



U.S. Department of Justice
Office of Information Policy
441 G Street, NW
Sixth Floor
Washington, DC 20530

Telephone: (202) 514-3642

March 30, 2021

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005
FOIA@americanoversight.org

Re: DOJ-2019-005528
DOJ-2019-005994
19-cv-2813 (D.D.C.)
VRB:TAZ:JMS

Dear Austin Evers:

This is an interim response to your Freedom of Information Act (FOIA) requests, dated and received in this Office on June 24, 2019, and July 19, 2019, respectively, in which you requested records of communication between the Offices of the Attorney General (OAG), Deputy Attorney General (ODAG), and Legislative Affairs (OLA), and specified White House Counsel Staff pertaining to congressional oversight, dating from September 1, 2018.

As we previously advised, a search has been conducted on behalf of OAG, ODAG, and OLA. By letter dated September 21, 2020, we advised that we processed potentially responsive material, that the material initially found to be responsive was sent out on consultation, and that we would respond to you after the consultation process was complete. For your information, the consultation process to which we referred in the September 21, 2020 response is now complete. As a result, I have determined that 125 pages are appropriate for release with certain information withheld, some on behalf of the Office of Legal Counsel (OLC), the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS), pursuant to Exemptions 5 and 6 of the FOIA, 5 U.S.C. §552(b)(5) and (b)(6), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Please note that the enclosed pages also contain duplicative records, which have not been processed and are marked accordingly.

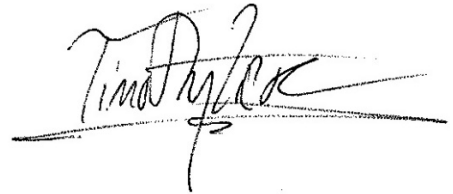
Additionally, we advised you by letters dated October 20, 2020, and November 20, 2020, and December 20, 2020, that we processed potentially responsive material, that material initially found to be responsive was sent out on consultation, and that we would respond to you after the consultation process was complete. For your information, the consultation process to which we referred in those responses is still ongoing. As a result, we will respond to you again once the consultation process is complete.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c)

(2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Alexander Sverdlov of the Department's Civil Division, Federal Programs Branch, at (202) 305-8550.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Ziese", with a horizontal line drawn underneath it.

Timothy Ziese
Senior Supervisory Attorney

Enclosures

Hankey, Mary Blanche (OLA)

Subject: Call re HOGH Hearing Request

Location: Dial: (b) (6) Access Code : (b) (6)

Start: Wednesday, February 6, 2019 12:30 PM

End: Wednesday, February 6, 2019 1:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Hankey, Mary Blanche (OLA)

Required Attendees: Colin.Roskey (Colin.Roskey@hhs.gov); Bassett, Matthew (HHS/ASL); Harrison, Ann Marie (HHS/ASL); Micone, Vincent; Phillips, James M; Wonnenberg, David; Prim F. Escalona (OLA) (pfescalona@jmd.usdoj.gov); Danielle E. Douglas (OLA) (daedouglas@jmd.usdoj.gov)

Optional Attendees: Dinh, Uyen; Freeland, Jeff K. EOP/WHO

For Audio Connection Dial: (b) (6)
Attendee Access Code : (b) (6)

Freeland, Jeff K. EOP/WHO

Subject: Accepted: Fwd: Call re HOGH Hearing Request
Location: Dial: (b) (6) Access Code : (b) (6)
Start: Wednesday, February 6, 2019 12:30 PM
End: Wednesday, February 6, 2019 1:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Freeland, Jeff K. EOP/WHO
Required Attendees: Hankey, Mary Blanche (OLA)

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Thursday, February 7, 2019 2:38 PM
To: Dinh, Uyen; Escalona, Prim F. (OLA); Ciccone, Christine; Colin.Roskey@hhs.gov; Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov)
Cc: Micone, Vincent
Subject: RE: HOCR briefing
Attachments: 4055036.Cummings.OLA.resp.10.17.2018.pdf; OLA to HOCR email.pdf

All,

For the master timeline:

- 6/25/18 DOJ email to HOCR staff explaining DOJ's role in the immigration process and stating that we are not likely to have any responsive materials (attached)
- 7/18/18 DOJ, along with DHS and HHS, hosted an in person, member level briefing with HOCR
- 10/17/18 DOJ Response to Cummings and others (attached)

Thanks!

From: Dinh, Uyen (b)(6) per DHS
Sent: Wednesday, February 6, 2019 1:27 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Ciccone, Christine (b)(6) per DHS; Colin.Roskey@hhs.gov; Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov) <Jeffrey.K.Freeland@who.eop.gov>
Cc: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Micone, Vincent (b)(6) per DHS
Subject: RE: HOCR briefing

Thanks, Prim. Here is what we (DHS) have tracked in terms of who received briefings from us re: family separation.

REQUESTOR	MEMBER/COMMITTEE	LEVEL	DATE
Rep. Dutch Ruppersberger (D-MD)	Minority	Member	Conversation w/ S1 wk of 9 Jul
Senate Judiciary (Cruz, Grassley, Feinstein, Durbin, Tillis)	Bipartisan	Member	28-Jun
Senate Judiciary	Bipartisan	Member	17-Jul
House Committee on Homeland Security	Bipartisan	Member	18-Jul
House Committee on the Judiciary	Bipartisan	Member	18-Jul
House Oversight & Govt Reform (HOCR)	Bipartisan	Member	18-Jul
House Committee on Energy and Commerce	Bipartisan	Member	24-Jul
Congressional Hispanic Caucus		Member	25 Jul (S1)
Senate Judiciary Hearing	Bipartisan	Member	31-Jul
Senate Homeland Security & Governmental Affairs (HSGAC)	Bipartisan	Staff	6-Aug

Cheers,
Uyen

From: Escalona, Prim F. (OLA) <Prim.F.Escalona@usdoj.gov>
Sent: Wednesday, February 6, 2019 1:07 PM
To: Ciccone, Christine (b)(6) per DHS; Dinh, Uyen (b)(6) per DHS; Colin.Roskey@hhs.gov
Cc: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Subject: HOCR briefing

We are putting together a timeline but I got this information and thought it might be helpful to pass along sooner rather than wait for the full timeline.

We briefed OGR on July 18. It was Joe Edlow (DOJ), Matt Alberce, Commander White, John Lafferty from USCIS (I believe), and someone from CBP in an OFO uniform.

Thanks,
Prim

Prim Escalona
(b) (6)



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cummings:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

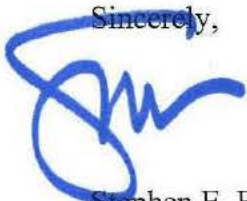
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The issue of family reunification is the subject of current, ongoing litigation. In deference to the courts charged with hearing and resolving pending litigation involving the United States, it is longstanding Department policy not to discuss matters in litigation outside of court, and it would not be appropriate to provide non-public information related to the litigation.

The Honorable Elijah E. Cummings
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

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Stephen E. Boyd
Assistant Attorney General

cc: The Honorable Trey Gowdy
Chairman



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Peter Welch
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Welch:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

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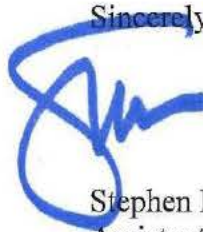
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The Honorable Peter Welch
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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Carolyn B. Maloney
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Maloney:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

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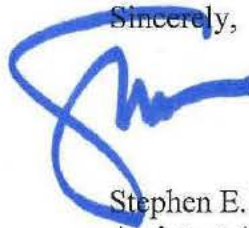
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The Honorable Carolyn B. Maloney
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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

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Washington, D.C. 20530

OCT 17 2018

The Honorable Gerald Connolly
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Connolly:

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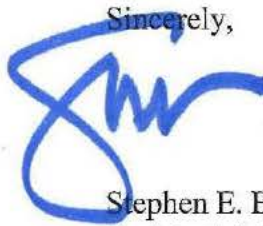
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The Honorable Gerald Connolly
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Sincerely,

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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Stephen Lynch
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Lynch:

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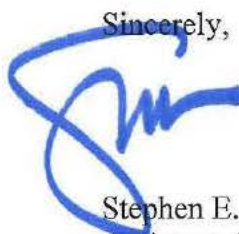
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The Honorable Stephen Lynch
Page Two

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Sincerely,

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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable John Sarbanes
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Sarbanes:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

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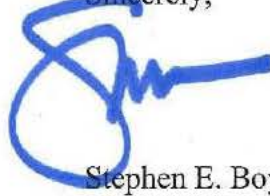
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The Honorable John Sarbanes
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Wm. Lacy Clay
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Clay:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

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The Honorable Wm. Lacy Clay
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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Jamie Raskin
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Raskin:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

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The Honorable Jamie Raskin
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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Mark DeSaulnier
U.S. House of Representatives
Washington, DC 20515

Dear Congressman DeSaulnier:

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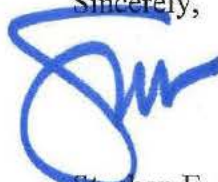
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The Honorable Mark DeSaulnier
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Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

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OCT 17 2018

The Honorable Jim Cooper
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cooper:

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U.S. Department of Justice

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OCT 17 2018

The Honorable Jimmy Gomez
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Gomez:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

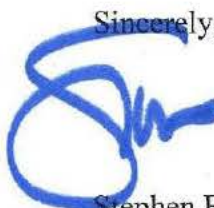
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The issue of family reunification is the subject of current, ongoing litigation. In deference to the courts charged with hearing and resolving pending litigation involving the United States, it is longstanding Department policy not to discuss matters in litigation outside of court, and it would not be appropriate to provide non-public information related to the litigation.

The Honorable Jimmy Gomez
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Boyd', with a large, stylized initial 'S'.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Matt Cartwright
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Cartwright:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

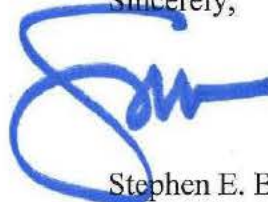
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The Honorable Matt Cartwright
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "SEB", is positioned above the printed name.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Raja Krishnamoorthi
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Krishnamoorthi:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

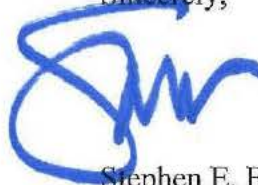
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The Honorable Raja Krishnamoorthi
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,



Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Stacey Plaskett
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Plaskett:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

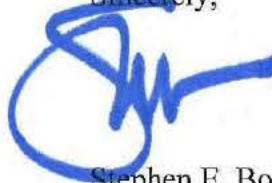
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The Honorable Stacey Plaskett
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'SEB', is written over the word 'Sincerely,'.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Bonnie Watson Coleman
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Watson Coleman:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

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The Honorable Bonnie Watson Coleman
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'SEB', is written over the word 'Sincerely,'.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Robin Kelly
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Kelly:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

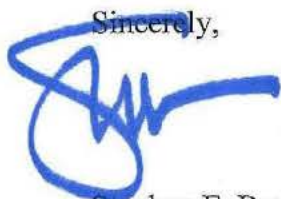
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The Honorable Robin Kelly
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "S. Boyd", with a large, stylized initial "S" and a horizontal line extending to the right.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Brenda Lawrence
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Lawrence:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

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The Honorable Brenda Lawrence
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'SEB', is written over the typed name.

Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 17 2018

The Honorable Eleanor Holmes Norton
U.S. House of Representatives
Washington, DC 20515

Dear Congresswoman Holmes Norton:

This responds to your letter to the Attorney General dated June 22, 2018, regarding prosecutions for illegal entry into the United States and instances of family separation upon those prosecutions. We are sending identical responses to the other Members who joined your letter.

The Department of Justice (Department) has a duty to promote and enforce the rule of law, and it is the policy of this Administration to rigorously enforce our immigration laws. On April 6, 2018, the Attorney General announced a zero tolerance policy for criminal illegal entry into the United States. The zero tolerance policy directs federal prosecutors along the southwest border to prosecute all Department of Homeland Security (DHS) referrals for improper entry offenses pursuant to 8 U.S.C. § 1325(a) to the extent practicable and in consultation with DHS. The prosecution of these offenses is wholly separate from any claim for protection that an alien may make. The zero tolerance policy remains in full effect at the Department, and the Department defers to DHS as to its policies on referrals for prosecution.

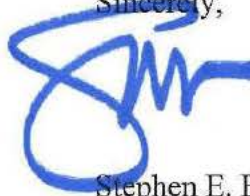
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The Honorable Eleanor Holmes Norton
Page Two

The Department recognizes the severity and sensitivity of this matter and deeply appreciates the concerns raised by Members of Congress. Please do not hesitate to contact this office if we may provide additional information on this or any other matter.

Sincerely,

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Stephen E. Boyd
Assistant Attorney General

Hankey, Mary Blanche (OLA)

From: Escalona, Prim F. (OLA)
Sent: Thursday, February 7, 2019 1:46 PM
To: Hankey, Mary Blanche (OLA)
Subject: FW: OGR Dems Letter on Family Separations

The email with the document info is several below (scroll down to the email from LP to Valerie).

From: Pickell, Lindsay A. (OLA) <lapickell@jmd.usdoj.gov>
Sent: Monday, July 2, 2018 3:39 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Subject: FW: OGR Dems Letter on Family Separations

Prim,

House Oversight followed back up about a briefing on zero tolerance.

From: Blacksberg, Aaron (b) (6)
Sent: Monday, July 2, 2018 3:11 PM
To: Pickell, Lindsay A. (OLA) <lapickell@jmd.usdoj.gov>
Cc: Shen, Valerie (b) (6)
Subject: RE: OGR Dems Letter on Family Separations

Lindsay,

We met with HHS today, and we would greatly appreciate a DOJ briefing soon on this. Please advise on what timing could work either Thursday or Friday of this week or sometime next week (preferably other than Tuesday).

Thanks,
Aaron

From: Blacksberg, Aaron
Sent: Tuesday, June 26, 2018 5:51 PM
To: Pickell, Lindsay A. (OLA) <Lindsay.A.Pickell@usdoj.gov>
Cc: Shen, Valerie (b) (6)
Subject: RE: OGR Dems Letter on Family Separations

Staff level at this point.

Thanks,
Aaron

From: Pickell, Lindsay A. (OLA) [mailto:Lindsay.A.Pickell@usdoj.gov]
Sent: Tuesday, June 26, 2018 5:48 PM
To: Blacksberg, Aaron (b) (6)
Cc: Shen, Valerie (b) (6)
Subject: RE: OGR Dems Letter on Family Separations

Hi Aaron,

We've been flooded with briefing requests and are trying to orchestrate briefings for everyone interested, but we're still working out the details. Are you requesting a staff level or Member level briefing?

Thanks,
Lindsay

From: Blacksberg, Aaron (b) (6)
Sent: Tuesday, June 26, 2018 4:16 PM
To: Pickell, Lindsay A. (OLA) <lapickell@jmd.usdoj.gov>
Cc: Shen, Valerie (b) (6)
Subject: RE: OGR Dems Letter on Family Separations

Lindsay,

Any updates on potential times for the briefing? We've confirmed a separate briefing with HHS for next Monday.

