



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

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Telephone: (202) 514-3642

July 10, 2020

Austin R. Evers  
American Oversight  
1030 15th Street NW Suite B255  
Washington, DC 20005  
[foia@americanoversight.org](mailto:foia@americanoversight.org)

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

Dear Austin Evers:

This is a second 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.

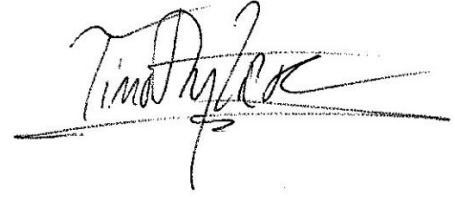
On May 22, 2020, OIP sent an interim response to you. OIP has now processed an additional 103 pages containing records responsive to your request. I have determined that these 103 pages are appropriate for release with excisions made pursuant to Exemptions 5, 6 and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C), and copies are enclosed. Additionally, I have determined that 106 pages should be withheld in full pursuant to FOIA Exemptions 3, 5, 6, 7(A), and 7(C) of the FOIA, *id.* §552(b)(3), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).

Exemption 3 pertains to information exempted from release by statute, in this instance Fed. R. Crim. P. 6(e). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. 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 personal privacy.

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,

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

Timothy Ziese  
Senior Supervisory Attorney  
for  
Vanessa R. Brinkmann  
Senior Counsel

Enclosures

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Thursday, December 12, 2019 10:16 AM  
**To:** DuCharme, Seth (OAG); Rabbitt, Brian (OAG); Demers, John C. (NSD)  
**Subject:** FW: Letter from Reps Meadows and Gaetz to AG Barr  
**Attachments:** Letter from Reps Meadows and Gaetz to AG Barr.pdf; ATT00001.htm

FYSA from later last night...

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**From:** Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>  
**Sent:** Wednesday, December 11, 2019 11:09 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6)  
**Subject:** Fwd: Letter from Reps Meadows and Gaetz to AG Barr

Please see attached.

Begin forwarded message:

MARK MEADOWS  
11TH DISTRICT, NORTH CAROLINA

COMMITTEE ON OVERSIGHT  
AND REFORM  
RANKING MEMBER, SUBCOMMITTEE ON  
GOVERNMENT OPERATIONS

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE  
RANKING MEMBER, SUBCOMMITTEE ON  
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS,  
AND EMERGENCY MANAGEMENT

2160 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-6401

200 NORTH GROVE STREET, SUITE 90  
HENDERSONVILLE, NC 28792  
(828) 693-5660

[www.meadows.house.gov](http://www.meadows.house.gov)

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3311

December 11, 2019

The Honorable William P. Barr  
Attorney General of the United States  
950 Pennsylvania Avenue NW  
Washington, DC 20530

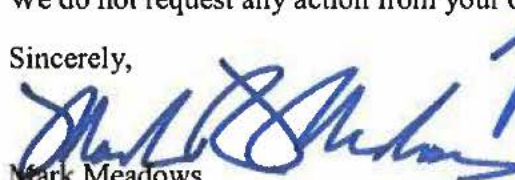
Dear Mr. Barr:

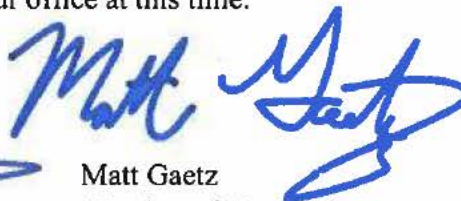
We are writing to you to notify you of information potentially relevant to the ongoing impeachment investigation into President Donald J. Trump. On December 8, 2019, we each received phone calls from personal lawyer for President Trump, Rudy Giuliani. At the onset of the call, Mr. Giuliani expressed he had traveled to Ukraine interviewing current and former Ukrainian officials related to their potential interference in the 2016 election.

We thought it would be prudent to alert you of the phone calls in case they bear relevance to any investigation under your supervision. Shortly after being contacted by Mr. Giuliani, we alerted Counsel to the Oversight and Reform Committee. We do not intend to pursue information offered by Mr. Giuliani on the December 8 phone calls.

We do not request any action from your office at this time.

Sincerely,

  
Mark Meadows  
Member of Congress

  
Matt Gaetz  
Member of Congress

**O'Callaghan, Edward C. (ODAG)**

---

**From:** O'Callaghan, Edward C. (ODAG)  
**Sent:** Thursday, October 24, 2019 3:32 PM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: Letter to AG Barr  
**Attachments:** 2019.10.24 JUD Dems to AAG Lofthus re Barr Recusal (ENCLOSURE).pdf; ATT00001.htm; 2019.10.24 JUD Dems to AG Barr re Recusal.pdf; ATT00002.htm

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Lasseter, David F. (OLA)" <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**To:** "Boyd, Stephen E. (OLA)" (b)(6); "Rabbitt, Brian (OAG)" <[brrabbitt@jmd.usdoj.gov](mailto:brrabbitt@jmd.usdoj.gov)>, "O'Callaghan, Edward C. (ODAG)" <[ecocallaghan@jmd.usdoj.gov](mailto:ecocallaghan@jmd.usdoj.gov)>, "Kupec, Kerri (OPA)" (b)(6), "Escalona, Prim F. (OLA)" <[pfescalona@jmd.usdoj.gov](mailto:pfescalona@jmd.usdoj.gov)>, "Hankey, Mary Blanche (OLA)" <[mhankey@jmd.usdoj.gov](mailto:mhankey@jmd.usdoj.gov)>  
**Subject:** FW: Letter to AG Barr

FYSA attached from SJC democrats asking AG to recuse from Ukraine and Russia matters.

dfi

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**From:** Zdeb, Sara (Judiciary-Dem) (b)(6)  
**Sent:** Thursday, October 24, 2019 11:43 AM  
**To:** Lasseter, David F. (OLA) <[dlasseter@jmd.usdoj.gov](mailto:dlasseter@jmd.usdoj.gov)>  
**Cc:** Somers, Zach (Judiciary-Rep) (b)(6)  
**Subject:** Letter to AG Barr

David:

Please see attached for correspondence for Attorney General Barr and Assistant Attorney General Lofthus. If you could confirm receipt I'd appreciate it.

Regards,

Sara

**Sara Zdeb**  
Senior Counsel  
U.S. Senate Committee on the Judiciary  
Ranking Member Dianne Feinstein  
202-224-7703 (Main)  
----- (b)(6) -----

202-224-(b)(6) (Direct)

(b)(6)

United States Senate  
WASHINGTON, DC 20510

October 24, 2019

The Honorable Lee J. Lofthus  
Assistant Attorney General for Administration  
Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

Dear Assistant Attorney General Lofthus:

We are writing regarding Attorney General Barr's supervision of investigations related to the Trump Ukraine matters and the origins of the Russia investigation.

We are enclosing our letter to the Attorney General, urging him to recuse himself from these matters. As noted in that letter, federal ethics guidelines prohibit him from participating in any matter in which his impartiality could be questioned, including matters in which he was personally involved or about which he has personal knowledge.

We write to ask you, as the Department's Designated Agency Ethics Officer, whether the Attorney General has been advised on this matter by Department ethics officials. If so, we ask that you provide us with a copy of any guidance that was provided.

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

Enclosure: Letter from Judiciary Democrats to Attorney General Barr, October 22, 2019

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



United States Senate  
WASHINGTON, DC 20510

October 24, 2019

The Honorable William P. Barr  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530

Dear Attorney General Barr:

We urge you to recuse yourself from investigations into the Trump Ukraine matters, including any investigations involving Rudy Giuliani, Lev Parnas, or Igor Fruman, as well as investigations into the origins of the Russia investigation.

Federal ethics guidelines prohibit federal employees from participating in any matter in which their impartiality could be questioned, including matters in which they were personally involved or about which they have personal knowledge. [5 C.F.R. § 2635.502; Justice Manual § 1-4.020]. Previous Attorneys General have sought the counsel of the relevant senior career Department officials to determine whether they should recuse themselves from matters where their impartiality might reasonably be questioned.

The White House's memorandum of President Trump's July 25 phone call with Ukraine President Zelensky suggests that you may have personal knowledge or involvement in President Trump's requests that Ukraine pursue investigations to serve the President's personal political interests. During that phone call, President Trump referenced you by name or title at least five times, including mentioning you in tandem with Rudy Giuliani three times. [Call Summary at 3-5].

This raises legitimate questions about your knowledge of the activities of Mr. Giuliani and others, as well as the actions that you have taken and your discussions with the President and White House about these investigations. For example, after receiving the preliminary Justice Department Inspector General report on the Russia investigation's origins last month, you reportedly traveled to Italy to conduct your own fact-finding along with U.S. Attorney John Durham. [Washington Post, Oct. 10, 2019]. You did so after President Trump told President Zelensky that he would "like to have the Attorney General call" to discuss an

investigation meant to discredit Special Counsel Mueller's findings regarding Russian election interference.

Impartial enforcement of the law is essential to give the American public confidence in the Justice Department's work. Your personal connection to these matters creates the appearance of a conflict of interest and gives rise to questions about whether the Department is being used to advance the President's personal interests.

Accordingly, we request that you recuse yourself and identify the appropriate official who will be responsible for these matters. We also request that you confirm whether you consulted Department ethics officials regarding recusal and provide copies of any ethics guidance that Justice Department officials have provided in connection with these matters.


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

ecocallaghan@jmd.usdoj.gov

---

**From:** ecocallaghan@jmd.usdoj.gov  
**Sent:** Thursday, October 24, 2019 3:30 PM  
**To:** Rosen, Jeffrey A. (ODAG); Hovakimian, Patrick (ODAG)  
**Subject:** Fwd: Letter to AG Barr  
**Attachments:** 2019.10.24 JUD Dems to AAG Lofthus re Barr Recusal (ENCLOSURE).pdf; ATT00001.htm; 2019.10.24 JUD Dems to AG Barr re Recusal.pdf; ATT00002.htm

Edward C. O'Callaghan  
202-514-2105

Begin forwarded message:

**From:** "Lasseter, David F. (OLA)" <dlasseter@jmd.usdoj.gov>  
**To:** "Boyd, Stephen E. (OLA)" (b)(6), "Rabbitt, Brian (OAG)" <brrabbitt@jmd.usdoj.gov>, "O'Callaghan, Edward C. (ODAG)" <ecocallaghan@jmd.usdoj.gov>, "Kupec, Kerri (OPA)" (b)(6), "Escalona, Prim F. (OLA)" <pfescalona@jmd.usdoj.gov>, "Hankey, Mary Blanche (OLA)" <mhankey@jmd.usdoj.gov>  
**Subject:** FW: Letter to AG Barr

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dfi

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**Cc:** Somers, Zach (Judiciary-Rep) (b)(6)  
**Subject:** Letter to AG Barr

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Please see attached for correspondence for Attorney General Barr and Assistant Attorney General Lofthus. If you could confirm receipt I'd appreciate it.

Regards,

Sara

**Sara Zdeb**  
Senior Counsel  
U.S. Senate Committee on the Judiciary  
Ranking Member Dianne Feinstein  
202-224-7703 (Main)  
----- (b)(6) -----

AMERICAN  
OVERSIGHT

DOJ-19-1193, 19-1197, 19-1206, 19-1210, 19-1244, 19-1246-B, DOJ-19-1241-C-000010

202-224-(b)(6) (Direct)

(b)(6)

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Thursday, October 10, 2019 9:44 AM  
**To:** Greer, Megan L. (OLA); Lasseter, David F. (OLA); Escalona, Prim F. (OLA)  
**Subject:** Law enforcement action

<https://www.wsj.com/articles/two-foreign-born-men-who-helped-giuliani-on-ukraine-arrested-on-campaign-finance-charges-11570714188?redirect=amp#click=https://t.co/XzrSgEivr9>

Sent from my iPhone

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Friday, October 4, 2019 4:07 PM  
**To:** Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Engel, Steven A. (OLC)  
**Subject:** RE: House Request to VP Pence

W/ steve's address.

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Friday, October 4, 2019 3:57 PM  
**To:** Brian Rabbitt (brrabbitt@jmd.usdoj.gov) <brrabbitt@jmd.usdoj.gov>; O'Callaghan, Edward C. (ODAG)  
**Subject:** FW: House Request to VP Pence

See below. Apologies if duplicative. SB

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**From:** Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>  
**Sent:** Friday, October 4, 2019 3:55 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>  
**Subject:** House Request to VP Pence

The House has just issued a document request to VP Pence. It is drafted as a joint letter (not a subpoena) from HPSCI, HOCR, and Foreign Affairs, although the letter says that questions should be addressed to HPSCI staff. The deadline is October 15.

Two of the requests relate directly to the AG/Department:

**Request 2(b):** "Communications between or among current or former officials of any of [the Department of Justice] referring or relating in any way to the April 21, 2019, or July 25, 2019, telephone conversations"; and

**Request 9:** "Opinions, advice, counsel, approvals, or concurrences provided by OMB, NSC, the White House, or the Department of Justice on the legality of using an apportionment to withhold or defer the obligation of congressionally appropriated funds to Ukraine."

Megan L. Greer  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile

**Boyd, Stephen E. (OLA)**

---

**From:** Boyd, Stephen E. (OLA)  
**Sent:** Friday, October 4, 2019 3:57 PM  
**To:** Rabbitt, Brian (OAG); O'Callaghan, Edward C. (ODAG); Engel, Steven  
**Subject:** FW: House Request to VP Pence  
**Attachments:** 2019-10-04.EEC Engel Schiff re Request to VP 10-04-19 Letter and Schedule.pdf

See below. Apologies if duplicative. SB

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**From:** Greer, Megan L. (OLA) <mlgreer@jmd.usdoj.gov>  
**Sent:** Friday, October 4, 2019 3:55 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6); Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>  
**Subject:** House Request to VP Pence

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**Request 9:** "Opinions, advice, counsel, approvals, or concurrences provided by OMB, NSC, the White House, or the Department of Justice on the legality of using an apportionment to withhold or defer the obligation of congressionally appropriated funds to Ukraine."

Megan L. Greer  
Office of Legislative Affairs  
202.353.9085 office  
(b)(6) mobile



**Congress of the United States**  
**Washington, DC 20515**

October 4, 2019

**VIA U.S. AND ELECTRONIC MAIL**

The Vice President  
Eisenhower Executive Office Building  
Washington, D.C. 20502

Dear Mr. Vice President:

Pursuant to the House of Representatives' impeachment inquiry, we are hereby requesting that you produce the documents set forth in the accompanying schedule by **October 15, 2019**.

This request is being made jointly by the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform under the Rules of the House of Representatives in exercise of their oversight and legislative jurisdiction. The requested documents shall be collected as part of the House's impeachment inquiry and shared among the Committees, as well as with the Committee on the Judiciary as appropriate.<sup>1</sup> Your failure or refusal to comply with the request, including at the direction or behest of the President or the White House, shall constitute evidence of obstruction of the House's impeachment inquiry and may be used as an adverse inference against you and the President.

The Committees are investigating the extent to which President Trump jeopardized national security by pressing Ukraine to interfere with our 2020 election and by withholding security assistance provided by Congress to help Ukraine counter Russian aggression, as well as any efforts to cover up these matters.

Recently, public reports have raised questions about any role you may have played in conveying or reinforcing the President's stark message to the Ukrainian President. The reports include specific references to a member of your staff who may have participated directly in the July 25, 2019, call, documents you may have obtained or reviewed, including the record of the call, and your September 1, 2019, meeting with the Ukrainian President in Warsaw, during which you reportedly discussed the Administration's hold on U.S. security assistance to Ukraine.

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<sup>1</sup> See Letter from Jerrold Nadler, Chairman, Committee on the Judiciary, to Adam B. Schiff, Chairman, Permanent Select Committee on Intelligence; Maxine Waters, Chairwoman, Committee on Financial Services; Elijah E. Cummings, Chairman, Committee on Oversight and Reform; and Eliot L. Engel, Chairman, Committee on Foreign Affairs (Aug. 22, 2019) (online at <https://judiciary.house.gov/sites/democrats.judiciary.house.gov/files/documents/FiveChairsLetter8.22.pdf>).

## Background

In September 2018, Congress appropriated \$250 million to the Department of Defense for the Ukraine Security Assistance Initiative for fiscal year 2019.<sup>2</sup> In a Committee report authorizing the appropriation, the Senate Committee on Armed Services wrote:

The committee remains deeply concerned by the continuing aggression of Russia and Russian-led separatist forces in Ukraine. The committee welcomes the delivery of Javelin Missiles and Javelin Command Launch Units to Ukraine, which sends a strong signal of the United States' commitment to the defense of allies and partners. The committee continues to emphasize the importance of providing security assistance and intelligence support, including defensive lethal assistance, to the Government of Ukraine to build its capacity to defend its sovereignty and territorial integrity.<sup>3</sup>

On February 28, 2019, and May 23, 2019, Under Secretary of Defense for Policy John Rood notified Congressional chairs that the Department of Defense intended to release large tranches of this military aid to Ukraine.<sup>4</sup> The Congressional committees approved the defense assistance shortly after each notification. On June 18, 2019, the Defense Department announced that it was finalizing \$250 million in security cooperation funds to Ukraine.<sup>5</sup>

According to evidence obtained as part of the inquiry, as well as multiple press reports, at some point in July 2019, President Trump ordered Acting Chief of Staff and Office of Management and Budget (OMB) Director Mick Mulvaney to freeze the military aid to Ukraine, and Mr. Mulvaney reportedly “conveyed it through the budget office to the Pentagon and the State Department, which were told only that the administration was looking at whether the spending was necessary.”<sup>6</sup>

According to press reports, “Administration officials were instructed to tell lawmakers that the delays were part of an ‘interagency process’ but to give them no additional information.”<sup>7</sup> Officials at the Departments of State and Defense reportedly were “puzzled and

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<sup>2</sup> Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, Pub. L. No. 115-245 at § 9013 (2018).

