Innovative Tech, you should contact your nearest ATF office."

- In February 2022, a UCE met the defendant for the first time at a coffee shop in Vienna, Virginia, presenting as a like-minded individual. After that initial interaction, the defendant and the UCE got together again on multiple occasions. During two of these meetings, the defendant made comments demonstrating that he knew the Hawk Innovative Tech devices were designed as silencers and that he possessed them for that reason.

- At one point during an April 7 meeting, the defendant confirmed to the UCE that he maintained the solvent traps to potentially use in an act of violence in furtherance of his anti-Semitic ideology. The defendant discussed trying to figure out how to identify potential targets who were "in [his] neighborhood" and "reachable by someone like [him]," even suggesting that he was thinking of Anti-Defamation League people who were "pretty high up." The defendant then suggested using a "mock trial" in which he would "write down the arguments for and against . . . and come to a decision, then say, okay, now this person' . . . 'I can put this person on the list and I know I'm sure.'" At this point of the discussion, the UCE asked the defendant, "***You think at that point your . . . solvent traps would come in handy***?" The defendant asked, "My what?" *Id.* The UCE asked again, "your solvent traps would come in handy at that point?" The defendant responded, "***Yeah. Yeah, that's the idea.***" *Id.* (emphasis added).

- After that exchange, the defendant praised the approach of jihadists and suggested that their methods would be an effective way to "wipe out" the opposition, referring to Jewish people. The defendant explained that because two percent of the U.S. population is Jewish, if just "three percent" of the country took action against the Jewish population, "we can literally win just on the numbers." The defendant told the UCE that "as soon as we pull our trigger against the fucking person, you will succeed" and "have done more than your fair share." He advocated to "just take out one here, one there . . . [m]aybe every few months" and that "[i]t doesn't necessarily have to be a full-time thing," "but we're doing something that's going to have a big impact." In this conversation, the defendant continued by describing how kidnappings would be "harder" but "more effective" than simply killing people.

- Over the course of his meetings with the UCE in early 2022, the defendant made other comments demonstrating a proclivity to use violence in furtherance of his anti-government and anti-Semitic beliefs. Of notable concern, the defendant made comments that he was trying to learn from notorious convicted domestic terrorists Eric Rudolph and Ted Kaczynski (also known as the "Unabomber") by reading their manifestos. He stated that he was "trying to find more books like that," from which he took away "yeah, you're assassinating bad guys, that's cool, but if it's approved . . . you're always killing the small fry, you're never actually going after the people who actually," before trailing off. He stated that "as people who can see their country fall deeper and deeper into wherever we're going, we all know we have to do something[,] so it's useful to see what worked and what didn't work. So, it's useful to get into these people's heads and . . . try and come up with a better game plan than they had."

<u>Search of Residence</u>

- On June 22, 2022, law enforcement searched the defendant's residence and storage unit. In searching his storage unit, the agents seized the three Hawk Innovative Tech silencers, which were still in their original packaging and had not been modified. Also from the storage unit, the agents seized eight firearms, more than 18,000 rounds of ammunition, and numerous firearm accessories, including three silencers that the defendant purchased in June 2020 and various firearm sights, lights, and optics. From the defendant's residence, the agents seized another firearm and ammunition, and the four silencers that the defendant purchased from Silencer Shop in February 2021. The agents did not seize an additional three firearms from his residence and two from his storage unit because they determined the search warrant did not authorize them to seize those weapons.

<u>Charges / Disposition</u>

- In September 2022, Defendant Hatchet Speed was indicted on three counts of unlawful possession of an unregistered silencer, in violation of 26 U.S.C. §§ 5841, 5861, and 5871. Speed's first trial began on December 12, 2022, and resulted in a hung jury. His second trial began on January 17, 2023, and resulted in convictions on all counts.