Best,
Aaron

From: Blacksberg, Aaron
Sent: Monday, June 25, 2018 2:30 PM
To: Pickell, Lindsay A. (OLA) <Lindsay.A.Pickell@usdoj.gov>
Cc: Shen, Valerie (b) (6)
Subject: RE: OGR Dems Letter on Family Separations

Lindsay,

Thanks for your response. We are following up with the other agencies as well and look forward to all relevant information that DOJ can provide in response to the letter's requests.

We also still request a staff briefing from DOJ about that information and DOJ's role in this matter as soon as that's feasible – whether part of a joint briefing with DHS and/or HHS, or separately.

Best,
Aaron

--
Aaron D. Blacksberg
Counsel and Policy Advisor
Office of Congressman Elijah E. Cummings
7th District, Maryland
Committee on Oversight & Government Reform | Democratic staff
2163 Rayburn HOB
Washington, DC 20515
P: (202) 225-(b) (6)
(b) (6)

From: Pickell, Lindsay A. (OLA) [<mailto:Lindsay.A.Pickell@usdoj.gov>]
Sent: Monday, June 25, 2018 2:23 PM
To: Shen, Valerie (b) (6)

Cc: Blacksberg, Aaron <(b) (6)>
Subject: RE: OGR Dems Letter on Family Separations

Hi Valerie,

We're still working on a formal response, but I think it would help if I clarified DOJ's role. DOJ prosecutes immigration offenses such as 8 USC 1325 after DHS makes a referral. DOJ also adjudicates civil immigration offenses. DOJ is not involved in the separation or reunification of children and parents.

Generally the questions in your letter are better directed to DHS. DHS works with HHS on issues of child separations, including numbers 1-5, 7-8, 10-11. For question 6, when DOJ is prosecuting someone under the zero tolerance policy, our case management system does not track family separations. Likewise for question 9, EOIR does not track in its system whether someone claiming asylum has been separated from a child.

Best,
Lindsay

From: Shen, Valerie <(b) (6)>
Sent: Monday, June 25, 2018 12:04 PM
To: Pickell, Lindsay A. (OLA) <lapickell@jmd.usdoj.gov>
Cc: Blacksberg, Aaron <(b) (6)>
Subject: RE: OGR Dems Letter on Family Separations

Hi Lindsay,

I'm cc-ing my colleague Aaron Blacksberg as well. Can you please let us know what the available dates and times are for the requested briefing?

Best,
Valerie

From: Pickell, Lindsay A. (OLA) [<mailto:Lindsay.A.Pickell@usdoj.gov>]
Sent: Saturday, June 23, 2018 9:12 PM
To: Shen, Valerie <(b) (6)>
Subject: Re: OGR Dems Letter on Family Separations

Hi Valerie - I'll be the POC for this letter.

Best,
Lindsay

From: "Shen, Valerie" <(b) (6)>
Date: June 23, 2018 at 10:04:12 EDT
To: "Lasseter, David F. (OLA)" <David.F.Lasseter@usdoj.gov>
Cc: "Blacksberg, Aaron" <(b) (6)>
Subject: Re: OGR Dems Letter on Family Separations

Thanks David, can you let us know who that POC is?

Sent from my iPhone

On Jun 22, 2018, at 1:50 PM, Lasseter, David F. (OLA) <David.F.Lasseter@usdoj.gov> wrote:

Received Valerie. I will get this to the right POC.

From: Shen, Valerie <(b) (6)>
Sent: Friday, June 22, 2018 1:17 PM
To: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Blacksberg, Aaron <(b) (6)>
Subject: OGR Dems Letter on Family Separations

Hi David,

Not sure if you're handling this issue but I wanted to pass along this letter that went out today to DOJ, DHS, and HHS. And let you know that Aaron Blacksberg and I will be the primary POCs, and be in touch regarding the requests and to schedule the briefing. Have a great weekend.

Thanks,

Valerie Shen

Committee on Oversight and Government Reform
Chief National Security Counsel | Democratic Staff
(202) 226-(b) (6)
(b) (6)

From: Freeland, Jeff K. EOP/WHO
Sent: Thursday, February 7, 2019 6:29 PM
To: Dinh, Uyen
Cc: Escalona, Prim F. (OLA); Colin.Roskey@hhs.gov; Ciccone, Christine; Kovacic, Raymond; LADOWICZ, JOHN P; (b)(6) per DHS; Chang, Hayley; Brosnan, Kyle; (b)(6) per DHS; Micone, Vincent; Harrison, Ann Marie (HHS/ASL); Vitek, Traci (HHS/ASL); (b)(6) per DHS
Subject: Re: HOCR -Feb. 12 Hearing Threat

Thanks for this readout. Let me circle in with our folks and likely do a call tomorrow morning.

Sent from my iPhone

On Feb 7, 2019, at 5:44 PM, Dinh, Uyen (b)(6) per DHS > wrote:

ALCON:

I just spoke with Russ Anello, Chief Counsel for Chairman Cummings. He claims Chairman is not seeking documents, but facts/figures "data" for the 11 questions he raised in the July 2018 letter (attached.) He claims the Chairman is "upset" that the Administration has not responded to his inquiry for 7 months. Russ acknowledge we briefed the committee but claims the briefing(s) were not responsive to the 11 questions. (Russ was not at the briefings nor on staff last year, but someone, he is defiant that none of these questions were answered.)

By tomorrow (early afternoon)---Russ hopes to have DHS (and other depts.) give the committee a plan/time-table of when we can give them the responses/answers they are seeking PLUS a timetable as to when we will produce such answers. And if we (DHS) do not have the data, we are supposed to point them to the right dept or agency for that data. He seems to think we can produce this data within a week; and if we cannot, to explain why it would take longer and what is "date certain" that such data will be produced.

In a nutshell, he claims that if we (DHS) are "committed" to being responsive & give them a timeline of the data production, they will not force our Assistant Secretaries to appear before them next Tuesday, Feb. 12, 2019.

Cheers,
Uyen

<Meadows 7.05.18.pdf>

From: mhankey@jmd.usdoj.gov
Sent: Friday, February 8, 2019 2:45 PM
To: Ciccone, Christine
Cc: Chang, Hayley; Dinh, Uyen; Freeland, Jeff K. EOP/WHO; Bobb, Christina; Micone, Vincent; Brosnan, Kyle; Escalona, Prim F. (OLA); Matthew.Bassett@hhs.gov; Colin.Roskey@hhs.gov; traci.vitek@hhs.gov; annmarie.harrison@hhs.gov
Subject: Re: Proposed Cummings response -NEED DOJ FEEDBACK

All,

Thanks so much for reaching out to us. We plan to address both of the issues below in our 3 pm call with the Committee, so we feel it would make more sense for us to follow up after the call. We agree that it would be helpful to be united so would it be possible to keep us copied on the email to the Committee? We will reply all with our follow up so you all are tracking our progress. We don't want to hold you all up. Thanks!

On Feb 8, 2019, at 2:11 PM, Ciccone, Christine (b)(6) per DHS > wrote:

Update –

HHS is running internal clearance to join in the DHS approach. DHS is happy to modify our email accordingly. Need to hear from DOJ whether you want to be included also or not. If we do not hear back in the next 30 minutes, will assume that is a no.

Proposed modified language below and would be send from Uyen with HHS included on the email.

Many thanks,
Christine

(b)(5) per DHS



(b)(5) per DHS

From: Ciccone, Christine (b)(6) per DHS
Sent: Friday, February 8, 2019 12:38 PM
To: Chang, Hayley (b)(6) per DHS >; Dinh, Uyen <(b)(6) per DHS >;
Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Cc: Bobb, Christina (b)(6) per DHS >; Micone, Vincent
(b)(6) per DHS >; Brosnan, Kyle <(b)(6) per DHS >;
mary.blanche.hankey2 (mary.blanche.hankey2@usdoj.gov)
<mary.blanche.hankey2@usdoj.gov>; Escalona, Prim F. (OLA) (Prim.F.Escalona@usdoj.gov)
<Prim.F.Escalona@usdoj.gov>; Matthew.Bassett@hhs.gov; Colin.Roskey@hhs.gov;
traci.vitek@hhs.gov; annmarie.harrison@hhs.gov
Subject: Proposed Cummings response

Hi all,

Below is the draft email that I recommend that Uyen send back to the HCOR committee staff no later than 2:00 today on behalf of DHS.

Right now it proposes a meeting with DHS OGC and OLA with the staff next week to work through remaining issues.

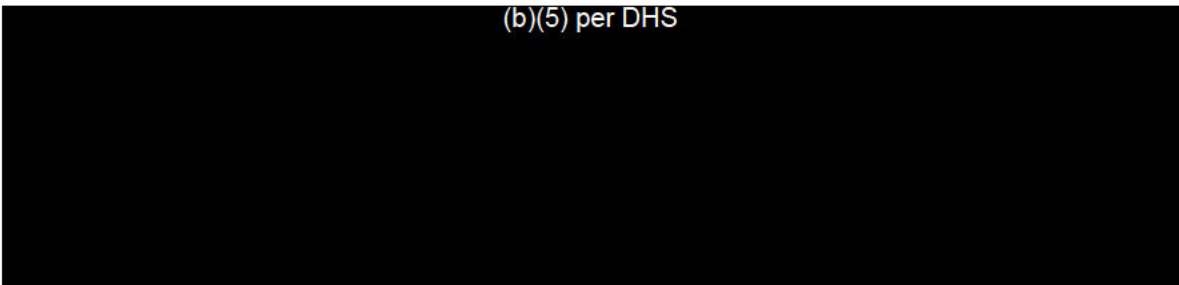
If DOJ or HHS would like us to include them in such a meeting, we are more than happy to do so and can note it on this email. Please advise.

Would also be interested in knowing how HHS and DOJ plan to respond to the committee and if you have had any conversations. DHS conversation was forwarded last night to the group.

Thanks,
Christine

(b)(5) per DHS

(b)(5) per DHS



From: Freeland, Jeff K. EOP/WHO
Sent: Monday, February 11, 2019 11:21 AM
To: Hankey, Mary Blanche (OLA); Bobb, Christina; (b)(6) per DHS Micone, Vincent; Brosnan, Kyle; Vitek, Traci (HHS/ASL); Harrison, Ann Marie (HHS/ASL); Dinh, Uyen; Chang, Hayley; Ciccone, Christine
Subject: RE: Follow up on July 5 Request

Works for me

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Monday, February 11, 2019 10:54 AM
To: Bobb, Christina (b)(6) per DHS; (b)(6) per DHS; Micone, Vincent (b)(6) per DHS; Brosnan, Kyle (b)(6) per DHS; Vitek, Traci (HHS/ASL) <Traci.Vitek@hhs.gov>; Harrison, Ann Marie (HHS/ASL) <Annmarie.Harrison@hhs.gov>; Dinh, Uyen (b)(6) per DHS; Chang, Hayley (b)(6) per DHS; Ciccone, Christine (b)(6) per DHS; Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Subject: RE: Follow up on July 5 Request

Today at 1 pm works for me.

From: Bobb, Christina (b)(6) per DHS
Sent: Monday, February 11, 2019 10:45 AM
To: (b)(6) per DHS; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Micone, Vincent (b)(6) per DHS; Brosnan, Kyle (b)(6) per DHS; Vitek, Traci (HHS/ASL) <Traci.Vitek@hhs.gov>; Harrison, Ann Marie (HHS/ASL) <Annmarie.Harrison@hhs.gov>; Dinh, Uyen (b)(6) per DHS; Chang, Hayley (b)(6) per DHS; Ciccone, Christine (b)(6) per DHS; Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov) <Jeffrey.K.Freeland@who.eop.gov>
Subject: RE: Follow up on July 5 Request

Today at 1:00 is better for me, but I can have my deputy cover the call if needed.

Christina Bobb
DHS Executive Secretary
M: (b)(6) per DHS
P: (b)(6) per DHS

From: (b)(6) per DHS
Sent: Monday, February 11, 2019 10:35 AM
To: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; Bobb, Christina (b)(6) per DHS; Micone, Vincent (b)(6) per DHS; Brosnan, Kyle (b)(6) per DHS; Vitek, Traci (HHS/ASL) <Traci.Vitek@hhs.gov>; Harrison, Ann Marie (HHS/ASL) <Annmarie.Harrison@hhs.gov>; Dinh, Uyen (b)(6) per DHS; Chang, Hayley (b)(6) per DHS; Ciccone, Christine (b)(6) per DHS; Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov) <Jeffrey.K.Freeland@who.eop.gov>
Subject: RE: Follow up on July 5 Request

Good Morning,

Looking at the calendars, the DHS team appears to be generally available this afternoon at 1:00 PM or tomorrow morning at 10:00 AM. Would either of those times work for others?

Thanks,

(b)(6) per DHS

(b)(6) per DHS

Oversight Counsel

U.S. Department of Homeland Security

Desk (b)(6) per DHS

Mobile (b)(6) per DHS

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>

Sent: Friday, February 8, 2019 6:23 PM

To: (b)(6) per DHS >; Bobb, Christina (b)(6) per DHS >; Micone, Vincent (b)(6) per DHS >; Brosnan, Kyle (b)(6) per DHS >; Vitek, Traci (HHS/ASL) <Traci.Vitek@hhs.gov>; Harrison, Ann Marie (HHS/ASL) <Annmarie.Harrison@hhs.gov>; Dinh, Uyen (b)(6) per DHS >; Chang, Hayley (b)(6) per DHS >; Ciccone, Christine (b)(6) per DHS >; Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov) <Jeffrey.K.Freeland@who.eop.gov>

Subject: FW: Follow up on July 5 Request

All—DOJ's message to HOCR is below. Perhaps the group should touch base on Monday afternoon or Tuesday morning?

From: Hankey, Mary Blanche (OLA)

Sent: Friday, February 8, 2019 5:38 PM

To: Susanne.grooms (b)(6) >; Anello, Russell (b)(6) >; Koren, Michael (b)(6) >; Castor, Stephen (b)(6) >

Cc: Prim F. Escalona (OLA) (pfescalona@jmd.usdoj.gov) <pfescalona@jmd.usdoj.gov>

Subject: Follow up on July 5 Request

Good Afternoon All,

Thanks for your time this afternoon. We appreciated the opportunity to further discuss DOJ's role in the immigration process. As you are aware, DOJ prosecutes immigration offenses such as 8 USC 1325 after DHS makes a referral. DOJ also adjudicates civil immigration proceedings. DOJ is typically not involved apprehension, arrest, detention, separation or reunification of children and parents, or deportation.

As we mentioned today, we believe we may have received client information that could be responsive to Numbers 1, 2, 4, 7, 8, 10. If the Department does have responsive information, it would have obtained those records from its client agencies in the course of litigation, and as such, the Department would need to consult with the originating agency before releasing those documents. Finally, any such information that the Department may have is limited to a particular class of plaintiffs. We do want to note that this litigation is currently on-going and subject to a protective order.

With regard to requests Numbers 6 and 9, the Department tracks individuals and does not have information on these requests.

provided a list of adult individuals whom the Committee believes has been separated from their children, then the Department should be able to cross reference its records to determine the requested information.

The Department is unaware of any responsive records to Numbers 3, 5, and 11 at this time. We will continue a review of our records and will update the Committee if new, responsive information is discovered.

We are currently reviewing the protective order, and as agreed to today, will provide you with an update on at 10:30 on Tuesday morning if you are available. Our review of the protective order will inform our next steps with regard to our ability to produce documents. Thank you for the opportunity to talk through these issues with you and we hope that our conversation and commitment to ongoing cooperation will alleviate the need for a hearing on Tuesday.

