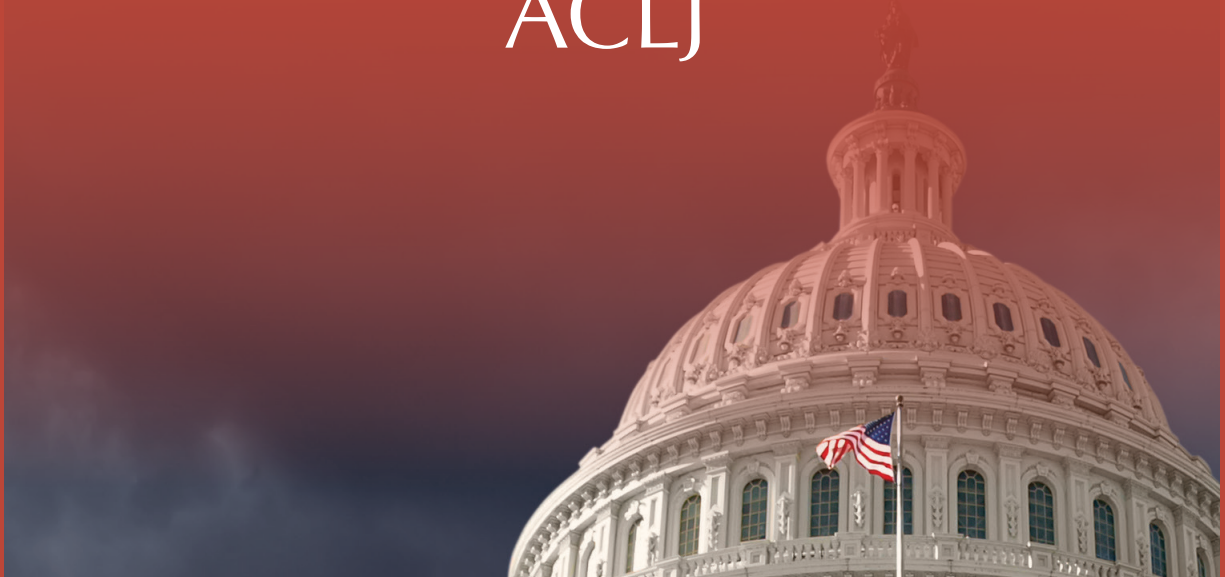


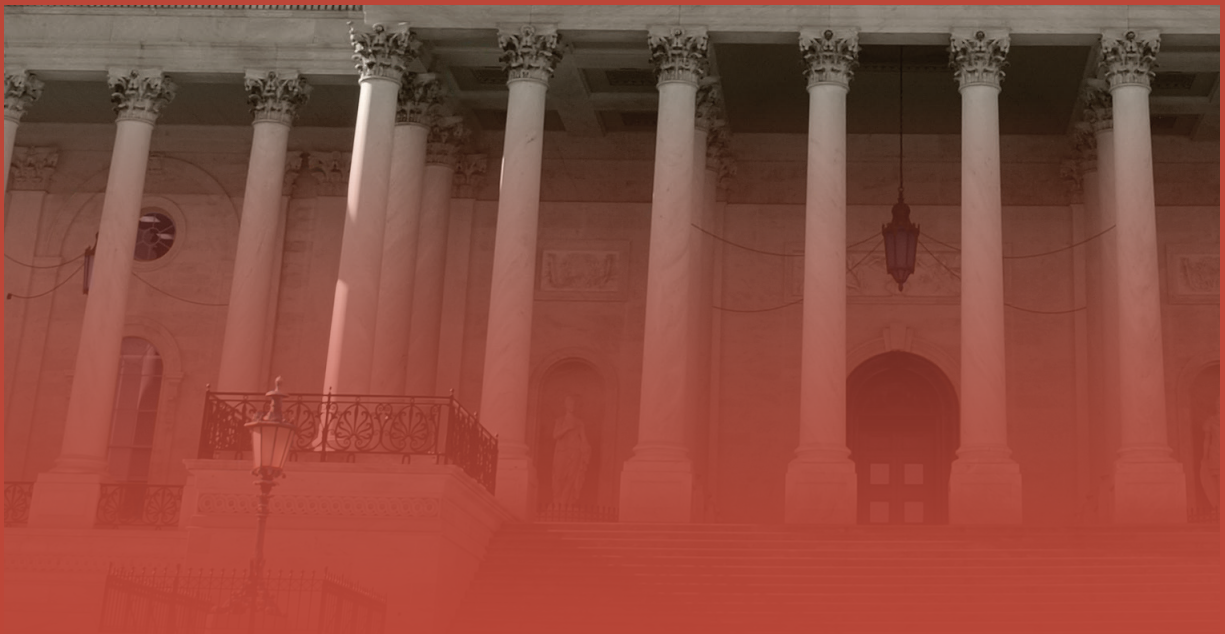
AMERICAN CENTER FOR LAW & JUSTICE



F R E E D O M O F I N F O R M A T I O N A C T

QUARTERLY **FOIA**

R E P O R T



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A MESSAGE FROM CHIEF COUNSEL JAY SEKULOW



Just over two years ago, I mobilized a dedicated team of attorneys and staff to launch our Government Accountability Project. This project aimed at shedding light on burgeoning corruption in the bureaucracy that controls our government agencies and implements our laws. We are fighting to hold this ever-expanding “Deep State” accountable to the American people. Thanks to your support, our efforts have been a resounding success.

As part of this effort, we have issued more than fifty-one Freedom of Information Act (FOIA) requests. The law requires government agencies to respond to these lawful requests. Yet, the bureaucracy fights tooth and nail to protect its secrets, often refusing to comply with our requests or the law. So, we have been forced to bring them to account – in court. To that end, we have filed eleven federal lawsuits (two of which have been combined) against five different bureaucratic agencies. We are fighting every day to expose the truth.

Over the course of the last two years, we have exposed corruption, lawlessness, influence peddling, and deception in our government. We have ensured that numerous Deep State bureaucrats are no longer in positions of power. We have dug into the Obama Administration’s funding of anti-Israel causes – including an attempt to unseat the government of Israel - exposed major corruption and collusion surrounding the infamous Clinton-Lynch tarmac meeting, and revealed the “purposeful” deletion of an official State Department briefing video to hide when the Iran nuclear deal negotiations began.

The goal of our Government Accountability Project is clear: ensure the United States Government remains of the People, dedicated to the People, and run for the People and not entrenched Washington elites, the ever-expanding bureaucratic Deep State, and corrupting special interests. The following is the first in a long line of quarterly reports that the ACLJ will issue to Members of Congress and the general public to update and empower those with a voice to make a difference and hold the government accountable.

After a review of the report’s findings, I encourage the appropriate congressional committees to provide oversight, hold hearings, and take whatever corrective action is necessary, including new legislation. I also encourage you, the American people, to remain ever vigilant; your voice makes a huge difference.

Thank you for your continued support. Without you, the virus of deception would remain hidden. With your help, we will continue to expose the truth and defeat the Deep State.

Signed,

A handwritten signature in black ink, reading "Jay Sekulow". The signature is written in a cursive, flowing style.



ABOUT THE ACLJ

Founded in 1990 with the mandate to protect religious and constitutional freedoms, the American Center for Law and Justice (ACLJ) engages legal, legislative, and cultural issues by implementing an effective strategy of advocacy, education, and litigation that includes representing clients before the Supreme Court of the United States and international tribunals around the globe.

As ACLJ Chief Counsel Jay Sekulow continued to build his legal and legislative team, the ACLJ experienced tremendous success in litigating cases at all levels of the judiciary – from the federal district court level to the U.S. Supreme Court.

Over the last two decades, Sekulow has appeared before the U.S. Supreme Court on numerous occasions, successfully arguing precedent-setting cases before the High Court: protecting the free speech rights of pro-life demonstrators; safeguarding the constitutional rights of religious groups to have equal access to public facilities; ensuring that public school students can form and participate in religious organizations, including Bible clubs, on campus; and, guaranteeing that minors can participate in the political process by protecting their free speech rights in the political setting.

Headquartered in Washington, D.C., the ACLJ's work reaches across the globe with affiliated offices in Israel, Russia, France, Pakistan, and Zimbabwe. In addition to its religious liberties work, the ACLJ also focuses on constitutional law involving the issues of national security, human life, judicial nominations, government corruption, and protecting patriotic expression such as our National Motto and the Pledge of Allegiance.

OUR FOIA PRACTICE:

The ACLJ has litigated and pursued governmental accountability for decades. Over the past several years, the ACLJ has intensified its advocacy in this area, focusing on identifying and countering the dangers of the unelected bureaucratic morass known as the “fourth branch of government.” In the last two years, the ACLJ has responded to troubling reports of the ever-growing “Deep State” – an out-of-control, unelected, unaccountable bureaucracy – by throwing back the curtain and shedding light on the ongoing government corruption and lawlessness. To that end, the ACLJ launched its Government Accountability Project.

One of the ACLJ’s most useful tools in this fight is the Freedom of Information Act (FOIA). This law requires federal government agencies and departments, when asked by appropriately concerned citizens, to turn over unclassified documents, records, and more as they relate to particular governmental activities. FOIA requests are almost never as simple as they sound. They require the requesting party to provide a detailed contextual background forming the basis of the request, define the parameters of the search, and regularly engage in a back-and-forth battle with an unwilling department that will use every possible technicality to reject, delay, or otherwise impede the release of information.

Thankfully, the ACLJ has extensive experience filing FOIA requests, and the necessary legal and media resources to make sure that these requests are seen, heard, and responded to. In the past two years, the ACLJ has issued fifty-one FOIA requests to more than fifteen different agencies and their component entities. Due to the repeated refusal of these agencies to comply with the ACLJ’s requests, the ACLJ has filed lawsuits to compel compliance in the U.S. District Court for the District of Columbia in nearly a dozen cases. Thus far, the ACLJ has been successful in every single case.

To date, the ACLJ has obtained nearly 14,000 pages of records, comprising approximately 4,000 responsive documents. These documents shed light on corruption at the highest levels of our government, exposing lies, cover-ups, influence peddling, and even attempts to unseat the duly-elected government of one of our closest allies. In addition, our discoveries have been prominently featured in the media and have led to significant policy and personnel changes in the federal bureaucracy.

The ACLJ will continue to remain ever vigilant and carry out its obligation to hold the government accountable for its actions. The ACLJ will continue to be on the front lines in this fight, issuing more requests and, if necessary, taking the government to court to get to the truth.

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QUARTERLY REPORT

EXECUTIVE SUMMARY:

In response to troubling reports of the ever-growing “Deep State” – an out-of-control, unelected, unaccountable bureaucracy – as well as holdover bureaucrats issuing grants and entering into contracts inconsistent with the will of the People, the ACLJ has utilized the Freedom of Information Act (FOIA) to request documents and records from federal government agencies with the intent of then using that information to shed light on the ongoing government corruption and lawlessness. The ACLJ has issued over seventy FOIA requests to more than fifteen different federal or state agencies and their components.

Very recently, the ACLJ issued yet another round of FOIA requests to federal agencies seeking records that will reveal exactly what happened when, according to bombshell reports, fired FBI Director James Comey planted his spies in the White House.

The ACLJ has also issued a new state-level record request to North Carolina, specifically, to the University of North Carolina, in an effort to expose the alarming events that unfolded when UNC Chapel Hill hosted a brazenly anti-Semitic and pro-Boycott, Divestment and Sanctions (BDS) conference using taxpayer funds. We intend to find out who was involved and what has been done to prevent this misuse of taxpayer funds from happening again.

As these new FOIA requests proceed, the ACLJ will continue to provide updates both on our website, www.ACLJ.org, and through our FOIA Quarterly Reports.

As we have said many times, Deep State corruption is extensive and federal agencies and departments have repeatedly refused to provide the requested information to the ACLJ as required by FOIA. As a result, the ACLJ has been forced to file federal lawsuits in the U.S. District Court for the District of Columbia to compel compliance in nearly a dozen cases. Since the last Quarterly Report, the ACLJ appealed and successfully litigated a case at the United States Court of Appeals for the District of Columbia Circuit. In addition to this appeal, the ACLJ is currently involved in seven FOIA lawsuits. The ACLJ has been successful in obtaining documents in every single case – but not until we were willing to take the agencies to federal court. To date, we have obtained approximately 18,000 pages of records, and all but approximately 70 have been obtained through litigation.

This Quarterly Report provides updates on some of our FOIA requests and lawsuits.

First, we discuss our significant victory in obtaining the actual immunity agreements given by Comey’s FBI and Loretta Lynch’s DOJ to Hillary Clinton’s top aides Cheryl Mills and Heather Samuelson. These agreements reveal that the FBI and DOJ

agreed to provide immunity from prosecution for the commission of major federal felonies and attempted to evade the requirements of federal law.

Second, we identify key discoveries and updates in our FOIA litigation against the State Department over records concerning Ambassador Samantha Power's unprecedented unmasking of U.S. citizens' information in the year leading up to the 2016 Presidential election. We have obtained documents that prove Power harbored strong political bias and dislike for President Trump at the time she engaged in her unmasking activity.

Third, we detail the records we obtained through one of our FOIA requests that reveal that the Office of the Director of National Intelligence (ODNI), under Director James Clapper, eagerly pushed to get new procedures in place to increase access to raw signals intelligence before the conclusion of the Obama Administration and just days before President Trump was inaugurated. By greatly expanding access to classified information by unelected, unaccountable bureaucrats, the Obama Administration – in an attempt to undermine the current Presidency – paved the way for a shadow government to leak classified information – endangering our national security and severely jeopardizing the integrity and reputation of our critical national security apparatus.

Fourth, and finally, we reveal documents obtained by the ACLJ from the state governments of New York and Virginia which prove that state officials are working closely with the abortion industry to push through extreme abortion legislation. Specifically, the records obtained by the ACLJ reveal that the abortion industry was working closely with Virginia's Governor Ralph Northam and his administration to remove all regulations on abortion, and confirm that New York's Governor Andrew Cuomo, who successfully pushed New York's barbaric pro-abortion law across the finish line, is indeed the champion of the abortion industry.

As always, the ACLJ will remain ever vigilant and carry out its obligation to hold those in government accountable for their actions and provide that information to the American people.

ACLJ OBTAINS OBAMA DOJ'S IMMUNITY AGREEMENTS WITH HILLARY CLINTON LAWYERS CHERYL MILLS AND HEATHER SAMUELSON TO "DISPOSE" OF EVIDENCE AND DEFY FEDERAL LAW:

ACLJ v. FBI, 18-cv-373 (D.D.C.)

I. EXECUTIVE SUMMARY

The ACLJ has obtained previously unreleased documents related to fired FBI Director James Comey's sham investigation of Hillary Clinton and immunity agreements given to top Clinton aides. These documents reveal that Comey's FBI and Loretta Lynch's DOJ granted immunity to Hillary Clinton's aides and lawyers, Cheryl Mills and Heather Samuelson, from prosecution for ***multiple felony criminal statutes governing the mishandling of classified information and/or the removal or destruction of records, including Espionage Act provisions*** in exchange for the laptops. Further, the DOJ and FBI – in an effort to avoid public accountability and scrutiny – agreed to deny any “custody and control” of the content of the laptops.

These laptops were critical to any meaningful investigation of Hillary Clinton's handling of classified emails and records. According to the DOJ Inspector General, who identified these as the “culling laptops,” “[a]ll 62,320 emails pulled from the Clinton servers were stored at one time on these laptops.” By taking control of these laptops and agreeing to severely limit the searches conducted and then destroy the laptops, it appears the Comey FBI and Lynch DOJ did everything in their power to protect Clinton's senior aides and lawyers from both criminal liability *and* public scrutiny.

While these immunity agreements have previously been discussed in the public realm, the ACLJ has now obtained *the actual documents* so the public may see and judge them accordingly.

II. BACKGROUND

The ACLJ has been busy litigating multiple FOIA lawsuits against the Deep State and Obama-era holdovers in various agencies in Washington, D.C., including the DOJ and FBI.

In one of the many FOIA lawsuits the ACLJ is engaged in against the Deep State and Obama-era holdovers, the ACLJ took the DOJ and FBI to court to force production of records relating directly to former FBI Director Comey's sham investigation of Hillary Clinton's misuse of private email servers and mishandling of classified information. After months of litigation, the ACLJ's diligence and persistence is paying off.

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

The ACLJ has obtained the DOJ's infamous immunity agreements with Hillary Clinton's top aides, Cheryl Mills and Heather Samuelson. These documents – previously unavailable to the public – include evidence of the DOJ's attempts *to avoid compliance with FOIA*, and confirm the DOJ's agreement to “*dispose*” of evidence, including Mills' and Samuelson's “culling laptops” which contained the missing emails from Hillary Clinton's private server.

These documents were directly responsive to a FOIA request the ACLJ submitted to the DOJ and FBI nearly two years ago, and were finally obtained only after filing a federal lawsuit to force their production. Our FOIA request sought:

All records concerning the immunity agreements entered into between the Department of Justice (DOJ) and witnesses and/or subjects of the FBI's Clinton investigation, including but not limited to Cheryl Mills and Heather Samuelson, and all other such agreements whereby the DOJ agreed to destroy any records retrieved.

Forced to comply under the court's supervision in our lawsuit, the DOJ produced to the ACLJ a set of records which the FBI had sent to the DOJ "for processing and direct response to you [the ACLJ]." These records consisted of the immunity agreements reached between the DOJ National Security Division (NSD) and both Cheryl Mills and Heather Samuelson.

A. The Content of the Immunity Agreements

The DOJ's immunity agreement with Mills provides:

As we have advised you, we consider Cheryl Mills to be a witness based on the information gathered to date in this investigation. We understand that Cheryl Mills is willing to voluntarily provide the Mills Laptop to the Federal Bureau of Investigation, if the United States agrees not to use any information directly obtained from the Mills Laptop in any prosecution of Cheryl Mills for the mishandling of classified information and/or the removal or destruction of records as described below.¹

And, according to the immunity agreement, the DOJ and Mills agreed to the following:

To that end, it is hereby agreed as follows:

1. That, subject to the terms of consent *set forth in a separate letter to the Department of Justice* dated June 10, 2016, Cheryl Mills will voluntarily produce the Mills Laptop to the Federal Bureau of Investigation for its review and analysis.
2. That no information directly obtained from the Mills Laptop will be used against your client in any prosecution under 18 U.S.C. § 793(e) and/or (f); 18 U.S.C. § 1924; and/or 18 U.S.C. § 2071.
3. That no other promises, agreements, or understandings exist between the parties except as set forth in this agreement, and no modification of this agreement shall have effect unless executed in writing by the parties.²

¹ Appendix I-A.

² *Id.*

The agreement was then executed by Cheryl Mills. The immunity agreement between the DOJ and Samuelson reads the same.³

B. MILLS AND SAMUELSON WERE GRANTED IMMUNITY FROM PROSECUTION UNDER MULTIPLE FELONY STATUTES FOR ANYTHING FOUND ON THEIR LAPTOPS.

The Espionage Act. The first criminal statute as to which Mills and Samuelson were expressly granted immunity are felony provisions of the Espionage Act, found at 18 U.S.C. § 793(e). The immunity agreements arguably would also cover the Espionage Act’s provision concerning conspiracy to violate the Act, under 18 U.S.C. § 793(g). *To summarize, these Espionage Act sections make it a felony for a person with unauthorized access or possession to convey the information to an unauthorized person, or for a person with authorized possession to negligently allow it to be removed from its proper place, delivered to anyone in violation of his trust, lost, stolen, or destroyed; or failing to promptly report such an act.*

Removal of Classified Information by Public Officers and Employees. The next criminal statute as to which Mills and Samuelson were granted immunity is the felony statute, 18 U.S.C. § 1924. *To summarize, this criminal statute makes it a felony for a government officer or employee to, knowingly and without authority, remove classified information with the intent to retain the information at an unauthorized location.*

Records and Reports. Mills and Samuelson were also granted express immunity from prosecution under both subsections of 18 U.S.C. § 2071. *To summarize, this criminal statute makes it a felony for a person to willfully and unlawfully conceal, remove, or destroy a government record or document, or where someone has custody of any such record, they willfully and unlawfully conceal, remove, falsify or destroy it. Further, a person convicted of doing the latter “shall forfeit and be disqualified from holding any office under the United States.”*

C. THE ACLJ ALSO OBTAINED THE SECOND IMMUNITY AGREEMENT LETTERS ORIGINALLY WITHHELD, WHICH REVEAL THE DOJ/FBI AGREED TO EVADE FOIA AND TO DISPOSE OF THE CULLING LAPTOPS.

Importantly, in item #1 of both the Mills and Samuelson immunity agreements obtained by the ACLJ earlier this year, the DOJ NSD references and incorporates the terms of a “separate letter” of the same date (June 10, 2016) containing “terms of consent” – additional terms the FBI/DOJ agreed to comply with in exchange for production of the laptops. Of course, these *two separate letters* were not initially provided to the ACLJ, but were made available by the DOJ upon ACLJ’s request. These two separate letters walk through the specific terms of Mills’ and Samuelson’s agreements with the DOJ in exchange for their voluntary surrender of the culling laptops – the laptops on which the Clinton Team installed Bleachbit (to scrub incriminating evidence) and deleted Hillary’s emails.

³ Appendix I-B.

D. THE DOJ/FBI EXPRESSLY ATTEMPTED TO EVADE FOIA'S REQUIREMENTS.

Crucially, these letters reveal that the DOJ attempted to circumvent its statutory obligations under FOIA. A portion of these letters read as follows:

In voluntarily providing the Device, Cheryl Mills does not relinquish ownership or control over the Device, except for the FBI's limited investigative use as specified by this agreement. The FBI does not assert custody and control over the Device or its contents for any other purpose, including any requests made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

The terms "custody and control" is a FOIA term of art. It would appear the DOJ/FBI attempted to avoid possession and control of the laptops, so that the contents would not be subject to FOIA and made available to the public. This agreement is particularly noteworthy given what former FBI lawyer Lisa Page told the DOJ Office of Inspector General:

[T]hese are the State Department's records. And if the Secretary in the first place had actually followed normal protocol, every single one of these emails, whether personal or work-related would have been in the State Department's possession, and there would be no attorney-client discussions happening with respect to the sort of this material.⁴

The DOJ's attempt to evade compliance with the FOIA is especially troubling given the next fact revealed in these newly obtained documents.

E. THE DOJ/FBI AGREED TO "DISPOSE" OF MILLS' AND SAMUELSON'S "CULLING LAPTOPS."

The DOJ agreed that the FBI would "dispose" of Mills' and Samuelson's laptops after the search. According to the agreement:

As soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the Device and any printed or electronic materials resulting from your search.⁵

In other words, after agreeing to limit its search of Mills' laptop to (1) only a certain method of searching; (2) only for certain email-related files; and, (3) only files created within a certain time-frame, the DOJ/FBI agreed to dispose of the laptop – meaning anything else embarrassing,

⁴ Office of the Inspector General, U.S. Dep't of Justice, Oversight and Review Division 18-04, A REVIEW OF VARIOUS ACTIONS BY THE FEDERAL BUREAU OF INVESTIGATION AND DEPARTMENT OF JUSTICE IN ADVANCE OF THE 2016 ELECTION (June 2018) ("OIG Report"), available at <https://www.justice.gov/file/1071991/download>.

⁵ Appendix I-A; I-B.

negative, or potentially implicating on the laptop – including official State Department records – would be destroyed and never be exposed.

The DOJ Inspector General discussed the disposal agreement in his report and noted the irregularities of fired FBI Director Jim Comey’s investigation of Hillary Clinton, *and now the ACLJ has obtained the actual letters confirming the DOJ agreed the laptops would be disposed of by Comey’s FBI.*

According to the DOJ OIG, access to these “culling laptops”:

was particularly important to ensure the completeness of the investigation. All 62,320 emails pulled from the Clinton servers were stored at one time on these laptops, so access to the laptops offered the possibility of reconstructing a large number of the deleted emails through digital forensics.⁶

These documents are especially relevant given “the thousands of pages of testimony” released by congressional committees “about how the bureau handled the probe into Clinton’s use of a private server to send classified government emails” – and the headlines that testimony is generating. Portions of that testimony reveal “the intricate role of the DOJ in attempting to limit the FBI’s ability to gain access to laptops belonging to two Clinton confidants Cheryl Mills and Heather Samuelson.”

The documents received by the ACLJ confirm our earlier report – more than a year ago – that, based on the Senate Judiciary Committee’s investigation and interviews,

the DOJ entered into “highly unusual” immunity agreements with key witnesses in the investigation, including Cheryl Mills (Clinton’s top aide) and Heather Samuelson (the aide tasked with going through the Clinton emails and deciding which should be made public and which deleted). It is reported that Mills and Samuelson agreed to allow the agency access to their computers in exchange for immunity – *i.e.*, DOJ’s assurances that the findings of those searches would not be used against them.⁷

F. THE BROADER CONTEXT OF RELATED ACLJ FOIA LITIGATION ON COMEY/LYNCH’S SHAM INVESTIGATION OF HILLARY CLINTON

It was in this same lawsuit that the ACLJ succeeded in obtaining the release of the multiple drafts of Comey’s exoneration statement prepared weeks before the FBI had even interviewed

⁶ Office of the Inspector General, U.S. Dep’t of Justice, Oversight and Review Division 18-04, A REVIEW OF VARIOUS ACTIONS BY THE FEDERAL BUREAU OF INVESTIGATION AND DEPARTMENT OF JUSTICE IN ADVANCE OF THE 2016 ELECTION (June 2018) (“OIG Report”), available at <https://www.justice.gov/file/1071991/download>.

⁷ Jordan Sekulow, *ACLJ Files 2 New Lawsuits Against Deep State DOJ and FBI Over Comey’s Sham Investigation and Uranium One Scandal*, ACLJ.ORG (Feb. 20, 2018), available at <https://aclj.org/government-corruption/aclj-files-2-new-lawsuits-against-deep-state-doj-and-fbi-over-comeys-sham-investigation-and-uranium-one-scandal>.

