



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

April 30, 2021

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

Re: DOJ-2020-007102
19-cv-03540 (D.D.C.)
VRB:TAZ:BPF

Dear Austin Evers:

This is an eighth interim response to certain Freedom of Information Act (FOIA) requests you submitted between September 24, 2019, and October 4, 2019, seeking various records related to the withholding of funds from Ukraine, including the July 25, 2019 telephone call between President Trump and Ukrainian President Zelensky, the resultant whistleblower complaint, and individuals relevant to the topic.

On May 22, 2020, July 10, 2020, September 10, 2020, November 10, 2020, December 10, 2020, February 10, 2021, and March 19, 2021, OIP sent interim responses to you. OIP has now processed an additional 379 pages containing records responsive to your request. I have determined that seventy of these pages are appropriate for release with information withheld pursuant to Exemptions 3, 5, 6, 7(A), 7(C), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(3), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), and (b)(7)(E), and copies are enclosed. Additionally, I have determined that 309 pages and three audio files should be withheld in full pursuant to FOIA Exemptions 3, 5, 6, 7(A), and 7(C). Please note that the enclosed pages also contain duplicative records, which have not been processed and are marked accordingly.

Exemption 3 pertains to information exempted from release by statute (in this instance, Fed. R. Crim. P. 6(e) and 50 U.S.C. § 3507). Exemption 5 pertains to certain inter- and intra-agency communications protected by the civil discovery privileges. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(A) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy. Finally, Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques and procedures or guidelines for law enforcement investigations or prosecutions.

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 Andrew Freidah of the Department's Civil Division, Federal Programs Branch, at 202-305-0879.

Sincerely,



Vanessa R. Brinkmann
Senior Counsel

Enclosures

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, November 21, 2019 7:59 PM
To: Rabbitt, Brian (OAG); Moran, John (OAG); O'Callaghan, Edward C. (ODAG); Raman, Sujit (ODAG)
Cc: Gannon, Curtis E. (OLC) (b) (6)
Subject: RE: OLC impeachment opinion
Attachments: 2019.11.21 Imp Draft Op.docx

Attached is the latest draft of the impeachment opinion. (b) (5)

Thanks, Steve

From: Engel, Steven A. (OLC)
Sent: Thursday, November 7, 2019 2:34 PM
To: Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; Moran, John (OAG) <jomoran@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Raman, Sujit (ODAG) <sraman@jmd.usdoj.gov>
Cc: Gannon, Curtis E. (OLC) (b) (6) (b) (6)
Subject: OLC impeachment opinion

I attach a draft OLC opinion concerning the House's power to authorize an impeachment investigation. We do not yet have clear guidance as to the timing of our finalizing this opinion, given the subject matter. Happy to provide more background, if desired. Steve

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

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Thursday, November 7, 2019 3:48 PM
To: Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)
Subject: Fwd: OLC impeachment opinion
Attachments: 2019.11.7 Imp Draft Op 1430.docx; ATT00001.htm

I have not reviewed yet.

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Engel, Steven A. (OLC)" (b)(6)
Date: November 7, 2019 at 2:33:55 PM EST
To: "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>, "Moran, John (OAG)" <jomoran@jmd.usdoj.gov>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Raman, Sujit (ODAG)" <sraman@jmd.usdoj.gov>
Cc: "Gannon, Curtis E. (OLC)" (b)(6)
Subject: OLC impeachment opinion

I attach a draft OLC opinion concerning the House's power to authorize an impeachment investigation. We do not yet have clear guidance as to the timing of our finalizing this opinion, given the subject matter. Happy to provide more background, if desired. Steve

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

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Monday, November 4, 2019 2:28 PM
To: Moran, John (OAG)
Subject: Fwd: (b)(5)
Attachments: (b)(5)

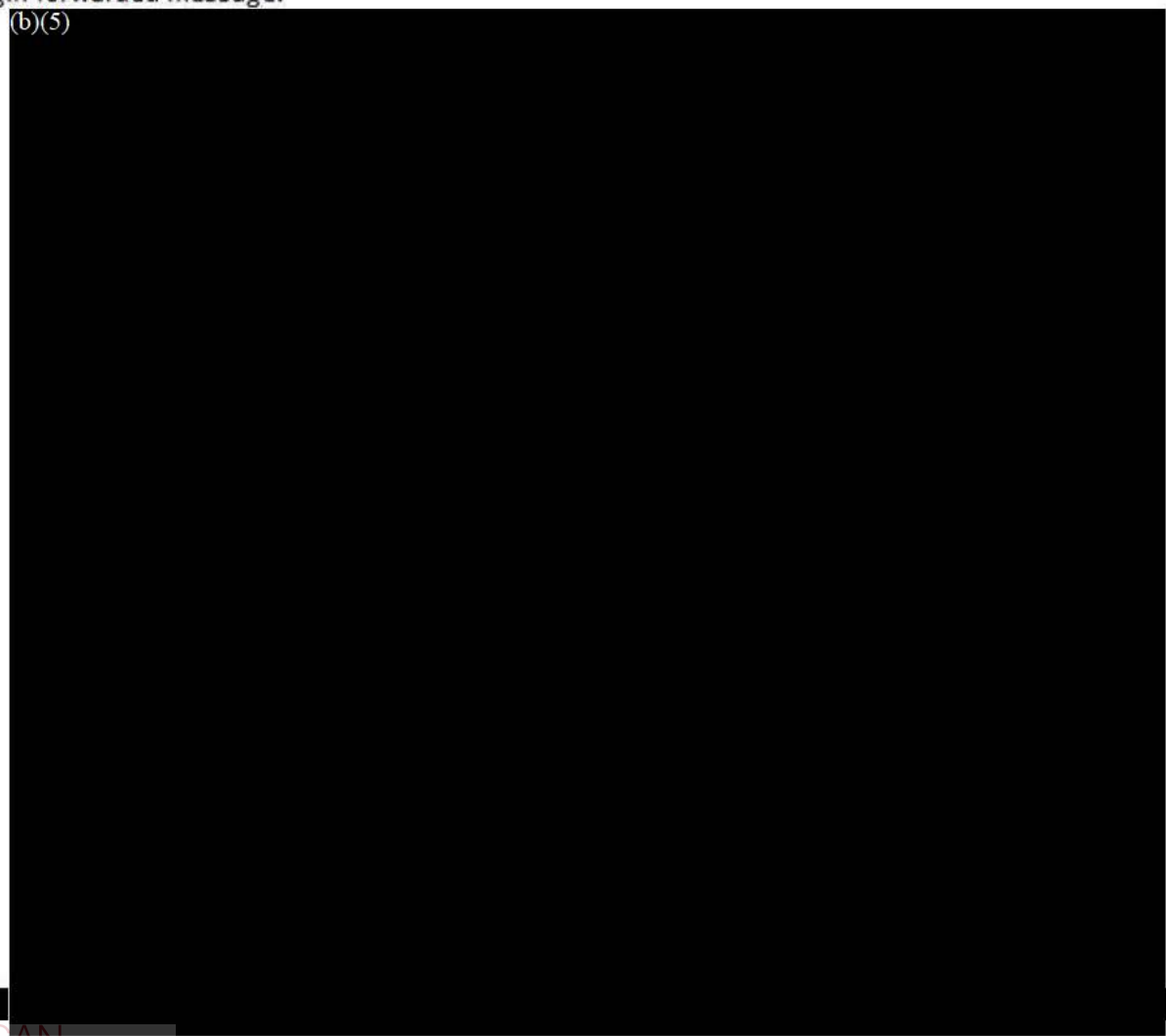
?
?
?
?
?
?

?John - (b)(5) BR

Sent from my iPhone

Begin forwarded message:

(b)(5)



(b)(5)



O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Wednesday, October 23, 2019 6:26 PM
To: Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)
Subject: Fwd: Parnas, et al. Indictment

FYSA

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Berman, Geoffrey (USANYS)" <GBerman@usa.doj.gov>
Date: October 23, 2019 at 5:59:19 PM EDT
To: "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
Subject: Re: Parnas, et al. Indictment

Yes

On Oct 23, 2019, at 5:57 PM, O'Callaghan, Edward C. (ODAG)
<ecocallaghan@jmd.usdoj.gov> wrote:

Ok. Thanks for clarification. Is that the extent Of message for your call.

Edward C. O'Callaghan
202-514-2105

On Oct 23, 2019, at 5:54 PM, Berman, Geoffrey (USANYS)
<GBerman@usa.doj.gov> wrote:

Ed, I just tried calling you. I misspoke at our meeting. [REDACTED]
(b)(5); (b)(7)(E) per FBI; (b)(7)(A), (b)(6), (b)(7)(C) per EOUSA
[REDACTED] Geoff

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, October 10, 2019 4:14 PM
To: Gannon, Curtis E. (OLC) (b)(6); Paul P Colborn (OLC)
(b)(6)
Subject: FW: Letter to AAG Benczkowski
Attachments: 2019.10.10 SJC to AAG Benczkowski.pdf

From: Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>
Sent: Thursday, October 10, 2019 3:56 PM
To: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>; Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Driscoll, Kevin (CRM) (b)(6); Benczkowski, Brian (CRM) (b)(6); Engel, Steven A. (OLC) (b)(6); O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>; Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>; Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>
Subject: FW: Letter to AAG Benczkowski

Duplicative Material - See December 10 Production, Bates Stamp Page 20200330-0000350

United States Senate
WASHINGTON, DC 20510

October 10, 2019

The Honorable Brian Benczkowski
Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Assistant Attorney General Benczkowski:

We request an explanation of the Department's decision that "no further action was warranted" in connection with President Trump's July 25 call with Ukraine President Volodymyr Zelensky.

As you know, an August 12 whistleblower complaint alleged that President Trump was "using the power of his office to solicit interference from a foreign country in the 2020 election." The Intelligence Community Inspector General confirmed that the complaint was "credible" and of "urgent concern."

The Justice Department instructed the Director of National Intelligence not to provide Congress with the whistleblower complaint, as is required by law. [50 U.S.C. § 3033(k)(5)(C)]. Instead, the Office of Legal Counsel (OLC) advised the DNI that the "appropriate action" was to refer the matter to the Department's Criminal Division. We understand that the CIA General Counsel had also referred the whistleblower's allegations to the Criminal Division for investigation.

After the White House released a memorandum of President Trump's July 25 call with Ukraine President Zelensky, the Department of Justice issued a brief press statement that the Criminal Division had concluded that "there was no campaign finance violation" and "no further action was warranted."

It is not clear to what extent, in reaching this decision, the Criminal Division consulted with the Department's Public Integrity Section, as is required in all matters involving the "corruption of the election process." [Justice Manual § 9-85.210].

It is also unclear whether the Criminal Division referred the matter to the Federal Election Commission (FEC), in accordance with a memorandum of understanding that requires the Department to do so “as promptly as possible,” even if the Justice Department determined not to pursue the matter. [43 Fed. Reg. 5441].

On its face, the White House memorandum of the July 25 call raises significant questions, including what was done following the call to follow through on the President’s requests. Since this matter involves allegations about the President’s conduct, and given this President’s stated belief that he has the “absolute right to do what I want to do with the Justice Department,” it is important to ensure that the Department has acted in an objective, independent manner in declining even to investigate this matter.

We therefore ask that you provide the following information no later than October 24:

1. What Department components and individuals were consulted prior to the Department’s concluding that “no further action was warranted”?
2. What evidence did the Department consider beyond the summary of the July 25 call, if any?
3. Did the Department refer the matter to the FEC as required?
4. Did the Department consider whether President Trump or any other individuals, including but not limited to other Executive Branch officials and Rudy Giuliani, violated any statutes other than 52 U.S.C. § 30121 in connection with the conduct described in the whistleblower complaint?
5. What role did OLC play in the Department’s decision that “there was no campaign finance violation” and “no further action was warranted”?
6. Did OLC evaluate whether the whistleblower complaint implicated potential criminal violations before OLC concluded that the complaint should be referred to the Criminal Division rather than forwarded to Congress?

Thank you for your prompt attention to this request.

