

# Verdict®



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A News Publication from Judicial Watch

## JW Sues For Documents On Effort To Shut Down Clinton Foundation Investigation



APIIMAGES

Hillary Clinton and Bill Clinton

Judicial Watch filed a Freedom of Information Act (FOIA) lawsuit against the U.S. Department of Justice on November 2, 2018 for all records of communications involving any investigation by the Federal Bureau of Investigation (FBI) into the Clinton Foundation (*Judicial Watch v. U.S. Department of Justice* (No. 1:18-cv-02536)).

Judicial Watch filed the lawsuit after the agency failed to respond to a May 4, 2018 FOIA request for:

All records of communication [between January 1, 2016 and December 31, 2016] including but not limited to emails (whether sent or received on .gov or non-.gov e-mail accounts), text messages

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## JW Sues For Records Of FBI Meetings With Clinton Law Firm

### Clinton-DNC used law firm to pay for anti-Trump dossier

Judicial Watch filed a Freedom of Information Act (FOIA) lawsuit on November 13, 2018 against the Department of Justice seeking records of all meetings in 2016 between former FBI General Counsel James Baker and the Perkins Coie law firm. The Clinton campaign and the Democratic National Committee (DNC) reportedly paid Fusion GPS through Perkins Coie to create the “salacious and unverified” Clinton-DNC anti-Trump dossier.

The lawsuit cites a specific Fox

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FBI Headquarters building, Washington, D.C.

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Former President Barack Obama

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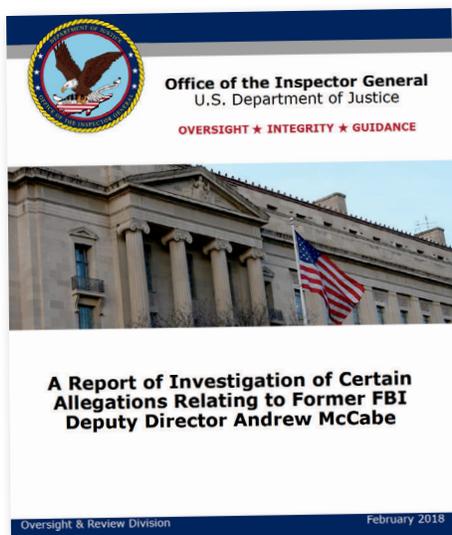
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or instant chats, sent between officials in the offices of the FBI Director, Deputy Director and General Counsel on the one hand, and officials in the offices of the Attorney General, Deputy Attorney General and/or Principal Associate Deputy Attorney General on the other hand, regarding the closure or possible closure of an investigation into the Clinton Foundation.

A Judicial Watch FOIA lawsuit led directly to the disclosure of the illicit Clinton email system in 2015.

In August 2016, a related Judicial Watch FOIA lawsuit broke open the Clinton Foundation scandal story with the release of documents showing pay-to-play activity. An April 2009 document shows controversial Clinton foundation official Doug Band pushed for a job for an associate. In the email, Band tells Hillary Clinton's former aides at the State Department (Cheryl Mills and Huma Abedin) that it is "important to take care of [Redacted]." Band is reassured by Abedin that "Personnel has been sending him options." Band was co-founder of Teneo Strategy

**Department of Justice inspector general Report on Justice Department efforts to shut down FBI investigation of the Clinton Foundation right before 2016 presidential election**



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**“Are you telling me that I need to shut down a validly predicated [FBI] investigation?”**

**~ Former FBI Deputy Director Andrew McCabe to unidentified Principal Associate Deputy Attorney General, likely Matthew Axelrod**

\*\*\*

with Bill Clinton and a top official of the Clinton Foundation, including its Clinton Global Initiative.

Included in that document production was a 2009 email in which Band directs Abedin and Mills to put Lebanese-Nigerian billionaire and Clinton Foundation donor Gilbert Chagoury in touch with the State Department's "substance person" on Lebanon. Band notes that Chagoury is "key guy there [Lebanon] and to us," and he insists that Abedin call Ambassador Jeffrey Feltman to connect him to Chagoury.

Judicial Watch, since, has uncovered many other instances of seeming pay-to-play and favoritism for the Clinton Foundation at the Clinton State Department.

In January 2016, the FBI reportedly began investigating the Clinton Foundation, as it expanded from the email probe. In October 2016, FBI agents were told they did not have "enough evidence to move forward" with their investigation of the Foundation.

In 2018, a Justice Department inspector general (OIG) report detailed evidence that the Obama Department of Justice sought to shut down the FBI investigation of the Clinton Foundation:

“McCabe [fired former deputy director of the FBI] told the

**See INVESTIGATION on page 4**



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February 2019 • Vol. 25 • Issue 2

# Federal Judge Opens Discovery Into Clinton Email Usage

By Tom Fitton



JUDICIAL WATCH

A December 6, 2018 ruling by U.S. District Court Judge Royce C. Lamberth excoriates both the U.S. Departments of State and Justice and orders both agencies to join Judicial Watch in submitting a proposed schedule for discovery into whether Hillary Clinton sought to evade the Freedom of Information Act (FOIA) by using a private email system and whether the State Department acted in “bad faith” by failing to disclose knowledge of the email system. The decision comes in our FOIA lawsuit related to the Benghazi terrorist attack.

Specifically, Lamberth ruled:

“... the Court ORDERS the parties

to meet and confer to plan discovery into (a) whether Hillary Clinton’s use of a private email while secretary of state was an intentional attempt to evade FOIA; (b) whether the State Department’s attempts to settle this case in late 2014 and early 2015 amounted to bad faith; and (c) whether State has adequately searched for records responsive to Judicial Watch’s requests.”

Terming Clinton’s use of her private email system “one of the gravest modern offenses to government transparency,” Lamberth wrote in his MEMORANDUM OPINION:

“... his [President Barack Obama’s] State and Justice Departments fell far short. So far short that the court questions, even now, whether they are acting in good faith. Did Hillary Clinton use her private email as secretary of state to thwart this lofty goal [Obama announced standard for transpar-

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**The Court granted discovery because the government’s response to the Judicial Watch Benghazi FOIA request for Clinton emails, in Judge Lamberth’s words, “smacks of outrageous conduct.”**

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ency]? Was the State Department’s attempt to settle this FOIA case in 2014 an effort to avoid searching — and disclosing the existence of — Clinton’s missing emails? And has State ever adequately searched for records in this case?