Hillary Clinton or Mills and Samuelson. As the ACLJ reported, “[t]he bombshell document – entitled on the FBI’s records Vault as ‘Drafts of Director Comey’s July 5, 2016 Statement Regarding Email Server Investigation’ – is a completely redacted draft copy of fired FBI Director James Comey’s statement exonerating Hillary Clinton from criminal liability.”⁸

And it was in this same lawsuit that the ACLJ uncovered FBI records revealing that the FBI had lost the chain of custody of one of Clinton’s email servers, and that the “original chain of custody” was missing for two months.⁹ As we had explained, “The chain of custody in a criminal investigation is critical. It ensures there is no tampering with the evidence. But for two months no one knows where this server was or how it was secured.”¹⁰

Also, the ACLJ was at the forefront of exposing the attempted coverup that followed then-Attorney General Loretta Lynch’s secret meeting with Bill Clinton on the tarmac of an Arizona airport just days before Hillary Clinton was interviewed by the FBI – and then exonerated shortly thereafter.¹¹ After Comey’s FBI replied to our legal demands that “No records responsive to your request were located,” the DOJ produced records to us *containing email communication with the FBI* – a.k.a. FBI records. The ACLJ’s continued persistence, and the public attention these developments received, forced the FBI to reopen the case and admit that “records potentially responsive to your request may exist.”

Our work and success in this case has been widely reported.¹²

⁸ Jordan Sekulow, *ACLJ Forces FBI to Release Comey's Draft Memo Made Months Before Public Exoneration of Clinton*, ACLJ.ORG (Oct. 18, 2017), available at <https://aclj.org/government-corruption/aclj-forces-fbi-to-release-comeys-draft-memo-made-months-before-public-exoneration-of-clinton>.

⁹ Appendix I-C.

¹⁰ *New FOIA Documents Released: Comey-Led FBI Lost Chain of Custody for Clinton Email Server During Investigation*, ACLJ.ORG (May 11, 2018), available at <https://aclj.org/government-corruption/new-foia-documents-released-comey-led-fbi-lost-chain-of-custody-for-clinton-email-server-during-investigation>.

¹¹ Jordan Sekulow, *DOJ Document Dump to ACLJ on Clinton Lynch Meeting: Comey FBI Lied, Media Collusion, Spin, and Illegality*, ACLJ.ORG (Aug. 3, 2017), available at <https://aclj.org/government-corruption/doj-document-dump-to-aclj-on-clinton-lynch-meeting-comey-fbi-lied-media-collusion-spin-and-illegality>.

¹² See, e.g., Jack Crowe, *FBI Reopens Case Into Lynch-Clinton Tarmac Meeting*, DAILY CALLER NEWS FOUNDATION (Aug. 16, 2017), available at <https://dailycaller.com/2017/08/16/fbi-reopens-case-into-lynch-clinton-tarmac-meeting/>; *When Loretta Met Bill*, WASH. EXAMINER (Aug. 11, 2017), available at <https://www.washingtonexaminer.com/weekly-standard/when-loretta-met-bill-2009256>; Max Kutner, *Trump Says ‘New York Times,’ ‘Washington Post’ Journalists Reluctant to Cover Clinton Meeting. Is it True?*, NEWSWEEK (Aug. 8, 2017), available at <https://www.newsweek.com/trump-aclj-emails-clinton-lynch-tarmac-meeting-reluctant-648120>; Oliver Darcy, *Conservative Law Group Sues Department of Justice for Allegedly Ignoring Public-Records Requests*, BUSINESS INSIDER (Nov. 2, 2016), available at <https://www.businessinsider.com/departments-justice-lawsuit-foia-loretta-lynch-bill-clinton-2016-11>; Chuck Ross, *Here Is The Alias Email Account Loretta Lynch Used As Attorney General*, DAILY CALLER (Aug. 7, 2017), available at <https://dailycaller.com/2017/08/07/here-is-the-alias-email-account-loretta-lynch-used-as-attorney-general/>.

As an editorial in *The Washington Examiner* put it, Lynch “plunged her department and the White House into a panic when a local reporter got wind of the meeting. *We finally know a bit more about it, thanks to a Freedom of Information Act lawsuit pursued by the American Center for Law and Justice.*”¹³

Among the records obtained by the ACLJ were unredacted talking points the DOJ had shared with the FBI about the secret tarmac meeting. Following a two-year legal battle, these talking points were turned over by the FBI just days before the FBI’s brief was due in our appeals case before the U.S. Court of Appeals for the D.C. Circuit challenging the redaction of those talking points.¹⁴ Likely recognizing the precedent our appeals case would set, the FBI caved and provided us with the talking points it had previously refused to provide, and moved to have the appeal dismissed as moot. This last-minute maneuver by the FBI perfectly illustrates how we can succeed in our efforts to bring our government’s actions to light – and how we have to be willing and able to take these agencies to court to do so.

IV. CONCLUSION & NEXT STEPS

As this particular ACLJ FOIA lawsuit comes to a close, we will seize the momentum from our victory in this case – obtaining the Comey FBI’s shocking immunity agreements with top Clinton aides – and continue to press forward in our fight to hold our government bureaucrats, Deep State actors and Obama-era holdovers, accountable.

¹³ *Bureaucrats Can’t Run But They Can Hide, And It’s Time to Stop Them*, WASH. EXAMINER (Aug. 14, 2017), available at <https://www.washingtonexaminer.com/bureaucrats-cant-run-but-they-can-hide-and-its-time-to-stop-them> (emphasis added).

¹⁴ *ACLJ v. DOJ, FBI* (D.C. Cir.) (filed May 8, 2019), http://media.aclj.org/pdf/Appellant's-Opening-Brief-ACLJ-v-Dept-of-Justice-FBI_Redacted.pdf.

**UNPRECEDENTED UNMASKING AND POLITICAL BIAS: ACLJ UNCOVERS
MAJOR POLITICAL BIAS FROM AMBASSADOR POWER IN THE FINAL DAYS OF
OBAMA ADMINISTRATION:**

ACLJ v. Department of State, 17-cv-1991 (D.D.C.)
- consolidated with *ACLJ v. U.S. National Security Agency*, 17-cv-1425 (D.D.C.) -

I. EXECUTIVE SUMMARY

Over the last two years, we received reports of the unprecedented unmasking of U.S. citizens by senior Obama official, Ambassador Samantha Power, in the final days of the Administration – on average, more than one unmasking a day. Through our FOIA litigation, we unearthed evidence of significant political bias during the same time period she was unmasking Americans.¹⁵ The ACLJ appreciates accomplished investigative reporter John Solomon for picking up the story and publishing a thoughtful piece in *The Hill*.¹⁶

II. BACKGROUND

The media has reported that among other Obama Administration officials, former Ambassador to the United Nations Samantha Power made numerous requests seeking the “unmasking” (or unredacted identification) of names and other information about members of the Trump campaign team whose communications had been incidentally caught up in intelligence surveillance efforts. Power’s requests, reported to number in the hundreds, occurred mostly in the final days of the Obama Administration (between the time President Trump was elected in November 2016 and his inauguration in January 2017).

But what had not been reported, until the ACLJ discovered it through one of our FOIA lawsuits filed in 2017, is that the clear political—and personal—bias of Power against the incoming President and the conservative agenda led her to undertake efforts aimed at undercutting support for the new Administration. Yes, the same top-level Obama Administration official reported to have made some 260 unmasking requests¹⁷ seeking surveillance information about the incoming President and his campaign team was simultaneously engaged in communications in which she consoled others over the election results, blatantly insulted the President-elect, colluded with the mainstream media, and actively sought out ways to undermine the new Administration before it had even begun.

¹⁵ Appendix II.

¹⁶ John Solomon, ‘*Unmasker in Chief*’ Samantha Power Spewed Anti-Trump Bias in Government Emails, THE HILL (June 26, 2019), available at <https://thehill.com/opinion/white-house/450490-unmasker-in-chief-samantha-power-spewed-anti-trump-bias-in-government>.

¹⁷ See Jay Sekulow, *ACLJ Files Federal Lawsuit to Obtain Records of Senior Obama Official Samantha Power’s Unprecedented Unmasking of Americans*, ACLJ.ORG (Sept. 29, 2017), available at <https://aclj.org/government-corruption/aclj-files-federal-lawsuit-to-obtain-records-of-senior-obama-official-samantha-powers-unprecedented-unmasking-of-americans>.

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

This information is revealed in documents the ACLJ received in our lawsuit against the State Department and the National Security Agency (NSA) concerning the unmasking attempts by Power and former National Security Adviser Susan Rice. While the agencies have strongly resisted producing responsive documents, the heavily redacted documents produced by the State Department thus far paint a grim picture of the attitude and actions of Obama-era officials in the final days of that Administration.

The evidence we obtained, *provided in Appendix II attached to this Report*, shows email chains to and between Power and her Counselor, Nikolaus Steinberg, just three days after the election, in which Power actively discusses an “idea to seek maximum amplif[ication]” of her politically biased messaging. Steinberg first raised the idea of “a useful (and somewhat cathartic) vessel to Channel some post-Trump messages about who we are.” Minutes later Power responds, “Need to move out on 60 mins idea to seek maximum amplif. [sic] I can write Charlie or bill Owens if he’s still there.”

After a brief discussion ensued over who would reach out, later that evening, Steinberg sent Power a “Draft pitch email” for her to send to 60 Minutes, yet that draft is completely redacted. Subsequently, he suggested doing the pitch to 60 Minutes or CBS Sunday Morning on the issue of refugees, stating, “with the hook being the foreshadowing that Trump and company may try to undo all of this.” Minutes later, Power sent an email to Bill Owens, the Executive Editor of 60 Minutes: “We’re still reeling here, as you might imagine. My mission to the UN is a cabinet agency under President Obama, but will be demoted to something very different in January. Notwithstanding this, Tuesday’s results have given us an even greater sense of urgency to get our work done in our last few months. 70 good long days left!”

The ACLJ warned about the 73 days of danger¹⁸— the final days of the Obama/Biden Administration, and this new evidence confirmed what we said all along. The Obama/Biden Administration was fully engaged in attempts to do whatever they could to undermine the conservative agenda and the will of the American voters. But it was far worse than we thought.

Further in the same email to the Executive Editor of CBS’s 60 Minutes, Power again references the special status she had under President Obama as a cabinet level position, one we now know came with vast unmasking authority. She stated, “I was also being informed that the job of US Ambassador to the UN will be downgraded by the Trump Administration to non-Cabinet level (typical of Republican administrations, but *we have never had so many of our core interests embedded here*).” We are learning just how embedded the Deep State’s interests really were.

Power goes on in this November 11th email to pitch a 60 Minutes episode to help lay a public foundation to undermine the incoming Administration. She wrote:

¹⁸ Nathanael Bennett, *Three Things You Need to Know about the 73 Days of Danger*, ACLJ.ORG (Oct. 18, 2016), available at <https://aclj.org/executive-power/three-things-you-need-to-know-about-the-73-days-of-danger>.

I am not sure exactly what I am pitching, but it seems there could be something interesting to show through USUN about this waning multilateral moment for the US, how we use these last two months, what we are trying to defend, *how we are consoling other countries*, etc. I wondered if there could be something in this that would hit home for viewers, even *or perhaps especially those who support Trump*. Let me know if you would like to brainstorm.

The conversation continues four days later with Owens acknowledging and agreeing to help pitch the piece. He further stated, “I can only imagine the conversations you are having with some of our allies now and I would love a chance to brainstorm.”

On November 14th, Power received an email that was sent to an office email list containing a Reuters article entitled, “Trump looking at fast ways to quit global climate deal: source.” Power then forwards this article to Jonathan Finer (Director of Policy Planning, DOS) with the message, “*Lord help us all*. How are you holding up?” Finer responds, “And the below [referring to the article] is just one of many grim things we have to look forward to.” Power then responds to Finer, but this reply has been completely redacted.

We have encountered the State Department bureaucracy’s superfluous and largely unsupported redactions before and we will be challenging this redaction, among many others, in court later this year to ascertain the truth.

In one of the more disturbing emails, on December 14th, Steinberg replies to an email Power sent under the subject line “tom friedman today – see last para quote by larry diamond” (this email appears from the production to contain no other information). However, Steinberg’s reply to Power contains a December 9th article from *The Atlantic* by Larry Diamond entitled, “Russia and the Threat to Liberal Democracy,” which furthers a narrative questioning the legitimacy of the election.

His commentary with the article simply states, “Indeed. Saw it and read Diamond’s piece Monday when doing some research. It’s a solid piece. Pasted it below and will have it added to your book.” This occurred during the height of Power’s “unmasking” and calls into question what “research” and “book” he was putting together for her.

Four days later, on December 18th, Power replied to an interview request from Univision reporter Jorge Ramos – who had been repeatedly and publicly critical of the incoming President – with an underhanded snub: “If we do something, we will make it good. Ptsd in retreat – Trump has vanquished it. Let’s see!”

On December 22, 2016, in an email to Ben Rhodes (Obama’s Deputy National Security Advisor for Strategic Communications) who was also implicated in the unmasking requests, Power forwards an article entitled, “Applied pressure: Donald Trump isn’t even president yet and he’s already making waves at the U.N.” The article discusses President-Elect Trump’s diplomatic efforts to kill the U.N. draft resolution calling for Israel to return to pre-1967 borders. Power’s words to Rhodes: “This reflects the lack of understanding of history.”

Later that night, Steinberg adds Power to an email chain sharing a similar Reuters article about President Trump's expression of support for Israel to the President of Egypt, and snarkily quips, "So much for one President at a time."

This further confirms what we told you at the time, that the Obama Administration was intentionally attempting to undermine the State of Israel through a cowardly act at the U.N.¹⁹ Now we know, they were at the same time displaying their disdain for the incoming President.

Then, just three days before the inauguration, Power delivered her final remarks as U.S. Ambassador to the U.N., addressing "Russia: The Threat, the International Order, and the Way Forward." The day before her speech, Steinberg wrote in an email to Power, stating, "Trump's interviews over the weekend with the foreign press questioning R sanctions and value of NATO will be very helpful for relevance of speech."

The day she delivered that speech – again just three days before the inauguration – an email chain under the subject line, "Russia speech 1am version," between Power, Rice, Rhodes, and others is heavily redacted. The flurry of email activity occurs between 1:25 a.m. and 1:45 a.m., and demonstrates that the three key players in the unprecedented "unmasking" were literally working around the clock in the final days of the Obama Administration.

Then, just hours later, after the speech, in an email chain under the subject line, "Russia," between Halie Soifer (Power's Policy Advisor), Steinberg, and Power sent her "as delivered" remarks to two USUN email lists. However, each of the subsequent replies, including two from Power herself, are completely redacted.

Further, and of critical importance, is that nothing in the unredacted portion of either email chain that day is responsive to our FOIA request. That means, that something in those redacted email chains – sent just 3 days before the presidential inauguration – *is* responsive to our FOIA request. What is the Deep State hiding? We intend to find out. The American people deserve to know the truth.

Power's political bias was palpable and calls into severe question any suggestion that Power's unprecedented unmasking requests against U.S. citizens was done with anything other than political animus. Given the content already produced by the State Department, we can only imagine what the redacted and other withheld information will reveal once it is pried from the agency's unwilling hands.

V. CONCLUSION AND NEXT STEPS

We continue to review the documents we have received in the State Department's monthly productions and are preparing to challenge the obnoxious number of redactions at the appropriate time in court. As part of our challenge to the State Department's redactions and refusals to respond in this case, we have requested, and the State Department will provide, a *Vaughn* index in the

¹⁹ Jay Sekulow, *Cowardly Act: President Obama Betrays Israel at UN*, ACLJ.ORG (Dec. 23, 2016), available at <https://aclj.org/israel/urgent-update-dangerous-resolution-condemning-israel-at-the-un-scheduled-for-vote-today>.

upcoming months. This requires the agency to provide an explanation for each relevant redaction it made. We will do everything we can to expose Power's political bias in connection with her unprecedented unmasking requests – and to insist that the agency comply with the law.

**RECORDS OBTAINED BY THE ACLJ SHOW CLAPPER’S ODNI RUSHED TO
CHANGE RAW SIGNAL INTELLIGENCE SHARING RULES BEFORE PRESIDENT
TRUMP’S INAUGURATION:**

*ACLJ v. U.S. National Security Agency & U.S. Office of the Director of National Intelligence,
17-cv-645 (D.D.C.)*

I. EXECUTIVE SUMMARY

The ACLJ obtained records that show that the ODNI, under Director James Clapper, was eager and actively pushing to get its new procedures in place to increase access to raw signal intelligence before the conclusion of the Obama Administration and before President Trump took office.

The documents the ACLJ obtained in one of our FOIA lawsuits – this one against the ODNI and the NSA – confirmed what we suspected: Clapper’s ODNI rushed to get the new “procedures signed by the Attorney General before the conclusion of this administration.”

II. BACKGROUND

Consider what we now know about the nature and degree of Deep State opposition to President Trump. With the public revelations about the infamous disgrace known as the Steele dossier, FISA abuse and the underpinnings of Crossfire Hurricane, as well as former-DNI James Clapper’s open hostility toward President Trump and the intentional leaking by senior law enforcement and intelligence actors – all of which appears to show a coordinated effort across agencies to oppose the Trump Administration – the picture is coming into focus.

As part of the ACLJ’s Government Accountability Project and FOIA practice, we went to work to uncover everything we could about the embedded “resistance” operating within our government. In this particular instance, it concerned us when we heard that, according to *The New York Times*, “[i]n its final days, the Obama administration has expanded the power of the National Security Agency to share globally intercepted personal communications with the government’s 16 other intelligence agencies before applying privacy protections.”²⁰

III. THE ACLJ’S WORK TO ACHIEVE TRANSPARENCY

The documents the ACLJ obtained revealed that the ODNI hurried to get the new “procedures signed by the Attorney General before the conclusion of this administration.”²¹ The documents also reveal that ODNI’s Robert Litt told the Office of the Undersecretary of Defense’s Director of Intelligence Strategy, Policy, & Integration (and also USDI’s Liaison to ODNI): “Really want to get this done . . . and so does the Boss.”²² And, documents produced to

²⁰ Charlie Savage, *N.S.A. Gets More Latitude to Share Intercepted Communications*, NEW YORK TIMES (Jan. 12, 2017), https://www.nytimes.com/2017/01/12/us/politics/nsa-gets-more-latitude-to-share-intercepted-communications.html?_r=0.

²¹ Appendix III-A.

²² Appendix III-B.

the ACLJ by the NSA in this lawsuit reveal that NSA officials discussing that they “*could have a signature from the AG as early as this week, certainly prior to the 20th Jan*”²³ – i.e., before President Trump’s Inauguration. It was not immediately clear just how significant these revelations were. Now we know, and these records must be publicized.

On December 15, 2016, after President Trump’s election, DNI James Clapper executed a document entitled “Procedures for the Availability or Dissemination of Raw Signals Intelligence Information by the National Security Agency Under Section 2.3 of Executive Order 12333.” On January 3, 2017, then-Attorney General Loretta Lynch executed the document, indicating her approval.

According to *The New York Times*, “[t]he new rules significantly relax longstanding limits on what the N.S.A. may do with the information gathered by its most powerful surveillance operations.”²⁴ Authority for these new procedures derives from Executive Order 12333, last amended by President Bush in 2008, which provide:

Elements of the Intelligence Community are authorized to collect, retain, or disseminate information concerning United States persons only in accordance with procedures established by the head of the Intelligence Community element concerned or by the head of a department containing such element and approved by the Attorney General, consistent with the authorities provided by Part 1 of this Order, after consultation with the Director.²⁵

The New York Times had first reported in 2014 that deliberations by Obama Administration officials on developing these procedures were occurring.²⁶ But, apparently, the new procedures were not completed by the Director of National Intelligence and approved by the Attorney General until just weeks before the end of President Obama’s tenure.

²³ Appendix III-C.

²⁴ Charlie Savage, *N.S.A. Gets More Latitude to Share Intercepted Communications*, NEW YORK TIMES (Jan. 12, 2017), available at https://www.nytimes.com/2017/01/12/us/politics/nsa-gets-more-latitude-to-share-intercepted-communications.html?_r=0.

²⁵ OFFICE OF THE DIR. OF NAT’L INTELLIGENCE, (U) PROCEDURES FOR THE AVAILABILITY OR DISSEMINATION OF RAW SIGNALS INTELLIGENCE INFORMATION BY THE NATIONAL SECURITY AGENCY UNDER SECTION 2.3 OF EXECUTIVE ORDER 12333 (RAW SIGINT AVAILABILITY PROCEDURES), available at <https://www.documentcloud.org/documents/3283349-Raw-12333-surveillance-sharing-guidelines.html>.

²⁶ See Charlie Savage, *N.S.A. Gets More Latitude to Share Intercepted Communications*, NEW YORK TIMES (Jan. 12, 2017), available at https://www.nytimes.com/2017/01/12/us/politics/nsa-gets-more-latitude-to-share-intercepted-communications.html?_r=0.

As we cautioned at the time, this significant policy change appears to have a direct correlation to the exponentially increased number of intelligence leaks the Trump Administration has been dealing with.²⁷ The ACLJ was concerned with what appeared to be a troubling step.²⁸

By greatly expanding access to classified information by unelected, unaccountable bureaucrats, the Obama Administration paved the way for a shadow government to leak that classified information – endangering our national security and severely jeopardizing the integrity and reputation of our critical national security apparatus – in an attempt to undermine President Trump.

While sharing information among intelligence agencies is not a new concept, and this isn't the first time an Administration has made amendments to intelligence policy, the timing is highly suspicious.

The ACLJ's FOIA requests to the ODNI and the NSA sought, among other things, all records:

referencing, connected to, or regarding in any way their approval of the procedures set forth in the document entitled "Procedures for the Availability or Dissemination of Raw Signals Intelligence Information by the National Security Agency Under Section 2.3 of Executive Order 12333," which Director of National Intelligence Clapper executed on December 15, 2016, and which then-Attorney General Lynch approved on January 3, 2017.

We sent these FOIA requests specifically "to find out why the Obama Administration waited until mere days before a new Administration took over to implement a significant change in intelligence policy."²⁹ After the ODNI and the NSA provided us with non-compliant responses, the ACLJ took these agencies to federal court in Washington.

V. CONCLUSION AND NEXT STEPS

As ACLJ Chief Counsel Jay Sekulow said in his Fox News op-ed about these documents, "No president-elect or president should be targeted in this manner – and those responsible must be held accountable."³⁰ Our team is continuing to review these documents, alongside the countless other documents we have obtained in our FOIA cases, in light of the revelations continually

²⁷ Harry G. Hutchison, *Is the Intelligence Community Trying to Subvert Our National Security?*, ACLJ.ORG (Feb. 16, 2017), available at <https://aclj.org/national-security/is-the-intelligence-community-trying-to-subvert-our-national-security>.

²⁸ *ACLJ Requests Records from DOJ and Intelligence Agencies on Obama Administration's Last Minute Expansion of Access to Intelligence Information*, ACLJ.ORG (Feb. 24, 2017), available at <https://aclj.org/national-security/aclj-requests-records-from-doj-and-intelligence-agencies-on-obama-administrations-last-minute-expansion-of-access-to-intelligence-information>.

²⁹ *Id.*

³⁰ Jay Sekulow, *Obama Administration's Anti-Trump Actions Revealed in Newly Disclosed Documents*, FOXNEWS.COM (June 25, 2019), <https://www.foxnews.com/opinion/jay-sekulow-obama-administrations-anti-trump-actions-revealed-in-newly-disclosed-documents>.

coming to light. The relevance of these and other revelations is heightened against the backdrop of the anticipated DOJ Inspector General Report reportedly set for public release sometime after Congress returns to Washington this fall.

**ACLJ'S DEMANDS FOR RECORDS TO NEW YORK AND VIRGINIA STATE
GOVERNMENTS EXPOSE THE ABORTION INDUSTRY'S INVOLVEMENT IN
RECENT RADICAL ABORTION LEGISLATION:**

I. EXECUTIVE SUMMARY

Americans were shocked when they heard the news about the legislation abortion advocates passed in New York with the help of New York Governor Andrew Cuomo and Hillary Clinton. The new legislation, entitled the "Reproductive Health Act" (RHA), removed numerous restrictions on abortion and allowed abortion up to the moment of birth. Shortly thereafter, Virginia Governor Ralph Northam made outrageous comments in support of a Virginia bill, the Repeal Act, that would allow a baby to be killed after birth. As you might recall, the bill's sponsor, Democrat Kathy Tran, clarified that her bill would allow "a woman [who] is about to give birth . . . [to] request an abortion." "My bill would allow that, yes," Tran confirmed.

As part of our multifaceted efforts to protect life, the ACLJ made records requests to both New York and Virginia. We wanted to see whether the abortion lobby was as involved in these barbaric bills as we thought. We obtained records that confirmed our suspicion.

II. BACKGROUND

In Virginia

As was reported in the news, "Virginia Democratic Del. Kathy Tran is the sponsor of The Repeal Act, which seeks to repeal restrictions on third-trimester abortions. The bill -- which was tabled in committee this week -- has the support of top Democrats in the state, including Gov. Ralph Northam."³¹

Delegate Tran made national headlines "after a video surfaced showing the Democratic sponsor of a Virginia abortion proposal acknowledging it could allow women to terminate a pregnancy up until the moment before birth, for reasons including mental health."³² As reported by one national news outlet:

Todd Gilbert, the Republican House majority leader, questioned Tran about the bill during a hearing Monday. He asked Tran if a woman who has physical signs she is about to give birth could request an abortion if a physician said it could impair her "mental health."

³¹ Alex Pappas, *Outrage as Video Shows Virginia Abortion Bill Sponsor Saying Plan Would Allow Termination Up Until Birth*, FOX NEWS (Jan. 31, 2019), available at <https://www.foxnews.com/politics/outrage-after-virginia-abortion-bill-sponsor-admits-pregnancies-could-be-terminated-up-until-birth>.

