

From: "Metwaly, Miriam (CIV)" <(b) (6)>
To: "Tenorio, Christopher (CIV)" <(b) (6)>, "Flentje, August (CIV)" <(b) (6)>, "Guttentag, Lucas (ODAG)" <(b) (6)>, "Kossak, Amy D (CIV)" <(b) (6)>
Cc: Civ-OIL1-Attorneys <Civ-OIL1-Attorneys@CIV.USDOJ.GOV>, "CIV-OIL-District Court Attorneys" <CIV-OIL-District-Court-Attorneys@CIV.USDOJ.GOV>, "Sandhu, Papu (CIV)" <(b) (6)>, "Lightbody, Jennifer (CIV)" <(b) (6)>, "Metwaly, Miriam (CIV)" <(b) (6)>

Subject: OIL AAG Litigation Report: March 23, 2023

Date: Thu, 23 Mar 2023 18:20:41 +0000

Importance: Normal

Attachments: OIL_Weekly_AAG_Report_-_3.23.23_-.docx

Good afternoon,

Please find OIL's AAG Litigation Report for March 23, 2023.

Thank you,
 Miriam Metwaly

CIV OIL (Upcoming) 3/23/23	Weekly Component Chart <i>Internal / FOUIO</i>
Date Occurred or Expected	Items to Report

Removed per scoping agreement

4/5/23

Government to File Supplemental Briefing on Southern Poverty Law Center’s Third-Party Procedural Due Process Claim Stemming from Challenge to Conditions at Three ICE Detention Centers: *Southern Poverty Law Center v. U.S. Department of Homeland Security*, 1:18-cv-760 (D.D.C.). On March 15, the district court partially granted the government’s motion for judgment on the pleadings. As to Southern Poverty Law Center’s (SPLC) third-party Fifth Amendment “access-to-courts” claim, the court explained that binding precedent required Plaintiffs to demonstrate that the underlying claim in an access-to-courts case is nonfrivolous and arguable, and SPLC failed to show any of its third-party clients had such a claim. Next, the court granted judgment to the government on SPLC’s third-party APA “*Accardi* doctrine” claim, ruling failures to enforce the Performance-Based National Detention Standards at the Facilities are not “final” agency actions for the purposes of *Accardi*. Finally, the court declined to enter judgment on SPLC’s First Amendment “viewpoint discrimination” claim. The court, however, directed the government to file supplemental briefing on SPLC’s third-party procedural due process claim by April 5.

Upcoming

OIL

CIV OIL (Upcoming) 3/23/23	Weekly Component Chart <i>Internal / FOUO</i>
Date Occurred or Expected	Items to Report

Removed per scoping agreement

4/5/23

Government to File Supplemental Briefing on Southern Poverty Law Center’s Third-Party Procedural Due Process Claim Stemming from Challenge to Conditions at Three ICE Detention Centers: *Southern Poverty Law Center v. U.S. Department of Homeland Security*, 1:18-cv-760 (D.D.C.). On March 15, the district court partially granted the government’s motion for judgment on the pleadings. As to Southern Poverty Law Center’s (SPLC) third-party Fifth Amendment “access-to-courts” claim, the court explained that binding precedent required Plaintiffs to demonstrate that the underlying claim in an access-to-courts case is nonfrivolous and arguable, and SPLC failed to show any of its third-party clients had such a claim. Next, the court granted judgment to the government on SPLC’s third-party APA “*Accardi* doctrine” claim, ruling failures to enforce the Performance-Based National Detention Standards at the Facilities are not “final” agency actions for the purposes of *Accardi*. Finally, the court declined to enter judgment on SPLC’s First Amendment “viewpoint discrimination” claim. The court, however, directed the government to file supplemental briefing on SPLC’s third-party procedural due process claim by April 5.

Removed per scoping agreement

From: (b)(6), (7)(C), (7)(E) per FBI
To: (b)(6) Saeed Mody <(b)(6) Saeed Mody >, (b)(6) Myesha Braden <(b)(6) Myesha Braden>
Cc: (b)(6), (7)(C), (7)(E) per FBI, Brian Griffith (b)(6), (7)(C), (7)(E) per FBI, (b)(6), (7)(C), (7)(E) per FBI, (b)(6) Johnathan Smith <(b)(6) Johnathan Smith>, (b)(6) Robert Moosy <(b)(6) Robert Moosy>, (b)(6) Aryele Bradford <(b)(6) Aryele Bradford>

Subject: Re: Tomorrow's Call
Date: Fri, 10 Mar 2023 14:14:16 +0000
Importance: Normal

NPO is hosting the call and may have a limited number of lines available. I will forward your email to NPO and let them advise.

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: Mody, Saeed (OASG) <(b) (6) >
Sent: Friday, March 10, 2023 9:12 AM
To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Braden, Myesha (ODAG) (JMD) <(b) (6) >
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Griffith, Brian D. (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Smith, Johnathan (CRT) <(b) (6) >; Moosy, Robert (CRT) <(b) (6) >; Bradford, Aryele (PAO) (JMD) <(b) (6) >
Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

(b) (5) asked if she could forward the invite for Monday morning's call (in listening mode) could be shared with (b) (5)

From: (b)(6), (7)(C), (7)(E) per FBI
Sent: Thursday, March 9, 2023 1:38 PM
To: Braden, Myesha (ODAG) <(b) (6) >; Mody, Saeed (OASG) <(b) (6) >
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Griffith, Brian D. (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Smith, Johnathan (CRT) <(b) (6) >; Moosy, Robert (CRT) <(b) (6) >
Subject: Re: Tomorrow's Call

I will defer to our SMEs but I doubt we have that info?

From: Braden, Myesha (ODAG) <(b) (6) >
Sent: Thursday, March 9, 2023 1:35:30 PM
To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Mody, Saeed (OASG) (JMD) <(b) (6) >
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >; Griffith, Brian D. (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI > (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) <(b)(6), (7)(C), (7)(E) per FBI >

(b)(6) (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

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

Just saw the slide deck. It looks really good.

One quick note: (b) (5)

. They may ask about (b) (5) ? (That may also come up during the press call.) Do we know?

Best,

Myesha

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Thursday, March 9, 2023 1:14 PM

To: Mody, Saeed (OASG) <(b) (6)>

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: Re: Tomorrow's Call

We have (b)(6), (7)(C), (7)(E) per FBI email

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Thursday, March 9, 2023, 1:07 PM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

I've asked Jonathan and Robert if they have the POC at (b) (5) or other POCs within (b) (5). FBI may have different POCs (b) (5). These are the folks I have contact with:

- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)
- o (b) (5)
 - (b) (5), (b) (6)

For DOJ: Myesha, Robert, Jonathan, Alex Piquero

From: (b)(6), (7)(C), (7)(E) per FBI
Sent: Thursday, March 9, 2023 12:55 PM
To: Mody, Saeed (OASG) <(b) (6)>
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>
Subject: Re: Tomorrow's Call

When you send the email list, can you also include who from DOJ you would like for us to include on the invite?

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI
Sent: Thursday, March 9, 2023 12:43 PM
To: Mody, Saeed (OASG) (JMD) <(b) (6)>
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>
Subject: Re: Tomorrow's Call

That's fine. We can do it. It will be on Teams if we do it and we just need the email list.

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: Mody, Saeed (OASG) <(b) (6)>
Sent: Thursday, March 9, 2023 12:41 PM
To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI
Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>
Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

Is there a reason (b) (5)

We can (b) (5), if that's an issue.

2 pm tomorrow works for me and CRT.

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Thursday, March 9, 2023 11:37 AM

To: Mody, Saeed (OASG) <(b) (6)>

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: Re: Tomorrow's Call

I agree. We'll wait for Brian to respond.

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Thursday, March 9, 2023 11:35:02 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

Sounds good - We should probably all get on the phone to discuss.

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Thursday, March 9, 2023 11:33 AM

To: Mody, Saeed (OASG) <(b) (6)>

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: Re: Tomorrow's Call

That's not a decision I can make. I defer to DAD Griffith.

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Thursday, March 9, 2023, 11:29 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Smith, Johnathan (CRT) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: Tomorrow's Call

Happy to talk. I'm free until 12:30. (b) (6)

I'm concerned that we're (b) (5) . Is there any reason we can't (b) (5) ?

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Thursday, March 9, 2023 10:32 AM

To: Mody, Saeed (OASG) <(b) (6)>

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI;

(b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6) >; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI
Subject: Tomorrow's Call

Hi Saeed -

Let me know when you have a few minutes for a call. I wanted to discuss logistics regarding tomorrow's call. A few things I'd like to address...

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

o

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

- (b) (5)

-

Removed per scoping agreement

From: (b)(6), (7)(C) per FBI (OLA)" (b)(6), (7)(C) per FBI

To: "Uriarte, Carlos F. (OLA)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Evers, Austin (ODAG)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>, "Kohlman, Abby K. (OLA)" <(b) (6)>, "Bennett, Megan A. (ATF)" <(b) (6)>, "Jinks, Kevin (OLA)" <(b) (6)>

Subject: live updates --final

Date: Thu, 9 Mar 2023 17:37:00 +0000

Importance: Normal

HILL

(b) (5)

[Redacted]

[Redacted]

[Redacted]

Garcia

(b) (5)

[Redacted]

[Redacted]

[Redacted]

Walsh:

(b) (5)

[Redacted]

(b) (5)

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Scott

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]


[Redacted]

Gallagher

(b) (5) [Redacted]


- [Redacted]
- [Redacted]
- [Redacted]

(b) (5)

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TURNER: in closing

(b) (5)

A large rectangular area of text is completely redacted with a solid black fill.

From: (b)(6), (7)(C) per FBI (OLA)" (b)(6), (7)(C) per FBI

To: "Uriarte, Carlos F. (OLA)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Evers, Austin (ODAG)" <(b) (6)>, "Zdeb, Sara (OLA)" <(b) (6)>, "Kohlman, Abby K. (OLA)" <(b) (6)>, "Bennett, Megan A. (ATF)" <(b) (6)>, "Jinks, Kevin (OLA)" <(b) (6)>
Cc: "Kohlman, Abby K. (OLA)" <(b) (6)>

Subject: live update

Date: Thu, 9 Mar 2023 16:47:14 +0000

Importance: Normal

La Hood:

(b) (5)

[Large redacted area containing multiple lines of blacked-out text]

(b) (5)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

TURNER:

(b) (5)

[Redacted]

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[Redacted]

(b) (5) [Redacted]

[Redacted]

Wenstrup

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

[Redacted text block]

Stewart:

(b) (5)

[Redacted text block]

(b) (5)

[Redacted]

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[Redacted]

[Redacted]

Krishnamoorthi

(b) (5)

[Redacted]

[Redacted]

(b) (5)

[Redacted]

Stefanik

(b) (5)

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Crow:

(b) (5)

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(b) (5) [Redacted]

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[Redacted]

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(b)(6), (7)(C) per FBI
FBI detailee to DOJ/OLA
Desk: (b) (6) [Redacted]

From: "Mody, Saeed (OASG)" <(b) (6)>
To: "Bradford, Aryele (PAO)" <(b) (6)>, "Braden, Myesha (ODAG)" <(b) (6)>, "Henthorne, Betsy (OASG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Smith, Johnathan (CRT)" <(b) (6)>
Cc: "Iverson, Dena (PAO)" <(b) (6)>

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Date: Thu, 9 Mar 2023 16:38:16 +0000

Importance: Normal

No problem, and I just added you to a FBI thread. (b) (5)

(b) (5)

From: Bradford, Aryele (PAO) <(b) (6)>
Sent: Thursday, March 9, 2023 11:06 AM
To: Mody, Saeed (OASG) <(b) (6)>; Braden, Myesha (ODAG) <(b) (6)>; Henthorne, Betsy (OASG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>
Cc: Iverson, Dena (PAO) <(b) (6)>
Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Good morning – Thanks for your patience as I was focused on the Louisville rollout yesterday.

I just spoke to FBI's NPO about the rollout and confirmed they are targeting Monday. Here is the run of show as I understand it:

9:30 a.m. – Backgrounder begins

- 30 minutes briefing by CJIS Only
- 20-30 minutes Q&A (flagging that last time we didn't need this full time as it was only one or two questions)

10:00 a.m. – Release/Post the supplemental report

Groups will be able to join the call to listen in, but they won't be able to ask questions. (b) (5)

I think (b) (5)

We should get a draft of the press release this afternoon or in the morning at the latest. They are not planning to include any quotes.

Let me know if you have any questions.

AB

From: Mody, Saeed (OASG) <(b) (6)>
Sent: Wednesday, March 8, 2023 8:57 PM
To: Bradford, Aryele (PAO) <(b) (6)>; Iverson, Dena (PAO) <(b) (6)>
Cc: Braden, Myesha (ODAG) <(b) (6)>; Henthorne, Betsy (OASG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>
Subject: FW: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi, Dena and Aryele –

I wanted to provide an update on the release of the revised hate crime stats. We spoke to (b)(6), (7)(C) per FBI and Doug from FBI OPA, in addition to FBI CJIS, about the supplemental hate crime stats release. FBI is aiming for Monday but (b) (5)

(b) (5)

(b) (5)

In addition to FBI, someone from CRT and I would also participate in the call to talk about our other efforts to prevent and combat hate crimes.

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

(b) (5)

From: Mody, Saeed (OASG)

Sent: Wednesday, March 8, 2023 8:37 PM

To: (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI)

(b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Also, when does FBI expect to have a draft press release? And, even if the report is still going through clearance, is there a summary document yet that I could see?

Thank you!

Saeed

From: Mody, Saeed (OASG)

Sent: Wednesday, March 8, 2023 1:00 PM

To: (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>

Subject: RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

I'm happy to be part of the briefing on Monday, with CJIS and CRT. (b) (5)

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Wednesday, March 8, 2023 10:15 AM

To: Mody, Saeed (OASG) <(b) (6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Absolutely!

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

Public Affairs Specialist

FBI - CJIS Division

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

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 8, 2023 10:14 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) (JMD) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Sounds good. It would be helpful to invite (b) (5). Would that be okay?

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Wednesday, March 8, 2023 10:11 AM

To: Mody, Saeed (OASG) <(b) (6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI

(b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi Saeed -

NPO is going to join us for the call at 11:30am. If it's ok with you, we will do a Teams call and I will send out the invite. I will also include Ariele in case she is able to join. I'd like to keep the call small so we can have a productive conversation, but please let me know who on your end you would like for me to include on the call.

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 8, 2023 9:15 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) (JMD) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Great, (b) (6)

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Wednesday, March 8, 2023 9:14 AM

To: Mody, Saeed (OASG) <(b) (6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

11:30 works. What number should I call?

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 8, 2023 8:48 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) (JMD) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

I'm free at 11:30 and then 1 – 2, if one of those windows work on your end.

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Wednesday, March 8, 2023 8:33 AM

To: Mody, Saeed (OASG) <(b) (6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Saeed -

Can I give you a call after my call with NPO? I'm hoping to have more information on messaging to provide you. Let me know when you are available after 10am.

(b) (5)

that would be very helpful.

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

Public Affairs Specialist

FBI - CJIS Division

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

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 8, 2023 8:24 AM

To: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) (JMD) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi, (b)(6), (7)(C) –

I'd love to talk through this, (b) (5)

When do you think you will be able to share the report and/or summary of the report with the larger group?