\*\*\*

“At best, State’s attempt to pass off its deficient search as legally adequate during settlement negotiations was negligence born out of incompetence. At worst, career employees in the State and Justice Departments colluded to scuttle public scrutiny of Clinton, skirt FOIA and hoodwink this Court.”

Turning his attention to the Department of Justice, Lamberth wrote:

“The current Justice Department made things worse. When the government last appeared before the Court, counsel claimed, ‘it is not true to say we misled either Judicial Watch or the Court.’ When accused of ‘doublespeak,’ counsel denied vehemently, feigned offense, and averred complete candor. When asked why State masked the inadequacy of its initial search, counsel claimed that the officials who initially responded to Judicial



WIKIPEDIA

U.S. Department of State building, Washington, D.C.

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## Investigation

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OIG that on August 12, 2016, he received a telephone call from PADAG [Principal Associate Deputy Attorney General, likely Matthew Axelrod] regarding the FBI's handling of the CF [Clinton Foundation] investigation (the 'PADAG call'). McCabe said that PADAG expressed concerns about FBI agents taking overt steps in the CF investigation during the presidential campaign. According to McCabe, he pushed back, asking, 'are you telling me that I need to shut down a validly predicated investigation?' McCabe told us that the conversation was 'very dramatic' and he never had a similar confrontation like the PADAG call with a high-level Department official in his entire FBI career."

Reportedly, senior Justice Department officials refused FBI requests to issue subpoenas on Clinton Foundation issues in 2016.

In January 2018, reports surfaced that the FBI reportedly launched a new investigation into potential Clinton Foundation pay-to-play but there has been no indication it is proceeding.

In October 18, 2018, Representative Bob Goodlatte, chairman of



U.S. Department of Justice building, Washington, D.C.

the House Judiciary Committee, announced the release of former FBI Deputy Director Andrew McCabe's disciplinary file, which "reminds us how the Obama Justice Department sought to shut down the Clinton Foundation investigation during the 2016 presidential election."

"The record shows the Obama Justice Department suppressed a public corruption investigation into the Clinton Foundation," said Judicial Watch President Tom Fitton.

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**"The record shows the Obama Justice Department suppressed a public corruption investigation into the Clinton Foundation."**

~Judicial Watch President  
**Tom Fitton**

★ ★ ★



Former Deputy FBI Director Andrew McCabe



Former Hillary Clinton aide, Huma Abedin

"It's time for the Justice Department to stop shielding the Clintons and produce records on this miscarriage of justice."

This is part of Judicial Watch's ongoing investigation into the Clinton Foundation's pay-to-play politics that involves multiple FOIA lawsuits seeking government documents from Hillary Clinton's illicit email system, as well as records related to the intersection of the State Department and the Clinton Foundation.

Judicial Watch's work also served as a basis for the breakthrough book, *Clinton Cash*. JW

AP IMAGES

## Message from the President

### Message

From page 3

Watch's request didn't realize Clinton's emails were missing, and that it took them two months to 'figure out what was going on'... Counsel's responses strain credulity." [Citations omitted.]

The Court granted discovery because the government's response to the Judicial Watch Benghazi FOIA request for Clinton emails, in Judge Lamberth's words, "smacks of outrageous conduct."

Citing an email (uncovered as a result of Judicial Watch's lawsuit) in which Hillary Clinton acknowledged that Benghazi was a terrorist attack immediately after it happened, Judge Lamberth asked:

"Did State know Clinton deemed the Benghazi attack terrorism hours after it happened, contradicting the Obama administration's subsequent claim of a protest-gone-awry?"

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"Did the Department merely fear what might be found? Or was State's bungling just the unfortunate result of bureaucratic red tape and a failure to communicate? To preserve the Department's integrity, and to reassure the American people their government remains committed to transparency and the rule of law, this suspicion cannot be allowed to fester."

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**The historic court ruling raises concerns about the Hillary Clinton email scandal and government corruption that millions of Americans share.**

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WIKIPEDIA

U.S. District Court Judge Royce C. Lamberth

The historic court ruling raises concerns about the Hillary Clinton email scandal and government corruption that millions of Americans share. Your Judicial Watch looks forward to conducting careful discovery into the Clinton email issue, and we hope the Justice Department and State Department recognize Judge Lamberth's criticism and help, rather than obstruct, this court-ordered discovery.

I reported this breaking news on the JW YouTube channel: <http://jwatch.us/Special-Report> **TF**

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75	6.2%
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85	8.3%
90+	9.5%

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## FBI

From page 1

News report that FBI top lawyer Baker met with Perkins Coie lawyers to discuss allegations of collusion between Donald Trump and Russia. The unusual meeting reportedly took place weeks before the 2016 election and before the FBI secured a controversial FISA spy warrant targeting then-candidate Trump's campaign.

Judicial Watch filed the lawsuit in the U.S. District Court for the District of Columbia after the Justice Department failed to respond to an October 9, 2018 FOIA request (*Judicial Watch v. U.S. Department of Justice* (No. 1:18-cv-02617)) seeking:

“All records concerning any and all meetings between former FBI General Counsel James Baker and one or more attorneys from Perkins Coie, the Democratic National Committee's private law firm during 2016.”

On October 4, 2018, Fox News reported that Baker told congressional investigators that Perkins Coie lawyer Michael Sussmann “initiated contact with him and provided documents and computer storage devices on Russian hacking.” The contact was made in late 2016 as federal investigators prepared a Foreign Intelligence Surveillance Act (FISA) warrant to spy on Trump campaign aide Carter Page.



Former FBI Director James Comey



Former British Mi6 spy Christopher Steele

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**The [Judicial Watch] lawsuit cites a specific Fox News report that FBI top lawyer Baker met with [Clinton campaign] lawyers to discuss allegations of collusion between Donald Trump and Russia.**

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At the time, Perkins Coie had hired opposition research firm Fusion GPS to dig into candidate Trump's background. Fusion GPS paid British ex-spy Christopher Steele to compile the anti-Trump dossier, memos from which were shared with the FBI in the summer of 2016.