³² *Id.*

"Where it's obvious that a woman is about to give birth. She has physical signs that she is about to give birth. Would that still be a point at which she could request an abortion if she was so-certified -- she's dilating," he asked.

"Mr. Chairman, that would be ... a decision that the doctor, the physician and the woman would make at that point," Tran replied.

"I understand that," Gilbert replied. "I'm asking if your bill allows that."

Tran replied: "My bill would allow that, yes."³³

Governor Ralph Northam generated even greater public outcry when he made public comments on WTOP in support of Delegate Tran's Repeal Act, explaining "exactly what would happen" – then describing a scenario where a living, born child's life is left up to "a discussion" that would then "ensue between the physicians and the mother":

So in this particular example if a mother is in labor, I can tell you exactly what would happen, the infant would be delivered. The infant would be kept comfortable. The infant would be resuscitated if that's what the mother and the family desired, and then a discussion would ensue between the physicians and the mother.³⁴

According to Governor Northam, this could be "done in cases where there may be severe deformities or there may be a fetus that's not viable."³⁵

Governor Northam's comments were met with scathing rebukes, including this statement from United States Senator Marco Rubio: "I never thought I would see the day that America had government officials who openly support legal infanticide."³⁶ United States Senator Ben Sasse described Governor Northam's comments as "morally repugnant."³⁷

Delegate Tran's Repeal Act was defeated in a House of Delegate subcommittee by a vote of 5 – 3.³⁸

³³ *Id.*; see also Grace Carr, *Virginia Governor Asked About Abortion Until Birth. He Floats Infanticide*, DAILY CALLER (Jan. 30, 2019), available at <https://dailycaller.com/2019/01/30/virginia-governor-northam-abortion/>.

³⁴ Adam Shaw, *Virginia Gov. Northam Faces Backlash for Comments on 3rd-trimester Abortion Bill: 'Morally Repugnant'*, FOX NEWS (Jan. 31, 2019), available at <https://www.foxnews.com/politics/va-gov-faces-backlash-for-comments-on-controversial-third-trimester-abortion-bill>.

³⁵ *Id.*

³⁶ William Davis, *Rubio Rips Virginia Gov. Northam for 'Infanticide' Comments*, DAILY CALLER (Jan. 30, 2019), available at <https://dailycaller.com/2019/01/30/rubio-sasse-rip-northam-abortion-infanticide-advocacy/>.

³⁷ *Id.*

³⁸ 2019 Session: HB 2491 Abortion; Eliminate Certain Requirements, VA. LIS, <http://lis.virginia.gov/cgi-bin/legp604.exe?191+vot+H0804V0002+HB2491> (last visited Aug. 27, 2019).

After the public uproar, Delegate Tran later attempted to “correct herself.”³⁹ She told the media in an interview, “I should have said: ‘Clearly, no, because infanticide is not allowed in Virginia.’”⁴⁰ One of the bill’s co-patrons, Delegate Dawn Adams, apologized in an email to her constituents for failing to exercise “due diligence” before signing on to the bill:

“By now you have heard about the abortion bill, or seen the video,” Adams said in the email. “I vaguely remember signing on to this, and I did this in solidarity with my colleague and as a symbolic gesture for a woman’s right to choose.”

Adams said she didn’t know what was in the legislation before adding her name to it. “I did not read a bill I agreed to co-patron and that wasn’t smart or typical. I will work harder and be better for it.”

She added: “I am sorry that I did not exercise due diligence before this explosion of attention; had I done so, I would not have co-patroned.”⁴¹

Shockingly, however, according to reports, Governor Northam “stood by his remarks” and “doesn’t regret his recent comments on late-term abortions.”⁴²

According to reports, Planned Parenthood has donated over \$2 million to Governor Northam’s election campaign and has donated to Delegate Tran’s campaign as well.⁴³ Planned Parenthood also gave over \$200,000 to Attorney General Herring⁴⁴ and more than \$179,000 to Lt. Governor Justin Fairfax,⁴⁵ who serves as President of the Senate. According to a Planned Parenthood website, “The 2019 Virginia General Assembly session is under way. The Planned Parenthood Advocates of Virginia team and our supporters are playing an active role throughout

³⁹ Paul Crookston, *After Hitting Back at Critics, Virginia State Delegate Claims She ‘Misspoke’ While Defending Abortion Bill*, WASH. FREE BEACON (Jan. 31, 2019), available at <https://freebeacon.com/issues/virginia-state-delegate-defends-abortion-bill-cutting-medical-regulations/>.

⁴⁰ *Id.*

⁴¹ Alex Pappas, *Dem Co-sponsor of Late-term Abortion Bill Apologizes, Says She Did Not Read the Text*, FOX NEWS (Feb. 1, 2019), available at <https://www.foxnews.com/politics/dem-co-sponsor-of-late-term-abortion-bill-apologizes-says-she-did-not-read-the-bill>.

⁴² Graham Moomaw, *Northam Says He Doesn’t Regret Abortion Comments, Call Insults Directed at Him ‘Disgusting’*, RICH. TIMES-DISPATCH (Jan. 31, 2019), available at https://www.richmond.com/news/virginia/government-politics/general-assembly/northam-says-he-doesn-t-regret-abortion-comments-calls-insults/article_039dab52-a383-56c6-989e-1189fc40d8b1.html.

⁴³ Carole Novielli, *Planned Parenthood Gave Millions to Virginia’s Extreme Pro-abortion Governor and Delegate*, LIVE ACTION (Feb. 1, 2019), available at <https://www.liveaction.org/news/planned-parenthood-millions-virginia-governor/>.

⁴⁴ Mark Herring’s Campaign Finances, VOTE SMART FACTS MATTER, <https://votesmart.org/candidate/campaign-finance/50846/mark-herring#.XFtiPqeZOCc>.

⁴⁵ Justin Fairfax’s Campaign Finances, VOTE SMART FACTS MATTER, <https://votesmart.org/candidate/campaign-finance/144484/justin-fairfax#.XFtksKeZOCc>.

session to make progress on reproductive health and rights.”⁴⁶ One of the bills listed is Delegate Tran’s Repeal Act (HB 2491) and its Senate counterpart, SB 1451.⁴⁷

NARAL Pro-Choice America has also contributed to both Governor Northam’s and Delegate Tran’s campaigns.⁴⁸

This is no longer about the Left’s usual abortion distortion on when they think life begins. This is about a live baby, successfully delivered – intentionally or not – from his or her mother’s womb. It’s infanticide. And Virginia’s governor supports it.

At the ACLJ, we not only vehemently oppose it, we are taking immediate action to educate the public and expose the truth behind this ghoulish bill in hopes that we can stop it before it is presented for consideration in a future legislative session (thankfully, it was tabled for now).

In New York

After 13 years of trying to introduce the gut-wrenching RHA legislation, Democratic lawmakers, now in control of both the state Senate and Assembly, were finally successful.⁴⁹ Indeed, abortion advocates have bragged about their achievement in New York, New York legislators cheered and applauded their victory, and Governor Andrew Cuomo had the World Trade Center’s spire lit up with pink – in support of the slaughter of defenseless babies. As one commentator noted: “Now it looks just like the needle that is used to supply the lethal injection to the living unborn child.”⁵⁰ The abortion juggernaut is boasting about their success in flipping the state’s Senate majority – putting the party that had successfully blocked the RHA for so many years in the minority. The abortion lobby has executed its plan. But they want more. Even in New York. They openly say so on their websites.

Cuomo called the bill an “historic victory for New Yorkers and our progressive values.”⁵¹ He was obviously referring to those New Yorkers who were lucky enough to be born, as more than half of all pregnancies in New York already end in abortion.⁵² And apparently,

⁴⁶ 2019 General Assembly Priorities, PLANNED PARENTHOOD ADVOC. OF VA., INC., <https://www.plannedparenthoodaction.org/planned-parenthood-advocates-virginia-inc/fight-back-resources/2019-bill-tracker>.

⁴⁷ *Id.*

⁴⁸ See Ralph Northam’s Campaign Finances, VOTE SMART FACTS MATTER, <https://votesmart.org/candidate/campaign-finance/90253/ralph-northam#.XF1lsqeZOCc>; see also Kathy Tran’s Campaign Finances, VOTE SMART FACTS MATTER, <https://votesmart.org/candidate/campaign-finance/176359/kathy-tran#.XF13A6eZPOQ>.

⁴⁹ Yoav Gonen, *Andrew Cuomo Signs Bill Updating New York’s Abortion Law*, N.Y. POST (Jan. 22, 2019), available at <https://nypost.com/2019/01/22/andrew-cuomo-signs-bill-updating-new-yorks-abortion-law/>.

⁵⁰ <https://twitter.com/AmericanPapist/status/1088073163764912128>.

⁵¹ Caleb Parke, *New York 'celebrates' Legalizing Abortion Until Birth as Catholic Bishops Question Cuomo's Faith*, FOXNEWS.COM (Jan. 23, 2019), available at <https://www.foxnews.com/politics/new-york-celebrates-legalizing-abortion-until-birth-as-catholic-bishops-question-cuomos-faith>.

⁵² New York State, Dep’t of Health, New York State Community Health Indicator Reports (CHIRS), available at

“progressive values” must mean championing the right to kill an unborn baby over valuing the life of that baby.

The RHA not only allows an unborn baby to be killed at any time for any reason, it decriminalizes any killing of an unborn baby through abortion or otherwise. It also gets rid of the legal protection afforded a baby who is born alive following an attempted abortion.

And just in case you fall for the rhetoric that this law is somehow a win for women, this same law also removes the health and safety provisions previously in place to protect women, including the requirement that an abortion procedure be done by a physician after 12 weeks gestation. The act also removes all criminal liability of abortion providers if death of the mother occurs during a late-term abortion. You heard that right. Since abortion is now legal in New York up until the point of birth, there is no longer any criminal liability if an abortionist, who no longer needs to be a doctor, causes the death of the mother while performing a dangerous late-term abortion. So apparently, unborn babies, as well as their mothers, have no rights if they are killed by an abortionist in New York.

The actual bill begins by describing the legislative intent behind this law:

The legislature finds that comprehensive reproductive health care, including contraception and abortion, is a fundamental component of a woman's health, privacy and equality. The New York Constitution and United States Constitution protect a woman's fundamental right to access safe, legal abortion, courts have repeatedly reaffirmed this right and further emphasized that states may not place undue burdens on women seeking to access such right.

Moreover, the legislature finds, as with other medical procedures, the safety of abortion is furthered by evidence-based practices developed and supported by medical professionals. Abortion is one of the safest medical procedures performed in the United States; the goal of medical regulation should be to improve the quality and availability of health care services.

The problem is that the legislature’s “findings” are incorrect. The safest medical procedure performed? What about for the baby? This claim is simply false.⁵³ Furthermore, abortion is simply a judicially fabricated right, not a fundamental right protected by the United States Constitution. It is the unjustified killing of an innocent, unborn baby.

Not only does the legislative intent section lack validity, the bill itself uses creative language to effectively eliminate any restriction on abortion. By removing the physician and hospital requirements and adding a clause for extenuating circumstances, abortions can now be performed at any point during the pregnancy, including up to birth.

https://webb1.health.ny.gov/SASStoredProcess/guest?_program=/EBI/PHIG/apps/chir_dashboard/chir_dashboard.

⁵³ Walter M. Weber, *ACLJ Punctures Abortion Safety Myth at Supreme Court*, ACLJ.ORG (Feb. 2, 2016), available at <https://aclj.org/pro-life/aclj-punctures-abortion-safety-myth-at-supreme-court>.

“A health care practitioner licensed, certified, or authorized under title eight of the education law, acting within his or her lawful scope of practice, may perform an abortion when, according to the practitioner's reasonable and good faith professional judgment based on the facts of the patient's case: the patient is within twenty-four weeks from the commencement of pregnancy, or there is an absence of fetal viability, or the abortion is necessary to protect the patient's life or health.”

The word “health” in this instance is vague and open to interpretation and has been regularly used to justify any and all situations. By that rationale, an abortion provider can reasonably agree to perform an abortion on a woman in her ninth month of pregnancy because she realized having the baby and the change to her lifestyle might cause her emotional distress.

But the abortion industry celebrated its success. According to the National Institute for Reproductive Health (NIRH) Action Fund, “We passed the Reproductive Health Act!”⁵⁴ Those present at the table during Governor Cuomo’s signing ceremony included Lt. Governor Kathy Hochul, attorney Sarah Weddington, and representatives from RHAvotes, the National Institute for Reproductive Health (NIRH), and the NYCLU.⁵⁵

According to a piece posted by Politico.com, while Governor Cuomo “has long supported the RHA, and in 2013 included it as one plank of a 10-point Women’s Equality agenda[,] [i]t stalled in the Senate.”⁵⁶ Governor Cuomo began pressuring New York Senate Republicans to pass the RHA and his increase in pressure came amid “rising pressure from progressive groups.”⁵⁷ “‘We’re on the precipice of overturning *Roe v. Wade*,’ Cuomo said at a community center on Manhattan’s Lower East Side, flanked by abortion rights groups.”⁵⁸

According to another source: “Soon after the midterms in November, R.H.A. advocates—representatives from the National Institute for Reproductive Health, the N.Y.C.L.U., and other organizations—met with the bill’s sponsors, the state assemblywoman Deborah Glick and the state senator Liz Krueger. The R.H.A. was nearly certain to pass, and yet the situation was delicate.”⁵⁹ And, on January 7, 2019, while the bills were pending,

Cuomo said he wanted the reproductive rights protections approved within the first 30 days of the new year and threatened to not approve the state’s budget in April if

⁵⁴ NIRH ACTION FUND, <https://www.nirhaction.org> (last visited Feb. 4, 2019).

⁵⁵ RHA VOTE.COM, <https://www.rhavote.com> (last visited Feb. 4, 2019).

⁵⁶ Jimmy Vielkind, *Cuomo Turns to Abortion Rights Ahead of Trump’s Court Pick*, POLITICO NEW YORK (July 9, 2018), <https://www.politico.com/states/new-york/albany/story/2018/07/09/cuomo-turns-to-abortion-rights-ahead-of-trumps-court-pick-501611>.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Jia Tolentino, *How Abortion Law in New York Will Change, and How it Won’t*, NEW YORKER (Jan. 19, 2019), <https://www.newyorker.com/news/news-desk/how-abortion-law-in-new-york-will-change-and-how-it-wont>.

the bills aren't passed by then. Last week, state Democrats reintroduced the bills and vowed pass them by Jan. 22 — the anniversary of *Roe v. Wade*.⁶⁰

“[Hillary] Clinton, appearing with the governor at a rally at Barnard College in Manhattan, said the Senate and Assembly, which are now both controlled by Democrats, should waste no time in approving the legislative packages.”⁶¹ “Gov. Andrew Cuomo and Hillary Clinton on Monday called on the New York State Legislature to quickly pass long-stalled bills that would bolster reproductive rights — and the governor said he would push for a constitutional amendment that would protect a woman's right to choose.”⁶²

Abortion advocate NARAL Pro-Choice America also praised passage of the RHA:

“We celebrate today's victory knowing that it would never have been possible without the tireless work of tenacious volunteers and countless activists, as well as the persistence of leaders in the state government,” said NARAL New York Action Council Director Hannah Smolar. “We applaud Governor Cuomo, Senate Majority Leader Andrea Stewart-Cousins, and Speaker Carl Heastie for making reproductive freedom a legislative priority. Because our volunteers and many others drove electoral wins in the NY State Senate in 2018, we are now seeing the power of coordinated, progressive activism. I am inspired by years of dedication from so many people fighting to protect and expand reproductive freedom, and hope that other states follow the example we've put forward.”

Pro-choice electoral gains in the 2018 election were pivotal in making the passage of the RHA possible, including the defeat of State Senator Jeff Klein, who led the now-defunct Independent Democratic Conference (OIDC) that caucused with Republicans and prevented Democratic legislation from passing in the State Senate. NARAL proudly endorsed and supported Alessandra Biaggi for NY State Senate in her successful run to defeat Klein and secure a pro-choice majority in the NY Senate.⁶³

Of course, Planned Parenthood is thrilled with this law and immediately tweeted, “This. Is. Huge.”⁶⁴ It sure is. In its recently released annual report for 2017-2018, the abortion giant celebrated \$244.8 million in profits.⁶⁵ That's an increase of 150% over the previous year. Just think of the increase in profits they will see now.

⁶⁰ Ivan Pereira, *Clinton, Cuomo Call on Legislature to Pass Reproductive Rights Bills*, AM NEW YORK (Jan. 7, 2019), <https://www.amny.com/news/clinton-cuomo-abortion-rights-1.25657795>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *New York Once Again Becomes a Leader in Reproductive Rights, Set the Example for Other States to Follow*, NARAL PRO-CHOICE AMERICA (Jan. 22, 2019), <https://www.prochoiceamerica.org/2019/01/22/naral-applauds-ny-reproductive-health-act/>.

⁶⁴ <https://twitter.com/PPact/status/1087871219913932800>.

⁶⁵ 2017-2018 Annual Report, PLANNED PARENTHOOD, *available at* https://www.plannedparenthood.org/uploads/filer_public/80/d7/80d7d7c7-977c-4036-9c61-b3801741b441/190118-annualreport18-p01.pdf.

As we reported earlier this year, all other health services provided by Planned Parenthood, like cancer screenings and preventative treatments – which Planned Parenthood often points to when challenged – have decreased.⁶⁶ The same is true for adoption referrals which have decreased by 27%. Apparently, adoption isn't as profitable for Planned Parenthood as abortion.

Despite its usual public misdirection, the abortion industry is in one business, and one alone: abortion. And now, in New York, they can perform them without restraint and with absolutely no liability. Currently, a majority of states in our country allow for late-term abortion only in certain circumstances. But consider what could happen if every state added a loophole to circumvent any restrictions and allow for abortions at any point, for any reason, up to birth. We cannot let this go on. Abortion is not a fundamental right. A baby is a baby, from conception to birth, and has a right to life that should be legally protected.

On behalf of over 4,000 of our members residing in New York and nearly 100,000 nationwide, the ACLJ delivered Freedom of Information Law (FOIL) requests to the New York Governor's office as part of our multifaceted legal strategy to defend life and expose the political and financial agenda of the abortion industry.

III. THE ACLJ'S WORK TO ACHIEVE TRANSPARENCY

In Virginia

The documents obtained by ACLJ reveal that the Virginia Department of Health official deemed a so-called "subject matter expert" is Emily Yeatts, the Reproductive Health Unit Supervisor for VDH – part of Northam's administration.⁶⁷ This is the same Emily Yeatts who, according to an online profile, worked for the Virginia League for Planned Parenthood from 2014 to 2016. This proves that the abortion giant not only lobbies government officials from the outside, but it has also strategically placed its advocates within the state government.

These records reveal that Democratic Delegate Tran's Repeal Act, "HB2491 is a Governor's Bill" – indicating Governor Northam's active and strong support for the bill: "According to ELAS, the Governor's position on HB2491 is Strongly Support."⁶⁸ The records also reveal that an official from Governor Northam's office was going to appear before the legislative committee to voice the Governor's strong support for the bill.⁶⁹ In fact, the documents obtained by the ACLJ show that the Northam administration was quite active in promoting the abortion bill, among others, even planning "inform/education" sessions with the Virginia legislators who had agreed to sponsor those bills.⁷⁰ According to a "Legislative Contact Sheet,"

⁶⁶ Olivia Summers, *Planned Parenthood's Newest Report Exposes Its Lies About Its Abortion Agenda*, ACLJ.ORG (Jan. 23, 2019), <https://aclj.org/pro-life/planned-parenthoods-newest-report-exposes-its-lies-about-its-abortion-agenda>.

⁶⁷ Appendix IV-A.

⁶⁸ Appendix IV-B.

⁶⁹ Appendix IV-B.

⁷⁰ Appendix IV-C.

On 01/15/2019, Emily Yeatts met with Rodrigo regarding HB2491: Abortion; eliminate certain requirements. Emily shared talking points developed by VDH with Rodrigo, and expressed that the administration strongly supports this bill. Emily left her contact information and invited him to reach out if he had further questions. Rodrigo said that he would reach out at a later time to set up an in-person meeting to help Delegate Tran prepare for the committee meeting where the bill will be considered.⁷¹

Yeatts also specifically requested Planned Parenthood’s position on HB2491: “The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does Planned Parenthood Advocates of Virginia wish to provide a response regarding this bill” – to which Planned Parenthood Advocates of Virginia (PPAV) replied by stating its strong support for the bill.⁷² Yeatts solicited support from NARAL Virginia, the ACLU of Virginia, and the National Abortion Federation (NAF), as well.⁷³

Another email chain shows that the Northam administration merely expressed “support” for – as opposed to strongly supporting – a different bill, HB1863, as it was “a little narrower” than “the Governor’s REPEAL bill,” HB1451.⁷⁴ In other words, while Governor Northam supported the narrower bill, he reserved his *strong* support for the more radical of the two.

In sum, these records show that the extreme abortion bill should be known as Governor Northam’s bill, and Delegate Tran (and Senator McClellan who sponsored its companion bill in the Senate) was just the vehicle Northam’s administration used to advance the abortion industry’s radical bill in the legislature.

The records we obtained also included talking points prepared and circulated by VDH staff in an effort to move HB2491, the Governor’s Repeal Act. The Talking Points noted clearly the objectives of the new Act – *i.e.*, removal of accountability and safety regulations previously in place to protect women:

SB1451 (Senator McClellan) and HB2491 (Delegate Tran) - Talking Points

- **Summary:** SB1451 and HB2491 would amend and reenact §§ 16.1-77, 18.2-73, 18.2-74, 18.2-76, and 32.1-127 of the Code of Virginia, relating to certain requirements for obtaining abortions.

⁷¹ Appendix IV-D.

⁷² Appendix IV-E.

⁷³ Appendix IV-F.

⁷⁴ Appendix IV-G.

Background:

- SB1451 and HB2491 would remove the requirement that second trimester abortions be performed in a hospital.
- SB1451 and HB2491 would remove the language that classifies facilities that perform five or more first trimester abortions a month as hospitals, thus deregulating abortion facilities from licensure.
- SB1451 and HB2491 would remove the requirement that, if a woman is seeking an abortion during the third trimester, two additional physicians certify that continuing the pregnancy would impair her mental or physical health.
- SB1451 and HB2491 would remove the requirement to receive a sonogram 24 hours prior to an abortion for the purpose of determining gestational age.
- SB1451 and HB2491 would remove the requirement to offer the patient an opportunity to view the ultrasound image, receive a copy of the image, and hear the fetal heart tones prior to an abortion.
- SB1451 and HB2491 would remove the requirement that VDH publish a list of public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge.
- SB1451 and HB2491 would remove the requirement that VDH develop and maintain printed materials that include information about support resources available to patients, the stages of fetal development, and the types of abortion procedures and their associated risks. This bill would also repeal the requirement that physicians offer the patients the opportunity to review the aforementioned materials prior to an abortion.⁷⁵

In New York

Documents obtained by the ACLJ show that the National Institute for Reproductive Health (NIRH), whose Action Fund declared, “We passed the Reproductive Health Act!” and whose representatives were present with Governor Cuomo when he signed the bill into law, gushed with praise for Governor Cuomo. The NIRH lauded Governor Cuomo’s efforts to push the RHA through the legislature, including an op-ed piece he had published in *The New York Times* advocating for the RHA. NIRH’s President, Andrea Miller, had this to say to Governor Cuomo in a letter dated February 6, 2019:

While you have long been an ally to us and our mission, I am especially heartened to have a governor like you who stands strong with and for women - and makes clear that the Empire State will stand as a beacon against the attacks on reproductive freedom coming from the White House and many statehouses across the nation.⁷⁶

⁷⁵ Appendix IV-H.

⁷⁶ Appendix IV-I.

She continued:

With your leadership, I am confident New York will continue to solidify its role as a national leader in protecting women's health and advancing our rights to make fundamental decisions about our reproductive lives.

Your leadership is also a critical testament to the tremendous power state elected officials have to safeguard critical rights and to act as the first line of defense against the full-blown assault of women's reproductive health, rights and justice.⁷⁷

She closed her letter looking toward the future:

We look forward to continuing to work with you in advancing the rights, health, well-being, and equality that women deserve in New York.⁷⁸

On January 28, 2019, NIRH President Andrea Miller again expressed her favor of Governor Cuomo: "Knowing how busy Governor Cuomo is, I am writing in the hopes that you might pass along my request to honor him at our Champions of Choice luncheon on April 30, 2019." Miller lauded past honorees of NIRH, hoping Governor Cuomo would join the ranks of "abortion providers (Amy Hagstrom Miller, Founder and CEO of Whole Woman's Health), and Dr. Willie Parker), and of course political allies and champions (such as Kirsten Gillibrand and Mayor Michael Bloomberg)." Senator Kirsten Gillibrand is currently a Democratic presidential candidate.

Her praise for Governor Cuomo's abortion advocacy continues, including his role in passing New York's barbaric RHA into law:

Over the past few years where so many challenges abounded, you have been a true inspiration by continuing to push forward and be a full-throated champion for women's reproductive rights. It would be our privilege to recognize you not only for your leadership as our Governor here in New York, including making the passage of the Reproductive Health Act and Comprehensive Contraception Coverage Act a reality, but also for your powerful and passionate call to action that resonates across the country.

The NIRH president goes on, describing her groups' close relationship with state leaders like Governor Cuomo as critical to its mission:

Since your very first days in office, you have been a fierce and public advocate for women's equality and access to reproductive health care, and have repeatedly leveraged your power to advance reproductive health care access. . . . As you know very well, the National Institute for Reproductive Health and NIRH Action Fund work together in states and cities across the country to promote a proactive and unapologetic approach to reproductive health, rights, and justice. A central

⁷⁷ *Id.*

⁷⁸ *Id.*

component of our efforts to change public policy, galvanize public support, and normalize women's decisions about abortion and contraception is our partnerships with and support of state and local advocates from Georgia to Oregon, from Massachusetts to Texas, and so many places in between.⁷⁹

The abortion industry's appreciation of Governor Cuomo is clear: "You have been with us at pivotal moments and, together, we have created real change that improves the lives and health of women and families in New York."⁸⁰

V. CONCLUSION AND NEXT STEPS

As we review these documents, we are considering our next steps and where best to focus our attention and resources. We are sharing the information we obtained in our Government Accountability and FOIA practice with you so there can be no doubt just how engaged and embedded the abortion industry is in advancing its radical abortion agenda. Those supporting life and protecting children, mothers, and families from abortion must engage as zealously at the state and local level. Elections at every level have consequences. Candidates controlled by abortion industry campaign contributions hire abortion advocates and move abortion industry legislation. The records obtained by the ACLJ from the New York and Virginia governments demonstrate that the issue of life is certainly no exception.