<sup>3</sup> Senate Committee on Armed Services, *Report to Authorize Appropriations for Fiscal Year 2019 for Military Activities of the Department of Defense and for Military Construction, to Prescribe Military Personnel Strengths for Such Fiscal Year, and for Other Purposes* (Sen. Rpt. 115-262) (June 5, 2018) (online at [www.govinfo.gov/content/pkg/CRPT-115srpt262/html/CRPT-115srpt262.htm](http://www.govinfo.gov/content/pkg/CRPT-115srpt262/html/CRPT-115srpt262.htm)).

<sup>4</sup> Letter from John C. Rood, Under Secretary for Policy, Department of Defense, to Congressional Chairmen (May 23, 2019) (online at <https://assets.documentcloud.org/documents/6430088/Pentagon-Letter-On-Ukraine-Aid.pdf>).

<sup>5</sup> Department of Defense, *Press Release: DOD Announces \$250M to Ukraine* (June 18, 2019) (online at [www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/](http://www.defense.gov/Newsroom/Releases/Release/Article/1879340/dod-announces-250m-to-ukraine/)).

<sup>6</sup> *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at [www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html](http://www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html)).

<sup>7</sup> *Trump Ordered Hold on Military Aid Days Before Calling Ukrainian President, Officials Say*, Washington Post (Sept. 23, 2019) (online at [www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-](http://www.washingtonpost.com/national-security/trump-ordered-hold-on-military-aid-days-before-calling-ukrainian-president-officials-say/2019/09/23/df93a6ca-de38-11e9-8dc8-)

alarmed” after learning about the White House’s directive. Pentagon officials reportedly “tried to make a case to the White House that the Ukraine aid was effective and should not be looked at in the same manner as other aid,” but “those arguments were ignored.” State and Defense Department officials reportedly contacted Congress to inform them of the freeze imposed by the White House.<sup>8</sup>

On July 25, 2019, approximately one week after this order to halt military aid to Ukraine, President Trump had a telephone call with President Volodymyr Zelensky of Ukraine. According to the record of the call that has now been made public, President Trump repeatedly urged the Ukrainian President to launch an investigation into former Vice President Biden immediately after the Ukrainian President inquired about the status of the U.S. military assistance, including his desire to procure U.S.-manufactured Javelin missiles.

According to the record, President Trump stated, “I would like you to do us a favor though.” He also stated, “I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it.” He also said,

There’s a lot of talk about Biden’s son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.<sup>9</sup>

On August 30, 2019, Chairman Adam Smith and Ranking Member Mac Thornberry of the House Committee on Armed Services wrote a letter to Mr. Mick Mulvaney requesting information regarding why military assistance to Ukraine was being withheld and when it would be released. They wrote: “This funding is critical to the accomplishment of U.S. national security objectives in Europe.”<sup>10</sup>

On September 3, 2019, a bipartisan group of Senators—including Senators Rob Portman, Jeanne Shaheen, Dick Durbin, Richard Blumenthal, and Ron Johnson—wrote a letter requesting that OMB release the military assistance to Ukraine that the Trump Administration was withholding:

The funds designated for the Ukraine Security Assistance Initiative are vital to the long term viability of the Ukrainian military. It has helped Ukraine develop the independent military capabilities and skills necessary to fend off the Kremlin’s continued onslaughts within its territory. In fact, Ukraine continues to fight daily on its eastern border against Russia-backed separatists in the provinces of Donetsk and Luhansk, and over 10,000 Ukrainian soldiers and civilians have lost their lives in this war. U.S.-funded security

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498eabc129a0\_story.html).

<sup>8</sup> *Trump Said to Have Frozen Aid to Ukraine Before Call with Its Leader*, New York Times (Sept. 23, 2019) (online at [www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html](http://www.nytimes.com/2019/09/23/us/politics/trump-un-biden-ukraine.html)).

<sup>9</sup> The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](http://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>10</sup> Letter from Chairman Adam Smith and Ranking Member Mac Thornberry, House Committee on Armed Services, to Mick Mulvaney, Director, Office of Management and Budget (Aug. 30, 2019).

assistance has already helped turn the tide in this conflict, and it is necessary to ensure the protection of the sovereign territory of this young country, going forward.<sup>11</sup>

On September 5, 2019, Chairman Eliot L. Engel and Ranking Member Michael McCaul of the House Committee on Foreign Affairs wrote a letter to OMB urging the Trump Administration to lift its hold on security assistance funds to support Ukraine, writing: “These funds, which were appropriated by Congress as Foreign Military Financing and as part of the Ukraine Security Assistance Initiative and signed into law by the President, are essential to advancing U.S. national security interests.”<sup>12</sup>

On September 9, 2019, our Committees wrote to the White House requesting documents related to “the actual or potential suspension of security assistance to Ukraine.”<sup>13</sup> The White House never responded to this request. However, two days later, on September 11, 2019, the White House released its hold on the military assistance to Ukraine.<sup>14</sup>

On September 24, 2019, Senate Majority Leader Mitch McConnell stated that, although he was “very actively involved in advocating the aid,” he “was not given an explanation” about why it was being withheld, even though he talked to the Secretary of Defense and the Secretary of State. He stated: “I have no idea what precipitated the delay.”<sup>15</sup>

### Reports Relating to Your Involvement During This Period

On October 2, 2019, the Washington Post reported that President Trump repeatedly “used” you “in efforts to exert pressure on the leader of Ukraine at a time when the president was using other channels to solicit information that he hoped would be damaging to a Democratic rival.”<sup>16</sup> It remains unclear to what extent you had knowledge of specific aspects of some of these events.

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<sup>11</sup> Letter from Senators Rob Portman, Jeanne Shaheen, Dick Durbin, Richard Blumenthal, and Ron Johnson, to Mick Mulvaney, Director, Office of Management and Budget (Sept. 3, 2019) (online at [www.portman.senate.gov/newsroom/press-releases/portman-shaheen-lead-bipartisan-ukraine-caucus-leadership-letter-urging](http://www.portman.senate.gov/newsroom/press-releases/portman-shaheen-lead-bipartisan-ukraine-caucus-leadership-letter-urging)).

<sup>12</sup> Letter from Chairman Eliot L. Engel and Ranking Member Michael McCaul, House Committee on Foreign Affairs, to Mick Mulvaney, Director, and Russell Vought, Acting Director, Office of Management and Budget (Sept. 5, 2019).

<sup>13</sup> Letter from Chairman Eliot L. Engel, House Committee on Foreign Affairs, Chairman Adam Schiff, House Permanent Select Committee on Intelligence, and Chairman Elijah E. Cummings, House Committee on Oversight and Reform, to Secretary Mike Pompeo, Department of State (Sept. 9, 2019) (online at [https://foreignaffairs.house.gov/\\_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf](https://foreignaffairs.house.gov/_cache/files/a/d/ad1e0561-2252-4f7c-97ad-f649db558c83/1F587BDDA9087BEDDEE8D45A8F92C370.test.ele-schiff-cummings-letter-to-sec-pompeo-on-ukraine-002-.pdf)).

<sup>14</sup> *Trump Administration Backs Off Hold on Ukraine Military Aid*, Politico (Sept. 12, 2019) (online at [www.politico.com/story/2019/09/12/trump-administration-ukraine-military-aid-3825755](http://www.politico.com/story/2019/09/12/trump-administration-ukraine-military-aid-3825755)).

<sup>15</sup> *McConnell: ‘I Was Not Given an Explanation’ for Ukraine Aid Delay*, The Hill (Sept. 24, 2019) (online at <https://thehill.com/homenews/senate/462828-mcconnell-i-was-not-given-an-explanation-for-ukraine-aid-delay>).

<sup>16</sup> *Trump Involved Pence in Efforts to Pressure Ukraine’s Leader, Though Aides Say Vice President was Unaware of Allegations in Whistleblower Complaint*, Washington Post (Oct. 2, 2019) (online at [www.washingtonpost.com/world/national-security/trump-involved-pence-in-efforts-to-pressure-ukraines-leader-](http://www.washingtonpost.com/world/national-security/trump-involved-pence-in-efforts-to-pressure-ukraines-leader-)

According to the report, “Officials close to Pence insist that he was unaware of Trump’s efforts to press Zelensky for damaging information about Biden and his son.”<sup>17</sup>

However, the report indicates that your national security advisor, Lieutenant General Keith Kellogg, was on the July 25, 2019, call during which President Trump repeatedly urged the Ukrainian President to launch an investigation into former Vice President Biden. President Trump requested this “favor” immediately after the Ukrainian President inquired about the status of the U.S. military assistance, including his desire to procure U.S.-manufactured Javelin missiles.<sup>18</sup>

The report also indicates that you met personally with President Zelensky in Warsaw, Poland on September 1, 2019, and that President Trump sent you with instructions to inform the Ukrainian leader that “the administration wasn’t going to release the aid until it had assurances that Zelensky was committed to fighting corruption.” According to the report:

Officials close to Pence contend that he traveled to Warsaw for a meeting with Zelensky on Sept. 1 probably without having read—or at least fully registered—the transcript of Trump’s July 25 call with the leader of Ukraine.<sup>19</sup>

On October 3, 2019, CNN reported that “Vice President Mike Pence was told about the July 25 call between President Donald Trump and Ukrainian President Volodymyr Zelensky the day after the call.” CNN also reported that “Pence was provided a transcript of Trump’s call with Zelensky in his briefing book the day after the call.” According to the source cited in the report, “He may or may have not read it.”<sup>20</sup>

On September 2, 2019, you were asked during a press conference whether President Trump’s decision to freeze military aid to Ukraine was related to efforts “to try to dig up dirt on the Biden family.” You declined to respond directly, but stated instead: “as President Trump had me make clear, we have great concerns about issues of corruption.”<sup>21</sup>

Yesterday, you appeared to condone President Trump’s efforts to press foreign powers to target the President’s political opponents with baseless conspiracy theories. In public remarks, you stated:

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[though-aides-say-vice-president-was-unaware-of-pursuit-of-dirt-on-bidens/2019/10/02/263aa9e2-e4a7-11e9-b403-f738899982d2\\_story.html](https://www.whitehouse.gov/the-press-office/2019/10/02/263aa9e2-e4a7-11e9-b403-f738899982d2_story.html)).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* See also The White House, *Memorandum of Telephone Conversation* (July 25, 2019) (online at [www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf)).

<sup>19</sup> *Id.*

<sup>20</sup> *Pence Was Told About Call Between Trump and Zelensky the Day After It Happened*, CNN (Oct. 3, 2019) (online at [www.cnn.com/2019/10/03/politics/mike-pence-ukraine-call/index.html](https://www.cnn.com/2019/10/03/politics/mike-pence-ukraine-call/index.html)).

<sup>21</sup> The White House, *Remarks by Vice President Pence and President Duda of Poland in Joint Press Conference* (Sept. 2, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-president-duda-poland-joint-press-conference-warsaw-poland/](https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-president-duda-poland-joint-press-conference-warsaw-poland/)).

I think the American people have a right to know if the Vice President of the United States or his family profited from this position as Vice President during the last administration. That's about looking backwards and understanding what really happened.<sup>22</sup>

You also stated that “the President made it very clear that he believes—he believes our other nations around the world should look into it as well.”<sup>23</sup>


### Request for Documents

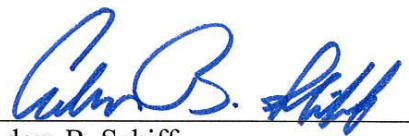
The Committees are seeking the documents in the attached schedule in order to examine this sequence of events, including the Administration's attempts to press the Ukrainian President to open an investigation into former Vice President Biden or election interference in 2016, and the reasons behind the White House's decision to delay critical military assistance to Ukraine that was appropriated by Congress to counter Russian aggression.


An attachment to this letter provides additional instructions for responding to the Committees' request.

If you have any questions regarding this request, please contact staff for the Permanent Select Committee on Intelligence at (202) 225-7690.

Sincerely,

  
Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs

  
Adam B. Schiff  
Chairman  
House Permanent Select Committee  
on Intelligence

  
Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform

Enclosure

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

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<sup>22</sup> The White House, *Remarks by Vice President Pence in a Press Gaggle* (Oct. 3, 2019) (online at [www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-press-gaggle-7/](http://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-press-gaggle-7/)).

<sup>23</sup> *Id.*

The Vice President  
Page 7

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

## DOCUMENT REQUEST

In accordance with the attached Definitions and Instructions, you, Michael R. Pence, in your capacity as Vice President of the United States, are requested to produce, for the time period from January 1, 2019 to the present, all documents and communications referring or relating to:

1. President Trump's April 21, 2019, and July 25, 2019, telephone conversations with Ukrainian President Volodymyr Zelensky, including but not limited to:
  - a. All recordings, transcripts, notes (including electronic and hand-written notes), summaries, and draft versions of the official "Memorandum of Telephone Conversation";
  - b. All preparatory memoranda and materials including the full presidential call package and any addenda;
  - c. The identity of all individuals who listened to, participated in, assisted in preparation for, transcribed, took notes during, reviewed the call record or transcript, or received information about the April 21, 2019, and July 25, 2019, telephone conversations;
  - d. All memoranda, briefing materials, summaries, and other documents received by you or officials in the Office of the Vice President (OVP) referring or relating to the July 25, 2019 call;
2. Communications between or among current or former officials of any of the following entities referring or relating in any way to the April 21, 2019, or July 25, 2019, telephone conversations:
  - a. The White House, including the OVP, the White House Counsel's Office, the National Security Council (NSC), the Office of Management and Budget (OMB), or the White House Situation Room;
  - b. The Department of Justice (DOJ);
  - c. The Department of State (DOS);
  - d. The Department of Energy (DOE); and
  - e. Agencies in the Intelligence Community (IC);
3. Any of the following meetings or potential meetings:
  - a. All telephone calls, meetings, visits, or other communication involving President Trump and President Zelensky, including but not limited to requests, suggestions, proposals, or other communications;



- b. A meeting at the White House on or around May 23, 2019, involving President Trump, Energy Secretary Rick Perry, former Ambassador Kurt Volker, and/or Ambassador Gordon Sondland;
  - c. President Zelensky's inauguration on May 20, 2019, in Kyiv, Ukraine, including but not limited to President Trump's decision not to attend or send you to lead the U.S. delegation, and instead to send Energy Secretary Rick Perry;
  - d. A meeting on or about July 10, 2019, at the White House between Ukrainian officials Andriy Yermak and Oleksander Danylyuk and U.S. government officials, including Energy Secretary Rick Perry, former National Security Advisor John Bolton, former Special Representative for Ukraine Negotiations Ambassador Kurt Volker, and Ambassador Gordon Sondland, including the proposed or actual participation of you and/or President Trump in the meeting, and any notes or memoranda related to the meeting that were provided to you or your office;
  - e. A potential meeting between President Trump and President Zelensky in Warsaw, Poland on or about September 1, 2019, including President Trump's decision to cancel his attendance;
  - f. All meetings and communications between U.S. officials, including but not limited to you, Energy Secretary Rick Perry, or Senior Advisor Jared Kushner, and President Zelensky or other Ukrainian government officials in Warsaw, Poland in or around September 1, 2019;
  - g. Secretary Pompeo's September 17, 2019 call with the Ukrainian Foreign Minister Vadym Prystayko;
  - h. Your September 18, 2019, call with President Zelensky; and
  - i. All meetings between President Trump and President Zelensky during the United Nations General Assembly on or about September 25, 2019, including but not limited to any discussion of their July 25, 2019, phone call, as well as any preparatory memoranda and materials generated for the meeting; any notes, readouts, summaries of the same; and any follow-up directives and guidance formally or informally issued to NSC staff, as well as relevant departments and agencies, either formally or informally;
4. Efforts by any current or former member of the Trump Administration or Rudolph ("Rudy") W. Giuliani, Igor Fruman, Lev Parnas, and Semyon ("Sam") Kislin, Joseph diGenova, Victoria Toensing, Vitaly Pruss, or any of their associates, to induce, compel, petition, press, solicit, request, or suggest that current or former Ukrainian government officials, politicians, or other persons or entities associated with or acting in any capacity as a representative, agent, or proxy for any such individuals, investigate matters related to Burisma Holdings Ltd., Paul Manafort, Hunter Biden, Joseph Biden, the Democratic National Committee, Hillary Clinton, and/or any U.S. persons or entities;

5. The actual or potential withholding, freezing, reviewing, delaying, deferring, directing, impounding, or releasing of foreign assistance of any kind, including security assistance, to Ukraine for fiscal year 2019, including communications among or between individuals in the White House, OMB, OVP, the Department of Defense (DOD), DOS, DOE, the United States Agency for International Development (USAID), ODNI or agencies in the Intelligence Community (IC);
6. The timing, content, and manner for communicating to Congress information regarding the status of foreign assistance of any kind, including security assistance, to Ukraine, including written Congressional notifications of foreign assistance, briefings, or any communications referring or relating to information that should or should not be conveyed and why;
7. Proposed or actual apportionments or re-apportionments, including footnotes, specifically withholding obligation by DOD, DOS, DOE, USAID, ODNI or the IC of foreign assistance of any kind to Ukraine, including funds appropriated for the Ukraine Security Assistance Initiative by section 9013 of the Department of Defense Appropriations Act, 2019 (Division A of Public Law 115-245), and for amounts available during fiscal year 2019 within the Foreign Military Financing Program account(s);
8. Deferrals or rescissions of any funding appropriated for foreign aid to Ukraine, including transmitting a “special message” to the House of Representatives, the Senate, and the Comptroller General as required by the Impoundment Control Act;
9. Opinions, advice, counsel, approvals, or concurrences provided by OMB, NSC, the White House, or the Department of Justice on the legality of using an apportionment to withhold or defer the obligation of congressionally appropriated funds to Ukraine;
10. The rate of expenditure for foreign assistance of any kind provided by DOD, State, DOE, USAID, or IC agencies to Ukraine;
11. Any delegation or revocation of apportionment authority involving OMB political or career officials;
12. Interagency meetings related to foreign assistance of any kind, including security assistance, to Ukraine, including documents sufficient to show the identities of all officials who attended interagency meetings on July 18, 2019, July 23, 2019, and July 26, 2019, among others; and
13. The decision announced on or about September 12, 2019, to provide appropriated foreign aid to Ukraine for fiscal year 2019, including any notes, memoranda, documentation or correspondence related to the decision.