The DNC and Clinton campaign's funding of the unverified dossier was revealed in a memo from House Permanent Select Committee on Intelligence Chairman Devin Nunes which was disclosed publicly on February 2, 2018.

According to an October 24, 2017 report by *The Washington Post*,



Perkins Coie lawyer Marc E. Elias retained Fusion GPS in April 2016 on behalf of the Clinton campaign and DNC: “The Clinton campaign and DNC, through the law firm, continued to fund Fusion GPS' research through the end of October 2016, days before Election Day.” Fusion GPS gave Steele's dossier and other research documents to Elias.

“The real collusion scandal is the hand-in-hand effort by the Clinton campaign and the Obama DOJ/FBI to spy upon and destroy Donald J. Trump,” Judicial Watch President Tom Fitton said. “The FBI, pulled by the troika of Comey/McCabe/Strzok, became an arm of the Clinton campaign. And our new lawsuit aims to get to the bottom of the massive scandal.” 

AP IMAGES

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# Court Report

## JW Files Amicus Brief Defending Whitaker's Appointment As Acting AG

Judicial Watch submitted an *amicus curiae* brief on November 26, 2018 to the U.S. District Court for the District of Maryland in support of President Trump's choice of Matthew Whitaker for acting United States attorney general (*State of Maryland v. United States of America, et al.* (No. 1:18-cv-02849)).

Less than a week after November 7, when President Trump appointed Matthew Whitaker, then-chief of staff to Attorney General Jeff Sessions, as acting attorney general, Maryland Attorney General Brian Frosh, on behalf of the State of Maryland, filed a motion asking the court to prohibit the administrative substitution of Whitaker to replace former Attorney General Jeff Sessions, who was one of nine defendants in a pending lawsuit.

Judicial Watch argues that the "State of Maryland's naked attempt to wage a political battle in the

courts should be denied and its motion both misstates the law and is fatally flawed on procedural grounds."

Judicial Watch argues that the appointment is valid, as acts performed by a person acting under the color of official title are valid "even though it is later discovered that the legality of that person's appointment or election to office is deficient." Judicial Watch contends that "Supreme Court precedent suggests the *de facto* officer doctrine would apply" and precludes issuance of an injunction in this case.

According to the Judicial Watch brief, the doctrine "springs from the fear of chaos that would result from multiple and repetitious suits challenging every action taken by every official whose claim to office could be open to question and seeks to protect the public by ensuring the orderly functioning of the government despite technical defects in title to office."

Judicial Watch also argues that the Maryland attorney general misstates the law in claiming that Deputy Attorney General Rod Rosenstein should assume the top position of attorney general. In attempting to support his claim that Trump's appointment of Whitaker violates the Attorney General Succession Act, Frosh contends:

"Congress ... adopted the Attorney General Succession Act to specify the acting head of that office [attorney general] in particular. Without exception, the statutes have required that the Department of Justice's second-in-command serve as acting attorney general,

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**"The State of Maryland's naked attempt to wage a political battle in the courts should be denied and its motion both misstates the law and is fatally flawed on procedural grounds."**

*~Judicial Watch President  
Tom Fitton*

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never allowing the president to override that rule."

The Judicial Watch brief responds in rebuttal:

"Contrary to the State of Maryland's assertion, the Attorney General Succession Act in no way mandates that the deputy attorney general becomes the acting attorney general. The statute says "may...." To the extent the Vacancies Reform Act is constitutional — and the State of Maryland does not argue otherwise — the Attorney General Succession Act does not prohibit the VRAs [Federal Vacancies Reform Act] application in this case."

According to Judicial Watch, the State of Maryland's motion for an injunction also fails procedurally because its lawsuit is against Attorney General Sessions, in his official capacity as attorney general, an office he no longer holds. Judicial Watch argues:

**See AMICUS on page 8**



**District of Columbia Attorney General Karl Racine leads 15-state coalition seeking to block appointment of Matthew Whitaker as Acting Attorney General**

**Amicus**

From page 7

“[The lawsuit] is not against him in his personal capacity. There is nothing for the Court to do. Substitution is automatic.”

Frosh revealed his political and ideological motives in filing the suit when he said, “[T]his guy, Mr. Whitaker, has extreme views and that’s dangerous in itself.” A coalition of attorneys general from 14 states and Washington, D.C., also have weighed in by filing an *amici curiae* brief supporting the State of Mary-



AP IMAGES

Acting U.S. Attorney General Matthew G. Whitaker

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**Maryland Attorney General Brian Frosh revealed his political and ideological motives in filing the suit when he said, “[T]his guy, Mr. Whitaker, has extreme views and that’s dangerous in itself.”**

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land. D.C. Attorney General Karl A. Racine, who is leading the coalition of *amici*, stated Trump’s appointment of Whitaker is “illegal, unconstitutional, and runs counter to the rule of law.”

Pointing to numerous partisan legal challenges and separate moves by Maryland’s own lawyer to litigate a similar case before the Supreme Court, Judicial Watch also filed a Public Information Act request with

the Maryland attorney general’s office about its efforts to challenge the Whitaker appointment.

“Anti-Trump politicians shouldn’t be allowed to abuse the courts to achieve their political goals,” said Judicial Watch President Tom Fitton. “The court should deny Maryland’s naked attempt to wage an anti-Trump political battle in the courts.” **JW**

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# Judicial Watch Sues Defense Department For Records On POWs And MIAs In Vietnam

Judicial Watch sued the U.S. Department of Defense on October 2, 2018 to obtain government records from 1973 to the present regarding U.S. soldiers who were prisoners of war or missing in action in Vietnam and Laos (*Judicial Watch v. U.S. Department of Defense* (No. 1:18-cv-02276)).

Judicial Watch filed the lawsuit after the Pentagon failed to respond to two Freedom of Information Act (FOIA) requests.

A May 21, 2018 request sought:

- “Any and all lists of American prisoners of war/missing in action (‘POWs/MIAs’) provided to North Vietnam as part of the Paris Peace Accords process seeking their return; and

- All materials used to brief President Nixon in 1973 about remaining American POWs/MIAs in North Vietnam and Laos.”