⁷⁹ *Id.*

⁸⁰ *Id.*

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX I-A



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

June 10, 2016

Beth A. Wilkinson, Esq.
1900 M Street, NW
Suite 800
Washington, DC 20036

Dear Ms. Wilkinson,

We understand that your client, Cheryl Mills, who is an attorney for former Secretary of State Hillary Clinton, owns a laptop computer, a Dell Latitude E6330 (Serial No. [REDACTED] ("the Mills Laptop"), which potentially contains information relating to a matter under investigation by the United States Department of Justice. As we have advised you, we consider Cheryl Mills to be a witness based on the information gathered to date in this investigation. We understand that Cheryl Mills is willing to voluntarily provide the Mills Laptop to the Federal Bureau of Investigation, if the United States agrees not to use any information directly obtained from the Mills Laptop in any prosecution of Cheryl Mills for the mishandling of classified information and/or the removal or destruction of records as described below. To that end, it is hereby agreed as follows:

1. That, subject to the terms of consent set forth in a separate letter to the Department of Justice dated June 10, 2016, Cheryl Mills will voluntarily produce the Mills Laptop to the Federal Bureau of Investigation for its review and analysis.
2. That no information directly obtained from the Mills Laptop will be used against your client in any prosecution under 18 U.S.C. § 793(e) and/or (f); 18 U.S.C. § 1924; and/or 18 U.S.C. § 2071.
3. That no other promises, agreements, or understandings exist between the parties except as set forth in this agreement, and no modification of this agreement shall have effect unless executed in writing by the parties.

If you and your client agree to the foregoing provisions, please execute this letter below.

**FOR THE U.S. DEPARTMENT
OF JUSTICE:**

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



Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice


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



Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

AGREED AND CONSENTED TO:


Cheryl D. Mills


Beth A. Wilkinson, Esq.
Counsel for Cheryl D. Mills

10 June 2016
Date

1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



WWW.WILKINSONWALSH.COM

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON, D.C. | LOS ANGELES

June 10, 2016

VIA Electronic Mail

b(6) and b(7)(C) Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
b(6) and b(7)(C) @usdoj.gov

Dear b(6) and b(7)(C):

This letter provides consent, in connection with the Department of Justice's investigation into the use of a private server by former Secretary of State Hillary Clinton, to search the Dell Latitude E6330 (Serial No. b(6), b(7)(C)) (hereinafter "the Device") belonging to my client, Cheryl Mills, who is Secretary Clinton's attorney, pursuant to the terms described below. The Device is being provided to the Federal Bureau of Investigation ("FBI") solely for the purposes of this Department of Justice investigation, and for the Department's use in connection with the investigation. In voluntarily providing the Device, Cheryl Mills does not relinquish ownership or control over the Device, except for the FBI's limited investigative use as specified by this agreement. The FBI does not assert custody and control over the Device or its contents for any other purpose, including any requests made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

- 1) You have confirmed that the sole purposes of the search are: (1) to search for any .pst files, or .ost files, or compressed files containing .pst or .ost files, that were created by Platte River Networks ("PRN"), after June 1, 2014 and before February 1, 2015, in response to requests for former Secretary Clinton's e-mail from her tenure as Secretary of State, (hereinafter the "PRN Files"), including in an intact but deleted form; (2) to attempt to identify any e-mails from, or remnants of, the PRN Files that could potentially be present on the Device; (3) to identify any e-mails resident on the Device sent to or received from the following e-mail accounts: hdr22@clintonemail.com; hrod17@clintonemail.com; hr15@att.blackberry.net; and hr15@mycingular.blackberry.net (hereinafter the "Relevant Accounts"), for the period

of January 21, 2009 through February 1, 2013 (hereinafter the "Relevant Period"); and (4) to conduct a forensic analysis of the device to determine whether the Device was subject to intrusions or otherwise compromised.

- 2) You have confirmed that Phase One of your search will proceed as follows:
 - a. Your Technical Team (to include FBI technical personnel only), will review the allocated space (*i.e.*, active files) of the Device to search only for the PRN Files. Neither the Technical Team nor anyone else will review during Phase One the content of any .pst files, or .ost files, or compressed files containing .pst or .ost files that can be identified as created before June 1, 2014 or after January 31, 2015.
 - b. The Technical Team will review any files identified pursuant to subsection 2(a) above to determine whether they contain e-mails sent to or received from the Relevant Accounts during the Relevant Period. The files that do not include such e-mails will not be subject to any further review by anyone for any purpose, unless they meet the criteria identified in Phase Two or for purposes of an intrusion analysis, both set forth below.
 - c. The PRN Files that include e-mails sent to, or received by, the Relevant Accounts during the Relevant Period will be provided to a Filter Team, which will be limited to two attorneys, one FBI agent, and one FBI analyst, none of whom are members of the investigative team.¹
 - d. The Filter Team will review the contents of any file they receive from the process described in subsection 2(c) to identify and remove: (1) any privileged material; and (2) any material they can determine is not an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period.
 - e. You will notify us of the results of Phase One of the search before proceeding to Phase Two of the search.
 - f. You will proceed to Phase Two of your search only in the event that the PRN File containing approximately 62,000 emails from the former Secretary's clintonemail.com account is not identified in the allocated space of the Device.
- 3) You have confirmed that Phase Two of your search will proceed as follows:
 - a. The Technical Team will search the Device, including the Device's unallocated space, to identify any e-mails, fragments of e-mails, files, or fragments of files: (1) that include e-mails sent to, or received by, the e-mail addresses hdr22@clintonemail.com and hrod17@clintonemail.com during the Relevant Period or for which the date that the e-mail was sent or received cannot be determined; and (2) that include e-mails sent to, or received by, the e-mail addresses hr15@att.blackberry.net and hr15@mycingular.blackberry.net that

¹ Should there be an extremely large volume of materials located on the Device and provided to the Filter Team, we understand that the Department of Justice reserves the right to expand the number of Filter Team members in order to avoid significant delay in the review process. If such an expansion were necessary, the Department of Justice has agreed to inform us of this change.

can clearly be identified as having been sent to, or received by, those accounts during the Relevant Period.² Aside from the intrusion analysis described below, neither the Technical Team nor anyone else will search or review the Device for any other material or for any other purpose.

- b. The Technical Team will review the results of the foregoing searches for the purpose of removing any file or data that is not an e-mail or a fragment of an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period. Aside from the intrusion analysis described below, such material will not be further reviewed by the Technical Team or anyone else for any other purpose.
 - c. The remaining results of the search will be provided to the Filter Team, which will review those results to identify and remove: (1) any privileged material; (2) any material that, upon further review, is determined not to be an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period; and (3) any material that, upon further review, is determined not to be a work-related e-mail sent to, or received by, the e-mail account hrod17@clintonemail.com. Aside from the intrusion analysis described below, such material will not be further reviewed by anyone for any purpose.
- 4) You have confirmed that you will also conduct a forensic analysis of the Device to determine whether the Device was subject to intrusions or otherwise compromised, without reviewing the content of any user created files, including .doc, .xls, .pdf, .jpeg, or e-mails not captured in the aforementioned searches.

As soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the Device and any printed or electronic materials resulting from your search. No part of this letter shall be read to imply the consent to retrieve from the Device any data other than the data described above or to conduct any search or review in any manner other than as described above.

Sincerely,



Beth A. Wilkinson

² If a large volume of e-mails from the hr15@att.blackberry.net and hr15@mycingular.blackberry.net accounts -- for which a send or receive date cannot clearly be determined -- are located, we understand that the Department of Justice reserves the right to discuss further with counsel any additional search efforts that could be undertaken to assess whether such e-mails were sent or received during the Relevant Period. The Department of Justice will not undertake any such search without prior discussions with counsel and an agreement with counsel as to the scope of, and procedures to be used during, that additional search.

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX I-B



U.S. Department of Justice

National Security Division

Washington, D.C. 20530

June 10, 2016

Beth A. Wilkinson, Esq.
1900 M Street, NW
Suite 800
Washington, DC 20036

Dear Ms. Wilkinson,

We understand that your client, Heather Samuelson, who is an attorney for former Secretary of State Hillary Clinton, owns a laptop computer, a Lenovo Yoga 2 Pro (Serial No. [REDACTED] b(6), b(7)(C)) ("the Samuelson Laptop"), which potentially contains information relating to a matter under investigation by the United States Department of Justice. As we have advised you, we consider Heather Samuelson to be a witness based on the information gathered to date in this investigation. We understand that Heather Samuelson is willing to voluntarily provide the Samuelson Laptop to the Federal Bureau of Investigation, if the United States agrees not to use any information directly obtained from the Samuelson Laptop in any prosecution of Heather Samuelson for the mishandling of classified information and/or the removal or destruction of records as described below. To that end, it is hereby agreed as follows:

1. That, subject to the terms of consent set forth in a separate letter to the Department of Justice dated June 10, 2016, Heather Samuelson will voluntarily produce the Samuelson Laptop to the Federal Bureau of Investigation for its review and analysis.
2. That no information directly obtained from the Samuelson Laptop will be used against your client in any prosecution under 18 U.S.C. § 793(e) and/or (f); 18 U.S.C. § 1924; and/or 18 U.S.C. § 2071.
3. That no other promises, agreements, or understandings exist between the parties except as set forth in this agreement, and no modification of this agreement shall have effect unless executed in writing by the parties.

If you and your client agree to the foregoing provisions, please execute this letter below.

**FOR THE U.S. DEPARTMENT
OF JUSTICE:**

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



Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

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



Counterintelligence and Export Control Section
National Security Division
U.S. Department of Justice

AGREED AND CONSENTED TO:



Heather Samuelson



Beth A. Wilkinson, Esq.
Counsel for Heather Samuelson

6/10/16
Date

1900 M STREET, NW
SUITE 800
WASHINGTON, DC 20036



WWW.WILKINSONWALSH.COM

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WASHINGTON, D.C. | LOS ANGELES

June 10, 2016

VIA Electronic Mail

b(6) and b(7)(C) Esq.
U.S. Department of Justice
National Security Division
950 Pennsylvania Avenue NW
Washington, DC 20530
b(6) and b(7)(C) @usdoj.gov

Dear b(6), b(7)(C)

This letter provides consent, in connection with the Department of Justice's investigation into the use of a private server by former Secretary of State Hillary Clinton, to search the Lenovo Yoga 2 Pro (Serial No. b(6), b(7)(C)) (hereinafter "the Device") belonging to my client, Heather Samuelson, who is Secretary Clinton's attorney, pursuant to the terms described below. The Device is being provided to the Federal Bureau of Investigation ("FBI") solely for the purposes of this Department of Justice investigation, and for the Department's use in connection with the investigation. In voluntarily providing the Device, Heather Samuelson does not relinquish ownership or control over the Device, except for the FBI's limited investigative use as specified by this agreement. The FBI does not assert custody and control over the Device or its contents for any other purpose, including any requests made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

- 1) You have confirmed that the sole purposes of the search are: (1) to search for any .pst files, or .ost files, or compressed files containing .pst or .ost files, that were created by Platte River Networks ("PRN"), after June 1, 2014 and before February 1, 2015, in response to requests for former Secretary Clinton's e-mail from her tenure as Secretary of State, (hereinafter the "PRN Files"), including in an intact but deleted form; (2) to attempt to identify any e-mails from, or remnants of, the PRN Files that could potentially be present on the Device; (3) to identify any e-mails resident on the Device sent to or received from the following e-mail accounts: hdr22@clintonemail.com; hrod17@clintonemail.com; hr15@att.blackberry.net; and hr15@mycingular.blackberry.net (hereinafter the "Relevant Accounts"), for the period

of January 21, 2009 through February 1, 2013 (hereinafter the "Relevant Period"); and (4) to conduct a forensic analysis of the device to determine whether the Device was subject to intrusions or otherwise compromised.

- 2) You have confirmed that Phase One of your search will proceed as follows:
 - a. Your Technical Team (to include FBI technical personnel only), will review the allocated space (i.e., active files) of the Device to search only for the PRN Files. Neither the Technical Team nor anyone else will review during Phase One the content of any .pst files, or .ost files, or compressed files containing .pst or .ost files that can be identified as created before June 1, 2014 or after January 31, 2015.
 - b. The Technical Team will review any files identified pursuant to subsection 2(a) above to determine whether they contain e-mails sent to or received from the Relevant Accounts during the Relevant Period. The files that do not include such e-mails will not be subject to any further review by anyone for any purpose, unless they meet the criteria identified in Phase Two or for purposes of an intrusion analysis, both set forth below.
 - c. The PRN Files that include e-mails sent to, or received by, the Relevant Accounts during the Relevant Period will be provided to a Filter Team, which will be limited to two attorneys, one FBI agent, and one FBI analyst, none of whom are members of the investigative team.¹
 - d. The Filter Team will review the contents of any file they receive from the process described in subsection 2(c) to identify and remove: (1) any privileged material; and (2) any material they can determine is not an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period.
 - e. You will notify us of the results of Phase One of the search before proceeding to Phase Two of the search.
 - f. You will proceed to Phase Two of your search only in the event that the PRN File containing approximately 62,000 emails from the former Secretary's clintonemail.com account is not identified in the allocated space of the Device.
- 3) You have confirmed that Phase Two of your search will proceed as follows:
 - a. The Technical Team will search the Device, including the Device's unallocated space, to identify any e-mails, fragments of e-mails, files, or fragments of files: (1) that include e-mails sent to, or received by, the e-mail addresses hdr22@clintonemail.com and hrod17@clintonemail.com during the Relevant Period or for which the date that the e-mail was sent or received cannot be determined; and (2) that include e-mails sent to, or received by, the e-mail addresses hr15@att.blackberry.net and hr15@mycingular.blackberry.net that

¹ Should there be an extremely large volume of materials located on the Device and provided to the Filter Team, we understand that the Department of Justice reserves the right to expand the number of Filter Team members in order to avoid significant delay in the review process. If such an expansion were necessary, the Department of Justice has agreed to inform us of this change.

can clearly be identified as having been sent to, or received by, those accounts during the Relevant Period.² Aside from the intrusion analysis described below, neither the Technical Team nor anyone else will search or review the Device for any other material or for any other purpose.

- b. The Technical Team will review the results of the foregoing searches for the purpose of removing any file or data that is not an e-mail or a fragment of an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period. Aside from the intrusion analysis described below, such material will not be further reviewed by the Technical Team or anyone else for any other purpose.
 - c. The remaining results of the search will be provided to the Filter Team, which will review those results to identify and remove: (1) any privileged material; (2) any material that, upon further review, is determined not to be an e-mail sent to, or received by, the Relevant Accounts during the Relevant Period; and (3) any material that, upon further review, is determined not to be a work-related e-mail sent to, or received by, the e-mail account hrod17@clintonemail.com. Aside from the intrusion analysis described below, such material will not be further reviewed by anyone for any purpose.
- 4) You have confirmed that you will also conduct a forensic analysis of the Device to determine whether the Device was subject to intrusions or otherwise compromised, without reviewing the content of any user created files, including .doc, .xls, .pdf, .jpeg, or e-mails not captured in the aforementioned searches.

As soon as the investigation is completed, and to the extent consistent with all FBI policies and applicable laws, including the Federal Records Act, the FBI will dispose of the Device and any printed or electronic materials resulting from your search. No part of this letter shall be read to imply the consent to retrieve from the Device any data other than the data described above or to conduct any search or review in any manner other than as described above.

Sincerely,



Beth A. Wilkinson

² If a large volume of e-mails from the hr15@att.blackberry.net and hr15@mycingular.blackberry.net accounts -- for which a send or receive date cannot clearly be determined -- are located, we understand that the Department of Justice reserves the right to discuss further with counsel any additional search efforts that could be undertaken to assess whether such e-mails were sent or received during the Relevant Period. The Department of Justice will not undertake any such search without prior discussions with counsel and an agreement with counsel as to the scope of, and procedures to be used during, that additional search.

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX I-C

~~SECRET//NOFORN~~**FEDERAL BUREAU OF INVESTIGATION****Electronic Communication****Title:** (U//~~FOUO~~) Chain of Custody for 1B3**Date:** 11/23/2015**From:** WASHINGTON FIELD

WF-CI13

Contact: [REDACTED]**Approved By:** SSA [REDACTED]**Drafted By:** [REDACTED]**Case ID #:** [REDACTED](U) ~~(S//NF)~~ MIDYEAR EXAM;
MISHANDLING OF CLASSIFIED;
UNKNOWN SUBJECT OR COUNTRY;
SENSITIVE INVESTIGATIVE MATTER (SIM)**Synopsis:** (U//~~FOUO~~) Document the status of the chain of custody for 1B3.~~Reason: 1.4(b)~~~~Derived From: FBI~~~~NSISC-20090615~~~~Declassify On: 20401231~~**Full Investigation Initiated:** 07/10/2015**Reference:** [REDACTED] Serial 56**Details:**

(U//~~FOUO~~) As documented in the referenced serial, on August 12, 2015 the FBI obtained a Dell Poweredge 2900, Gray Color, S/N G842PC1 from the custody of Platte River Networks and entered it into evidence as item 1B3 of the captioned investigation. The item was directly transported to the FBI Operational Technology Division (OTD) the same day. At 12:02 PM on October 20, 2015, SA [REDACTED] picked up 1B3 from OTD where he discovered the original chain of custody was missing. SA [REDACTED] transported 1B3 to the Washington Field Office and placed it into secure storage. This communication documents the

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

Title: (U//~~FOUO~~) Chain of Custody for 1B3

Re: [REDACTED] 11/23/2015

b1
b7

loss of the original chain of custody and the creation of a new chain of custody beginning with SA [REDACTED] on October 20, 2015.

b1
b7

♦♦

~~SECRET//NOFORN~~

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX II

00043 / 300

From: Steinberg, Nikolaus <SteinbergN@state.gov>
Sent: Friday, November 11, 2016 2:22 PM
To: Power, Samantha <PowerS@state.gov>
Subject: RE: naturalization ceremony rmks

RELEASE IN FULL

I'll reach out to Kurtis now and inquire. Will come back to you.

This email is UNCLASSIFIED.

From: Power, Samantha
Sent: Friday, November 11, 2016 2:16 PM
To: Steinberg, Nikolaus
Subject: Re: naturalization ceremony rmks

Add kurtis here? Not sure the best way to make the approach but happy to try

Sent from my BlackBerry 10 smartphone.

From: Steinberg, Nikolaus
Sent: Friday, November 11, 2016 1:00 PM
To: Power, Samantha
Subject: RE: naturalization ceremony rmks

Great. Want me to knock out a draft note to Charlie or Bill?
As of Sept 25, 2016 – Owens was still the exec. editor of 60 minutes.

This email is UNCLASSIFIED.

From: Power, Samantha
Sent: Friday, November 11, 2016 12:53 PM
To: Steinberg, Nikolaus
Subject: Re: naturalization ceremony rmks

I will look when I'm back. Thanks so much. Need to move out on 60 mins idea to seek maximum amplif.
I can write Charlie or bill Owens if he's still there

Sent from my BlackBerry 10 smartphone.

From: Steinberg, Nikolaus
Sent: Friday, November 11, 2016 12:46 PM
To: Power, Samantha
Subject: naturalization ceremony rmks

Ambassador:

000107000

Have a draft of your remarks for the naturalization ceremony on Tuesday, which has proven a useful (and somewhat cathartic) vessel to channel some post-Trump messages about who we are. If you have some time before your meeting this afternoon, can bring by a copy for a first look. Otherwise, will have it in your book for the weekend.

This email is UNCLASSIFIED.

From: Steinberg, Nikolaus <SteinbergN@state.gov>
Sent: Friday, November 11, 2016 5:36 PM
To: Power, Samantha <PowerS@state.gov>
Cc: Cooper, Kurtis A <CooperKA@state.gov>
Subject: RE: FOR REVIEW: 60 minutes pitch

Press had also suggested CBS Sunday Morning as an alternative option.

SBU
This email is UNCLASSIFIED.

From: Power, Samantha
Sent: Friday, November 11, 2016 5:34 PM
To: Steinberg, Nikolaus
Cc: Cooper, Kurtis A
Subject: RE: FOR REVIEW: 60 minutes pitch

Yes unfortunately. Will see what else I can put up w

SBU
This email is UNCLASSIFIED.

From: Steinberg, Nikolaus
Sent: Friday, November 11, 2016 5:22 PM
To: Power, Samantha
Cc: Cooper, Kurtis A
Subject: RE: FOR REVIEW: 60 minutes pitch

Yes, Oct. 16: <http://www.cbsnews.com/news/60-minutes-syrian-refugee-crisis-immigration/>

But this focused specifically on the Syrian refugee crisis and the obstacles faced in getting to the US (with special focus on issues like screening). We think they might still be interested because this shows the flipside of the story – how refugees are actually contributing to American communities, with the hook being the foreshadowing that Trump and company may try to undo all of this. Do you think it's redundant?

SBU
This email is UNCLASSIFIED.

From: Power, Samantha
Sent: Friday, November 11, 2016 5:17 PM
To: Steinberg, Nikolaus

Cc: Cooper, Kurtis A
Subject: RE: FOR REVIEW: 60 minutes pitch

Oops was just editing and see they just did a refugee piece?

SBU
This email is UNCLASSIFIED.

From: Steinberg, Nikolaus
Sent: Friday, November 11, 2016 4:54 PM
To: Power, Samantha
Cc: Cooper, Kurtis A
Subject: FOR REVIEW: 60 minutes pitch

Ambassador:

Draft pitch email to Bill Owens below. Spoke to Kurtis, who thought it was best if it came directly from you. Unfortunately, we do not have the email in your contacts. Do you have it in your personal email contacts? If not, we'll seek his email through other ways.

B5

Warmly,
Samantha

From: Owens, Bill [redacted]
Sent: Tuesday, November 15, 2016 12:16 PM
To: Power, Samantha <PowerS@state.gov>
Subject: RE: me again!

B6

Ambassador!

Please excuse the late reply. These past few weeks have been pretty swell around here too (First covering Mosul, then the election).

You are right that we did a Syrian refugee piece, and perhaps you have had a moment to see it. We were pleased and tried our best to untangle a lot of the rhetoric from the facts. If you'd like, at least on the Buffalo story, I'd be happy to mention it to Pelley and his team at the Evening News.

I can only imagine the conversations you are having with some of our allies now and I would love a chance to brainstorm. There are a few things happening that include some travel for me over the next week and a half, so maybe after Thanksgiving?

It was nice to see your name pop up in my mailbox Samantha and I really appreciate how hard you, your staff and the administration have been working on so many impossible issues all at once.

All my best,
Bill



Bill Owens
Executive Editor, 60 Minutes
[redacted]

B6

From: Power, Samantha [mailto:PowerS@state.gov]
Sent: Friday, November 11, 2016 5:43 PM
To: Owens, Bill [redacted]
Subject: me again!

B6

Dear Bill:

Hope this email out of the blue finds you well. We're still reeling here, as you might imagine. My mission to the UN is a cabinet agency under President Obama, but will be demoted to something very different in January. Notwithstanding this, Tuesday's results have given us an even greater sense of urgency to get our work done in our last few months. 70 good long days left!

I'm writing, unusually, because you came to my mind as I was talking to my team about a trip that I have decided to take to the wild, exotic, remote locale of Buffalo, New York! After all the hot spots we have visited, I am heading to Buffalo because it is one of the leading cities in resettling refugees – taking in more than 10,000 refugees since 2002, nearly half of them from Burma. And as part of the Administration's push to admit more

Syrian refugees, Buffalo has taken 262 Syrians this year alone, and, thought the city fits so many of the rust belt characteristics – a declining population, shrinking industry – I gather refugees have provided a big boost to the city, starting new business, revitalizing depressed commercial and residential areas. In essence, the trip will show why the effort to take in more refugees should persist beyond the Obama Administration, particularly in the midst of the largest refugee crisis since WWII. I'll likely be joined by Senator Gillibrand.

Now I gather you just did a segment, which I will watch this weekend, on the tough transition refugees generally face, but as we were thinking of the trip, I was also being informed that the job of US Ambassador to the UN will be downgraded by the Trump Administration to non-Cabinet level (typical of Republican administrations, but we have never had so many of our core interests embedded here). Indeed it is quite likely that my job – not a priority – will remain vacant for some time at a time of the world's most pressing crises. I am also being inundated daily by questions from other countries about what the election means for eg the future of NATO, our non pro efforts against Kim Jung Un, the Iran deal, Paris climate agt etc.. I am not sure exactly what I am pitching, but it seems there could be something interesting to show through USUN about this waning multilateral moment for the US, how we use these last two months, what we are trying to defend, how we are consoling other countries, etc.. I wondered if there could be something in this that would hit home for viewers, even or perhaps especially those who support Trump. Let me know if you would like to brainstorm.

Warmly,
Samantha

SBU
This email is UNCLASSIFIED.

SBU
This email is UNCLASSIFIED.

From: Power, Samantha </O=SBUSTATE/OU=USUN AG/CN=RECIPIENTS/CN=POWERS>
Sent: Monday, November 14, 2016 12:35 PM
To: Finer, Jonathan J <FinerJJ@state.gov>
Subject: RE: Reuters / Trump looking at fast ways to quit global climate deal: source

RELEASE IN PART
B6

[Redacted]

B6

SBU
This email is UNCLASSIFIED.