Sincerely,



DIANNE FEINSTEIN
Ranking Member



PATRICK LEAHY
United States Senator



RICHARD J. DURBIN
United States Senator



SHELDON WHITEHOUSE
United States Senator



AMY KLOBUCHAR
United States Senator



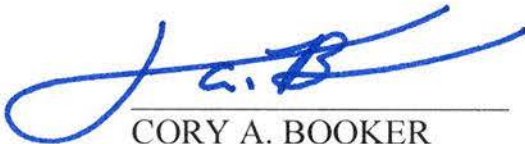
CHRISTOPHER A. COONS
United States Senator



RICHARD BLUMENTHAL
United States Senator



MAZIE K. HIRONO
United States Senator



CORY A. BOOKER
United States Senator



KAMALA D. HARRIS
United States Senator

cc: The Honorable Lindsey O. Graham
Chairman, Senate Committee on the Judiciary

From: [Cronan, John \(CRM\)](#)
To: [Miner, Matthew \(CRM\)](#); [Zink, Robert](#)
Subject: Fwd: Dmitry Firtash
Date: Thursday, October 10, 2019 7:43:59 AM
Attachments: [Ltr to DOJ - signed 10082019.pdf](#)
[ATT00001.htm](#)
(b) (6), (b) (7)(A), (b) (7)(C).docx
[ATT00002.htm](#)
(b) (6), (b) (7)(A), (b) (7)(C).docx
[ATT00003.htm](#)
(b) (6), (b) (7)(A), (b) (7)(C).docx
[ATT00004.htm](#)
(b) (6), (b) (7)(A), (b) (7)(C).pdf
[ATT00005.htm](#)

FYI. (b) (5) Per CRM

Begin forwarded message:

From: "DuCharme, Seth (OAG)" <sducharme@jmd.usdoj.gov>
To: "Cronan, John (CRM)" <(b) (6), (b) (7)(C) Per CRM
<@CRM.USDOJ.GOV>
Subject: Fwd: Dmitry Firtash

I have not reviewed these materials. I told her to contact the USAO. Will forward last message I sent to you and NDIL.

Sent from my iPhone

Begin forwarded message:

From: Victoria Toensing <vt@digenovatoensing.com>
Date: October 8, 2019 at 1:55:28 PM EDT
To: "DuCharme, Seth (OAG)" <sducharme@jmd.usdoj.gov>
Subject: Dmitry Firtash

Seth, This emailed document contains the request and related documents I discussed with you on Friday September 27. I look forward to hearing from you. Victoria

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, October 10, 2019 7:21 AM
To: Cronan, John (CRM)
Cc: Lausch, John (USAILN)
Subject: Fwd: Dmitry Firtash

John please see below, I am directing them back to you and NDIL.

Sent from my iPhone

Begin forwarded message:

From: "DuCharme, Seth (OAG)" <sducharme@jmd.usdoj.gov>
Date: October 10, 2019 at 7:18:44 AM EDT
To: Victoria Toensing <vt@digenovatoensing.com>
Subject: Re: Dmitry Firtash

DuCharme, Seth (OAG)

From: DuCharme, Seth (OAG)
Sent: Thursday, October 10, 2019 7:19 AM
To: Victoria Toensing
Subject: Re: Dmitry Firtash

Victoria,

The case is not being supervised by OAG, it's being handled by the USAO in consultation with the Criminal Division. I will forward the materials you sent to Crim Div for their consideration.

Regards,
Seth

Sent from my iPhone

> On Oct 8, 2019, at 5:42 PM, Victoria Toensing <vt@digenovatoensing.com> wrote:

>

> Is there a time when you have a few minutes to discuss? Easier than typing. Victoria

>

> Sent from my iPhone

>

>> On Oct 8, 2019, at 2:01 PM, DuCharme, Seth (OAG) <Seth.DuCharme2@usdoj.gov> wrote:

>>

>> Have you made this request to the USAO?

>>

>> Sent from my iPhone

>>

>>> On Oct 8, 2019, at 1:55 PM, Victoria Toensing <vt@digenovatoensing.com> wrote:

>>>

>>> Seth, This emailed document contains the request and related documents I discussed with you on Friday September 27. I look forward to hearing from you. Victoria >>> <Ltr to DOJ - signed

10082019.pdf> >>> <(b)(6), (b)(7)(A), (b)(7)(C).docx> >>> <(b)(6), (b)(7)(A), (b)(7)(C).docx>

>>> <(b)(6), (b)(7)(A), (b)(7)(C).docx> >>> <(b)(6), (b)(7)(A), (b)(7)(C).pdf>

Cisco Unity Connection Messaging System

From: Cisco Unity Connection Messaging System
Sent: Friday, September 27, 2019 12:40 PM
To: 202-514-9665@djjmdcmd01uvm01.gov
Subject: Message from (b)(6), (b)(7)(C)
Attachments: VoiceMessage.wav

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Friday, September 27, 2019 5:01 PM
To: Gannon, Curtis E. (OLC) (b)(6); Paul P Colborn (OLC)
(b)(6)
Subject: FW: Pompeo/State
Attachments: 2019-09-27.EEC Engel Schiff to Pompeo- State re Document Subpoena.pdf; 2019-09-27.EEC Engel Schiff to Pompeo- State re Depositions.pdf

From: Boyd, Stephen E. (OLA) <seboyd@jmd.usdoj.gov>
Sent: Friday, September 27, 2019 4:58 PM
To: Engel, Steven A. (OLC) (b)(6)
Subject: FW: Pompeo/State

Duplicative Material - See December 12, 2020 Production, Bates Stamp Page 20200330-0000587

Cisco Unity Connection Messaging System

From: Cisco Unity Connection Messaging System
Sent: Thursday, September 26, 2019 1:27 PM
To: 202-514-9665@djjmdcmd01uvm01.gov
Subject: Message from (b)(6), (b)(7)(C)
Attachments: VoiceMessage.wav

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Monday, September 23, 2019 11:52 AM
To: Rosen, Jeffrey A. (ODAG)
Subject: Fwd: DNI Urgent Concern Opinion
Attachments: Unclassified IGIC Urgent Concern Opinion 9-23-19.docx; ATT00001.htm

Edward C. O'Callaghan
202-514-2105

Begin forwarded message:

From: "Engel, Steven A. (OLC)" (b)(6)
Date: September 23, 2019 at 8:58:15 AM EDT
To: "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>, "Kupiec, Kerri (OPA)" <kkupiec@jmd.usdoj.gov>
Cc: "Gannon, Curtis E. (OLC)" (b)(6), "Whitaker, Henry C. (OLC)" (b)(6)
Subject: DNI Urgent Concern Opinion

FYSA, attached is the unclassified version of the OLC opinion to the DNI. I'm not aware of any final decision having yet been made, but the WH may ask us to release this opinion today.

Cisco Unity Connection Messaging System

From: Cisco Unity Connection Messaging System
Sent: Monday, September 23, 2019 11:08 AM
To: 202-514-9665@djjmcmd01uvm01.gov
Subject: Message from (b)(6), (b)(7)(C)
Attachments: VoiceMessage.wav

Philbin, Patrick F. EOP/WHO

From: Philbin, Patrick F. EOP/WHO
Sent: Thursday, September 19, 2019 4:05 PM
To: Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Engel, Steven A. (OLC)
Cc: Eisenberg, John A. EOP/WHO
Subject: FW: hill

fysa

Patrick F. Philbin
Deputy Counsel to the President
Office of White House Counsel

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

From: Horning, Liz A. EOP/WHO (b)(6)
Sent: Thursday, September 19, 2019 4:03 PM
To: Philbin, Patrick F. EOP/WHO (b)(6)
Subject: hill

<https://thehill.com/blogs/blog-briefing-room/news/462209-george-conway-if-trump-pushed-ukraine-to-investigate-biden-he>

Liz Horning

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

Rabbitt, Brian (OAG)

From: Rabbitt, Brian (OAG)
Sent: Thursday, September 19, 2019 3:12 PM
To: Kupec, Kerri (OPA)
Subject: Fwd: New information/urgent. Please respond as soon as possible

Sent from my iPhone

Begin forwarded message:

From: "Philbin, Patrick F. EOP/WHO" (b)(6)
Date: September 19, 2019 at 3:03:16 PM EDT
To: "Engel, Steven A. (OLC)" (b)(6)
"Rabbitt, Brian (OAG)"
<Brian.Rabbitt@usdoj.gov>, "O'Callaghan, Edward C. (ODAG)"
<Edward.C.O'Callaghan@usdoj.gov>
Cc: "Eisenberg, John A. EOP/WHO" (b)(6)
Subject: FW: New information/urgent. Please respond as soon as possible

fysa

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

From: Groves, Steven A. EOP/WHO (b)(6)
Sent: Thursday, September 19, 2019 2:57 PM
To: Cipollone, Pat A. EOP/WHO (b)(6); Eisenberg, John A. EOP/WHO (b)(6); Philbin, Patrick F. EOP/WHO (b)(6); Horning, Liz A. EOP/WHO (b)(6); Grisham, Stephanie A. EOP/WHO (b)(6); Gidley, Hogan H. EOP/WHO (b)(6)
Subject: FW: New information/urgent. Please respond as soon as possible

Urgent. See below.

From: Leonnig, Carol <Carol.Leonig@washpost.com>
Sent: Thursday, September 19, 2019 2:54 PM
To: Groves, Steven A. EOP/WHO (b)(6)
Subject: [EXTERNAL] New information/urgent. Please respond as soon as possible

The Post will report that the complaint came to the IG within days after two telephonic

communications President Trump had the leaders of Russia and Ukraine, relating to aid to Ukraine the president was withholding and information he wanted released about Joe Biden.

Carol Leonnig

Staff Writer

Washington Post

(b)(6) (office)

(b)(6) (mobile/Signal)

https://www.washingtonpost.com/people/carol-d-leonnig/?utm_term=.ed0fd15b867c

Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, September 19, 2019 3:20 PM
To: Kupec, Kerri (OPA); Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG)
Subject: RE: New information/urgent. Please respond as soon as possible

Understood.

From: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Sent: Thursday, September 19, 2019 3:17 PM
To: Engel, Steven A. (OLC) (b)(6); Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: Re: New information/urgent. Please respond as soon as possible

Probably need to consider moving our briefings to tomorrow morning.

On Sep 19, 2019, at 3:08 PM, Engel, Steven A. (OLC) (b)(6) wrote:

Sent from my iPhone

Begin forwarded message:

From: "Philbin, Patrick F. EOP/WHO" (b)(6)
Date: September 19, 2019 at 3:03:16 PM EDT
To: "Engel, Steven A. (OLC)" (b)(6); "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>; "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
Cc: "Eisenberg, John A. EOP/WHO" (b)(6)
Subject: FW: New information/urgent. Please respond as soon as possible

Duplicative Material - See Bates Stamp Page 20200330-0000757



Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, September 19, 2019 3:16 PM
To: Philbin, Patrick F. EOP/WHO
Cc: Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Eisenberg, John A. EOP/WHO
Subject: Re: New information/urgent. Please respond as soon as possible

Thx.

Sent from my iPhone

On Sep 19, 2019, at 3:04 PM, Philbin, Patrick F. EOP/WHO (b)(6) wrote:

Duplicative Material - See Bates Stamp Page 20200330-0000757



Engel, Steven A. (OLC)

From: Engel, Steven A. (OLC)
Sent: Thursday, September 19, 2019 3:21 PM
To: Philbin, Patrick F. EOP/WHO; Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG)
Cc: Eisenberg, John A. EOP/WHO
Subject: RE: New information/urgent. Please respond as soon as possible

(b)(5)

From: Philbin, Patrick F. EOP/WHO (b)(6)
Sent: Thursday, September 19, 2019 3:03 PM
To: Engel, Steven A. (OLC) (b)(6); Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Cc: Eisenberg, John A. EOP/WHO (b)(6)
Subject: FW: New information/urgent. Please respond as soon as possible

Duplicative Material - See Bates Stamp Page 20200330-0000757



**Permanent Select Committee
on Intelligence
U.S. House of Representatives**

September 18, 2019

The Honorable Joseph Maguire
Acting Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Acting Director Maguire:

The House Permanent Select Committee on Intelligence (“Committee”) has agreed to postpone by one week your public testimony on the urgent whistleblower disclosure that your office continues to withhold from the Committee. As confirmed by your office, and in lieu of issuing a subpoena for your testimony, you have agreed to appear for a full Committee open hearing at 9 a.m. on Thursday, September 26, 2019.