- On April 13, 2023, Hatchet Speed was sentenced in the Eastern District of Virginia to a term of 36 months incarceration and a three-year term of supervised release, to be served concurrently, for three counts of violating 26. U.S.C. §§ 5841, 5861(d), and 5871 (possession of an unregistered firearm). He was committed to the custody of the BOP. On May 8, 2023, Speed was sentenced in the District of Columbia to 48 months imprisonment for felony and misdemeanor offenses related to January 6, to be served *consecutively* to his EDVA sentence. Following President Trump's pardon on January 21, 2025, for individuals convicted of January 6 offenses, (b)(5) per EOUSA [redacted]

- On appeal, Speed challenged his convictions on several grounds, asserting that there was insufficient evidence to support his convictions, the district court improperly excluded evidence of his mistake-of-law defense, the district court improperly instructed the jury on the definition of a firearm silencer, the definition of a firearm silencer is unconstitutionally vague, and the prohibition on possessing unregistered silencers violates the Second Amendment. His appeal has been fully briefed since we filed our response brief in January 2024. (Speed did not file a reply.) The Fourth Circuit tentatively calendared the appeal for oral argument during the May 2024 argument session, but then sua sponte placed the appeal in abeyance pending its decision in three Second Amendment appeals the Court heard en banc in March 2024. In November 2024, the Fourth Circuit sua sponte placed the appeal in abeyance pending the Supreme Court's decision in *VanDerStok*. The appeal remains in abeyance.

Happy to provide more or follow up if you need it.

Thanks,

Erik Siebert
US Attorney-EDVA
(b) (6) [redacted] (work)
cell)

From: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
To: "media@frb.gov" <media@frb.gov>, "Ombuds@frb.gov" <Ombuds@frb.gov>
Cc: "Martin, Edward Jr. (PARDON)" <[redacted] (b) (6)
Bcc: "McCabe, Neil (PARDON)" <[redacted] (b) (6)
Subject: Letter for Hon. Powell from Ed Martin
Date: Thu, 21 Aug 2025 10:31:57 -0400
Importance: Normal
Attachments: Hon._J._Powell_Letter_from_Ed_Martin_8-20-2025.docx.pdf

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Dear Sir or Madam,

Because there is no email address for the Chairman, I am sending this to you. Would you please forward to his staff?

And would you please acknowledge receipt?

Thank you.

Ed Martin
Special Attorney for Mortgage Fraud

From: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Sent: Thursday, August 21, 2025 10:24 AM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Subject:

media@frb.gov, Ombuds@frb.gov

Ed Martin

From: "Martin, Edward Jr. (PARDON)" <[redacted]
To: "McCabe, Neil (PARDON)" <[redacted]
Subject: Fw: Letter for Hon. Powell from Ed Martin
Date: Thu, 21 Aug 2025 12:07:22 -0400
Importance: Normal

Ed Martin

From: Michelle Smith [redacted]
Sent: Thursday, August 21, 2025 11:44:56 AM
To: Martin, Edward Jr. (PARDON) <[redacted]
Subject: [EXTERNAL] Letter for Hon. Powell from Ed Martin

NONCONFIDENTIAL // EXTERNAL

Dear Mr. Martin,
This email is to acknowledge receipt of your email and letter.
Thanks,
-Michelle

Michelle Smith
Chief of staff
Federal Reserve Board

From: Martin, Edward Jr. (PARDON) <[redacted]
Sent: Thursday, August 21, 2025 11:00 AM
To: Media <Media@frb.gov>; Ombuds <ombuds@frb.gov>
Cc: Martin, Edward Jr. (PARDON) <[redacted]
Subject: Letter for Hon. Powell from Ed Martin

NONCONFIDENTIAL // EXTERNAL

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And would you please acknowledge receipt?

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Ed Martin
Special Attorney for Mortgage Fraud

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Sent: Thursday, August 21, 2025 10:24 AM
To: Martin, Edward Jr. (PARDON) <[redacted] (b) (6)
Subject:

media@frb.gov, Ombuds@frb.gov