(b) (5)

was a decision on FBI's end, but please let me know if I'm incorrect. I thought (b) (5) I'll check in with CRT to (b) (5)

Thanks,

Saeed

From: (b)(6), (7)(C), (7)(E) per FBI

Sent: Wednesday, March 8, 2023 8:11 AM

To: Mody, Saeed (OASG) <(b) (6)>; Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI

23-cv-1166 - 589

(b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>

Subject: Re: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi Saeed -

I'm doing a call with OPA/NPO this morning to get some further direction. Can you send a list of (b) (5) (the report will just be posted on CDE Monday), however we will be doing a briefing Monday morning with media (b) (5) NPO has not sent out invites to the briefing or advised any groups about Monday's release of the upcoming supplemental report. (b) (5). NPO should be in contact with Aryele to discuss the plan.

After my call with NPO this morning, I will provide an update on the Monday briefing as well as any additional details on Monday's release.

(b)(6), (7)(C), (7)(E) per FBI
Public Affairs Specialist
FBI - CJIS Division
(b)(6), (7)(C), (7)(E) per FBI

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Tuesday, March 7, 2023 10:28 PM

To: Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden, Myesha (ODAG) (JMD) <(b) (6)>; Lan, Iris (ODAG) (JMD) <(b) (6)>; Sooknanan, Sparkle (OASG) (JMD) <(b) (6)>; Piquero, Alex (OJP) <(b) (6)>; Smith, Erica (OJP) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Moosy, Robert (CRT) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) (JMD) <(b) (6)>; Iverson, Dena (PAO) (JMD) <(b) (6)>; Comrie, Nazmia (COPS) <(b) (6)>

Cc: (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Simon, Eliza (CRT) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Remrey, Lizabeth (OJP) <(b) (6)>; Gardner, Andrea (OJP) <(b) (6)>; (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Yoon, Hayne (OJP) <(b) (6)>; Foran, Sheila (CRT) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>; Weiner, Robert (CRT) <(b) (6)>; Schnitzer, Olivia C. (OJP) <(b) (6)>

Subject: [EXTERNAL EMAIL] - RE: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Just wanted to re-up, because (b) (5)

Many thanks!

Saeed

From: Mody, Saeed (OASG)

Sent: Tuesday, March 7, 2023 8:54 AM

To: Griffith, Brian D. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Braden,

Myesha (ODAG) <(b) (6)>; Lan, Iris (ODAG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>; Piquero, Alex (OJP) <(b) (6)>; Smith, Erica (OJP) <(b) (6)>; Christman, Michael A. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Schubert, Scott E. (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Moosy, Robert (CRT) <(b) (6)>; <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Bradford, Aryele (PAO) <(b) (6)>; Iverson, Dena (PAO) <(b) (6)>; Comrie, Nazmia (COPS) <(b) (6)>

cc: <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Remrey, Lizabeth (OJP) <(b) (6)>; Gardner, Andrea (OJP) <(b) (6)>; <(b)(6), (7)(C), (7)(E) per FBI> (CJISD) (FBI) (b)(6), (7)(C), (7)(E) per FBI; Yoon, Hayne (OJP) <(b) (6)>; Foran, Sheila (CRT) <(b) (6)>; Smith, Johnathan (CRT) <(b) (6)>; Weiner, Robert (CRT) <(b) (6)>; Schnitzer, Olivia C. (OJP) <(b) (6)>

Subject: 2021 Supplemental Hate Crimes Analysis Roll out Plan

Hi, Brian and <(b)(6), (7)(C) per FBI>

I wanted to see if there was a draft rollout plan for the Supplemental Hate Crime Analysis. If the plan is to publish next Monday, then it would be great to see the summary of what the supplemental will show. You previewed some of it last week, and I think it will be well received from our stakeholder partners.

<(b) (5)>

<(b) (5)>

FY 2023 Emmett Till Cold Case Investigations and Prosecution Program

Applications due May 24, 2023

<https://bja.ojp.gov/funding/opportunities/o-bja-2023-171639>

FY 2023 Community-based Approaches to Prevent and Address Hate Crimes

Applications due May 24, 2023

<https://bja.ojp.gov/funding/opportunities/o-bja-2023-171643>

FY 2023 Matthew Shepard and James Byrd, Jr. Hate Crimes Program

Applications due May 30, 2023

<https://bja.ojp.gov/funding/opportunities/o-bja-2023-171642>

Thanks!

Saeed

From: "Dulaney, Emma (PAO)" <(b) (6)>
To: "Zdeb, Sara (OLA)" <(b) (6)>, "Uriarte, Carlos F. (OLA)" <(b) (6)>, "Hinojosa, Xochitl (PAO)" <(b) (6)>, "Antell, Kira M. (OLA)" <(b) (6)>, "Kohlman, Abby K. (OLA)" <(b) (6)>, "Bond, Slade (OLA)" <(b) (6)>, (b) (6) <(b) (6) (OLA)" <(b) (6)>, "Iverson, Dena (PAO)" <(b) (6)>, "Evers, Austin (ODAG)" <(b) (6)>, "Benson, Adrienne (ODAG)" <(b) (6)>, "Hornbuckle, Wyn (PAO)" <(b) (6)>, "Gao, Greta G. (OLA)" <(b) (6)>, "Hanson, Matthew B. (OLA)" <(b) (6)>, "Pietranton, Kelsey (PAO)" <(b) (6)>, "Apelbaum, Perry H. (OLA)" <(b) (6)>, "Klapper, Matthew B. (OAG)" <(b) (6)>, "Morris, Catherine (PAO)" <(b) (6)>

Subject: RE: Sunday Shows - 3/5/2023
Date: Sun, 5 Mar 2023 15:28:54 +0000
Importance: Normal

Interesting Jordan quote on the accommodations process –

Fox Sunday Morning Futures
House Judiciary Cmte Chair Jim Jordan (R-OH)

Relevant Quotes:

- On Twitter files hearing: “we’re going to have two journalists who are going to come in and talk about what they’ve seen. Elon Musk made available docs where you can see government pressuring big tech companies to shape the media narrative. Maybe the best example is the laptop story leading up to the 2020 election, because the head of trust and safety at Twitter testified that in the run up to the election, he had weekly meetings with DNI, FBI, and DHS. In those meetings they told him that there would be a hack and dump operation October 2020 involving Hunter Biden. They told him what was going to happen, when it was going to happen, and who it would involve... how did they know this? Because they had the laptop in their possession, and they were prepping mainstream media to suppress the Hunter Biden laptop story.”
- On Twitter: “I think this is a China story as well, that is what Chair Comer is working on at the Oversight Committee. What we’re working on at House Judiciary is these agencies that I believe were suppressing free speech rights.”
- “We’ve asked why there isn’t a Special Counsel for the Hunter Biden issue. Special Counsel is for a conflict, and there certainly seems to be a conflict when you have a U.S. Attorney investigating the son of a current President. We want to know how the decision was made to not appoint the Special Counsel.”
- **On DOJ “stonewalling”:** “we think we’ve laid a lot of the groundwork. You have to do the accommodations process and send lots of letters before you go through the compulsory subpoena process. I think we’ve sent mores subpoenas than the rest of Congress combined thus far. I mean not that we’re trying to send subpoenas, we’re just trying to get the information. We’re trying to lay it all out and do what we need to do to get that information. We just want to get the facts on the table so that we can propose legislation and also use the appropriations process to change behavior. Think just what we’ve learned about the FBI in the past few months, targeting parents and traditional Catholics, and that the threat tag used after the *Dobbs* decision went to go after pro-lifers. We want to get all the facts.”
- On Whistleblowers: “Three sat down for a transcribed interview. There are a couple dozen others who aren’t willing to come public but have met with our staff. But if they are willing to come public then we’ll do transcribed interviews. We’ve learned some valuable information so far, like the threat tag.”
- “The real power of Congress is the power of the purse and we’re going to have to use that... I will hold back funding from the FBI or say ‘this funding can’t be used for X or for Y’ or limit the funding overall. Those are the things you have to do in order to change this egregious behavior.”

From: Dulaney, Emma (PAO)
Sent: Sunday, March 5, 2023 9:41 AM
To: Zdeb, Sara (OLA) <(b) (6)>; Uriarte, Carlos F. (OLA) <(b) (6)>; Hinojosa, Xochitl (PAO) <(b) (6)>; Antell, Kira M. (OLA) <(b) (6)>; Kohlman, Abby K. (OLA) <(b) (6)>; Bond, Slade (OLA) <(b) (6)>; (b) (6) (OLA)
<(b) (6)>; Iverson, Dena (PAO) <(b) (6)>; Evers, Austin (ODAG)
<(b) (6)>; Benson, Adrienne (ODAG) <(b) (6)>; Hornbuckle, Wyn (PAO)
<(b) (6)>; Gao, Greta G. (OLA) <(b) (6)>; Hanson, Matthew B. (OLA)
<(b) (6)>; Pietranton, Kelsey (PAO) <(b) (6)>; Apelbaum, Perry H. (OLA)
<(b) (6)>; Klapper, Matthew B. (OAG) <(b) (6)>; Morris, Catherine (PAO) <(b) (6)>
Subject: RE: Sunday Shows - 3/5/2023

House Intel Chair and RM's full interview airs in the 10:30 AM hour, but there is a preview clip on Twitter of them talking about the Gang of 8 briefing: <https://twitter.com/MeetThePress/status/1632387084446052353>

NBC: Meet the Press

House Intel Chair Mike Turner and Ranking Member Jim Himes

Q: Do you know what's in the classified docs?

Turner: No but there are some things that we do know.

Q: They didn't share those things with you in a classified setting? Why?

Turner: One of the things that we do know is that the FBI is not being forthcoming. They are claiming it will impact the outcome of the investigation which of course it won't because the targets of those investigations know what is in the documents. We also know from Avril Haines, that she was not consulted prior to the Mar a Lago raid, that it was not a national security basis. As they give us the categories of the documents and the assessments of who had access to them, we're beginning to build an understanding. But the thing that we know is that it's unbelievable that Administration after Administration is sloppy with classified docs. That is something we need to address on a bipartisan basis.

Q: Congressman Himes, do you at least know the classification level of these docs? Is there a distinction between the Trump, Biden, Pence docs?

Himes: So we have not been shown anything that would allow us to draw that conclusion. We were briefed, let's just say neither one of us were satisfied that we got enough information to execute our primary responsibility of making sure that sources and methods have been protected. We have more to learn before we can be satisfied on that... We didn't say we had no idea (on classification levels.) We can't get too into the details, but we got a flavor of what was there. I won't speak for Mike but have been giving a flavor this was a very serious issue. One we can say clearly matters.

Q: In all 3 cases?

Himes: We don't know yet.

From: Dulaney, Emma (PAO)
Sent: Sunday, March 5, 2023 9:22 AM
To: Zdeb, Sara (OLA) <(b) (6)>; Uriarte, Carlos F. (OLA) <(b) (6)>; Hinojosa, Xochitl (PAO) <(b) (6)>; Antell, Kira M. (OLA) <(b) (6)>; Kohlman, Abby K. (OLA) <(b) (6)>; Bond, Slade (OLA) <(b) (6)>; (b) (6) (OLA)

<(b) (6)>; Iverson, Dena (PAO) <(b) (6)>; Evers, Austin (ODAG)
<(b) (6)>; Benson, Adrienne (ODAG) <(b) (6)>; Hornbuckle, Wyn (PAO)
<(b) (6)>; Gao, Greta G. (OLA) <(b) (6)>; Hanson, Matthew B. (OLA)
<(b) (6)>; Pietranton, Kelsey (PAO) <(b) (6)>; Apelbaum, Perry H. (OLA)
<(b) (6)>; Klapper, Matthew B. (OAG) <(b) (6)>; Morris, Catherine
(PAO) <(b) (6)>

Subject: Sunday Shows - 3/5/2023

Fox News Sunday

Senate Intel Chair Mark Warner (D-VA)

- Focus on China, TikTok, worldwide threats hearing, COVID origins, funding for Ukraine, and Havana syndrome.
- Did not mention Gang of 8 briefing.

From: "Smith, Johnathan (CRT)" <(b) (6)>
To: "Gaston, Molly (ODAG)" <(b) (6)>, "Berger, Christine (OAG)" <(b) (6)>
Cc: "Braden, Myesha (ODAG)" <(b) (6)>, "Sooknanan, Sparkle (OASG)" <(b) (6)>, "Simon, Eliza (CRT)" <(b) (6)>

Subject: RE: FACE Act

Date: Sun, 5 Mar 2023 13:11:31 +0000

Importance: Normal

Will do.

From: Gaston, Molly (ODAG)
Sent: Sunday, March 5, 2023 8:11 AM
To: Smith, Johnathan (CRT) <(b) (6)>; Berger, Christine (OAG) <(b) (6)>
Cc: Braden, Myesha (ODAG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>; Simon, Eliza (CRT) <(b) (6)>
Subject: RE: FACE Act

Thanks, Johnathan. Please let us know (b) (5)

From: Smith, Johnathan (CRT) <(b) (6)>
Sent: Sunday, March 5, 2023 7:56 AM
To: Berger, Christine (OAG) <(b) (6)>
Cc: Braden, Myesha (ODAG) <(b) (6)>; Gaston, Molly (ODAG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>; Simon, Eliza (CRT) <(b) (6)>
Subject: Re: FACE Act

I don't believe so, but I will check with her and circle back if I hear otherwise.

On Mar 5, 2023, at 6:52 AM, Berger, Christine (OAG) <(b) (6)> wrote:

Thanks for flagging, Johnathan. By chance has she heard from any of the pregnancy resource centers or US Conference of Catholic Bishops she's previously met with?

From: Smith, Johnathan (CRT) <(b) (6)>
Sent: Sunday, March 5, 2023 6:13:48 AM
To: Berger, Christine (OAG) <(b) (6)>; Braden, Myesha (ODAG) <(b) (6)>; Gaston, Molly (ODAG) <(b) (6)>; Sooknanan, Sparkle (OASG) <(b) (6)>
Cc: Simon, Eliza (CRT) <(b) (6)>
Subject: FACE Act

Good morning, all.

Just flagging this blog post following the AG's testimony last week ([GARLAND'S STUNNING IGNORANCE OF JANE'S REVENGE – Catholic League](#)). The post ends with (b) (6) and Kristen notes that she has received (b) (6)

(b) (5) [REDACTED], but just wanted to let you all know for general awareness. We have flagged for OPA and OLA as well.

Thanks,

j

Johnathan Smith (he/him)
Deputy Assistant Attorney General and Acting Chief of Staff
Civil Rights Division
U.S. Department of Justice

(b) (6) [REDACTED]
(b) (6) [REDACTED] (o)
(b) (6) [REDACTED] (m)

From: "Clarke, Kristen (CRT)" <(b) (6)>

To: "Smith, Johnathan (CRT)" <(b) (6)>

Subject: FW: [EXTERNAL] Re: Garland's Stunning Ignorance Of Jane's Revenge

Date: Fri, 3 Mar 2023 17:41:03 +0000

Importance: Normal

From: Clarke, Kristen (CRT)

Sent: Friday, March 3, 2023 9:50 AM

To: Bradford, Aryele (PAO) <(b) (6)>; Moosy, Robert (CRT) <(b) (6)>

Subject: Fwd: [EXTERNAL] Re: Garland's Stunning Ignorance Of Jane's Revenge

FYSA.

Begin forwarded message:

From: "Rev. Justin McCreedy" <(b) (6)>

Date: March 3, 2023 at 3:19:35 AM EST

To: <(b) (6)>@catholicleague.org

Cc: "Clarke, Kristen (CRT)" <(b) (6)>

Subject: [EXTERNAL] Re: Garland's Stunning Ignorance Of Jane's Revenge

Thank you for bringing this shocking situation to further public attention. 81 violent attacks on pro-life clinics, 130 attacks on Catholic churches, with only two prosecutions, while 34 non-violent pro-life protesters have been prosecuted. Please. What is this? And so blatant? What we have here is an anti-Catholic, anti-protection-for-innocent human life United States Government. It is shocking.