The Committee is making this extraordinary accommodation to provide your office a good-faith opportunity to comply in full with the Committee’s duly authorized September 13 subpoena, which compelled your production of the complete, unaltered whistleblower complaint, the Inspector General of the Intelligence Community’s (“IC IG”) determination that the complaint appears credible, and other materials related to the unprecedented decision not to transmit the disclosure to the Committee, including any communications by your office with the Department of Justice (“DOJ”) or the White House, or that reflect either.¹ The Committee subpoena for these materials remains in full effect. Your office has not complied with the subpoena thus far, in defiance of the production deadline of September 16.

The Committee has approached this breach of practice and law with the urgency it requires. On August 12, 2019, an individual within the Intelligence Community had the courage to submit to the IC IG a lawful complaint, pursuant to the whistleblower statute, intended for the congressional intelligence committees. According to the IC IG, the complaint alleged “a serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information.”²

¹ Letter from Chairman Schiff to Acting Director of National Intelligence Maguire, September 13, 2019, with attached Committee Subpoena and Schedule A.

² 50 U.S.C. § 3033(k)(5)(G).

The whistleblower's complaint triggered a 14-day review period in which the IC IG determined the disclosure met the statutory requirements of an "urgent concern" and appeared credible, followed by a 7-day period within which you, as Acting Director of National Intelligence ("DNI"), were statutorily mandated to transmit the full complaint and accompanying materials to the congressional intelligence committees. The Committee, therefore, should have received the complaint and accompanying materials no later than September 2.

It is now more than two weeks since the deadline for you to have transmitted the complaint to the Committee. If you do not transmit the "urgent concern" by the date of your testimony, it will be more than three weeks since the Committee should have received the complaint and more than seven weeks since the disclosure was first submitted to the IC IG, during which an urgent and credible allegation of serious or flagrant wrongdoing remains concealed from the Committee and unaddressed. The decision to ignore the statute, moreover, has precipitated a broader crisis of confidence and trust that threatens profound harm to the integrity of the Intelligence Community's whistleblower process, with potentially far-reaching consequences.

Consistent with his statutory obligation to report to the intelligence committees if he "is unable to resolve any differences" with you,³ the IC IG submitted a report to the Committee yesterday to notify us that he has reached an impasse with you.⁴ The IC IG informed the Committee that, although he believes he is bound by the determination you reached after your anomalous consultations with DOJ, he "respectfully disagrees" with your determination, and "particularly DOJ's conclusion,"⁵ that "no statute requires disclosure of the complaint to the intelligence committees" because "the disclosure in this case did not concern allegations of conduct by a member of the Intelligence Community or involve an intelligence activity under the DNI's supervision."⁶

In a September 17 letter to DOJ, which we have yet to receive because it involves a fact-specific analysis of the complaint that is being kept from the Committee, IC IG Atkinson states emphatically that he "set forth his reasons for concluding that the subject matter involved in the Complainant's disclosure not only falls within the DNI's jurisdiction, *but relates to one of the most significant and important of the DNI's responsibilities to the American people.*"⁷

In addition, the IC IG informed the Committee that, despite his request to you, he still has "not been authorized to disclose even" the general subject matter of the complainant's

³ 50 U.S.C. § 3033(k)(3)(A)(i).

⁴ Letter from IC IG Atkinson to Chairman Schiff and Ranking Member Nunes, September 17, 2019.

⁵ *Id.* at p. 2.

⁶ Letter from Office of Director of National Intelligence General Counsel Jason Klitenic to Chairman Burr, Chairman Schiff, Vice Chairman Warner, and Ranking Member Nunes, September 13, 2019.

⁷ Letter from IC IG Atkinson to Chairman Schiff and Ranking Member Nunes, September 17, 2019, at p. 2.

allegations, “in addition to the important information provided by the complainant that is also being kept from the congressional intelligence committees.”⁸

Moreover, the IC IG has clarified that it appears to him that you, in your capacity as Acting DNI, have “no present intention of providing direction to the Complainant, through [the IC IG], on how the Complainant can contact the congressional intelligence committees directly ‘in accordance with appropriate security practices.’”⁹ Although you have made an assurance, as stated in your office’s September 17 letter, that ODNI “will not permit the complainant to be subject to any retaliation or adverse consequence based upon his or her communicating the complaint to the ICIG,”¹⁰ we concur with the IC IG that such a personal assurance is insufficient and is no substitute for “the legally enforceable statutory protection previously available to whistleblowers in the Complainant’s situation.”¹¹

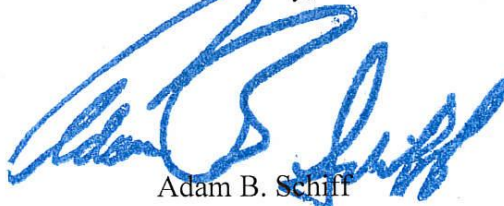
In fact, your actions in withholding the whistleblower’s complaint from our Committee and preventing that person from communicating directly with us send a very different message to the whistleblower: you will only be protected if you stay silent and your concerns go unaddressed. This is not in the interests of the Intelligence Community, its employees, or the country. And, more specifically, it violates the clear letter of the law compelling you to transmit the complaint to us.

These troubling developments are a direct consequence of your office’s decision, with the involvement of DOJ and possibly the White House, to circumvent the statute to conceal a credible allegation of serious or flagrant wrongdoing from the Committee.

The Committee—and the American public—need answers and transparency, and your public testimony on September 26 will be an important opportunity for both. The Committee is also prepared to hold a follow-on closed session after your public hearing to address any classified information about the substance of the complaint.

Should you have any questions prior to the hearing, please have your staff contact the Committee’s General Counsel, Maher Bitar, and Senior Advisor, Daniel Goldman.

Sincerely,



Adam B. Schiff

⁸ *Id.* at p. 2.

⁹ *Id.* at p. 2.

¹⁰ Letter from Office of Director of National Intelligence General Counsel Jason Klitenic to Chairman Burr, Chairman Schiff, Vice Chairman Warner, and Ranking Member Nunes, September 13, 2019.

¹¹ Letter from IC IG Atkinson to Chairman Schiff and Ranking Member Nunes, September 17, 2019, p. 2.



Permanent Select Committee
on Intelligence
U.S. House of Representatives

September 13, 2019

The Honorable Joseph Maguire
Acting Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Acting Director Maguire:

No later than September 2, 2019, the House Permanent Select Committee on Intelligence (“Committee”) should have received from you, as required by law, an urgent whistleblower disclosure involving “a serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information.”¹ More than ten days later, the Committee has not received the disclosure, in violation of the law.

Consistent with his obligations under the Intelligence Community’s whistleblower statute,² the Intelligence Community Inspector General’s (“IC IG”) determined that an August 12, 2019 whistleblower disclosure intended for the congressional intelligence committees from an individual within the Intelligence Community satisfied the statutory definition of an “urgent concern.” Based on a preliminary review conducted within the 14-day period provided by law, the IC IG also determined that there are reasonable grounds to believe that the information relating to the urgent concern is credible.³

On August 26, the IC IG forwarded the disclosure and accompanying materials, along with his credibility determination, to you. Pursuant to the statute, this triggered a 7-day period within which you, in your capacity as Acting Director of National Intelligence (“DNI”), “shall...forward such transmittal to the congressional intelligence committees, together with any

¹ 50 U.S.C. §3033(k)(5)(G).

² 50 U.S.C. §3033(k)(5).

³ Letter from IC IG Michael Atkinson to Chairman Adam B. Schiff and Ranking Member Devin Nunes, September 9, 2019.

comments the Director considers appropriate.”⁴ The Committee should have therefore received this urgent whistleblower disclosure from you no later than September 2, 2019.

Yet, in violation of the statute’s explicit command, and in a stark break with the unbroken practice of previous Directors of National Intelligence, you have refused to transmit to the Committee the whistleblower disclosure, along with the IC IG’s determination that the information in the disclosure represents a credible urgent concern—even after the Committee’s formal request on September 10, 2019. So far as the Committee is aware, this marks the first time a Director of National Intelligence has ever sought to overrule the IC IG and conceal from Congress a whistleblower complaint—in this case, one the IC IG has already determined to be a credible urgent concern.⁵ You have also refused, in further contravention of the statute, to provide the whistleblower with required direction, through the IC IG, on how to contact the Committee directly in a secure manner.

As Acting Director of National Intelligence, you have neither the legal authority nor the discretion to overrule a determination by the IC IG. Moreover, you do not possess the authority to withhold from the Committee a whistleblower disclosure from within the Intelligence Community that is intended for Congress.⁶

Your office has attempted to justify doing so based on a radical distortion of the statute that completely subverts the letter and spirit of the law, as well as arrogates to the Director of National Intelligence authority and discretion he does not possess. Under the statute, the Director serves as a conduit to transmit the complaint to the congressional intelligence committee with any comments the Director considers appropriate and consistent with proper security practices.

Even though the disclosure was made by an individual within the Intelligence Community through lawful channels, you have improperly withheld that disclosure on the basis that, in your view, the complaint concerns conduct by someone outside of the Intelligence Community and because the complaint involves confidential and potentially privileged communications. In a further departure from the statute, your office consulted the Department of Justice about the complaint, even though the statute does not provide you discretion to review, appeal, reverse, or countermand in any way the IC IG’s independent determination, let alone to involve another entity within the Executive Branch in the handling of a whistleblower complaint. Your office, moreover, has refused to affirm or deny that officials or lawyers at the White House have been involved in your decision to withhold the complaint from the Committee. You have also refused to rule out to me that the urgent concern, and underlying conduct, relates to an area of active investigation by the Committee.

⁴ 50 U.S.C. §3033(k)(5)(C). Emphasis added.

⁵ Even if the ICIG had determined that the complaint did *not* amount to an urgent concern, you are required by law to provide direction to the complainant, through the IC IG, as to how to contact the Committee directly in a secure manner. 50 U.S.C. §3033(D).

⁶ 50 U.S.C. §3033(k)(5)(A) requires that “upon receipt of a transmittal from the Inspector general...the Director *shall*, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate” (emphasis added).

The Committee can only conclude, based on this remarkable confluence of factors, that the serious misconduct at issue involves the President of the United States and/or other senior White House or Administration officials. This raises grave concerns that your office, together with the Department of Justice and possibly the White House, are engaged in an unlawful effort to protect the President and conceal from the Committee information related to his possible “serious or flagrant” misconduct, abuse of power, or violation of law.⁷

Accordingly, due to the urgency of the matter and the unlawful decision by your office to withhold from the Committee an Intelligence Community individual’s credible “urgent concern” whistleblower disclosure, the Committee hereby issues the attached subpoena compelling you to transmit immediately to the Committee the disclosure, in complete and unaltered form, as well as to produce other related materials.

Absent compliance by **Tuesday, September 17**, the Committee will require you to appear for a public hearing on **Thursday, September 19** to account for the decision to withhold the whistleblower complaint from the Committee—its intended recipient—in violation of the statute. The Committee—and the American people—must know why, in violation of law, a whistleblower complaint is being concealed, whether the underlying conduct involves the President or those around him, and whether the White House is involved in trying to cover up this authorized disclosure.

As explained in more detail in Schedule A of the subpoena, the Committee requires that you produce to the Committee the following information:

- (1) The complete and unaltered whistleblower disclosure, including any annexes, addenda, or accompanying materials, regardless of classification;
- (2) The IC IG’s credibility determination regarding the disclosure, along with any additional accompanying materials submitted by the IC IG to you; and
- (3) Any and all communications, records, memoranda, and documents related to the decision to withhold the disclosure to the Committee, including but not limited to any materials that relate to or involve officials at the White House or the Department of Justice.

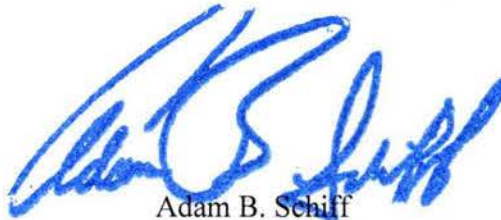
Finally, as we discussed at length on September 12, the Committee expects the whistleblower to be fully protected from any action constituting reprisal, or threat of reprisal. This includes any adverse personnel action for making the disclosure to the IC IG and, if he or she so elects, for contacting the Committee directly, as permitted under the statute. I appreciated your personal assurance that the whistleblower must be protected. Ensuring such protection remains in effect is a priority for the Committee. To that effect, the Committee requires an assurance in writing from your office that no reprisal of any kind, or threat of reprisal, shall be directed at the whistleblower from any official within the Intelligence Community or elsewhere in the federal government, including at the White House, regardless of any contrary interpretation of the statute from any other entity in the Executive Branch.