We look forward to working with you. Please feel free to reach out to us with any questions or concerns. Have a nice weekend!

Best,

Mary Blanche

Mary Blanche Hankey
Chief of Staff and Counselor
Office of Legislative Affairs
Office: 202-305-0149
Cell: (b) (6)

Mary Blanche Hankey
Chief of Staff and Counselor
Office of Legislative Affairs
Office: 202-305-0149
Cell: (b) (6)

Freeland, Jeff K. EOP/WHO

From: Freeland, Jeff K. EOP/WHO
Sent: Tuesday, February 26, 2019 10:23 AM
To: Ciccone, Christine
Cc: Colin.Roskey@hhs.gov; Dinh, Uyen; Hankey, Mary Blanche (OLA)
Subject: Re: COR

Amash and Chip Roy - both Republicans - voted yes for the subpoena request. All Dems votes yes. It passed.

Sent from my iPhone

> On Feb 26, 2019, at 10:01 AM, Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov> wrote:

>

> They just accepted the letter DHS sent last night into the record for the hearing. Rank and file members speaking now.

>

> Sent from my iPhone

>

>> On Feb 26, 2019, at 9:55 AM, Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov> wrote:

>>

>> Yeah it doesn't look like Cummings is going to yield on the subpoenas. Some back and forth but this thing seems pretty sewn up. They haven't moved to a vote yet.

>>

>> Sent from my iPhone

>>

>>> On Feb 26, 2019, at 9:53 AM, Ciccone, Christine (b)(6) per DHS > wrote:

>>>

>>> Still going (b)(5) per DHS ?

>>>

>>> -----Original Message-----

>>> From: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>

>>> Sent: Tuesday, February 26, 2019 9:43 AM

>>> To: Colin.Roskey@hhs.gov; Ciccone, Christine (b)(6) per DHS >; Dinh, Uyen (b)(6) per DHS ; Mary Blanche Hankey <Mary.Blanche.Hankey2@usdoj.gov>

>>> Subject: COR

>>>

>>> I'm over at the COR business meeting. Cummings did his opening statement. Jordan just

inquired about getting Cohen's opening statement.

>>>

>>> I'll come over to Judiciary shortly.

>>>

>>> Sent from my iPhone

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Monday, March 4, 2019 11:30 AM
To: Sue Bai (Sue.J.Bai@who.eop.gov)
Subject: HJC Letter
Attachments: DOJLetter.pdf; DepartmentofJusticeA.pdf; Sched B Instructions.pdf; Sched C Definitions.pdf; 05-11-09_Eric Holder_Communications with the White House and Congress Memorandum.pdf

Hi Sue,

The Department received the attached letter this morning. I wanted to flag that some of requests are governed by the White House contacts policy (also attached) which calls for direct communication between the DAG and the White House Counsel. Please give me a call if you'd like to discuss, but I likely will not be the lead on this response.

Mary Blanche Hankey
Chief of Staff and Counselor
Office of Legislative Affairs
Office: 202-305-0149
Cell: (b) (6)

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Sixteenth Congress

March 4, 2019

The Honorable William Barr, Esq.
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Barr,

The House Judiciary Committee is investigating a number of actions that threaten our nation's longstanding commitment to the rule of law, including allegations of obstruction of justice, public corruption, and other abuses of power. As part of that work, I write to request that you provide the documents set forth in the attached Document Requests no later than March 18, 2019.

This is a critical time for our nation. President Trump and his administration face wide-ranging allegations of misconduct that strike at the heart of our constitutional order. Congress has a constitutional duty to serve as a check and balance against any such excesses. We have an obligation to investigate evidence of abuses of executive power, public corruption, and acts of obstruction designed to undermine both our laws and the credibility of the agencies that enforce those laws. We are also responsible for passing laws to address, and prevent the recurrence, of any such misconduct.

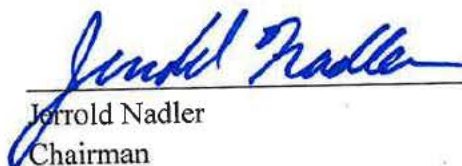
Under the Rules of the House of Representatives, the Committee's jurisdiction includes the judiciary and judicial proceedings, civil liberties, criminal law enforcement, and questions of constitutional law. The Committee is the main oversight authority for the Department of Justice, including its component agencies, its personnel, and its law enforcement activities. The Committee has also played a historic role as the primary forum for hearings on the abuse of executive power.

Given this charge, over the course of our investigation, the Committee is determined to ask critical questions, gather all of the relevant information, judiciously assess the evidence, and present our findings to the American people, whatever those findings may be.

To that end, I respectfully ask that you produce the documents set forth in the Document Requests. As you will see, I have limited the initial production to materials that have already been produced in other proceedings to reduce the burden on you and so that they may be provided to us by March 18. My staff will work with you on a mutually agreeable schedule for the production of the remainder of the documents in Schedule A.

Thank you for your prompt attention to these requests.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary

cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary

DOCUMENT REQUESTS

Please produce the documents set forth in Schedule A, provided, however, that in order to facilitate production of documents on an expedited basis, you may limit your production at this time to documents you furnished at any time after November 8, 2016 to: (a) the Special Counsel's Office established by Department of Justice Order No. 3915-2017 (May 17, 2017); (b) the United States Attorney's Office for the Southern District of New York ("SDNY"); (c) any other federal or state regulatory and/or law enforcement agency; (d) any congressional committee; or (e) in civil or other litigation. This includes but is not limited to documents that were voluntarily provided, produced under compulsion, or seized. Instructions for producing documents appear in Schedule B, and definitions appear in Schedule C.

SCHEDULE A

- 1) All documents relating to the following:
 - a) Communications between Donald McGahn and President Donald Trump on or about January 26-27, 2017, relating to Michael Flynn's statements to the FBI about his contacts with Sergey Kislyak.
 - b) The resignation or termination of Michael Flynn, including but not limited to the discussion of Sean Spicer's February 14, 2017 public statements about Flynn's resignation.
 - c) Communications involving one or more of the following individuals relating to Michael Flynn and/or efforts to deny the existence of any investigation or evidence of contacts between the Trump Campaign and Russian Federation: yourself, James Comey, Andrew McCabe, Mike Rogers, and Dan Coats.
 - d) President Trump's contacts with James Comey on or about January 27, 2017, February 14, 2017, March 30, 2017, and April 11, 2017.
 - e) Communications involving one or more of the following individuals on or about May 8-9, 2017 relating to the possible termination of James Comey: President Trump, Vice President Pence, Reince Priebus, Stephen Bannon, Don McGahn, Jared Kushner, Stephen Miller, Jeff Sessions, and/or Rod Rosenstein. Such communications include, but are not limited to, all draft termination letters and related documents and all documents relating to the May 9, 2017 Rosenstein memorandum to Sessions entitled "Restoring Public Confidence in the FBI."
 - f) The May 9, 2017 termination of James Comey, including but not limited to the reasons for the termination.
 - g) Meetings or discussions in or around May 2017 involving the FBI and/or the DOJ relating to the termination of James Comey, including but not limited to those involving

Rosenstein and Andrew McCabe at which any of the following were discussed: obstruction of justice, surreptitious recording of the President, or the 25th Amendment.

- h) Communications by President Trump or anyone acting on his behalf relating to Jeff Sessions's recusal from any investigation related to the 2016 Presidential campaign. This includes, but is not limited to: (i) any attempts to block Sessions from recusing himself in or around March 2017; (ii) any attempts to cause Sessions to reverse his recusal decision; (iii) any criticism of Sessions's March 2, 2017 recusal decision; and (iv) any attempts to limit, hide, or prevent a written ethics opinion related to Sessions's recusal decision.
- i) The actual or possible resignation or termination of:
 - i) Jeff Sessions, including but not limited to any discussion involving President Trump regarding Sessions's possible resignation or firing on or about May 17, 2017, July 2017, and November 2018;
 - ii) Rod Rosenstein, including but not limited to any discussion involving President Trump regarding Rosenstein's possible resignation or firing throughout 2018;
 - iii) Robert Mueller, including but not limited to any discussion involving President Trump regarding Mueller's firing on or around June 2017, or any conversation in which President Trump stated, in words or substance, that he wanted the Mueller investigation shut down, restrained, or otherwise limited in or around December 2017.
- i) The June 9, 2016 Trump Tower meeting attended by Donald Trump Jr., Paul Manafort, Kushner, Natalia Veselnitskaya, Rob Goldstone, and Rinat Akhmetshin (the "Trump Tower meeting"), including but not limited to all documents relating to the July 8, 2017 statement released in the name of Donald Trump Jr.
- j) Discussions or efforts to discipline, reassign, terminate, encourage or force to resign, demote, or otherwise affect the job status of any of the following: Andrew McCabe, Jim Rybicki, Bill Priestap, Jim Baker, Peter Strzok, Lisa Page, and/or Bruce Ohr.
- k) Possible pardons for Paul Manafort, Michael Flynn, or Michael Cohen.
- l) Communications between Matthew Whitaker and President Trump or between Whitaker and any other White House personnel regarding any of the following: (a) the SDNY Investigations; (b) the recusal of U.S. Attorney Geoffrey Berman from the SDNY Investigations; (c) the reassignment or potential reassignment of SDNY personnel from the SDNY Investigations; or (d) Special Counsel Mueller's investigation.
- m) Michel Cohen's statements to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence relating to the timing of the Trump Organization's efforts to develop a property in Moscow. This includes but is not limited to drafts of such statements and communications about such drafts or final statements.

- 2) All documents relating to any payment, or discussions regarding any actual or potential payment, to any person or entity by Michael Cohen, Essential Consultants LLC, or American Media Inc. (“AMI”) for the benefit of Donald Trump or the Trump Campaign. This includes, but is not limited to, any documents relating to the reimbursement of Cohen, Essential Consultants LLC, or AMI for any such payments, and any documents relating to the omission or inclusion of information about liabilities associated with such payments on Donald Trump’s Public Financial Disclosure Reports (OGE Form 278e) filed in 2017 and 2018.
- 3) All documents relating to the following:
 - a) Any foreign government discussing, offering, or providing, or being solicited to discuss, offer, or provide, any present or emolument of any kind whatever on or after November 8, 2016 to (a) Donald Trump or his Business Interests; (b) Trump Organization; (c) Jared Kushner or his Business Interests; (d) Ivanka Trump or her Business Interests; or (e) the 58th Presidential Inaugural Committee.
 - b) Any U.S. federal, state, or local domestic government discussing, offering, or providing, or being solicited to discuss, offer, or provide, any emolument on or after November 8, 2016 to (a) Donald Trump or his Business Interests; (b) Trump Organization; (c) Jared Kushner or his Business Interests; (d) Ivanka Trump or her Business Interests; or (e) the 58th Presidential Inaugural Committee.
 - c) Any loan, financing transaction, or capital investment by the Russian Federation, any Russian national, any Russian business, or any other Russian entity to the Trump Organization, Donald Trump, Ivanka Trump, Jared Kushner, or any of their Business Interests. This request shall include the period from January 1, 2015 to the present and shall exclude documents relating to the purchase of individual condominium, cooperative, or apartment units.
 - d) Trump Tower Moscow (also known as the “Moscow Project”) or any other proposed or possible real estate development in the Russian Federation by Donald Trump or the Trump Organization from January 1, 2015 to the present.
 - e) The June 9, 2016 Trump Tower meeting, including but not limited to contacts or communications about the meeting involving one or more of the following individuals: Donald Trump Jr., Natalia Veselnitskaya, Donald Trump, Paul Manafort, Jared Kushner, Emin Agalarov, Aras Agalarov, Rob Goldstone, and/or Rinat Akhmetshin.
 - f) The “Republican Platform 2016” provisions relating to Russia and Ukraine, including, but not limited to, the exclusion of language related to providing lethal defensive weapons to Ukraine and the inclusion of language about providing “appropriate assistance” to the armed forces of Ukraine.

- g) Discussions or attempts to provide or receive election information, campaign data, or campaign communications with, to, or from foreign entities or individuals in connection with the 2016 U.S. Presidential primary or general elections. This includes, but is not limited to, voter data, polling information, political ad targeting, voter registration rolls, social media data, and campaign or party e-mails.
- h) Discussions of United States imposed sanctions or potential sanctions against the Russian Federation from June 16, 2015 to January 20, 2017 (including but not limited to the sanctions imposed pursuant to the Magnitsky Act) involving one or more of the following individuals: Donald Trump, the Trump Campaign, the Trump Organization, Paul Manafort, Rick Gates, Michael Cohen, Michael Flynn, Jeff Sessions, Jared Kushner, Thomas Bossert, Roger Stone, Jerome Corsi, George Papadopoulos, Carter Page, Konstantin Kilimnik, K.T. McFarland, and/or Erik Prince.
- i) Any contacts, direct or indirect, from January 1, 2015 to January 20, 2017 between or involving the Russian Federation and its officials, agents, intermediaries, and/or instrumentalities and any of the following: Donald Trump, the Trump Campaign, the Trump Organization, Paul Manafort, Rick Gates, Michael Cohen, Michael Flynn, Jeff Sessions, Jared Kushner, Thomas Bossert, Roger Stone, Jerome Corsi, George Papadopoulos, Carter Page, Konstantin Kilimnik, K.T. McFarland, and/or Erik Prince.
- j) Any contacts, direct or indirect, from January 1, 2016 to the present between or involving Wikileaks and its officials, agents, intermediaries, and/or instrumentalities.
- k) Any contacts, direct or indirect, from January 1, 2016 to the present between Paul Manafort and/or Rick Gates and any of the following individuals: Konstantin Kilimnik, Serhiy Lyovochkin, and/or Rinat Akhmetov.
- l) Any contacts, direct or indirect, from January 1, 2016 to the present between Michael Cohen and any of the following: Viktor Vekselberg, Andrew Intrater, or Columbus Nova or its officials, agents, intermediaries, and/or instrumentalities.
- m) The contents of meetings between President Trump and Vladimir Putin on July 7, 2017, November 11, 2017, July 16, 2018, and November 30, 2018.

SCHEDULE B

Instructions for Responding to Judiciary Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. All documents should be produced with Bates numbers affixed. The Bates numbers must be unique, sequential, fixed-length numbers and must begin with a prefix referencing the name of the producing party (e.g., ABCD-000001). This format must remain consistent across all productions. The number of digits in the numeric portion of the format should not change in subsequent productions, nor should spaces, hyphens, or other separators be added or deleted.
5. A cover letter should be included with each production including the following information:
 - a. List of each piece of media (hard drive, thumb drive, DVD or CD) included in the production by the unique number assigned to it, and readily apparent on the physical media.
 - b. List of fields in the order in which they are listed in the metadata load file.
 - c. Time zone in which emails were standardized during conversion (email collections only).
6. Produce documents as created or stored electronically in their original electronic format, and not printed to paper or PDF.
7. Data may be produced on CD, DVD, memory stick, USB thumb drive, hard drive, or via secure file transfer, using the media requiring the least number of deliverables. Label all media with the following:
 - a. Production date

- b. Bates range
 - c. Disk number (1 of X), as applicable
8. Documents produced in electronic format should be organized, identified, and indexed electronically.
9. Electronic document productions should be prepared according to the following standards:
- a. The production should consist of single page Tagged Image Files (“TIF”), or PDF file names.
 - b. Document numbers in the load file should match document Bates number and TIF or PDF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, REQNUM, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTFILEPATH, NATIVELINK, EXCEPTION

NOTE: Notwithstanding instructions #4 - #9, for the initial production due on March 18, 2019, we will accept any form of Bates numbering or of electronic production that you have used in the relevant prior productions noted in the introductory paragraph of the Document Request.

10. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee’s letter to which the documents respond.
11. The fact that any other person or entity also possesses non-identical or identical copies of the same document shall not be a basis to withhold any information.
12. Pursuant to 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In complying with this request, please be advised that the U.S. House of Representatives and the Committee on the Judiciary do not recognize any of the purported non-disclosure privileges associated with the common law. These include, but are not limited to, the attorney-client privilege and attorney work product protections; any purported governmental privileges such as privileges over law-enforcement sensitive disclosures or disclosures related to deliberative processes; or any purported contractual privileges, such as non-disclosure agreements.
16. In the event that a document is withheld in full or in part on the basis of an asserted privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; (f) the basis for the privilege(s) asserted; and (g) any other persons to whom the document has previously been disclosed.
17. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
18. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive based upon the correct date or other descriptive detail.
19. This request is continuing in nature and applies to any newly-discovered information and any newly obtained materials. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. Production sets shall be delivered to the Majority Staff in Room 2138 of the Rayburn House Office Building and the Minority Staff in Room 2142 of the Rayburn House Office Building.
21. In the event that any responsive documents or other materials contain classified, confidential, or law-enforcement sensitive information, please immediately contact Committee staff to discuss how to proceed.
22. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your

possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

SCHEDULE C

Definitions

As used in these document requests, the following terms shall be interpreted in accordance with these definitions:

1. “58th Presidential Inaugural Committee” means the entity registered under FEC ID # C00629584 as well as its parent companies, subsidiary companies, affiliated entities, agents, officials, and instrumentalities.
2. “And,” and “or,” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
3. “Any” includes “all,” and “all” includes “any.”
4. “Business Interests” as to a person shall include any entity disclosed on Schedules 2, 3 or 6 of that person’s Public Financial Disclosure Reports (OGE Form 278e) filed in 2016 (if any), 2017, and 2018.
5. “Communication(s)” shall mean the transmittal of information by any means, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email, text message, instant message, MMS or SMS message, encrypted message, message application, social media, or otherwise.
6. The terms “Company” and “Companies” shall mean the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
7. “Describe” shall include a request for a complete description and explanation of the facts, circumstances, analysis, opinion, and other information relating to (as that phrase is defined below) the subject matter of a request for identification of any documents used to formulate that description and explanation.
8. “Document” is defined to be synonymous in meaning and equal in scope to the usage of the term “documents or electronically stored information” in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of this term.
9. “Each” shall be construed to include “every,” and “every” shall be construed to include “each.”

10. “Emolument” for purposes of these document requests shall mean any profit, gain, or advantage that is received directly or indirectly, from any foreign government, or any state or local government, or from any instrumentality thereof, including payments arising from commercial transactions at fair market value. For purposes of these document requests, emoluments having a monetary value of \$20 or less may be omitted.
11. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
12. “Government” shall include any government’s present and former agencies, branches, units, divisions, subdivisions, districts, public corporations, employees, elected and appointed officials, ambassadors, diplomats, emissaries, authorities, agents, assignees, and instrumentalities. This includes, but is not limited to, any government-controlled business entities, entities in which the government has a financial interest, and any person acting or purporting to act on the government’s behalf.
13. The term “including” shall be construed broadly to mean “including, but not limited to.”
14. The term “individual” means all natural persons and all persons or entities acting on their behalf.
15. The term “person” or “persons” means natural persons, firms, partnerships, associations, corporations, subsidiaries, division, departments, joint ventures proprietorships, syndicates, or other legal business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units, thereof.
16. “Present,” for purposes of these document requests, anything having a *de minimis* monetary value of \$20 or less may be omitted.
17. “Relating to” shall mean discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting, evidencing, constituting, comprising, showing, setting forth, considering, recommending, concerning, or pertinent to that subject in any manner whatsoever.
18. “The Russian Federation” shall include the Government of the Russian Federation, as the term “Government” is defined above.
19. “SDNY Investigations” shall include any investigation or prosecution conducted by the U.S. Attorney’s Office for the Southern District of New York relating to: (i) Michael Cohen; (ii) the Trump Organization; (iii) the Trump Campaign; and (iv) the 58th Presidential Inaugural Committee.

20. “Trump Campaign” for purposes of these document requests shall include Donald J. Trump for President, Inc., as well as its parent companies, subsidiary companies, affiliated entities, agents, officials, and instrumentalities.
21. The “Trump Organization” for purposes of these document requests shall include the Trump Organization, Inc., The Trump Organization LLC, and their parent companies, subsidiary companies, affiliated entities, agents, officials, and instrumentalities.
22. The “Trump Transition” for purposes of these document requests shall include Trump for America, Inc., as well as its parent companies, subsidiary companies, affiliated entities, agents, officials, and instrumentalities.



Office of the Attorney General
Washington, D. C. 20530

May 11, 2009

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS
ALL UNITED STATES ATTORNEYS

FROM:  THE ATTORNEY GENERAL

SUBJECT: Communications with the White House and Congress

The rule of law depends upon the evenhanded administration of justice. The legal judgments of the Department of Justice must be impartial and insulated from political influence. It is imperative that the Department's investigatory and prosecutorial powers be exercised free from partisan consideration. It is a fundamental duty of every employee of the Department to ensure that these principles are upheld in all of the Department's legal endeavors.

In order to promote the rule of law, therefore, this memorandum sets out guidelines to govern all communications between representatives of the Department, on the one hand, and representatives of the White House and Congress, on the other, and procedures intended to implement those guidelines. (The "White House," for the purposes of this Memorandum, means all components within the Executive Office of the President.) These guidelines have been developed in consultation with, and have the full support of, the Counsel to the President.

1. Pending or Contemplated Criminal or Civil Investigations and Cases

The Assistant Attorneys General, the United States Attorneys, and the heads of the investigative agencies in the Department have the primary responsibility to initiate and supervise investigations and cases. These officials, like their superiors and their subordinates, must be insulated from influences that should not affect decisions in particular criminal or civil cases. As the Supreme Court said long ago with respect to United States Attorneys, so it is true of all those who exercise the Department's investigatory and prosecutorial powers: they are representatives "not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done;" *Berger v. United States*, 295 U.S. 78, 88 (1935).

a. In order to ensure the President's ability to perform his constitutional obligation to "take care that the laws be faithfully executed," the Justice Department will advise the White House concerning pending or contemplated criminal or civil investigations or cases when—but only when—it is important for the performance of the President's duties and appropriate from a law enforcement perspective.

b. Initial communications between the Department and the White House concerning pending or contemplated criminal investigations or cases will involve only the Attorney General or the Deputy Attorney General, from the side of the Department, and the Counsel to the President, the Principal Deputy Counsel to the President, the President or the Vice President, from the side of the White House. If the communications concern a pending or contemplated civil investigation or case, the Associate Attorney General may also be involved. If continuing contact between the Department and the White House on a particular matter is required, the officials who participated in the initial communication may designate subordinates from each side to carry on such contact. The designating officials must monitor subsequent contacts, and the designated subordinates must keep their superiors regularly informed of any such contacts. Communications about Justice Department personnel in reference to their handling of specific criminal or civil investigations or cases are expressly included within the requirements of this paragraph. This policy does not, however, prevent officials in the communications, public affairs, or press offices of the White House and the Department of Justice from communicating with each other to coordinate efforts.

c. In order to ensure that Congress may carry out its legitimate investigatory and oversight functions, the Department will respond as appropriate to inquiries from Congressional Committees consistent with policies, laws, regulations, or professional ethical obligations that may require confidentiality and consistent with the need to avoid publicity that may undermine a particular investigation or litigation. Outside the context of Congressional hearings or investigations, all inquiries from individual Senators and Members of Congress or their staffs concerning particular contemplated or pending criminal investigations or cases should be directed to the Attorney General or the Deputy Attorney General. In the case of particular civil investigations or cases, inquiries may also be directed to the Associate Attorney General.

d. These procedures are not intended to interfere with the normal communications between the Department and its client departments and agencies (including agencies within the Executive Office of the President when they are the Department's clients) and any meetings or communications necessary to the proper conduct of an investigation or litigation.

2. National Security Matters

It is critically important to have frequent and expeditious communications relating to national security matters, including counter-terrorism and counter-espionage issues. Therefore communications from (or to) the Deputy Counsel to the President for National Security Affairs, the staff of the National Security Council and the staff of the Homeland Security Council that relate to a national security matter are not subject to the limitations set out above. However, this exception for national security matters does not extend to pending adversary cases in litigation that may have national security implications. Communications related to such cases are subject to the guidelines for pending cases described above.

Memorandum for Head of Department Components
All United States Attorneys
Subject: Communications with the White House and Congress

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3. White House Requests for Legal Advice

All requests from the White House for formal legal opinions shall come from the President, the Counsel to the President, or one of the Deputy Counsels to the President, and shall be directed to the Attorney General and the Assistant Attorney General for the Office of Legal Counsel. The Assistant Attorney General for the Office of Legal Counsel shall report to the Attorney General and the Deputy Attorney General any communications that, in his or her view, constitute improper attempts to influence the Office of Legal Counsel's legal judgment.

4. Communications Involving the Solicitor General's Office.

Matters in which the Solicitor General's Office is involved often raise questions about which contact with the Office of the Counsel to the President is appropriate. Accordingly, the Attorney General and Deputy Attorney General may establish distinctive arrangements with the Office of the Counsel to govern such contacts.

5. Presidential Pardon Matters

The Office of the Pardon Attorney may communicate directly with the Counsel to the President and the Deputy Counsels to the President, concerning pardon matters. The Counsel to the President and the Deputy Counsels to the President may designate subordinates to carry on contact with the Office of the Pardon Attorney after the initial contact is made.

6. Personnel Decisions Concerning Positions in the Civil Service

All personnel decisions regarding career positions in the Department must be made without regard to the applicant's or occupant's partisan affiliation. Thus, while the Department regularly receives communications from the White House and from Senators, Members of Congress, and their staffs concerning political appointments, such communications regarding positions in the career service are not proper when they concern a job applicant's or a job holder's partisan affiliation. Efforts to influence personnel decisions concerning career positions on partisan grounds should be reported to the Deputy Attorney General.

7. Other Communications Not Relating to Pending Investigations or Criminal or Civil Cases

All communications between the Department and the White House or Congress that are limited to policy, legislation, budgeting, political appointments, public affairs, intergovernmental relations, or administrative matters that do not relate to a particular contemplated or pending investigation or case may be handled directly by the parties concerned. Such communications should take place with the knowledge of the Department's lead contact regarding the subject

Memorandum for Head of Department Components

Page 4

All United States Attorneys

Subject: Communications with the White House and Congress

under discussion. In the case of communications with Congress, the Office of the Deputy Attorney General and Office of the Assistant Attorney General for Legislative Affairs should be kept informed of all communications concerning legislation and the Office of the Associate Attorney General should be kept informed about important policy communications in its areas of responsibility.

As Attorney General Benjamin Civiletti noted in issuing a similar memorandum during the Carter Administration, these guidelines and procedures are not intended to wall off the Department from legitimate communication. We welcome criticism and advice. What these procedures are intended to do is route communications to the proper officials so they can be adequately reviewed and considered, free from either the reality or the appearance of improper influence.

Decisions to initiate investigations and enforcement actions are frequently discretionary. That discretion must be exercised to the extent humanly possible without regard to partisanship or the social, political, or interest group position of either the individuals involved in the particular cases or those who may seek to intervene against them or on their behalf.

This memorandum supersedes the memorandum issued by Attorney General Mukasey on December 19, 2007, titled *Communications with the White House*.

mhankey@jmd.usdoj.gov

From: mhankey@jmd.usdoj.gov
Sent: Thursday, March 7, 2019 10:54 PM
To: Bai, Sue J. EOP/WHO
Subject: Re: Call

Sure. I will call you then!

On Mar 7, 2019, at 10:47 PM, Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov> wrote:

How about 9:45 am?

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PRODUCT*

On Mar 7, 2019, at 10:28 PM, Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov> wrote:

She was with John Gore in today's interview with HOCR. I am your best contact for the subpoena. Does 9:30 tomorrow work for you?

On Mar 7, 2019, at 10:24 PM, Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov> wrote:

We missed each other but I can try again tomorrow. Should I speak with her regarding a response to the subpoena?

On Mar 7, 2019, at 10:21 PM, Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov> wrote:

Sue-were you able to speak with my colleague Kira Antell this evening?

On Mar 7, 2019, at 7:46 PM, Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov> wrote:

Hi Mary Blanche,

Thank you for your understanding this morning. Could we please connect tomorrow if you're available? If not, could you please connect me with someone else on your team?

Thank you,

DOJ-19-0781, 19-0900-A-000072

0072

Sue

CONFIDENTIAL // DELIBERATIVE // PREDECISIONAL

Sue J. Bai

Associate Counsel to the President

EEOB No. 118

sue.j.bai@who.eop.gov

O: (b) (6) | C: (b) (6)

44 U.S.C. § 2204(a)(5) notice: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. Pursuant to 44 U.S.C. § 2205 (2), availability of this record is subject to any rights, defenses, or privileges which the United States or any agency or person may invoke. This language should be treated as a reservation of control over this record, any copies, and any reproductions as part of derivative communications. No agency record may be created based upon this record which remains a segregable presidential record.

From: Hankey, Mary Blanche (OLA)

[<Mary.Blanche.Hankey2@usdoj.gov>](mailto:Mary.Blanche.Hankey2@usdoj.gov)

Sent: Wednesday, March 6, 2019 9:47 PM

To: Bai, Sue J. EOP/WHO

[<Sue.J.Bai@who.eop.gov>](mailto:Sue.J.Bai@who.eop.gov)

Subject: Re: Call

Sue-Apologies for the difficult schedule. I just tried you. I hope we can connect tomorrow.

On Mar 6, 2019, at 7:45 PM, Bai, Sue J. EOP/WHO [<Sue.J.Bai@who.eop.gov>](mailto:Sue.J.Bai@who.eop.gov) wrote:

Hi Mary Blanche,

If tonight doesn't work, is there any time that works for you tomorrow? I'll try to move things around on my end or connect you with someone from our team that can discuss a time-sensitive

issue.

Thank you,
Sue

On Mar 6, 2019, at 8:31 PM,
Hankey, Mary Blanche (OLA)
<Mary.Blanche.Hankey2@usdoj.gov> wrote:

Hi Sue-
Unfortunately
those slots don't
work for me. Do
you have any
availability on
Friday?

On Mar 6, 2019, at
7:07 PM, Bai, Sue
J. EOP/WHO
<Sue.J.Bai@who.eop.gov> wrote:

Hi
Mary
Blanche,

Are
you
available
for a
phone
call
tomorrow
at
9:30
am
or
after
4:30
pm?