On Thursday, March 2, 2023 at 08:13:52 AM PST, Catholic League <pr@catholicleague.org> wrote:



Garland's Stunning Ignorance Of Jane's Revenge

March 2, 2023

Catholic League president Bill Donohue comments on [Attorney General Merrick Garland's comments yesterday](#):

It was not a good day for U.S. Attorney General Merrick Garland. He got his clock cleaned by several members of the Senate Judiciary Committee. His failure to stem the tide of violence against pro-life Americans, many of whom are Catholic, is not debatable.

As Sen. Mike Lee pointed out yesterday, there have been 81 violent attacks on pro-life crisis pregnancy centers, and 130 attacks on Catholic churches, but only two persons have been charged. Yet the Department of Justice (DOJ) has brought charges against 34 non-violent pro-life protesters. This is purely a function of politics. There is no other rational explanation for such a glowing disparity.

No domestic terrorist group has been more vocal and active in violently attacking pro-life individuals and institutions than Jane's Revenge. They have claimed responsibility for at least 18 violent attacks on pro-life centers since the leak of the Supreme Court decision that overturned *Roe v. Wade*.

It is bad enough that Garland's DOJ has been missing in action in prosecuting Jane's Revenge, it is mind-blowing to learn that Garland claims not to have known who they are until yesterday!

Here is what Sen. Marsha Blackburn said to him yesterday. "You told me earlier that you didn't know who Jane's Revenge is. They are all over Twitter." Garland did not contest what she attributed to him.

Assuming he is not lying, why is it that no one on his staff ever bothered to appraise him of Jane's Revenge? It's not as though he hasn't been contacted about their violence.

On June 10, 2022, Sen. Marco Rubio wrote to Garland about "radical pro-abortion groups, like Jane's Revenge, that have relentlessly targeted pro-life centers, groups, and churches with arson, vandalism, and violence due to their pro-life views."

On June 15, Rubio again wrote to Garland about Jane's Revenge, saying they have now "doubled-down on its commitment to violence, threats and intimidation, writing that the 'leash is off' and it is now 'open season' on any pro-life group that refuses to close its doors."

On June 16, 2022, Sen. Tom Cotton said Garland should resign over the DOJ's failure to deal with Jane's Revenge violence. "Houses of worship and pro-life pregnancy centers are under attack."

On June 17, 2022, I wrote to Garland. "We have witnessed a rash of vandalism against Catholic churches, firebombings of crisis pregnancy centers (many of which are run by Catholics), Masses being interrupted, illegal protests outside the homes of Catholic Supreme Court Justices, and at attempted murder of one of the Catholic Justices. While there are several groups involved in these attacks, none is more dangerous than Jane's Revenge.

“Jane’s Revenge is a domestic terrorist group, par excellence. Recently formed, it brags about blowing up crisis pregnancy centers. Worse, it is calling for a ‘Night of Rage’ on the day the Supreme Court is expected to overturn *Roe v. Wade*.”

I ended by asking him to take “aggressive action” against Jane’s Revenge.

Even though Rubio, Cotton and I independently alerted Garland to Jane’s Revenge, he appears positively clueless as to who they are. His ignorance is stunning.

Sen. Cotton is right—Garland should resign. If he doesn’t, he should be impeached.

Contact Kristen Clarke, Assistant AG: (b) (6)

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From: "Cochran, Shaylyn (CRT)" <(b) (6)>

To: Nina Patel <(b) (6)>

Cc: "Cochran, Shaylyn (OAG)" <(b) (6)>

Subject: RE: New Point of Contact -- DOJ Civil Rights Division

Date: Thu, 2 Mar 2023 20:35:04 +0000

Importance: Normal

Inline-Images: image002.jpg

Hi Nina,

Yes, I would be happy to stay connected. I imagine the next month may be hectic as I transition, but let's aim to find a time later in the month. I copied my new email address so we can make that happen.

Shaylyn

From: Nina Patel <(b) (6)>

Sent: Thursday, March 2, 2023 1:55 PM

To: Cochran, Shaylyn (CRT) <(b) (6)>

Subject: [EXTERNAL] RE: New Point of Contact -- DOJ Civil Rights Division

Hi Shaylyn,

Congratulations on your new role, and I wish you the best. Thank you so much for your leadership and openness in this position. I'm new to the advocacy space, and it has been great working with you. Please let me know if you need anything. I would like to hear more about your new position when you are able to share.

Sincerely,

Nina

Nina Patel (she/her)

Senior Policy Counsel, Decarceration & Criminal Legal System Reform | Policy

Southern Poverty Law Center & SPLC Action Fund

T (b) (6)

(b) (6) | splcenter.org | splcactionfund.org

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From: Cochran, Shaylyn (CRT) <(b) (6)>

Sent: Thursday, March 2, 2023 1:27 PM

Cc: Smith, Johnathan (CRT) <(b) (6)>; Simon, Eliza (CRT) <(b) (6)>; Cheung-

Smith, Bridget (CRT) <(b) (6)>

Subject: New Point of Contact -- DOJ Civil Rights Division

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon All,

I write to share that today is my last day at the Justice Department's Civil Rights Division. Deputy Assistant Attorney General Johnathan Smith and Acting Chief of Staff ((b) (6)) continue to share updates on behalf of the Division. He will be joined by Eliza Simon, acting deputy chief of staff ((b) (6)). Please contact Johnathan or Eliza for assistance from the Division.

It has been a pleasure engaging with you the last two years. I am transitioning to a new role in the Office of the Attorney General, where I will continue working on civil rights issues. I hope to stay connected.

Best,
Shaylyn

Shaylyn Cochran

Chief of Staff and Senior Counsel
Office of the Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
((b) (6))

From: (b) (6) (OLA)" <(b) (6) >

To: Undisclosed recipients;;

Subject: OLA Correspondence 03/01/23

Date: Thu, 2 Mar 2023 10:34:26 +0000

Importance: Normal

Attachments: Removed per scoping agreement

2023-03-01-IN- - Grassley-
_Richmond_FBI_Catholic_Report.pdf; (b)(7)(E) per FBI

Good morning,

Please find yesterday's incoming congressional correspondence attached and summarized below.

1. Removed per scoping agreement

2. Removed per scoping agreement

3. **Letter from Senators Lindsey Graham, and Chuck Grassley to AG Garland and FBI Director Wray** – Expressing concern about the leaked memo by the FBI's Richmond Field Office regarding radical-traditionalist Catholic ideology; and requesting that the Department provide an unredacted copy of the withdrawn memo and any similar reports, information and records related to the memo's preparation and dissemination, and information about the FBI's supposed use of the Southern Poverty Law Center as a source.

4. (b)(7)(E) per FBI

No priority outgoing correspondence sent.

(b) (6)

Confidential Assistant
Office of Legislative Affairs
U.S. Department of Justice

(b) (6)

United States Senate
WASHINGTON, DC 20510

March 1, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

In January, Senator Grassley wrote to the FBI lamenting the growing sense that the FBI has been weaponized against ordinary Americans. The letter pointed out that “numerous questions have been raised about the politicization of what should be completely neutral law-enforcement work.”¹ Little did we know that the next blatant example of the FBI’s weaponization against Americans would come so quickly. We are deeply alarmed at recent whistleblower reports that the FBI’s Richmond, Virginia field office, relying upon an extreme and thoroughly-discredited leftist advocacy group masquerading as a civil rights organization — the Southern Poverty Law Center (SPLC) — and certain leftist publications, issued a report that should strike fear in the heart of any American who values the sacred right to religious liberty enshrined in the First Amendment. With apparently little or no basis or supporting examples, and presumably with the full approval of his or her supervisors, an FBI intelligence analyst officially linked traditional Catholics, opponents of abortion and advocates for the traditional family, to violent strands of white supremacy.² The report suggested infiltrating the Church to find informants and gather information.³ Although the FBI withdrew this report quickly after public scrutiny was focused upon it – which was obviously the right move – its drafting, approval, and release proves yet again the crisis brewing within the FBI and its leadership, which time and again has failed to rein in such blatant bias.

¹ Letter from Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary, to Christopher Wray, Director, Federal Bureau of Investigation (January 27, 2023), on file with Committee staff.

² Kyle Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, UncoverDC (February 9, 2023), <https://www.uncoverdc.com/2023/02/08/the-fbi-doubles-down-on-christians-and-white-supremacy-in-2023/>; *see also*, Wall Street Journal Editorial Board, The FBI’s Catholic Canard, The Wall Street Journal (February 15, 2023), <https://www.wsj.com/articles/fbi-catholics-traditionalists-report-retracted-extremists-southern-poverty-law-center-72b817c9>.

³ Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, *supra*.

According to Mr. Kyle Seraphin, the reporter to whom the whistleblower provided the report and himself a former FBI agent, one of the appendices at the end of the report is copied directly from the SPLC list of “Radical Traditional Catholicism Hate Groups.”⁴ The SPLC, upon which the report relied, reportedly offers no instances of violence to back up its claims that traditional Catholics are aligned with white supremacist groups, and SPLC is notoriously inaccurate and irresponsible in its labeling of “hate groups.”⁵ Indeed, SPLC for years has lumped together truly violent neo-Nazi organizations with groups of orthodox believers who simply happen to disagree on the nature of marriage and the family, abortion, or other social issues, and has allegedly admitted that it excludes leftist violence from its focus.⁶ And this invites the question of why the FBI would ever use SPLC as a source when it consistently shows bias against conservative organizations.⁷ This is not the appropriate way to conduct an investigation or an appropriate use of taxpayer dollars.

The FBI memo comes as the Department of Justice (DOJ) apparently has been looking for reasons to marshal its vast resources against religious pro-life advocates. We expressed alarm in September of last year, when heavily-armed FBI agents executed an arrest warrant against Catholic pro-life activist Mark Houck for allegedly violating the Freedom of Access to Clinic Entrances Act (FACE Act) based on an altercation with an abortion clinic volunteer who allegedly was verbally harassing Mr. Houck’s 12-year-old son.⁸ Even though local authorities declined to press charges and the state complaint filed against him by the alleged victim was dismissed, the Department thought it necessary to arrest Mr. Houck at gunpoint in front of his terrified wife and children.⁹ At the conclusion of his trial, Mr. Houck was found not guilty of all

⁴ *Id.*

⁵ *Id.*; see, e.g., Nathan J. Robinson, The Southern Poverty Law Center Is Everything That Is Wrong With Liberalism, Current Affairs (March 26, 2019), <https://www.currentaffairs.org/2019/03/the-southern-poverty-law-center-is-everything-thats-wrong-with-liberalism>; Jessica Prol Smith, The Southern Poverty Law Center is a hate-based scam that nearly caused me to be murdered, USA Today (August 17, 2019), <https://www.usatoday.com/story/opinion/2019/08/17/southern-poverty-law-center-hate-groups-scam-column/2022301001/>.

⁶ Center for Immigration Studies, Overview of the SPLC’s “Hate Groups” List (last accessed February 22, 2023), <https://cis.org/Overview-SPLCs-Hate-Groups-List>.

⁷ *Id.*

⁸ Joe Bukuras, UPDATE: Mark Houck cleared of FACE Act charges in rebuke to Justice Department’s aggressive prosecution, Catholic News Agency (January 30, 2023), <https://www.catholicnewsagency.com/news/253477/breaking-mark-houck-cleared-of-face-act-charges-in-rebuke-to-justice-department>; Danielle Wallace and Jake Gibson, Pro-life activist Mark Houck Pleads Not Guilty to Federal Charges After FBI Arrest, Fox News (September 27, 2022), <https://www.foxnews.com/us/pro-life-activist-mark-houck-pleads-not-guilty-federal-charges-fbi-arrest>; see also, Letter from Ranking Member Charles Grassley, Senate Committee on the Judiciary, et al., to Merrick Garland, Attorney General, Dep’t of Justice, and Christopher Wray, Director, Federal Bureau of Investigation (September 28, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_republican_senators_to_justice_deptfbiarrestofprolifeadvocate.pdf.

⁹ Diana Glebova, Pro-Life Activist Arrested in FBI Raid Pleads Not Guilty to Federal Charges, National Review (September 27, 2022), <https://www.nationalreview.com/news/pro-life-activist-arrested-in-fbi-raid-pleads-not-guilty-to-federal-charges/>; Joe Bukuras, UPDATE: Mark Houck cleared of FACE Act charges in rebuke to Justice Department’s aggressive prosecution, *supra*.

charges, and news reports have said that the federal judge overseeing the case “raised the possibility that the case should never have been brought to trial.”¹⁰

Moreover, according to reports, since the draft opinion in *Dobbs v. Jackson Women’s Health Organization* was leaked in May 2022, there have been at least 130 attacks on Catholic Churches, which include incidences of arson, graffiti, and destruction of property.¹¹ Last year following the Supreme Court’s decision in *Dobbs*, Senator Grassley wrote to the FBI urging it to properly investigate the wave of violent attacks perpetrated by pro-abortion extremist groups around the country, which included acts of arson and vandalism against a Catholic Church in Reston, Virginia.¹² This memo from the FBI’s Richmond office instead focuses upon groups not even located in Virginia and creates the impression that the FBI has taken the opposite approach and is actively targeting rather than protecting those who practice the Catholic faith.¹³ This is unacceptable. The FBI’s limited resources are better spent investigating and arresting those responsible for the heinous attacks on Catholic Churches and pro-life centers around the country rather than trying to infiltrate and investigate Catholic Churches.¹⁴ The FBI’s most recent demonization of the Catholic Church is another in a long list of stark instances of the weaponization of the Justice Department to target American citizens who are exercising their constitutional rights. It is also further evidence of a worrisome pattern of years of politicization within the FBI.¹⁵

¹⁰ Joe Bukuras, UPDATE: Mark Houck cleared of Face Act charges in rebuke to Justice Department’s aggressive prosecution, *supra*.

¹¹ Tommy Valentine, Tracker: Over 280 Attacks on U.S. Catholic Churches Since May 2020 (last accessed February 20, 2023), <https://catholicvote.org/tracker-church-attacks/>.

¹² Letter from Senator Charles Grassley, Ranking Member, Senate Committee on the Judiciary, to Christopher Wray, Director, Federal Bureau of Investigations (June 27, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_fbi_-_abortion-related_extremism.pdf; *see*, Roe v. Wade-related arson, graffiti investigation underway at Reston church, INSIDE NOVA (June 26, 2022), https://www.insidenova.com/headlines/roe-v-wade-related-arson-graffiti-investigation-underway-at-reston-church/article_d8f38d72-f590-11ec-8f61-f3da0d569785.html.

¹³ Kyle Seraphin, The FBI Doubles Down on Christians and White Supremacy in 2023, *supra*.

¹⁴ *See*, Nick Viviani, \$25,000 reward offered in firebombing of Madison anti-abortion office, *WEAU 13 News*, (January 19, 2023) <https://www.wEAU.com/2023/01/19/25000-reward-offered-firebombing-madison-anti-abortion-office/>; *see also*, Valerie Richardson, Antifa fears spike after arrests in Jane’s Revenge attacks on pro-life facilities, *The Washington Times* (January 31, 2023), <https://www.washingtontimes.com/news/2023/jan/31/antifa-link-casts-janes-revenge-attacks-pro-life-c/>.