⁷ 50 U.S.C. §3033(k)(5)(G).

The Committee also deeply appreciates IC IG Michael Atkinson's upstanding and principled handling of this matter, and fully expects that he and all members of his staff will also be protected from any reprisal or threat of reprisal for bringing this matter to the attention of the Committee, as Mr. Atkinson is required to do.

As I underscored in my September 10 letter, the right of Intelligence Community employees and contractors to make protected disclosures to Congress is sacrosanct and enshrined in law. The Committee is under a solemn obligation to ensure that the men and women of the Intelligence Community are protected when they see and report problems, abuses, or unlawful activity. The integrity of the Intelligence Community and the trust and confidence of those who serve our country selflessly is at stake.

Sincerely,



Adam B. Schiff
Chairman

Enclosures

Committee Subpoena and Schedule A

Letter from Chairman Schiff to Acting Director of National Intelligence Maguire,
September 10, 2019



Permanent Select Committee
on Intelligence
U.S. House of Representatives

September 10, 2019

The Honorable Joseph Maguire
Acting Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Acting Director Maguire:

The House Permanent Select Committee on Intelligence (“Committee”) has learned that, contrary to your express obligations under the law, you are withholding from the Committee an authorized and protected whistleblower disclosure involving “a serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information.”¹

On August 26, 2019, consistent with the procedures in the Intelligence Community Whistleblower Protection Act (“ICWPA”), the Inspector General of the Intelligence Community (“ICIG”) transmitted to you a whistleblower disclosure intended for Congress, which an individual within the Intelligence Community lawfully submitted to the ICIG on August 12, 2019. Based on a preliminary review conducted within the 14-day period provided by the statute, the ICIG determined that the disclosure meets the statutory definition of an “urgent concern” and that there are reasonable grounds to believe the information relating to the urgent concern is credible.

The ICWPA requires you to forward all whistleblower transmittals from the ICIG to the congressional intelligence committees within a statutorily-mandated 7-day period.² You should

¹ 50 U.S.C. §3033(k)(5)(G).

² 50 U.S.C. §3033(k)(5)(A) requires that “upon receipt of a transmittal from the Inspector general...the Director *shall*, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate” (emphasis added). The statute does not provide the Director of National Intelligence with discretion to withhold a whistleblower disclosure.

have therefore transmitted the disclosure to the Committee, together with any comments you consider appropriate, no later than September 2, 2019.

In an unprecedented departure from past practice, you have not transmitted the disclosure to the Committee, nor have you notified the Committee of the fact of the disclosure or your decision not to transmit it to the Committee. Instead, in a manner neither permitted nor contemplated under the statute, you have taken the extraordinary step of overruling the independent determination of the ICIG and preventing the disclosure from reaching the Committee.

We do not know whether this decision to withhold the disclosure was made only by you, or whether it involved interference by other parties, including the White House. The Committee's recent experience has heightened concern of improper White House efforts to influence your office and the Intelligence Community. The failure to transmit to the Committee an urgent and credible whistleblower complaint, as required by law, raises the prospect that an urgent matter of a serious nature is being purposefully concealed from the Committee.

Consistent with your obligations under the statute, the whistleblower's complaint and the ICIG's determination must be transmitted to the Committee—their intended recipient—without delay and in their entirety. You also must furnish immediately to the whistleblower, through the ICIG, any necessary direction on appropriate security procedures for the whistleblower to contact the Committee directly.³ Finally, the Committee expects to receive your express assurance that all of the whistleblower protections included in the ICWPA will be afforded to the complainant in this case.

Absent immediate compliance with the above, the Committee will resort to compulsory process to compel production of the entire whistleblower complaint in complete and unaltered form, the ICIG's determination, as well as all records pertaining to you and your office's involvement in this matter, including any and all correspondence with other Executive Branch actors, to include the White House. The Committee will also require your appearance before the Committee to testify publicly about this matter.

The statutorily-protected right of Intelligence Community employees to make disclosures to Congress is sacrosanct and must remain insulated from politicization. The Committee will take all steps necessary to ensure this right is upheld.

³ Even if the ICIG had not determined that the disclosure constituted an urgent concern, the statute provides for an Intelligence Community whistleblower to contact the congressional intelligence committees directly after the whistleblower provides notice to the ICIG of his or her intent to contact the congressional intelligence committees directly, and obtains and follows direction from you, as the Acting Director of National Intelligence, on how to contact the congressional intelligence committees in accordance with appropriate security practices. 50 U.S.C. §3033(k)(5)(D)(ii). There is no basis for you to withhold guidance from a whistleblower to permit them to make a disclosure directly to the Committee.

I look forward to receiving the complaint in full immediately, together with any comments you consider appropriate.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam B. Schiff", is centered on the page. The signature is fluid and cursive.

Adam B. Schiff
Chairman

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To THE HONORABLE JOSEPH MAGUIRE, ACTING DIRECTOR OF NATIONAL INTELLIGENCE

You are hereby commanded to be and appear before the
House Permanent Select Committee on Intelligence

of the House of Representatives of the United States at the place, date, and time specified below.

- ☒ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: HVC-304, THE U.S. CAPITOL, WASHINGTON DC 20515

Date: SEPTEMBER 17, 2019

Time: 3:00 PM

- ☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

- ☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____

Time: _____

To U.S. Marshals Service, or any authorized Member or congressional staff

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at

the city of Washington, D.C. this 13 day of SEPTEMBER, 2019.

Attest:

Clerk

[Signature]
Chairman or Authorized Member

PROOF OF SERVICE

Subpoena for

THE HONORABLE JOSEPH MAGUIRE, ACTING DNI

Address OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, D.C. 20511

before the House Permanent Select Committee on Intelligence

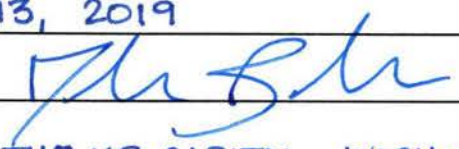
U.S. House of Representatives
116th Congress

Served by (print name) Maher Bitar

Title General Counsel, House Permanent Select Committee on Intelligence

Manner of service ELECTRONIC

Date SEPTEMBER 13, 2019

Signature of Server 

Address HVC-304, THE US CAPITOL, WASHINGTON DC 20515

SCHEDULE A

You are hereby required to produce the following, **in complete, unaltered and unredacted form and regardless of classification**, to the House Permanent Select Committee on Intelligence (“Committee”), in accordance with the attached Definitions and Instructions.

1. The disclosure and all annexes, addenda, or other accompanying materials which were submitted to the Inspector General of the Intelligence Community (“IC IG”) on or about August 12, 2019 by an employee of an element of the Intelligence Community, as forwarded by the IC IG to the Acting Director of National Intelligence (“DNI”) on August 26, 2019, which are the subject of a September 9, 2019 letter from the IC IG to Chairman Adam B. Schiff (the “Disclosure”).
2. The IC IG’s written determination that there are reasonable grounds to believe that the Disclosure’s allegations are credible and all annexes, addenda or other accompanying materials (the “Determination”), as forwarded by the IC IG to the Acting DNI on August 26, 2019.
3. Any and all communications, documents, or other materials obtained or generated by the Office of the Director of National Intelligence (“ODNI”), including the ODNI’s Office of General Counsel, referring or relating to the Disclosure and/or the Determination, including all communications, documents, legal guidance, or other materials sent to or received from the White House; the Executive Office of the President; the U.S. Department of Justice; or other departments or agencies within the Executive Branch.

RESPONDING TO COMMITTEE SUBPOENAS

In responding to the document request, please apply the instructions and definitions set forth below:

INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents in unredacted form that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.
4. Each document should be produced in a form that may be copied by standard copying machines.
5. When you produce documents, you should identify the paragraph(s) and/or clause(s) in the Committee's request to which the document responds.
6. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.
7. Each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) and/or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.
8. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.
9. The Committee requests electronic documents in addition to paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with Committee staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in (6) and (7) above.

10. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

11. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:

- a. how the document was disposed of;
- b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
- c. the date of disposition;
- d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

12. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.

13. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.

14. The request is continuing in nature and applies to any newly discovered document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.

15. All documents should be Bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.

16. Two sets of the documents should be delivered to the Committee, one set to the majority staff, and one set to the minority staff, in Room HVC-304 of the Capitol Visitors Center. You should consult with Committee majority staff regarding the method of delivery prior to sending any materials.

17. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide a log containing the following information concerning every such document: (i) the reason the document is not being produced; (ii) the type of document; (iii) the general subject matter; (iv) the date, author and addressee; (v) the relationship of the author and addressee to each other; and (vi) any other description necessary to identify the

document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.

- (a) Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
- (b) In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
- (c) Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chair of the Committee, if authorized) has consented to recognize the assertion as valid.

18. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.

19. Upon completion of the document production, you must 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 which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee since the date of receiving the Committee's request or in anticipation of receiving the Committee's request, and (3) all documents identified during the search that are responsive have been produced to the Committee, identified in a log provided to the Committee, as described in (17) above, or identified as provided in (10), (11) or (12) above.

20. When representing a witness or entity before the Committee in response to a document request or request for transcribed interview, counsel for the witness or entity must promptly submit to the Committee a notice of appearance specifying the following: (a) counsel's name, firm or organization, and contact information; and (b) each client represented by the counsel in connection with the proceeding. Submission of a notice of appearance constitutes acknowledgement that counsel is authorized to accept service of process by the Committee on

behalf of such client(s), and that counsel is bound by and agrees to comply with all applicable House and Committee rules and regulations.

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, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (“e-mail”), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, 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, power point presentations, spreadsheets, and work sheets. The term “document” includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.
2. The term “documents in your possession, custody or control” means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.
3. 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 an in-person meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.

6. The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

7. The terms “You” or “your” means and refers to you as a natural person and the United States and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, contractors, or any other persons acting on your behalf or under your control or direction; and includes any other person(s) defined in the document request letter.

Hovakimian, Patrick (ODAG)

From: Hovakimian, Patrick (ODAG)
Sent: Sunday, September 15, 2019 1:40 PM
To: Engel, Steven A. (OLC)
Cc: Rabbitt, Brian (OAG); Rosen, Jeffrey A. (ODAG); O'Callaghan, Edward C. (ODAG); Benczkowski, Brian (CRM); Gannon, Curtis E. (OLC); Whitaker, Henry C. (OLC)
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Yes, ODAG is meeting separately with CRM at 8:30 tomorrow morning.

Brian R - feel free to attend that if you'd like.

Patrick Hovakimian
202-532-3295

> On Sep 15, 2019, at 1:37 PM, Engel, Steven A. (OLC) (b)(6) wrote:

>

> That's fine. But (b)(5)

>

> Sent from my iPhone

>

> On Sep 15, 2019, at 1:34 PM, Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov> wrote:

>

> I don't know for sure, but (b)(5)

[REDACTED]

>

> Sent from my iPhone

>

>> On Sep 15, 2019, at 12:39 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:

>>

>> Sounds like we should meet. I believe I have time at 8:30 am, 11:00 am, or noon.

>>

>> Sent from my iPhone

>>

>>> On Sep 15, 2019, at 12:33 PM, Engel, Steven A. (OLC) (b)(6) wrote:

>>>

>>> (b)(5)

[REDACTED]

(b)(5) [REDACTED], if folks are available.

>>>

>>> Sent from my iPad

>>>

>>>> On Sep 13, 2019, at 7:35 PM, Engel, Steven A. (OLC) (b)(6) wrote:

>>>>

>>>>

>>>>

>>>> Sent from my iPhone

>>>>

>>>> Begin forwarded message:

>>>>

>>>> From: "Bradley A Brooker" (b)(3), (b)(6)

>>>> To: "Engel, Steven A. (OLC)" (b)(6)

[REDACTED], "Whitaker, Henry C. (OLC)" (b)(6)

, "Gannon, Curtis E. (OLC)" (b)(6)

>, "Colborn, Paul P (OLC)" (b)(6) >

>>>> Cc: (b)(3), (b)(6) - Jason Klintenic

>>>> Subject: Fwd: HPSCI Subpoena - Acting Director of National Intelligence Maguire

>>>>

>>>> Please see below and attached.