From: Finer, Jonathan J
Sent: Monday, November 14, 2016 12:17 PM
To: Power, Samantha
Subject: RE: Reuters / Trump looking at fast ways to quit global climate deal: source

[Redacted] And the below is just one of many grim things we have to look forward to.

B6

From: Power, Samantha
Sent: Monday, November 14, 2016 12:16 PM
To: Finer, Jonathan J
Subject: FW: Reuters / Trump looking at fast ways to quit global climate deal: source

Lord help us all. How are you holding up?

This email is UNCLASSIFIED.

From: Green, Mackenzie L
Sent: Monday, November 14, 2016 12:15 PM
To: USUN-Breakingnews
Subject: Reuters / Trump looking at fast ways to quit global climate deal: source

Trump looking at fast ways to quit global climate deal: source
November 14, 2016

Reuters
By Valerie Volcovici and Alister Doyle

President-elect Donald Trump is seeking quick ways to withdraw the United States from a global accord to combat climate change, a source on his transition team said, defying broad global backing for the plan to cut greenhouse gas emissions.

Since Trump's election victory on Tuesday, governments ranging from China to small island states have reaffirmed support for the 2015 Paris agreement during climate talks involving 200 nations set to run until Friday in Marrakesh, Morocco.

Trump has called global warming a hoax and has promised to quit the Paris Agreement, which was strongly supported by outgoing Democratic U.S. President Barack Obama.

Trump's advisers are considering ways to bypass a theoretical four-year procedure for leaving the accord, according to the source, who works on Trump's transition team for international energy and climate policy.

"It was reckless for the Paris agreement to enter into force before the election" on Tuesday, the source told Reuters, speaking on condition of anonymity.

The Paris accord won enough backing for entry into force on Nov. 4, four days before the election.

U.S. Secretary of State John Kerry said on Sunday in New Zealand the Obama administration would do everything it could to implement the Paris accord before Trump takes office.

The accord says in its Article 28 that any country wanting to pull out after signing on has to wait four years. In theory, the earliest date for withdrawal would be Nov. 4, 2020, around the time of the next U.S. presidential election.

The source said the future Trump administration is weighing alternatives to accelerate the pull-out: sending a letter withdrawing from the 1992 international framework accord that is the parent treaty of the Paris Agreement; voiding U.S. involvement in both in a year's time; or issuing a presidential order simply deleting the U.S. signature from the Paris accord.

Withdrawing from the U.N. Framework Convention on Climate Change (UNFCCC) would be controversial, partly because it was signed by former Republican President George H.W. Bush in 1992 and approved by the U.S. Senate. The action also could antagonize many other countries.

The UNFCCC sets a goal of avoiding "dangerous" man-made damage to the climate to avert more heat waves, downpours, floods, extinctions of animals and plants and rising sea levels.

The 2015 Paris Agreement is much more explicit, seeking to phase out net greenhouse gas emissions by the second half of the century and limit global warming to "well below" 2 degrees Celsius (3.6 Fahrenheit) above pre-industrial times.

Many nations have expressed hope that the United States will stay. But the host of the current round of climate negotiations, Morocco, said the pact that seeks to phase out greenhouse gases in the second half of the century was strong enough to survive a pullout.

One party deciding to withdraw would not call the agreement into question, Foreign Minister Salaheddine Mezouar told a news conference.

In Beijing on Monday, the foreign ministry spokesman, Geng Shuang, told a regular news briefing that China would like to continue working with all countries, including the United States, in the global fight against climate change.

The agreement was reached by almost 200 nations in December and, as of Saturday, has been formally ratified by 109 representing 76 percent of greenhouse gas emissions, including the United States with 18 percent.

The accord seeks to limit rising temperatures that have been linked to increasing economic damage from desertification, extinctions of animals and plants, heat waves, floods and rising sea levels.

U.N. climate chief Patricia Espinosa declined to comment on the Trump source's remarks to Reuters.

"The Paris Agreement carries an enormous amount of weight and credibility," Espinosa told a news conference.

She said the United Nations hoped for a strong and constructive relationship with Trump.

The Trump source said the president-elect's transition team is aware of the likely international backlash but said Republicans in the U.S. Congress have given ample warning that a Republican administration would take action to reverse course.

"The Republican Party on multiple occasions has sent signals to the international community signaling that it doesn't agree with the pact. We've gone out of our way to give notice," the source said.

The source blamed Obama for joining up by an executive order, without getting approval from the U.S. Senate.

"There wouldn't be this diplomatic fallout on the broader international agenda if Obama hadn't rushed the adoption," the source said.

This email is UNCLASSIFIED.

RELEASE IN FULL

From: Steinberg, Nikolaus <SteinbergN@state.gov>
Sent: Wednesday, December 14, 2016 12:25 PM
To: Power, Samantha <PowerS@state.gov>
Subject: RE: tom friedman today -- see last para quote by larry diamond

Indeed. Saw it and read Diamond's piece Monday when doing some research. It's a solid piece. Pasted it below and will have it added to your book.

Russia and the Threat to Liberal Democracy

By **Larry Diamond**, www.theatlantic.com

[View Original](#)

December 9th, 2016



Since the end of World War II, the most crucial underpinning of freedom in the world has been the vigor of the advanced liberal democracies and the alliances that bound them together. Through the Cold War, the key multilateral anchors were NATO, the expanding European Union, and the U.S.-Japan security alliance. With the end of the Cold War and the expansion of NATO and the EU to virtually all of Central and Eastern Europe, liberal democracy seemed ascendant and *secure* as never before in history.

Under the shrewd and relentless assault of a resurgent Russian authoritarian state, all of this has come under strain with a speed and scope that few in the West have fully comprehended, and that puts the future of liberal democracy in the world squarely where Vladimir Putin wants it: in doubt and on the defensive.

On the global chessboard, there has been no more deft and brilliant (and of late, lucky) player than Putin. From the early days of his presidency a decade and a half ago, he began to signal that he intended to make Russia great again, and that he saw this imperative as a zero-sum game: As the West gained friendships among post-communist states, Russia lost, and so everything possible had to be done to force Georgia, Ukraine, Moldova, and the Balkan states out of a Western liberal orientation and back into the greater Russian orbit.

The first dramatic salvo came in the summer of 2008, when Russia intervened militarily to back separatist forces in the enclaves of Abkhazia and South Ossetia seeking to break away from Georgia. Russia's military assault was brief but brutal, and involved bombing civilian populations both in the disputed areas and in the rest of Georgia, as well as attacking fleeing civilians. The overconfident pro-Western president of Georgia, Mikheil Saakashvili, was dealt a painful lesson courtesy of Putin, and the two breakaway "republics" remain under Russian occupation to this day. It was the first time since the end of the Soviet Union that Russia's military violated the sovereignty of an independent state, but it would not be the last.

Since huge swaths of society rose up in color revolutions in the former Yugoslavia in 2000, in Georgia in 2003, and in Ukraine in 2004-2005—all to protest electoral fraud and bring about a transition from authoritarianism to democracy—Putin has behaved as if obsessed with fear that the virus of mass democratic mobilization might spread to Russia itself. Neither was he prepared to condone the "loss" of key parts of the former Soviet Union, such as Georgia and Ukraine, to any potential alliance structure with the West. As the forces of Ukraine's Orange Revolution squandered their miraculous victory in corruption and political squabbling, Putin won another victory in 2010, when the pro-Russian villain of the rigged election that prompted the 2004 uprising, Viktor Yanukovych, finally won the presidency.

But Yanukovych's authoritarianism and pro-Russia orientation—which led him to scuttle a much hoped-for association agreement between Ukraine and the EU—increasingly outraged the Ukrainian people, who ousted him in a second people-power revolution (the Euromaidan) in February 2014. Soon thereafter, Russian troops without insignias infiltrated Crimea and, with sympathetic local actors, seized control of its infrastructure. Militarily weak and bereft of Western military support—which in any case was difficult to deliver quickly and effectively due to the distance relative to Russia's proximity—Ukraine watched helplessly as Putin consolidated his conquest with a pseudo-referendum that endorsed Crimea's re-absorption into Russia.

It was the first time since the Nazis marauded across Europe in World War II that the boundaries of a European country had been altered by military aggression. But Putin did not stop there. In a replay of its shadowy campaign of aggression against Georgia,

Russia infiltrated its troops and equipment into the Donbas region of far eastern Ukraine, in support (and probably orchestration) of separatist forces there. It was one of those eastern Ukrainian armed groups that used a Soviet-era missile system to shoot down Malaysia Airlines Flight 17 on July 17, 2014. More blatant Russian military intervention followed, with Russia denying any involvement of its own soldiers, despite abundant evidence to the contrary. Today, Russia still occupies a portion of the Donbas region. A major swing state between West and East has been militarily violated and partially dismantled, and the story isn't over yet.

Like President Bush with respect to the Georgia crisis in 2008, President Obama did not respond militarily to this aggression. But he was not passive. Together with the European Union, the U.S. imposed several rounds of painful economic and financial sanctions on key Russian officials, banks, and businesses. As the sanctions have broadened, they have hurt important Russian elites and seriously impaired the functioning of the Russian financial, energy, and defense sectors—not exactly a great formula for making Russia great again.

Putin has been desperate to get out from under these sanctions so that his regime can thrive domestically and internationally. His goals appear to be twofold. First, he seeks to restore some form of Russian empire—with at least informal dominion over all the territories of the former Soviet Union—while forcing the West to accept this new balance of power and treat Russia as a superpower once again. Second, he seeks to invert Woodrow Wilson's famous call to arms and instead "make the world safe for autocracy." Democracy is his enemy. He is smart enough to know that he cannot undermine it everywhere, but he will subvert, corrupt, and confuse it wherever he can.

And so Putin's regime has been embarked for some years now on an opportunistic but sophisticated campaign to sabotage democracy and bend it toward his interests, not just in some marginal, fragile places but at the very core of the liberal democratic order, Europe and the United States. As *The Telegraph* reported in January, Western intelligence agencies have been monitoring a Russian campaign on a Cold War scale to support a wide range of European parties and actors—illiberal parties and politicians of both the far left and far right—that are sympathetic to Russia and Putin. This includes not just newer neo-fascist parties, but anti-immigrant far-right parties like the National Front of France—which obtained a 9 million euro loan from a Russian bank in 2014—and the Freedom Party of Austria, both of which have been gaining popularity for some time. While the Freedom Party lost the election for Austria's ceremonial presidency last Sunday, its candidate, Norbert Hofer, won over 46 percent of the vote, and it remains the third-largest party in the parliament, poised to do better in the next elections.

Hofer's defeat may temporarily slow the right-wing populist momentum across

Europe, but National Front leader Marine Le Pen, who endorsed Putin's annexation of Crimea and has called for an end to Western sanctions on Russia, could well be elected the next President of France next spring. And even if she loses, Putin is likely to be sitting pretty with the next French president. Le Pen's principal rival, former French Prime Minister Francois Fillon, who recently won the conservative presidential primaries in France, has for years been calling for an end to sanctions on Putin and a closer relationship between France and Russia.

The romance between far-right, anti-immigrant European parties and Vladimir Putin's Russia springs not just from practical ties of support but a shared conservative reaction against liberalism, globalization, and multiculturalism, and a celebration of Putin, in the words of the scholar Alina Polyakova, as "as a staunch defender of national sovereignty and conservative values who has challenged US influence and the idea of 'Europe' in a way that mirrors their own convictions." This same spirit suffused the Brexit campaign in the U.K., whose longtime populist champion, Nigel Farage, has combined fierce demands for British independence from Europe with fawning admiration for Putin. Yet the Russian boost to Brexit did not come only from the right. Russian media lavishly praised the successful campaign for Labour Party leadership of the far-left candidate Jeremy Corbyn, a NATO and EU skeptic whose extremely tepid support for the Remain campaign contributed to the narrow victory of Brexit.

Meanwhile, the damage to liberalism in Europe was also being driven by a more brutal form of Russian intervention—in Syria. Russia's bombing campaign there has not only tilted the war in favor of the dictator, Bashar al-Assad, who along with his allies has killed more civilians than either ISIS fighters or rebels, but it also dramatically accelerated the flow of Syrian refugees (now nearing 5 million) into other countries, including European ones. While Europe's refugee crisis has many sources and causes, roughly 30 percent of European asylum-seekers last year were Syrian refugees, and the human exodus from that civil war has incidentally further helped to feed right-wing (pro-Putin) populist parties and movements across Europe, while undermining liberal leaders like Angela Merkel of Germany.

The destabilizing effects of the refugee crisis in Europe have been a kind of dividend of Putin's campaign to defend his Middle East ally. But Putin has also attempted to destabilize democracies directly through methods more reminiscent of the Cold War. After Montenegro's parliamentary elections on October 16 (which saw Putin pouring money into the pro-Russian opposition party and sympathetic media and NGOs, in an unsuccessful attempt to defeat the pro-NATO prime minister), evidence emerged of a plot involving three Russian citizens (alleged in the Montenegrin news media to be agents of the GRU, Russian military intelligence) and some 20 right-wing Serbian nationalists. Montenegrin authorities now allege they planned to stage a terrorist attack that would discredit the election outcome, assassinate the pro-Western prime

minister, and topple his government.

As these political dramas and tensions have unfolded in democratic Europe, Putin's Russia has made brilliant use of old and new forms of propaganda to exploit political divisions. The leading element of this has been RT (Russia Today) which is not only one of the most widely watched (and heavily subsidized) global sources of state television propaganda—and which claims 70 million weekly viewers and 35 million daily—but a vast social-media machinery as well. Added to this is the hidden influence of a vast network of Russian trolls—agents paid to spread disinformation and Russian propaganda points by posing as authentic and spontaneous commentators.

What began as a somewhat preposterous effusion of fake news reports spreading panic, for example, about an Ebola outbreak in the U.S., morphed into something more sinister, sophisticated, and profoundly consequential: a dedicated campaign to discredit Hillary Clinton and tilt the U.S. presidential election to Donald Trump. The army of Russian trolls started infiltrating U.S. media with conservative commentaries, playing up Clinton's scandals and weaknesses, and widely diffusing other right-wing narratives against Clinton. The Russian government (America's own intelligence agencies believe) hacked into the emails of the Democratic Party and of Clinton campaign chairman John Podesta and passed them on to Wikileaks to dispense in a devastating drip-drip-drip of divisive and unflattering revelations. In *The Washington Post's* words, the campaign portrayed "Clinton as a criminal hiding potentially fatal health problems and preparing to hand control of the nation to a shadowy cabal of global financiers." All of this gave Trump significantly more political traction while dispiriting and discouraging possible Clinton voters (many of whom simply stayed home in disgust). Given how close the U.S. election outcome was, it is easy to imagine that this intervention might have provided Trump with his margin of victory in the Electoral College.

We stand now at the most dangerous moment for liberal democracy since the end of World War II. There are still many more democracies worldwide today than when the Cold War ended. But outside the West, many of them are fragile or rapidly declining. Turkey is in the grip of full authoritarianism, the Philippines is sliding in that direction, and Korea and Brazil have both seen their first women presidents disgraced in eruptions of public anger over corruption and misuse of power. Some 200,000 Muslim Indonesians have flooded the streets of Jakarta demanding that the Christian governor be arrested for insulting Islam. In much of Africa, the people still overwhelmingly want democracy, but leaders in numerous countries are dragging their systems in the opposite direction.

The greatest danger, however, is not what is happening in Asia, Africa, or Latin America. It is the alarming decay of liberal democracy in Europe and the United

States, accelerated by escalating Russian efforts at subversion. Putin's forces are on such a roll that they can no longer contain their glee. One pro-Putin Russian governor recently declared in a radio interview, "It turns out that United Russia [Putin's political party] won the elections in America."

Donald Trump's election victory was an extraordinary political achievement for someone who has never held or sought political office. It drew the support of many tens of millions of voters who rallied to his themes of controlling immigration, changing the way things are done in Washington, generating economic opportunity for those left behind by globalization, or somehow just "making American great again." But it probably would not have happened without Russia's hacking of America's political process—and on behalf of a candidate who had said he wanted good relations with Vladimir Putin.

Geopolitics does not have to be a zero-sum game. But great powers must recognize and defend vital interests. Having a Europe that is whole and free is a vital American interest. Enforcing the principle that established borders cannot be eviscerated by military aggression is a vital American interest—and nowhere more so than in Europe. Ensuring that an authoritarian Russian regime does not replicate its values and expand its power by subverting democracy in the heart of Europe is also a vital American interest.

The most urgent foreign-policy question now is how America will respond to the mounting threat that Putin's Russia poses to freedom and its most important anchor, the Western alliance. Nothing will more profoundly shape the kind of world we live in than how the Trump administration responds to that challenge.

Official
UNCLASSIFIED

From: Power, Samantha
Sent: Wednesday, December 14, 2016 12:18 PM
To: Steinberg, Nikolaus
Subject: tom friedman today -- see last para quote by larry diamond

This email is UNCLASSIFIED.

RELEASE IN PART
B6

From: Power, Samantha </O=SBUSTATE/OU=USUN
AG/CN=RECIPIENTS/CN=POWERS>
Sent: Sunday, December 18, 2016 5:30 PM
To: Jorge Ramos [REDACTED]
Cc: Dax Tejera [REDACTED], Stacey Fox Hocheiser
[REDACTED], Veronica Bautista [REDACTED], Cooper, Kurtis
A <CooperKA@state.gov>
Subject: Re: Jorge Ramos-interview

B6

Adding Kurtis. Will get back to you soonest. If we do something, we will make it good. Ptsd in retreat - Trump has vanquished it. Let's see!

Sent from my BlackBerry 10 smartphone.

Original Message

From: Jorge Ramos

Sent: Sunday, December 18, 2016 5:13 PM

To: Power, Samantha

Cc: Dax Tejera; Stacey Fox Hocheiser; Veronica.Bautista [REDACTED]

Subject: Jorge Ramos-interview

Hola Samantha from Tokyo.

I had many hours to think about it and I would love to have an interview with you while you get ready to leave the UN. It would take 30 minutes of your time, about the best and the most difficult of these incredibly intense years.

We don't want a seat down interview. I would like to walk with you, if possible, from your office or home to a UN meeting so you can show us something we don't know. Whatever you want. It would be shown on Univision and on a new interview show for Fusion. (I promise no surprises like the last time.)

I could be in NYC January 9, 10 or 11. Stacey, copied here, could coordinate with your staff.

Thanks for considering this.

Abrazos, Jorge

Sent from my iPhone

From: Power, Samantha </O=SBUSTATE/OU=USUN
AG/CN=RECIPIENTS/CN=POWERS>
Sent: Thursday, December 22, 2016 12:12 PM
To: Rhodes, Benjamin J. EOP/WHO [REDACTED]
Subject: FW: Vice / Applied pressure: Donald Trump isn't even president yet and he's already making waves at the U.N.

B6

This reflects the lack of understanding of history

Official
UNCLASSIFIED

From: Priskos, Stefani
Sent: Thursday, December 22, 2016 12:03 PM
To: USUN-MiddleEastNews-DL
Subject: Vice / Applied pressure: Donald Trump isn't even president yet and he's already making waves at the U.N.

Applied pressure: Donald Trump isn't even president yet and he's already making waves at the U.N.

December 22, 2016

Vice

By Noah Kulwin

A United Nations draft resolution calling for an immediate end to Israeli settlement construction is on life support, if not dead entirely, following aggressive diplomatic pressure from U.S. President-elect Donald Trump and Israeli Prime Minister Benjamin Netanyahu on Thursday morning.

Egyptian President Abdel Fattah el-Sisi, who introduced the resolution, has asked to postpone a Thursday vote on the measure, reportedly under pressure from the Israeli government. It is unclear whether the resolution will be resuscitated, although it seems unlikely.

Although the United States probably would have vetoed the resolution anyway, it comes as a surprise that the measure was killed even before a vote could take place.

Netanyahu seemed to take a page out of Trump's book in the lead-up to the morning of the vote. In the dim hours of the night, he used Twitter to implore the U.S. to veto the draft resolution being considered by the U.N. Security Council.

Trump, who since the election has voiced strong support for the Israeli right wing, responded with his own strong criticism of the resolution. In a Thursday morning Facebook post, Trump said that the measure should be vetoed when it came up for a vote, as it "puts Israel in a very poor negotiating position and is extremely unfair to all Israelis."

The United States, as one of the five permanent members of the Security Council, has veto power over all measures that come before the Council. For years, including under President Obama, the U.S. government has repeatedly killed U.N. resolutions even remotely critical of Israel.

Current U.N. Ambassador Samantha Power has not signaled how she would have voted on the measure, but it appears unlikely that the Obama administration would have reversed its longstanding support for Israel at the

U.N. In the past, Power has been critical both of Israeli settlement construction and of using the U.N. to pursue action against Israeli policies.

Trump's Facebook post is just the latest in a series of moves that signal an unprecedented rightward shift in American policy toward Israel and the Palestinians. His recently announced intentions to appoint bankruptcy lawyer David Friedman, a prolific supporter of Israeli settlement construction in occupied Palestinian territory, as ambassador to Israel when he takes office next month. Friedman has no government or diplomatic experience, but previously served as an advisor to Trump during the presidential campaign.

From Netanyahu's perspective, Trump's embrace of pro-settlement politics is a welcome change from President Obama, who pushed hard for Israeli-Palestinian peace negotiations in the early years of his presidency. According to the Jerusalem Post, Netanyahu and his allies in the Israeli Knesset are planning a period of "unprecedented" new settlement construction.

Stefani Priskos

Press Assistant, U.S. Mission to the UN

Phone: (212) 415-4240

Email: PriskosS@state.gov

Official

UNCLASSIFIED

RELEASE IN PART
B6

From: Steinberg, Nikolaus <SteinbergN@state.gov>
Sent: Thursday, December 22, 2016 6:47 PM
To: Ordeman, Leslie T <OrdemanLT@state.gov>; Degory, John A <DegoryJA@state.gov>; Bitar, Maher B <bitarmb@state.gov>; Aguirre, Sergio <AguirreS@state.gov>; Maltz, Gideon <MaltzG@state.gov>; Tachco, Amy N <TachcoAN@state.gov>; DiCarlo, Diana <DiCarloD@state.gov>; Power, Samantha <PowerS@state.gov>
Cc: USUN-COMMS-DL <USUN-COMMS-DL@state.gov>
Subject: RE: Reuters: Trump discussed Mideast peace in call with Egypt's Sisi

+SP. So much for one President at a time.

Official
UNCLASSIFIED

From: Ordeman, Leslie T
Sent: Thursday, December 22, 2016 5:53 PM
To: Degory, John A; Bitar, Maher B; Steinberg, Nikolaus; Aguirre, Sergio; Maltz, Gideon; Tachco, Amy N; DiCarlo, Diana
Cc: USUN-COMMS-DL
Subject: Reuters: Trump discussed Mideast peace in call with Egypt's Sisi

From Reuters:

WORLD NEWS | Thu Dec 22, 2016 | 10:15pm GMT

Trump discussed Mideast peace in call with Egypt's Sisi

U.S. President-elect Donald Trump discussed laying the groundwork for peace in the Middle East in a phone call on Thursday with Egyptian President Abdel Fattah al-Sisi, a Trump transition official said.

The official did not know whether Trump and Sisi talked specifically about Egypt's decision to postpone a vote set for Thursday in the U.N. Security Council on a resolution demanding that Israel end settlement building.

(Reporting by Emily Stephenson in Hawaii; Writing by Eric Beech; Editing by Chris Reese)

Official
UNCLASSIFIED

From: Degory, John A
Sent: Thursday, December 22, 2016 5:41 PM
To: Bitar, Maher B; Steinberg, Nikolaus; Aguirre, Sergio; Maltz, Gideon; Ordeman, Leslie T; Tachco, Amy N; DiCarlo, Diana
Cc: USUN-COMMS-DL

Subject: FW: Obama administration intended to abstain from UN vote on settlements -Western officials - RTRS | News Wires

FYI – written by Reuters' State Department correspondents.

John Degory | Deputy Spokesperson | U.S. Mission to the United Nations
799 United Nations Plaza | New York, NY 10017
T: (212) 415-4153 | M: [REDACTED]

B6

THOMSON REUTERS
EIKON[™]

Alerts History

- 22-Dec-2016 05:27:22 PM - OBAMA ADMINISTRATION INTENDED TO ABSTAIN FROM U.N. SECURITY COUNCIL VOTE ON RESOLUTION CRITICAL OF ISRAELI SETTLEMENT BUILDING, WESTERN OFFICIALS SAY

Obama administration intended to abstain from UN vote on settlements -Western officials - Reuters News

22-Dec-2016 05:35:17 PM

WASHINGTON, Dec 22 (Reuters) - The Obama administration intended to abstain from a U.N. Security Council vote on a draft resolution critical of Israel settlement-building, Western officials told Reuters on Thursday.

Egypt earlier postponed the vote and diplomats said Cairo had acted under pressure from Israel and to avoid alienating U.S. President-elect Donald Trump. ([Full Story](#))

(Reporting by Lesley Wroughton and Arshad Mohammed; Writing by Yara Bayoumy; Editing by James Dalglish)

((arshad.mohammed@thomsonreuters.com ; +1 202 898 8300; Reuters Messaging: arshad.mohammed@thomsonreuters.com))

Keywords: ISRAEL-PALESTINIANS/UN-ABSTAIN (URGENT)

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**Official
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From: Power, Samantha </O=SBUSTATE/OU=USUN
AG/CN=RECIPIENTS/CN=POWERS>
Sent: Tuesday, January 17, 2017 1:45 AM
To: Rhodes, Benjamin J. EOP/WHO [REDACTED]
Subject: Re: Russia speech 1am version

B6

Can u read it quickly? (sorry). Trying to make it imp. It is I think what u outlined w nik

Sent from my BlackBerry 10 smartphone.