A May 22, 2018 request sought:

- “All live sighting reports of American POWs in Vietnam and Laos from January 27, 1973 to the present.
- “All data and reports derived from data collected from the program known as PAVE SPIKE from January 27, 1973 to the present.
- “All satellite photographs of possible or suspected rescue symbols seen in the territories of Vietnam and/or Laos from January 27, 1973

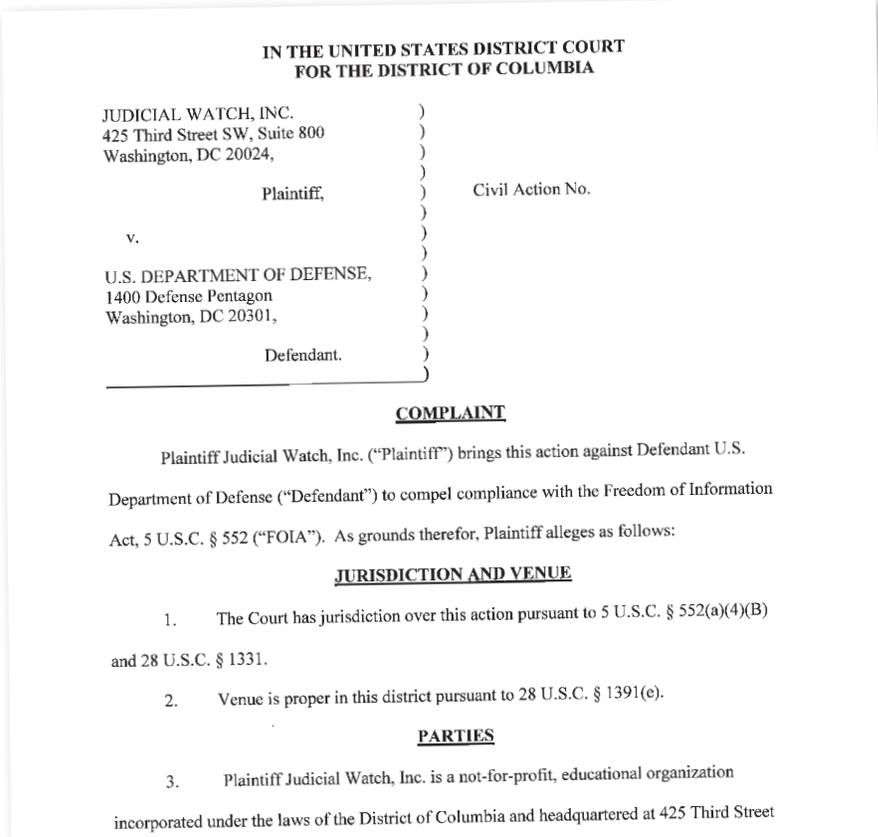


to the present.

- “All electronic messages containing individual code numbers issued to US airmen transmitted from the ground in Vietnam and/or Laos from January 27, 1973 to the present.”

“The Vietnam MIA-POW issue is a sore spot for many veterans and concerned Americans. Why is the Pentagon stonewalling our attempts to obtain information that is clearly in the public interest?” said Judicial Watch President Tom Fitton. JW

## Judicial Watch lawsuit seeking information about Vietnam POWs and MIAs



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**“Why is the Pentagon stonewalling our attempts to obtain information on Vietnam POWs and MIAs that is clearly in the public interest?”**

~Judicial Watch President Tom Fitton

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# Chronicles

## New JW Special Report: U.S. Subsidizes Soros Leftist Agenda Worldwide

The U.S. government subsidizes billionaire George Soros' radical leftist agenda, dedicating hundreds of millions of dollars to his deeply politicized Open Society Foundations (OSF) worldwide, records uncovered by Judicial Watch show. In a special investigative report, Judicial Watch documents the financial link between U.S.-funded entities and OSF affiliates to further the Hungarian-born philanthropist's agenda seeking to destabilize legitimate governments, erase national borders, target conservative politicians, finance civil unrest, subvert institutions of higher education and orchestrate refugee crises for political gain. The special report also illustrates the financial and staffing nexus between OSF and the U.S. government.

In 2018, OSF projected expending more than \$530 million to promote Soros' radical globalist agenda in

every corner of the world under the guise of supporting democratically elected governments, strengthening the rule of law and promoting fairness in political, legal and economic systems. The reality is far different, the report shows.

Soros, with the help of American taxpayer dollars, bolsters a radical left-wing agenda that in the United States has included: promoting an open border with Mexico and fighting immigration enforcement efforts; fomenting racial disharmony by funding anti-capitalist racialist organizations; financing the Black Lives Matter movement and other organizations involved in the riots in Ferguson, Missouri; weakening the integrity of our electoral systems; promoting taxpayer-funded abortion on demand; advocating a government-run health care system; opposing U.S. counterterrorism efforts; promoting dubious trans-

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**Judicial Watch has successfully investigated and litigated to document the paper trail left by the OSF network as it operates, at taxpayer expense, to subvert and manipulate the sovereignty of constitutional republics and allies of the United States.**

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 national climate change agreements that threaten American sovereignty; and working to advance gun control and erode Second Amendment protections.

The Soros network is engaged in an active effort to affect politics, economics and societies global-

See **SOROS** page 11



**A Judicial Watch Special Report:**

**George Soros' Open Society Foundation Activities in Guatemala**

*Advancing a Radical Globalist Agenda Through "Lawfare" and Political Subversion*

April 17, 2018

Judicial Watch documents the financial link between U.S.-funded entities and OSF affiliates to further the Hungarian-born philanthropist's agenda seeking to destabilize legitimate governments, erase national borders, target conservative politicians, finance civil unrest, subvert institutions of higher education and orchestrate refugee crises for political gain. The special report also illustrates the financial and staffing nexus between OSF and the U.S. government.

**Judicial Watch Special Report on George Soros' activities in Guatemala**

### Soros

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ly, including in Europe (Albania, Macedonia, Romania, Hungary) and Latin America (Honduras, Guatemala, Mexico). Judicial Watch has successfully investigated and litigated to document the paper trail left by the OSF network as it operates, at taxpayer expense, to subvert and manipulate the sovereignty of constitutional republics and allies of the United States.

Last year Judicial Watch exposed a collaborative effort between the U.S. government and Soros to destabilize the democratically elected center-right government in Macedonia. Records obtained by Judicial Watch in that investigation show that the U.S. ambassador to Macedonia worked behind the scenes with OSF to funnel large sums of American dollars to the cause, constituting an interference of the U.S. ambassador in domestic political affairs in vio-



George Soros

AP IMAGES

lation of the Vienna Convention on Diplomatic Relations. The cash — about \$5 million — flowed through the State Department and USAID.