>>>>

>>>>

>>>>

>>>>

>>>> From: "Bitar, Maher" (b)(6) Congressional Email >

>>>> Date: Friday, September 13, 2019 at 6:46:56 PM

>>>> To: (b)(3), (b)(6) per ODNI

[REDACTED] (b)(3), (b)(6) - Jason Klintenic

[REDACTED], "Bradley A Brooker"

(b)(3), (b)(6), (b)(3), (b)(6) per ODNI

>>>> Cc: "Bergreen, Timothy" (b)(6) Congressional Email

[REDACTED], "Bennett, Wells" (b)(6) Congressional Email

[REDACTED], "Goldman, Daniel" (b)(6) Congressional Email

[REDACTED]

>>>> Subject: HPSCI Subpoena - Acting Director of National Intelligence Maguire

>>>>

Duplicative Material



Hovakimian, Patrick (ODAG)

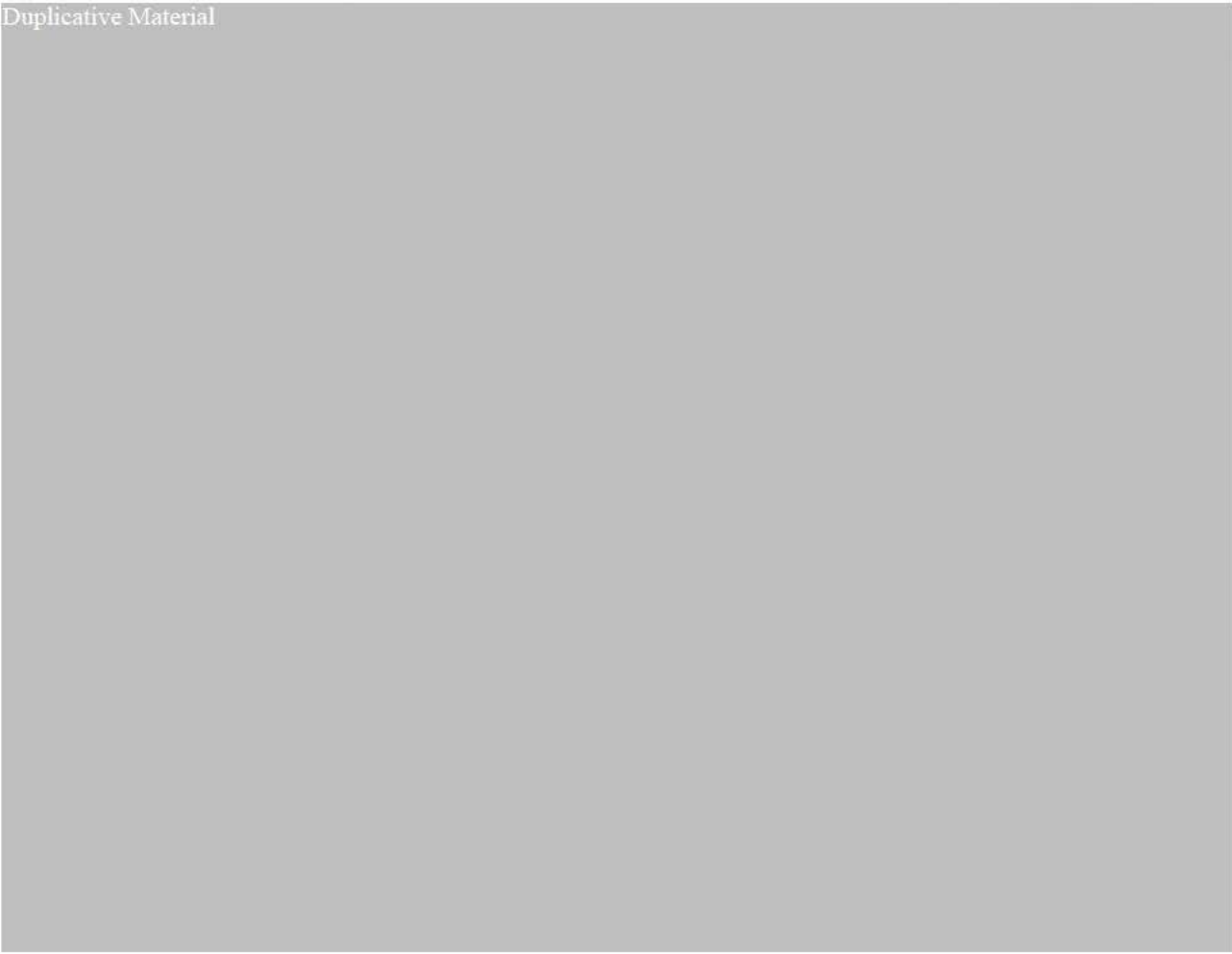
From: Hovakimian, Patrick (ODAG)
Sent: Sunday, September 15, 2019 1:39 PM
To: Rabbitt, Brian (OAG)
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

FYI - I called DAG just now and made this exact point. Sounds like (b)(5) :
[REDACTED]. But we'll see what he says, I suppose.

Patrick Hovakimian
202-532-3295

> On Sep 15, 2019, at 1:34 PM, Rabbitt, Brian (OAG) <brrabbitt@jmd.usdoj.gov> wrote:
>

Duplicative Material



Benczkowski, Brian (CRM)

From: Benczkowski, Brian (CRM)
Sent: Sunday, September 15, 2019 1:18 PM
To: Rabbitt, Brian (OAG)
Subject: Fwd: HPSCI Subpoena - Acting Director of National Intelligence Maguire

(b)(5) per CRM

Brian A. Benczkowski
Assistant Attorney General
Criminal Division
United States Department of Justice
P: (b)(6)

Begin forwarded message:

From: "Engel, Steven A. (OLC)" (b)(6)
Date: September 15, 2019 at 12:33:53 PM EDT
To: "Rosen, Jeffrey A. (ODAG)" <jarosen@jmd.usdoj.gov>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>, "Benczkowski, Brian (CRM)" (b)(6) "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>
Cc: "Gannon, Curtis E. (OLC)" (b)(6), "Whitaker, Henry C. (OLC)" (b)(6)
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Duplicative Material



Hovakimian, Patrick (ODAG)

From: Hovakimian, Patrick (ODAG)
Sent: Sunday, September 15, 2019 1:34 PM
To: Suero, Maya A. (ODAG)
Subject: Fwd: HPSCI Subpoena - Acting Director of National Intelligence Maguire

FYI — we are canceling the OLP/OLA weekly check in tomorrow morning. So DAG suggested 11:15 am for this meeting. Thanks.

Patrick Hovakimian
202-532-3295

Begin forwarded message:

From: "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>
Date: September 15, 2019 at 1:26:59 PM EDT
To: "Rosen, Jeffrey A. (ODAG)" <jarosen@jmd.usdoj.gov>
Cc: "Engel, Steven A. (OLC)" (b)(6), "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>, "Benczkowski, Brian (CRM)" (b)(6), "Gannon, Curtis E. (OLC)" (b)(6), "Whitaker, Henry C. (OLC)" (b)(6), "Suero, Maya A. (ODAG)" <masuero@jmd.usdoj.gov>
Subject: Re: HPSCI Subpoena - Acting Director of National Intelligence Maguire

Maya - let's please set this meeting for the latest time slot available tomorrow morning. Thanks.

Patrick Hovakimian
202-532-3295

On Sep 15, 2019, at 12:46 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:

Maya - please calendar for tomorrow morning. Thanks.

Patrick Hovakimian

202-532-3295

On Sep 15, 2019, at 12:40 PM, Rosen, Jeffrey A. (ODAG) <jarosen@jmd.usdoj.gov> wrote:

Duplicative Material

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Tuesday, July 2, 2019 6:48 AM
To: Lan, Iris (ODAG)
Subject: Re: Article

I happen to know the Jesuit from Gtown who is referenced.

Edward C. O'Callaghan
202-514-2105

On Jul 1, 2019, at 4:05 PM, Lan, Iris (ODAG) <irlan@jmd.usdoj.gov> wrote:

FYI only, news article from DE USA.

From: Weiss, David (USADE) (b)(6) per CRM
Sent: Monday, July 01, 2019 3:54 PM
To: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
Subject: FW: From [newyorker.com](https://www.newyorker.com): Will Hunter Biden Jeopardize His Father's Campaign?

<https://www.newyorker.com/magazine/2019/07/08/will-hunter-biden-jeopardize-his-fathers-campaign>

Levi, William (OAG)

From: Levi, William (OAG)
Sent: Thursday, August 29, 2019 3:06 PM
To: Cronan, John (CRM)
Subject: Re: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

They are in the calendar invitation Errical circulated yesterday

On Aug 29, 2019, at 3:48 PM, Cronan, John (CRM) (b)(6) per CRM wrote:

Are Giuliani and Gowdy the only non-DoJ attendees?

From: Levi, William (OAG)
Sent: Thursday, August 29, 2019 2:36 PM
To: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Cronan, John (CRM) (b)(6) per CRM
Cc: (b)(6) per CRM (CRM) (b)(6) per CRM; Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>
Subject: Re: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

Adding cronan. He has all details on scheduling. Meeting is in the crm conference room w Bencz and cronan et al. AG will swing through around noon.

On Aug 29, 2019, at 3:02 PM, Watson, Theresa (OAG) <twatson@jmd.usdoj.gov> wrote:

Defer to Errical Bryant to confirm logistics.

From: (b)(6) per CRM (CRM) (b)(6) per CRM
Sent: Thursday, August 29, 2019 2:01 PM
To: Levi, William (OAG) <wlevi@jmd.usdoj.gov>
Cc: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>
Subject: RE: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

Hi Theresa,

Thank you for reaching out. I was unaware that this meeting was taking place in CRM's conference room. To clarify, Mr. Rudy Giuliani and Mr. Trey Gowdy will be coming to CRM conference room (b)(6) per CRM for a meeting? I see that the AG is also planning on attending the meeting.

I have pulled the invitation (below) from PDAAG John Cronan's calendar.
<image001.jpg>

Does CRM need to report the outside attendees to the Visitor's Center, or has this already been completed? Please let us know of any other details that need to be

taken care of in advance.

Thank you.

Kind regards,

(b)(6)

(b)(6) per CRM

Office of the Assistant Attorney General
Criminal Division, U.S. Department of Justice

(b)(6) per CRM

Office: (b)(6) per

From: Levi, William (OAG)

Sent: Thursday, August 29, 2019 1:48 PM

To: (b)(6) per CRM

Cc: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>; (b)(6) per CRM (CRM)

(b)(6) per CRM

Subject: Re: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

Thanks (b)(6)

On Aug 29, 2019, at 2:44 PM, (b)(6) per CRM wrote:

Thanks for the clarification!

Adding (b)(6) per CRM.

From: Levi, William (OAG)

Sent: Thursday, August 29, 2019 1:34 PM

To: (b)(6) per CRM

Benczkowski, Brian (CRM) (b)(6) per CRM

Cronan, John (CRM) (b)(6) per CRM

Cc: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>

Subject: Re: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

Bruce is not handling this. Adding Bencz and Cronan who are.

On Aug 29, 2019, at 2:21 PM, (b)(6) per CRM

wrote:

Theresa,

Thank you for this email and will double-check with DAAG Swartz, but it shouldn't be an issue. I will reconfirm tomorrow.

(b)(6)

From: Watson, Theresa (OAG)
Sent: Thursday, August 29, 2019 1:11 PM
To: Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>;
(b)(6) per CRM
Cc: Levi, William (OAG) <wlevi@jmd.usdoj.gov>
Subject: Meeting/Coffee w/Mayor Rudy Giuliani and
Rep. Trey Gowdy - Tuesday, Sept. 3

Good afternoon (b)(6),
The above meeting is scheduled in the CRM Conf. Room
on Tuesday, Sept. 3 at 11:00 am, and I wanted to confirm
that OAG will not be providing coffee and that your
office is handing?
Thanks,

Theresa J. Watson
Confidential Assistant to the Attorney General
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-9755

Levi, William (OAG)

From: Levi, William (OAG)
Sent: Thursday, August 29, 2019 3:03 PM
To: Cronan, John (CRM)
Subject: Re: Meeting/Coffee w/Mayor Rudy Giuliani and Rep. Trey Gowdy - Tuesday, Sept. 3

There are others from RG firm, Errical has

On Aug 29, 2019, at 3:48 PM, Cronan, John (CRM) (b)(6) per CRM wrote:

Duplicative Material



Cronan, John (CRM)

From: Cronan, John (CRM)
Sent: Tuesday, August 27, 2019 6:31 PM
To: Driscoll, Kevin (CRM)
Cc: Wong, Candice (CRM)
Subject: Re: Meeting tonight

Thanks. Can you try to find Pat and see what the issue is?