Thank
you,
Sue

Sue

DOJ-19-0781, 19-0900-A-000074

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Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Wednesday, March 13, 2019 5:17 PM
To: mmp2dcp (mmp2dcp@who.eop.gov)
Cc: Boyd, Stephen E. (OLA)
Subject: HOGH document request

Hi Mike,

I am following up on Stephen's voicemail to you. We are responding to a HOGH document request concerning the addition of the citizenship question to the census. We are preparing our next tranche of documents and will produce as soon as they are cleared. Our goal is to produce on Friday afternoon if at all possible. Although potentially difficult to obtain publicly, we believe that these documents are not confidential. I can fill you in more if you would like.

Would you like these delivered? If so, who is the point of contact?

Thanks,

Mary Blanche

Mary Blanche Hankey
Chief of Staff and Counselor
Office of Legislative Affairs
Office: 202-305-0149
Cell: (b) (6)

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
To: Chang, Hayley; Jenny, Brenna (HHS/OGC); Brosnan, Kyle
Cc: Colborn, Paul P (OLC); Bai, Sue J. EOP/WHO
Subject: RE: Subpoena initial production follow-up

I may have missed the dial-in, but I can send on if needed.

From: Chang, Hayley (b)(6) per DHS
Sent: Wednesday, March 13, 2019 8:22 PM
To: Jenny, Brenna (HHS/OGC) <brenna.jenny@hhs.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Brosnan, Kyle (b)(6) per DHS
Cc: Colborn, Paul P (OLC) (b)(6); Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: Re: Subpoena initial production follow-up

Works for me, thanks! I'll circulate a dial-in.

Get [Outlook for iOS](#)

From: Jenny, Brenna (HHS/OGC) <brenna.jenny@hhs.gov>
Sent: Wednesday, March 13, 2019 7:31 PM
To: Hankey, Mary Blanche (OLA); Brosnan, Kyle; Chang, Hayley
Cc: Colborn, Paul P (OLC); Bai, Sue J. EOP/WHO
Subject: RE: Subpoena initial production follow-up

Works for me.

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Wednesday, March 13, 2019 6:19 PM
To: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Brosnan, Kyle (b)(6) per DHS; Chang, Hayley (b)(6) per DHS
Cc: Colborn, Paul P (OLC) (b)(6); Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

How about 4:30 pm?

From: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>
Sent: Wednesday, March 13, 2019 5:30 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Brosnan, Kyle (b)(6) per DHS; Chang, Hayley (b)(6) per DHS
Cc: Colborn, Paul P (OLC) (b)(6); Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

Sorry – I can rearrange just about everything post 3 tomorrow, except for my 3:30-4.

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Wednesday, March 13, 2019 5:03 PM

DOJ-19-0781, 19-0900-A-000080

0080

To: Brosnan, Kyle <(b)(6) per DHS>; Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Chang, Hayley <(b)(6) per DHS>
Cc: Colborn, Paul P (OLC) <(b)(6)>; Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

Does 3:30 work?

From: Brosnan, Kyle <(b)(6) per DHS>
Sent: Wednesday, March 13, 2019 4:54 PM
To: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Hankey, Mary Blanche (OLA) <mhankey@imd.usdoj.gov>; Chang, Hayley <(b)(6) per DHS>
Cc: Colborn, Paul P (OLC) <(b)(6)>; Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

5:30 tonight doesn't work for DHS. Can we try for tomorrow afternoon? We have flexibility after 2:30 tomorrow, so whatever time works for you all in that window will likely work for us.

From: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>
Sent: Wednesday, March 13, 2019 4:47 PM
To: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; Chang, Hayley <(b)(6) per DHS>
Cc: Brosnan, Kyle <(b)(6) per DHS>; Colborn, Paul P (OLC) <(b)(6)>; Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

That works for me.

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Wednesday, March 13, 2019 3:51 PM
To: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Chang, Hayley <(b)(6) per DHS>
Cc: Brosnan, Kyle <(b)(6) per DHS>; Colborn, Paul P (OLC) <(b)(6)>; Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

How about 5:30 pm tonight?

From: Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>
Sent: Wednesday, March 13, 2019 2:41 PM
To: Hankey, Mary Blanche (OLA) <mhankey@imd.usdoj.gov>; Chang, Hayley <(b)(6) per DHS>
Cc: Brosnan, Kyle <(b)(6) per DHS>; Colborn, Paul P (OLC) <(b)(6)>; Bai, Sue J. EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

We received the same email. Tomorrow morning is unfortunately not great for me, (b)(6) and then am rushing to DDC to watch an oral argument in one of our larger ongoing cases. I have more flexibility in the afternoon tomorrow, or I could speak this afternoon.

Brenna

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Wednesday, March 13, 2019 2:18 PM
To: Chang, Hayley <(b)(6) per DHS>; Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>

DOJ-19-0781, 19-0900-A-000081

Cc: Brosnan, Kyle (b)(6) per DHS; Colborn, Paul P (OLC) (b) (6); Bai, Sue J.
EOP/WHO <sue.j.bai@who.eop.gov>
Subject: RE: Subpoena initial production follow-up

Thanks Hayley for reaching out. We received the same message from HOCR. Can we do 9:30 am?

From: Chang, Hayley (b)(6) per DHS
Sent: Wednesday, March 13, 2019 1:42 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>
Cc: Brosnan, Kyle (b)(6) per DHS; Colborn, Paul P (OLC) (b) (6); Bai, Sue J.
EOP/WHO <sue.j.bai@who.eop.gov>
Subject: Fwd: Subpoena initial production follow-up

Mary and Brenna, FYI below. Are you available first thing tomorrow morning to discuss?

Thanks.
Hayley

From: (b)(6) per DHS
Sent: Wednesday, March 13, 2019 1:11 PM
Subject: FW: Subpoena initial production follow-up

FYSA

From: Blacksberg, Aaron (b) (6)
Sent: Wednesday, March 13, 2019 1:10 PM
To: Dinh, Uyen (b)(6) per DHS; (b)(6) per DHS
Cc: Anello, Russell (b) (6); Smithwick, Kyle (b) (6)
Koren, Michael (b) (6)
Subject: Subpoena initial production follow-up

Uyen and (b)(6) per DHS

We received and reviewed the documents DHS produced to the Committee yesterday. From this review, it appears that the Department has provided partial responses to information categories 1, 4 and 7 in the subpoena, and has not yet provided responsive information to the other eight categories. In addition, the data provided appears to cover only the Ms. L class, and the subpoenas request all responsive information on all children separated under the zero-tolerance policy.

Please advise on when the Committee will receive further productions and what other responsive information DHS has to produce to the Committee to comply with the subpoena.

We also have two clarifying questions at this point:

- Please define the “initial book-in” date field on the documents produced.
- Please explain what significance, if any, there is to the ordering of individuals used on the documents.

Thanks,

Aaron

--

Aaron D. Blacksberg

Counsel

Committee on Oversight and Reform

Democratic Staff | Chairman Elijah E. Cummings

(202) 225-5051

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Sunday, March 24, 2019 3:32 PM
To: etf3sc@who.eop.gov
Subject: March 24 2019 Supplemental Notification Letter
Attachments: AG March 24 2019 Letter to House and Senate Judiciary Committees.pdf

Emmet – Please see the attached courtesy copy.

Brian C. Rabbitt
Chief of Staff
Office of the Attorney General
U.S. Department of Justice
T: (202) 514-3893
M: (b) (6)
Brian.Rabbitt@usdoj.gov



The Attorney General
Washington, D.C.

March 24, 2019

The Honorable Lindsey Graham
Chairman, Committee on the Judiciary
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
United States House of Representatives
2132 Rayburn House Office Building
Washington, D.C. 20515

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

The Honorable Doug Collins
Ranking Member, Committee on the Judiciary
United States House of Representatives
1504 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Graham, Chairman Nadler, Ranking Member Feinstein, and Ranking Member Collins:

As a supplement to the notification provided on Friday, March 22, 2019, I am writing today to advise you of the principal conclusions reached by Special Counsel Robert S. Mueller III and to inform you about the status of my initial review of the report he has prepared.

The Special Counsel's Report

On Friday, the Special Counsel submitted to me a "confidential report explaining the prosecution or declination decisions" he has reached, as required by 28 C.F.R. § 600.8(c). This report is entitled "Report on the Investigation into Russian Interference in the 2016 Presidential Election." Although my review is ongoing, I believe that it is in the public interest to describe the report and to summarize the principal conclusions reached by the Special Counsel and the results of his investigation.

The report explains that the Special Counsel and his staff thoroughly investigated allegations that members of the presidential campaign of Donald J. Trump, and others associated with it, conspired with the Russian government in its efforts to interfere in the 2016 U.S. presidential election, or sought to obstruct the related federal investigations. In the report, the Special Counsel noted that, in completing his investigation, he employed 19 lawyers who were assisted by a team of approximately 40 FBI agents, intelligence analysts, forensic accountants, and other professional staff. The Special Counsel issued more than 2,800 subpoenas, executed nearly 500 search warrants, obtained more than 230 orders for communication records, issued almost 50 orders authorizing use of pen registers, made 13 requests to foreign governments for evidence, and interviewed approximately 500 witnesses.

The Special Counsel obtained a number of indictments and convictions of individuals and entities in connection with his investigation, all of which have been publicly disclosed. During the course of his investigation, the Special Counsel also referred several matters to other offices for further action. The report does not recommend any further indictments, nor did the Special Counsel obtain any sealed indictments that have yet to be made public. Below, I summarize the principal conclusions set out in the Special Counsel's report.

Russian Interference in the 2016 U.S. Presidential Election. The Special Counsel's report is divided into two parts. The first describes the results of the Special Counsel's investigation into Russia's interference in the 2016 U.S. presidential election. The report outlines the Russian effort to influence the election and documents crimes committed by persons associated with the Russian government in connection with those efforts. The report further explains that a primary consideration for the Special Counsel's investigation was whether any Americans – including individuals associated with the Trump campaign – joined the Russian conspiracies to influence the election, which would be a federal crime. The Special Counsel's investigation did not find that the Trump campaign or anyone associated with it conspired or coordinated with Russia in its efforts to influence the 2016 U.S. presidential election. As the report states: “[T]he investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government in its election interference activities.”¹

The Special Counsel's investigation determined that there were two main Russian efforts to influence the 2016 election. The first involved attempts by a Russian organization, the Internet Research Agency (IRA), to conduct disinformation and social media operations in the United States designed to sow social discord, eventually with the aim of interfering with the election. As noted above, the Special Counsel did not find that any U.S. person or Trump campaign official or associate conspired or knowingly coordinated with the IRA in its efforts, although the Special Counsel brought criminal charges against a number of Russian nationals and entities in connection with these activities.

The second element involved the Russian government's efforts to conduct computer hacking operations designed to gather and disseminate information to influence the election. The Special Counsel found that Russian government actors successfully hacked into computers and obtained emails from persons affiliated with the Clinton campaign and Democratic Party organizations, and publicly disseminated those materials through various intermediaries, including WikiLeaks. Based on these activities, the Special Counsel brought criminal charges against a number of Russian military officers for conspiring to hack into computers in the United States for purposes of influencing the election. But as noted above, the Special Counsel did not find that the Trump campaign, or anyone associated with it, conspired or coordinated with the Russian government in these efforts, despite multiple offers from Russian-affiliated individuals to assist the Trump campaign.

¹ In assessing potential conspiracy charges, the Special Counsel also considered whether members of the Trump campaign “coordinated” with Russian election interference activities. The Special Counsel defined “coordination” as an “agreement—tacit or express—between the Trump Campaign and the Russian government on election interference.”

Obstruction of Justice. The report's second part addresses a number of actions by the President – most of which have been the subject of public reporting – that the Special Counsel investigated as potentially raising obstruction-of-justice concerns. After making a “thorough factual investigation” into these matters, the Special Counsel considered whether to evaluate the conduct under Department standards governing prosecution and declination decisions but ultimately determined not to make a traditional prosecutorial judgment. The Special Counsel therefore did not draw a conclusion – one way or the other – as to whether the examined conduct constituted obstruction. Instead, for each of the relevant actions investigated, the report sets out evidence on both sides of the question and leaves unresolved what the Special Counsel views as “difficult issues” of law and fact concerning whether the President’s actions and intent could be viewed as obstruction. The Special Counsel states that “while this report does not conclude that the President committed a crime, it also does not exonerate him.”

The Special Counsel’s decision to describe the facts of his obstruction investigation without reaching any legal conclusions leaves it to the Attorney General to determine whether the conduct described in the report constitutes a crime. Over the course of the investigation, the Special Counsel’s office engaged in discussions with certain Department officials regarding many of the legal and factual matters at issue in the Special Counsel’s obstruction investigation. After reviewing the Special Counsel’s final report on these issues; consulting with Department officials, including the Office of Legal Counsel; and applying the principles of federal prosecution that guide our charging decisions, Deputy Attorney General Rod Rosenstein and I have concluded that the evidence developed during the Special Counsel’s investigation is not sufficient to establish that the President committed an obstruction-of-justice offense. Our determination was made without regard to, and is not based on, the constitutional considerations that surround the indictment and criminal prosecution of a sitting president.²

In making this determination, we noted that the Special Counsel recognized that “the evidence does not establish that the President was involved in an underlying crime related to Russian election interference,” and that, while not determinative, the absence of such evidence bears upon the President’s intent with respect to obstruction. Generally speaking, to obtain and sustain an obstruction conviction, the government would need to prove beyond a reasonable doubt that a person, acting with corrupt intent, engaged in obstructive conduct with a sufficient nexus to a pending or contemplated proceeding. In cataloguing the President’s actions, many of which took place in public view, the report identifies no actions that, in our judgment, constitute obstructive conduct, had a nexus to a pending or contemplated proceeding, and were done with corrupt intent, each of which, under the Department’s principles of federal prosecution guiding charging decisions, would need to be proven beyond a reasonable doubt to establish an obstruction-of-justice offense.

Status of the Department’s Review

The relevant regulations contemplate that the Special Counsel’s report will be a “confidential report” to the Attorney General. *See* Office of Special Counsel, 64 Fed. Reg. 37,038,

² *See A Sitting President’s Amenability to Indictment and Criminal Prosecution*, 24 Op. O.L.C. 222 (2000).

37,040-41 (July 9, 1999). As I have previously stated, however, I am mindful of the public interest in this matter. For that reason, my goal and intent is to release as much of the Special Counsel's report as I can consistent with applicable law, regulations, and Departmental policies.

Based on my discussions with the Special Counsel and my initial review, it is apparent that the report contains material that is or could be subject to Federal Rule of Criminal Procedure 6(e), which imposes restrictions on the use and disclosure of information relating to "matter[s] occurring before [a] grand jury." Fed. R. Crim. P. 6(e)(2)(B). Rule 6(e) generally limits disclosure of certain grand jury information in a criminal investigation and prosecution. *Id.* Disclosure of 6(e) material beyond the strict limits set forth in the rule is a crime in certain circumstances. *See, e.g.,* 18 U.S.C. § 401(3). This restriction protects the integrity of grand jury proceedings and ensures that the unique and invaluable investigative powers of a grand jury are used strictly for their intended criminal justice function.

Given these restrictions, the schedule for processing the report depends in part on how quickly the Department can identify the 6(e) material that by law cannot be made public. I have requested the assistance of the Special Counsel in identifying all 6(e) information contained in the report as quickly as possible. Separately, I also must identify any information that could impact other ongoing matters, including those that the Special Counsel has referred to other offices. As soon as that process is complete, I will be in a position to move forward expeditiously in determining what can be released in light of applicable law, regulations, and Departmental policies.