**Boyd, Stephen E. (OLA)**

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**From:** Boyd, Stephen E. (OLA)  
**Sent:** Wednesday, September 25, 2019 11:20 AM  
**To:** Escalona, Prim F. (OLA)  
**Cc:** Hankey, Mary Blanche (OLA); Lasseter, David F. (OLA); Hart, Jessica E. (OLA)  
**Subject:** RE: OPA statement

Yes, please do.

---

**From:** Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>  
**Sent:** Wednesday, September 25, 2019 10:57 AM  
**To:** Boyd, Stephen E. (OLA) (b)(6)  
**Cc:** Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>; Lasseter, David F. (OLA) <dlasseter@jmd.usdoj.gov>; Hart, Jessica E. (OLA) <jehart@jmd.usdoj.gov>  
**Subject:** Re: OPA statement

Should we send to CJS? (Someone May have already done this?)

Prim Escalona  
202.353.5566

On Sep 25, 2019, at 10:33 AM, Boyd, Stephen E. (OLA) (b)(6) wrote:

Please send to our contacts...

The following was released by Kerri Kupec, spokesperson for the Department of Justice:

**Ukraine Statement**

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

**Referral Statement**

**Otus85, AG (OAG)**

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**Subject:** Accepted: Meeting w/Mayor Rudolph W. Giuliani and Rep. Trey Gowdy  
**Location:** CRM Conference Room (b)(6)  
**Start:** Tuesday, September 3, 2019 11:00 AM  
**End:** Tuesday, September 3, 2019 11:30 AM  
**Recurrence:** (none)  
**Meeting Status:** No response required  
**Organizer:** Otus85, AG (OAG)

**Otus85, AG (OAG)**

---

**Subject:** Accepted: Meeting w/Mayor Rudolph W. Giuliani and Rep. Trey Gowdy  
**Location:** CRM Conference Room (b)(6)  
**Start:** Tuesday, September 3, 2019 11:45 AM  
**End:** Tuesday, September 3, 2019 12:00 PM  
**Recurrence:** (none)  
**Meeting Status:** No response required  
**Organizer:** Otus85, AG (OAG)

**Otus85, AG (OAG)**

---

**Subject:** Accepted: HOLD: Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy

**Location:** AG's Office

**Start:** Tuesday, September 3, 2019 11:00 AM

**End:** Tuesday, September 3, 2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** No response required

**Organizer:** Otus85, AG (OAG)

**Otus85, AG (OAG)**

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**Subject:** Accepted: HOLD: Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy

**Location:** AG's Office

**Start:** Friday, August 23, 2019 3:00 PM

**End:** Friday, August 23, 2019 3:20 PM

**Recurrence:** (none)

**Meeting Status:** No response required

**Organizer:** Otus85, AG (OAG)

(b)(6) AG Barr (OAG)

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**From:** (b)(6) AG Barr (OAG)  
**Sent:** Saturday, August 10, 2019 7:37 AM  
**To:** (b)(6) AG Barr  
**Subject:** Fwd: Remarks by President Trump Before Marine One Departure


Sent from my iPhone

Begin forwarded message:

**From:** "Kupec, Kerri (OPA)" (b)(6)  
**Date:** August 9, 2019 at 2:59:29 PM EDT  
**To:** (b)(6) AG Barr  
**Subject:** FW: Remarks by President Trump Before Marine One Departure

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**From:** White House Press Office <[info@mail.whitehouse.gov](mailto:info@mail.whitehouse.gov)>  
**Sent:** Friday, August 9, 2019 2:52 PM  
**To:** Kupec, Kerri (OPA) (b)(6)  
**Subject:** Remarks by President Trump Before Marine One Departure

 The White House

Office of the Press Secretary

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FOR IMMEDIATE RELEASE

August 9, 2019

BEFORE MARINE ONE DEPARTURE  
REMARKS BY PRESIDENT TRUMP

South Lawn

9:49 A.M. EDT

THE PRESIDENT: So, we're doing very well with China. We're talking to China. We're not ready to make a deal, but we'll see what happens. But, you know, we've been hurt by China for 25, 30



**Hankey, Mary Blanche (OLA)**

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**From:** Hankey, Mary Blanche (OLA)  
**Sent:** Monday, May 13, 2019 5:13 PM  
**To:** DOJ Correspondence (SMO)  
**Cc:** Shirley A McKay (OLA) (smckay@jmd.usdoj.gov)  
**Subject:** FW: 5-1-19 DOJ's Investigation of Russian Interference Hearing - Written Questions (Barr)  
**Attachments:** Barr Cover.pdf; Booker QFRs for Barr.docx; Coons QFRs for Barr.docx; Durbin QFRs for Barr.docx; Feinstein QFRs for Barr.docx; Klobuchar QFRs for Barr.docx; Whitehouse QFRs for Barr.docx; Blumenthal QFRs for Barr.docx

Please log and assign to OLA.

---

**From:** Boyd, Stephen E. (OLA) (b)(6)  
**Sent:** Monday, May 13, 2019 4:32 PM  
**To:** Escalona, Prim F. (OLA) <pfescalona@jmd.usdoj.gov>; Hankey, Mary Blanche (OLA) <mhankey@jmd.usdoj.gov>  
**Subject:** FW: 5-1-19 DOJ's Investigation of Russian Interference Hearing - Written Questions (Barr)

Last Wednesday.

SB

---

**From:** Covey, Jason (Judiciary-Rep) (b)(6)  
**Sent:** Wednesday, May 8, 2019 5:54 PM  
**To:** Boyd, Stephen E. (OLA) (b)(6)  
**Cc:** Ferguson, Andrew (Judiciary-Rep) (b)(6); DiZinno, Richard (Judiciary-Rep) (b)(6); Somers, Zach (Judiciary-Rep) (b)(6)  
**Subject:** 5-1-19 DOJ's Investigation of Russian Interference Hearing - Written Questions (Barr)

Mr. Boyd,

Attached please a letter from Chairman Graham and written questions submitted to the Honorable William Barr for the record following the May 1, 2019 Senate Judiciary Committee hearing entitled "The Department of Justice's Investigation of Russian Interference with the 2016 Presidential Election."

Thank you.

Jason A. Covey  
Hearing Clerk | Senate Judiciary Committee  
202-224-5225  
<http://judiciary.senate.gov>

LINDSEY O. GRAHAM, SOUTH CAROLINA, CHAIRMAN

CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JOSHUA D. HAWLEY, MISSOURI  
THOM TILLIS, NORTH CAROLINA  
JONI ERNST, IOWA  
MIKE CRAPO, IDAHO  
JOHN KENNEDY, LOUISIANA  
MARSHA BLACKBURN, TENNESSEE

DIANNE FEINSTEIN, CALIFORNIA  
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RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE K. HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
KAMALA D. HARRIS, CALIFORNIA

## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

May 8, 2019

The Honorable William P. Barr  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Barr:

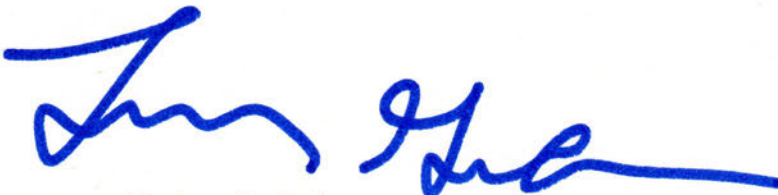
Thank you for your testimony at the Senate Committee on the Judiciary hearing entitled "The Department of Justice's Investigation of Russian Interference with the 2016 Presidential Election." Attached are written questions from members. We look forward to including your answers to these questions, along with your hearing testimony, in the formal Committee record.

Please help us complete a timely and accurate hearing record by sending an electronic version of your responses to Jason Covey, Hearing Clerk, Senate Judiciary Committee, at [Jason\\_Covey@judiciary-rep.senate.gov](mailto:Jason_Covey@judiciary-rep.senate.gov), no later than **May 22, 2019**.

Where circumstances make it impossible to comply with the two-week period provided for submission of answers, witnesses may explain in writing and request an extension of time to reply.

Again, thank you for your participation. If you have any questions, please contact Jason Covey at (202) 224-5225.

Sincerely,



Lindsey O. Graham  
Chairman

**Questions for the Record for Attorney General William Barr**  
**Submitted by Senator Richard Blumenthal**  
**May 8, 2019**

1. On May 8, 2019, the *Washington Post* reported that you sent a letter to President Trump advising him that he may assert executive privilege over the entirety of the Mueller Report because the House Judiciary Committee had “declined to grant sufficient time” for the Justice Department to review the materials underlying the Report.<sup>1</sup>
  - On what legal basis did you advise the White House to assert executive privilege over the entire Special Counsel Report?
  - Do you believe that *United States v. Nixon* was correctly decided?
  - Can executive privilege be waived if the information that is subject to the privilege has already been revealed?
  - Can executive privilege be used to shield the public and/or Congress from obtaining information about criminal wrongdoing by the president?
  
2. FBI Director Christopher Wray appeared before the Senate Appropriations Committee on Tuesday, May 7, 2019 to testify on the president’s 2020 budget request. During the hearing, Senator Jeanne Shaheen asked him about your use of the word “spying” in your testimony before the same committee a month earlier. He responded, “That’s not the term I would use.”
  - Do you stand by your statement in the April 11<sup>th</sup>, 2019 hearing before the Senate Appropriations Committee that “spying did occur” in light of the FBI Director’s disagreement with your characterization of the FBI’s role in investigating the Trump campaign in 2016?
  - What was your basis for the statement that “spying” occurred against the Trump campaign?
  - What evidence do you currently have that supports this assertion?
  
3. In response to a question from Senator Chris Coons, who asked you “what if a foreign adversary, let’s now say north Korea, offers a presidential candidate dirt on a competitor in 2020. Do you agree with me the campaign should immediately contact the FBI?” You answered: “If a foreign intelligence service does, yes.” As you know, the Federal Election Campaign Act (FECA) prohibits campaigns and candidates from soliciting or accepting anything of value from any foreign national.
  - Why did you limit your answer to Senator Coons’s question to a “foreign intelligence service”?
  - Is it your position that the FECA’s foreign national contribution ban, and corollary ban on campaigns and candidates from accepting such illegal foreign contributions, only applies to foreign intelligence services?

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<sup>1</sup> [https://www.washingtonpost.com/politics/barr-to-trump-invoke-executive-privilege-over-redacted-mueller-materials/2019/05/07/51c52600-713e-11e9-b5ca-3d72a9fa8ff1\\_story.html?utm\\_term=.aaab98c40944](https://www.washingtonpost.com/politics/barr-to-trump-invoke-executive-privilege-over-redacted-mueller-materials/2019/05/07/51c52600-713e-11e9-b5ca-3d72a9fa8ff1_story.html?utm_term=.aaab98c40944)

4. Have you ever revealed any information in any of the redacted portions of Special Counsel Mueller's Report to anyone at the White House?
5. On multiple occasions, you have asserted that President Trump has been "falsely accused." Of what has he been falsely accused?
6. In Special Counsel Mueller's Report, he described an incident in which President Trump directed former White House Counsel Don McGahn to write a letter "for our files" denying the New York Times story indicating that the president had ordered McGahn to fire Robert Mueller. The Mueller report states, "Substantial evidence indicates that in repeatedly urging McGahn to dispute that he was ordered to have the Special Counsel terminated, the President acted for the purpose of influencing McGahn's account in order to deflect or prevent scrutiny of the President's conduct toward the investigation."
  - Is falsifying evidence a crime?
  - Is it a crime for a defendant to order his attorney to put a statement in writing, knowing that the statement is materially false, anticipating that it will be obtained by investigators in a criminal probe?
7. On May 6, 2019, hundreds of former Justice Department officials stated in an open letter that President Trump would be facing multiple felony charges for obstruction of justice stemming from the Special Counsel's investigation if he were not the sitting president. Specifically, the letter states, "We believe strongly that, but for the OLC memo, the overwhelming weight of professional judgment would come down in favor of prosecution for the conduct outlined in the Mueller Report." The letter goes on to state, "We emphasize that these are not matters of close professional judgment ... to look at these facts and say that a prosecutor could not probably sustain a conviction for obstruction of justice the standard set out in Principles of Federal Prosecution runs counter to logic and our experience."
  - Do you agree with the statement in this letter that the facts outlined in the Mueller report could "sustain a conviction for obstruction of justice the standard set out in Principles of Federal Prosecution"?
  - In your view, would any of the conduct described by Special Counsel Mueller in his report be prosecutable on obstruction of justice charges?
8. The Special Counsel's Report states that the OLC opinion on non-indictment of a sitting president recognizes that "a President does not have immunity after he leaves office."
  - Can a president be indicted after leaving office?
9. During your confirmation hearing before the Senate Judiciary Committee, you testified that offering a pardon in exchange for non-cooperation with a criminal investigation would constitute obstruction of justice. The Special Counsel's report states that "In January 2018, Manafort told Gates that he had talked to the President's personal counsel

and they were ‘going to take care of us.’ Manafort told Gates it was stupid to plead, saying that he had been in touch with the President’s personal counsel and repeating that they should ‘sit tight’ and ‘we’ll be taken care of.’” After Manafort’s bail was revoked, the president’s personal attorney, Rudy Giuliani, gave a series of interviews in which he raised the possibility of a pardon for Manafort. Giuliani told the New York Daily News, for example, “when the whole thing is over, things might get cleaned up with some presidential pardons.”

- Do you stand by your statement at your confirmation hearing that offering a pardon in exchange for non-cooperation with a criminal investigation is obstruction of justice?

10. In a case before the 6<sup>th</sup> Circuit in 2017, *United States v. Greer*, attorneys at the Department of Justice argued: “if the government were required to prove that the underlying offense occurred, as [the appellant] contends, a defendant who obstructed the investigation or prosecution of the offense would be able to benefit from obstruction that successfully persuaded a grand jury not to indict or a petit jury not to convict. . . . This cannot be the law.”<sup>2</sup> In a case before the 7<sup>th</sup> Circuit in 2017, *United States v. Ranjel*, attorneys at the Department of Justice argued: “the government does not have to prove that there was an actual hindrance or prejudice to the government in order for the Court to find that this defendant willfully obstructed justice.”<sup>3</sup>

- Do you disagree with these statements?

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<sup>2</sup> Brief for the United States as Appellee, 2017 WL 490067 (C.A.6), 16–17; *United States v. Greer*, 872 F.3d 790, 798 (6th Cir. 2017).

<sup>3</sup> Plaintiff Appellee Brief, 2016 WL 4729798 (C.A.7), 35; *United States v. Ranjel*, 872 F.3d 815, 820 (7th Cir. 2017).

**William P. Barr**  
**Attorney General**  
**U.S. Department of Justice**  
**Questions for the Record**  
**Submitted May 8, 2019**

**QUESTIONS FROM SENATOR BOOKER**

1. At last week’s hearing, I asked you about the Trump campaign’s sharing of polling information with a Russian operative in particular, how former Trump campaign chairman Paul Manafort shared internal polling data with Konstantin Kilimnik. The FBI believes Mr. Kilimnik has ties to Russian intelligence,<sup>1</sup> and the Special Counsel’s Office gathered substantial evidence to support that assessment.<sup>2</sup> This was front-page news when it was first reported.<sup>3</sup> It was prominently featured in Special Counsel Mueller’s report, including in the executive summary.<sup>4</sup>

When I referenced this issue, you responded, “What information was shared?” When I told you that polling data had been shared, you responded, “With who?”<sup>5</sup>

Special Counsel Mueller’s report documents Mr. Manafort’s contacts with Mr. Kilimnik.<sup>6</sup> The report states, among other things:

Manafort had connections to Russia through his prior work for Russian oligarch Oleg Deripaska and later through his work for a pro-Russian regime in Ukraine. . . . Manafort instructed Rick Gates, his deputy on the Campaign and a longtime employee, to provide Kilimnik with updates on the Trump Campaign including internal polling data, although Manafort claims not to recall that specific instruction. Manafort expected Kilimnik to share that information with others in Ukraine and with Deripaska. Gates periodically sent such polling data to Kilimnik during the campaign.<sup>7</sup>

Moreover, as the report notes, “in February 2019, the U.S. District Court for the District of Columbia found that Manafort lied to the Office and the grand jury concerning his interactions and communications with Konstantin Kilimnik about Trump Campaign polling data and a peace plan for Ukraine.”<sup>8</sup>

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<sup>1</sup> Vol. I, p. 129.

<sup>2</sup> Vol. I, pp. 133-34.

<sup>3</sup> See, e.g., Sharon LaFraniere, Kenneth P. Vogel & Maggie Haberman, *Manafort Accused of Sharing Trump Polling Data with Russian Associate*, N.Y. TIMES (Jan. 8, 2019), <https://www.nytimes.com/2019/01/08/us/politics/manafort-trump-campaign-data-kilimnik.html>.

<sup>4</sup> Vol. I, pp. 6-7, 9-10.

<sup>5</sup> *The Department of Justice’s Investigation of Russian Interference with the 2016 Presidential Election: Hearing Before the S. Comm. on the Judiciary*, 116th Cong. (2019) [hereinafter *Hearing*] (statement of William P. Barr, Att’y Gen., U.S. Dep’t of Justice).

<sup>6</sup> Vol. I, pp. 6-7, 9-10, 129-31, 135-44.

<sup>7</sup> Vol. I, p. 129.

<sup>8</sup> Vol. I, pp. 9-10.

- a. At the time of last week’s hearing, were you aware of Mr. Manafort’s sharing of internal polling data with Mr. Kilimnik, as documented in Special Counsel Mueller’s report?
- b. If you were aware of this issue, why did you profess to be confused at the hearing about what information was shared and with whom?
- c. Now that you have been directed to this passage in the report, please answer the original question from the hearing. You said at your April 18, 2019, press conference:

But thanks to the Special Counsel’s thorough investigation, we now know that the Russian operatives who perpetrated these schemes did not have the cooperation of President Trump or the Trump campaign or the knowing assistance of any other Americans for that matter. That is something that all Americans can and should be grateful to have confirmed.<sup>9</sup>

Do you believe that the American people should be “grateful” that Special Counsel Mueller’s investigation found that President Trump’s former campaign manager “had caused internal polling data to be shared with” an individual linked to Russian intelligence, and that “the sharing continued for some period of time after their August [2016] meeting”<sup>10</sup>?