The new report identifies OSF affiliates worldwide that receive U.S. government funding as well as the alarming figures. The Soros

operations are highly sophisticated and work across academia, the legal system, labor, agriculture and “social justice” organizations as well as religious and political groups. Key personnel in the multi-faceted OSF network are former Ameri-

See **SOROS** page 12

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## Soros

From page 11

can government officials known to leverage their status and access to benefit the OSF's goals. The report identifies a number of them, including Barack Obama's domestic policy council director, Cecilia Muñoz, who currently serves on OSF's U.S. programs board and OSF President Patrick Gaspard, director of political affairs in the Obama White House



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**OSF-funded groups reportedly promoting, organizing and supporting the illegal immigrant caravan that started in Honduras are also identified in the [JW] report.**

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and the U.S. ambassador to South Africa. Others include OSF Director of Global Security Denis Reynolds, a former supervisory special agent with the Diplomatic security service at the State Department, and OSF Senior Policy Advisor Emily Renard, a former State Department foreign service officer and Africa Policy Officer.

OSF-funded groups reportedly promoting, organizing and support-

ing the illegal immigrant caravan that started in Honduras are also identified in the report. Many of the leftist groups also get hefty sums directly from Uncle Sam. They include the Catholic Legal Immigration Network (CLINIC), the American Constitution Society, *Centro para la Acción Legal en Derechos Humanos* (Center for Legal Action in Human Rights, CALDH) and a multitude of others, including those named in a special report published by Judicial Watch in 2018 focusing on OSF in Guatemala. (Available on the Judicial Watch website: <http://jwatch.us/BreakingNews>) The big question is, why are American taxpayers funding Soros and his highly politicized OSF? Judicial Watch will continue investigating and litigating to get answers. **JW**



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# The Murder Curtain

By Micah Morrison

Judicial Watch Investigative Reporter



JUDICIAL WATCH

Are U.S. veterans hospitals the perfect hunting ground for serial killers? That's one of the provocative suggestions in former VA special investigator Bruce Sackman's new book, *Behind the Murder Curtain*.

Sackman was the special agent in charge of the VA's Criminal Investigation Division's Northeast Field Office, chasing crime from West Virginia to Maine. A maverick, he bucked the system and brought two prolific serial killers — Michael Swango and Kristen Gilbert — to justice. Both murdered veterans at VA hospitals.

"There have been plenty of hospital serial killers in the private sector throughout history," Sackman writes. "But it sticks in my mind that a VA medical center is a perfect hunting ground. The VA facilities are filled with long-term care patients with serious debilitating illnesses," making

them easy marks for medical serial killers. Often, patients are isolated and vulnerable, with visits from family members few and far between.

*Behind the Murder Curtain*, co-authored with Michael Vecchione and Jerry Schmetterer, unfolds like a police procedural, taking us through the Swango and Gilbert cases. The authors make quick stops at other cases and offer a smart program for spotting trouble.

Sackman estimates that Swango, a doctor, killed as many as 100 patients in the United States and Africa. Swango began practicing medicine in 1983 and drifted from hospital to hospital, dogged by reports of fraud and improper behavior. By 1995, he was at the Northport VA Medical Center in New York. A television news program raised questions about his past. Medical personnel at Northport were concerned.

Sackman caught the case. But he faced resistance. Allegations of killings at hospitals were largely uncharted investigative territory. The FBI considered murder on federal turf to be their territory, but had little experience with hospital cases. VA law enforcement usually focused on white-collar crimes like

★★★  
**Are U.S. veterans hospitals the perfect hunting ground for serial killers? That's one of the provocative suggestions in former VA special investigator Bruce Sackman's new book, *Behind the Murder Curtain*.**

★★★

embezzlement and fraud.

Was Sackman out of his league? He persisted, put together a team of experts, including famed forensic pathologist Michael Baden, and ultimately was instrumental in convicting Swango on multiple murder counts and sending him to Colorado's Supermax prison for the rest of his life.

In a chilling image, Sackman writes that most hospital killings occur behind "the murder curtain" surrounding a patient's bed. Medical records and documents "revealed a pattern of behavior by Dr. Swango at his patients' bedsides: he entered their rooms by himself, drew the curtains, and administered lethal injections."

Kristen Gilbert, a nurse at the Northampton VA Medical Center in Massachusetts, also committed her killings behind the murder curtain. It began with the theft of epinephrine from the hospital medical cabinet. Swango used "epi," a common drug to speed up the heart rate, in lethally high doses.

Like Swango, Gilbert worked the overnight shift. "When the ward was empty of other personnel," Sackman writes, Gilbert "would pull the bedside curtain around her. She would then inject the patient with a fatal dose of the drug." In an attention-seeking twist, Gilbert would often be on hand when the patient

## Serial killers



Convicted serial killers, former nurse Kristen Gilbert and former physician Michael Swango

See MURDER page 14

## Murder

From page 13

“coded” — began to go into cardiac arrest and die — taking seemingly heroic measures to save her victim.

Hospital killing cases are tough to make. In the Gilbert investigation, Sackman writes, “We would need to count those missing bottles of epinephrine, prove that Gilbert had access to them, prove they were administered to the patients in question and, finally, prove they died from those injections. We had to paint a picture for the jury that, given the opportunity and the resources, Kristen Gilbert would draw the curtain around her patient, and for the thrill and glory, administer a dose of fatal poison.”

In 2001, a Massachusetts jury convicted Gilbert of killing four veterans. She’s serving four consecutive life terms.

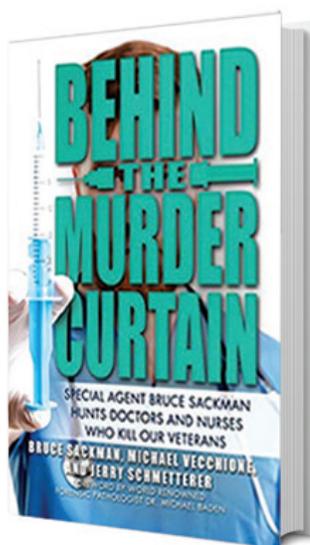
Nurses are Sackman’s heroes, on the front lines of patient care night and day. Three concerned nurses at the Northampton VA first raised the alarm about Gilbert — a tough call to make about a colleague in the tight world of medical personnel.