* * *

As I observed in my initial notification, the Special Counsel regulations provide that "the Attorney General may determine that public release of" notifications to your respective Committees "would be in the public interest." 28 C.F.R. § 600.9(c). I have so determined, and I will disclose this letter to the public after delivering it to you.

Sincerely,



William P. Barr
Attorney General

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Wednesday, March 27, 2019 7:30 PM
To: Sue Bai (Sue.J.Bai@who.eop.gov)
Subject: FW: Letter to Attorney General Barr
Attachments: 2019-03.27.EEC Raskin to DHS DOJ HHS.pdf; 116th Witness Instruction Sheet.pdf

From: Blacksberg, Aaron (b) (6)
Sent: Wednesday, March 27, 2019 7:25 PM
To: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>
Cc: Anello, Russell (b) (6); Foster, Olivia (b) (6)
Subject: Letter to Attorney General Barr

Hello,

Please see the attached letter and witness instructions from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Attorney General Barr. Please acknowledge receipt.

Best,
Aaron

--

Aaron D. Blacksberg
Counsel
Committee on Oversight and Reform
Democratic Staff | Chairman Elijah E. Cummings
(202) 225-5051

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

March 27, 2019

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Secretary Nielsen, Secretary Azar, and Attorney General Barr:

We are writing to request the testimony of the chief legislative affairs official from each of your agencies at a hearing on April 9, 2019, to determine why you have failed to comply with the duly authorized subpoenas issued by the Committee on February 26, 2019, requiring you to produce documents relating to the Trump Administration's actions in separating children from their families at the border.

The Committee's subpoenas were approved on a bipartisan basis, and the documents were due on March 12, 2019. In response, your agencies produced a spreadsheet that contains only:

- An anonymized identification number, date of birth, date of book-in to U.S. government custody, age at book-in, country of citizenship or birth, and gender of 2,667 children; and
- The date of birth, age, country of citizenship, and gender of the parent accompanying each child.

The Honorable Kirstjen M. Nielsen
The Honorable Alex M. Azar II
The Honorable William P. Barr
Page 2

Your production was responsive to only two of the 11 categories covered by the subpoenas, and it does not include key information. For example, it does not provide any information on the separation of these families; the detention and transfer of separated children, their parents, and their siblings; asylum claims made by parents or other individuals accompanying the children; the deportation of parents or other accompanying individuals; or the reunification of children with their families, if this occurred.

After receiving your incomplete responses, Committee staff attempted to contact your staff at least 15 times to seek full compliance with the subpoenas. In response, your staff offered only vague generalizations suggesting that you were reviewing possible additional productions, but they declined to commit to producing the remaining documents or even providing a schedule to do so. For example:

- On March 18, Department of Justice staff stated during a call with Committee staff that they would not produce any information they received from the Department of Homeland Security or the Department of Health and Human Services without their “permission”—permission they claim they requested more than a month ago but have still not received.
- On March 19, Department of Justice staff wrote in an email to Committee staff, “we are unable to provide a date certain for any supplemental productions.”
- On March 21, Department of Homeland Security staff wrote in an email to Committee staff, “I do not have a timeline to share with you at this time.”
- On March 21, Department of Health and Human Services staff stated during a call with Committee staff that they could not provide any production schedule “with respect to the questions that are on the table.”

The Committee first requested this information more than eight months ago in a bipartisan letter from then-Ranking Member Cummings and Rep. Mark Meadows, then the Chairman of the Subcommittee on Government Operations.¹ Rep. Cummings sent a follow-up letter on December 19, 2018, as the incoming Chairman, requesting that your agencies “fully comply” with the Committee’s earlier bipartisan request.² We received no response to that letter.

¹ Letter from Chairman Mark Meadows, Subcommittee on Government Operations, Committee on Oversight and Government Reform, and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (July 5, 2018) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf).

² Letter from Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Acting Attorney General Matthew G. Whitaker, Department of Justice (Dec. 19, 2018)

The Honorable Kirstjen M. Nielsen
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The Honorable William P. Barr
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On February 5, 2019, the Committee sent a letter to Christine Ciccone with the Department of Homeland Security, Matthew Bassett with the Department of Health and Human Services, and Stephen E. Boyd with the Department of Justice, inviting them to testify at a hearing as to why each agency had failed to comply with the Committee's requests.³ Chairman Cummings agreed to postpone that hearing when each agency indicated that it was working to comply with the Committee's requests.

Two weeks later, your agencies still had produced no responsive documents and provided no commitment to do so.

On February 22, 2019, the Committee announced that it would meet to debate and vote on issuing subpoenas to each of your agencies. On the eve of the subpoena vote, your agencies submitted thousands of pages of documents, but these documents were not responsive to the Committee's requests. For example:

- On February 19, the Department of Justice produced to the Committee public court documents containing none of the individual information on separated children that the Committee requested.
- On February 22, the Department of Health and Human Services produced to the Committee public court documents similarly containing no individual information on separated children, along with other non-responsive documents.
- On February 25, the Department of Homeland Security produced documents to the Committee late the night before the subpoena vote, but the production contained a mix of publicly available court filings, redacted or de-identified information, and aggregated data.

On February 26, the Committee voted on a bipartisan basis to authorize subpoenas.

In order to determine why you have failed to comply with the Committee's subpoenas, the Subcommittee on Civil Rights and Civil Liberties will hold a hearing at 2 p.m. on April 9, 2019, and we invite Ms. Ciccone, Mr. Bassett, and Mr. Boyd to testify.

(online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-12-19.EEC%20to%20Nielsen-DHS%20Whitaker-DOJ%20and%20Azar-HHS%20re%20Immigrant%20Child%20Separation.Updated.pdf).

³ Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Assistant Secretary Christine Ciccone, Department of Homeland Security, Assistant Attorney General Stephen E. Boyd, Department of Justice, and Assistant Secretary Matthew Bassett, Department of Health and Human Services (Feb. 5, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-02-05.EEC%20to%20DHS%20DOJ%20HHS%20on%20Child%20Separation.pdf).

The Honorable Kirstjen M. Nielsen
The Honorable Alex M. Azar II
The Honorable William P. Barr
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Please confirm by March 29, 2019, whether your legislative affairs officials will testify voluntarily at this hearing or whether the Committee will need to consider alternative means to ensure their compliance with this request.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting the written testimony at least two business days prior to the hearing.

If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman



Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil
Liberties

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Witness Instruction Sheet
Governmental Witnesses

1. Witnesses should provide their testimony via e-mail to Josh Zucker, Clerk, at [\(b\) \(6\)](#), no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses should also provide a short biographical summary and include it with the electronic copy of testimony provided to the Clerk.
3. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
4. Written testimony will be made publicly available and will be posted on the Committee's website.
5. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
6. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
7. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Reform at (202) 225-5051.

**COMMITTEE ON OVERSIGHT AND REFORM
U.S. HOUSE OF REPRESENTATIVES
116TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (____)____-_____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

- ☒ All matters before the Committee
- ☐ The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Friday, March 29, 2019 3:02 PM
To: etf3sc@who.eop.gov
Subject: March 29 Letter to Chairmen Graham and Nadler
Attachments: 2019.03.29 Letter to Chairmen Graham and Nadler.pdf

Emmet – Please see the attached courtesy copy. BR

Brian C. Rabbitt
Chief of Staff
Office of the Attorney General
U.S. Department of Justice
T: (202) 514-3893
M: (b) (6)
Brian.Rabbitt@usdoj.gov



The Attorney General
Washington, D.C.

March 29, 2019

The Honorable Lindsey Graham
Chairman, Committee on the Judiciary
United States Senate
290 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jerrold Nadler
Chairman, Committee on the Judiciary
United States House of Representatives
2132 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Graham and Chairman Nadler,

I write in response to Chairman Nadler's March 25, 2019 letter and Chairman Graham's March 27, 2019 letter, which addressed the investigation of Special Counsel Robert S. Mueller, III and the "confidential report" he has submitted to me pursuant to 28 C.F.R. § 600.8(c).

As we have discussed, I share your desire to ensure that Congress and the public have the opportunity to read the Special Counsel's report. We are preparing the report for release, making the redactions that are required. The Special Counsel is assisting us in this process. Specifically, we are well along in the process of identifying and redacting the following: (1) material subject to Federal Rule of Criminal Procedure 6(e) that by law cannot be made public; (2) material the intelligence community identifies as potentially compromising sensitive sources and methods; (3) material that could affect other ongoing matters, including those that the Special Counsel has referred to other Department offices; and (4) information that would unduly infringe on the personal privacy and reputational interests of peripheral third parties. Our progress is such that I anticipate we will be in a position to release the report by mid-April, if not sooner. Although the President would have the right to assert privilege over certain parts of the report, he has stated publicly that he intends to defer to me and, accordingly, there are no plans to submit the report to the White House for a privilege review.

Also, I am aware of some media reports and other public statements mischaracterizing my March 24, 2019 supplemental notification as a "summary" of the Special Counsel's investigation and report. For example, Chairman Nadler's March 25 letter refers to my supplemental notification as a "four-page summary of the Special Counsel's review." My March 24 letter was not, and did not purport to be, an exhaustive recounting of the Special Counsel's investigation or

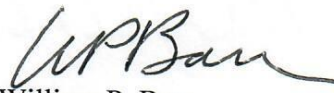
report. As my letter made clear, my notification to Congress and the public provided, pending release of the report, a summary of its “principal conclusions”—that is, its bottom line. The Special Counsel’s report is nearly 400 pages long (exclusive of tables and appendices) and sets forth the Special Counsel’s findings, his analysis, and the reasons for his conclusions. Everyone will soon be able to read it on their own. I do not believe it would be in the public’s interest for me to attempt to summarize the full report or to release it in serial or piecemeal fashion.

As I have discussed with both of you, I believe it would be appropriate for me to testify publicly on behalf of the Department shortly after the Special Counsel’s report is made public. I am currently available to testify before the Senate Judiciary Committee on May 1, 2019 and before the House Judiciary Committee on May 2, 2019.

* * *

Finally, in the interests of keeping the public informed as to these matters, I intend to make this letter public after delivering it to you.

Sincerely,


William P. Barr
Attorney General

cc: Ranking Member Dianne Feinstein; Ranking Member Doug Collins

Flood, Emmet T. EOP/WHO

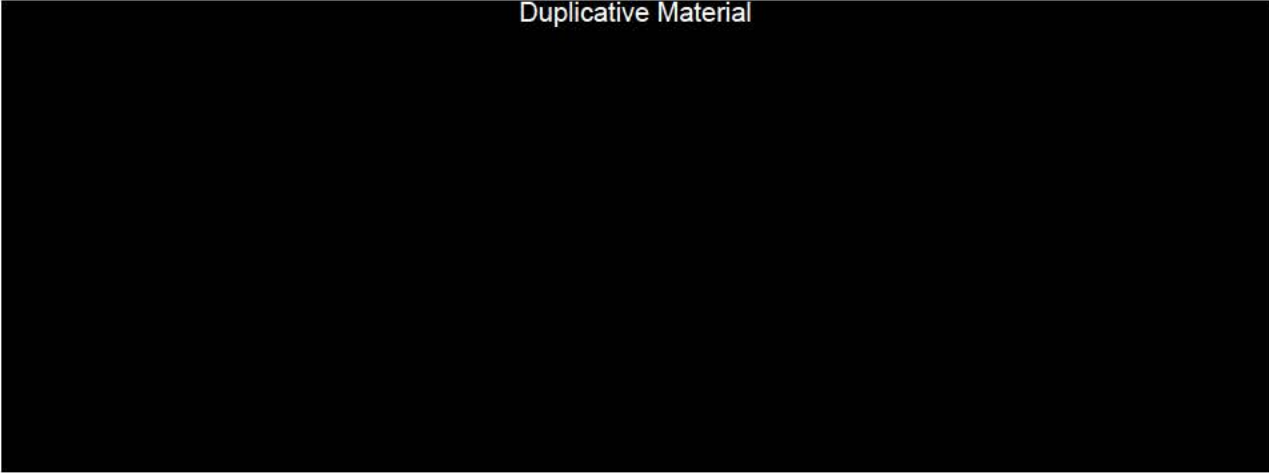
From: Flood, Emmet T. EOP/WHO
Sent: Friday, March 29, 2019 3:11 PM
To: Rabbitt, Brian (OAG)
Subject: Re: March 29 Letter to Chairmen Graham and Nadler

Thank you

Sent from my iPhone

On Mar 29, 2019, at 3:02 PM, Rabbitt, Brian (OAG) <Brian.Rabbitt@usdoj.gov> wrote:

Duplicative Material



Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Wednesday, April 3, 2019 12:13 PM
To: Knight, Shahira E. EOP/WHO; mmp2dcp (mmp2dcp@who.eop.gov)
Cc: Hankey, Mary Blanche (OLA)
Subject: HOGH Hearing Next Tuesday
Attachments: 2019-03.27.EEC Raskin to DHS DOJ HHS.pdf

Shahira & Mike:

Hope you are both well. I'm sure you are tracking this, but HOGH last night noticed a hearing for next Tuesday on the Administration's production of information regarding family separations. The notice did not name specific witnesses, but presumably it will be me and my colleagues from DHS and HHS. See the attached letter.

Separately, we have reason to believe that the hearing may focus on the role the White House Counsel's Office is playing in "blocking" (the Committee's word, not mine) congressional oversight efforts. Happy to discuss that more offline.

Just making you each aware of the above.

Stephen

Stephen E. Boyd
Assistant Attorney General
U.S. Department of Justice
Washington, D.C.

(b) (6)

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Thursday, April 4, 2019 9:17 AM
To: Chang, William (HHS/OGC); Bai, Sue J. EOP/WHO; Mizelle, Chad; Freeland, Jeff K. EOP/WHO
Cc: (b)(6) per DHS Jenny, Brenna (HHS/OGC); Brosnan, Kyle; Greer, Megan L. (OLA)
Subject: RE: HOCR

I think today would be better than tomorrow. Are we good for 6 pm?

From: Chang, William (HHS/OGC) <William.Chang@hhs.gov>
Sent: Thursday, April 4, 2019 8:57 AM
To: Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>; Mizelle, Chad (b)(6) per DHS; Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Cc: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; (b)(6) per DHS
Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Brosnan, Kyle (b)(6) per DHS; Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>
Subject: RE: HOCR

6 pm works for me; 11 am does not.

From: Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>
Sent: Thursday, April 4, 2019 8:55 AM
To: Mizelle, Chad (b)(6) per DHS; Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Cc: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; (b)(6) per DHS
(b)(6) per DHS; Jenny, Brenna (HHS/OGC) <Brenna.Jenny@hhs.gov>; Chang, William (HHS/OGC) <William.Chang@hhs.gov>; Brosnan, Kyle (b)(6) per DHS; Greer, Megan L. (OLA) <Megan.L.Greer@usdoj.gov>
Subject: RE: HOCR

How about 6 pm tonight or tomorrow at 11 am?