¹⁵ Judiciary Republicans, Home-State Senator Demand Explanation for Dawn Raid on Pro-Life Activist Family Home (September 28, 2022), <https://www.grassley.senate.gov/news/news-releases/judiciary-republicans-home-state-senator-demand-explanation-for-dawn-raid-on-pro-life-activist-family-home>; FBI Possesses Significant, Impactful, Voluminous Evidence of Potential Criminality in Biden Family Business Arrangements (October 17, 2022), <https://www.grassley.senate.gov/news/news-releases/fbi-possesses-significant-impactful-voluminous-evidence-of-potential-criminality-in-biden-family-business-arrangements>; Whistleblowers’ Reports Reveal Double Standard in Pursuit of Politically Charged Investigations by Senior FBI, DOJ Officials (July 25, 2022), <https://www.grassley.senate.gov/news/news-releases/whistleblowers-reports-reveal-double-standard-in-pursuit-of-politically-charged-investigations-by-senior-fbi-doj-officials>; Letter from Senator Charles Grassley, to Merrick

So that we may conduct thorough and independent oversight of this report and FBI's practices related to intelligence reports that implicate religious liberty or other fundamental rights, please respond to the following questions and information requests no later than March 15, 2023:

1. Please provide a full and unredacted copy of the withdrawn intelligence report at issue;
2. Please provide all correspondence between the intelligence analyst who issued the report and anyone of higher rank in the DOJ or FBI related to the report, including the process for its approval;
3. Please provide all DOJ and FBI policies related to preparation and dissemination of such reports, including guidelines for making sure they are properly sourced and do not infringe upon fundamental rights, such as the freedoms of speech and religion;
4. Please provide an unredacted copy of all reports issued within the FBI or DOJ within the past five years alleging a link between any primarily-religious or conservative association or entity and violent extremism;
5. How was a report that FBI now says did not meet its standards able to gain approval, and will there be any training, counseling, or disciplinary action for the agents involved in its dissemination?
6. Was the Richmond report disseminated outside the Richmond field office? If so, to whom and for what reason?
7. What is the DOJ and FBI's policy on using the SPLC as a source, and are there any other reports currently used that rely upon SPLC? What is the DOJ and FBI's policy on using other sources that the report relied upon, such as Salon and The Atlantic?
8. Can you assure us that no further action, investigative or otherwise, will be taken regarding traditional Christians or other religious groups, where SPLC or similar unreliable sources are used or where the basis of the action is constitutionally-protected activity rather than specific threats of violence?

Garland, Attorney General, U.S. Dep't of Justice, and Christopher Wray, Director, Federal Bureau of Investigation (February 2, 2023), https://www.grassley.senate.gov/imo/media/doc/ceg_to_doj_-_houck_follow_up.pdf.

If you have any questions, please contact our staff at (b) (6)

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget



Lindsey O. Graham
Ranking Member
Committee on the Judiciary

cc:

The Honorable Michael Horowitz
Inspector General
Department of Justice

From: "Kohlman, Abby K. (OLA)" <(b) (6)>

To: "Benson, Adrienne (ODAG)" <(b) (6)>

Subject: FW: Hearing - Live Notes

Date: Wed, 1 Mar 2023 17:11:23 +0000

Importance: Normal

Abigail Kay Kohlman
Chief of Staff / Senior Counsel
U.S. Department of Justice
Office of Legislative Affairs
(b) (6)
(b) (6)

From: (b) (6) (OLA) <(b) (6)>
Sent: Wednesday, March 1, 2023 12:11 PM
To: (b) (6) (OLA) <(b) (6)>; Kohlman, Abby K. (OLA) <(b) (6)>;
Uriarte, Carlos F. (OLA) <(b) (6)>; Gao, Greta G. (OLA) <(b) (6)>; Zdeb, Sara (OLA)
<(b) (6)>; Hanson, Matthew B. (OLA) <(b) (6)>
Subject: RE: Hearing - Live Notes

Hawley:
• (b) (5)
• [Redacted]
• [Redacted]
• [Redacted]
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• [Redacted]
• [Redacted]

From: "Braden, Myesha (ODAG)" <(b) (6)>

To: "Mody, Saeed (OASG)" <(b) (6)>

Subject: RE: DAG Quarterly Meeting with Civil Rights Groups

Date: Wed, 01 Mar 2023 16:51:37 -0000

Importance: Normal

(b)(6) Jani Nelson

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 1, 2023 11:50 AM

To: Braden, Myesha (ODAG) <(b) (6)>

Subject: RE: DAG Quarterly Meeting with Civil Rights Groups

Do you have Jani Nelson's email info by chance?

From: Mody, Saeed (OASG)

Sent: Wednesday, March 1, 2023 11:24 AM

To: Braden, Myesha (ODAG) <(b) (6)>

Subject: RE: DAG Quarterly Meeting with Civil Rights Groups

Ahh, right. You've told me that before, so thank you for the reminder.

From: Braden, Myesha (ODAG) <(b) (6)>

Sent: Wednesday, March 1, 2023 11:20 AM

To: Mody, Saeed (OASG) <(b) (6)>

Subject: RE: DAG Quarterly Meeting with Civil Rights Groups

Hi, Saeed

The DAG's quarterly meeting is focused on civil rights groups working at the intersection of National Security, not civil rights issues broadly. I'm a big fan of all the orgs below, but (b) (5).

<i>American Civil Liberties Union</i>	<i>Human Rights Watch</i>
<i>Arab American Institute</i>	<i>Lawyers' Committee for Civil Rights Under Law</i>
<i>Asian Americans Advancing Justice</i>	<i>Leadership Conference on Civil & Human Rights</i>
<i>Bend the Arc</i>	<i>NAACP Legal Defense & Education Fund</i>
<i>Brennan Center for Justice</i>	<i>Religious Action Center for Reform Judaism</i>
<i>Human Rights Campaign</i>	<i>Southern Poverty Law Center</i>

Best,

Myesha

From: Mody, Saeed (OASG) <(b) (6)>

Sent: Wednesday, March 1, 2023 11:00 AM

To: Braden, Myesha (ODAG) <(b) (6)>

Subject: DAG Quarterly Meeting with Civil Rights Groups

Hi, Myesha –

Do you have the email list of who receives invites to the DAG's quarterly civil rights meetings? If so, would you mind sharing? We're trying to push some information out about the Knowledge Lab to law enforcement groups and civil rights groups. I think our civil rights group list is good but wanted to see if we're missing anyone from the DAG's meetings.

In particular, LCCHR had a meeting with Vanita in August on the EO and several folks attended but we didn't get email addresses:

Tahir Duckett, ED Center for Innovations in Community Safety

Hilary Rau, VP Center for Policing Equity

Charlotte Resing, Manager Center for Policing Equity

Liyah Brown, Director Advancement Project

Thanks!

Saeed

From: Bilal Askaryar <(b) (6)>
To: (b)(6) Matthew Klapper <(b)(6) Matthew Klapper>
Cc: (b)(6) Vanita Gupta <(b)(6) Vanita Gupta >, (b)(6) Lucas Guttentag <(b)(6) Lucas Guttentag>, (b)(6) Margy O'Herron <(b)(6) Margy O'Herron>, (b)(6) David Neal <(b)(6) David Neal >, (b)(6) Madhuri Grewal <(b)(6) Madhuri Grewal >, Savitri Arvey <(b) (6)>, Kimiko Hirota <(b) (6)>

Subject: [EXTERNAL] Compilation of 55+ Org Statements Against Asylum Ban

Date: Sun, 26 Feb 2023 22:14:24 +0000

Importance: Normal

Good morning Mr. Klapper,

I'm sharing a compilation of statements from organizations that have spoken out against the recently proposed asylum ban. The organizations (including the Indivisibles, US Conference of Catholic Bishops, Foreign Policy 4 America, and many others) are unanimous in their call for the Biden administration to reverse course.

The #WelcomeWithDignity campaign's experts are ready to work with the administration and Congress to implement humane and practical recommendations to the challenges we face at the border. We have compiled the best resources here: [WelcomeWithDignity.org/solutions](https://www.welcomewithdignity.org/solutions).

COMPILATION OF MORE THAN 55 ORGANIZATIONAL STATEMENTS OPPOSING THE PROPOSED ASYLUM BAN RULE.

The below immigrant and refugee rights groups, human and civil rights organizations, and faith-based organizations expressed unanimous opposition to the Biden administration's introduction of an asylum ban.

[#WelcomeWithDignity: Biden's Asylum Ban Will Return Refugees to Danger and Death](#) (includes contributions from 30 organizations)

[ACLU Condemns Biden Administration's Decision to Move Forward with Trump-era Asylum Ban | American Civil Liberties Union](#)

[The Advocates for Human Rights Condemns Proposed Asylum Ban, which Violates Law, Risks Harm to Countless Lives](#)

[African Communities Together Condemns Proposed Asylum Rule; Calls on Biden to Stand With All Asylum Seekers](#)

[African Human Rights Coalition Statement: Biden Ban Deathly for Africa's LGBTQI+ Asylum Seekers](#)

[AILA Condemns Biden Administration's Push to Use "Transit Ban" Against Vulnerable Asylum Seekers](#)

[America's Voice Reacts to Biden's Asylum Ban](#)

[American Immigration Council Statement](#)

[Americans for Immigrant Justice Responds to President Biden's Proposed Asylum Ban, Calls on Government to Protect Asylum](#)

[Amnesty International USA condemns the Biden Administration's Asylum Ban](#)

[Asian Americans Advancing Justice Condemns Attacks on Asylum and Refugees as Biden Doubles Down on Trump-Era Harmful Asylum Policy](#)

[Bethany Christian Services Urges Administration to Reconsider Asylum Proposal](#)

[Bridges Faith Initiative Decries Biden's Proposed Asylum Ban](#)

[Capital Area Immigrants' Rights \(CAIR\) Coalition Condemns the Biden Administration's Proposed Asylum Ban](#)

[CARECEN-LA Assault on Asylum Continues, Biden Administration Replicates Trump Era Ban Further Endangering the Lives of Asylum Seekers](#)

[CARECEN SF Urges Retraction of New Asylum Ban by the Biden Administration](#)

[CGRS: Biden Asylum Ban Will Endanger Refugees](#)

[CHIRLA Statement on Asylum Ban](#)

[Church World Service: Resurrection of Trump-Era Ban is a Broken Promise to Asylum Seekers](#)

[CLINIC: Proposed Ban on Asylum Violates U.S. Law and Catholic Social Teaching](#)

[The Coalition on Human Needs Opposes President Biden's Proposed Asylum Ban](#)

[Florence Project and Kino Border Initiative Condemn Most Recent Asylum Ban](#)

[FP4A CONDEMNS NEW BIDEN-HARRIS ADMINISTRATION REFUGEE TRANSIT BAN](#)

[HIAS - Biden Administration's Proposed Asylum Ban is Harmful and Inhumane](#)

[Human Rights First: Biden's Asylum Ban Would Return U.S. to Trump-Style Policy](#)

[IIC: As Biden Moves Forward with Asylum Ban, Faith Groups and Advocates Gathered to Demand Restored Access to Asylum](#) (includes contributions from 20 additional organizations)

[The Immigration Hub - Immigration Hub Condemns the Biden Administration's Decision to Formally Propose Trump-Era Asylum Ban](#)

[Indivisible on Biden's Announced Asylum Ban Rule](#)

[IRC Statement: Proposed Asylum Ban Would Bar Thousands of People Seeking Protection from U.S. Asylum and Threatens to Undermine Regional Protection Systems](#)

[JAC: Biden's Asylum Ban Revives the Worst of Anti-Immigrant Policies; Should Not Be Implemented](#)

[Justice for Migrant Women: Biden Administration Acts Out Of Fear, Not Reality, And Fails To Acknowledge The Humanity Of Survivors Of Gender-Based Violence](#)

[Kids in Need of Defense Deplores Biden Administration Proposed Rule on Asylum](#)

[L4GG: Biden's Proposed "Asylum Ban" Will Turn Asylum into a Lottery, Where the Stakes are Human Lives](#)

[Las Americas IAC: Biden Administration Resurrects Trump Administration Transit Ban](#)

[Latin America Working Group Condemns Biden Administration's Ruling Limiting Asylum](#)

[LIRS - Transit Ban 2.0: New Biden Rule Would Limit Asylum Eligibility](#)

[Make the Road NY - Immigrant NYers Condemn Biden Admin Proposed New Ban on Asylum](#)

[MomsRising: A Deeply Misguided Asylum Policy That Will Put Vulnerable Moms, Children and Families at Risk](#)

[NAKASEC Condemns Biden's Proposed Biden Transit Ban as Cruel and Inhumane](#)

[National Partnership for New Americans Statement on President Biden's Transit Ban](#)

[NETWORK Lobby Urges President to Revoke Proposed Rule](#)

[The New Mexico Immigrant Law Center Strongly Rejects the Biden Administration's Proposed Rules to Limit Asylum Protection](#)

[NIJC Condemns Biden Administration's New Asylum Ban at the U.S.-Mexico Border](#)

[NYIC: Biden's Asylum Transit Ban Fails Humanitarian Duty, Immigrant Advocates Denounce Plan](#)

[Oxfam Reaction to New Asylum Ban](#)

[Refugees International: With New Asylum Ban, Biden Administration Drastically Limits Asylum at U.S. Border](#)

[Refugee Congress: Biden's proposal to move forward with asylum ban is a step backwards on his promises](#)

[San Diego Rapid Response Network Re: Biden Asylum Restrictions](#)

[SEIU's Sáenz: We urge Biden Administration to Reconsider New Restrictions on Asylum](#)

["Shameful Assault on Refugees": IRAP Condemns Proposed Asylum Ban, Biden's Embrace of Trump-Era Immigration Policies](#)

[Sisters of Mercy of the Americas Justice Team: On Need for Asylum System and U.S. Responsibility for Helping Create Conditions Driving Migration](#)

[SPLC Statement on Biden Administration's Proposed Asylum Ban](#)

[Tahirih Justice Center - Biden's Asylum Ban Will Continue to Place Survivors in Harm's Way](#)

[U.S. Conference of Catholic Bishops Denounces Proposed Asylum Rule](#)

[USCRI Condemns the Biden Administration's Proposed Rule to Package Pushback Policies as "Lawful Migration"](#)

[Women's Refugee Commission Decries Biden Asylum Ban](#)

As I mentioned above, we are ready to work with the administration and Congress to implement humane and practical recommendations to the challenges we face at the border without compromising the human and legal right to seek safety. We have compiled our partners' best resources and policy documents here: [WelcomeWithDignity.org/solutions](https://www.welcomewithdignity.org/solutions).