- d. The report also states: “Because of questions about Manafort’s credibility and our limited ability to gather evidence on what happened to the polling data after it was sent to Kilimnik, the Office could not assess what Kilimnik (or others he may have given it to) did with it.”<sup>11</sup> Did the Special Counsel’s Office make any requests to the Department of Justice, the FBI, or any other federal agency for assistance to help “gather evidence on what happened to the polling data after it was sent to Kilimnik”? If applicable, please indicate the status of any such requests.
2. At last week’s hearing, I also asked you about the finding in Special Counsel Mueller’s report that President Trump’s campaign sought to benefit from material and information that was stolen by a foreign power in an effort to influence an election. You responded, “I am not sure what you mean by ‘seek to benefit.’”<sup>12</sup>

This terminology was drawn directly from the report itself in fact, from the first page of

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<sup>9</sup> Press Conference, William P. Barr, Att’y Gen., U.S. Dep’t of Justice, Remarks on the Release of the Report on the Investigation into Russian Interference in the 2016 Presidential Election (Apr. 18, 2019) [hereinafter Barr Press Conference], <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-release-report-investigation-russian>.

<sup>10</sup> Vol. I, p. 7.

<sup>11</sup> Vol. I, p. 131.

<sup>12</sup> *Hearing, supra* note 5.

text in the report. The report states that “the [Trump] Campaign expected it would *benefit* electorally from information stolen and released through Russian efforts.”<sup>13</sup>

- a. At the time of last week’s hearing, were you aware of this key statement in the report?
  - b. Your March 24, 2019, letter to Congress actually quoted from this very sentence in the report identifying the electoral “benefit” sought by the Trump campaign although your letter omitted this portion of the sentence.<sup>14</sup> Given that you had specifically cited this very sentence, why did you profess to be confused at the hearing about what “benefit” the Trump campaign was seeking from information stolen and released through Russian efforts?
  - c. Now that you have been directed to this passage in the report, please answer the original question from the hearing. As noted above, you said at your April 18 press conference that “all Americans can and should be grateful” that “the Russian operatives who perpetrated these schemes did not have the cooperation of President Trump or the Trump campaign.”<sup>15</sup> Do you believe that the American people should be “grateful” that Special Counsel Mueller’s investigation “identified numerous links between individuals with ties to the Russian government and individuals associated with the Trump Campaign,”<sup>16</sup> and that “the Campaign expected it would benefit electorally from information stolen and released through Russian efforts”<sup>17</sup>?
3. On March 24, 2019, you wrote a four-page letter to the Chairs and Ranking Members of the Senate and House Judiciary Committees providing your characterization of the key conclusions of Special Counsel Mueller’s report. Your letter has been widely described as a summary, including by Special Counsel Mueller himself, although you have disputed that description. In that letter, you wrote:

The Special Counsel’s investigation did not find that the Trump campaign or anyone associated with it conspired or coordinated with Russia in its efforts to influence the 2016 U.S. presidential election. As the report states: “[T]he investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities.”<sup>18</sup>

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<sup>13</sup> Vol. I, pp. 1 2 (emphasis added).

<sup>14</sup> Letter from William P. Barr, Att’y Gen., U.S. Dep’t of Justice, to Senate & House Judiciary Comms. 2 (Mar. 24, 2019) [hereinafter Barr Letter], <https://www.justice.gov/ag/page/file/1147981/download>.

<sup>15</sup> Barr Press Conference, *supra* note 9.

<sup>16</sup> Vol. I, p. 9.

<sup>17</sup> Vol. I, pp. 1 2.

<sup>18</sup> Barr Letter, *supra* note 14, at 2.



However, your quotation from the report lacks critical context. For instance, that passage in the report states:

*The investigation also identified numerous links between the Russian government and the Trump campaign. Although the investigation established that the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the campaign expected it would benefit electorally from information stolen and released through Russian efforts, the investigation did not establish that members of the Trump campaign conspired or coordinated with the Russian government in its election interference activities.*<sup>19</sup>

- a. Why did your letter exclude this key context in the report’s own language?
  - b. Do you believe failing to provide the proper context of the language you quoted was in any way misleading to Congress and the American public? Please explain your answer.
  - c. Would it be unreasonable for someone to believe that your failure to provide the context of the entire sentence and the preceding sentence was misleading?
4. Have you read the entirety of Special Counsel Mueller’s report? If not, please identify the specific portions of the report that you did read before sending your March 24 letter stating that “the evidence developed during the Special Counsel’s investigation is not sufficient to establish that the President committed an obstruction-of-justice offense.”<sup>20</sup>
5. At your April 18 press conference, you excused obstructive actions by President Trump on the ground that he was “frustrated and angered by a sincere belief that the investigation was undermining his presidency, propelled by his political opponents, and fueled by illegal leaks.”<sup>21</sup>
- a. Please provide a set of legal authorities, with relevant explanations, to support your claim that emotions such as frustration and anger can excuse potential obstruction of justice.
  - b. Please describe the fact pattern and reasoning of the most apposite precedent that supports your claim that emotions such as frustration and anger can excuse potential obstruction of justice.
  - c. Special Counsel Mueller’s report states: “Although the events we investigated involved discrete acts e.g., the President’s statement to Comey about the Flynn investigation, his termination of Comey, and his efforts to remove the Special Counsel it is important to view the President’s pattern of conduct as a whole. That

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<sup>19</sup> Vol. I, pp. 1-2 (emphasis added).

<sup>20</sup> Barr Letter, *supra* note 14, at 3.

<sup>21</sup> Barr Press Conference, *supra* note 9.

pattern sheds light on the nature of the President’s acts and the inferences that can be drawn about his intent. . . . Our investigation found multiple acts by the President that were capable of exerting undue influence over law enforcement investigations, including the Russian-interference and obstruction investigations.”<sup>22</sup>

In your assessment of the applicable law, can emotions like frustration and anger excuse an extensive series of potentially obstructive acts committed over a period of months or years? Please identify any supportive legal authorities.

6. At your April 18 press conference, you claimed that “the White House fully cooperated with the Special Counsel’s investigation.”<sup>23</sup> Your statement contrasts sharply with several statements contained in Special Counsel Mueller’s report.
  - a. According to the report, President Trump made an array of “efforts to remove the Special Counsel”<sup>24</sup> and to “curtail the Special Counsel’s investigation.”<sup>25</sup> In your view, did that constitute full cooperation? Please explain your answer.
  - b. President Trump “declined” to sit down for an in-person interview with the Special Counsel’s Office, and he then provided written responses that the Special Counsel “viewed . . . to be inadequate.”<sup>26</sup> Among other things, in 19 out of his 22 written responses, President Trump claimed not to remember or recall certain information relevant to the questions.<sup>27</sup> In your view, did that constitute full cooperation? Please explain your answer.
  - c. As detailed in Special Counsel Mueller’s report, President Trump discouraged witnesses from “flipping” and cooperating with the government, and he also dangled the possibility of future pardons.<sup>28</sup> In your view, did that constitute full cooperation? Please explain your answer.
  - d. The report describes how “news of the obstruction investigation prompted the President to call [White House Counsel Don] McGahn and seek to have the Special Counsel removed” even though “the Department of Justice had already cleared the Special Counsel’s service and the President’s advisors had told him that the claimed conflicts of interest were ‘silly’ and did not provide a basis to remove the Special Counsel.”<sup>29</sup> In your view, did that constitute full cooperation? Please explain your answer.
  - e. The report recounted an instance in which President Trump met one-on-one in the Oval Office with former campaign manager Corey Lewandowski and directed him to

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<sup>22</sup> Vol. II, p. 157.

<sup>23</sup> Barr Press Conference, *supra* note 9.

<sup>24</sup> Vol. II, p. 77-90.

<sup>25</sup> Vol. II, pp. 90-98.

<sup>26</sup> App. C, p. C 2.

<sup>27</sup> App. C, pp. C 11 to C 23.

<sup>28</sup> Vol. II, p. 120-28, 131-33 (Michael Flynn, Paul Manafort); Vol. II, pp. 134-58 (Michael Cohen).

<sup>29</sup> Vol. II, p. 90.

deliver a dictated message to Attorney General Jeff Sessions directing him to say that President Trump “hasn’t done anything wrong” and that the Special Counsel’s investigation would focus on “future elections” moving forward.<sup>30</sup> In your view, did that constitute full cooperation? Please explain your answer.

7. In your March 24 letter, you “noted that the Special Counsel recognized that ‘the evidence does not establish that the President was involved in an underlying crime related to Russian election interference,’ and that, while not determinative, the absence of such evidence bears upon the President’s intent with respect to obstruction.”<sup>31</sup> Similarly, at last week’s hearing, you said that, “generally speaking, an obstruction case typically has two aspects to it. One, there’s usually an underlying criminality.”<sup>32</sup>

a. The Department of Justice’s *Justice Manual* says the following about the federal obstruction-of-justice statutes:

Sections 1512 and 1513 . . . focus instead on the intent of the wrongdoer. If the illegal act was intended to affect the future conduct of any person in connection with his/her participation in Federal proceedings or his/her communication of information to Federal law enforcement officers, it is covered by 18 U.S.C. § 1512. If, on the other hand, the illegal act was intended as a response to past conduct of that nature, it is covered by 18 U.S.C. § 1513.<sup>33</sup>

This guidance does not reference the existence of an underlying crime. The *Justice Manual* also notes, “Several of the obstruction of justice provisions prohibit ‘endeavors’ to obstruct.”<sup>34</sup> Indeed, the manual continues, “‘endeavor’ is broader than ‘attempt,’” and “an endeavor to obstruct justice need not be successful to be criminal.”<sup>35</sup>

Please identify any current Justice Department guidance to federal prosecutors to support your argument that finding obstruction of justice “usually” entails “an underlying criminality.”

b. Special Counsel Mueller’s report states that “the evidence does indicate that a thorough FBI investigation would uncover facts about the campaign and the President personally that the President could have understood to be crimes or that would give rise to personal and political concerns.”<sup>36</sup> As noted above, in the obstruction discussion in your March 24 letter, you stressed the importance of finding “an

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<sup>30</sup> Vol. II, p. 91.

<sup>31</sup> Barr Letter, *supra* note 14, at 3.

<sup>32</sup> *Hearing*, *supra* note 5.

<sup>33</sup> U.S. DEP’T OF JUSTICE, JUSTICE MANUAL: CRIMINAL RESOURCE MANUAL § 1720, [https://www.justice.gov/jm/criminal\\_resource\\_manual\\_1720\\_protection\\_government\\_processes\\_overview](https://www.justice.gov/jm/criminal_resource_manual_1720_protection_government_processes_overview).

<sup>34</sup> *Id.* § 1736, [https://www.justice.gov/jm/criminal\\_resource\\_manual\\_1736\\_inchoate\\_obstruction\\_justice\\_offenses](https://www.justice.gov/jm/criminal_resource_manual_1736_inchoate_obstruction_justice_offenses).

<sup>35</sup> *Id.*

<sup>36</sup> Vol. II, p. 76.

underlying crime related to Russian election interference.”<sup>37</sup> Why, in your view, does the “underlying crime” need to be specifically “related to Russian election interference” as opposed to *other* potential criminal activity involving President Trump in order to “bear[] on the President’s intent with respect to obstruction”? Please provide any relevant legal authorities to support your claim.

8. Special Counsel Mueller’s report lists several “considerations that guided our obstruction-of-justice investigation.”<sup>38</sup> The report explains:

The Office of Legal Counsel (OLC) has issued an opinion finding that “the indictment or criminal prosecution of a sitting President would impermissibly undermine the capacity of the executive branch to perform its constitutionally assigned functions” in violation of “the constitutional separation of powers.” Given the role of the Special Counsel as an attorney in the Department of Justice and the framework of the Special Counsel regulations, *see* 28 U.S.C. § 515; 28 C.F.R. § 600.7(a), *this Office accepted OLC’s legal conclusion for the purpose of exercising prosecutorial jurisdiction.*<sup>39</sup>

At your April 18 press conference, you said in response to a reporter’s question that you, Deputy Attorney General Rod Rosenstein, and Acting Principal Associate Deputy Attorney General Ed O’Callaghan had met with Special Counsel Mueller on March 5. You stated:

We specifically asked [Special Counsel Mueller] about the OLC opinion and whether or not he was taking a position that he would have found a crime but for the existence of the OLC opinion. And he made it very clear several times that that was not his position. He was not saying that but for the OLC opinion, he would have found a crime.<sup>40</sup>

And at last week’s hearing, you described Special Counsel Mueller’s reliance on the OLC opinion as “a prudential reason—one of the backdrop factors that he cited as influencing his prudential judgment that he should not reach a decision, which is different than citing the OLC—saying that but for the OLC opinion, I would indict.”<sup>41</sup>

- a. As noted, Special Counsel Mueller’s report specified that “this Office accepted OLC’s legal conclusion for the purpose of exercising prosecutorial jurisdiction.”<sup>42</sup> That is, the report states that the Special Counsel’s Office viewed the OLC opinion as limiting the Office’s *jurisdiction* to use its prosecutorial authority. Given the text of the report, on what basis do you view the Office’s use of the OLC opinion as merely “prudential”?

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<sup>37</sup> Barr Letter, *supra* note 14, at 3.

<sup>38</sup> Vol. II, p. 1.

<sup>39</sup> *Id.* (emphasis added) (footnote omitted).

<sup>40</sup> Zachary Basu, *Transcript: Bill Barr Answers Questions About Mueller Report*, AXIOS (Apr. 18, 2019), <https://www.axios.com/bill-barr-transcript-mueller-report-press-conference-42a9fb6a-741b-4af8-adb1-0693b8f15c25.html>.

<sup>41</sup> *Hearing, supra* note 5.

<sup>42</sup> Vol. II, p. 1.

- b. Do you believe that the Special Counsel’s Office lacked the authority or prosecutorial jurisdiction to indict a sitting President?
- c. At the March 5 meeting that you referenced with Special Counsel Mueller, did he state that the Special Counsel’s Office viewed the OLC opinion as merely “prudential” guidance or “one of the backdrop factors,” as opposed to a limit on the Office’s jurisdiction?
- d. Did Special Counsel Mueller ever indicate to you, Deputy Attorney General Rosenstein, or Mr. O’Callaghan that he believed the Special Counsel’s Office lacked the authority or prosecutorial jurisdiction to indict a sitting President?
- e. At the press conference and at the hearing, you used the same “but-for” construction about Special Counsel Mueller and the OLC opinion. For example, you testified at the hearing: “Special Counsel Mueller stated three times to us in that meeting, in response to our questioning, that he emphatically was not saying that but for the OLC opinion he would have found obstruction.”<sup>43</sup>

But Special Counsel Mueller’s report states, in the same discussion about the OLC opinion and the Office’s jurisdiction, that the Office “determined not to make a traditional prosecutorial judgment.”<sup>44</sup> Further, the Office “determined not to apply an approach that could potentially result in a judgment that the President committed crimes.”<sup>45</sup> To be clear, Special Counsel Mueller did *not* tell you at this meeting that his Office had made any determination about the sufficiency of the obstruction evidence in the first place correct?

- f. Based on the report and your communications with Special Counsel Mueller, do you agree that the Special Counsel’s Office declined to “make a traditional prosecutorial judgment” on obstruction of justice *because of* the OLC opinion? Please explain your answer.
9. At your April 18 press conference, you used the word “collusion” four times.<sup>46</sup> For instance, you said that Special Counsel Mueller’s report found “no underlying collusion with Russia.”<sup>47</sup> You also said that “there was relentless speculation in the news media about the President’s personal culpability. Yet, as he said from the beginning, there was in fact no collusion.”<sup>48</sup>

You used the word “collusion” despite the Special Counsel’s rejection of the term. The report stated, “In evaluating whether evidence about collection action of multiple individuals

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<sup>43</sup> *Hearing, supra* note 5.

<sup>44</sup> Vol. II, p. 1.

<sup>45</sup> Vol. II, p. 2.

<sup>46</sup> Barr Press Conference, *supra* note 9.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

constituted a crime, we applied the framework of conspiracy law, not the concept of ‘collusion.’”<sup>49</sup> The report added that “collusion is not a specific offense or theory of liability found in the United States Code, nor is it a term of art in federal criminal law.”<sup>50</sup>

At last week’s hearing, you testified, “I am not in the business of determining when lies are told to the American people. I am in the business of determining whether a crime has been committed.”<sup>51</sup> “Collusion,” as the report noted, is not a crime or a theory of liability found in the U.S. Code. But “no collusion” is catchphrase used repeatedly by President Trump.

If you are “in the business of determining whether a crime has been committed,” and “collusion” is not a legal term for a crime, why did you repeat four times at your press conference that there was no “collusion” between the Trump campaign and Russia?

10. As of the date of your answering these questions for the record, how much total money (including the value of all assets acquired) has the Department of Justice seized or otherwise recouped in connection with the Office of the Special Counsel’s investigation and related prosecutorial actions?
11. At last week’s hearing, you said the following about Special Counsel Mueller’s investigation into obstruction of justice: “I’m not really sure of his reasoning. I really could not recapitulate his analysis, which is one of the reasons in my March 24 letter I simply stated the fact that he did not reach a conclusion – didn’t try to put words in his mouth. I think that, if he felt that he shouldn’t go down the path of making a traditional prosecutive decision, then he shouldn’t have investigated. That was the time to pull up.”<sup>52</sup>
  - a. When did you first learn that the Special Counsel’s Office would decline to “make a traditional prosecutorial judgment”<sup>53</sup> on obstruction of justice?
  - b. When you testified at the hearing that you thought Special Counsel Mueller “shouldn’t have investigated” and that it was “the time to pull up” if he wouldn’t “go down the path of making a traditional prosecutive decision,” should we understand that to mean you believed the obstruction-of-justice investigation should be terminated at that juncture?
  - c. At any time, including when you learned that the Special Counsel’s Office would decline to “make a traditional prosecutorial judgment” on obstruction of justice, did you indicate to Special Counsel Mueller or anyone in the Special Counsel’s Office, in any manner, that you believed the investigation should end or be curtailed in any way?