John P. Cronan
Principal Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
Desk: (b) (6), (b) (7)(C) Per CRM
Cell: (b) (6), (b) (7)(C) Per CRM

On Aug 27, 2019, at 5:29 PM, Driscoll, Kevin (CRM) (b) (6), (b) (7)(C) Per CRM <(b) (6), (b) (7)(C) Per CRM@crm.usdoj.gov> wrote:

I was on my way out, but can stick around if needed. Just let me know.

From: Cronan, John (CRM)
Sent: Tuesday, August 27, 2019 6:25 PM
To: Wong, Candice (CRM) (b) (6), (b) (7)(C) Per CRM <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>; Driscoll, Kevin (CRM) (b) (6), (b) (7)(C) Per CRM <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>
Subject: Fwd: Meeting tonight

No idea what this is about, but are either of you around if someone needs to meet with them?

John P. Cronan
Principal Deputy Assistant Attorney General
Criminal Division
U.S. Department of Justice
Desk: (b) (6), (b) (7)(C) Per CRM
Cell: (b) (6), (b) (7)(C) Per CRM

Begin forwarded message:

From: "Hovakimian, Patrick (ODAG)" <phovakimian4@jmd.usdoj.gov>
Date: August 27, 2019 at 5:17:58 PM CDT
To: "Cronan, John (CRM)" <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>
Cc: "Gannon, Curtis E. (OLC)" (b) (6), "Benczkowski, Brian (CRM)" (b) (6), (b) (7)(C) Per CRM <(b) (6), (b) (7)(C) Per CRM@CRM.USDOJ.GOV>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>
Subject: Meeting tonight

John - I understand Brian is traveling. think Curtis is currently at the White House on an issue that we need to read CRM in on. DAG would like us to get together tonight, if you're around. Thanks and please let me know if you're in the office for a bit.

Patrick Hovakimian
202-532-3295

Benczkowski, Brian (CRM)

From: Cronan, John (CRM)
Sent: Tuesday, August 27, 2019 6:20 PM
To: Hovakimian, Patrick (ODAG)
Cc: Gannon, Curtis E. (OLC); Benczkowski, Brian (CRM); O'Callaghan, Edward C. (ODAG)
Subject: Re: Meeting tonight

I'm traveling with Brian. Candice or Kevin Driscoll may be available.

John P. Cronan
Principal Deputy Assistant Attorney General Criminal Division U.S. Department of Justice
Desk: (b) (6), (b) (7)(C) Per CRM
Cell: (b) (6), (b) (7)(C) Per CRM

> On Aug 27, 2019, at 6:17 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:

Duplicative Material



Cronan, John (CRM)

From: Cronan, John (CRM)
Sent: Tuesday, August 27, 2019 6:37 PM
To: Hovakimian, Patrick (ODAG)
Subject: Re: Meeting tonight

Kevin is still around. I asked him to try to find you to find out what this is about.

John P. Cronan

Principal Deputy Assistant Attorney General Criminal Division U.S. Department of Justice

Desk: (b) (6), (b) (7)(C) Per CRM

Cell: (b) (6), (b) (7)(C) Per CRM

> On Aug 27, 2019, at 5:17 PM, Hovakimian, Patrick (ODAG) <phovakimian4@jmd.usdoj.gov> wrote:

Duplicative Material



O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Wednesday, April 24, 2019 4:34 PM
To: Kupec, Kerri (OPA)
Subject: RE: Request for comment - deadline 10a tomorrow

I have no information on this. No comment.

Edward C. O'Callaghan
202-514-2105

From: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>
Sent: Wednesday, April 24, 2019 4:01 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: FW: Request for comment - deadline 10a tomorrow

From: John Solomon <jsolomon@thehill.com>
Sent: Wednesday, April 24, 2019 2:19 PM
To: Kupec, Kerri (OPA) <kkupec@jmd.usdoj.gov>; Marquis, Garrett C. EOP/NSC
(b)(6); Pietranton, Kelsey (DO) (FBI) (b)(7)(E)
Cc: John Solomon <jsolomon@thehill.com>
Subject: Request for comment - deadline 10a tomorrow

Kerri, Garrett, Kelsey:

I have obtained documents and conducted interviews with several participants in a January 18-23, 2016 series of meetings between the National Security Council, DOJ and FBI and Ukrainian law enforcement authorities.

The meetings were requested by DOJ's Jeff Cole on behalf of the NSC. The Ukraine delegation was arranged by Andrii Telizhenko, the political officer of Ukraine embassy in Washington. The English translation of the Ukrainian agenda is attached below.

At these meetings, Ukraine officials said the NSC and DOJ made two requests:

- 1.) That Ukraine's NABU and SABU (the anticorruption investigative and prosecutorial arms) assist US officials in re-starting the zUS investigation into Party of Regions payments to Americans, including Paul Manafort. The probe had first been conducted in 2014 and closed after an interview with Paul Manafort.
- 2.) That Ukraine's General Prosecutor's office stand down on its investigation into Burisma Holdings and defer to the FBI.

What is the NSC's and DOJ's response to the Ukrainian's recollections of the meeting? What was the purpose of these meetings? Who attended and why? Why would the White House/NSC have an interesting in Ukraine prosecutions?

My deadline is 10a tomorrow.

Thanks

John

Prosecutors' Training Program
Study visit to USA
January 18-23, 2016
Washington, DC

Monday, January 18, 2016

04:00 - 04:30 Registration for the flight

Flight LH1493 to Frankfurt at 06:00
UA 988 flight from Frankfurt to Washington DC at 11:25

14:00 Delegation arrives in Washington

Transfer to the hotel:

The

The address of the JW Marriott Hotel

1331 Pennsylvania Ave N. W. Washington, DC 20004

The

Tuesday, January 19, 2016

10:00 Departure from the hotel

11:00 - 12:00 Meeting with Eric Siaramella and Elizabeth Zentos, National Security Council
Address: 1600, Pennsylvania Av, MN. Washington, DC

13:00 - 14:00 Meeting with Kenneth Blanco, Deputy Prosecutor General and Bruce Schwartz, Adviser to the Attorney General for International Affairs of the US Department of Justice
Address: 950 Pennsylvania Av, MN., Office 4706

15:00 - 16:00 Meeting with FBI representatives
Address: to be specified

16:00 - 17:00 Meeting with representatives of the Office of Assistance and Training on Issues Overseas Prosecutor Development Department of the US Department of Justice (DOJ / OPDAT)
Address: 1331 F street NW, Washington DC 20004

Wednesday, January 20, 2016

09:30 Departure from the hotel

10:30 - 12:00 Meeting with Michael Gorovitz, Inspector-General of the US Department of Justice and Robert Storch, Deputy Assistant Secretary-General of the United States Department of Justice

Address: 950 Pennsylvania Av, MN., Office 4706

12:15 - 13:15 Lunch

14:00 - 15:00 Meeting with Raymond Halser, Head of the Anti-Corruption Division of the US Department of Justice

Address: 1400 New York Av., Mon.-Zh., 12th floor

15:30 - 16:30 Meeting with FBI representatives

Address: 1400 New York Av., Mon.-Zh., 9th floor

Thursday, January 21, 2016

08:45 Departure from the hotel

09:45 - 10:45 Meeting with James Walsham, Deputy Assistant Secretary of State

Address:

12:00 - 13:00 Lunch

13:00 - 14:00 Meeting with Jonathan Katz, Deputy Head of the Office for Europe and Asia, United States Agency for International Development (USAID)

Address: 301, 4th Street, Pd. -Sc., (Federal Center Building), Room 247-SA-44, Washington, 20004

15:00-16:00 Meeting with Mary Rodriguez, Head of International Relations Office and Jason Carter, Assistant Officer of the Office of International Relations, Department of Justice, USA

Address: 1301 New York Av., Mon.-W., Washington 20530

Friday, January 22, 2016

Check out the hotel to the airport

16:00-16:30 Check-in

flight UA8826 to Frankfurt at 18:05

Flight LH1490 from Frankfurt to Kiev at 09:50

--

John Solomon
Executive Vice President
The Hill
(b)(6)



THE PEOPLE'S DEPUTY OF UKRAINE
TETIANA CHORNOVOL

(b)(6)

, tel.: (b)(6)

№181920/03-02

"18" March, 2019

The Honorable William P. Barr
Attorney General

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. William P. Barr!

As a public official, a member of Parliament of Ukraine, I consider it my duty to inform the US government of a crime committed in the US jurisdiction, which constituted laundering of \$ 7.5 billion worth of corrupt assets resulted from crime, committed in Ukraine. This letter is intended to initiate a procedure for seizure of criminal proceeds in the United States.

Below I am disclosing facts known to me about the origin and money laundering of \$ 7.5 billion in the US jurisdiction.

In particular, the Prosecutor General's Office of Ukraine is currently conducting an investigation of a criminal case, based on the facts that in February 2010 the ousted President of Ukraine Viktor Yanukovich set up a criminal organization in order to obtain corrupt income.

It is revealed that from March 2010, after being elected President of Ukraine, Viktor Yanukovich took a leading role in the criminal organization, which included individuals from his immediate circle, in particular, the ex-Prime Minister of Ukraine Azarov M.Y., the ex-Prosecutor General of Ukraine V.Pshonka, their sons, who at that time were members of the Ukrainian Parliament, former Ukrainian notorious criminal Ivanushchenko Y.V. (during the Yanukovich regime also a member of Parliament), ex-First Deputy Prime Minister of Ukraine Arbuzov S.G., ex-Minister of Income and Tax Collection of Ukraine Klimenko O.V. and other persons who were charged with performing the functions of the heads of separate structural subdivisions of a criminal organization.

Mentioned Ukrainian citizens were appointed by former President of Ukraine Viktor Yanukovich to the most important positions in the supreme bodies of state power and facilitated the election of their trusted people as deputies of Ukraine, thus creating a system of governance by which Viktor Yanukovich personally and other leaders of the criminal organization had an influence on making fundamental decisions regarding the activities of the highest bodies of state power and the law-enforcement system.

DOJ-19-1197, 19-1206, 19-1210, 19-1244-H, 19-1246-I, 19-1193, 19-1242-J, 19-1241-P-000060

As a result, the criminal organization of Yanukovych, during the period from March 2010 to February 2014, freely existed on the territory of Ukraine, allowing its leaders to plan and arrange a commission of a number of serious and especially aggravated economic offences including crime against state property, for a total amount of more than 40 billion US dollars.

At the same time, while committing those offences, participants of the criminal organization realized that since assets they acquired had a criminal origin, they organized and secured the legalization of the proceeds of their crime. Namely, the purchase of Ukraine's external and internal government loans i.e domestic and external state bonds.