CONFIDENTIAL // DELIBERATIVE // PREDECISIONAL

Sue J. Bai

Associate Counsel to the President
EEOB No. 118

sue.j.bai@who.eop.gov

O: (b)(6) | C: (b)(6)

44 U.S.C. § 2204(a)(5) notice: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. Pursuant to 44 U.S.C. § 2205(2), availability of this record is subject to any rights, defenses, or privileges which the United States or any agency or person may invoke. This language should be treated as a reservation of control over this record, any copies, and any reproductions as part of derivative communications. No agency record may be created based upon this record which remains a segregable presidential record.

From: Mizelle, Chad (b)(6) per DHS
Sent: Thursday, April 4, 2019 8:54 AM
To: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Cc: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; (b)(6) per DHS
(b)(6) per DHS; Brenna.Jenny@hhs.gov; William.Chang@hhs.gov; Brosnan, Kyle
(b)(6) per DHS; Greer, Megan L. (OLA) <Megan.L.Greer@usdoj.gov>; Bai, Sue J. EOP/WHO
<Sue.J.Bai@who.eop.gov>
Subject: RE: HOG R

HHS should be on the call, and it sounds like they aren't available until later in the later.

Chad Mizelle
Deputy General Counsel
U.S. Department of Homeland Security
O: (b)(6) per DHS
M: (b)(6) per DHS

From: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Sent: Thursday, April 4, 2019 8:47 AM
To: Mizelle, Chad (b)(6) per DHS
Cc: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; (b)(6) per DHS
(b)(6) per DHS; Brenna.Jenny@hhs.gov; William.Chang@hhs.gov; Brosnan, Kyle
(b)(6) per DHS; Greer, Megan L. (OLA) <Megan.L.Greer@usdoj.gov>; Bai, Sue J. EOP/WHO
<Sue.J.Bai@who.eop.gov>
Subject: Re: HOG R

I've got a meeting at 11 am on the Hill but can call Mary Blanche and Chad/Sue after to get the readout.

Sent from my iPhone

On Apr 4, 2019, at 8:25 AM, Mizelle, Chad (b)(6) per DHS > wrote:

Works here.

Chad Mizelle
(b)(6) per DHS

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Thursday, April 4, 2019 8:06 AM
To: (b)(6) per DHS; Mizelle, Chad; Brenna.Jenny@hhs.gov; William.Chang@hhs.gov; Jeff K. EOP/WHO Freeland
Cc: Greer, Megan L. (OLA); Sue Bai
Subject: Re: HOG R

Adding Jeff Freeland.

> On Apr 4, 2019, at 7:55 AM, Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov> wrote:

>

> Good Morning Team-are you available for a call in the 11 am hour to discuss prep for the HOG R hearing and productions? Please loop in anyone I missed. Thanks. DOJ-19-0781, 19-0900-A-000102

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Friday, April 5, 2019 4:49 PM
To: Sue Bai (Sue.J.Bai@who.eop.gov); Freeland, Jeff K. EOP/WHO (Jeffrey.K.Freeland@who.eop.gov)
Subject: FW: April 9th HOCR Hearing on UAC

FYSA.

From: Wahdan, Rana S. (OLA) <rswahdan@jmd.usdoj.gov>
Sent: Friday, April 5, 2019 3:11 PM
To: Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Lasseeter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Douglas, Danielle E. (OLA) <daedouglas@jmd.usdoj.gov>
Cc: Wahdan, Rana S. (OLA) <rswahdan@jmd.usdoj.gov>
Subject: FW: April 9th HOCR Hearing on UAC

Forwarding OMB's question below.

Seeking intel on whether or not any DOJ components will be testifying on 4/9 before HOCR on US immigration laws at Southern Border ?

Thanks,

Rana

From: Damis, Rody EOP/OMB
Sent: Friday, April 5, 2019 2:00 PM
To: 'Wahdan, Rana S. (OLA)' <Rana.S.Wahdan@usdoj.gov>
Subject: April 9th HOCR Hearing on UAC

Hey Rana.

Just to confirm, DOJ isn't testifying at the 4/9 HOCR hearing on U.S. Immigration Laws at our Southern Border right?

Rody Damis
Legislative Analyst
Legislative Reference Division
Office of Management and Budget

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Sunday, April 7, 2019 10:15 AM
To: Sue Bai (Sue.J.Bai@who.eop.gov)
Subject: FW: corrected Chairman Nadler letter to DOJ
Attachments: Final JN-Cohen Ltr to DOJ - Doc Request Voting Rights Enforcement - 02.01.19 [corrected].pdf; ATT00001.htm

HJC on voting rights, the Committee's priority is item 8 (addition of the citizenship question)

Congress of the United States
House of Representatives
Washington, DC 20515

February 1, 2019

The Honorable Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Acting Attorney General Whitaker:

Earlier this week, the House Judiciary Committee held its first hearing of the 116th Congress on H.R. 1, the "For the People Act of 2019." The bill would make several important changes to federal law relating to voting rights, campaign finance, lobbying regulations, and government transparency measures.

As you know, voting rights and the enforcement of voter protection laws are a high priority issue for this Committee. The Department of Justice never provided a substantive response to any of the letters our members sent the Department in the 115th Congress and we still have many unanswered questions about the Trump Administration's commitment to enforcing landmark voter protection laws.

The Justice Department's decision to reverse its litigating position in the Ohio voter purge, Texas gerrymandering, and Texas voter ID cases;¹ its involvement in adding the citizenship question to the 2020 census;² the low number of case filings related to Voting Rights Act enforcement;³ the subpoenaing of minority-majority counties for sensitive election data;⁴ and the legal justifications for these and related actions by the Department must be better understood by this Committee.

¹ See Luke Sharrett, *Justice Department reverses position in Ohio voting rights case*, NBC NEWS, Aug. 8, 2017; Sam Levine, *Texas discriminated against minority voters repeatedly. DOJ doesn't care if it continues*, HUFF. POST, Jan. 30, 2019; and Pam Fessler, *Justice Department reverses position on Texas voter ID law case*, NPR, Feb. 27, 2017.

² Hansi Lo Wang, *How the 2020 census citizenship question ended up in court*, NPR, Nov. 4, 2018.

³ See U.S. DEPT. OF JUSTICE, VOTING SECTION LITIGATION, <https://www.justice.gov/crt/voting-section-litigation> (last updated Sept. 27, 2018) (listing no new claims under the Voting Rights Act since 2017).

⁴ Travis Fain, *Federal subpoenas demand 'tsunami' of NC voter records*, WRAL, Sept. 5, 2018.

To that end, we respectfully request you provide complete responses and produce the relevant documents and communications listed below by no later than February 15, 2019.⁵

1. Documents and communications dated from January 1, 2017 to August 7, 2017, relating to the decision and filing of the government's amicus brief in *John Husted, Ohio Secretary of State v. A. Philip Randolph Institute, et al.*, No. 16-980 (U.S. August 7, 2017). This should not include copies of pleadings or filings found on a public court docket.
2. Documents and communications dated from January 1, 2017 to February 27, 2017, relating to the decision and filing of the government's motion for voluntary dismissal in *Marc Veasey, et al. v. Greg Abbott, et al.*, Civ. No. 2:13-cv-193 (S.D. Tex. Feb. 27, 2017). This should not include copies of pleadings or filings found on a public court docket.
3. Documents and communications dated from November 8, 2018 to January 29, 2019, relating to the decision and filing of the government's brief in *Shannon Perez & United States v. Texas*, Civ. No. 5:11-cv-360 (W.D. Tex. Jan. 29, 2019). This should not include copies of pleadings or filings found on a public court docket.
4. Documents and communications dated from January 1, 2017 to February 27, 2017 relating to Texas Law S.B. 14 (2011).
5. Documents and communications dated from January 1, 2017 to August 7, 2017 relating to Ohio's "Supplemental Process" to remove voters who have not engaged in any voter activity for two years.
6. List of new actions filed pursuant to the Voting Rights Act and National Voter Registration Act dated from January 1, 2017. Please include a description of each action and the corresponding dates.
7. List of new actions dated from January 1, 2017 relating to enforcement activities—that are short of filing suit—in response to alleged voter suppression, voter fraud, or election fraud. Please include a description of each alleged incident of voter suppression, voter fraud, or election fraud as well as a corresponding dates of each enforcement activity.
8. Documents and communications dated from January 20, 2017 to November 7, 2018, relating to the addition of a citizenship question to the 2020 census; the draft executive order directing the census Bureau to include a citizenship question; consideration of alternatives to adding the citizenship question to the census; the Department's request to the Census Bureau to include the citizenship question; and preparation of Department

⁵ In keeping with precedent and practice established in the 115th Congress, we assume you will not assert deliberative process privilege for relevant Department documents and communications, and those responsive materials will be provided to the Committee. See Department of Justice's document production in response to the Joint Judiciary Committee – Oversight & Government Reform Committee's Investigation Into the FBI's Actions During the 2016 Election (115th Cong.). See also Reps. Bob Goodlatte – Trey Gowdy, Subpoena, Mar. 22, 2018.

Kobach. This should not include copies of pleadings or filings found on the public court docket.

9. Documents and communications dated from January 20, 2017 to September 6, 2018, relating to the decision by the U.S. Attorney's Office for the Eastern District of North Carolina to subpoena the North Carolina State Board of Election and 44 North Carolina county election boards. This should include but is not limited to documents and communications shared with U.S. Immigration and Customs Enforcement. Please include an update on the current status of the response by North Carolina officials.
10. Documents and communications dated from January 1, 2018, relating to alleged election fraud in North Carolina's 9th Congressional District and the Department's meeting with North Carolina State Board of Elections on January 31, 2018 relating to irregularities in the 2016 election. Please include a list and description of any steps taken by federal prosecutors as follow-up to the January 31st meeting as well an update on the current status of the investigation into the alleged voter fraud in the 9th District during the 2018 election.
11. Documents and communications dated from January 20, 2017 to November 6, 2018, relating to determinations of whether and where federal election monitors were needed for the 2018 elections.

Thank you for your prompt attention on this matter. We look forward to working closely with your office in the 116th Congress.

Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary

Steve Cohen
Chairman
Subcommittee on the Constitution on the
Constitution, Civil Rights, & Civil Liberties
House Committee on the Judiciary

cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary
Honorable Mike Johnson, Subcommittee Ranking Member, House Committee on the Judiciary

Hankey, Mary Blanche (OLA)

From: Hankey, Mary Blanche (OLA)
Sent: Sunday, April 7, 2019 10:16 AM
To: Sue Bai (Sue.J.Bai@who.eop.gov)
Subject: FW: Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform
Attachments: 2019-02-12.EEC to Whitaker-DOJ re Census.pdf

FYI

From: Foster, Olivia (b) (6)
Sent: Tuesday, February 12, 2019 9:55 AM
To: Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; DOJ Correspondence (SMO) <Ex_DOJCorrespondence@jmd.usdoj.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Cc: Anello, Russell (b) (6); Anderson, Tori (b) (6)
LaNier, Elisa (b) (6)
Subject: Letter from Chairman Elijah E. Cummings, House Committee on Oversight and Reform

Hello—

Please see the letter attached from Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Mr. Matthew G. Whitaker, Acting Attorney General, U.S. Department of Justice. Please acknowledge receipt of letter.

Thank you,

Olivia

Olivia Foster
House Committee on Oversight and Reform – Chairman Elijah E. Cummings
2157 Rayburn House Office Building
(202) 225-5051

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

February 12, 2019

Mr. Matthew G. Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20230

Dear Acting Attorney General Whitaker:

I am writing to request that the Department of Justice (DOJ) fully comply with a previous request for documents regarding DOJ's role in the Trump Administration's decision to add a citizenship question to the 2020 Decennial Census.

On May 1, 2018, I wrote to DOJ with Representative Carolyn Maloney and 17 other Members of the Committee requesting documents to "help understand the substance of DOJ's justification" for requesting the addition of a citizenship question to the 2020 Census and "the process by which its request was made."¹ DOJ has not produced any of the documents we requested more than nine months ago.

Our previous letter referred to a December 12, 2017, letter from DOJ that asked the Census Bureau to add a citizenship question to the 2020 Census and asserted that gathering citizenship data on the decennial census was "critical to the Department's enforcement of Section 2 of the Voting Rights Act."²

On March 20, 2018, Secretary of Commerce Wilber Ross testified before Congress about his decision to add the citizenship question to the 2020 Census, stating: "We are responding *solely* to the Department of Justice's request."³

¹ Letter from Ranking Member Elijah E. Cummings, et al., Committee on Oversight and Government Reform, to John Gore, Acting Assistant Attorney General, Department of Justice (May 1, 2018) (online at <https://maloney.house.gov/sites/maloney.house.gov/files/2018-05-01.%20Dem.Members%20to%20DOJ-Gore%20re.Citizenship%20Question-2020%20Decennial%20Census.pdf>).

² Letter from Arthur E. Gary, General Counsel, Justice Management Division, Department of Justice, to Ron Jarmin, Acting Director, Census Bureau (Dec. 12, 2017) (online at www.documentcloud.org/documents/4340651-Text-of-Dec-2017-DOJ-letter-to-Census.html).

³ House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *FY19 Budget Hearing: Department of Commerce* (Mar. 20, 2018) (emphasis added).

Since that time, new information has come to light that casts grave doubts on the veracity of Secretary Ross's testimony and assertions in the December 2017 letter from DOJ to the Census Bureau. Last month, a federal judge found that Secretary Ross violated the Administrative Procedures Act and other laws by adding the citizenship question to the Census, explaining:

He failed to consider several important aspects of the problem; alternately ignored, cherry-picked, or badly misconstrued the evidence in the record before him; acted irrationally both in light of that evidence and his own stated decisional criteria; and failed to justify significant departures from past policies and practices—a veritable smorgasbord of classic, clear-cut APA violations.⁴

The Court also found that aides to Secretary Ross “fed DOJ with the rationale for the request” in the December 2017 letter and that there is “reason to doubt that DOJ *itself* believed the VRA rationale” put forward in that letter.⁵

The Court noted that Acting Assistant Attorney General Jon Gore, who drafted the letter, later admitted that “none of the DOJ components with principal responsibility for enforcing the VRA requested the addition of a citizenship question; instead, he drafted the letter solely in response to the Secretary’s request.”⁶

Please produce the following documents by February 26, 2019. Unless otherwise stated, please produce documents for the period from January 20, 2017, through the present:

1. All documents and communications relating or referring to the addition of a citizenship question to the census;
2. Documents and communications sufficient to show who was involved in this request and the role of each individual who was involved;
3. All documents and communications within the Department of Justice and with outside entities regarding the request to add a citizenship question to the census, including but not limited to the White House, the Commerce Department, the Republican National Committee, the Trump Campaign, or Members of Congress;
4. All documents and communications relating or referring to the need to add a citizenship question to the Census in order to enforce the Voting Rights Act;
5. A list of all instances in which the lack of a citizenship question on the Decennial census negatively impacted DOJ’s Voting Rights Act enforcement efforts; and

⁴ *State of New York, et al., v. United States Department of Commerce, et al.* (Jan. 15, 2019) (online at www.brennancenter.org/sites/default/files/legal-work/2019-01-15-574-Findings%20Of%20Fact.pdf).

⁵ *Id.* (emphasis in original).

⁶ *Id.*

Mr. Matthew G. Whitaker

Page 3

6. A list of all voting rights enforcement actions taken by the Department of Justice since January 20, 2017.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact the Oversight Committee staff at (202) 225-5051.