Respectfully,

Bilal Askaryar (he/him)

[#WelcomeWithDignity](#) Interim Campaign Manager

Women's Refugee Commission

(b) (6)

| (b) (6)

Also sharing below some Member of Congress statements:

- [@SenatorMenendez: 1/ Last month, when the Biden Admin announced it would be issuing a proposed rule, which would function as a 'transit ban' on asylum seekers who don't first apply for asylum in a transit country, @SenBooker, @SenatorLujan, @SenAlexPadilla & I urged the Admin to abandon this idea.](#) (thread; 2/21/23)
 - [Statement](#) from Senators Menendez, Booker, Luján, and Padilla (2/21/23)
- [@RepJayapal: As Ranking Member of the Immigration Integrity, Security, and Enforcement Subcommittee and as an immigrant, I am deeply disappointed in the administration's proposal to limit access to asylum. Read my full statement with @RepJerryNadler](#) (2/21/23)
 - [Statement](#) from Rep. Jayapal and Rep. Nadler (2/21/23)
- [@HispanicCaucus: Today, CHC Chair @RepBarragan issued a statement on the DHS and DOJ Notice of Proposed Rule on Immigration and Asylum Eligibility. More details:](#) (2/21/23)
 - [Statement](#) from CHC Chair Chair Nanette Barragán (2/21/23)
- [@Ilhan: The new border policy flies in the face of international and U.S. law and basic morality. It will put the lives of countless asylum-seekers at risk.](#) (2/22/23)
- [@RepEspailat: I am disappointed by this proposed new rule limiting the right to seek asylum in the U.S. Reminder: the LEGAL right to seek asylum is not contingent on the way one comes to the U.S. As a nation of immigrants, we must always fight to uphold inclusive American values.](#) (2/21/23)
- [@RepPressley: Turning away vulnerable migrants fleeing violence flies in the face of what we should stand for as a nation. Asylum is a fundamental human right. I strongly urge @POTUS to abandon this harmful policy. #NoAsylumBan](#) (2/21/23)
- [@RepChuyGarcia: Today's announcement by the Biden admin is a re-implementation of the Trump-era policy that will ban people from requesting asylum, worsen conditions at the border and return vulnerable people back to danger. @POTUS must abandon this misguided policy now. #NoAsylumBan.](#) (2/21/23)
- [@RepLindaSanchez: I am deeply disappointed by this decision. Denying asylum to those fleeing violence and instability goes against everything we stand for as a nation of immigrants. We can have safe, secure borders AND humane immigration laws. I urge the Administration to reconsider.](#) (2/22/23)
- [@SenMarkey: Today I wrote to @CBP demanding it stop using the privacy-violating and discriminatory CBP One app, which the Biden administration's new proposed asylum rule would continue. We have to put an end to this.](#) (2/21/23)

Bilal Askaryar (he/him)

[[welcomewithdignity.org](https://www.welcomewithdignity.org)]#WelcomeWithDignity Interim Campaign Manager

From: OIP-NoReply <OIP-NoReply@usdoj.gov>

To: "Tran, Elizabeth H. (ODAG)" <(b) (6)>, "Evers, Austin (ODAG)" <(b) (6)>, "Benson, Adrienne (ODAG)" <(b) (6)>

Cc: "Hibbard, Douglas (OIP)" <(b) (6)>, "Villanueva, Valeree A (OIP)" <(b) (6)>, "Fiorillo, Andrew (OIP)" <(b) (6)>

Subject: Notification of Records Search to be Conducted in Response to the FOIA, Howell, OIP No. FOIA-2023-00731

Date: Thu, 23 Feb 2023 17:11:04 +0000

Importance: Normal

Attachments: 01._Initial_Request_-_Part_1_(2.17.23).pdf; 02._Initial_Request_-_Part_2_(2.17.23).pdf

Inline-Images: image001.png

The purpose of this email is to notify you that the records of the below-listed officials will be searched in response to the attached Freedom of Information Act (FOIA) request. **Please be advised that this request has been granted expedited processing.**

Should you have any questions concerning this matter, please email or call the OIP Official(s) cc'd in this email.

The requester, Mike Howell, is seeking:

- Records related to a document entitled "Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities".
- Timeframe: Since January 20, 2021.

The officials whose records will be searched for this request are:

- Deputy Attorney General Lisa Monaco
- Marshall L. Miller
- Andrew J. Bruck
- Adam Chandler
- Tina Thomas
- Lucas Guttentag
- Lawrence Atkinson
- Myesha K. Braden
- Austin Evers
- Molly Gaston
- Iris Lan
- Jeremy Maltby
- Bradley Weinsheimer
- Leila Babaeva
- Michael Ben'Ary
- Adrienne Benson
- Jonathan Bressler
- Seth Eichenholtz
- Carlton Forbes
- Anne Gannon
- SaMee Harden

- Sean Newell
- Margy O'Herron
- Mary Helen Wimberly
- Brandon Harper
- Hilary Hurd
- Jason Lebowitz
- Ashley Robertson
- Mark S. Masling
- (b) (6)
- Jordan R. Shub
- SeLena Powell
- Please advise our office if any of the above custodians should be removed, or additional custodians should be included in this search.

The FOIA requires agencies to conduct a reasonable search in response to FOIA requests. For your information, this search will encompass the email and computer files (e.g. C or H drive) maintained by the officials listed above.

To the extent officials within your office maintain other types of records, such as paper records or material maintained within a classified system that would be responsive to this request, but would not be located as a result of OIP's unclassified electronic search, please indicate so in response to this email as soon as possible. OIP staff will make arrangements to conduct those searches as necessary. Similarly, if your office would not maintain any records responsive to this request and/or you can readily identify the officials, be they either current or former employees, who would maintain records responsive to this request, you may indicate so in response to this email.

Please note that the Federal Records Act, as amended in 2014 and [DOJ Policy Statement 0801.04](#) provide that government employees should not use a non-official account including, but not limited to, email, text, or instant message, for official business. However, should this occur, the communication must be fully captured in a DOJ recordkeeping system – either by copying any such messages to one's official account or forwarding them to one's official account within twenty days. Should any records custodians have official records responsive to this FOIA request, which are maintained only in a non-official account, and not copied into an official account, then those records should be provided to OIP.

ATTACHMENT (Initial Request Ltr)

Please do not reply to this e-mail account, as this account is not monitored. Thank you.



214 Massachusetts Avenue, NE
Washington, DC 20002
(202) 546-4400
heritage.org

February 16, 2023

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Justice (“DOJ”), 28 CFR Part 16, I respectfully request the following records:

1. All records concerning the document titled *Interest of Racially or Ethnically Motivated Violent Extremists In Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*;
2. All documents and communications referring or relating to intelligence products about “racially or ethnically motivated violent extremists” and “radical-traditionalist Catholics”;
3. Records sufficient to show the FBI investigations, local law enforcement agency reporting, and liaison reporting, with varying degrees of cooperation and access that the FBI’s Richmond Field Office relied upon to make its assessments in the January 23, 2023, Domain Prospective, entitled *Interest of Racially or Ethnically Motivated Violent Extremists In Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*;
4. Records sufficient to show all FBI employees involved in drafting, reviewing, approving, or disseminating the January 23, 2023, Domain Prospective, entitled *Interest of Racially or Ethnically Motivated Violent Extremists In Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*.

The time period for this request is noon January 20, 2021 to present. Please include the following components in any search: the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Office of the Solicitor General, the Office of Legal Counsel, the Office of Public Affairs, the Office of Legislative Affairs, the Office of Legal Policy, Criminal Division, Civil Division, Civil Rights Division, the Executive Office for United States Attorneys, the Federal Bureau of Investigation (“FBI”), the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), the Drug Enforcement Administration (“DEA”), the United States Marshal Service.

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

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes

the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc’d or bcc’d, both parties are cc’d or bcc’d, or some combination thereof.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the public interest as this is an issue of the ideological weaponization of law enforcement is a national controversy which has been covered extensively by national broadcast media and national print media.⁴ The purpose of this Freedom of Information Act request is to examine this controversial belief.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal⁵ (a major news outlet⁶), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts⁷ or articles. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

¹ Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

² Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press> .

⁴The Free Beacon. (Accessed 2022, October 31). FBI Officials Who Briefed Facebook on Hunter Biden Story Are Dem Donors. <https://freebeacon.com/democrats/fbi-officials-who-briefed-facebook-on-hunter-biden-story-are-dem-donors/>

⁵Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁶Daily Signal. [DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

⁷Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

Request for Expedited Processing:

Pursuant to 28 C.F.R. 16.5(e)(1)(iv), I request expedited processing for this request. I certify the following statement of facts in support of expedited processing to be true and correct pursuant to 28 C.F.R. § 16.5(e)(3).

Background:

1. The FBI is Constitutionally prohibited from defining, issuing judgements on, or investigating non-violent religious practice and religious groups. *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

2. On February 8, 2023, FBI whistleblower and journalist Kyle Seraphin published a copy of an internal memo he obtained from the FBI's Richmond field office. The memo titled *Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*⁸ nebulously defines Catholics who attend traditional Latin mass as “Radical Traditionalist Catholics” who, according to the memo “[adhere] to anti-Semitic, anti-immigrant, anti-LGBTQ and white supremacist ideology” (herein after “FBI memo” or “memo”).⁹

3. On February 9, 2023 the FBI rescinded the memo, stated it did not meet the “exacting standards of the FBI” and claimed to have conducted a review for the basis of the document.¹⁰

4. The following factual Appendices are attached and expressly incorporated herein and made part of this request (as are the factual sources cited therein):

- Appendix A is a collection of pertinent transcripts of network news television broadcasts, national newspaper articles, and press releases

⁸ FBI, *Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*, reprinted in Kyle Seraphin, *The FBI Doubles Down on Christians and White Supremacy in 2023*, UncoverDC (Accessed 2023, February 8) www.uncoverdc.com/2023/02/08/the-fbi-doubles-down-on-christians-and-white-supremacy-in-2023/

⁹ *Id.*

¹⁰ Daily Signal. (Accessed: 2023, February 14). BREAKING: FBI Rescinds Memo Citing Southern Poverty Law Center After Daily Signal Report. www.dailysignal.com/2023/02/09/breaking-fbi-rescinds-radical-traditionalist-catholic-ideology-document-citing-southern-poverty-law-center/.

related to the FBI's leaked memo detailing plans to target member of the Catholic faith.

- Appendix B is a letter sent to Attorney General Merrick Garland from 20 State Attorneys General condemning the FBI memo and a letter sent to FBI Director Christopher Wray from the House Judiciary Committee alleging serious misuse of law enforcement resources.
- Appendix C is The House Judiciary Committee report on DOJ and FBI politicization. *See also* Minority Staff of the H. Comm. On the Judiciary, 117th Cong., *FBI Whistleblowers: What Their Disclosures About the Politicization of the FBI and Justice Department*, at 45–46 (Nov. 4, 2022), found at https://judiciary.house.gov/sites/evo-subsites/judiciary.house.gov/files/evo-media-document/hjc_staff_fbi_report.pdf
- Appendix D is a letter from Members of Congress related to the DOJ's failure to investigate attacks against Catholics and Catholic faith-based organizations.

Expedited Processing is Warranted under 28 C.F.R. § 16.5(e)(1)(iv).

1. This provision provides that expedited processing shall be granted regarding: “A matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity which affect public confidence.”

Courts have held that the DOJ Regulation requires the requester to show: (1) that the request involves a “matter of widespread and exceptional media interest” (28 C.F.R. § 16.5(e)(1)(iv)); and (2) that the matter is one “in which there exists possible questions about the integrity of the government that affect public confidence” (*id.*). *See Edmonds v. FBI*, No. 02-cv-1294 (ESH), 2002 WL 32539613, *3 (D.D.C. Dec. 3, 2002). It is not necessary to show “prejudice or a matter of current exigency to the American public.” *Id.*

First, the DOJ Regulation requires showing that the matter about which questions of integrity have been raised is the subject of widespread national media attention. *See Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 507–508 (D.D.C. 2018) (denying motion for expedited processing because general media interest in Solicitor

General's nomination is insufficient to show media interest in possible ethics questions concerning the nomination). There need not be a showing that the disclosure would shed considerable light on agency operations; only that there is "exceptional" and "widespread" media interest. *See CREW v. DOJ*, 870 F.Supp.2d 70, 81 (D.D.C. 2012), *rev'd on other grounds*, 746 F.3d 1082 (D.C. Cir. 2014). While the media interest need be "widespread" and "exceptional" it need not be overwhelming. *See ACLU*, 321 F.Supp.2d at 31–32 (rejecting DOJ's position that requester's citation to what the court described as "only a handful of articles" was insufficient to show "widespread and exceptional media interest" because those articles "were published in a variety of publications and repeatedly reference the ongoing national discussion about the Patriot Act and Section 215" (second quotation added)); *Edmonds*, 2002 WL 32539613, at *3 (numerous national newspaper and network television broadcasts concerning whistleblower's allegations of security lapses in FBI translator program met test).¹¹

Second, the DOJ Regulation requires showing that "there exists *possible* questions about the government's integrity that affect public confidence." *CREW v. DOJ*, 436 F.Supp.3d 354, 361 (D.D.C. 2020) (*quoting* 28 C.F.R. § 16.5(e)(1)(4)) (emphasis by Court).¹² It does not "require the requester to prove wrongdoing by the government in order to obtain documents on an expedited basis." *Id.* at 362. "The primary way to determine whether such possible questions exist is by examining the state of public coverage of the matter at issue, and whether that coverage surfaces possible ethics issues so potentially significant as to reduce public confidence in governmental institutions." *Am. Oversight v. DOJ*, 292 F.Supp.3d 501, 508 (D.D.C. 2018). This is not an extraordinarily high bar. *See, e.g., CREW*, 436 F.Supp.3d at 361 (complaint sufficient to survive a motion to dismiss where it alleged Attorney General's action regarding disclosure of Mueller Report "supported an inference that at best, the Attorney General undertook to frame the public discussion on his own terms, and at worst that he distorted the truth"); *ACLU v. DOJ*, 321 F.Supp.2d 24, 32 (D.D.C. 2004) (allegations in press that Section 215 of the Patriot Act may be unconstitutional and reports that Members of Congress have alleged abuses of Section 215 "implicate[] government integrity" and hence are sufficient to meet test); *Edmonds*, 2002 WL 32539613, at *3–4 (test met where plaintiff alleged security lapses in FBI translators program, national news covered the issue, and two Senators

¹¹ *Cf.* 28 C.F.R. § 16.5(e)(3) ("The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an 'urgency to inform' the public on the topic.").

¹² To be sure, this standard does not require expedition of any questions concerning government integrity. *See, e.g., White v. DOJ*, 16 F.4th 539, 544 (7th Cir. 2021) (test not met in case where records sought to cast doubt on requestors' criminal conviction where requestor claimed he was subject to an elaborate government sting operation).

expressed concern regarding “the significant security issues raised by plaintiff’s allegations and the integrity of the FBI”).¹³

2. The facts amply support expedition here. The national broadcast media and national press coverage has consistently covered the leaked memo and the FBI’s targeting of Catholics. *See generally* App. A. The majority of that press coverage has focused, and continues to focus, on the alarming implication in the leaked memo that the FBI intended to surveil individuals based, at least in large part, on their Catholic faith. *See generally* App. A. It is both illegal and antithetical to our traditions to target individuals for investigative scrutiny based purely on their faith. The widespread press coverage of these accusations cannot help but to undermine public confidence in the FBI’s impartial administration of the law. Moreover, some of these widely reported accusations have gone further to say that the FBI’s plan to target Catholics *should* cause (or *has* caused) the public to lose confidence in DOJ’s impartial administration of the law. *See* App. A at 024. That alone is sufficient for expedition.

Moreover, several members of Congress have voiced concerns regarding the memo and the integrity of the Department of Justice. Representative Margorie Taylor Greene called the memo “religious persecution.”

[@RepMTG](https://twitter.com/RepMTG/status/1623876325994889216?s=20&t=H7E_2L_EQ8OnQ0E0LOAM0g) Twitter (February 9, 2023, 9:47 PM). Representative Ronny Jackson tweeted: “Apparently “devout Catholic” Joe Biden is using his FBI to target Catholics. WOW! The FBI has truly become the enemy of the people. They’ve actually declared war on Christians now!! UNBELIEVABLE!” [@RonnyJacksonTX](https://twitter.com/RonnyJacksonTX/status/1623785305793855488) Twitter (February 9, 2023, 3:46 PM) twitter.com/RonnyJacksonTX/status/1623785305793855488. Both tweets allege impropriety on Department of Justice’s part.