For the purchase of government bonds they business entities under their control - non-residents, in particular: Wonderbliss Ltd. (registration number: HE290170, address: 4 Diagora, Kermina Building, flat / office 202, Nicosia 1097, SY), Sabulong Trading Ltd. (registration No.HE 281148, address: 82 Marinou Geroulanou, Kato Polemida, Limassol 4153, CY), Opalcore Ltd. (registration No.HE 319982, address: Spyrou Kyprianou 61, SK House Limassol, 4003, CY), Baleingate Finance Ltd. (registration No.HE 285076, address: 48 Themistokli Dervi, Athienitis Centennial Build, 1st floor, flat / office 104 1066, CY), Akemi Management Ltd. (registration No.HE 319477, address: Kennedy, 12 Kennedy Business Center, 2nd floor Nicosia 1087, CY), Wellar Investments Inc. (registration number 98453, address 2236 Albert hoyStreet, Belize, Belize), Exvale Business AG (registration number F679144D1668320, address 50th Street, Global Plaza Tower, 19th Floor Suite H. Panama City, Panama), Quickpace Ltd. (registration No.HE 290165, address: 4 Diagora, Kermia Building, flat / office 202 Nicosia 1097, SY), Loricom Holding Group Ltd. (registration No.HE 288464, CY, address: 1-3 Boumpoulinas Street, 3rd floor, flat / office 34 Nicosia 1060, CY), Folkbrook Incorporated at AT PrivatBank (registration number 730099-1941966, address 50th Street, Global Plaza Tower, 19th Floor, Suite H, Panama City, Panama), Japelion Ltd. (registration number: HE321894, address: Spyrou Kyprianou, 61 SK House, Limassol, 4003, Cyprus), Katiema Enterprises Ltd. (registration number: HE232221, address: Kennedy, 12 Kennedy Business Center, 2nd floor, Nicosia 1087 CY), Kviten Solution Ltd. (registration No.HE290146, address 4 Diagora, Kermia Building, flat / office 202 Nicosia 1097, CY), Raytech Commerce Ltd. (registration number 106420, address: 35 New Road, Belize, Belize), Aldoza Investments Ltd. (registration number: HE319315, address: Kennedy, 12 Kennedy Business Center, 2nd floor Nicosia 1087, CY), Canyon Capital Inc. (registration number 156853, address: Road Town, Tortola: post office 3483), Foxtron Networks Ltd. (registration No.NU 272238, address: 1 Apriliou, 52 Athienou Larnaca, CY), Manningford Trading Ltd. (registration number: HE315432, address: Aisopou, 23 Agiamzia, Nicosia, post office 213, CY), Yorkfield United LLP (registration No.OC365631, Suite 1 the Sludia, St. Nicholas Close Elstree, Hertfordshis, WD6 3EW), Erosaria Ltd . (registration No.HE320554, address: Spyrou Kyprianou, 61 SK House, Limassol, 4003, Cyprus), Fincorp Resources LLP (registration No.OC363406, Suite 1 the Sludia, St. Nicholas Close Elstree, Hertfordshis, WD6 3EW), Pialesko Ltd . (registration

DOJ-19-1197, 19-1206, 19-1210, 19-1244-H, 19-1246-I, 19-1193, 19-1242-J, 19-1241-P-000061

number 101.509, Driftwood Bay, Belize, 1885, Belize), Anrado Group Ltd. (registration number 105.054, address: 35, New Road, Belize, 1708, Belize), Lomond Management, Vestar Management SA, LLC Strim, LLC Bisoft, LLC Capital 2008, LLC Diona Group, LLC Investresurs-2010, LLC Kaulvyur, LLC Asunta, PE Ivanych, Fendvord Project LLP, Zalika LTD, Fendvord Project LLP, Ebold Finance Holdings AG, Lomond Management LTD, Farrell Marketing Inc., Vestar Management SA, Larkin Alliance, Grand & Rend LLC, LLC Strim, LLC Talion-2008, LLC Celis Consulting, LLC VKF Amos, LLC Klimbers, LLC Dekaut, Crumlin Corporation SA, Celestia LTD, Elaine Group Invest Ltd., Bold Finance Holdings AG, Bitkeep Development LLP, Trafenfor LLP, Destu Capital LLP, Lexford Systems, which had accounts in Latvian and Ukrainian banking institutions, and other companies.

According to the judgements of the Ukrainian courts, more than 40 members of Yanukovych's criminal organization have been found guilty of committing the above-mentioned crimes. For other participants, the investigation is still ongoing. In particular, certain individuals were found guilty of legalizing (laundering) the funds through the purchase of the state bonds and those assets have been subject to a special confiscation procedure of over \$ 1.5 billion.

Also, an investigation is being carried out on the involvement of the former President of Ukraine Viktor Yanukovych and the key members of the then government to legalize \$ 7.5 billion in 2012-2013 with the help of intermediary, the investment fund Franklin Templeton Investments, USA, through the purchase of external government loan bonds (ODP). It was established that during 2012-2013, two meetings of the representatives of "Franklin Templeton Investments" and officials of the government of Yanukovych VF, aimed at structuring the investment portfolio through the controlled by his criminal organization offshore legal entities, were held. As a result of these meetings representatives of "Franklin Templeton Investments" and officials of the government of Yanukovych VF entered into a criminal conspiracy regarding the legalization of criminal assets, as a result of which from the offshore accounts controlled by Viktor V. Yanukovych organization, \$ 6 billion was transferred to Franklin Templeton Investments accounts for the purchase of Ukraine's external loan state bonds. Franklin Templeton Investments directly owns the specified \$ 6 billion worth state bonds.

In addition, according to the agreements reached, "Franklin Templeton Investments", received \$ 900 million for which it was allowed to buy more state bonds which was in fact, a reward for structuring and participating in the said laundering scheme

In order to execute the said laundering scheme, the government officials Arbuzov S.G. and Kolobov Y.V., acting under conspiracy with President Viktor Yanukovych, and chairman of the Government Azarov M.Ya. organized the adoption by the Cabinet of Ministers of Ukraine (the government) of a number of decisions that led to the release of the state bonds, namely:

- in August 2012, in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated August 27, 2012 No. 648 "On State External

Borrowing in 2012", a USD 1.0 billion state bonds was issued in 2014 at an interest rate of 7.95% per annum;

- in November 2012, in accordance with the Resolution of the Cabinet of Ministers of Ukraine dated November 14, 2012 № 1058 "On the implementation of state external borrowings in 2012", state bonds were issued for the amount of USD 1.25 billion with maturity in 2022 at an interest rate of 7.8% per annum;

- in February 2013, an issue of the state bonds was made in the amount of USD 1.0 billion with maturity in 2022 at an interest rate of 7.8% per annum (in accordance with the Decrees of the Cabinet of Ministers of Ukraine dated November 14, 2012 No. 1058 "On State External Borrowing in 2012 year "and dated 06.02.2013 No 78 "On the implementation of additional issue of bonds of foreign state loan in 2012");

- in April 2013, in accordance with the Resolution of the Cabinet of Ministers of Ukraine of 10.04.2013 No. 242 "On State Foreign Borrowing in 2013", state bonds were issued in the amount of USD 1.25 billion with maturity in 2023 at an interest rate of 7.5% per annum;

- in December 2013, in accordance with the Resolution of the Cabinet of Ministers of Ukraine of 18.12.2013 No. 904 "On State External Borrowing in 2013", a \$ 3,0 billion bond issue was executed with a maturity date in 2015 at an interest rate of not higher 5.0% per annum.

The placement of external government bonds in the international capital market took place with the participation of the leading banks under the conditions approved by the Cabinet of Ministers of Ukraine. Upon completion of the placement of bonds, their owners freely conducted transactions on the international bond market. The Issuer of bonds did not have access to information about bondholders.

The Order of the Cabinet of Ministers of Ukraine dated 04.04.2015 № 318-r "Some Issues of Enactment of Laws Concerning the Modification of Conditions of Borrowing under Foreign Debt Obligations" approved the list of external debt obligations in respect of which it was decided to make changes of the borrowing conditions: state bonds 2005, 2006, 2007, 2010, 2011, 2012, 2013 (maturity years, respectively, 2015, 2016, 2017, 2020, 2015, 2021, 2016, 2017, 2022, 2023, 2015).

In order to complete the restructuring of the state and guaranteed by the state external debt and partially write-off the debt, the Resolution of the Cabinet of Ministers of Ukraine dated 11.11.2015 No. 912 "On the implementation of transactions with the state and guaranteed state debt for the purpose of its restructuring and partial write-off" in 2015, the list of external debt obligations was approved which dealt with changes in borrowing conditions; conditions of issuing and placing (including additional issues and placements) of Ukraine's foreign state debt bonds in 2015; terms of issue and placement (including additional issues and placements) of state derivatives.

As a result of the exchange, 13 issues of Eurobonds totalling \$ 15 billion were cancelled, and 9 series of new Eurobonds worth \$ 11.954 billion and government derivatives were issued for a par value of \$ 2.916 billion.

The pre-trial investigation found that part of the profit on the state bonds was received by the above mentioned 23 offshore companies under the control of Viktor Yanukovych and Sergiy Arbuzov. The said bonds were then confiscated by the Ukrainian courts.

The said facts were confirmed by the testimonies of witnesses in the proceedings, which in particular showed that in 2013 Franklin Templeton Investments acquired State Treasury Bonds worth \$ 7,5 billion with the nominal value of 50%.

Also in early 2013, a group of Ukrainian officials headed by S. Arbuzov had a meeting with representatives of "Franklin Templeton Investments" office, which resulted in the agreement that a number of non-resident companies would invest in Franklin Templeton Investments, provided that all investments would be directed towards the purchase of OSDP and that they would be provided with the most convenient conditions for their acquisition. For this purpose, a number of offshore companies were created that were "hidden" by offshore management funds. The companies received the necessary funds through schemes involving the issue of domestic government bond bonds, as well as by obtaining substantial loans from the state banks to acquire government bonds which were secured by the government guarantees. Besides, the nominal value of the bonds was lower than the amount of the loans. Extra funds were embezzled by the said offshore companies. Subsequently, these companies invested funds through Franklin Templeton Investments. Among those companies were related to Arbuzov, such as Quickpace Limited, Aldoza Investment Limited, Loricom Holding Group. But these companies invested funds indirectly, through others - such companies as Largos World Limited, JP Finance Limited, whose accounts were opened at Merrill Lynch. The funds to the accounts at Merill Lynch came through the banks of Austria and Liechtenstein, which were engaged in their legalization.

The pre-trial investigation into the circumstances of the withdrawal of public funds and their investment in reliable investment instruments, including through the purchase of treasury securities and government-guaranteed bonds, is continuing.

I hope that the US government will join Ukraine in combating the international money laundering of the criminal proceeds of Yanukovych's corruption regime and initiate a \$ 7.5 billion confiscation procedure of assets acquired through Franklin Templeton Investments. It should be noted that top management of this fund is well aware of the origin of these funds and deliberately commit continuing criminal acts of laundering of criminal assets for the remuneration of \$ 900 million. Operative intervention by the US government, in particular the confiscation of \$ 7.5 billion of corrupt funds of Ukrainian origin, will deprive criminals of the possibility of using them as a means to commit other crimes including financing military confrontation in the East of Ukraine with support of Russian Federation. As Ukraine not only lost part of its territory, which is now occupied by the Russian Federation, it is also under constant threat to the chosen Euro-Atlantic course. The Russian Federation is conducting a hybrid war on the territory of Ukraine which purpose is the overthrow current government and

to bring pro-Russian forces back into the country. Accordingly, Yanukovych's criminal funds will be directed to support the pro-Russian anti-NATO forces in Ukraine to assist Russian military and aggression if not confiscated.

Open sources used for information:

<http://reyestr.court.gov.ua/Review/65462122>
<http://reyestr.court.gov.ua/Review/71551654>
<http://reyestr.court.gov.ua/Review/65729597>
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<http://reyestr.court.gov.ua/Review/65356367>

(b) (6) Per CRM

(b)(6) (b)(6) Per CRM

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Thursday, February 21, 2019 4:25 PM
To: Lan, Iris (ODAG)
Subject: RE: SDNY Briefing Materials Question

(b)(5), (b)(6) ?

Edward C. O'Callaghan
202-514-2105

From: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
Sent: Thursday, February 21, 2019 4:10 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: SDNY Briefing Materials Question

Do you happen to have a preference on whether (b)(5) ? Thanks.

Begin forwarded message:

From: "Khuzami, Robert (USANYS)" <RKhuzami@usa.doj.gov>
Date: February 21, 2019 at 1:42:10 PM EST
To: "Lan, Iris (ODAG) (JMD)" <Iris.Lan3@usdoj.gov>
Subject: FW: Certain (b)(5) Investigations

Iris, can we chat about whether (b)(5) ?