Nurses also first raised the alarm about healthy patients dying under Swango’s care. Early in Swango’s career, “nurses reported their concerns,

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**Hospital managers have a well-documented history of defending employees suspected of intentionally harming patients. They are afraid that bad publicity and potential lawsuits will follow formal investigations, especially if conducted by outside authorities like a district attorney.”**

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*Behind the Murder Curtain* by Bruce Sackman, Michael Vecchione and Jerry Schmetterer

but the administration conducted a very superficial investigation and then dismissed the complaining nurses as paranoid,” Sackman writes. “This was a pattern I would see often.... Hospital brass never wanted to hear bad news about their doctors. Too often, they were willing to cover up in order to save face.”

Sackman retired from the VA in 2005 and works as a private investigator and consultant, specializing in health care matters. (He’s also president of the Society of Professional Investigators, where I am a member.) Suspicious hospital deaths, he writes, are “a problem that afflicts every type of hospital, public or private.”

Sackman notes:

“Hospital managers have a well-documented history of defending employees suspected of intentionally harming patients. They are afraid that bad publicity and potential lawsuits will follow formal investigations, especially if conducted by outside authorities like a district attorney. When the police or DA get involved, a record of their activity is a public

record. The media will find out about it and sensational stories will result. They are right to fear that but sweeping the problem under the rug is not a solution.”

A better solution, Sackman believes, is the adoption of what he calls “Red Flag Protocols” by nursing and medical schools to help identify possible medical serial killers. Sackman has presented his protocols at health-care symposiums around the world and outlines them in the book:

- Is there an increased rate of patient deaths connected to the suspect?
- Does he (or she) work a late-night shift and frequently is alone with patients?
- Is the patient’s death unexpected and attributed to a “catch-all like cardiac arrest?”
- Are “sudden-death” chemicals available on the ward?
- Do colleagues have concerns about the suspect?
- Was the suspect with the patient before the patient’s death?
- Do records of prior employment show questionable incidents?
- Does an initial review by management find insufficient evidence to proceed?

Those are some of the questions raised by Sackman’s Red Flag Protocols. “Most importantly,” Sackman writes, “hospital brass must listen to their staff when allegations are made.” Michael Swango, Kristen Gilbert and others, he notes, “were left free to kill even after hospital brass was warned.” **JW**

# Uncovered

## Hotel Charged With Discrimination For Not Hiring Immigrant In Asylum Program

In a case that helps illustrate why illegal immigrants game the system, the Trump administration is punishing a major hotel chain for refusing to hire a man who is not a lawful permanent resident or American citizen. Like countless undocumented aliens seeking quick employment, the man applied for asylum, a fraud-infested government program famously abused by foreigners to obtain work permits and other benefits in the United States. When the New York-based hotel eliminated the asylee from the hiring process, the Department of Justice charged it with discrimination after he filed a complaint.

In November 2018, Justice settled the case with the Hyatt Place Hotel in Queens. Under the settlement, the hotel's management company, MJFT, will pay a civil penalty, train its staff and be subject to government monitoring and reporting requirements for three years. "In general, employers may not restrict the employment opportunities of asylees because of their citizenship or immigration status," John Gore, the principal deputy assistant attorney general for the Justice

★ ★ ★  
**Judicial Watch has reported extensively and uncovered documents exposing the rampant fraud in the government's asylum program.**  
 ★ ★ ★



Central American migrant caravan, Dec. 2018

Department Civil Rights Division, said in an agency statement. "The Department is committed to enforcing workplace laws that prohibit discrimination to ensure that individuals have an opportunity to be fully and fairly evaluated based on their merits when they apply for jobs." The Justice Department asserts that the hotel discriminated against a work-authorized immigrant in violation of the anti-discrimination provision of the Immigration and Nationality Act (INA).

It's important to note the history of the U.S. government's asylum program, long abused by illegal immigrants making fraudulent claims to get work permits and other taxpayer-funded benefits. When the program started in the 1990s, asylum applicants received work permits instantly upon filling out the application. This led to a barrage

of work permits being issued by the government. The policy eventually changed by making asylum applicants wait 180 days before receiving authorization to work. U.S. Citizenship and Immigration Services (USCIS), the overwhelmed agency that administers the nation's lawful immigration system, refers to this as the "180-day Asylum EAD Clock." The clock starts ticking the moment an asylum application is filled out.

Because there is a massive backlog in asylum cases, the clock has expired for legions of immigrants who may not even be legitimate candidates to remain in the country but are now able to work "legally." Earlier in 2018, USCIS made changes in the asylum processing system precisely to crack down on fraudulent claims filed to get work per-

See IMMIGRANT page 16

# Immigrant

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mits. The agency announced it will schedule asylum interviews for recent applications ahead of older filings — that perhaps already ran out the 180-day clock — to “deter those who might try to use the existing backlog as a means to obtain employment authorization.”

The agency describes the current backlog as being at “crisis level.” As of January 21, 2018, USCIS had an asylum application backlog of 311,000, making the “system increasingly vulnerable to fraud and abuse.” The backlog has grown an eye-popping 1,750 percent over the last five years, and the rate of new asylum applications has more than tripled, USCIS reveals. The new “last in, first out” interview schedule will allow USCIS to identify frivolous, fraudulent or otherwise non-meritorious asylum claims earlier and place those individuals into removal proceedings.

Judicial Watch has reported extensively and uncovered documents exposing rampant fraud in the government’s asylum program. Under the Obama administration, it was a well-known racket that admitted myriad illegal immigrants who claimed to have a “credible fear.”

In one scam, the administration let hundreds of illegal immigrants stay in the United States even though federal authorities knew in advance that an open-borders group coached them to falsely claim “credible



Barack Obama

fear” to get asylum. Documents obtained by Judicial Watch from the Department of Homeland Security (DHS) show how the group, National Immigrant Youth Alliance (NITA), orchestrated an operation to bring 250 illegal aliens into the U.S. through the Otay Mesa Port of Entry in San Diego, California. To assure the migrants were allowed to stay in the U.S., the group had them falsely claim that they had a “credible fear” of returning to their native country.