Original Message

From: Rhodes, Benjamin J. EOP/WHO
Sent: Tuesday, January 17, 2017 1:38 AM
To: Power, Samantha; Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SESTravel1, User; DMCOS; Celeste A. Wallander; Blinken, Antony J
Cc: Aguirre, Sergio
Subject: Re: Russia speech 1am version

B5

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Power, Samantha
Sent: Tuesday, January 17, 2017 1:34 AM
To: Rhodes, Benjamin J. EOP/WHO; Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SESTravel1, User; DMCOS; Wallander, Celeste A. EOP/NSC; Blinken, Antony J
Cc: Aguirre, Sergio
Subject: Re: Russia speech 1am version

Ok can reinsert. Cut only for length but 36 mins not so bad

Sent from my BlackBerry 10 smartphone.

Original Message

From: Rhodes, Benjamin J. EOP/WHO
Sent: Tuesday, January 17, 2017 1:30 AM
To: Power, Samantha; Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SESTravel1, User; DMCOS; Celeste A. Wallander; Blinken, Antony J
Cc: Aguirre, Sergio
Subject: Re: Russia speech 1am version

Back online here in Cuba. [REDACTED]

B5

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

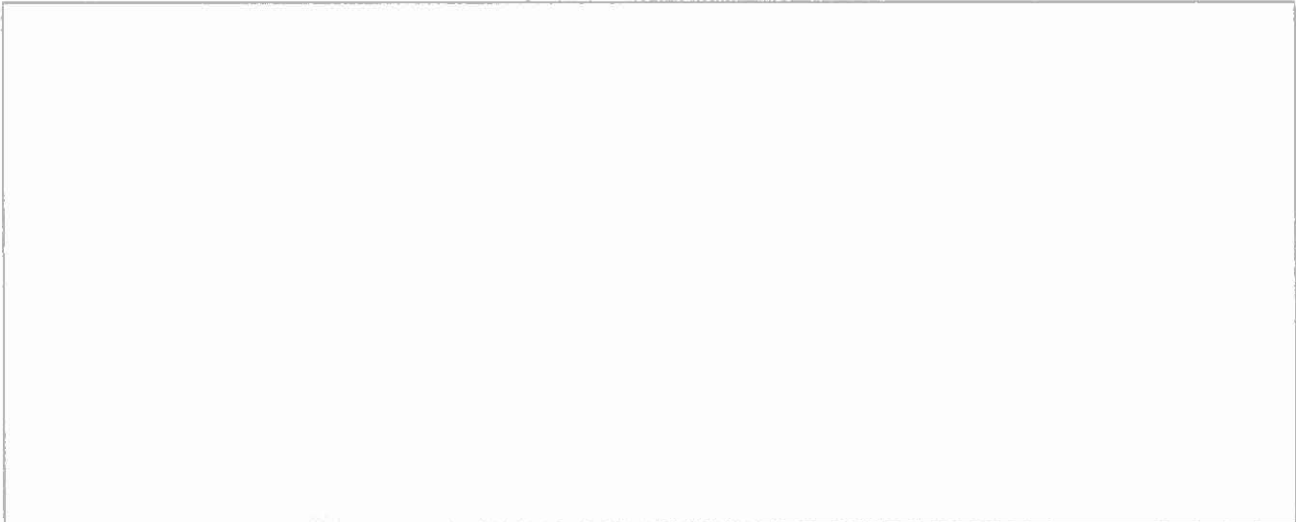
From: Power, Samantha

Sent: Tuesday, January 17, 2017 1:25 AM

To: Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SES Travel; DMCOS; Rhodes, Benjamin J. EOP/WHO; Wallander, Celeste A. EOP/NSC; Blinken, Antony J

Cc: Aguirre, Sergio

Subject: Russia speech 1am version



B5

Official
UNCLASSIFIED

RELEASE IN PART
B5,B6

From: Power, Samantha </O=SBUSTATE/OU=USUN
AG/CN=RECIPIENTS/CN=POWERS>
Sent: Tuesday, January 17, 2017 1:33 AM
To: Rhodes, Benjamin J. EOP/WHO [REDACTED]
Subject: Re: Russia speech 1am version

B6

[REDACTED]

Sent from my BlackBerry 10 smartphone.

Original Message

From: Rhodes, Benjamin J. EOP/WHO
Sent: Tuesday, January 17, 2017 1:30 AM
To: Power, Samantha; Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SESTravel1, User; DMCOS; Celeste A. Wallander; Blinken, Antony J
Cc: Aguirre, Sergio
Subject: Re: Russia speech 1am version

B5

Back online here in Cuba. [REDACTED]

[REDACTED]

B5

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Power, Samantha
Sent: Tuesday, January 17, 2017 1:25 AM
To: Rice, Susan E. EOP/NSC; Ried, Curtis R. EOP/NSC; Haines, Avril D. EOP/NSC; SES Travel; DMCOS; Rhodes, Benjamin J. EOP/WHO; Wallander, Celeste A. EOP/NSC; Blinken, Antony J
Cc: Aguirre, Sergio
Subject: Russia speech 1am version

B5

[REDACTED]

Official
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Page Denied

Cleared:

S/P – MKimmagine (info by request)

D – EClancy (info by request)

P – ARomano (info)

D-MR: JPierreLouis (ok)

NSC – CKupchan (ok)

NSC – CWallander (ok)

IO/FO – SCrocker (ok)

EUR/FO – VNuland

EUR/FO – MHardiman, acting (ok)

EUR/RUS – EGreen (ok)

EUR/EE – MMontgomery (ok)

EUR/PD – WMartin (ok)

L/EUR – JGresser (ok)

L/PM – BFinucane (ok)

NEA/LEV – TGrencik (ok)

S/INI – DMilich (ok)

USUN/W – WAlzayat (ok)

PA/PRS – ETrudeau (ok)

R- EWebster (ok)

INR/GGI – TFitzgibbons (ok)

RELEASE IN FULL

From: Power, Samantha </O=SBUSTATE/OU=USUN AG/CN=RECIPIENTS/CN=POWERS>
Sent: Monday, January 16, 2017 8:16 AM
To: Steinberg, Nikolaus <SteinbergN@state.gov>
Cc: Aguirre, Sergio <AguirreS@state.gov>
Subject: Re: Trump / weekend interviews

Tks. Sergio are u in touch w finer and curtis re clearances

Sent from my BlackBerry 10 smartphone.

From: Steinberg, Nikolaus
Sent: Monday, January 16, 2017 8:14 AM
To: Power, Samantha
Subject: Trump / weekend interviews

Trump's interviews over the weekend with the foreign press questioning R sanctions and value of NATO will be very helpful for relevance of speech.

RELEASE IN PART
B5,B6

From: Power, Samantha </O=SBUSTATE/OU=USUN
AG/CN=RECIPIENTS/CN=POWERS>
Sent: Tuesday, January 17, 2017 7:59 PM
To: Steinberg, Nikolaus <SteinbergN@state.gov>; Soifer, Halie S
<SoiferHS@state.gov>
Cc: USUN-SP-COS-DL <USUN-SP-COS-DL@state.gov>; USUN-SP-Specials-DL
<USUN-SP-Specials-DL@state.gov>
Subject: Re: Russia

B5

Sent from my BlackBerry 10 smartphone.

From: Steinberg, Nikolaus
Sent: Tuesday, January 17, 2017 7:57 PM
To: Power, Samantha; Soifer, Halie S
Cc: USUN-SP-COS-DL; USUN-SP-Specials-DL
Subject: Re: Russia

B5

From: Power, Samantha
Sent: Tuesday, January 17, 2017 7:51 PM
To: Soifer, Halie S
Cc: USUN-SP-COS-DL; USUN-SP-Specials-DL
Subject: Re: Russia

B5

Sent from my BlackBerry 10 smartphone.

From: Soifer, Halie S
Sent: Tuesday, January 17, 2017 7:49 PM
To: Power, Samantha
Cc: USUN-SP-COS-DL; USUN-SP-Specials-DL
Subject: RE: Russia

B5

Official - SBU
UNCLASSIFIED

From: Power, Samantha
Sent: Tuesday, January 17, 2017 7:48 PM
To: Soifer, Halie S
Cc: USUN-SP-COS-DL; USUN-SP-Specials-DL

Subject: RE: Russia

B5

Official - SBU
UNCLASSIFIED

From: Soifer, Halie S
Sent: Tuesday, January 17, 2017 6:35 PM
To: Power, Samantha
Cc: USUN-SP-COS-DL; USUN-SP-Specials-DL
Subject: Russia

TO:

B6

Speaker Ryan

B5

AS DELIVERED

January 17, 2017

Remarks by Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, on "Russia: The Threat, the International Order, and the Way Forward," January 17, 2017

Thank you so much. Thank you. I have had the privilege of serving in the Obama Administration for eight years: first in the White House and for the last three and a half years as the U.S. Ambassador to the United Nations. I have never had a more meaningful job. And now I have just three days left.

This is my last major speech as a member of this Administration. And much as I would have liked to use it to urge young people to go into public service or to make the pragmatic case for strengthening the United Nations, I feel that the circumstances require me to focus on a much more immediate subject, a major threat facing our great nation: Russia.

Before getting to the core threat posed by Russia, I want to stress from the bottom of my heart that some of the most rewarding and impactful work I have done at the United Nations has come in the times when my Russian counterpart and I have been able to cooperate. Back in 2013, together we negotiated a resolution to get the most dangerous chemical weapons out of Syria. Russia, as you all recall, was a key pillar in imposing sanctions on Iran for its illicit nuclear program – sanctions that were essential in bringing Iran to the table, so that we could forge an agreement that cut off Iran's pathways to a nuclear bomb. And Russia worked really constructively with the rest of the Security Council to select the best candidate for a new UN Secretary-General, a leader with tremendous experience and vision.

While people tend to look to the Cold War as the paradigm for understanding the nature of U.S.-Russia relations, the reality is that for pivotal parts of our shared history, U.S. and Russian interests have frequently aligned. We fought together in both of the 20th century's world wars. Indeed, had it not been for the colossal sacrifices made by the Soviet Union in World War II, in which they lost more than 20 million people – many times more than any other nation, friend or foe – the war would have dragged on for much longer, millions more Americans and people of other allied countries would have lost their lives, and fascism might well have prevailed in large parts of the world, not to mention that the post-World War II order may never have been built. Russia's immense contribution in that war is part of their proud history of standing up to imperialist powers, from the Mongols in the 16th century to Napoleon in

the 19th century. In addition, many of the challenges that Russia faces today, from violent extremism and China's territorial expansionist aims, to national industries and jobs that have been rendered obsolete by globalization, are ones we also face here in the United States. So – let me say from the outset – it is very much in our interest to try to solve problems with Russia. Dialogue between us is absolutely imperative.

Having said that, anyone who has seen my debates in the UN Security Council with Russia knows that I and my government have long had serious concerns about the Russian government's aggressive and destabilizing actions. The argument I want to make today goes beyond any particular action Russia has taken to its broader strategy and what that means for the security of the United States and the American people.

Today, I will set out how the Russian government under President Putin is taking steps that are weakening the rules-based order that we have benefitted from for seven decades. Our values, our security, our prosperity, and our very way of life are tied to this order. And we – and by “we,” I mean the United States and our closest partners – must come together to prevent Russia from succeeding in weakening that order. This means better understanding and educating our public about how Russia is challenging this order. This means reaffirming our commitment to the rules and institutions that have long undergirded this order, as well as developing new tools to counter the tactics that Russia is using to undermine it. And this means addressing the vulnerabilities within our democracy that Russia's attacks have exposed and have exacerbated. To do this, we cannot let Russia divide us. If we confront this threat together, we will adapt and strengthen the order on which our interests depend.

Now, terms like “international order” can seem quite abstract. So let me be very concrete about what is threatened by Russia's actions. The order enshrined in the UN Charter and other key international agreements in the aftermath of the Second World War was built on the understanding that all of our nations would be more secure if we bound ourselves to a set of rules. These included the rules that the borders between sovereign states should be respected; that, even in times of war, some weapons and some tactics should never be used; that while forms of government might vary from one nation to another, certain human rights were inalienable and necessary to check state power; and that the nations that break these rules should be held accountable.

Now, as we all know, a lot has changed in the seven decades since that order was created. When the United Nations was founded, there were just 51 Member States, a fraction of today's 193; some great contemporary powers were not yet independent nations; and many countries that did exist did not have a say, much less an equal voice, in developing its rules. In addition, some of the threats that we face today, such as violent terrorist groups and cyber-attacks, would have been unimaginable to the architects of that system. So there are many reasons why the rules-based order conceived in 1945 is not perfectly tailored to the challenges that we as an international community face in 2017. And it is reasonable to think that we need to update those rules with more voices at the table, some of which we will not agree with. Yet, evolve as the system may, the vast majority of countries today recognize that we all benefit from having rules of the road that constrain certain kinds of behavior to enhance our shared security, rules that must not be rewritten by force.

Now, I also acknowledge that there are times when actions the United States takes in the interest of defending our security and that of our allies can be seen by other nations as offensive moves that threaten their security, and we need to be alert to this, which is why dialogue is so very important. And some may argue – not unreasonably – that our government has not always lived up to the rules that we invoke. As President Obama made clear when he entered office, while the United States strives to lead by example, there are still times when we have fallen short. Yet, under President Obama's leadership, we have shown our commitment to investing in and abiding by the rules-based international order. The

same cannot be said for the Russian government today.

For years, we have seen Russia take one aggressive and destabilizing action after another. We saw it in March 2014, not long after mass peaceful protests in Ukraine brought to power a government that favored closer ties with Europe, when Russia dispatched its soldiers to the Ukrainian peninsula of Crimea. The “little green men,” as they came to be called, for Russia denied any ties to any of them, rammed through a referendum at the barrel of a gun, which Mr. Putin then used to justify his sham attempted annexation of Crimea.

We saw it months later in eastern Ukraine, where Russia armed, trained, and fought alongside separatists. Again Russia denied any role in the conflict it manufactured, again flouting the international obligation to respect the territorial integrity of its neighbor.

We saw it also in Russia’s support for Bashar al-Assad’s brutal war in Syria – support it maintained even as the Assad regime blocked food and medicine from reaching civilians in opposition-held areas, civilians who were so desperate that they had resorted to eating leaves, even as photographs emerged of countless prisoners who had been tortured to death in Assad’s prisons, their bodies tagged with serial numbers, even as the Assad regime repeatedly used chemical weapons to kill its own people.

We saw it in 2015, when Russia went further by joining the assault on the Syrian people, deploying its own troops and planes in a campaign that hit hospitals, schools, and the brave Syrian first responders who were trying to dig innocent civilians out of the rubble. And with each transgression, not only were more innocent civilians killed, maimed, starved, and uprooted, but the rules that make all of our nations more secure – including Russia – those rules were eroded.

We saw it in Russia’s effort to undercut the credibility of international institutions like the United Nations. For example, in an emergency UN Security Council meeting last month, then-Secretary-General Ban Ki-moon told the Member States that the Assad regime forces and Iranian militia were reportedly disappearing men as those forces took parts of eastern Aleppo. In response, the representative of Russia, which was providing air cover for the offensive, not only claimed that Russian investigations had uncovered “not a single report of ill treatment or violation of international humanitarian law against civilians of eastern Aleppo,” but also accused the Secretary-General of basing his information on fake news. Minutes later, Syria’s representative to the UN echoed Russia’s line, holding up as proof what he claimed was a photograph of a Syrian government soldier helping an elderly woman. The only problem was that the photo was taken six months earlier, in June 2016, in Fallujah, Iraq.

In this same period, we also saw Russia’s systematic efforts to sow doubt and division in democracies and to drive a wedge between the United States and our closest allies. Russia has done this by supporting illiberal parties, like France’s National Front, which has a xenophobic, anti-Muslim platform. When the National Front was having trouble raising funds for its 2014 campaign, a Russian bank with ties to the Kremlin stepped in to loan the party more than \$11 million. While that may not seem like a very large amount compared to the budgets of U.S. national campaigns, it was roughly a third of what the party was aiming to raise, and the National Front made significant gains in that election. With national elections coming up in France this year, the National Front has said that it is looking again to Russian financing for help. Little surprise that the party’s leader has repeatedly attempted to legitimize Russia’s attempted land-grab of Crimea.

Russia has also used hacking to sow distrust in the democratic processes of some of our closest allies and undermine the policies of their governments. Consider the case of Germany. According to German intelligence agencies, groups linked to the Russian government carried out a massive May 2015 attack targeting the German parliament, energy companies, telecoms, and even universities. And just last

month, Germany's domestic intelligence agency reported an alarming spike in what it called "aggressive and increased cyber spying and cyber operations that could potentially endanger German government officials, members of Parliament, and employees of democratic parties." The agency attributed this to Russian hackers. The head of Germany's foreign intelligence service said the perpetrators' aim is "delegitimizing the democratic process."

In other instances, Russia's interference in democratically elected governments has been far more direct. Late last year, officials in Montenegro said that they uncovered a plot to violently disrupt the country's elections, topple the government, install a new administration loyal to Moscow, and perhaps even assassinate the prime minister. Montenegro's prime minister had been pushing for the country to join NATO, a move that Russia openly opposed. The plotters reportedly told investigators that they had been funded and equipped by Russian officials, who had also helped plan the attack.

It is in this context that one must view the Russian government's latest efforts to interfere in America's democracy. As our intelligence community found and as you are now familiar, we know that the Russian government sought to interfere in our presidential election with the goals of undermining public faith in the U.S. democratic process, denigrating one candidate, and helping the other candidate. Our intelligence agencies assess that the campaign was ordered by President Putin and implemented by a combination of Russian government agencies, state-funded media, third-party intermediaries, and government-paid trolls. We know that, in addition to hacking the Democratic National Committee and senior Democratic Party officials, Russia also hacked U.S. think tanks and lobbying groups. And we know that Russia hacked elements of multiple state and local electoral boards, although our intelligence community's assessment is that Russia did not compromise vote tallies. But think for just a moment about what that means: Russia not only tried to influence our election but to access the very systems by which we vote.

At first glance, these interventions by Russia in different parts of the world can appear unrelated. That is because the common thread running through each of them cannot be found in anything that Russia is for. The common thread can be found only in what Russia is against – not in the rules that it follows but in the rules that it breaks. Russia's actions are not standing up a new world order. They are tearing down the one that exists. And this is what we are fighting against. Having defeated the forces of fascism and communism, we now confront the forces of authoritarianism and nihilism.

There are multiple theories as to why the Russian government would undermine a system that it played a crucial role in helping build and that has fostered unparalleled advances in human liberty and development. Perhaps, as some speculate, it is to distract the Russian people from the rampant corruption that has consumed so much of the wealth produced by the nation's oil and gas, preventing it from benefitting average citizens. Perhaps it is because our rules-based order rests on principles, such as accountability and the rule of law, that are at odds with Russia's style of governing. Perhaps it is to regain a sense of its past glory or to get back at the countries that it blames for the breakup of the Soviet Union, which President Putin has called the "greatest geopolitical catastrophe of the 20th century."

It is not my aim here to theorize about which, if any, of these motives lie behind the Russian government's actions, which not only threaten our democracy but the entire order upon which our security and our prosperity depends. It is instead to ask: what are we going to do to address this threat?

First, we must continue to work in a bipartisan fashion to determine the full extent of Russia's interference in our recent elections, identify the vulnerabilities of our democratic system, and come up with targeted recommendations for preventing future attacks. The congressional hearings initiated last week, the bipartisan inquiry announced on January 13th by the Senate Select Committee on Intelligence, the Joint Analysis Report on Russian Malicious Cyber Activity and Harassment, and the Joint

Intelligence Report prepared at the request of President Obama are all important steps toward achieving these crucial objectives.

The purpose of such efforts is not to challenge the outcome of any races in our recent election. The purpose is to identify the gaps in our defenses that Russia exploited, as well as other gaps that may not have been seized upon in this attack but that Russia or others could take advantage of in the future. And the purpose is to determine the steps needed to close such gaps and strengthen the resilience of our system because it would be deeply naïve and deeply negligent to think that those who have discovered vulnerabilities in our system would not try to exploit them again and again – and not just Russia but all of the governments and non-state actors who see undermining our democracy as a way of advancing their interests. Indeed, it already has happened repeatedly. As we know, there were also hacks in our presidential elections in 2008 and in 2012.

That these efforts be bipartisan is absolutely essential. Allowing politics to get in the way of determining the full extent of Russia's meddling and how best to protect our democracy would undermine our core national security interests. It is healthy for our parties in our political system to debate issues such as how to expand our middle class or what role our nation should play in the wider world. What is not healthy is for a party or its leaders to cast doubt on a unanimous, well-documented assessment of our intelligence community that a foreign government is seeking to harm our country.

Second, we have to do a better job of informing our citizens about the seriousness of the threat the Russian government poses. Here too, our unity is crucial. When we send conflicting messages about a threat Russia poses, it sends a mixed message to the American people. A recent poll found that 37 percent of Republicans hold a favorable view of President Putin, up from just 10 percent in July 2014. That is an alarmingly high proportion for a leader that has had journalists, human rights activists, and opposition politicians murdered, for one who has ridiculed our constitutional safeguards, and tried to tip the scales in our elections. I know that some have said that this focus on Russia that we are bringing is simply the party that lost the recent presidential election being "sore losers," but it should worry every American that a foreign government interfered in our democratic process. It's not about the leader we choose – it's about who gets to choose – who gets to choose our leader. That privilege should belong only to Americans.

We must also forcefully reject the false equivalency between the work that the U.S. government and the Russian government are doing in other countries. There is a world of difference between supporting free and fair elections, and investing in independent institutions that advance human rights, accountability, and transparency, as we do; and, on the other hand, trying to sow distrust in democratic processes, misinform citizens, and swing elections toward illiberal parties, as Russia is doing.

Third, we must reassure our allies that we have their backs, and we must ensure that Russia pays a price for breaking the rules.

That means maintaining our robust support for NATO and making clear our nation's steadfast commitment to treat an attack on any NATO member as an attack on us all. We expect all of our NATO allies to do their part in keeping the Alliance strong, which includes meeting the pledge made in 2014 to spend at least two percent of their GDP on defense – a commitment that we in the Obama Administration have pushed relentlessly for them to fulfill. We also need to increase cooperation and intelligence sharing to deter, detect, and defend against the next generation of hacks and cyber threats, particularly as France, Germany, and the Netherlands look forward to national elections this year.

That also means maintaining the sanctions placed on Russia, including those imposed by President Obama in response to Russia's meddling in our election. Now, some have argued that the most effective

way to get Russia to start playing by the rules that undergird the international order is actually by easing sanctions. If only we reduce the pressure, they claim, Russia will stop lashing out against the international order. But they have it backwards: easing punitive measures on the Russian government when they haven't changed their behavior will only embolden Russia, sending the message that the best way to gain international acceptance of its destabilizing actions is simply to wait us out. And that will not only encourage more dangerous actions by Russia, but also by other rule-breakers like Iran and North Korea, which are constantly testing how far they can move the line without triggering a response.

Similarly flawed is the argument that the United States should put recent transgressions aside and announce another reset with Russia. Yes, the Obama Administration tried this approach in our first term. But 2017 is not 2009. In 2009, Dimitri Medvedev was president of Russia, and we were able to find common ground on issues such as counterterrorism, arms control, and the war in Afghanistan. More important, in 2009, Russia was not occupying Crimea, fueling an ongoing conflict in eastern Ukraine, and bombing hospitals and first responders in Syria. Nor, most importantly, had Russia interfered directly in the U.S. election.

Yet it would be a mistake to think that all we need to do to defend ourselves and our allies against the threat Russia poses is to rely on the same tools we have been using; that if we just close the gaps in our defenses, inform our public, maintain or even ratchet up sanctions, shore up NATO, we do all that, it would be a mistake to believe that we will be able to protect the rules-based order. We have to do more, because Russia has an edge in one respect. It turns out is easier to break institutions down than to build them up. It is easier to sow skepticism than to earn people's trust. Making up fake news – ask the reporters here today – is a lot easier than reporting the facts required for real news. Put simply, in international affairs in 2017, it is often easier to be bad than good.

Let me give just one example. On September 16th, 2016, as you might remember, a humanitarian convoy of the Arab Red Crescent was bombed in the Syrian city of Urem al-Kubra, killing at least 10 civilians, and destroying 18 trucks filled with food and medicine intended for desperate Syrian civilians. Because the strikes were carried out in a region where only the Assad regime and its Russian allies were flying, the attack was widely reported as likely being carried out by the regime or Russian forces. Yet rather than accept any responsibility, rather than even try to get to the bottom of what had happened, the Russian government did what it always does in the face of atrocities with which it is associated: deny and lie.

Russia's Ministry of Defense initially said no airstrikes had been carried out in the area by Russian or Syrian planes, and that its expert analysis of video footage of the strike showed that the aid convoy had been destroyed by a fire. Then President Putin's press secretary said that terrorists had been firing rockets nearby, suggesting they were the ones who had struck the convoy. Then Russia claimed that a U.S. drone had been detected above the convoy just minutes before it was struck, contradicting its initial assessment that the convoy had not been hit from the air. Two days. Three stories. All false.

Yet Russia's willingness to lie turned reporting on the attack into an "on the one hand, on the other hand" story, even in respected outlets like the New York Times, the BBC, and CNN. And Russian government-controlled networks like RT played a critical role in this effort, rapidly disseminating those lies while questioning the accounts of witnesses. As RT's own editor once said, "Not having our own foreign broadcasting is the same as not having a Ministry of Defense. When there is no war, it looks like we don't need it. However, when there is a war, it is critical." In other words, lying is a strategic asset. It didn't matter whether Russia's accounts were accurate or even consistent; all that matters was that Russia injected enough counterclaims into the news cycle to call into question who was responsible. By the time the UN issued a report on the incident more than three months later, concluding that the convoy had been struck by an airstrike that could only have been carried out by the Assad regime or Russia, the

finding and Russia's cover-up received almost no attention. Deny and lie.

At times, it can start to feel that the only way to outmaneuver an adversary unbounded by the truth is to beat them at their own game. But that would be deeply misguided. If we try to meet the Russian government in its upside-down land – where right is left and black is white – we will have helped them achieve their goal, which is creating a world where all truth is relative, and where trust in the integrity of our democratic system is lost.