¹³ DOJ has granted expedition under the DOJ Regulation in a number of circumstances. *See, e.g., CREW v. DOJ*, 870 F.Supp.2d at 81 n. 14 (expedition granted to request seeking records on FBI’s closed investigation of Congressman DeLay for misconduct which did not result in charges, but received considerable media attention (subsequent history omitted)); *CREW v. DOJ*, 820 F.Supp.2d 39, 42, 46 (D.D.C. 2011) (expedition granted to request seeking information concerning possible deletion of Office of Legal Counsel emails where the possible deletion was flagged as a hindrance in an internal investigation, covered in the media, and was the subject of Congressional concerns); *Elec. Frontier Found. v. DOJ*, 565 F.Supp.2d 188, 189–91 (D.D.C. 2008) (expedition granted to request seeking information regarding storage of information obtained by National Security Letters in FBI’s Data Warehouse); *CREW v. DOJ*, No. 05-cv-2078 (EGS), 2006 WL 1518964, *1 (D.D.C. June 1, 2006) (expedition granted to request concerning government’s decision to seek a reduced penalty in tobacco litigation where government’s decision was subject to intensive news coverage and prompted concern from “several Congressman” which caused a request for an Inspector General investigation of “improper political interference” with the decision).

On February 16, 2023 the House Judiciary Committee sent a letter to FBI Director Christopher Wray regarding the FBI memo. The letter alleged “serious misuse of federal law enforcement resources” and requests information that is similar to what is included in this request. *See* App. B 008. On February 10, 2023 twenty Attorneys General condemned the FBI memo that detailed plans to spy on and target Catholics and alleged that “[a]nti-Catholic bigotry appears to be festering in the FBI, and the Bureau is treating Catholics as potential terrorists because of their beliefs.” *See* App. B. 002. The letter also urged the FBI to release all materials relating to the memorandum and its production and to take further steps to ensure impartial administration of law going forward. *See* App. B. 005. The FBI has not responded to this letter, nor does it appear that the FBI has taken any further action to address these concerns.

The concerns relating to and arising from the FBI memo should not be viewed in isolation. The FBI memo is only one instance of ongoing concerns with the integrity of the FBI and its alleged targeting of members of the Catholic faith. On November 4, 2022 the House Judiciary Committee released a 1,000-page report on FBI and DOJ politicization. *See generally* App. C. Relevant here, the report highlights the FBI’s failure to investigate attacks and threats toward Catholic faith-based organizations and the FBI’s use of heavy handed law-enforcement against members of the Catholic faith. *See* App. C at pages 105-107. While not directly related to the FBI memo, this report shows an ongoing public concern with the FBI’s biased law enforcement and targeting of members of the Catholic faith. This report strongly suggests impropriety on Department of Justice’s part. Likewise, on August 30, 2022 20 Members of Congress sent a letter to the Department of Justice requesting that the Department provide information related to its plans to protect Catholics against hate crimes. *See* App. D. This letter alleged or suggested impropriety on Department of Justice’s part by failing to protect members of the Catholic faith from attacks. *See* App. D 001-002. To my knowledge, substantive responses have not been forthcoming.

Without a doubt there is sustained national media cover of, and interest in, accusations by Members of Congress, State Attorneys General, national news organizations, other public figures, and subject matter experts that the DOJ and the FBI have been politicized and weaponized against members of the Catholic faith. This undoubtedly undermines the public’s confidence in DOJ’s ability to impartially enforce the law. Expedition is warranted.



214 Massachusetts Avenue, NE
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Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at oversightproject@heritage.org.

Sincerely,

Mike Howell
Senior Advisor and Author at The Daily
Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002

Appendix D



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

August 30, 2022

The Honorable Merrick Garland
United States Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

Religious freedom is under attack in the United States. Since May of 2020, the United States Conference of Catholic Bishops has counted at least one hundred sixty hate crimes against the Catholic Church across thirty-seven states. As a result, millions of Christians are under assault for merely exercising their constitutional right to freely practice their religion.

Our nation was founded on the principle of religious freedom, but this basic tenet of our system is being debased as Catholic parishes are vandalized across the country. Just this year, the altar at St. Augustine Catholic Church in Brooklyn, New York was destroyed. Vandals stole the church's historic tabernacle that held the Eucharist, the body of Christ in the Catholic faith, before proceeding to wantonly decapitate the statues of angels and desecrate the Eucharist on the altar. Other incidents of anti-Catholic violence include arson, destruction of Church property, and the defacing of gravestones with swastikas and anti-Catholic slurs. As the elected U.S. Representative of many Christians, we are forced to wonder if your Department of Justice will ever address the over one hundred crimes against Christian holy sites in America?

Under your leadership, the Department of Justice (DOJ) persecuted Americans for speaking out at school board meetings and harassed peaceful protesters by investigating them for domestic terrorism. At the same time, the DOJ ignored blatant acts of violence committed by groups such as Antifa, who targeted and destroyed the property of small businesses and government facilities in Portland, Seattle and beyond. Americans are watching in horror as your DOJ fails to respond to the violence threatening religious freedom across the country and wondering why certain criminals seem to always avoid your interest.

The principle of religious freedom is woven into the fabric of what makes America great. No American should live in fear of practicing their religion and no religion should be subject to attack in this land of the free. Religious freedom is not only a Constitutional right but a human

right, too. We are calling on you and your department to uphold your oaths to the Constitution and bring justice to the anti-Catholic criminals who are running rampant across America.

We and our constituents are demanding answers to the following questions by September 20th, 2022:

- Will the DOJ act against anti-Catholic crimes and defend the constitutional rights of Catholic Americans?
- What, specifically, are your plans to defend Christians from targeted crime?

Thank you for your attention to this matter. We look forward to receiving a response from you.

Sincerely,



Lisa C. McClain
Member of Congress



Andrew R. Garbarino
Member of Congress



Louie Gohmert
Member of Congress



Ashley Hinson
Member of Congress



Nicole Malliotakis
Member of Congress



Andy Harris, M.D.
Member of Congress



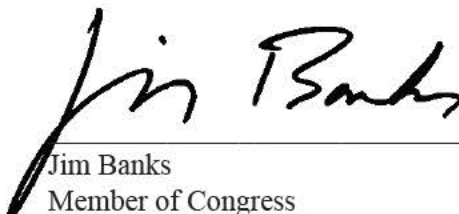
Bob Good
Member of Congress



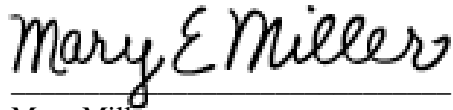
Barry Moore
Member of Congress



Mariannette Miller Meeks, M.D.
Member of Congress



Jim Banks
Member of Congress



Mary Miller
Member of Congress



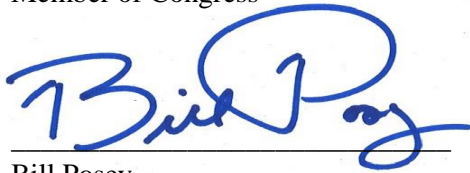
Michael Guest
Member of Congress



Paul Gosar D.D.S.
Member of Congress



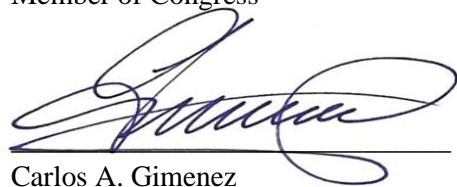
Lauren Boebert
Member of Congress



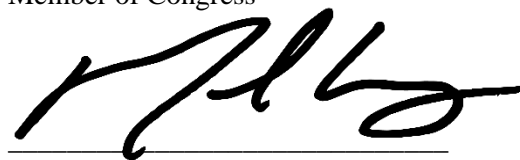
Bill Posey
Member of Congress



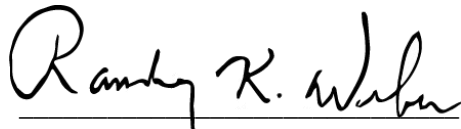
Ralph Norman
Member of Congress



Carlos A. Gimenez
Member of Congress



Mike Carey
Member of Congress



Randy K. Weber
Member of Congress



Pete Stauber
Member of Congress

Appendix B



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

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February 10, 2023

The Honorable Merrick B. Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Via Email and U.S. Mail

Re: Federal Bureau of Investigation Infiltrating Catholic Congregations

Dear Attorney General Garland and Director Wray:

We are the chief legal officers of our respective States charged not only with enforcing the law, but also with securing the civil rights of our citizens. We write with outrage and alarm to address the anti-Catholic internal memorandum produced by the FBI's Richmond Field Office on January 23, 2023, which was released to the public this week.¹ The FBI must immediately and unequivocally order agency personnel not to target Americans based on their religious beliefs and practices. We also demand that the FBI produce publicly all materials relating to the memorandum and its production.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in . . . religion."² This country was founded on the right of all people to worship in the church, mosque, or synagogue of their choice, free from government

¹ FBI, *Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities*, reprinted in Kyle Seraphin, *The FBI Doubles Down on Christians and White Supremacy in 2023*, UncoverDC (Feb. 8, 2023), <https://tinyurl.com/3fdb69ha>.

² *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

interference. Countless millions were drawn to our country because of that very right. Indeed, some of our first States were founded as safe havens for religious dissenters. There is no right more sacred to American democracy than the right to worship freely.

We are horrified to learn that at least one field office of the FBI apparently does not agree with this proposition. Anti-Catholic bigotry appears to be festering in the FBI, and the Bureau is treating Catholics as potential terrorists because of their beliefs.

On Wednesday, the public learned of an internal memorandum produced by the FBI's Richmond Field Office.³ The memorandum identifies "radical-traditionalist Catholic[s]" as potential "racially or ethnically motivated violent extremists."⁴ The memorandum deploys alarmingly detailed theological distinctions to distinguish between the Catholics whom the FBI deems acceptable, and those it does not. Among those beliefs which distinguish the bad Catholics from the good ones are a preference for "the Traditional Latin Mass and pre-Vatican II teachings," and adherence to traditional Catholic teachings on sex and marriage (which the memorandum glibly describes as "anti-LGBTQ").⁵ The memorandum even appears to accuse the Supreme Court and the Governor of Virginia of "[c]atalyzing" the bad Catholics through "legislation or judicial decisions in areas such as abortion rights, immigration, affirmative action, and LGBTQ protections," singling out the Supreme Court's recent decision in *Dobbs v. Jackson Women's Health Organization*⁶ and Governor Youngkin's support for sensible abortion regulations as examples.⁷

After defining which Catholics are the dangerous ones, the memorandum proposes dealing with those Catholics through "the development of sources with access," including in "places of worship."⁸ In other words, the memorandum proposes recruiting Catholics to enter a sacred house of worship, talk to their fellow Catholics, and report those conversations back to the FBI so that the federal government can keep tabs on the bad Catholics. To allocate these "sources," the document includes an appendix with a list of Catholic "hate groups" that was assembled by the Southern Poverty Law Center (SPLC),⁹ apparently without any independent vetting from the FBI.¹⁰

³ *Interest of Racially or Ethnically Motivated Violent Extremists*, *supra* note 1.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ 142 S. Ct. 2228 (2022).

⁷ See, e.g., Myah Ward, *Youngkin will pursue 15-week abortion ban in Virginia*, Politico (June 24, 2022), [tinyurl.com/yckykeus](https://www.tinyurl.com/yckykeus).

⁸ *Interest of Racially or Ethnically Motivated Violent Extremists*, *supra* note 1.

⁹ The memorandum's reliance on the SPLC is particularly disappointing, given that the SPLC has been utterly discredited as a reliable source. Its founder is said to have "viewed civil-rights work mainly as a marketing tool for bilking gullible Northern liberals," and former staffers have confessed that the SPLC has been "ripping off its donors" by failing to "live[] up to the values it espoused." Bob Moser, *The Reckoning of Morris Dees and the Southern Poverty Law Center*, New Yorker (Mar. 21, 2019), <https://www.tinyurl.com/ht6nkfn2>. It should come as no surprise, then, that even the mainstream media has begun to call into question the SPLC's mission and methods. See, e.g., David Montgomery, *Is the Southern Poverty Law Center Judging Hate Fairly?*, The Washington Post (Nov. 8, 2018), <https://www.tinyurl.com/mwcj6vuz>; Ben Schreckinger, *Has a Civil Rights Stalwart Lost Its Way?*, Politico (June 28, 2017), <https://www.tinyurl.com/y7zfmxsu>. Indeed, the FBI at one time recognized this reality, having reportedly dropped the SPLC as a hate-crimes resource in 2014. Valerie Richardson, *FBI, Southern Poverty Law Center partnership alarms conservatives*, AP News (July 30, 2018), <https://www.tinyurl.com/yckkpt77>.

¹⁰ *Interest of Racially or Ethnically Motivated Violent Extremists*, *supra* note 1.

After the American public learned of the memorandum, the Bureau apparently emailed a smattering of reporters to inform them that “FBI Headquarters quickly began taking action to remove the document from FBI systems and conduct a review of the basis for the document.”¹¹ The Bureau’s “action” occurred only in response to public outrage over the memorandum, which the FBI never intended the public to see at all. Had the memorandum not been revealed to the public, it might well still be an intelligence product available to the Bureau.

Suffice to say we are not persuaded by the FBI’s damage-control efforts. The FBI’s scrubbing of the document from its systems and the purported “review” of the process that created it in no way reassures us that this memorandum does not reflect a broader program of secretive surveillance of American Catholics or other religious adherents, and infiltration of their houses of worship. It assures us only that the FBI is embarrassed at the public revelation of the memorandum’s contents.

The memorandum’s targeting of Catholics because they prefer to pray in the ancient liturgical language of the Church, and the tactics it proposes for dealing with those Catholics, harkens back to some of the worst chapters of our past. This country has a sordid history of discrimination against Catholics. An entire political party, the Know Nothings, “formed in the 1850s to decrease the political influence of immigrants and Catholics”—groups that were often interchangeable given the rise of German and Irish immigration in the mid-19th century—and gained “hundreds of seats in Federal and State Government.”¹² A few decades later, in the 1870s, our Constitution was nearly amended to prohibit States from aiding “sectarian” schools.¹³ It was an “open secret” that “‘sectarian’ was code for ‘Catholic.’”¹⁴ This amendment was “born of bigotry” and “arose at a time of pervasive hostility to the Catholic Church and to Catholics in general.”¹⁵ When the federal amendment failed, dozens of States adopted these amendments in their own constitutions.¹⁶ And this discrimination did not end in the nineteenth century. Just a few decades ago the Ku Klux Klan—more infamous for its vicious campaign of wanton violence against Black Americans in the South—also targeted religious minorities such as Jews and Catholics.¹⁷

The targeting of Catholics for treatment as “violent extremists” because of the language in which they pray or because of the beliefs to which they subscribe is unacceptable, unconstitutional, and deeply un-American. It is particularly concerning that this memorandum originated in Virginia. Virginia is the birthplace of religious freedom in America and has a proud history of protecting the right to worship free from government interference or intimidation. Shortly after Independence, Virginia enacted Thomas Jefferson’s “Bill for establishing religious freedom” which decreed that “no man shall be . . . restrained, molested or burdened . . . or shall otherwise

¹¹ Brittany Bernstein, *FBI Retracts Memo on “Radical Traditionalist Catholic Ideology,” Says It Failed to Meet Bureau Standards*, National Review (Feb. 9, 2023), [tinyurl.com/2kz3jxkd](https://www.tinyurl.com/2kz3jxkd).

¹² *Espinoza v. Montana Dep’t of Rev.*, 140 S. Ct. 2246, 2269 (2020) (Alito, J., concurring).

¹³ See *Espinoza*, 140 S. Ct. at 2259.

¹⁴ *Ibid.* (cleaned up).