Foreigners can claim asylum in the United States under five categories, based on fear of persecution over race, religion, nationality, political opinions or membership in a specific social group. The caravan making its

way north from Central America is expected to seek asylum in the U.S. under one of these categories.

Credible-fear asylum in the U.S. became so popular under Obama that illegal aliens were hearing about it on Facebook, and federal immigration authorities got slammed with applications. For years, the number of foreigners, including many from terrorist countries, asserting credible fear to gain asylum in this country skyrocketed. In 2017, the Washington D.C.-based Center for Immigration Studies (CIS) published a report documenting pervasive fraud in the credible-fear process that threatens the integrity of the asylum system. Among the key findings:

- Aliens with ties to terrorist organizations have attempted to enter illegally and claim asylum fraudulently;
- The number of asylum applications received by USCIS has increased significantly in recent years from 56,912 in 2014 to 115,888 in 2016.

“The evidentiary burdens for aliens seeking asylum and withholding of removal are lower than for aliens seeking other immigration benefits,” CIS researchers found. JW



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# JW Sues For Documents On Lobbying Deal By Former Trump Lawyer Michael Cohen

Judicial Watch filed a Freedom of Information Act (FOIA) lawsuit on September 24, 2018 against the U.S. Department of Energy for all records of communications relating to Michael Cohen and the application for a \$5 billion federal loan guarantee for the Bellefonte Nuclear Power Plant (*Judicial Watch v. U.S. Department of Energy* (No. 1:18-cv-02208)). Cohen, who was reportedly offered a \$10 million “success fee” and paid a monthly retainer for his efforts on behalf of the Alabama nuclear-power project, never registered as a federal lobbyist.

The suit was filed after the Department of Energy failed to respond to an August 22, 2018 FOIA request for:

- “All records of communications between the Department of Energy (DOE), including oral communications, and Michael Cohen relating to the loan application for the Bellefonte Nuclear Power Plant.
- “All records of communications between the DOE and Michael Cohen in relation to any other loan application.
- “A copy of and all records related to the application of Nuclear Development, LLC, for a loan application relating to the Bellefonte Nuclear Power Plant in Alabama.
- “A full and complete copy of DOE’s response to an August 9, 2018 letter to Secretary Perry from Senator Ed Markey regarding Franklin Haney, Nuclear Development, LLC, and Michael Cohen.

On August 2, 2018, *The Wall Street Journal* reported that Franklin D. Haney, “a major donor to President Trump agreed to pay \$10 mil-



President Donald Trump’s one-time attorney and personal fixer, Michael Cohen exits a federal court in Manhattan, Nov. 2018

APIMAGES

lion to the president’s then-personal attorney [Michael Cohen] if he successfully helped obtain funding for a nuclear-power project, including a \$5 billion loan from the U.S. government ...” The contract reportedly was given to Cohen “in early April to assist his efforts to complete a pair of unfinished nuclear reactors in Alabama, known as the Bellefonte Nuclear Power Plant ...”

On August 10, 2018, the *Washing-*

★ ★ ★

**Cohen, who was reportedly offered a \$10 million “success fee” and paid a monthly retainer for his efforts on behalf of the Alabama nuclear-power project, never registered as a federal lobbyist.**

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*ton Examiner* reported that “Cohen was also given a retainer payment for each month of lobbying on top of the \$10 million ‘success fee’ for gaining final approval of a \$5 billion loan guarantee from the Energy Department.” Adding that he “had made calls in the spring to the Energy Department to see if there was any way to speed up the approval process.” The agreement between Haney and Cohen later was reportedly withdrawn, however Cohen never registered as a federal lobbyist.

“Mr. Cohen may have broken basic lobbying disclosure and other laws in setting up a deal to advocate for a loan guarantee from the Energy Department,” said Judicial Watch President Tom Fitton. “It is disappointing the Energy Department is giving us the runaround on this request, forcing Judicial Watch to go to federal court.”

On August 29, 2018, Cohen pleaded guilty to eight total counts that included bank fraud, tax fraud and campaign finance law violations. JW

# In the Media

**Fitton: ‘Elaborately Planned’ Caravan Attracts Human Traffickers and Gangbangers**  
*Breitbart*

Op-ed by Judicial Watch  
President Tom Fitton  
October 29, 2018

The caravan moving north toward our border is a serious threat to the sovereignty of the United States. It is a blatant challenge to the rule of law. For this reason, we sent our Director of Investigations and Research Chris Farrell and **Judicial Watch** Investigator Reporter Irene Garcia to Guatemala to uncover the truth about “caravan.”

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Too much of the media and the open borders crowd are trying to fool Americans, but this will be harder thanks to **Judicial Watch’s** educational efforts.

**Judicial Watch sues Defense Department, seeking POW and MIA records from Vietnam era**  
*Washington Times*  
November 28, 2018

Of interest to members of Rolling Thunder, veterans’ groups and



JW President Tom Fitton appears on Fox News Channel’s Fox & Friends First with host Heather Childers, Dec. 2018

others who have not forgotten those soldiers who were prisoners of war or still missing in action during the Vietnam War, or through military action in Laos.

**Judicial Watch** has sued the Defense Department, seeking government records from 1973 to the present regarding American soldiers who were prisoners of war or missing in action.

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“The Vietnam MIA-POW issue is a sore spot for many veterans and concerned Americans,” said **Judicial Watch** President Tom Fitton. “Why is the Pentagon stonewalling our attempts to obtain information that is clearly in the public interest?”

**At U.S. Supreme Court Argument, Indiana Claims It Can Forfeit Cars For Speeding, Minor Drug Crimes**  
*Forbes*  
November 29, 2018

Arguing before the U.S. Supreme Court on Wednesday, Indiana’s solicitor general was already trying to

defend confiscating a \$42,000 Land Rover taken from Tyson Timbs, who sold less than \$400 worth of drugs. Before the day was through though, Solicitor General Thomas Fisher found himself arguing that the Constitution would let him forfeit luxury cars caught going five miles over the speed limit.