We don't need to gin up our own propaganda networks, bankroll our own army of trolls, and inundate social media platforms with even more fake news targeting our adversaries. We have to fight misinformation with information. Fiction with facts. But documenting and spreading facts, just like manufacturing fake news, takes resources. A report by the UK parliament found that the Russian government spent between \$600 million and \$1 billion a year on propaganda arms like RT. So we need to be spending at least as much – and arguably much more – on training and equipping independent reporters, protecting journalists who are under attack, and finding ways to get around the censors and firewalls that repressive governments use to block their citizens from getting access to critical voices.

This brings me to the fourth and final way to address the threat Russia poses to the rules-based international order: we must continue to seek ways to engage directly with the Russian people and, coming back to where I started, with the Russian government.

It can be easy to forget that virtually all the tactics the Russian government is using to undermine democracy abroad are ones that they fine-tuned at home, on the Russian people, to devastating effect. After all, when Russian soldiers are killed fighting in a conflict in eastern Ukraine that their government denies it has any role in, it is Russian mothers, widows, and orphans who are denied the benefits and recognition they deserve as the family members of slain soldiers. The mafias that the Russian government uses to sow corruption abroad profit most off the backs of the Russian people. And it is Russian journalists and human rights defenders who have been harassed, beaten, and even killed for uncovering their government's abuses.

So we must be careful to distinguish between the Russian government and the Russian people. We cannot let America's relationship with a nation of more than 140 million people – people who have made remarkable contributions to the world, who have a proud, rich history and culture, and whom we fervently wish to see prosper – be defined solely by the nefarious actions of a tiny subset in their government. And yet we have less contact with ordinary Russians today than at any time in decades. This is no accident; in the past few years, the Russian government has closed 28 U.S. government-funded "American Corners," which offered free libraries, language training, and events about American culture to Russian citizens, and has shuttered the American Center in Moscow, which hosted more than 50,000 Russian visitors per year. It has also expelled U.S. government-supported and independent non-profits, such as the National Endowment for Democracy and the Open Society Foundation, which had spent decades fostering civil society and the rule of law in Russia. As the Kremlin closes off these outlets for reaching the Russian people, we must find others to take their place.

We also cannot give up engaging with the Russian government. We should do this in part because collaborating on issues of shared interest will allow us to show, not just tell, what we know to be true – that our nations have a lot more to gain by working to build up a system of shared rules and principles than tear it down; and, in part, because by working together, we may be able to rebuild the respect and the trust needed to tackle unprecedented global threats that we face today – many of which cannot be solved without one another's help.

Let me conclude. In 1796, our nation's first President, George Washington, used his farewell address to

issue a stark warning to the American people about the danger of foreign governments trying to interfere in our democracy. He told his audience: "Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens), the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government."

More than 220 years later, Washington's warning feels strikingly relevant. For if anything, the vulnerabilities that Washington saw, in his words, "to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils" – those are his words – those have only multiplied with modern technology. And unlike in 1796, it is no longer enough for us simply to protect our own democracy against foreign interference; we also have to protect the integrity of the entire rules-based international order, on whose foundations our security and our prosperity rest.

Yet while so much has changed since Washington issued his warning, the essence of the threat has not. It goes to the creation of America itself – a nation born out of a simple, yet revolutionary idea: that it was the American people, ordinary citizens – and not a government, domestic or foreign – who should enjoy the rights to shape our nation's path. That is a right that we have had to fight to defend throughout our history. And while in recent decades we may have felt confident that no power would dare try to take that right away from us, we have again been reminded that they will try.

Just as the threat is fundamentally unchanged since Washington's time, so is our most effective way to confront it. And that is by renewing the faith of the American people in our democracy. Our democracy's vitality has long depended on sustaining the belief among our citizens that a government by and for the people is the best way to keep ourselves and our loved ones safe, to preserve the freedoms we value most, and to expand our opportunities. It is not that we have a perfect system, but a perfectible system – one that the American people always have the power to improve, to renew, to make our own. That faith is the engine that has powered our republic since its creation, and it is the reason other nations still look to America as a model.

And it is precisely that faith that the Russian government's interference is intended to shake. The Kremlin's aim is to convince our people that the system is rigged; that all facts are relative; that ordinary people who try to improve their communities and their country are wasting their time. In the place of faith, they offer cynicism. In the place of engagement, indifference.

But the truth is that the Russian government's efforts to cast doubt on the integrity of our democracy would not have been so effective if some of those doubts had not already been felt by many Americans, by citizens who are asking whether our system still offers a way to fix the everyday problems they face, and whether our society still gives them reason to hope that they can improve their lives for the better. In this way – and we need to reckon with this – the attack has cast a light on a growing sense of divisiveness, distrust, and disillusionment.

But we know here in America not only what we are against, we know what we are for. So just as we are clear-eyed about the threat that Russia poses from the outside, and unified in confronting it, we must also dedicate ourselves to restoring citizens' faith in our democracy on the inside, which always has been the source of America's strength, and always will be our best defense against any foreign power that tries to do us harm.

I thank you.

###

Official - SBU

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX III-A

~~SECRET//NOFORN~~

Engagement with SECDEF on 2.3 Raw SIGINT Procedures

Talking Points

- (U) As you know, ODNI has been working for several years with OSD staff on procedures that will permit NSA to share raw SIGINT with other Intelligence Community elements. These procedures will go into effect only after you and the Attorney General approve.
- (U) The draft has been fully coordinated with your staff, and all concerned agree that these procedures will close an important information-sharing gap. In addition to these procedures furthering the cause of intelligence integration, numerous leaks have spurred significant public interest in the document.
- (U) The time spent by our staffs on crafting the document, the significance of these procedures to intelligence integration, and the level of public interest in their completion all contribute to my personal interest in having the procedures signed by the Attorney General before the conclusion of this administration.
- (U) I would appreciate it if you would sign the procedures soon, so that my staff can submit them to the Attorney General for her signature. And if you have any questions on the procedures, I would be happy to answer them.

Background

- (U//~~FOUO~~) Under a 2008 amendment to Executive Order 12333, NSA is permitted to disseminate raw SIGINT to IC elements, so long as that information is disseminated in accordance with procedures established by the DNI, coordinated with the Secretary of Defense, and approved by the Attorney General.
- (U//~~FOUO~~) After extensive coordination between ODNI and the Office of the Secretary of Defense, procedures to govern raw SIGINT dissemination were passed to the Department of Defense for SECDEF coordination in August 2016.
- (S//NF) The procedures, if approved, provide a vehicle for closing an information-sharing gap. The procedures allow elements to request direct access to raw SIGINT in support of important foreign intelligence and counterintelligence missions, enabling those elements to bring to bear their own resources and expertise in evaluating and using raw SIGINT.
- (S//NF) Several Intelligence Community elements, including the Defense Intelligence Agency and the National Geospatial-Intelligence Agency, have identified missions that would benefit from access to NSA [REDACTED]. NSA also supports the procedures. NGA (b)(1)
- (U//~~FOUO~~) SECDEF recently approved a separate set of Attorney General-approved procedures under E.O. 12333 (DoDM 5240.01 "Procedures Governing Conduct of DoD Intelligence Activities"). These DNI-authored raw SIGINT procedures are different from, but consistent with and complementary to, that recently issued DOD Manual.

~~SECRET//NOFORN~~

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APPENDIX III-B

(b) (3)

From: (b)(6)
Sent: Tuesday, November 29, 2016 9:46 AM
To: Robert Litt-DNI-
Subject: RE: 2.3 Procedures

Classification: UNCLASSIFIED//~~FOUO~~

Bob - Got it. Will keep you posted. Best, (b)(6)

(b)(6)
Director, Intelligence Strategy, Policy, & Integration
USDI's Liaison to ODNI

(b)(6)

(b)(6)

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

From: Robert Litt-DNI- [mailto:(b) (3)]
Sent: Tuesday, November 29, 2016 9:03 AM
To: (b)(6)
Subject: RE: 2.3 Procedures

Classification: UNCLASSIFIED//~~FOUO~~

Thank you (b)(6). Really really want to get this done ... and so does the Boss.

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

From: (b)(6), OSD OUSDI [mailto:(b)(6)]
Sent: Tuesday, November 29, 2016 8:59 AM
To: Robert Litt-DNI- (b) (3)
Cc: (b)(6)
Subject: 2.3 Procedures

Classification: UNCLASSIFIED//~~FOUO~~

Bob -

We've confirmed the package is with the Secretary and his front office is tracking. He is in town this week. We will continue to press and hopefully

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX III-C

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: (U) 2.3
Date: Tuesday, January 03, 2017 3:12:30 PM

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

[REDACTED]

Happy New Year! Rumint is true:

- The SECDEF signed coordination response on 13 Dec
- DNI Clapper signed on 15 Dec
- We've been coordinating with the ODNI Staff for the Public Release of the 2.3 Procedures. We could have a signature from the AG as early as this week, certainly prior to the 20th Jan

The 2.3 Procedures is a good news story – It's all about collaboration and responsible information sharing with our IC partners, focused on the IC Data as a shared asset to enhance our ability to execute our respective missions. By using our collective, unique, and diverse perspectives and missions, we will create (eventually) graduate-level collaboration across the IC to provide better Intel to inform decision making. That said, the implementation will be a very deliberative process from ODNI, SECDEF, NSA and our IC Partners. The support is there from all parties, along with a very strong sense of ensuring, with confidence, that any IC partner choosing to engage 2.3 Procedures can properly protect raw SIGINT, has appropriately trained personnel (both Compliance and Tradecraft trained), and an ODNI approved Compliance program

V/R,

[REDACTED]

(U//FOUO)

[REDACTED]

Directorate of Operations

[REDACTED]

(NSTS) 966-2522

"Your Life is an Occasion, Rise to It!"

(b) (3) - P.L. 86-36

From: [REDACTED]

Sent: Tuesday, January 03, 2017 2:29 PM

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]

Subject: RE: (U) 2.3

Classification: UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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QUARTERLY FOIA REPORT

APPENDIX IV-A



Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

For Review: Fwd: New General Assembly Bill Assignment SB1451 Office Director

2 messages

Buskey, Robin <robin.buskey@vdh.virginia.gov>
To: "Walker Harris, Vanessa (VDH)" <Vanessa.WalkerHarris@vdh.virginia.gov>

Thu, Jan 10, 2019 at 5:07 PM

See attached. Edited to match HB2491.

Robin Buskey
Policy Analyst
Office of Family Health Services
Virginia Department of Health
804-864-7253

----- Forwarded message -----

From: Buskey, Robin <robin.buskey@vdh.virginia.gov>
Date: Wed, Jan 9, 2019 at 4:42 PM
Subject: Fwd: New General Assembly Bill Assignment SB1451 Office Director
To: Yeatts Emily xdh92973 <emily.yeatts@vdh.virginia.gov>, Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>
Cc: Hicks Janice gat83831 <janice.hicks@vdh.virginia.gov>, Walker Harris, Vanessa (VDH) <Vanessa.WalkerHarris@vdh.virginia.gov>

Please read the email below regarding the Lead LAS assignment for OFHS. As the subject matter expert, you will need to complete and return the LAS to me before 11:00 a.m on 1/10/19, allowing sufficient time for review and approval by Dr. Walker Harris. If you believe that you have received this assignment in error, please notify me immediately so that it can be reassigned appropriately.

This is a companion bill to HB2491.

If there are any questions, please do not hesitate to ask.

Thank you,
Robin

----- Forwarded message -----

From: General Assembly Application <no-reply@sharepointonline.com>
Date: Wed, Jan 9, 2019 at 10:26 AM
Subject: New General Assembly Bill Assignment SB1451 Office Director
To: <Vanessa.WalkerHarris@vdh.virginia.gov>, <Robin.Buskey@vdh.virginia.gov>, <Janice.Hicks@vdh.virginia.gov>

Please review the following bill assignment. The recommendations for this bill will need to be submitted to the Secretary of Health and Human Resources, including review from OCOM, by the deadline below:

Legislative Action Summary		Lead
Deadline:	1/10/2019 2:00:00 PM	
Bill Documentation:	Click here to view files	
Task Assignment:	SB1451	

Click here for document templates: [Templates](#)

Please consult the following office as you complete this assignment:

Office of LICENSURE AND CERTIFICATION

INSTRUCTIONS:

1. Go to the Bill Documentation link above to review the bill text and supporting documentation. Make any necessary edits/comments, and save your changes to the document.
2. When you are ready to approve the changes, go to the Task Assignment link above, enter any comments you wish to relay to subsequent reviewers, and click "Approve".

Let me know if you have any questions or need additional information.

Ryan Garnowski
Virginia Department of Health
804-864-7128



HHR-VDH-HB1451 rb.doc
77K

Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>
To: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

Thu, Jan 10, 2019 at 5:14 PM

uploaded and Approved version attached

Vanessa Walker Harris, MD | Director
Office of Family Health Services | Virginia Department of Health
(804) 864-7733 | vanessa.walkerharris@vdh.virginia.gov
109 Governor Street, 10th Floor, Richmond, VA 23219

[Quoted text hidden]



HHR-VDH-HB1451.doc
76K

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-B



Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Fwd: HB1863 and HB2491

2 messages

Hilbert, Joseph <joe.hilbert@vdh.virginia.gov>

Mon, Jan 28, 2019 at 8:30 AM

To: Gena Berger <gena.berger@governor.virginia.gov>

Cc: Melissa Peeler <melissa.peeler@governor.virginia.gov>, Kristin Burhop <kristin.burhop@governor.virginia.gov>, "Buskey, Robin" <robin.buskey@vdh.virginia.gov>, Vanessa Walker Harris <vanessa.walkerharris@vdh.virginia.gov>

Gena:

HB1863 and HB2491 are both being heard in Courts Subcommittee 4 today immediately upon adjournment of the House. Both bills deal with abortion. HB2491 is a Governor's Bill. According to ELAS, the Governor's position on HB2491 is Strongly Support, while the position on HB1863 is support.

Will someone from the Administration be present to provide the position on both of these bills, or do you want VDH staff to do so?

Thanks

----- Forwarded message -----

From: Buskey, Robin <robin.buskey@vdh.virginia.gov>

Date: Mon, Jan 28, 2019 at 7:45 AM

Subject: HB1863 and HB2491

To: Joseph Hilbert <joe.hilbert@vdh.virginia.gov>

Joe,

Can you confirm if Gena Berger will state the Administration's position at the House Courts of Justice Subcommittee #4 meeting today?

Robin Buskey
Policy Analyst
Office of Family Health Services
Virginia Department of Health
804-864-7253

--

Joseph Hilbert
Deputy Commissioner for Governmental and Regulatory Affairs
Virginia Department of Health
804-864-7006

Berger, Gena <gena.berger@governor.virginia.gov>

Mon, Jan 28, 2019 at 9:53 AM

To: "Hilbert, Joseph" <joe.hilbert@vdh.virginia.gov>

Cc: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>, Kristin Burhop <kristin.burhop@governor.virginia.gov>, Melissa Peeler <melissa.peeler@governor.virginia.gov>, Vanessa Walker Harris <vanessa.walkerharris@vdh.virginia.gov>

I will be there.

[Quoted text hidden]

--

Gena Boyle Berger, MPA

2/18/2019

Commonwealth of Virginia Mail - Fwd: HB1863 and HB2491

Deputy Secretary of Health and Human Resources
804.225.3048 (o)
gena.berger@governor.virginia.gov

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-C



Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Outreach to patrons on Lead bills

7 messages

Buskey, Robin <robin.buskey@vdh.virginia.gov>

Mon, Jan 14, 2019 at 9:19 PM

To: Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>, Yeatts Emily xdh92973 <emily.yeatts@vdh.virginia.gov>

Cc: "Walker Harris, Vanessa (VDH)" <Vanessa.WalkerHarris@vdh.virginia.gov>

Hello Team,

OFHS needs to visit patrons for the following Lead bills to inform/education and distribute talking points before the bills are heard in committee/subcommittee. Who can visit the following patrons on Tuesday, 1/15?

HB1863 - Delegate Rodman

HB2491 - Delegate Tran

SB1054 - Senator Locke

SB1451 - Senator McClellan

Please let me know as soon as possible.

Thank you,
Robin

Robin Buskey
Policy Analyst
Office of Family Health Services
Virginia Department of Health
804-864-7253

Yeatts, Emily <emily.yeatts@vdh.virginia.gov>

Mon, Jan 14, 2019 at 9:23 PM

To: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

Cc: Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>, "Walker Harris, Vanessa (VDH)" <Vanessa.WalkerHarris@vdh.virginia.gov>

Hi! I can move my schedule around tomorrow to do this. What time should I swing by? I get in a 7, and leave at 3:30.

Are the final talking points that you shared, Robin, internal documents, or can I print them and share them with the patron? VDH officially "supports all of these bills, right?"

Emily

[Quoted text hidden]

—

Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

Buskey, Robin <robin.buskey@vdh.virginia.gov>

Mon, Jan 14, 2019 at 9:38 PM

To: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>

Cc: Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>, "Walker Harris, Vanessa (VDH)" <Vanessa.WalkerHarris@vdh.virginia.gov>

Emily,

Thank you for agreeing to reach out to the patrons. You should probably plan to visit in the morning before both the House and Senate convene at 12:00 PM. However, there are committee/subcommittee/caucus meetings scheduled at various times throughout the morning so it is a bit hard to pinpoint when you will catch them in the office. If you miss the patron, you can speak directly with the LA.

Yes, the final talking points can be printed and shared. Yes, VDH supports all of the bills.

In addition, we received confirmation that the administration supports SB1054 and strongly supports SB1451 and HB2491.

Good luck!

Robin

Robin Buskey
Policy Analyst
Office of Family Health Services
Virginia Department of Health
804-864-7253

[Quoted text hidden]

Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Mon, Jan 14, 2019 at 9:47 PM

To: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

For clarification, the administration has no position on 1863. If there are no proposed amendments, contact with the patron is not needed.

Per my discussions with Joe, it's ideal, but not required to provide the administration's position of support in advance of committee meeting. It's most important to provide the position at the time of committee hearing. It's important to provide an update on any opposition positions prior to committee.

Did you receive update from Joe that reaching out on these bills was necessary?

Thanks,
Vanessa

[Quoted text hidden]

—
Vanessa Walker Harris, MD | Director
Office of Family Health Services | Virginia Department of Health | 109 Governor St., Ste 1026, Richmond, VA 23219
(804) 864-7733 vanessa.walkerharris@vdh.virginia.gov

Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Mon, Jan 14, 2019 at 9:54 PM

To: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

Cc: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>, Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>

Thanks for working to connect with patrons in advance of committee meetings.

HB1863 does not have an administration position on my last check, so unless we recommended amendments, no need to educate or inform the patron.

It's ideal, but not required to provide the administration's position of support in advance of committee meeting. It's most important to provide the position at the time of committee hearing. Thanks for alerting the patron of the administrations position in advance of the committee session.

Vanessa

On Monday, January 14, 2019, Buskey, Robin <robin.buskey@vdh.virginia.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Buskey, Robin <robin.buskey@vdh.virginia.gov>

Mon, Jan 14, 2019 at 10:12 PM

To: "Walker Harris, Vanessa" <vanessa.walkerharris@vdh.virginia.gov>

No, I did not receive an update from Joe. When you and I spoke last week, you stated that per the training you attended, OFHS is to reach out to the patrons on Lead bills where the agency Support or Support with Amendment. You asked me to confirm with Joe, which I did. I then sent the instructions out to all staff in the GA Reminders email. I did not know it was optional.

Robin Buskey
Policy Analyst
Office of Family Health Services
Virginia Department of Health
804-864-7253

[Quoted text hidden]

Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Mon, Jan 14, 2019 at 10:26 PM

To: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

Per Ryan's email, 1863 is no position; hence my confusion. I otherwise don't have a problem reaching out to patrons to communicate the administration's position of support.

Your correspondence stated that VDH supports the bills and the administration supports/strongly supports certain bills. I would amend such statements to more clearly communicate that VDH's only position is the administration's position. Does that make sense?

[Quoted text hidden]

[Quoted text hidden]

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-D



Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

1/15/19 Legislative Contact Sheets: Abortion Bills

4 messages

Yeatts, Emily <emily.yeatts@vdh.virginia.gov>

Tue, Jan 15, 2019 at 11:44 AM

To: Vanessa Walker Harris <vanessa.walkerharris@vdh.virginia.gov>, Joseph Hilbert <joe.hilbert@vdh.virginia.gov>, Janelle Anthony <janelle.anthony@vdh.virginia.gov>, Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>

Hi, all,

Please find the legislative contact sheets from my meetings this morning with Senator McClellan's team, Senator Locke's team, and Delegate Tran's team. If you have any questions, let me know!

Emily

--

Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

3 attachments **Legislative Contact Sheet_01.15.19_McClellan.docx**
14K **Legislative Contact Sheet_01.15.19_Locke.docx**
14K **Legislative Contact Sheet_01.15.19_Tran.docx**
14K

Deagle, Cornelia <cornelia.deagle@vdh.virginia.gov>

Tue, Jan 15, 2019 at 11:49 AM

To: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>

Cc: Vanessa Walker Harris <vanessa.walkerharris@vdh.virginia.gov>, Joseph Hilbert <joe.hilbert@vdh.virginia.gov>, Janelle Anthony <janelle.anthony@vdh.virginia.gov>

Great job Emily!

Thanks

Cornelia

[Quoted text hidden]

--

Cornelia Ramsey Deagle, PhD, MSPH
Title V Maternal and Child Health Director
Director, Division of Child and Family Health
Virginia Department of Health
109 Governor Street
Richmond, Virginia 23219
804-864-7691

Walker Harris, Vanessa <vanessa.walkerharris@vdh.virginia.gov>

Tue, Jan 15, 2019 at 12:09 PM

To: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>

Cc: Joseph Hilbert <joe.hilbert@vdh.virginia.gov>, Janelle Anthony <janelle.anthony@vdh.virginia.gov>, Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>, "Buskey, Robin" <robin.buskey@vdh.virginia.gov>

Thanks so much Emily!

[Quoted text hidden]

—

Vanessa Walker Harris, MD | Director

Office of Family Health Services | Virginia Department of Health | 109 Governor St., Ste 1026, Richmond, VA 23219

(804) 864-7733 vanessa.walkerharris@vdh.virginia.gov

Hilbert, Joseph <joe.hilbert@vdh.virginia.gov>

Tue, Jan 15, 2019 at 12:29 PM

To: Oliver Norman azj69842 <norm.oliver@vdh.virginia.gov>, Forlano Laurie bjc81795

<laurie.forlano@vdh.virginia.gov>, Gena Berger <gena.berger@governor.virginia.gov>, Melissa Peeler

<melissa.peeler@governor.virginia.gov>

Cc: Kristin Burhop <kristin.burhop@governor.virginia.gov>, Vanessa Walker Harris

<vanessa.walkerharris@vdh.virginia.gov>, "Buskey, Robin" <robin.buskey@vdh.virginia.gov>, Deagle Cornelia txs65378 <cornelia.deagle@vdh.virginia.gov>

FYI summaries of VDH staff meetings with patrons/aides of abortion legislation (HB2491/SB1451 and SB1054) that the Administration supports.

Gena/Melissa - I see that, according to information posted to ELAS, HB2491/SB1451 are both Governor's Bills. Do you have any special instructions for VDH with respect to these bills from this point forward?

Thanks

[Quoted text hidden]

—

Joseph Hilbert

Deputy Commissioner for Governmental and Regulatory Affairs

Virginia Department of Health

804-864-7006

3 attachments**Legislative Contact Sheet_01.15.19_McClellan.docx**

14K

**Legislative Contact Sheet_01.15.19_Locke.docx**

14K

**Legislative Contact Sheet_01.15.19_Tran.docx**

14K

Virginia Department of Health Legislative Contact Sheet

Response Needed: No
(yes or no)

Date of Contact: 01/15/19

Bill Number: HB2491

Person Contacted:

Rodrigo Velasquez

Legislator/Legislative Committee:

Kathy Tran, Delegate

Nature of Contact:

In-person meeting

Response Already Given/Action Already Taken (If Any):

On 01/15/2019, Emily Yeatts met with Rodrigo regarding HB2491: Abortion; eliminate certain requirements. Emily shared talking points developed by VDH with Rodrigo, and expressed that the administration strongly supports this bill. Emily left her contact information and invited him to reach out if he had further questions. Rodrigo said that he would reach out at a later time to set up an in-person meeting to help Delegate Tran prepare for the committee meeting where the bill will be considered.

Response Needed/Action Requested: n/a

Response/Action By:

Emily Yeatts, Reproductive Health Unit Supervisor, 804-864-7753

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-E

Ryan Garnowski
Virginia Department of Health
804-864-7128

SUBJECT: Fwd: Constituent Response: HB2491
FROM: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>
TO: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>
DATE: 10/01/2019 11:41

----- Forwarded message -----

From: Yeatts, Emily <emily.yeatts@vdh.virginia.gov>
Date: Thu, Jan 10, 2019 at 8:06 AM
Subject: Constituent Response: HB2491
To: Missy Wesolowski <mweisolowski@ppav.org>

Hi, Missy,

I'm writing to solicit constituent responses regarding [HB2491](#). This bill eliminates certain requirements for obtaining an abortion, including the requirement that second trimester abortions be performed in a hospital, the requirement to receive an ultrasound 24 hours prior to an abortion for the purpose of determining gestational age, the requirement that the Virginia Department of Health maintain a statewide list of ultrasound providers, the requirement that the Virginia Department of Health provide certain printed materials, and the requirement that facilities that perform five or more first trimester abortions a month be classified as hospitals.

The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does Planned Parenthood Advocates of Virginia wish to provide a response regarding this bill? If so, please reply to this email with your response.

Thank you for your time,

Emily

--
Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

--
Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

SUBJECT: Fwd: Constituent Response: HB2491
FROM: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>
TO: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>
DATE: 10/01/2019 11:42

response for sb1451 below, even though it's the same email chain!