¹⁵ *Ibid.* (cleaned up).

¹⁶ *Id.* at 2268–69 (Alito, J., concurring).

¹⁷ Josh Zeitz, *When America Hated Catholics*, Politico (Sept. 23, 2015), <https://www.tinyurl.com/7xuuwpwy>.

suffer, on account of his religious opinions or belief.”¹⁸ When the former colonies came together to draft the Bill of Rights, they included first and foremost that the new federal government could “make no law” which “prohibit[ed] [the] free exercise” of religion.¹⁹ That foundational protection of those beliefs nearest and dearest to persons of faith extends to all sincere beliefs, whether or not those beliefs may be considered “acceptable.”²⁰

The un-American and unconstitutional memorandum alarms us for three additional reasons. First, it is part of a dangerous tendency in the FBI and DOJ to label those who hold views contrary to the Administration as violent extremists or terrorists. In October 2021, Attorney General Garland directed the FBI to “address[] threats” to school boards and administrators posed by parents and guardians protesting school board meetings, labeling those protests as “run[ning] counter to our nation’s core values.”²¹ The weaponization of the DOJ and FBI to suppress political and religious views inconsistent with the Administration’s orthodoxy is an alarming trend that must be immediately curtailed.

Second, spying on Catholics in their churches and cathedrals is an absurd use of federal law-enforcement and counterintelligence resources. Every day, lethal amounts of fentanyl cross the southwestern land border unimpeded.²² The Russian government successfully hacked software used by federal agencies and conducted an unprecedented espionage operation against the United States.²³ And a Chinese spy balloon recently crossed the entire continental expanse of the United States unmolested.²⁴ The Administration should focus its resources on addressing these real and ongoing threats to Americans, rather than labeling traditional Catholics as violent extremists and recruiting “sources” to spy on them.

Finally, we are particularly alarmed by the memorandum’s suggestion that FBI operatives should be developing “sources with access,” including in “places of worship,” to identify the bad Catholics. The FBI has been down this road before, having infiltrated countless mosques throughout the country in the wake of the September 11, 2001 terrorist attacks.²⁵ The FBI

¹⁸ *Report of the Committee of Revisors Appointed by the General Assembly of Virginia in 1777* 58 (1784).

¹⁹ U.S. Const. amend. 1.

²⁰ *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 531 (1993).

²¹ Letter from the Attorney General to the Director of the FBI, *et al.* (Oct. 4, 2021), available at tinyurl.com/57y267kh; Ariana Figueroa, *U.S. Attorney General Defends FBI Probe of Threats Against School Board Members*, *Virginia Mercury* (Oct. 28, 2021), <https://tinyurl.com/bdzf5wjw>.

²² U.S. Attorney’s Office for the S.D. Cal., *Fentanyl Seizures at Border Continue to Spike, Making San Diego a National Epicenter for Fentanyl Trafficking; U.S. Attorney’s Office Prioritizes Prosecutions and Prevention Programs* (Aug. 11, 2022), <https://tinyurl.com/2p9x3p63>.

²³ Government Accountability Office, *SolarWinds Cyberattack Demands Significant Federal and Private-Sector Response* (Apr. 22, 2021), <https://tinyurl.com/2s4xec8c>; Cybersecurity & Infrastructure Security Agency, *Emergency Directive 21-01 – Mitigate Solarwinds Orion Code Compromise* (Dec. 13, 2020), <https://tinyurl.com/27vfnpjd>.

²⁴ Katie Bo Lillis, *et al.*, *Initial Classified Balloon Report Wasn’t Flagged as Urgent, Drawing Criticism*, *CNN* (Feb. 8, 2023), <https://tinyurl.com/dnsme2rm>.

²⁵ See, e.g., Sabrina Alimahomed-Wilson, *When the FBI Knocks: Racialized State Surveillance of Muslims*, 45 *Critical Sociology* 871 (2019), available at <https://tinyurl.com/2p84jvkc>.

disavowed this ignominious practice in 2008,²⁶ and revised its internal guidelines in 2010²⁷ and 2013²⁸ to prevent its operatives from callously disregarding the religious liberty of American citizens. It would be very concerning indeed if the FBI had revived this practice against American Catholics or, worse, if it had never shut down the program in the first place.

DOJ and the FBI must desist from investigating and surveilling Americans who have done nothing more than exercise their natural and constitutional right to practice their religion in a manner of their choosing. And they should reveal to the American public the extent to which they have engaged in such activities. We will take all lawful and appropriate means to protect the rights of our constituents as guaranteed by our Constitution.

To that end, we request that you respond to this letter by: (1) producing the full, unredacted January 23, 2023 FBI report to the undersigned Attorneys General; (2) producing any and all documentation used in drafting the report; (3) producing any and all documents implementing the report's recommendations or interpreting the report's conclusions; (4) providing a representative to present to the undersigned Attorneys General or their delegates a full and complete briefing of the process by which the report was drafted, an explanation of its conclusions, and the effect that is likely to be experienced by the Catholic populations of the undersigned's States, and what efforts, if any, have been taken to ensure that the memorandum's recommendations have not been, and will not be, implemented; and (5) providing information on whether the FBI has been adhering to its guidelines restricting the use of operatives to infiltrate houses of worship and if not, providing an explanation as to the extent of those activities and their constitutionality.

Sincerely,



Jason S. Miyares
Attorney General of Virginia

²⁶ FBI Response to Allegations of Mosque Surveillance and Monitoring of the Muslim Community (May 30, 2008), <https://tinyurl.com/4pcftj6b> (“The FBI does not monitor the lawful activities of individuals in the United States, nor does the FBI have a surveillance program to monitor the constitutionally protected activities of houses of worship. We do not target or monitor legal activity of Muslim groups anywhere in the nation.”).

²⁷ FBI, Corporate Policy Directive (Dec. 23, 2010), *available at* <https://tinyurl.com/33p5mvh6> (outreach personnel “must operate with honesty and transparency” for the sake of “developing trust and confidence”).

²⁸ FBI, Community Outreach in Field Offices Corporate Policy Directive and Policy Implementation Guide (Mar. 4, 2013), *available at* <https://tinyurl.com/4b82en48> (requiring officers to maintain “appropriate separation of operational and outreach efforts”).



Steve Marshall
Attorney General
State of Alabama



Treg Taylor
Attorney General
State of Alaska



Tim Griffin
Attorney General
State of Arkansas



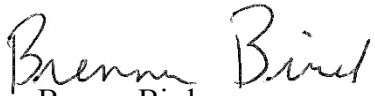
Christopher M. Carr
Attorney General
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Raúl Labrador
Attorney General
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Todd Rokita
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Brenna Bird
Attorney General
State of Iowa



Kris Kobach
Attorney General
State of Kansas



Jeff Landry
Attorney General
State of Louisiana



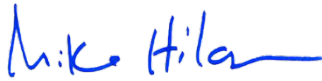
Daniel Cameron
Attorney General
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Attorney General
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Mike Hilgers
Attorney General
State of Nebraska



Dave Yost
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Alan Wilson
Attorney General
State of South Carolina



Jonathan Skrmetti
Attorney General
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Ken Paxton
Attorney General
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Sean D. Reyes
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Patrick Morrissey
Attorney General
State of West Virginia

CC: The Honorable Jim Jordan
Chairman, Select Subcommittee on the Weaponization of the Federal Government
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Mr. Stanley M. Meador
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From: OIP-NoReply <OIP-NoReply@usdoj.gov>

To: "Reich, Mitchell (OAG)" <(b) (6)>, "Sanchez, Giovanni (OAG)" <(b) (6)>

Cc: "Hibbard, Douglas (OIP)" <(b) (6)>, "Villanueva, Valeree A (OIP)" <(b) (6)>, "Fiorillo, Andrew (OIP)" <(b) (6)>, "Watson, Theresa (OAG)" <(b) (6)>, "Jackson, Wykema C. (OAG)" <(b) (6)>

Subject: Notification of Records Search to be Conducted in Response to the FOIA, Howell, OIP No. FOIA-2023-00731

Date: Thu, 23 Feb 2023 16:58:45 +0000

Importance: Normal

Attachments: 01._Initial_Request_-_Part_1_(2.17.23).pdf; 02._Initial_Request_-_Part_2_(2.17.23).pdf

Inline-Images: image002.png

The purpose of this email is to notify you that the records of the below-listed officials will be searched in response to the attached Freedom of Information Act (FOIA) request. **Please be advised that this request has been granted expedited processing.**

Should you have any questions concerning this matter, please email or call the OIP Official(s) cc'd in this email.

The requester, Mike Howell, is seeking:

- Records related to a document entitled "Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities."
- Timeframe: Since January 20, 2021.

The officials whose records will be searched for this request are:

- Attorney General Merrick Garland
- Matthew Klapper
- Christine Ku Berger
- Shomari Figures
- Kate Heinzelman
- Burden H. Walker
- Julie Dickerson
- Mitchell Reich
- Margaret Goodlander
- Tamarra Matthews-Johnson
- Tim Visser
- Marcia Davidson
- Theresa Watson-Walker
- Tabitha Cash
- Wykema Jackson
- Stacy Harwood
- Nikita Purdy
- Giovanni Sanchez

- Please advise our office if any of the above custodians should be removed, or additional custodians should be included in this search.

The FOIA requires agencies to conduct a reasonable search in response to FOIA requests. For your information, this search will encompass the email and computer files (e.g. C or H drive) maintained by the officials listed above.

To the extent officials within your office maintain other types of records, such as paper records or material maintained within a classified system that would be responsive to this request, but would not be located as a result of OIP's unclassified electronic search, please indicate so in response to this email as soon as possible. OIP staff will make arrangements to conduct those searches as necessary. Similarly, if your office would not maintain any records responsive to this request and/or you can readily identify the officials, be they either current or former employees, who would maintain records responsive to this request, you may indicate so in response to this email.

Please note that the Federal Records Act, as amended in 2014 and [DOJ Policy Statement 0801.04](#) provide that government employees should not use a non-official account including, but not limited to, email, text, or instant message, for official business. However, should this occur, the communication must be fully captured in a DOJ recordkeeping system – either by copying any such messages to one's official account or forwarding them to one's official account within twenty days. Should any records custodians have official records responsive to this FOIA request, which are maintained only in a non-official account, and not copied into an official account, then those records should be provided to OIP.

ATTACHMENT (Initial Request Ltr)

Please do not reply to this e-mail account, as this account is not monitored. Thank you.

From: "Benson, Adrienne (ODAG)" <(b) (6)>
To: "Evers, Austin (ODAG)" <(b) (6)>
Subject: FW: OLA Correspondence 02/16/23
Date: Fri, 17 Feb 2023 10:29:56 -0000

Importance: Normal

Attachments: 2023-02-16-IN-FBI_Only-Lankford_et_al_-_Anti-Catholic_internal_memorandum_produced_by_the_FBI's_Richmond_Field_Office-no_ecats.pdf; 2023-02-16 JDJ MJ to Wray re Catholic DP template.pdf; Removed per scoping agreement
Removed per scoping agreement

I'll include in weekend book.

From: (b) (6) (OLA) <(b) (6)>
Sent: Friday, February 17, 2023 12:44 AM
Subject: OLA Correspondence 02/16/23

Good evening,

Please find today's incoming and outgoing congressional correspondence attached and summarized below.

Incoming

1. **Letter from Senator James Lankford, Representative Michael Cloud, and 18 other Members to FBI Director Chris Wray** – Expressing concern about the leaked internal memorandum regarding violent extremism within radical-traditionalist Catholic ideology and the FBI's reliance on data provided by the Southern Poverty Law Center, and requesting that the FBI provide records pursuant to the memorandum's origin and purpose and an explanation of how it will educate its field offices on First Amendment protections.
2. **Letter from Representatives Jim Jordan and Mike Johnson to FBI Director Chris Wray** – Expressing concern about the FBI's alleged mishandling of domestic violent extremism investigations and the Richmond Field Office's leaked memorandum regarding violent extremism within radical-traditionalist Catholic ideology, and requesting that the FBI provide information and records pursuant to the FBI's drafting, review, and approval of the memorandum.

Outgoing

1. Removed per scoping agreement
2. Removed per scoping agreement

(b) (6)
Confidential Assistant
Office of Legislative Affairs
U.S. Department of Justice
(b) (6)

Congress of the United States
Washington, DC 20515

February 16, 2023

Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., N.W.
Washington, D.C. 20535

Dear Director Wray,

We are deeply concerned about the bulletin issued on January 23, 2023, by the Richmond field office warning against, “Radical Traditionalist Catholic Ideology.”¹ While the document was ultimately rescinded after it became public, the formation and issuance of such an advisory to FBI agents and field offices raise numerous concerns. In addition to the extreme process flaws that the approval of such an advisory demonstrates, of particular concern is the continued reliance that the FBI apparently places on data and resources from the partisan Southern Poverty Law Center (SPLC).

As you know, the document alarmingly asserted that “racially or ethnically motivated violent extremists (RMVEs) in radical-traditionalist Catholic (RTC) ideology *almost certainly presents opportunities for threat mitigation* through the exploration of new avenues for tripwire and source development,” (emphasis added). It also suggested that the FBI relies on attendance at RTC or “traditionalist Catholic houses of worship”, as well as “language indicative of adherence to RTC ideology in social media postings” for its assessments. We are concerned that the FBI does not have processes in place to ensure that Catholics are not the subject of FBI suspicion or investigation simply because of how and where they worship or what they believe. As you are well aware, the First Amendment protects such speech, beliefs and actions as part of the free exercise of religion.

The advisory included an analyst note stating that, “RTCs are typically characterized by the rejection of the Second Vatican Council (Vatican II) as a valid church council; disdain for most popes elected since Vatican II, particularly Pope Francis and Pope John Paul II; and frequent adherence to anti-Semitic, anti-immigrant, anti-LGBTQ, and white supremacist ideology.” The advisory also singled out traditional Catholics for their pro-life views, accusing RTCs of “hostility towards abortion-rights advocates” in the aftermath of the *Dobbs* decision, and describing “legislation or judicial decisions in areas such as abortion rights... and LGBTQ protections,” naming Governor Youngkin’s pro-life legislation as an example, as a “common cause” of RTCs and RMVEs. This specific call out to prolife views is of even greater concern, considering the slow rate of investigation and response to the violent attacks that a number of prolife pregnancy centers² and Catholic Churches³ have experienced since the *Dobbs* decision was leaked in May of last year.

¹ <https://www.uncoverdc.com/2023/02/08/the-fbi-doubles-down-on-christians-and-white-supremacy-in-2023/>

² <https://catholicvote.org/pregnancy-center-attack-tracker/>

³ <https://catholicvote.org/tracker-church-attacks/>

It is of great concern that the FBI did not have the oversight structure in place to stop this document before it was ever published or utilized. And it is crucial that the FBI develop and maintain policies that prevent such objectively discriminatory practices from being advised or implemented again.

Of further concern is the reliance the FBI seems to continue to place on biased data from the Southern Poverty Law Center (SPLC) on organizations it classifies as “hate groups”, despite its overt political bias and previous pushback from Congress. While the SPLC claims to be a group working to expel hate, it is in fact perpetuating hate against people of faith because of their religious views. Official government investigations and tracking should not be based on such biased reporting, which has already led to violent attacks against peaceful faith-based organizations.⁴ We call on the FBI to finally stop using data from the SPLC.

It should go without saying that violence and threats toward any person or group of people should be taken seriously. As lawmakers, we are concerned about the rise in violence and hate toward individuals and groups, and as recently as last Congress enacted legislation to prevent and respond to hate crimes⁵. But personal religious beliefs, or agreeing with the Catholic Church’s teaching on sex and marriage are not violent or extreme.