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Even before Wednesday’s argument, which saw Gorsuch and Sotomayor offering some of the harshest criticisms of civil forfeiture, the Timbs case had already scrambled many ideological lines. Dozens of organizations filed 18 separate *amicus* briefs in support of Timbs. As a result, progressive heavyweights like the ACLU, the NAACP, and the Southern Poverty Law Center found themselves on the same side as the U.S. Chamber of Commerce, **Judicial Watch**, and other conservative groups. Meanwhile, left-leaning municipal organizations, including the National Association of Counties, National League of Cities, and the

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## In the Media

### Media

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U.S. Conference of Mayors, jointly filed the only *amicus* brief agreeing with Indiana's position.

#### For Trump, Cohen Plea Deal's Beginning to Look a Lot Like Exoneration

**Real Clear Investigations Report by Paul Sperry  
December 3, 2018**

Contrary to media speculation that Robert Mueller is closing in on President Trump, the special prosecutor's plea deal with Trump's personal lawyer Michael Cohen offers further evidence that the Trump campaign did not collude with Russians during the 2016 election, according to congressional investigators and former prosecutors.

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Tom Fitton, president of **Judicial Watch**, a government watchdog group, said the criminal-information statement of offense against Cohen reflects political bias. He said the special counsel appears more inter-

ested in trying to draw connections to Russia than highlighting exculpatory evidence.

"Mueller seems desperate to confuse Americans by conflating the canceled and legitimate Russia business venture with the Russia collusion theory he was actually hired to investigate," Fitton said. "This is a transparent attempt to try to embarrass the president."

#### Fitton: Judicial Watch Sues for Docs on Obama DOJ Effort to Shut Down Clinton Foundation Investigation

**Op-ed by Judicial Watch President Tom Fitton  
Breitbart**

**December 3, 2018**

*A major scandal, largely uninvestigated, is the Obama Justice Department's protection of Hillary Clinton.*

As per usual, **Judicial Watch** is taking the lead on this issue. They just filed a Freedom of Information Act (FOIA) lawsuit against the U.S. Department of Justice for all records of communications involving any

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**"Why is the Pentagon stonewalling our attempts to obtain [MIA and POW] information that is clearly in the public interest?"**

**~ Judicial Watch President  
Tom Fitton**

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investigation by the Federal Bureau of Investigation's (FBI) into the Clinton Foundation (*Judicial Watch v. U.S. Department of Justice* (No. 1:18-cv-02536)).

#### Judge Orders Clinton Email Handling Evidence to Be Disclosed

**Bloomberg  
December 6, 2018**

A federal judge ordered the U.S. State Department to disclose possible evidence whether Hillary Clinton used her private email while she was

**See MEDIA page 20**

### JW Earns Nationwide Media Coverage

November 19, 2018 – December 19, 2018

The following list partially details recent radio and television appearances by Judicial Watch spokesmen, as well as general television and radio coverage of Judicial Watch's investigations and lawsuits.

#### Radio

11/27	Frank Gaffney Radio	National – Live
11/27	Bill Martinez Radio	National – Live
11/29	WMAL	Washington, DC – Live
11/29	Salem Radio Network	National – Live
11/29	WHKT	Norfolk, VA
12/6	KTRH	Houston, TX
12/6	WMAL	Washington, DC – Live
12/10	WABC	New York, NY – mention
12/12	Bloomberg Radio	National – mention
12/17	WINA	Charlottesville, VA – Live
12/18	KFTK	St. Louis, MO – Live
12/19	KRCW	Los Angeles, CA – Live

#### TV

11/21	CBN	National – Live
12/2	Euronews (EN)	United Kingdom – mention
12/4	OAN	National – Live
12/4	Fox News Channel	National – Live
12/7	Fox Business Network	National – Live
12/7	Fox News Channel	National – Live
12/7	Fox News Channel	National – Live
12/7	Fox News Channel	National – Live
12/8	Fox News Channel	National – Live
12/10	Fox News Channel	National – Live
12/10	OAN	National – Live
12/13	C-SPAN	National – Live
12/14	Fox News Channel	National – Live
12/14	Fox News Channel	National – Live
12/15	OAN	National – Live
12/15	Fox News Channel	National – Live
12/16	Fox News Channel	National – Live
12/19	Fox News Channel	National – Live

#### Online

11/28	O'Reilly	National – Live
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**PLUS 290 More!**

## Media

From page 19

secretary of state to intentionally flout public information requests for government documents.

U.S. District Judge Royce Lamberth in Washington on Thursday directed the State Department to work up a plan to provide relevant records to **Judicial Watch**, a conservative watchdog group that sued for emails related to the attack on the U.S. diplomatic compound in Benghazi.

### Judge orders more fact-finding in Clinton email case

**Politico**

**December 6, 2018**

The email controversy that dogged Hillary Clinton through much of the 2016 presidential race could well be kicking around through the 2020 contest after a federal judge ordered additional fact-finding into whether Clinton's use of the private email system was a deliberate effort to thwart the Freedom of Information Act.

In a scathing opinion issued Thursday, U.S. District Court Judge Royce Lamberth said that despite FBI, inspector general and congressional investigations into Clinton's use of a private account for all her email traffic during her four years as secretary of state, the conservative group



APIMAGES

Hillary Clinton

**Judicial Watch** should be permitted to demand documents and additional testimony about the practice.

### Memo for next White House chief of staff: Personnel equals policy

**The Hill**

**Op-Ed by Judicial Watch Director of Investigations and Research Chris Farrell**

**December 14, 2018**

*Whoever the next White House chief of staff may be, I offer the following advice with the benefit of 35 years of experience as an Army officer, intel-*

★ ★ ★

**“The old adage is: ‘Personnel is policy.’”**

*~ JW Director of Investigations and Research Chris Farrell*

★ ★ ★

*ligence case officer, defense contractor, educator and fiduciary of a national nonprofit government watchdog organization.*

The old adage is: “Personnel is policy.” Whatever shortcomings or disappointments that Trump administration has experienced, the proximate cause in virtually every instance can be walked back to the persons assigned to carrying the ball for President Trump. By definition, personnel decisions are the responsibility of the chief of staff. The chief of staff's executive agents in these matters are the leadership of the Presidential Personnel Office (PPO). Here's the greatest challenge for the Trump administration looking at the next two years, and the walk-up to the 2020 election: The right chief of staff (COS) must take active control over the PPO to get the right people in the right jobs (finally). The COS has got to get this right — now. **JW**

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