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<sup>49</sup> Vol. I, p. 2.

<sup>50</sup> *Id.*

<sup>51</sup> *Hearing, supra* note 5.

<sup>52</sup> *Id.*

<sup>53</sup> Vol. II, p. 1.

**The Department of Justice’s Investigation of Russian Interference with the 2016  
Presidential Election  
Questions for the Record  
Submitted May 8, 2019**

**QUESTIONS FROM SENATOR COONS**

1. If you learn that the White House is attempting to interfere with any of the investigations that have been opened as a consequence of Special Counsel Mueller’s investigation, will you report that information to Congress and investigate? Please provide examples of what, in your view, would constitute inappropriate interference attempts.
2. You testified you do not recall having any “substantive” conversations about ongoing investigations that have been spun off from the Special Counsel’s investigation.
  - a. Please explain what you meant by “substantive” conversations.
  - b. Have you had any conversations about any of these investigations with anybody in the White House? If so, with whom?
  - c. If you’re asked to brief the President, any of his attorneys, or anybody in the White House about an ongoing investigation stemming from the Special Counsel’s investigation, will you decline?
3. To your knowledge, has the President or anybody in the White House asked, suggested, intimidated, or hinted that you, or anybody in the Department of Justice, should open an investigation in any particular individual or entity?
4. Did you discuss the Special Counsel’s report with the President, any of his attorneys, or anyone in the White House after the March 5, 2019 meeting with Special Counsel Mueller, in which you testified you were briefed on the nature of the conclusions in the Special Counsel’s report? If so, please provide the dates of each discussion and identify the participants in it.
5. Did you discuss a strategy about how, when, and what to release regarding the report at any point after your Senate confirmation?
  - a. If so, please provide the dates of each discussion and identify the participants in it.
  - b. If so, do you have documents or notes memorializing those conversations?
  - c. If so, will you provide them to Congress?
6. Is it your understanding that Special Counsel Mueller did not state that the President committed obstruction of justice because there is insufficient evidence of obstruction of justice?
7. You testified that you did not review the underlying evidence in this case before deciding to announce that President Trump did not commit obstruction.
  - a. Is it true that prosecution or declination decision memoranda provided to U.S. Attorneys generally contain a charging recommendation?

- b. Have you ever reviewed a report that did not come with a prosecution or declination recommendation?
  - c. Do you agree that in making a prosecution or declination recommendation, the prosecutor who makes such an important decision should have reviewed the evidence in the case?
8. Do you agree with the Special Counsel’s assessment in his March 27, 2019 letter to you that there was “public confusion about critical aspects of the results of our investigation” after the release of your four-page summary of principal conclusions on March 24, 2019?
  9. Is it your position that if a President believes he is being falsely accused, the President may end an investigation into his own conduct?
    - a. Can the President end an investigation into activity of the President’s family if he believes the family member is falsely accused?
    - b. Can the President end an investigation into activity of the President’s advisors or associates if he believes the advisor/associate is falsely accused?
    - c. In such a scenario, how would the public know, beyond the President’s assertions, that no criminal activity took place?
  10. Does an investigation into potential criminal activity have to yield a criminal charge in order to justify opening an investigation in the first place?
  11. Are all investigations that do not result in a decision to prosecute based on “false accusations”?
  12. Do you believe that, despite intelligence that Russians had contacted members of the Trump Campaign offering dirt on Hillary Clinton, and despite the Intelligence Community’s conclusions that Russians attacked the 2016 presidential election, there were insufficient grounds to open the investigation into Russian contacts with the Trump Campaign?
  13. Do you agree with the Special Counsel’s report conclusion that Russia interfered in the 2016 election in a “sweeping and systematic” fashion?
  14. Do you agree with the FBI’s assessment that Russia is likely to attempt to interfere in the 2020 U.S. election?
    - a. Have you had any conversations with the President or anyone at the White House about potential foreign interference in the 2020 election?
    - b. If so, has the President or anyone in the White House suggested steps to counter improper foreign interference in the 2020 election?
    - c. What steps are being taken at the Department of Justice to combat improper foreign interference in the 2020 election?
  15. Is it legal for a campaign representative to invite, encourage, or intentionally induce, either through public or private statements, assistance from foreign nations in the upcoming election?



16. Please state whether a campaign should contact the FBI if they are approached by each of the following individuals with offers to provide any form of assistance, whether information or otherwise, in an election.
  - a. A foreign government official;
  - b. An individual representing a foreign government;
  - c. An individual connected to a foreign intelligence agency;
  - d. A foreign national with known ties to a foreign government or intelligence agency.
17. Will you commit to working with the FBI and other law enforcement agencies to provide guidance to campaigns about what constitutes improper election activity based on current law?
18. Is it improper for a campaign to accept a thing of value from a foreign national under campaign finance law?
  - a. Can opposition research qualify as a thing of value if donated by a foreign national to a campaign?
  - b. Can hacked emails qualify as a thing of value if given to a campaign by a foreign national?
19. If a foreign national requests internal campaign polling data from any campaign in the 2020 election, should that campaign report that request to the FBI?
20. We still do not know what Paul Manafort's purpose was for providing internal campaign polling information to Konstantin Kilimnik, or what that information was ultimately used for. Will the Justice Department attempt to uncover why and for what purpose this information was provided?
21. Do you believe the Special Counsel had conflicts that would have supported his removal?
22. The Special Counsel's report states that after receiving two phone calls from the President, then-White House Counsel McGahn understood the President to be demanding that McGahn fire the Special Counsel. Then, McGahn drove to his office to pack his belongings, submitted his resignation, spoke with his personal attorney, and spoke with his own chief of staff who also decided to resign. Do you agree with the Special Counsel that "[t]hose acts would be a highly unusual reaction to a request to convey information to the Department of Justice"?
23. If a factfinder determined that the President did intend to have then-White House Counsel McGahn fire the Special Counsel, and such act would delay or impede an obstruction investigation into the President himself, could this be considered an obstructive act done with corrupt intent under the obstruction statutes?
24. Can a President's attempts to delay an investigation constitute obstruction of justice?

25. You testified that as a matter of law it is the Department of Justice's position that a President can fire a Special Counsel, and therefore that such conduct could not be obstructive. However, the Special Counsel lays out multiple constitutional arguments suggesting that such an interpretation is incorrect. Why should the Attorney General, and not a court, decide this question of constitutional and statutory interpretation?
26. If McGahn had created a letter for White House records in January 2018 stating that the President never asked him to fire the Special Counsel, and later testified to the contrary that the President had in fact asked McGahn to fire the Special Counsel, would McGahn's credibility as a witness in the investigation be impaired?
27. You testified that because then-White House Counsel McGahn had already been interviewed by the Special Counsel's office, the President could not have been trying to impact McGahn's testimony. However, the report states that "it was foreseeable that [McGahn] would be interviewed again on obstruction-related topics." Do you agree with the Special Counsel's assertion that it was foreseeable that McGahn would be interviewed again by the Special Counsel's office? If not, please explain the basis for your disagreement.
28. The Special Counsel's report notes that the President engaged in various "acts directed at witnesses, including discouragement of cooperation with the government and suggestions of possible future pardons."
  - a. Can discouraging a witness from cooperating with the government constitute obstruction of justice?
  - b. Can suggesting the possibility of a future pardon for a witness constitute obstruction of justice?
29. Do you believe that, despite the ten episodes examined by the Special Counsel, and despite the fact that in several of these episodes the Special Counsel found "substantial evidence" on each of the elements of an obstruction offense, there were insufficient grounds for the Special Counsel to investigate that potentially obstructive activity?
30. Is underlying criminal conduct required to establish an obstruction of justice offense?
31. Corey Lewandowski was a private citizen and did not have a position in the Trump administration in June 2017.
  - a. Is directing a private citizen to relay a message to the Attorney General an exercise of a President's Article II powers?
  - b. Is directing a private citizen to fire the Attorney General an exercise of a President's Article II powers?

**Senator Dick Durbin**  
**Written Questions for William Barr**  
**May 8, 2019**

For questions with subparts, please answer each subpart separately.

1. On October 25, 2017, I submitted written questions for the record to Attorney General Sessions after his oversight hearing before the Senate Judiciary Committee, including questions relevant to the Department of Justice’s investigation of Russian interference with the 2016 presidential election. He still has not responded to these questions. **Will you provide responses to these questions from the Senate Judiciary Committee, which has oversight jurisdiction over the Justice Department?**
2. According to Appendix D, page three, of the Mueller report, the Special Counsel’s Office “periodically identified evidence of potential criminal activity that was outside of the scope of the Special Counsel’s jurisdiction” and referred that evidence to other Justice Department components. There are 14 such referrals referenced in the Mueller report, 12 of which are redacted.

I believe you should recuse yourself from ongoing investigations involving evidence referred by the Mueller investigation. Your own statements and actions with respect to this investigation have called your credibility and your independence in doubt.

- a. **Subsequent to April 18 and your statements and actions leading up to the release of the redacted Mueller report, have you sought the recommendation of career Department ethics officials regarding recusing yourself from these 14 referred matters?**
- b. **If not, will you do so now?**
3. The U.S. Attorneys’ Offices for the Southern District of New York (SDNY) and the District of Columbia (DC) have reportedly received referrals from the Special Counsel’s Office. These offices are reportedly continuing to investigate matters related to the President, including possible campaign finance violations involving hush money payments and the President’s attorney Michael Cohen, as well as foreign money going to the Trump inaugural committee.

According to news reports, President Trump last year suggested to then-Acting Attorney General Matthew Whitaker that Geoffrey Berman, the U.S. Attorney for the SDNY, could un-recuse himself and take charge over the hush money probe.

- a. **Has the President communicated with you about any investigations in the SDNY and DC U.S. Attorneys’ Offices, including these referred investigations?**
- b. **Has the President asked you to take any actions in relation to these investigations?**

- c. **Have you had any discussions or involvement with the SDNY and DC U.S. Attorneys' Offices regarding these investigations?**
  - d. **Will you commit that the Department will follow the recommendations of career prosecutors regarding these investigations and not let these investigations be subject to influence or interference from the White House?**
4. At your hearing I asked you about the April 16 ethics waiver you received from White House attorney Emmet Flood to participate in the investigation and litigation of the 1MDB matter. This is an investigation into a Malaysian company for alleged money laundering. According to news reports, as part of this investigation the U.S. Attorney's Office for the Eastern District of New York is investigating whether a Malaysian national illegally donated to the Trump inaugural committee with money taken from 1MDB. You obtained an ethics waiver to participate in this matter even though your former law firm, Kirkland & Ellis, represents an entity involved in this investigation, namely Goldman Sachs.

At your hearing you said "the Criminal Division actually asked me to get a waiver because of the importance of the investigation overall." You said the head of the Criminal Division, former Kirkland & Ellis partner Brian Benczkowski, made the request that you seek the waiver.

- a. **Please explain your statement that the Criminal Division asked you to get an ethics waiver "because of the importance of the 1MDB investigation overall." Why could this investigation not be overseen by other Department officials who did not have a conflict that required an ethics waiver?**
  - b. **Since you have rejoined the Justice Department, have you obtained any other ethics waivers to participate in investigations or matters that involve clients of Kirkland & Ellis?**
  - c. **Did Mr. Benczkowski also obtain an ethics waiver to participate in this investigation, given his status as a former Kirkland & Ellis attorney?**
  - d. **Will you commit to inform this Committee and the public each time you obtain an ethics waiver to participate in a Department investigation or matter?**
  - e. **Have you had any discussions, communications, or correspondence with Emmet Flood regarding the 1MDB investigation besides Flood's signing of the April 16 ethics waiver? If so, please describe the nature of those communications and the dates on which they occurred.**
5. Volume I, page one, of the Mueller report says "The Russian government interfered in the 2016 presidential election in sweeping and systematic fashion." **Do you agree with this factual finding?**

6. Volume I, page one, of the Mueller report says “a Russian intelligence service conducted computer-intrusion operations against entities, employees, and volunteers working on the Clinton campaign and then released stolen documents.” **Do you agree with this factual finding?**
7. Volume I, pages one and two, of the Mueller report say, in an excerpt of a sentence that you excluded from your March 24 letter, that “the investigation established that the Russian government perceived it would benefit from a Trump presidency and worked to secure that outcome, and that the [Trump] Campaign expected it would benefit electorally from information stolen and released through Russian efforts...” **Do you agree with these factual findings?**
8. On April 21, the President’s lawyer Rudy Giuliani said in a CNN interview: “There’s nothing wrong with taking information from Russians.” **Do you agree?**
9. On April 24, *The New York Times* reported that White House Acting Chief of Staff Mick Mulvaney urged then-DHS Secretary Kirstjen Nielsen not to talk to President Trump about potential Russian election interference in the 2020 election. **Have you ever talked with the President about potential Russian efforts to interfere with upcoming election? If so, when were those conversations?**
10. On July 27, 2016, then-candidate Trump publicly said: “Russia, if you’re listening, I hope you’re able to find the 30,000 emails that are missing.” Volume I, page 49 of the Mueller report says that within five hours of that statement, GRU officers tried to hack into Hillary Clinton’s office for the first time. President Trump said in his written responses to the Special Counsel’s Office that he made this statement “in jest and sarcastically.” (See Appendix C-17) **In your view, was it appropriate for candidate Trump to publicly invite Russia to take actions that would help his campaign, even if only in jest?**
11. In your April 18 press conference, you speculated about President Trump’s intent when he committed the acts of obstruction described in the Mueller report. You said that in your view “evidence of non-corrupt motives weighs heavily against any allegation that the President had a corrupt intent to obstruct the investigation.”

Of course, the easiest way to determine what the President’s intent and motives were would have been to interview the President and ask him. In Appendix C, the Mueller report says that the Special Counsel’s Office sought an interview with the President beginning in December 2017. In fact, the Special Counsel’s Office told the President’s lawyer on May 16, 2018 that: “An interview with the President is vital to our investigation.” (See Appendix C-1, emphasis added) But the President refused to answer questions from the Special Counsel about obstruction of justice and refused to sit for an interview.

According to Appendix C, page one, “after extensive discussions with the Department of Justice about the Special Counsel’s objective of securing the President’s testimony,” on September 17 the Special Counsel merely submitted written questions to the President on Russia-related topics only. According to Appendix C, the President’s responses were

inadequate even with regard to those limited written questions, with the President responding on over 30 occasions that he did not recall or remember the matter in question.

I am curious what happened between May 16, 2018 and September 17, 2018 to cause the Special Counsel to drop his request for a “vital” interview. I note that on June 8, 2018, you sent your nineteen-page memo to Deputy Attorney General Rosenstein, other DOJ officials, and the President’s lawyers. In that memo you said that “Mueller should not be permitted to demand that the President submit to interrogation about alleged obstruction.” In other words, your memo advised that Special Counsel Mueller’s supervisors block him from interviewing the President about matters including his intent.

- a. **Did Special Counsel Mueller ever request authorization from Deputy Attorney General Rosenstein to demand that the President submit to an interview about obstruction?**
  - b. **Did Deputy Attorney General Rosenstein ever permit Mueller to demand that the President submit to an interview about obstruction? Or did Rosenstein take your advice not to permit that?**
12. You said at your April 18 press conference that “the White House fully cooperated with the Special Counsel’s investigation.”
- a. **When you said “the White House,” did you mean the President too?**
  - b. Volume I, page eight of the Mueller report says that President Trump sought “to have the Special Counsel removed, and engaged in efforts to curtail the Special Counsel’s investigation and prevent the disclosure of evidence to it, including through public and private contacts with potential witnesses.” The report also says that the President refused to be interviewed by the Special Counsel and gave “inadequate” written responses. **Do you stand by the accuracy of your statement that “the White House fully cooperated with the Special Counsel’s investigation”?**
- 13.
- a. The Mueller report says on Volume II, page 157, that proof of an underlying crime is not an element of an obstruction offense and that “Obstruction of justice can be motivated by a desire to protect non-criminal personal interests, to protect against investigations where underlying criminal liability falls into a gray area, or to avoid personal embarrassment. The injury to the integrity of the justice system is the same regardless of whether a person committed an underlying wrong.” **Do you agree with this statement?**
  - b. **Can covering up campaign finance violations be a motive for obstruction of justice?**
14. In your March 24 summary letter, you said: “The Special Counsel’s decision to describe the facts of his obstruction investigation without reaching any legal conclusions leaves it to the Attorney General to determine whether the conduct described in the report constitutes a crime.”

Actually, Special Counsel Mueller said in the report that he thought it would be improper to make a traditional prosecutorial judgment about obstruction of judgment because of the Office of Legal Counsel opinion prohibiting indictment of a sitting president.

- a. **Is it your position that Special Counsel Mueller could have made such a traditional prosecutorial judgment himself regarding a sitting president?**
  - b. **If so, could a U.S. Attorney's Office also make such a prosecutorial judgment regarding potential crimes committed by a sitting president?**
  - c. **The Mueller report says on Volume II, page one, that "a President does not have immunity after he leaves office." Do you agree with this statement?**
15. On March 24, after you put out your summary memo of the Mueller report, President Trump tweeted "Complete and total exoneration." **In your view, does the Mueller report completely and totally exonerate President Trump? Or was President Trump incorrect in making that tweeted statement?**
- 16.
- a. **Why did you hold a press conference on April 18 before you released the text of the Mueller report? You had already sent multiple letters summarizing the report and discussed it twice in testimony before the House and Senate Appropriations Committees.**
  - b. **Did you talk to White House officials in advance about your decision to hold a press conference on April 18? If so, when and with whom?**
17. **When you shared the Mueller report with the White House and the President's personal attorneys before releasing it to Congress, did you give them copies of the report that had the exact same redactions that Congress received? Or did you give White House officials or the President's personal attorneys a version with fewer redactions?**
18. **Should employees of the Executive Branch lie when directed to do so by the President?**
19. On April 25, in an interview with Sean Hannity, President Trump said of the FBI's Russia investigation: "this was a coup. This was an attempted overthrow of the United States Government." **Do you object to this characterization by the President?**
20. On March 3, 2016, then-candidate Trump announced that then-Senator Sessions would serve as chairman of the Trump National Security Advisory Committee. On July 31, 2016, Sessions gave an interview on CNN where he was asked about possible connections between Trump businesses and Russian investors. He responded:

What I want to tell you is Hillary Clinton left her email system totally vulnerable to Russian penetration. It's probably clear that they have what was on that system. I have people come up to me all the time and say, 'why don't you - if you want to find out where those 30,000 emails are, why don't you ask the Russians. They're the ones who have them.' (See <https://www.cnn.com/videos/tv/2016/07/31/sotu-sessions-russia.cnn>)

The Mueller report notes on Volume 1, page one, that on July 31, 2016 the same day as this Sessions interview the FBI opened an investigation "into whether individuals associated with the Trump Campaign were coordinating with the Russian government in its interference activities" after the FBI had been alerted to information regarding Trump Campaign foreign policy advisor George Papadopoulos.