----- Forwarded message -----

From: Missy Wesolowski <mweisolowski@ppav.org>
Date: Thu, Jan 10, 2019 at 8:22 AM
Subject: Re: Constituent Response: HB2491
To: Yeatts, Emily <emily.yeatts@vdh.virginia.gov>

Yup

On Jan 10, 2019, at 8:20 AM, Yeatts, Emily <emily.yeatts@vdh.virginia.gov> wrote:

Thank you! I was just about to send another email about [SB1451](#), which is a very similar bill. Does PPAV strongly support this bill as well?

Emily

On Thu, Jan 10, 2019 at 8:18 AM Missy Wesolowski <mwesolowski@ppav.org> wrote:
Strongly support

On Jan 10, 2019, at 8:06 AM, Yeatts, Emily <emily.yeatts@vdh.virginia.gov> wrote:

Hi, Missy,

I'm writing to solicit constituent responses regarding [HB2491](#). This bill eliminates certain requirements for obtaining an abortion, including the requirement that second trimester abortions be performed in a hospital, the requirement to receive an ultrasound 24 hours prior to an abortion for the purpose of determining gestational age, the requirement that the Virginia Department of Health maintain a statewide list of ultrasound providers, the requirement that the Virginia Department of Health provide certain printed materials, and the requirement that facilities that perform five or more first trimester abortions a month be classified as hospitals.

The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does Planned Parenthood Advocates of Virginia wish to provide a response regarding this bill? If so, please reply to this email with your response.

Thank you for your time,

Emily

--
Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

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Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

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Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

SUBJECT: Re: For Review: HB2491 Fwd: New General Assembly Bill Assignment HB2491 Office Director
FROM: "Walker Harris, Vanessa" <vanessa.walkerharris@vdh.virginia.gov>
TO: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>
DATE: 10/01/2019 11:49

Was OLC contacted? The comments don't address the impact on facilities that perform more than 5 abortions per month and how they will now not be listed as hospitals, i.e. does this change their regulatory requirements, inspections, etc?

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QUARTERLY FOIA REPORT

APPENDIX IV-F

Deadline:	1/10/2019 2:00:00 PM
Bill Documentation:	Click here to view files
Task Assignment:	HB2491

Click here for document templates [Templates](#)

Please consult the following office as you complete this assignment

Office of LICENSURE AND CERTIFICATION

INSTRUCTIONS

1. Go to the Bill Documentation link above to review the bill text and supporting documentation. Make any necessary edits/comments, and save your changes to the document.
2. When you are ready to approve the changes, go to the Task Assignment link above, enter any comments you wish to relay to subsequent reviewers, and click "Approve".

Let me know if you have any questions or need additional information.

Ryan Garmowski
Virginia Department of Health
804-864-7128

SUBJECT: Fwd: Constituent Response: HB2491
FROM: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>
TO: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>
DATE: 10/01/2019 16:54

----- Forwarded message -----

From: Galina Varchena <galina@naralva.org>
Date: Thu, Jan 10, 2019 at 8:46 AM
Subject: RE: Constituent Response: HB2491
To: Yeatts, Emily <emily.yeatts@vdh.virginia.gov>

We support this bill. Thank you!

From: Yeatts, Emily <emily.yeatts@vdh.virginia.gov>
Sent: Thursday, January 10, 2019 8:08 AM
To: Galina Varchena <galina@naralva.org>
Subject: Constituent Response: HB2491

Hi, Galina,

I'm writing to solicit constituent responses regarding [HB2491](#). This bill eliminates certain requirements for obtaining an abortion, including the requirement that second trimester abortions be performed in a hospital, the requirement to receive an ultrasound 24 hours prior to an abortion for the purpose of determining gestational age, the requirement that the Virginia Department of Health maintain a statewide list of ultrasound providers, the requirement that the Virginia Department of Health provide certain printed materials, and the requirement that facilities that perform five or more first trimester abortions a month be classified as hospitals.

The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does NARAL wish to provide a response regarding this bill? If so, please reply to this email with your response.

Thank you for your time.

Emily

--

Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services

Hi Emily,

Thank you for reaching out. Consistent with our position in *Falls Church Medical Center, LLC, et al v. Oliver, et al*, we believe the informed consent requirements and all other restrictions on abortion providers challenged in that law suit place an unconstitutional burden on abortion access in the Commonwealth. We support repeal of all of these statutes and regulations.

Regards,

Nicole

Nicole Tortoriello

Pronouns: she/her/hers

The Secular Society Women's Rights Advocacy Counsel

ACLU of Virginia

701 E Franklin St, Ste 1412

Richmond, VA 23219

■ o 804-726-6013 ■ ntortoriello@acluva.org

This message may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply email that this message has been inadvertently transmitted to you and delete this email from your system.

From: Yeatts, Emily <emily.yeatts@vdh.virginia.gov>

Sent: Thursday, January 10, 2019 8:08 AM

To: Nicole Tortoriello <ntortoriello@acluva.org>

Subject: Constituent Response: HB2491

Hi, Nicole,

I'm writing to solicit constituent responses regarding [HB2491](#). This bill eliminates certain requirements for obtaining an abortion, including the requirement that second trimester abortions be performed in a hospital, the requirement to receive an ultrasound 24 hours prior to an abortion for the purpose of determining gestational age, the requirement that the Virginia Department of Health maintain a statewide list of ultrasound providers, the requirement that the Virginia Department of Health provide certain printed materials, and the requirement that facilities that perform five or more first trimester abortions a month be classified as hospitals.

The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does the ACLU wish to provide a response regarding this bill? If so, please reply to this email with your response.

Thank you for your time.

Emily

—

Emily Yeatts

Reproductive Health Unit Supervisor

Division of Child and Family Health

Office of Family Health Services

Virginia Department of Health

109 Governor St, 9th floor

Richmond, VA 23219

804-864-7753

emily.yeatts@vdh.virginia.gov

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Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

SUBJECT: GA Committee Calendars for Monday Jan 21
FROM: "Hilbert, Joseph" <joe.hilbert@vdh.virginia.gov>
TO: ocom@vdh.virginia.gov, "ofcdirs (VDH)" <ofcdirs@vdh.virginia.gov>, "director (VDH)" <director@vdh.virginia.gov>
DATE: 18/01/2019 13:48

Jan 21

Senate Courts of Justice

Senate Room A, Pocahontas Building, 8:00 a.m.

- SB1544, OIM (Comment)

House Education/Subcommittee 2 (No agenda yet);

House Committee Room, Pocahontas building, Immediately Upon adjournment of full committee

Following bill is in subcommittee

- HB2384, OFHS (Lead) GOVERNOR BILL

House Science and Technology

House Room 3, The Capitol, 10:00

- SB2595, OIM (Comment)

House Appropriations

Shared Committee Room, Pocahontas Building, 30 min. after adjournment

- HB2358, ODW (Comment)

House Courts of Justice (No agenda yet)

House Room 3, The Capitol, 30 min. after adjournment

Following bills are in committee

- HB1701, OIM (Comment)
- HB1863, OFHS (Lead)
- HB1979, OIM (Comment)
- HB1998, OEpi (Comment)
- HB2491, OFHS (Lead)

--

Joseph Hilbert
Deputy Commissioner for Governmental and Regulatory Affairs
Virginia Department of Health
804-864-7006

SUBJECT: Fwd: Constituent Response: SB1451
FROM: "Yeatts, Emily" <emily.yeatts@vdh.virginia.gov>
TO: "Buskey, Robin" <robin.buskey@vdh.virginia.gov>
DATE: 18/01/2019 15:06

----- Forwarded message -----

From: Chelsea Wiggins <cwiggins@prochoice.org>
Date: Fri, Jan 18, 2019 at 2:57 PM
Subject: re: Constituent Response: SB1451
To: emily.yeatts@vdh.virginia.gov <emily.yeatts@vdh.virginia.gov>

Hi Emily,

See below for NAF's response to SB 1451 and HB 2491. Please let me know if there's anything else you need!

Best,

Chelsea

I write in response to your request for the National Abortion Federation (NAF's) position on HB 2491 and SB 1451. NAF believes that the requirements for accessing abortion care eliminated in these bills are medically inappropriate, detrimental to patients, and a waste of limited health care resources. NAF supports the repeal of these statutes and regulations

Hi, Lisa,

I'm writing to solicit constituent responses regarding SB1451. This bill eliminates certain requirements for obtaining an abortion, including the requirement that second trimester abortions be performed in a hospital, the requirement to receive an ultrasound 24 hours prior to an abortion for the purpose of determining gestational age, the requirement that the Virginia Department of Health maintain a statewide list of ultrasound providers, the requirement that the Virginia Department of Health provide certain printed materials, and the requirement that facilities that perform five or more first trimester abortions a month be classified as hospitals.

The Virginia Department of Health is soliciting responses from a wide range of affected constituents regarding support/opposition of this bill. Does NAF wish to provide a response regarding this bill? If so, please reply to this email with your response.

Thank you for your time,

Emily

--

Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753
emily.yeatts@vdh.virginia.gov

Chelsea Wiggins, J.D. (she/her/hers)
State Policy Counsel
National Abortion Federation
1090 Vermont Ave. NW, Suite 1000
Washington, D.C. 20005
cwiggins@prochoice.org
202-667-5881 ext. 647

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Emily Yeatts
Reproductive Health Unit Supervisor
Division of Child and Family Health
Office of Family Health Services
Virginia Department of Health
109 Governor St, 9th floor
Richmond, VA 23219
804-864-7753

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-G

On Mon, Jan 21, 2019 at 9:05 AM Peeler, Melissa <melissa.peeler@governor.virginia.gov> wrote:
The final position is support! Just wanted to make sure you all had the most up to date information!

Best,
Melissa

On Sun, Jan 20, 2019 at 6:13 PM Berger, Gena <gena.berger@governor.virginia.gov> wrote:
Yes, this bill is a little narrower but includes the same provisions as the Governor's REPEAL bill. So, I suspect the position will be strongly support or support. I should be able to make it.

Thank you for the heads up!

Gena Boyle Berger, MPA
Deputy Secretary of Health and Human Resources
804 225 3048 (o)
gena.berger@governor.virginia.gov

On Fri, Jan 18, 2019 at 5:58 PM Burhop, Kristin <kristin.burhop@governor.virginia.gov> wrote:
We don't have a Governor position yet. Melissa: can we get one before Monday?

Gena, will you be there to speak or do you want VDH to speak?

On Fri, Jan 18, 2019 at 4:33 PM Hilbert, Joseph <joe.hilbert@vdh.virginia.gov> wrote:
Kristin:

HB1863 (abortion/informed consent) is in Courts on Monday afternoon. Is there any Administration on this bill? Also, if there is - should VDH staff provide the Administration position or does the Administration want someone else to provide the position? thanks

----- Forwarded message -----

From: Buskey, Robin <robin.buskey@vdh.virginia.gov>
Date: Fri, Jan 18, 2019 at 4:29 PM
Subject: Re: GA Committee Calendars for Monday Jan 21
To: Hilbert, Joseph <joe.hilbert@vdh.virginia.gov>

Joe,

Does the Administration have a position on 1863 yet? Also, will Gena Berger state the position at the House Ed Subcommittee meeting on Monday?

Thanks,
Robin

On Fri, Jan 18, 2019 at 1:48 PM Hilbert, Joseph <joe.hilbert@vdh.virginia.gov> wrote:
Jan 21

Senate Courts of Justice

Senate Room A, Pocahontas Building, 8:00 a.m.

- SB1544, OIM (Comment)

House Education/Subcommittee 2 (No agenda yet):

House Committee Room, Pocahontas building, Immediately Upon adjournment of full committee

Following bill is in subcommittee

- HB2384, OFHS (Lead) GOVERNOR BILL

House Science and Technology

House Room 3, The Capitol, 10:00

- SB2595, OIM (Comment)

House Appropriations

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- HB2358, ODW (Comment)

House Courts of Justice (No agenda yet)

House Room 3, The Capitol, 30 min. after adjournment

Following bills are in committee

- HB1701, OIM (Comment)
- HB1863, OFHS (Lead)
- HB1979, OIM (Comment)
- HB1998, OEpi (Comment)

American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-H

SB1451 (Senator McClellan) and HB2491 (Delegate Tran) - Talking Points

- Summary: SB1451 and HB2491 would amend and reenact §§ 16.1-77, 18.2-73, 18.2-74, 18.2-76, and 32.1-127 of the Code of Virginia, relating to certain requirements for obtaining abortions.

Background:

- SB1451 and HB2491 would remove the requirement that second trimester abortions be performed in a hospital.
- SB1451 and HB2491 would remove the language that classifies facilities that perform five or more first trimester abortions a month as hospitals, thus deregulating abortion facilities from licensure.
- SB1451 and HB2491 would remove the requirement that, if a woman is seeking an abortion during the third trimester, two additional physicians certify that continuing the pregnancy would impair her mental or physical health.
- SB1451 and HB2491 would remove the requirement to receive a sonogram 24 hours prior to an abortion for the purpose of determining gestational age.
- SB1451 and HB2491 would remove the requirement to offer the patient an opportunity to view the ultrasound image, receive a copy of the image, and hear the fetal heart tones prior to an abortion.
- SB1451 and HB2491 would remove the requirement that VDH publish a list of public and private agencies and services that provide ultrasound imaging and auscultation of fetal heart tone services free of charge.
- SB1451 and HB2491 would remove the requirement that VDH develop and maintain printed materials that include information about support resources available to patients, the stages of fetal development, and the types of abortion procedures and their associated risks. This bill would also repeal the requirement that physicians offer the patients the opportunity to review the aforementioned materials prior to an abortion.
- VDH OFHS currently maintains a website listing no-cost and low-cost ultrasound providers. New providers may request to be added to the list through an online survey.
- VDH OFHS currently maintains the required printed materials, and these materials were most recently updated in 2018. These materials will continue to be updated as medical information changes.

Stakeholder Comment:

The following stakeholders support the legislation:
Planned Parenthood Advocates of Virginia: Strongly support
NARAL Pro Choice Virginia

The following stakeholders oppose the legislation:
None at this time

The following stakeholders have no position with respect to the legislation:

The following stakeholders have not yet responded:
Medical Society of Virginia: Pending
The Family Foundation of Virginia: Pending
National Abortion Federation: Pending

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Deleted: January 10, 2019

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Deleted: <#>HB2491 is a similar bill. ¶

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Moved up [1]: <#>SB1451 would amend and reenact §§ 16.1-77, 18.2-73, 18.2-74, 18.2-76, and 32.1-127 of the Code of Virginia, relating to certain requirements for obtaining abortions. ¶

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ACLU of Virginia: Pending

Agency Contact:

Agency: Virginia Department of Health

Office Director: Vanessa Walker Harris; vanessa.walkerharris@vdh.virginia.gov; 804-864-7733

Subject Matter Expert: Emily Yeatts; emily.yeatts@vdh.virginia.gov; 804-864-7753

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American Center for Law and Justice

QUARTERLY FOIA REPORT

APPENDIX IV-I

Dear Governor Cuomo,

Thank you for your leadership and continued support of women's rights and freedoms. Your steadfast commitment to reproductive rights is greatly appreciated especially during this time of so many challenges. I am grateful for our friendship and look forward to collaborating with you as we continue to fight the good fight.

Best,

A handwritten signature in black ink, appearing to be 'Theresa' followed by a stylized flourish.

Thank you!!



National Institute for
Reproductive Health
Action Fund

February 6, 2019

Honorable Andrew Cuomo
Governor of the State of New York
633 3rd Avenue, 38th Floor
New York, NY 10017

Dear Governor Cuomo,

On behalf of the Board of Directors and the staff of National Institute for Reproductive Health (NIRH) and the National Institute for Reproductive Health Action Fund, I would like to thank you for your powerful and beautifully written Op-Ed in today's *New York Times*. While you have long been an ally to us and our mission, I am especially heartened to have a governor like you who stands strong with and for women – and makes clear that the Empire State will stand as a beacon against the attacks on reproductive freedom coming from the White House and many statehouses across the nation.

Your Op-Ed provides a compelling and accurate portrayal of the medical and factual underpinnings of the Reproductive Health Act, while also highlighting the continued need for elected officials to separate their religious and personal beliefs from the role as policymakers. With your leadership, I am confident New York will continue to solidify its role as a national leader in protecting women's health and advancing our rights to make fundamental decisions about our reproductive lives.

Your leadership is also a critical testament to the tremendous power state elected officials have to safeguard critical rights and to act as the first line of defense against the full-blown assault of women's reproductive health, rights and justice.

Thank you again for correcting the outright lies and misinformation about RHA that continue to be spread by those who wish to control women's bodies, behaviors, and futures. We look forward to continuing to work with you in advancing the rights, health, well-being, and equality that women deserve in New York.

Sincerely,

A handwritten signature in black ink that reads "Andrea Miller". The signature is fluid and cursive, with the first name "Andrea" and last name "Miller" clearly distinguishable.

Andrea Miller
President

From: Andrea Miller <amiller@nirhealth.org>
Sent: Monday, January 28, 2019 11:54 AM
To: Kelli Owens <Kelli.Owens@exec.ny.gov>
Subject: Champions of Choice Honoree Request for Governor Cuomo

Dear Kelli,

I hope this email finds you well – and that the excitement of the amazing things happening in the Cap over these first few weeks of session are keeping you warm as the cold front comes our way again.

Knowing how busy Governor Cuomo is, I am writing in the hopes that you might pass along my request to honor him at our Champions of Choice luncheon on April 30, 2019, at Ziegfeld Ballroom in New York City. As you know so well, the National Institute for Reproductive Health & NIRH Action Fund have worked closely with him throughout the years, and it would mean so much to all of us – and to me, personally – to be able to pay tribute to him for all he has done in the fight for reproductive freedom.

Past honorees include honoring fierce women in the cultural space (Whoopi Goldberg, Lizz Winstead and Amy Brenneman), abortion providers (Amy Hagstrom Miller, Founder and CEO of Whole Woman's Health and Dr. Willie Parker), and of course political allies and champions (such as Senator Kirsten Gillibrand and Mayor Michael Bloomberg). The event is attended by more than 500 people, drawing from a wide variety of the sectors in NYC (philanthropy, business, media, and politics).

More details about the event and a formal request is attached. Thank you so much for passing this along. I would be delighted to discuss the event and the organizations with you (or Governor Cuomo) in greater detail, and can be reached at (646) 520-3501.

I will follow up on this request on Wednesday, I look forward to speaking with you then if not sooner.

With much admiration and appreciation,

Andrea

Andrea Miller

President

National Institute for Reproductive Health &

National Institute for Reproductive Health Action Fund

14 Wall Street, Suite 3B

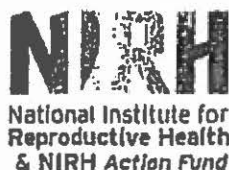
New York, NY 10005

Office: 646-520-3501

E-mail: amiller@nirhealth.org



www.nirhealth.org



January 28, 2019

Honorable Andrew Cuomo
Governor
State of New York
633 3rd Avenue, 38th Floor
New York, NY 10017

Dear Governor Cuomo,

On behalf of the Boards of Directors and staff at the National Institute for Reproductive Health and the NIRH Action Fund, I am writing to ask if you would allow us to honor you alongside Senate Majority Leader Andrea Stewart-Cousins and Assembly Speaker Carl Heastie at our annual Champions of Choice luncheon, which will be held on Tuesday, April 30, 2019, in New York City at The Ziegfeld Ballroom. Over the past few years where so many challenges abounded, you have been a true inspiration by continuing to push forward and be a full-throated champion for women's reproductive rights. It would be our privilege to recognize you not only for your leadership as our Governor here in New York, including making the passage of the Reproductive Health Act and Comprehensive Contraception Coverage Act a reality, but also for your powerful and passionate call to action that resonates across the country.

Since your very first days in office, you have been a fierce and public advocate for women's equality and access to reproductive health care, and have repeatedly leveraged your power to advance reproductive health care access. From issuing regulations to increase access to birth control and emergency contraception, to ensuring that abortion care in New York is covered without a co-pay, to enacting a broad women's agenda – you have been at the forefront in supporting women's ability to make and implement decisions that are so fundamental to our lives. Your leadership stands as an example for others across the country as to what forward-looking leadership can accomplish for the women in their state.

As you know very well, the National Institute for Reproductive Health and NIRH Action Fund work together in states and cities across the country to promote a proactive and unapologetic approach to reproductive health, rights, and justice. A central component of our efforts to change public policy, galvanize public support, and normalize women's decisions about abortion and contraception is our partnerships with and support of state and local advocates from Georgia to Oregon, from Massachusetts to Texas, and so many places in between.

Champions of Choice is one of New York City's premiere reproductive rights events and is attended by more than 500 prominent leaders in philanthropy, business, media, and politics. The luncheon

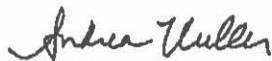
benefits both the National Institute for Reproductive Health and NIRH Action Fund, and supports our work across the nation. In past years, we have honored important policymakers including United States Senator Kirsten Gillibrand and Former President William J. Clinton; those in popular culture and the media who have made it a priority to speak out on these issues, including Whoopi Goldberg, Lizz Winstead, and Amy Brenneman; and courageous abortion providers, including Dr. Willie Parker, Kwajelyn Jackson, and Amy Hagstrom Miller.

You have been with us at pivotal moments and, together, we have created real change that improves the lives and health of women and families in New York. It would truly mean a great deal to everyone here at NIRH and the NIRH Action Fund if you would accept our invitation. I know it would also go a long way towards helping us gear up for the fight ahead and ensure everyone has the freedom and ability to control their reproductive and sexual lives all across the country.

I understand that your time is incredibly precious, so we would do everything in our power to ensure that your commitment as our honoree would be minimal. We are happy to accommodate any and all requests you might have to make it easy for you to be with us that afternoon.

We appreciate your consideration of this invitation and look forward to hearing from you soon. If you have any questions about the logistics of the event, feel free to contact Danielle Castaldi-Micoa, Vice President of Political and Government Affairs dcastaldi-micoa@nirhealth.org.

Kind regards,



Andrea Miller
President

1/29/2019

Champions of Choice Award Luncheon 2019 - National Institute for Reproductive Health

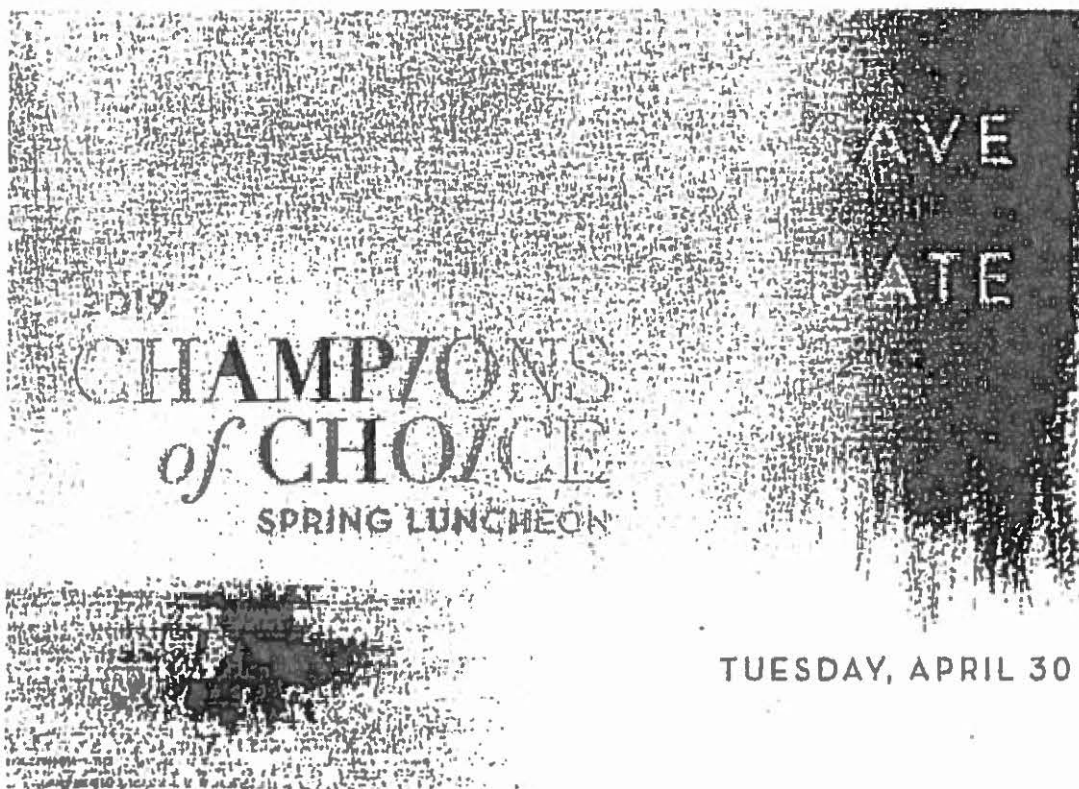
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Champions of Choice Award Luncheon 2019



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Tuesday, April 30 2019

Ziegfeld Ballroom

141 West 54th Street

12:00 Luncheon

Tickets Available Soon!

Photos from Champions of Choice 2018

Champions of Choice Benefit Committee

Christine Quinn, Co-Chair

Andrew Stern, Co-Chair

Kim Chirls

Julie F. Kay

Heidi Lurensky

Jane Pollock

Laura Ross, MD

Abigail Schumer

Audrey Spiegel

Mila Tuttle

Sharon Weinberg

Honorary Chairs: Caroline Hirsch, Cindi Leivi,

Nancy Silverman

Please contact Christina Perez at cperez@nirhealth.org or (646) 520-3507 for sponsorship, table and ticket purchases.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

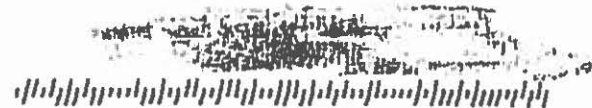
Jordan Sekulow
Benjamin P. Sisney
Abigail Southerland
American Center for Law and Justice
P.O. Box 90555
Washington, DC 20090-0555

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The ACLJ's Government Accountability Project

The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society.



QUARTERLY **FOIA** R E P O R T

A digital copy of this report can be downloaded at **ACLJ.org/FOIA**