Targeting people on the basis of their religious beliefs and affiliation violates the Constitution. While the FBI claims it “does not investigate, collect, or maintain information on U.S. persons solely for the purpose of monitoring activities protected by the First Amendment,” the fact that such a document was able to be published and released in the first place is of great concern.

We request that the FBI respond to this letter by providing us with all documents and correspondence related to the origin and purpose of the document, including what agents developed the policy and whether any actions were taken in response to it, such as the tracking or monitoring of individuals who attend “Traditionalist Catholic houses of worship.” We also ask that the FBI provide us with a detailed explanation of what actions will be taken to educate all field offices on the Constitutional protections of the First Amendment, and to clarify that the free exercise of religion and religious beliefs do not equate to extremism, and are therefore not a basis for targeting or tracking.

Sincerely,



Michael Cloud
Member of Congress



James Lankford
U.S. Senator

⁴ <https://www.washingtonexaminer.com/southern-poverty-law-center-website-triggered-frc-shooting>

⁵ Public Law 117-13



Stephanie Bice
Member of Congress



Mike Braun
U.S. Senator



Andy Biggs
Member of Congress



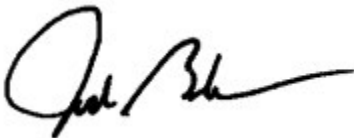
Roger Marshall, M.D.
U.S. Senator



Dan Bishop
Member of Congress



James E. Risch
U.S. Senator



Josh Brecheen
Member of Congress



U.S. Rick Scott
U.S. Senator



Ben Cline
Member of Congress



Jeff Duncan
Member of Congress



Mariannette Miller-Meeks, M.D.
Member of Congress



Ralph Norman
Member of Congress



Andy Ogles
Member of Congress



Bill Posey
Member of Congress



Matt Rosendale
Member of Congress



Christopher H. Smith
Member of Congress



Greg Steube
Member of Congress



Randy Weber
Member of Congress

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

February 16, 2023

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

The Committee on the Judiciary is continuing to examine the Federal Bureau of Investigation's (FBI) handling of domestic violent extremism (DVE) investigations. Over the last year, we have written to you several times about startling allegations that the FBI is misusing DVE resources for apparent political purposes.¹ Since those letters, new information has become public about the FBI's targeting of a set of Catholic Americans for their religious beliefs. We therefore write to request additional information about this serious misuse of federal law-enforcement resources.

On January 23, 2023, the FBI's Richmond Field Office published an official document that linked "racially or ethnically motivated violent extremists" (RMVEs) with a "radical-traditionalist Catholic" (RTC) ideology.² In this document, the FBI purported to distinguish what it called "traditional Catholics" from the disfavored RTC adherents, who the FBI characterized as embracing "anti-Semitic, anti-immigrant, anti-LGBTQ, and white supremacist ideology."³ The FBI even identified certain public policy issues—such as immigration and life issues—that it believed would "catalyz[e]" RTC adherents.⁴ In addition to attempting to separate and categorize Catholic Americans based on theological distinctions, the FBI underscored the

¹ See, e.g., Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 27, 2022); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Sept. 14, 2022); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (Sept. 19, 2022).

² Fed. Bureau of Investigation, U.S. Dep't of Justice, Domain Perspective, Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities (Jan. 23, 2023).

³ *Id.*

⁴ *Id.*

political nature of its actions: “FBI Richmond assesses RMVE interest in RTCs is likely to increase over the next 12 or 24 months in the run-up to the next general election cycle.”⁵

The FBI’s document cites to biased and partisan sources, including the Southern Poverty Law Center (SPLC), *Salon*, and *The Atlantic*, to support its assessment.⁶ The SPLC misleadingly defines RTCs as “the largest group of serious anti-Semites in America” and believes to have identified nine RTC “hate groups” across the United States.⁷ The SPLC also identifies the broad term “Christian identity” as a hate group—a term that could arguably encompass millions of Americans with sincerely held religious beliefs.⁸ The SPLC routinely maligns several mainstream conservative and religious organizations as “hate” groups, simply because the SPLC disagrees with their views.⁹ The fact that the FBI would blindly accept and regurgitate the SPLC’s spin is highly concerning and undercuts the FBI’s assertion that it is unbiased and politically neutral.

In the wake of the backlash against the FBI’s anti-Catholic document, the FBI withdrew the document and blamed the local level field office for its creation and dissemination.¹⁰ However, there remain many questions about the genesis, review, and approval of this document, as well as the FBI’s commitment to upholding First Amendment protected activity. To inform our ongoing oversight of the FBI, please provide the following documents and information:

1. All documents and communications referring or relating to intelligence products about “racially or ethnically motivated violent extremists” and “radical-traditionalist Catholics” for the period of January 20, 2021, to the present;
2. All documents and communications referring or relating to the basis for the January 23, 2023, Domain Prospective, entitled “Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities,” approved and disseminated by FBI’s Richmond Field Office;
3. A list of the FBI investigations, local law enforcement agency reporting, and liaison reporting, with varying degrees of cooperation and access that the FBI’s Richmond Field Office relied upon to make its assessments in the January 23, 2023, Domain Prospective, entitled “Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities”; and
4. A list of all FBI employees involved in drafting, reviewing, approving, or disseminating the January 23, 2023, Domain Prospective, entitled “Interest of Racially or Ethnically

⁵ *Id.*

⁶ *Id.* at 11.

⁷ Southern Poverty Law Center, Radical Traditional Catholicism, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/radical-traditional-catholicism> (last visited Feb. 13, 2023).

⁸ *Id.*

⁹ See, e.g., Susan Ferrechio, *SPLC finds fewer hate groups but still targets evangelicals, conservatives as haters*, WASH. TIMES (Mar. 10, 2022).

¹⁰ Kayla Bailey, *FBI labeling Catholics as possible violent extremists is an excuse to oppress ‘political enemies’*: *Evita Duff*, FOX NEWS (Feb. 12, 2023).

The Honorable Christopher A. Wray

February 16, 2023

Page 3

Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities.”

Please provide this information as soon as possible, but no later than 5:00 p.m. on March 2, 2023. We remind you that whistleblower disclosures are protected by law and that we will not tolerate any effort to retaliate against whistleblowers for their disclosures.

The Judiciary Committee is authorized to conduct oversight of the Federal Bureau of Investigation pursuant to the Rules of the House of Representatives.¹¹ If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Mike Johnson
Chairman
Subcommittee on the Constitution
and Limited Government

cc: The Honorable Jerrold L. Nadler, Ranking Member
The Honorable Mary Gay Scanlon, Ranking Member, Subcommittee on the Constitution
and Limited Government

¹¹ Rules of the U.S. House of Representatives, R. X (2023).

From: "Pietranton, Kelsey (PAO)" <(b) (6)>
To: "Miller, Marshall (ODAG)" <(b) (6)>
Cc: "Evers, Austin (ODAG)" <(b) (6)>, "Bruck, Andrew (ODAG)" <(b) (6)>, "Atkinson, Lawrence (ODAG)" <(b) (6)>

Subject: Re: Fox News: Jordan demands answers from Wray after leaked FBI memo suggests agency may be targeting Catholics

Date: Fri, 17 Feb 2023 09:11:07 +0000

Importance: Normal

Ty all around.

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o)(b) (6)
(m)(b) (6)

On Feb 17, 2023, at 4:30 AM, Miller, Marshall (ODAG) <(b) (6)> wrote:

Talked to Paul and he thinks TPs are good.

Sent from my iPhone

On Feb 16, 2023, at 9:27 PM, Evers, Austin (ODAG) <(b) (6)> wrote:

It's described as (b) (5)

From: Pietranton, Kelsey (PAO) <(b) (6)>
Sent: Thursday, February 16, 2023 11:53 AM
To: Evers, Austin (ODAG) <(b) (6)>
Cc: Miller, Marshall (ODAG) <(b) (6)>; Bruck, Andrew (ODAG) <(b) (6)>; Atkinson, Lawrence (ODAG) <(b) (6)>
Subject: Re: Fox News: Jordan demands answers from Wray after leaked FBI memo suggests agency may be targeting Catholics

++ for most apropos lane. Anticipating question here: (b) (5) ?

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o)(b) (6)
(m)(b) (6)

On Feb 16, 2023, at 4:49 PM, Evers, Austin (ODAG) <(b) (6)> wrote:

VERY preliminary Q&A on this topic. Please only deploy if necessary:

1. (b) (5)

2. (b) (5)

3. (b) (5)

4. (b) (5)

5. (b) (5)

6. (b) (5)

Background

1. On February 8, a leaked copy of an intelligence product from the FBI's Richmond field office was made public. The product suggested some Catholics are "radical-traditionalists" and could be "racially or ethnically motivated violent extremists." It also suggested that "violent extremists" could include Catholics who prefer a Latin Mass and that the FBI might start recruiting Catholics as informants.
2. On February 10, Virginia AG Jason Miyares (along with 19 other state AGs) sent a letter to the FBI and DOJ demanding to know why the product was written, requesting a full explanation of the document's origins, and seeking information on whether the FBI followed through with infiltrating houses of worship.

3. Upon learning about the intelligence product, the FBI took steps to remove it from the FBI's internal Sentinel database and announced the Bureau would review the document's origins.

From: Dulaney, Emma (PAO) <(b) (6)>
Sent: Thursday, February 16, 2023 11:33 AM
To: Zdeb, Sara (OLA) <(b) (6)>; Uriarte, Carlos F. (OLA) <(b) (6)>; Antell, Kira M. (OLA) <(b) (6)>; Kohlman, Abby K. (OLA) <(b) (6)>; Bond, Slade (OLA) <(b) (6)>; (b) (6) <(b) (6)>; Iverson, Dena (PAO) <(b) (6)>; Evers, Austin (ODAG) <(b) (6)>; Benson, Adrienne (ODAG) <(b) (6)>; Hornbuckle, Wyn (PAO) <(b) (6)>; Gao, Greta G. (OLA) <(b) (6)>; Hanson, Matthew B. (OLA) <(b) (6)>; Pietranton, Kelsey (PAO) <(b) (6)>; Apelbaum, Perry H. (OLA) <(b) (6)>; Hinojosa, Xochitl (PAO) <(b) (6)>; Klapper, Matthew B. (OAG) <(b) (6)>
Subject: Fox News: Jordan demands answers from Wray after leaked FBI memo suggests agency may be targeting Catholics

Link to letter: <https://twitter.com/JudiciaryGOP/status/162625553755316225>

[Fox News: Jordan demands answers from Wray after leaked FBI memo suggests agency may be targeting Catholics](#)

A leaked memo from the FBI's Richmond Field Office said violent extremists allegedly align with 'radical-traditionalist Catholic' ideology

EXCLUSIVE: House Judiciary Committee Chairman Jim Jordan is demanding answers from FBI Director Christopher Wray as part of the panel's investigation into the bureau's alleged misuse of domestic violent extremism resources for "political purposes," after [a leaked internal memo](#) revealed the FBI had efforts underway to identify and treat some Catholics as violent extremists.

In a letter to Wray obtained exclusively by Fox News Digital, Jordan demanded that the FBI turn over documents and records related to a [Jan. 23, 2023](#) document from the FBI's Richmond Field Office that linked "'racially or ethnically motivated violent extremists' with a 'radical-traditionalist Catholic' ideology."

"The Committee on the Judiciary is continuing to examine the Federal Bureau of Investigation's handling of domestic violent extremism [DVE] investigations," Jordan wrote. The top Republican on the House Subcommittee on the Constitution and Limited Government, Rep. Mike Johnson, R-La., also signed onto the letter.

<image001.gif>

Jordan said he and committee Republicans have written to the FBI "several times" over the last year about "startling allegations that the FBI is misusing DVE resources for apparent political purposes."

Since then, Jordan said new information has become public about the FBI's "targeting of a set of Catholic Americans for their religious beliefs" — specifically referencing the Jan. 23 memo, which was leaked by a whistleblower earlier this month.

"In this document, the FBI purported to distinguish what it called 'traditional Catholics' from the disfavored RTC [radical-traditionalist Catholic] adherents, who the FBI characterized as embracing 'anti-Semitic, anti-immigrant, anti-LGBTQ, and white supremacist ideology," Jordan wrote. He added that the FBI "even identified certain public policy issues — such as immigration and life issues — that it believed would 'catalyze' RTC adherents."

Jordan said the memo not only attempts to "separate and categorize Catholic Americans based on theological distinctions," but said the FBI "underscored the political nature of its actions."

The memo stated that "FBI Richmond assesses RMVE [racially or ethnically motivated violent extremists] interest in RTCs is likely to increase over the next 12 or 24 months in the run-up to the next general election cycle."

<image001.gif>

Jordan said the FBI's document cites "biased and partisan sources, including the Southern Poverty Law Center (SPLC), Salon, and The Atlantic, to support its assessment."

Jordan said the SPLC "identifies the broad term 'Christian identity' as a hate group — a term that could arguably encompass millions of Americans with sincerely held religious beliefs."

"The fact that the FBI would blindly accept and regurgitate the SPLC's spin is highly concerning and undercuts the FBI's assertion that it is unbiased and politically neutral," Jordan wrote.

The FBI ultimately withdrew the document and blamed the local level Richmond Field Office for its creation and dissemination, but Jordan is demanding answers on the genesis of the document, review, and approval of it, as well as the FBI's "commitment to upholding First Amendment protected activity."

After the leak of the memo this month, the FBI told Fox News Digital that the bureau's "standard practice is to not comment on specific intelligence products," but said "this particular field office product – disseminated only within the FBI – regarding racially or ethnically motivated violent extremism does not meet the exacting standards of the FBI."

"Upon learning of the document, FBI Headquarters quickly began taking action to remove the document from FBI systems and conduct a review of the basis for the document," the FBI said.

<image001.gif>

The FBI added that the bureau "is committed to sound analytic tradecraft and to investigating and preventing acts of violence and other crimes while upholding the constitutional rights of all Americans and will never conduct investigative activities or open an investigation based solely on First Amendment protected activity."

Nonetheless, Jordan is demanding the FBI produce all documents and communications referring to or relating to intelligence products about "racially or ethnically motivated violent extremists" and "radical-traditionalist Catholics" from Jan. 20, 2021 to the present.

Jordan is also demanding all documents and communications related to the basis for the Jan. 23 memo, titled "Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities."

Jordan demanded the FBI produce a list of its investigations that the Richmond Field Office "relied upon to make its assessment" to include in the document, as well as a list of the FBI

employees involved in the drafting, reviewing, approving or disseminating of it. He asked that the FBI provide the information by March 2 at 5:00 p.m.

"We remind you that whistleblower disclosures are protected by law and that we will not tolerate any effort to retaliate against whistleblowers for their disclosures," Jordan added.

Hundreds of [Roman Catholic churches](#) have been attacked since May 2020, according to Catholic nonprofit CatholicVote. More than 100 attacks have been reported since the May 2022 leak of the draft Supreme Court decision in *Dobbs v. Jackson's Health Organization*, which overturned *Roe v. Wade's* federal abortion protections.

The FBI told Fox News Digital last month that the bureau is "continuing to investigate a series of attacks and threats targeting pregnancy resource centers, faith-based organizations, and reproductive health clinics across the country, as well as to judicial buildings, including the U.S. Supreme Court."

"The incidents are being investigated as potential acts of domestic violent extremism, FACE Act violations, or violent crime matters, depending on the facts of each case," the FBI said. "The FBI takes all violence and threats of violence very seriously, and we are working closely with our law enforcement partners at the national, state, and local levels to investigate these incidents."