I asked then-Attorney General Sessions about his CNN interview in my written questions of October 25, 2017, but he has not responded.

- a. **Has the Department of Justice or FBI identified the people who came up to then-Senator Sessions prior to July 31, 2016 to say "why don't you ask the Russians" for information about Hillary Clinton's emails because "[t]hey're the ones who have them"?**
- b. **Did former Attorney General Sessions provide the names of these people to investigators in the FBI or Special Counsel's Office, given the relevance of this information for the investigation into Russian election interference, and were these people interviewed?**
- c. **Are you confident that none of the people who said this to former Attorney General Sessions ever communicated with representatives of the Russians regarding information about Hillary Clinton?**
- d. **If someone comes up to a person publicly associated with a presidential campaign, such as the chairman of the campaign's National Security Advisory Committee, and suggests that the campaign official contact the Russians to get information about the opposing presidential candidate, should the campaign official alert the FBI?**



**“The Department of Justice’s Investigation of Russian Interference  
with the 2016 Presidential Election”**

**Questions for the Record for  
Attorney General William Barr**

**Submitted May 8, 2019**

**QUESTIONS FROM SENATOR WHITEHOUSE**

1. At any point before February 14, 2019, have you publicly described authorized investigative activities at the Department of Justice or FBI as “spying”? Please specify dates and context for each instance.
2. In your live testimony you said that on March 5, 2019, Special Counsel Robert Mueller told you that he was not going to make a prosecutorial decision on obstruction of justice charges against President Trump. Was this the first time Mr. Mueller or anyone on his team had communicated his decision to you, Deputy Attorney General [DAG] Rosenstein, or any representatives of your two offices? If not, please indicate when you and/or Mr. Rosenstein first learned about his decision and who told you.
3. In your live testimony you stated that in regards to Mr. Mueller’s prosecutorial decision on obstruction, “We started talking about it on March 5 and there had already been a lot of discussions prior to March 5 involving the deputy, the principal associate deputy in the Office of Legal Counsel [OLC] that had dealings with the Special Counsel’s Office.”
  - a. Please explain further what you meant when you testified that OLC was involved in “a lot of discussions” before March 5 about the Special Counsel’s investigation. What were the topics of these discussions? Who in OLC was involved in these discussions? Over what period of time did they take place?
  - b. Please list the topic of all legal opinions given by the OLC to the Special Counsel, and the dates on which they were provided.
  - c. Prior to March 5, did OLC assess the sufficiency of evidence for any claims being considered by the Special Counsel? If so, please explain.
4. Between your March 5 meeting with Special Counsel Mueller and your receipt of his report on March 22, what contacts did you, DAG Rosenstein, or any representatives of your offices, have with the Special Counsel’s office? Please specify dates and topics.
5. At your hearing you said, “we had--had a lot of discussions about [the obstruction charge] before the 22, but that the final decision was made on the 24th.”
  - a. Please identify all persons involved in these discussions.
  - b. During the discussions you had on obstruction of justice between before March 22, what evidence did you review to inform your discussions?
  - c. Did the Special Counsel give you, DAG Rosenstein, or any representatives of your offices, any drafts or summaries of his report before March 22? Were you, DAG Rosenstein, or any representatives of your offices, provided copies or summaries of any of the underlying evidence? If so, please specify what you were given and when.

6. How many letters has Mr. Mueller or any member of his staff written to you, DAG Rosenstein, or any representatives of your offices, after March 24, 2019? What are the dates of the letters?
7. Other than the conversation you had with Special Counsel Mueller on March 28, 2019, have you had any conversations Mr. Mueller since March 24? Please note the dates and topics.
8. Were you aware of any contacts between OLC and anyone working for the Special Counsel before you submitted your June 8, 2018 memorandum on obstruction of justice? Please specify.
9. Before you submitted your June 8, 2018 memorandum on obstruction of justice, did anyone tell you that Special Counsel Mueller was contemplating a case under 18 U.S.C. section 1512(c)(2)? If so, please state who told you and when.
10. On June 27, 2018, you participated in a “brown bag” lunch at OLC. The head of that office is Steven Engel, one of the recipients of your June 8 memorandum.
  - a. Who invited you to this lunch and on what date was the invitation extended?
  - b. Please list every legal topic you discussed at the lunch.
  - c. Did you discuss your June 8 memorandum during this lunch?
  - d. Did you discuss your June 8 memorandum with any other person while you were at the Department of Justice [DOJ] on June 27, 2019? If so, who?
  - e. Before this lunch were you aware that OLC had been in contact with the Mueller team?
  - f. Did you discuss the Special Counsel’s investigation with Mr. Engel during this visit?
11. Are you personally aware of the allegations made by the United States in case # 18 CRM 602 in the Southern District of New York? Are you personally aware of the identity of Individual 1 in that case?
12. In your hearing you agreed that anonymous election funding was an avenue for foreign election influence and interference. The Mueller Report concluded that the Internet Research Agency’s (IRA) operation “included the purchase of political advertisements on social media in the names of U.S. persons and entities...” (page 4)
  - a. If organizations spending money in elections were required to disclose their donors, would it make it easier to detect and deter foreign nationals from spending money in elections?
  - b. Do you agree that shell companies provide an avenue for foreign election influence and interference in our elections? Would requiring companies to disclose beneficial ownership information allow law enforcement and election officials to detect and deter foreign interference in U.S. elections?
13. The Mueller Report concluded that the IRA social media campaign “favored presidential candidate Donald J. Trump and disparaged presidential candidate Hillary Clinton.” (page 1)
  - a. Do you agree with this finding? If you do not, on what evidence do you base your assessment?
  - b. Your March 24 letter characterized the IRA’s social media campaign as “designed to sow social discord, eventually with the aim of interfering in the election.” Why

did the letter omit that the IRA's social media campaign favored candidate Trump and disparaged candidate Clinton?

14. Have you even had a conversation about the Special Counsel's investigation with Leonard Leo? If so, please list the topics and dates of each conversation.
15. Has anyone at the White House or any person employed by or involved with the Trump campaign suggested you open an investigation into Hunter Biden? Please specify and detail the contents of those communications.
16. Has anyone at the White House or any person employed by or involved with the Trump campaign suggested you open an investigation into a specific person?
17. Since your confirmation, has DOJ made any changes to its policy on communications with the White House? In your confirmation testimony, you indicated it was your understand that DOJ still followed the 2009 memorandum from Attorney General Eric Holder. Is that still your understanding?
18. As a general proposition, what is the appropriate role of the Attorney General in providing public relations services to the President and the White House?
19. FBI Director Christopher Wray testified on May 7, 2019: "if any public official or member of any campaign is contacted by any nation-state or anybody acting on behalf of a nation-state about influencing or interfering with our election, then that something that the FBI would want to know about." Do you agree with that statement?

## Bissex, Rachel (OAG)

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**From:** Bissex, Rachel (OAG)  
**Sent:** Friday, April 26, 2019 8:50 AM  
**To:** Anderson, Jeffrey (OJP)  
**Subject:** RE: WSJ piece highlighting BJS stats

Thanks for sharing this, Jeff!

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**From:** Anderson, Jeffrey (OJP) <Jeffrey.Anderson@ojp.usdoj.gov>  
**Sent:** Thursday, April 25, 2019 2:49 PM  
**To:** Hamilton, Gene (OAG) <ghamilton@jmd.usdoj.gov>; Bissex, Rachel (OAG) <rbissex@jmd.usdoj.gov>  
**Subject:** WSJ piece highlighting BJS stats

Hi Rachel and Gene,

Just FYI, after the first few paragraphs, this *Wall Street Journal* piece (from today) is pretty much wall-to-wall BJS stats, many of which were published during the past year....

I thought it might be of interest.

Cheers,  
Jeff

### **Biden Should Be Proud of His Record on Crime**

*The Wall Street Journal*

By Rafael A. Mangual

April 25, 2019

[https://www.wsj.com/articles/biden-should-be-proud-of-his-record-on-crime-11556146029?emailToken=36450a9d3d887664f825224e8ada2ddb11eJLThXNmhbqC55c/FXCOF7dI94OVJ6Tt6KDI84011mKSYuwwcpMvIGBs+odr/KFVEEvpgc1TGSZbAQYpuc6CJ4xBwzv/Zw5yK+JjyruQ%3D&reflink=article\\_gmail\\_share](https://www.wsj.com/articles/biden-should-be-proud-of-his-record-on-crime-11556146029?emailToken=36450a9d3d887664f825224e8ada2ddb11eJLThXNmhbqC55c/FXCOF7dI94OVJ6Tt6KDI84011mKSYuwwcpMvIGBs+odr/KFVEEvpgc1TGSZbAQYpuc6CJ4xBwzv/Zw5yK+JjyruQ%3D&reflink=article_gmail_share)

Even before announcing that he would seek the Democratic presidential nomination, Joe Biden was busy apologizing. At a Martin Luther King Day speech to Al Sharpton's National Action Network, Mr. Biden said "I haven't always been right" about criminal justice and "white America has to admit there's still a systematic racism and it goes almost unnoticed by so many of us."

Not long ago Mr. Biden publicly defended his role in shaping the Violent Crime Control and Law Enforcement Act of 1994, which funded the hiring of more cops and encouraged more "truth in sentencing" by requiring that prisoners actually serve the majority of their sentences before becoming eligible for parole. That law, Barack Obama's vice president said in 2016, "restored American cities." Mr. Biden, who was chairman of the Senate Judiciary Committee in 1994, reiterated that view in his 2017 memoir.

Mr. Biden's change of tune is predictable, given his party's hard left turn on criminal justice and many other issues. But the left's central claim—that the U.S. overincarcerates—doesn't hold up, and those pushing decarceration often understate or ignore the downsides of policies that would result in more serious criminals walking the streets.

That would have a disparate racial impact. Left-wing reform advocates claim the justice system punishes blacks disproportionately, but black communities also suffer the harshest consequences from crime. Crimes committed by released convicts would affect many more black victims than white ones. Instead of apologizing, Mr. Biden should stand by the proactive policing and tougher incarceration practices that helped lower the crime rate after it peaked in the early '90s.

Another sin for which Mr. Biden is now seemingly repenting is his vote for the Anti-Drug Abuse Act of 1986, which established the widely reviled sentencing disparity between crack and powder cocaine. Michelle Alexander cites the law as key evidence of "systemic racism" in her 2010 book, "The New Jim Crow: Mass Incarceration in the Age of Colorblindness."

Never mind that the 1986 law was co-sponsored in the House by 16 of the 19 members of the Congressional Black Caucus, or that drug prohibition isn't driving "mass incarceration." Most drug offenders (59%) serve less than one year in prison. The vast majority (76.4%) of state prisoners, who account for about 90% of all prisoners, are in for violent felonies (54.5%), property-related ones (18%), or weapons-related ones (3.9%). Only 15.2% are in state prison primarily for drug offenses.

Criminal-justice reformers often overlook that the 1980s crackdown on drug crimes was aimed at reducing the violence surrounding the drug trade. Escalating the war on drugs was a way to root out criminals who were often involved in serious violent and property crimes. The relationship between drugs and other crime holds today: More than three quarters of released drug offenders get rearrested for a nondrug crime.

The justice system is far less punitive than the left implies. Justice Department studies from 2000-09 show that only about 40% of state felony convictions result in a prison sentence. And the data on time served indicate that there's less "truth in sentencing" than critics of the 1994 crime bill would have you believe. State prisoners released in 2016 served 46% of their maximum sentence on average, according to the Bureau of Justice Statistics. One-fifth of murderers and 57% of sexual assailants served less than five years; and nearly 40% of all released state prisoners served less than one year behind bars.

Keep in mind that when these criminals get out, the vast majority go on to reoffend. Another BJS study tracked a cohort of more than 400,000 state prisoners released in 30 states in 2005. Within three years, 68% were arrested for a new offense. That number went up to 79% by year six, and 83% by year nine.

You won't hear it from Joe Biden these days, but incarceration prevents crimes. Putting fewer criminals behind bars, and letting more out sooner than we already do, is a recipe for more serious crime, which usually is committed by repeat offenders.

Examples abound. The University of Chicago Crime Lab found that those convicted of homicides or shootings in 2015-16 in Chicago had an average of 12 prior arrests. In 2017 Baltimore police identified 118 murder suspects. They had an average of 9.3 prior arrests, and 35.6% committed the alleged offense while on probation or parole. A BJS report on violent felons convicted in America's 75 largest counties over a 12-year period found that 56% had at least one prior conviction, and 37% of those convicts committed the offense while on probation, parole, or after being released pending disposition of a prior case.

The victims of these serious violent crimes are disproportionately black. This disparity is most stark on homicide. Though black men constitute about 7% of the population, they accounted for 45% of America's 15,129 homicide victims in 2017.

A BJS study of homicides committed from 1980 to 2008 found that the victimization rate for blacks was six

times as high as for whites. The offending rate was almost eight times as high, and still is today. That disparity has meant that black America has been the primary beneficiary of the decline in crime that began in the early 1990s. In his 2018 book, "Uneasy Peace," sociologist Patrick Sharkey shows that "the impact of the decline in homicide on the life expectancy of black men is roughly equivalent to the impact of eliminating obesity altogether."

Mr. Biden's critics seem to have forgotten the disproportionate impact that violent crime had on black families—and Mr. Biden is now trying his best to forget, too. But frustration with the scourge of crime in the '80s and '90s drove support for tough-on-crime measures in the black community as much as among white senators. Mr. Biden stood *with* black Americans, not against them, when he supported those measures.

*Mr. Mangual is a fellow and deputy director of legal policy at the Manhattan Institute.*

**Jeffrey H. Anderson**  
**Director, Bureau of Justice Statistics**  
U.S. Department of Justice  
202-307-0617 (office)  
(b)(6) (cell)

## Otus85, AG (OAG)

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**Subject:** Canceled: Meeting w/Mayor Rudolph W. Giuliani and Rep. Trey Gowdy

**Location:** CRM Conference Roo (b)(6)

**Start:** Tuesday, September 3, 2019 11:45 AM

**End:** Tuesday, September 3, 2019 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Otus85, AG (OAG)

**Required Attendees:** Cronan, John (CRM (b)(6));  
Brian Benczkowsk (b)(6)

**Importance:** High

POC: Will Levi

Attendees: AG, Brian Rabbitt, Will Levi,

Outside Attendees: Mayor Rudolph Giuliani, Trey Gowdy, Frank Wohl, Jon Sale, Jeannie Rose Rubin, an (b)(6) Security Personnel

Security: **(Red Badge- Escort to CRM Conference Room; OAG to escort)**

Giuliana POC: Joanne Zafonte: [JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)

Gowdy POC: Trey Gowdy (b)(6); Sheria Clarke (b)(6)

**NOTE: The meeting will start at 11:00. The AG will join the meeting later in the discussion at 11:45**

## Otus85, AG (OAG)

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**Subject:** Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy  
**Location:** CRM Conference Room

**Start:** Tuesday, September 3, 2019 11:00 AM  
**End:** Tuesday, September 3, 2019 12:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Otus85, AG (OAG)  
**Required Attendees:** AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Levi, William (OAG)

POC: Brian Rabbit  
Attendees: Brian Rabbit and Will Levi  
Outside Attendees: Rudy Giuliani, Former Mayor; Trey Gowdy, Former Representative (Red Badge- Escort to CRM)  
Giuliana POC: Joanne Zafonte: [JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)  
Gowdy POC: Sheria Clarke; (b)(6)  
NOTES: The AG will join the meeting later in the discussion 11:30 or later

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



## Otus85, AG (OAG)

---

**Subject:** HOLD: Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy  
**Location:** AG's Office

**Start:** Tuesday, September 3, 2019 11:00 AM  
**End:** Tuesday, September 3, 2019 12:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Otus85, AG (OAG)  
**Required Attendees:** AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Levi, William (OAG)

POC: Brian Rabbit  
Attendees: Brian Rabbit and Will Levi  
Outside Attendees: Rudy Giuliani, Former Mayor; Trey Gowdy, Former Representative  
Giuliana POC: Joanne Zafonte: [JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)  
Gowdy POC: Sheria Clarke: (b)(6)

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

## Otus85, AG (OAG)

---

**Subject:** Meeting  
**Location:** AG's Office

**Start:** Monday, August 26, 2019 10:30 AM  
**End:** Monday, August 26, 2019 11:30 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Otus85, AG (OAG)  
**Required Attendees:** AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Benczkowski, Brian (CRM)

POC: Seth DuCharme  
Attendees: Seth DuCharme and Brian Benczkowski  
**Outside Visitor: Joseph DiGenova – Red Badge**

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

## Otus85, AG (OAG)

---

**Subject:** HOLD: Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy  
**Location:** AG's Office

**Start:** Friday, August 23, 2019 3:00 PM  
**End:** Friday, August 23, 2019 3:20 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Otus85, AG (OAG)  
**Required Attendees:** AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); Levi, William (OAG)

POC: Brian Rabbit  
Attendees: Brian Rabbit and Will Levi  
Outside Attendees: Rudy Giuliani, Former Mayor; Trey Gowdy, Former Representative  
Giuliana POC: Joanne Zafonte: [JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)  
Gowdy POC: Shelia Clarke; (b)(6)

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

**Kupec, Kerri (OPA)**

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Monday, September 30, 2019 9:53 AM  
**To:** Rabbitt, Brian (OAG)

<https://www.foxnews.com/politics/giuliani-was-not-working-alone-in-biden-ukraine-probe>

**Kerri Kupec**  
Director  
Office of Public Affairs  
U.S. Department of Justice

(b)(6)

## Kupec, Kerri (OPA)

---

**From:** Kupec, Kerri (OPA)  
**Sent:** Thursday, September 26, 2019 9:14 AM  
**To:** O'Callaghan, Edward C. (ODAG)  
**Subject:** DOJ STATEMENTS

### Statement on Ukraine

The Attorney General was first notified of the President's conversation with Ukrainian President Zelensky several weeks after the call took place, when the Department of Justice learned of a potential referral. The President has not spoken with the Attorney General about having Ukraine investigate anything relating to former Vice President Biden or his son. The President has not asked the Attorney General to contact Ukraine – on this or any other matter. The Attorney General has not communicated with Ukraine – on this or any other subject. Nor has the Attorney General discussed this matter, or anything relating to Ukraine, with Rudy Giuliani.