Thank you for your attention to this matter.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

Boyd, Stephen E. (OLA)

From: Boyd, Stephen E. (OLA)
Sent: Monday, April 8, 2019 12:56 PM
To: O'Callaghan, Edward C. (ODAG); mmp2dcp (mmp2dcp@who.eop.gov)
Subject: FW: COR - MEMO for CRCL SC Hrg. Failure of the Administration to Comply with Subpoenas on Child Separation Policy
Attachments: 2019-04-05 MEMO - 4-9-19 Hrg. Failure of Administration to Comply with Subpoenas on Child Separation Policy.pdf

FYI re: the HOCR hearing tomorrow.

From: Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>
Sent: Monday, April 8, 2019 12:46 PM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Subject: FW: COR - MEMO for CRCL SC Hrg. Failure of the Administration to Comply with Subpoenas on Child Separation Policy

FYSA. HHS reports that HOCR Minority are anticipating the hearing going forward.

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<http://oversight.house.gov>

MEMORANDUM

April 5, 2019

To: Members of the Committee on Oversight and Reform

Fr: Majority Staff

Re: Hearing on “Failure of Administration to Comply with Subpoenas on Child Separation Policy”

On Tuesday, April 9, 2019, at 2:00 pm, in room 2154 of the Rayburn House Office Building, the Subcommittee on Civil Rights and Civil Liberties will hold a hearing on the failure of the Department of Justice (DOJ), Department of Homeland Security (DHS), and Department of Health and Human Services (HHS) to comply with bipartisan Committee subpoenas regarding immigrant children separated from their families.

I. HEARING SCOPE AND PURPOSE

On February 26, 2019, the Committee authorized Chairman Elijah Cummings to issue subpoenas requiring DOJ, DHS, and HHS to produce documents related to the Administration’s actions in separating children from their families at the southern border. The subpoenas covered eleven categories of documents on each separated child. The same information was requested nine months ago in a bipartisan letter from then-Ranking Member Cummings and Rep. Mark Meadows, then the Chairman of the Subcommittee on Government Operations.¹

The Committee’s subpoenas were approved on a bipartisan basis, and the documents were due on March 12, 2019. In response, the agencies produced a spreadsheet that responded to only two of the eleven categories of the subpoena. The response included:

- An anonymized identification number, date of birth, date of book-in to U.S. government custody, age at book-in, country of citizenship or birth, and gender of 2,667 children; and

¹ Letter from Chairman Mark Meadows, Subcommittee on Government Operations, Committee on Oversight and Government Reform, and Ranking Member Elijah E. Cummings, Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (July 5, 2018) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf).

- The date of birth, age, country of citizenship, and gender of the parent accompanying each child.

On March 27, 2019, Chairman Cummings and Subcommittee Chairman Jamie Raskin sent a letter to the three agencies expressing concern with their failure to comply with the subpoenas and inviting each agency's top legislative affairs official to testify at this hearing.²

Since the initial subpoena deadline, Committee staff and agency staff have engaged in extensive discussions to understand the status of each agency's compliance efforts. The agencies provided some additional information in letters on April 2, 2019.³

The purpose of the hearing is to determine why DOJ, DHS, and HHS have not complied with the Committee's subpoenas and when the agencies will be in full compliance.

II. WITNESSES

The Honorable Christine Ciccone

Assistant Secretary for the Office of Legislative Affairs
U.S. Department of Homeland Security

The Honorable Stephen E. Boyd

Assistant Attorney General for the Office of Legislative Affairs
U.S. Department of Justice

The Honorable Matthew Bassett

Assistant Secretary for Legislation
U.S. Department of Health and Human Services

Staff contacts: Russ Anello, Aaron Blacksberg, Candyce Phoenix, or Valerie Shen at (202) 225-5051.

² Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General William P. Barr, Department of Justice (Mar. 27, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-27.EEC%20Raskin%20to%20DHS%20DOJ%20HHS.pdf).

³ Letter from Assistant Attorney General Stephen E. Boyd, Department of Justice, to Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties (Apr. 2, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-02%20DOJ%20Response%20to%20EEC%20re%20Child%20Separations.pdf); Letter from Assistant Secretary Christine Ciccone, Department of Homeland Security, and Assistant Secretary Matthew Bassett, Department of Health and Human Services, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Apr. 2, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-02%20HHS%20and%20DHS%20Response%20to%20EEC%20re%20Child%20Separations.pdf).

Bai, Sue J. EOP/WHO

From: Bai, Sue J. EOP/WHO
Sent: Monday, April 8, 2019 3:18 PM
To: (b)(6) per DHS; Freeland, Jeff K. EOP/WHO; Hankey, Mary Blanche (OLA); Roskey, Colin (HHS/ASL)
Cc: Bassett, Matthew (HHS/ASL); Ciccone, Christine; Dinh, Uyen; Grider, Mark A. EOP/WHO; Brosnan, Kyle; Mizelle, Chad; Brenna.Jenny@hhs.gov
Subject: RE: COR Hearing Tomorrow

Given that folks seem to be tied up, let's have the call at 4 pm. Please use the dial-in circulated earlier.

Best,
Sue

CONFIDENTIAL // DELIBERATIVE // PREDECISIONAL

Sue J. Bai

Associate Counsel to the President

EEOB No. 118

sue.j.bai@who.eop.gov

O: (b) (6) | C: (b) (6)

44 U.S.C. § 2204(a)(5) notice: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. Pursuant to 44 U.S.C. § 2205(2), availability of this record is subject to any rights, defenses, or privileges which the United States or any agency or person may invoke. This language should be treated as a reservation of control over this record, any copies, and any reproductions as part of derivative communications. No agency record may be created based upon this record which remains a segregable presidential record.

Bai, Sue J. EOP/WHO

From: Bai, Sue J. EOP/WHO
Sent: Monday, April 8, 2019 3:04 PM
To: Freeland, Jeff K. EOP/WHO; (b)(6) per DHS Hankey, Mary Blanche (OLA); Roskey, Colin (HHS/ASL)
Cc: Bassett, Matthew (HHS/ASL); Ciccone, Christine; Dinh, Uyen; Grider, Mark A. EOP/WHO; Brosnan, Kyle; Mizelle, Chad; Brenna.Jenny@hhs.gov
Subject: RE: COR Hearing Tomorrow

If everyone agrees, we could do a 3:15 pm call using the dial-in information below. Please confer internally and let me know if each agency is available then.

Participant Dial-In: (b)(6)
Participant Code: (b)(6)

Thank you,
Sue

CONFIDENTIAL // DELIBERATIVE // PREDECISIONAL

Sue J. Bai

Associate Counsel to the President
EEOB No. 118
sue.j.bai@who.eop.gov
O: (b)(6) | C: (b)(6)

44 U.S.C. § 2204(a)(5) notice: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. Pursuant to 44 U.S.C. § 2205(2), availability of this record is subject to any rights, defenses, or privileges which the United States or any agency or person may invoke. **This language should be treated as a reservation of control over this record, any copies, and any reproductions as part of derivative communications. No agency record may be created based upon this record which remains a segregable presidential record.**

From: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Sent: Monday, April 8, 2019 2:59 PM
To: (b)(6) per DHS; Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; Roskey, Colin (HHS/ASL) <Colin.Roskey@hhs.gov>
Cc: Bassett, Matthew (HHS/ASL) <Matthew.Bassett@hhs.gov>; Ciccone, Christine (b)(6) per DHS
Dinh, Uyen (b)(6) per DHS Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>; Grider, Mark A. EOP/WHO <Mark.A.Grider@who.eop.gov>; Brosnan, Kyle (b)(6) per DHS Mizelle, Chad (b)(6) per DHS Brenna.Jenny@hhs.gov
Subject: RE: COR Hearing Tomorrow

Counsel folks have a 4 pm call scheduled. Shoot us leg folks the call-in info! Sue is happy to have both Leg and GCs on.
DOJ-19-0781, 19-0900-A-000120

From: (b)(6) per DHS
Sent: Monday, April 8, 2019 2:54 PM
To: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; Roskey, Colin (HHS/ASL) <Colin.Roskey@hhs.gov>
Cc: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>; Bassett, Matthew (HHS/ASL) <Matthew.Bassett@hhs.gov>; Ciccone, Christine (b)(6) per DHS; Dinh, Uyen (b)(6) per DHS; Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>; Grider, Mark A. EOP/WHO <Mark.A.Grider@who.eop.gov>; Brosnan, Kyle (b)(6) per DHS; Mizelle, Chad (b)(6) per DHS; Brenna.Jenny@hhs.gov
Subject: Re: COR Hearing Tomorrow

Perhaps we need to jump on a call a little before 3:30 given the 5pm deadline to respond? Adding counsels from dhs and hhs for speeds sake.

Get [Outlook for iOS](#)

From: (b)(6) per DHS
Sent: Monday, April 8, 2019 2:43:12 PM
To: Hankey, Mary Blanche (OLA); Roskey, Colin (HHS/ASL)
Cc: Freeland, Jeff K. EOP/WHO; Bassett, Matthew (HHS/ASL); Ciccone, Christine; Dinh, Uyen; Bai, Sue J. EOP/WHO; Grider, Mark A. EOP/WHO
Subject: RE: COR Hearing Tomorrow

(b)(5) per DHS

From: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>
Sent: Monday, April 8, 2019 2:41 PM
To: Roskey, Colin (HHS/ASL) <Colin.Roskey@hhs.gov>
Cc: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>; Bassett, Matthew (HHS/ASL) <Matthew.Bassett@hhs.gov>; Ciccone, Christine (b)(6) per DHS; Dinh, Uyen (b)(6) per DHS; (b)(6) per DHS; (b)(6) per DHS; Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>; Grider, Mark A. EOP/WHO <Mark.A.Grider@who.eop.gov>
Subject: Re: COR Hearing Tomorrow

Same here. Also just saw the committee's email about a meeting in place of a hearing.

On Apr 8, 2019, at 2:28 PM, Roskey, Colin (HHS/ASL) <Colin.Roskey@hhs.gov> wrote:

HHS could join at either time.

From: Freeland, Jeff K. EOP/WHO <Jeffrey.K.Freeland@who.eop.gov>
Sent: Monday, April 8, 2019 2:23 PM
To: Hankey, Mary Blanche (OLA) <Mary.Blanche.Hankey2@usdoj.gov>; Roskey, Colin (HHS/ASL) <Colin.Roskey@hhs.gov>; Bassett, Matthew (HHS/ASL) <Matthew.Bassett@hhs.gov>; Christine Ciccone (b)(6) per DHS; (b)(6) per DHS; (b)(6) per DHS; (b)(6) per DHS
Cc: Bai, Sue J. EOP/WHO <Sue.J.Bai@who.eop.gov>; Grider, Mark A. EOP/WHO <Mark.A.Grider@who.eop.gov>

DOJ-19-0781, 19-0900-A-000121

Subject: COR Hearing Tomorrow

COR sent out their hearing memorandum. It doesn't seem like they've pushed for testimony, yet. I'd like to do a call at 3:30 or 4 to get us all on the same page. Feel free to call me in the interim.

And sorry, I didn't add the GCs in, I figured I would let Mark or Sue do that as they were organizing the other calls on this issue.

JEFF FREELAND

Special Assistant to the President

Legislative Affairs

Mobile (b) (6)

Subject: COR Meeting Discussion
Location: 416G Conference Room/Call in info in body

Start: Wednesday, April 10, 2019 1:15 PM
End: Wednesday, April 10, 2019 1:45 PM
Show Time As: Tentative

Recurrence: (none)

Organizer: Alfonso.Torres@hhs.gov
Required Attendees: Hankey, Mary Blanche (OLA); Freeland, Jeff K. EOP/WHO;
(b)(6) per DHS ; (b)(6) per DHS
Sue.J.Bai@who.eop.gov; Mark.A.Grider@who.eop.gov; Chang, William
(HHS/OGC); Roskey, Colin (HHS/ASL)

Attachments: Hearing follow-up.msg

Call in: (b) (6)
Code: (b) (6)

Anello, Russell

From: Anello, Russell
Sent: Monday, April 8, 2019 2:35 PM
To: Roskey, Colin (HHS/ASL); Harrison, Ann Marie (HHS/ASL); Vitek, Traci (HHS/ASL); (b)(6) per DHS; Dinh, Uyen; Hankey, Mary Blanche (OLA)
Cc: Blacksberg, Aaron; Phoenix, Candyce; Koren, Michael; Smithwick, Kyle
Subject: Hearing follow-up

I am writing to follow up on the Committee's invitations to Mr. Boyd, Mr. Bassett, and Ms. Ciccone to testify at tomorrow's hearing of the Subcommittee on Civil Right and Civil Liberties on the Administration's failure to comply with the Oversight Committee's subpoenas.

The Committee is disappointed that DOJ, DHS, and HHS have not provided complete responses to the Committee's subpoenas, even though we are now four weeks past the deadline. The Committee is also concerned that DHS and HHS may have instructed DOJ to withhold documents, which would be contrary to the requirements of the subpoenas.

Since the Committee announced the upcoming hearing, we have engaged in discussions with each of your agencies to try to resolve these issues. We believe those discussions have been productive, but unfortunately, the agencies have not yet committed to making complete productions within a reasonable timeframe, nor have you adequately addressed whether DOJ has been instructed to withhold documents.

Nevertheless, we are prepared to offer an additional accommodation. We will postpone tomorrow's hearing if Mr. Boyd, Mr. Bassett, and Ms. Ciccone all agree to attend a meeting at the Committee's offices tomorrow at 2 pm to seek to resolve these outstanding issues. In particular, we would like to discuss the following:

1. We would like each of the three agencies to propose a reasonable production schedule for all remaining responsive documents. So far, HHS has proposed a schedule that would not be complete for another 4-6 months, which is unacceptable. DHS has committed to producing all Immigrations and Customs Enforcement documents by April 12, a proposal we accept, but DHS has not provided a clear schedule for production of Customs and Border Protection documents. DOJ has produced responsive Bureau of Prisons information. Neither DOJ nor DHS has committed to produce responsive information on asylum claims.
2. We would like DHS and HHS to commit that they will not withhold permission to DOJ to produce responsive information. We would like DOJ to commit that it will not use the lack of permission from DHS and HHS as an excuse to avoid production of responsive information. As you know, we are not seeking attorney-client communications or attorney work product, just underlying factual information about separated children and their families.
3. We would like DHS and DOJ to commit to producing responsive information on asylum claims.

If Mr. Boyd, Mr. Bassett, and Ms. Ciccone will agree to attend this meeting to discuss the issues described above, please let us know by 5pm today.

Thank you,
Russ

DOJ-19-0781, 19-0900-A-000124

0124

Bassett, Matthew (HHS/ASL)

Subject: COR Meeting Discussion
Location: 416G Conference Room/Call in info in body
Start: Tuesday, April 9, 2019 1:15 PM
End: Tuesday, April 9, 2019 1:45 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: Bassett, Matthew (HHS/ASL)
Required Attendees: Hankey, Mary Blanche (OLA); Freeland, Jeff K. EOP/WHO;
(b)(6) per DHS; (b)(6) per DHS
Sue.J.Bai@who.eop.gov; Mark.A.Grider@who.eop.gov; Chang,
William (HHS/OGC); Roskey, Colin (HHS/ASL)
Attachments: Hearing follow-up.msg