Rob

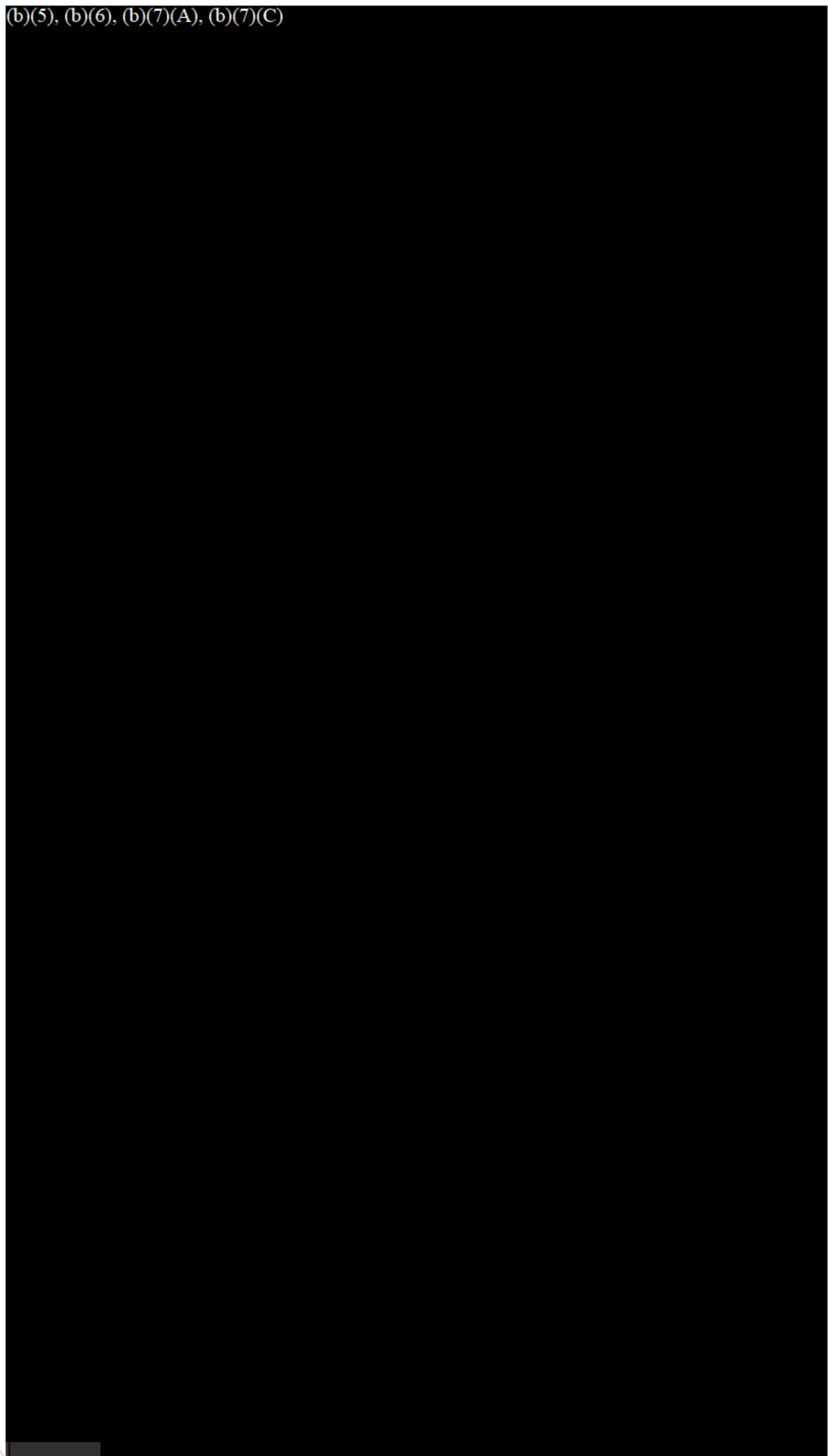
From: Khuzami, Robert (USANYS)
Sent: Thursday, February 21, 2019 12:54 PM
To: Berman, Geoffrey (USANYS) <GBerman@usa.doj.gov>; Strauss, Audrey (USANYS) (b)(6); Birger, Laura (USANYS) (b)(6)
(b)(6) (USANYS) (b)(6)
Subject: FW: Certain (b)(5) Investigations

See Item 1.

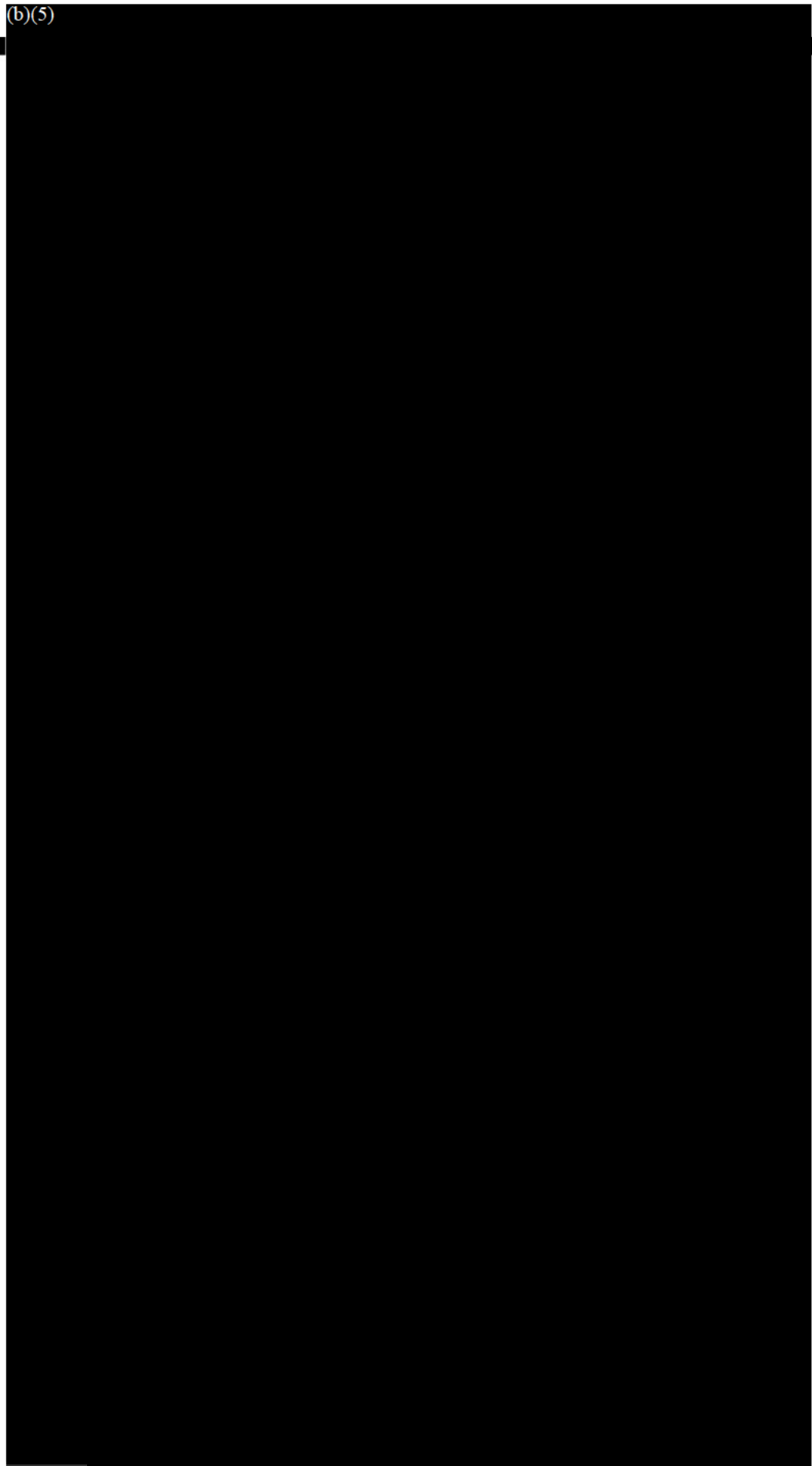
From: Khuzami, Robert (USANYS)
Sent: Saturday, December 15, 2018 2:09 PM
To: Lan, Iris (ODAG) (JMD) <Iris.Lan3@usdoj.gov>
Subject: Certain (b)(5) Investigations

Iris: (b)(5), (b)(7)(A)

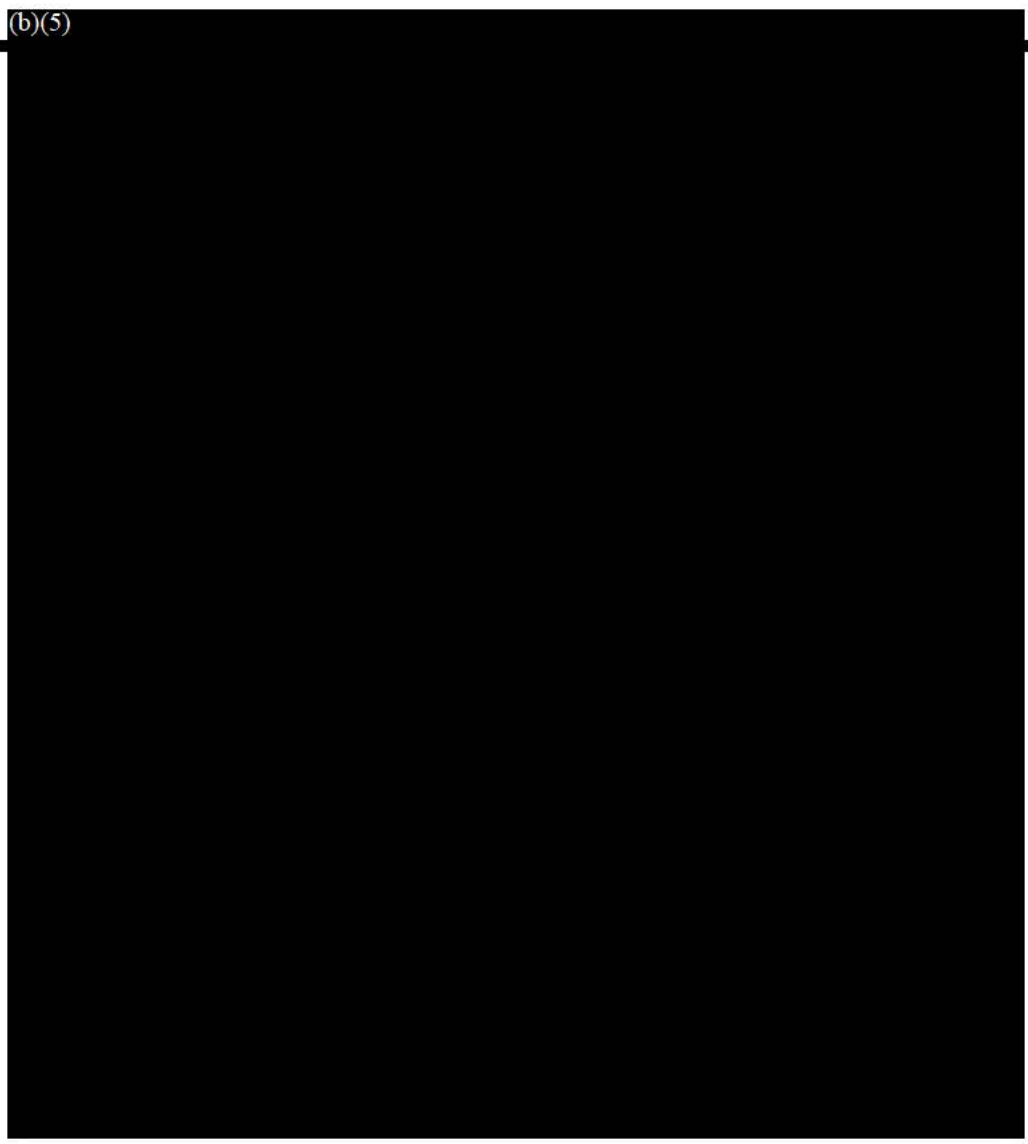
(b)(5), (b)(6), (b)(7)(A), (b)(7)(C)



(b)(5)



(b)(5)



Rob

O'Callaghan, Edward C. (ODAG)

From: O'Callaghan, Edward C. (ODAG)
Sent: Thursday, February 21, 2019 4:15 PM
To: Lan, Iris (ODAG)
Subject: RE: SDNY Briefing Materials Question

Yes include.

Edward C. O'Callaghan
202-514-2105

From: Lan, Iris (ODAG) <irlan@jmd.usdoj.gov>
Sent: Thursday, February 21, 2019 4:10 PM
To: O'Callaghan, Edward C. (ODAG) <ecocallaghan@jmd.usdoj.gov>
Subject: SDNY Briefing Materials Question

Duplicative Material - See Bates Stamp Page 20200330-0003242