A Department of Justice team led by U.S. Attorney John Durham is separately exploring the extent to which a number of countries, including Ukraine, played a role in the counterintelligence investigation directed at the Trump campaign during the 2016 election. While the Attorney General has yet to contact Ukraine in connection with this investigation, certain Ukrainians who are not members of the government have volunteered information to Mr. Durham, which he is evaluating.

### Statement on Referral

In August, the Department of Justice was referred a matter relating to a letter the Director of National Intelligence had received from the Inspector General for the Intelligence Community regarding a purported whistleblower complaint. The Inspector General's letter cited a conversation between the President and Ukrainian President Zelensky as a potential violation of federal campaign finance law, while acknowledging that neither the Inspector General nor the complainant had firsthand knowledge of the conversation. Relying on established procedures set forth in the Justice Manual, the Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted. All relevant components of the Department agreed with this legal conclusion, and the Department has concluded the matter.

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

**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, September 3, 2019 12:34 PM  
**To:** Stepney, LaKisha L. (OAG)

Jo Ann Zafonte  
Senior Manager  
Giuliani Partners  
445 Park Avenue, 18<sup>th</sup> Fl.  
New York, NY 10022  
(b)(6)

**Errical A. Bryant**  
**Director of Scheduling**  
**United States Attorney General**

**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, September 3, 2019 9:13 AM  
**To:** Gramley, Shannon (OAG)  
**Subject:** FW: Giuliani meeting  
**Attachments:** (b)(6), (b)(7)(C) per CRM ; ATT00001.htm

---

**From:** Jackson, Wykema C. (OAG) <wcjackson@jmd.usdoj.gov>  
**Sent:** Tuesday, September 3, 2019 8:30 AM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** Fwd: Giuliani meeting

Can you forward to Shannon? Thanks

Begin forwarded message:

**From:** "Levi, William (OAG)" <[wlevi@jmd.usdoj.gov](mailto:wlevi@jmd.usdoj.gov)>  
**Date:** August 30, 2019 at 3:24:27 PM EDT  
**To:** "Watson, Theresa (OAG)" <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>, "Washington, Tracy T (OAG)" <[twashington@jmd.usdoj.gov](mailto:twashington@jmd.usdoj.gov)>, "Jackson, Wykema C. (OAG)" <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Subject:** Giuliani meeting

I forgot I had the attached for the meeting on Tuesday. please include if not too late. Thanks!

Levi, William (OAG)

---

**From:** Levi, William (OAG)  
**Sent:** Friday, August 30, 2019 3:44 PM  
**To:** Watson, Theresa (OAG)  
**Cc:** Washington, Tracy T (OAG); Jackson, Wykema C. (OAG)  
**Subject:** Re: Giuliani meeting

Thank you

> On Aug 30, 2019, at 4:43 PM, Watson, Theresa (OAG) <twatson@jmd.usdoj.gov> wrote:  
>  
> Will do.  
>  
> -----Original Message-----  
> From: Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
> Sent: Friday, August 30, 2019 3:24 PM  
> To: Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Washington, Tracy T (OAG)  
> <twashington@jmd.usdoj.gov>; Jackson, Wykema C. (OAG) <wcjackson@jmd.usdoj.gov>  
> Subject: Giuliani meeting  
>  
> I forgot I had the attached for the meeting on Tuesday. please include if not too late. Thanks!



**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Friday, August 30, 2019 3:43 PM  
**To:** Gramley, Shannon (OAG)  
**Subject:** FW: Giuliani meeting  
**Attachments:** (b)(6), (b)(7)(C) per CRM ; ATT00001.txt

For Brian's book for Tuesday.

-----Original Message-----

**From:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Sent:** Friday, August 30, 2019 3:24 PM  
**To:** Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>; Washington, Tracy T (OAG) <twashington@jmd.usdoj.gov>; Jackson, Wykema C. (OAG) <wcjackson@jmd.usdoj.gov>  
**Subject:** Giuliani meeting

I forgot I had the attached for the meeting on Tuesday. please include if not too late. Thanks!

**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, September 3, 2019 7:01 AM  
**To:** Levi, William (OAG)  
**Subject:** RE:

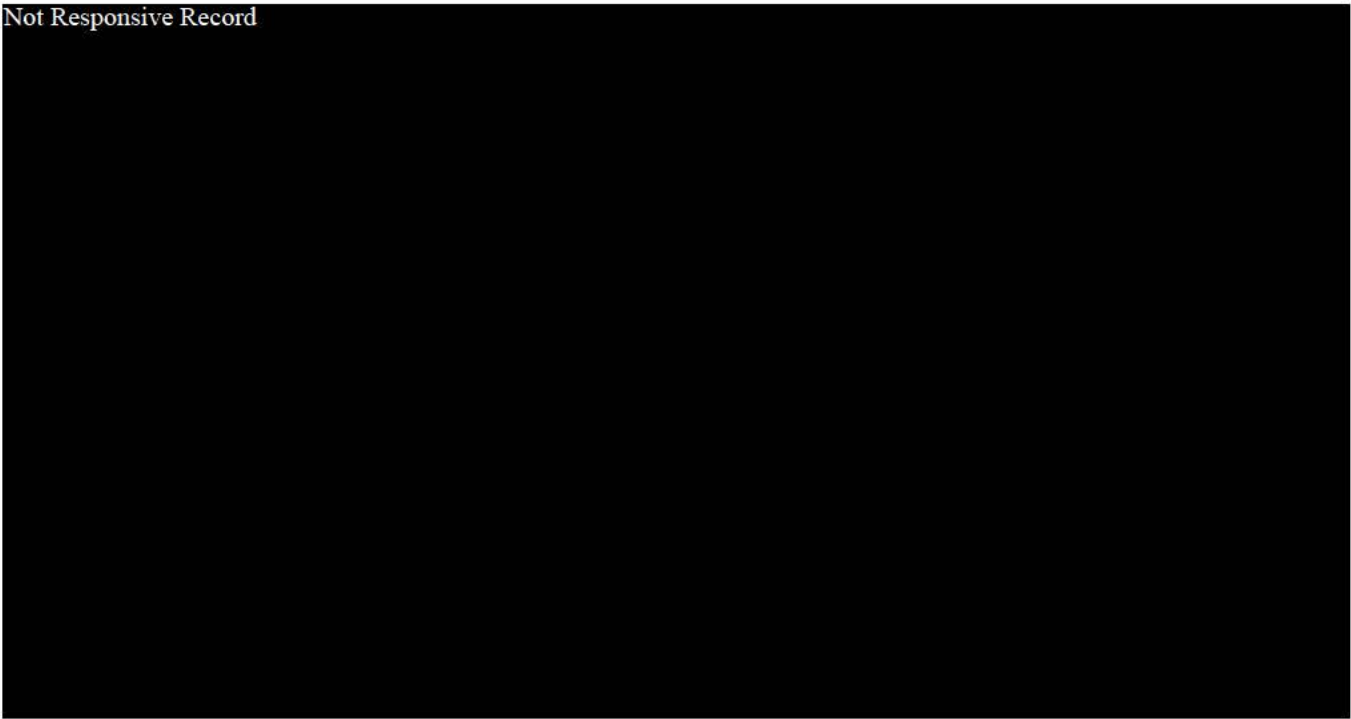
Done.

---

**From:** Levi, William (OAG) <wlevi@jmd.usdoj.gov>  
**Sent:** Sunday, September 1, 2019 9:19 PM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** RE:

And one more thing! Please add John Cronan to the Giuliani prep for Tuesday. Thanks!

Not Responsive Record



Levi, William (OAG)

---

**From:** Levi, William (OAG)  
**Sent:** Friday, August 30, 2019 1:47 PM  
**To:** Watson, Theresa (OAG)  
**Cc:** Jackson, Wykema C. (OAG); Washington, Tracy T (OAG)  
**Subject:** Re: AG Briefing Materials for Tuesday, September 3, 2019

Nothing for this. Thanks!

On Aug 30, 2019, at 11:41 AM, Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)> wrote:

**You are listed as the POC for the events listed below on the AG's schedule for **Tuesday**, and we are expecting briefing materials from you. Please send an email with a copy of your complete package, (including tabs if appropriate, by **3:30 pm, today**, so that we can prepare the binder. If you do not have any materials, or if you have a separate binder, please reply to this message so that we know not to include them in our table of contents. Thanks.**

**IF YOU DO NOT HAVE MATERIALS, PLEASE LET US KNOW. IF YOU ARE NOT THE POC, PLEASE LET ME KNOW.**

Will Levi

\*Meeting w/ Mayor Rudy Giuliani and Rep. Trey Gowdy

**Jackson, Wykema C. (OAG)**

---

**From:** Jackson, Wykema C. (OAG)  
**Sent:** Friday, August 30, 2019 8:47 AM  
**To:** Watson, Theresa (OAG)  
**Subject:** TOC May 17  
**Attachments:** TOC May 17.docx

Hey, this is what I see.

## **TABLE OF CONTENTS**

**TUESDAY, SEPTEMBER 3, 2019**

**A. AG Daily Schedule**

**B. AG Calendar – Next 7 Days**

**C. DAG Calendar**

**D. Weekly Calendar**

**E. Monthly Calendar (September - November, 2019)**

**F. Event Memo**

**1. Meeting/Coffee w/ Mayor Rudolph Giuliani and Rep. Trey Gowdy**

**2. Meeting re: Upcoming Speeches**

**3. Meeting w/John Thorne**

**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Thursday, August 29, 2019 6:43 PM  
**To:** Cronan, John (CRM)  
**Cc:** (b)(6) (CRM)  
**Subject:** Re: Tuesday's meeting

John,

We actually submitted this for Clearance and will escort to your office. But the names are listed as well.

Rudy Giuliani, Former Mayor; Trey Gowdy, Former Representative; Frank Wohl, Jon Sales; Jeannie Rose Rubin; and (b)(6), Security

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

> On Aug 29, 2019, at 3:06 PM, Cronan, John (CRM) (b)(6) wrote:  
>  
> Errical,  
>  
> Will tells me that you have the full list of non-DoJ attendees for Tuesday's meeting with Rudy Giuliani and Trey Gowdy. Can you please provide those names to (b)(6) per CRM, so we can make sure all are provided to the visitor center? Thanks.  
>  
> John  
>  
> John P. Cronan  
> Principal Deputy Assistant Attorney General > Criminal Division > U.S. Department of Justice >  
Desk: (b)(6) > Cell: (b)(6)

**Zafonte, Jo Ann**

---

**From:** Zafonte, Jo Ann  
**Sent:** Thursday, August 29, 2019 12:41 PM  
**To:** Bryant, Errical (OAG); Jackson, Wykema C. (OAG)  
**Subject:** September 3rd -- 11:00AM Meeting

The attendees for this meeting are arriving as a group, 10 minutes before the meeting.

Jo Ann Zafonte  
Senior Manager  
Giuliani Partners  
445 Park Avenue, 18<sup>th</sup> Fl.  
New York, NY 10022  
(b)(6)

## Bryant, Errical (OAG)

---

**From:** Bryant, Errical (OAG)  
**Sent:** Thursday, August 29, 2019 12:29 PM  
**To:** Jackson, Wykema C. (OAG)  
**Subject:** Re: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Crm conference room

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

On Aug 29, 2019, at 12:05 PM, Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)> wrote:

Is this meeting in 5111 or criminal division? Calendar states Escort to Crim conference room

---

**From:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Sent:** Thursday, August 29, 2019 11:45 AM  
**To:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Subject:** Re: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Didn't know It had a separate number. I would just say 5111

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

On Aug 29, 2019, at 11:34 AM, Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)> wrote:

Would you happen to know the conference room room #. Thanks

---

**From:** Schedule, AG85 (JMD) <[AG85Schedule@jmd.usdoj.gov](mailto:AG85Schedule@jmd.usdoj.gov)>  
**Sent:** Thursday, August 29, 2019 7:01 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Cc:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>; Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter  
**Importance:** High

Good morning,  
This is a reminder of an upcoming meeting with AG William Barr scheduled for Tuesday, September 3rd at 11:00am EST . Due to limited space, we do ask that you not arrive more than 10 minutes prior to your appointed time and that the attendees should not exceed those listed in your request. Please be advised you will be required to come through security screening prior to entering the building,



which may increase the amount of time needed to get to our office. Our building is located at 950 Pennsylvania Avenue, NW, Washington DC. You will enter through the visitor's entrance, located between 9th and 10th Streets, facing Constitution Ave. Please confirm the method in which the group will be arriving to DOJ to Wykema Jackson, copied. Upon building entry, guests will be escorted to the meeting location. Please bring with you a valid government issued ID. If you are unable to make your appointment, please contact us at 202-514-4195. Please be advised that this appointment is subject to change/cancellation due to the Attorney General's availability.

Finalized list of attendees are as listed below. Only those listed will be granted entry into the building. Please be sure the names are spelled correctly; Rudy Giuliani, Former Mayor; Trey Gowdy, Former Representative; Frank Wohl, Jon Sales; Jeannie Rose Rubin; and (b)(6), Security

### Attorney General Scheduling Office

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, August 20, 2019 11:30 AM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter  
**Importance:** High

Hello JoAnn,

We are pleased to inform you that we have been able to schedule a meeting with AG Barr and members of his staff.

Your meeting has been scheduled for Tuesday, September 3<sup>rd</sup> at 11:00am EST (should this time not work for your availability, our office would be happy to work with you). Due to limited space, we do ask that you not arrive more than 10 minutes prior to your appointed time and that the attendees should not exceed those listed in your request. Please be advised you will be required to come through security screening prior to entering the building, which may increase the amount of time needed to get to our office. Our building is located at 950 Pennsylvania Avenue, NW, Washington DC. You will enter through the visitor's entrance, located between 9<sup>th</sup> and 10<sup>th</sup> Streets, facing Constitution Ave (Guests will be escorted to the AG's Office). Please bring with you a valid government issued ID. If you are unable to make your appointment, please contact us at 202-514-4195. ***Please be advised that this appointment is subject to change/cancellation due to the Attorney General's availability.***

**To confirm your appointment, please email a list of attendees. Please also email a cell number of someone attending the meeting. Should any last minute scheduling changes arise, we will endeavor to call you as soon as possible.**

We look forward to seeing you in our office soon. Please feel free contact us at any time should you have any questions or concerns prior to your meeting.

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Monday, August 19, 2019 1:21 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter

Thank you.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Monday, August 19, 2019 12:46 PM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter  
**Importance:** High

Good afternoon Joanne,

I hope all is well. The AG asked that I arrange a brief meeting with Mayor Giuliani and Rep. Gowdy. This meeting has been tentatively set for Friday, September 23<sup>rd</sup> at 3:00pm. Please let me know if this time works for the Mayor and I will send you a final confirmation.

All the best,

**Errical A. Bryant**  
**Director of Scheduling**  
**United States Attorney General**

## Bryant, Errical (OAG)

---

**From:** Bryant, Errical (OAG)  
**Sent:** Wednesday, August 28, 2019 7:09 AM  
**To:** Jackson, Wykema C. (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

It's on there

---

**From:** Jackson, Wykema C. (OAG) <[wjackson@jmd.usdoj.gov](mailto:wjackson@jmd.usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 12:58 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

I did however, make sure you check it.

---

**From:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 12:30 PM  
**To:** Jackson, Wykema C. (OAG) <[wjackson@jmd.usdoj.gov](mailto:wjackson@jmd.usdoj.gov)>  
**Subject:** Fwd: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Can you change on the calendar  
Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

Begin forwarded message:

**From:** "Zafonte, Jo Ann" <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Date:** August 27, 2019 at 12:16:56 PM EDT  
**To:** "Bryant, Errical (OAG)" <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>, "Jackson, Wykema C. (OAG)" <[Wykema.C.Jackson2@usdoj.gov](mailto:Wykema.C.Jackson2@usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Ladies, sorry. We're now back to (b)(6) Security Personnel 9/2-3 as detail.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 11:26 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>; Jackson, Wykema C. (OAG) <[Wykema.C.Jackson2@usdoj.gov](mailto:Wykema.C.Jackson2@usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

updated

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Tuesday, August 27, 2019 9:36 AM  
**To:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>; Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Good morning ladies --- apologies, last minute vacation changes. Security Detail traveling with Mayor Giuliani will be (b)(6)

---

**From:** Jackson, Wykema C. (OAG) <[Wykema.C.Jackson2@usdoj.gov](mailto:Wykema.C.Jackson2@usdoj.gov)>  
**Sent:** Monday, August 26, 2019 10:12 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>; Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Good Morning, I will need the vehicle information below. The driver can enter on the 10<sup>th</sup> Street side of the building, where the guards will be waiting. We will also have an OAG escort to escort the Mayor to the meeting. Our address is 950 Pennsylvania Avenue, N.W. Please let me know if you have any further questions now or as the date approaches. Thanks

Driver:  
Vehicle:  
Make/Model:  
Tag/State:

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Monday, August 26, 2019 9:56 AM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Cc:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Morning Wykema, nice to emeet you. When ready, please forward any directions or instructions and I'll include them in the Mayor's briefing doc.

Thank you

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Monday, August 26, 2019 9:53 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Cc:** Jackson, Wykema C. (OAG) <[Wykema.C.Jackson2@usdoj.gov](mailto:Wykema.C.Jackson2@usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliana and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Connecting you to Wykema for directions. Thanks

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Monday, August 26, 2019 9:22 AM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter

Errical, I am forwarding your email to (b)(6), Head of Detail. He will have security reach out to you.

Please send all information regarding the meeting, and directions thereto, to me so I can include in our briefing doc for the trip.

Thanks.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Monday, August 26, 2019 7:47 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter

Good morning Jo Ann. We will need to get the name to the Mayor's protective detail officer, today if possible. Thanks

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Wednesday, August 21, 2019 3:26 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter

I think it likely they will all meet at a determined location before the meeting, so they should all arrive at once.

I'll let you know the name as soon as I can, he will not be armed.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Wednesday, August 21, 2019 3:24 PM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** Re: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM-related matter

Thanks Jo Ann

Will the addition attendees arrive with the Mayor?

Also, yes we will need the security personnel name. I assume he will not be armed?

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

On Aug 21, 2019, at 2:34 PM, Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)> wrote:

Hello Errical – the attendees for the September 3<sup>rd</sup> meeting at 11:00AM will be:  
Frank Wohl, Jon Sale, Trey Gowdy and Mayor Giuliani.

The Mayor will be accompanied by one security – do you need his name as well. If so, I can send closer to the date once the detail schedule is published for September.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Tuesday, August 20, 2019 12:18 PM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Thanks for your help.

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Tuesday, August 20, 2019 12:10 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

At the moment, no. I'll need to confirm with Mayor Giuliani – he should be back in the office around 4pm or so. I'll get back to you as soon as I can confirm with him.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Tuesday, August 20, 2019 12:08 PM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Thanks Jo Ann  
Do you have additional attendees?

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Tuesday, August 20, 2019 11:34 AM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Understood, thank you.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Tuesday, August 20, 2019 11:30 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter  
**Importance:** High

Duplicative Material - See Bates Stamp Page 20200505-0000338



**Jackson, Wykema C. (OAG)**

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**From:** Jackson, Wykema C. (OAG)  
**Sent:** Tuesday, August 27, 2019 1:02 PM  
**To:** Watson, Theresa (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Ok.

---

**From:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 1:00 PM  
**To:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

I was getting ready to say that the guy was already listed. I see it.

---

**From:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 12:58 PM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

I changed the calendar.

---

**From:** Jackson, Wykema C. (OAG)  
**Sent:** Tuesday, August 27, 2019 12:54 PM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** FW: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

FYI

---

**From:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Sent:** Tuesday, August 27, 2019 12:30 PM  
**To:** Jackson, Wykema C. (OAG) <[wcjackson@jmd.usdoj.gov](mailto:wcjackson@jmd.usdoj.gov)>  
**Subject:** Fwd: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Duplicative Material - See Bates Stamp Page 20200505-0000353



Jackson, Wykema C. (OAG)

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**From:** Jackson, Wykema C. (OAG)  
**Sent:** Tuesday, August 27, 2019 12:59 PM  
**To:** Watson, Theresa (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: [REDACTED]-related matter

Hopefully the changes can be seen.

---

**From:** Jackson, Wykema C. (OAG)  
**Sent:** Tuesday, August 27, 2019 12:58 PM  
**To:** Watson, Theresa (OAG) <twatson@jmd.usdoj.gov>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: [REDACTED]-related matter

Duplicative Material - See Bates Stamp Page 20200505-0000365





**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Tuesday, August 27, 2019 11:46 AM  
**To:** Bryant, Errical (OAG); Jackson, Wykema C. (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Vehicle Info:

(b)(6)  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Tuesday, August 27, 2019 11:26 AM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>; Jackson, Wykema C. (OAG) <Wykema.C.Jackson2@usdoj.gov>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Duplicative Material - See Bates Stamp Page 20200505-0000353



**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Tuesday, August 27, 2019 5:47 AM  
**To:** Bryant, Errical (OAG)  
**Subject:** Re: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Thank you

Jo Ann M. Zafonte  
Senior Manager  
Office of the Chairman  
Giuliani Partners, LLC

(b)(6)

On Aug 27, 2019, at 5:46 AM, Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)> wrote:

Meeting from 11:00am- Noon  
Arrive by 10:45am  
Meeting w/ Criminal Division starts at 11:00am. The AG will join later in the meeting. Please see attached email for additional details.  
Thanks E

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Monday, August 26, 2019 3:27 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Errical, a question please. Can you tell me how much time you have allotted for the 9/3 meeting? Just trying to arrange flights, ground transport, etc.

---

**From:** Bryant, Errical (OAG) <[Errical.Bryant@usdoj.gov](mailto:Errical.Bryant@usdoj.gov)>  
**Sent:** Monday, August 26, 2019 7:47 AM  
**To:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Duplicative Material - See Bates Stamp Page 20200505-0000355



**Bryant, Errical (OAG)**

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**From:** Bryant, Errical (OAG)  
**Sent:** Monday, August 26, 2019 5:48 PM  
**To:** JoAnn.Zafonte@giulianipartners.com  
**Subject:** Fwd: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Hello Jo Ann,

See below the breakdown of time for your meeting with their office.

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

Begin forwarded message:

**From:** "Bryant, Errical (OAG)" <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Date:** August 22, 2019 at 10:51:11 AM EDT  
**To:** "Zafonte, Jo Ann" <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Good morning Jo Ann,

We are looking forward to your meeting here at DOJ. For your awareness, we plan for the group to first discuss the case with the Head of the Criminal Division and his team. The AG will join later into the meeting for a quick chat. We have allotted 11-Noon for the entire meeting. However, the group should be prepared to stay a little longer since the AG will be joining the conversation at the end.

Please let me know if you have any questions.

All the best

**Errical A. Bryant**  
**Director of Scheduling**  
**United States Attorney General**

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Wednesday, August 21, 2019 3:26 PM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM  
Duplicative Material - See Bates Stamp Page 20200505-0000355

DOJ-19-1193, 19-1197, 19-1206, 19-1210, 19-1244, 19-1246-B, DOJ-19-1241-C-000089

**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Monday, August 26, 2019 8:42 AM  
**To:** Bryant, Errical (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

I'll speak to head of detail this morning and get back to you.

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Monday, August 26, 2019 7:47 AM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM -related matter

Duplicative Material - See Bates Stamp Page 20200505-0000355



**Bryant, Errical (OAG)**

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**From:** Bryant, Errical (OAG)  
**Sent:** Thursday, August 22, 2019 6:17 AM  
**To:** Zafonte, Jo Ann  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Thanks Jo Ann.

---

**From:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Sent:** Wednesday, August 21, 2019 3:26 PM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Duplicative Material - See Bates Stamp Page 20200505-0000355



**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Tuesday, August 20, 2019 12:19 PM  
**To:** Bryant, Errical (OAG)  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Of course.

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Tuesday, August 20, 2019 12:18 PM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Thanks for your help.

---

**From:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Sent:** Tuesday, August 20, 2019 12:10 PM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** RE: Meeting w/ AG Barr: Attendees Rudy Giuliani and Trey Gowdy; Topic: (b)(6), (b)(7)(C) per CRM related matter

Duplicative Material - See Bates Stamp Page 20200505-0000356



**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Wednesday, August 28, 2019 2:10 PM  
**To:** Bryant, Errical (OAG)  
**Subject:** RE: Jeannie Rose Rubin, another attorney, will be joining the meeting on the 3rd.

List is finalized.

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Wednesday, August 28, 2019 1:44 PM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** Re: Jeannie Rose Rubin, another attorney, will be joining the meeting on the 3rd.

Thanks Jo Ann. Can you confirm the list is finalized?

Errical A. Bryant  
Director of Scheduling  
Office of the Attorney General

On Aug 28, 2019, at 1:35 PM, Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)> wrote:

Jo Ann Zafonte  
Senior Manager  
Giuliani Partners  
445 Park Avenue, 18<sup>th</sup> Fl.  
New York, NY 10022  
(b)(6)

**Zafonte, Jo Ann**

---

**From:** Zafonte, Jo Ann  
**Sent:** Wednesday, August 28, 2019 1:47 PM  
**To:** Bryant, Errical (OAG)  
**Subject:** RE: Jeannie Rose Rubin, another attorney, will be joining the meeting on the 3rd.

Stand by

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Wednesday, August 28, 2019 1:44 PM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** Re: Jeannie Rose Rubin, another attorney, will be joining the meeting on the 3rd.

Duplicative Material - See Bates Stamp Page 20200505-0000345





**Zafonte, Jo Ann**

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**From:** Zafonte, Jo Ann  
**Sent:** Wednesday, August 28, 2019 8:51 AM  
**To:** Bryant, Errical (OAG)  
**Subject:** RE: 9/3 Meeting

Thank you.

---

**From:** Bryant, Errical (OAG) <Errical.Bryant@usdoj.gov>  
**Sent:** Wednesday, August 28, 2019 8:49 AM  
**To:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Subject:** RE: 9/3 Meeting

AG, Brian Rabbitt, COS and Will Levi

---

**From:** Zafonte, Jo Ann <[JoAnn.Zafonte@giulianipartners.com](mailto:JoAnn.Zafonte@giulianipartners.com)>  
**Sent:** Wednesday, August 28, 2019 8:45 AM  
**To:** Bryant, Errical (OAG) <[ebryant@jmd.usdoj.gov](mailto:ebryant@jmd.usdoj.gov)>  
**Subject:** 9/3 Meeting

Morning Errical – he’s asking if we can get a list of those attending from the AG’s office. Possible?

Jo Ann Zafonte  
Senior Manager  
Giuliani Partners  
445 Park Avenue, 18<sup>th</sup> Fl.  
New York, NY 10022  
(b)(6)

**Bryant, Errical (OAG)**

---

**From:** Bryant, Errical (OAG)  
**Sent:** Tuesday, August 27, 2019 5:43 AM  
**To:** Zafonte, Jo Ann  
**Subject:** RE: September 3rd Meeting

Thanks

---

**From:** Zafonte, Jo Ann <JoAnn.Zafonte@giulianipartners.com>  
**Sent:** Monday, August 26, 2019 4:05 PM  
**To:** Bryant, Errical (OAG) <ebryant@jmd.usdoj.gov>  
**Subject:** September 3rd Meeting

Sorry, change of crew. (b)(6) will be security for Mayor Giuliani, not (b)(6)

Jo Ann Zafonte  
Senior Manager  
Giuliani Partners  
445 Park Avenue, 18<sup>th</sup> Fl.  
New York, NY 10022  
(b)(6)

**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Friday, August 23, 2019 1:06 PM  
**To:** jd@digenovatoensing.com  
**Subject:** Meeting with Attorney General Barr  
**Importance:** High

Good afternoon Mr. DiGenova,

Per our conversation today, we are pleased to inform you that we have been able to schedule a meeting with AG Barr and a member of his staff.

Your meeting has been scheduled for **Monday, August 26 at 10:30 am EST**. Due to limited space, we do ask that you not arrive more than 10 minutes prior to your appointed time and that the attendees should not exceed those listed in your request. Please be advised you will be required to come through security screening prior to entering the building, which may increase the amount of time needed to get to our office. Our building is located at 950 Pennsylvania Avenue, NW, **Room 5111**, Washington DC. You will enter through the visitor's entrance, located between 9<sup>th</sup> and 10<sup>th</sup> Streets, facing Constitution Ave. Please bring with you a valid government issued ID. If you are unable to make your appointment, please contact us at 202-514-2003. *Please be advised that this appointment is subject to change/cancellation due to the Attorney General's availability.*

We look forward to seeing you in our office soon. Please feel free contact us at any time should you have any questions or concerns prior to your meeting.

**Attorney General Scheduling Office**

## Watson, Theresa (OAG)

---

**From:** Watson, Theresa (OAG)  
**Sent:** Thursday, August 22, 2019 7:05 PM  
**To:** dt@diGenovaToensing.com  
**Cc:** Bryant, Errical (OAG)  
**Subject:** Meeting with Attorney General Barr  
**Importance:** High

Good afternoon Mr. DiGenova,

Per our conversation today, we are pleased to inform you that we have been able to schedule a meeting with AG Barr and a member of his staff.

Your meeting has been scheduled for **Monday, August 26 at 10:30 am EST**. Due to limited space, we do ask that you not arrive more than 10 minutes prior to your appointed time and that the attendees should not exceed those listed in your request. Please be advised you will be required to come through security screening prior to entering the building, which may increase the amount of time needed to get to our office. Our building is located at 950 Pennsylvania Avenue, NW, **Room 5111**, Washington DC. You will enter through the visitor's entrance, located between 9<sup>th</sup> and 10<sup>th</sup> Streets, facing Constitution Ave. Please bring with you a valid government issued ID. If you are unable to make your appointment, please contact us at 202-514-2003. ***Please be advised that this appointment is subject to change/cancellation due to the Attorney General's availability.***

We look forward to seeing you in our office soon. Please feel free contact us at any time should you have any questions or concerns prior to your meeting.

**Attorney General Scheduling Office**

## Otus85, AG (OAG)

---

**From:** Otus85, AG (OAG)  
**Sent:** Thursday, August 22, 2019 6:57 PM  
**To:** AGPD; Calendar, AG85 (OAG); Watson, Theresa (OAG); Rabbitt, Brian (OAG); DuCharme, Seth (OAG); Benczkowski, Brian (CRM)  
**Subject:** Meeting

POC: Seth DuCharme  
Attendees: Seth DuCharme and Brian Benczkowski  
Outside Visitor: Joseph DiGenova – Red Badge

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

**Gramley, Shannon (OAG)**

---

**From:** Gramley, Shannon (OAG)  
**Sent:** Monday, August 19, 2019 1:03 PM  
**To:** Rabbitt, Brian (OAG)  
**Subject:** Missed call//Guiliani Office

JoAnn called for you. She can be reached at (b)(6)

**Watson, Theresa (OAG)**

---

**From:** Watson, Theresa (OAG)  
**Sent:** Monday, August 12, 2019 11:17 AM  
**To:** Williams, Toni (OAG)  
**Subject:** Re: Phone Message - Joseph DiGenova called for you (b)(6).

I'll reach out to him

On Aug 12, 2019, at 11:10 AM, Williams, Toni (OAG) <[towilliams@jmd.usdoj.gov](mailto:towilliams@jmd.usdoj.gov)> wrote:

He said the best dates to meet with the AG is August 20, 21, 22 or 23.

*Toni Williams  
Office of the Attorney General  
U.S. Department of Justice  
Washington, DC 20530*

(b)(6) (CRM)

---

**From:** (b)(6) (CRM)  
**Sent:** Thursday, August 8, 2019 3:43 PM  
**To:** Watson, Theresa (OAG)  
**Subject:** RE: AG Meeting with Joseph diGenova

Thanks, Theresa!

(b)(6)  
Office of the Assistant Attorney General  
Criminal Division, U.S. Department of Justice

(b)(6)  
Office: (b)(6)

---

**From:** Watson, Theresa (OAG)  
**Sent:** Thursday, August 8, 2019 3:27 PM  
**To:** (b)(6) (CRM) (b)(6)  
**Subject:** RE: AG Meeting with Joseph diGenova

Actually, we are going to wait and reschedule when Brian B. returns to the office.  
Thanks,  
Theresa

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**From:** (b)(6) (CRM) (b)(6)  
**Sent:** Thursday, August 8, 2019 3:13 PM  
**To:** Watson, Theresa (OAG) <[twatson@jmd.usdoj.gov](mailto:twatson@jmd.usdoj.gov)>  
**Subject:** AG Meeting with Joseph diGenova

Hi Theresa,

I wanted to let you know that while John Cronan will be out tomorrow, the Acting Chief of Staff, Candice Wong, will be in the office. Please let me know if Mr. diGenova wants to meet with Candice in lieu of John.

Kind regards,

(b)(6)

(b)(6)  
Office of the Assistant Attorney General  
Criminal Division, U.S. Department of Justice

(b)(6)  
Office: (b)(6)



## Watson, Theresa (OAG)

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**From:** Watson, Theresa (OAG)  
**Sent:** Thursday, August 8, 2019 12:11 PM  
**To:** dt@diGenovaToensing.com  
**Cc:** Bryant, Errical (OAG)  
**Subject:** RE: Meeting with Attorney General Barr  
**Importance:** High

Good afternoon Mr. DiGenova,

I am reaching out regarding your meeting with AG Barr on Friday, Aug. 9, unfortunately, we will have to reschedule due to a scheduling conflict. Our office will be in touch soon.

If you have any questions, please feel free to give me a call at (202) 514-9755. Please let me know that you received this message.

Best regards,

Theresa Watson

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**From:** Watson, Theresa (OAG)  
**Sent:** Monday, August 5, 2019 3:16 PM  
**To:** dt@diGenovaToensing.com  
**Cc:** Bryant, Errical (OAG) (ebryant@jmd.usdoj.gov) <ebryant@jmd.usdoj.gov>  
**Subject:** Meeting with Attorney General Barr  
**Importance:** High

Good afternoon Mr. DiGenova,

Per our conversation today, we are pleased to inform you that we have been able to schedule a meeting with AG Barr and a member of his staff.

Your meeting has been scheduled for **Friday, August 9 at 3:30-4:00 pm EST** (should this time not work for your availability, our office would be happy to work with you). Due to limited space, we do ask that you not arrive more than 10 minutes prior to your appointed time and that the attendees should not exceed those listed in your request. Please be advised you will be required to come through security screening prior to entering the building, which may increase the amount of time needed to get to our office. Our building is located at 950 Pennsylvania Avenue, NW, Room 5111, Washington DC. You will enter through the visitor's entrance, located between 9<sup>th</sup> and 10<sup>th</sup> Streets, facing Constitution Ave. Please bring with you a valid government issued ID. If you are unable to make your appointment, please contact us at 202-514-2003. ***Please be advised that this appointment is subject to change/cancellation due to the Attorney General's availability.***

We look forward to seeing you in our office soon. Please feel free contact us at any time should you have any questions or concerns prior to your meeting.

**Attorney General Scheduling Office**