

October 6, 2015

Ms. Kate Bailey
c/o Ramona Raula Cotca, Esq.
Judicial Watch
Suite 800
425 Third Street, SW
Washington, DC 20024
info@judicialwatch.org
rcotca@judicialwatch.org

Re: OLA/15-04772 (F)
D.D.C. No. 14-1239
VRB:DRH:ND

Dear Ms. Bailey:

While processing your Freedom of Information Act (FOIA) request dated April 21, 2014 for records concerning meetings and/or communications between the Department of Justice Criminal Division Public Integrity Section and the Internal Revenue Service Tax Exempt and Government Entities Division, the White House, Members of Congress and/or congressional staff, and any non-government entity, regarding 501(c)(4) or other tax-exempt organizations, the Criminal Division (CRM) referred seventy-three pages of material to this Office for processing and direct response to you on behalf of the Office of Legislative Affairs. The CRM administrative tracking number associated with this request is CRM-3000444674. For your information, the documents were received by this Office on July 22, 2015.

I have determined that seventy pages of the material referred by CRM are appropriate for release with excisions made pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (6), and (7)(C), and copies are enclosed. Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties. In addition, some portions of material are non-responsive to your request and were excised accordingly, as noted on the documents.

Finally, I have determined that the remaining three pages referred by CRM, consisting of drafts, should be withheld in full pursuant to Exemption 5 of the FOIA.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2012). This response is limited to those records that are subject to the requirements of the

FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read 'V-R-B', followed by a horizontal line.

Vanessa R. Brinkmann
Senior Counsel

Enclosures

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: Raman, Mythili
</o=crm/ou=wash/cn=recipients/cn=mytraman>
Cc: (b)(6) (7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>;
Wroblewski, Jonathan
</o=crm/ou=wash/cn=recipients/cn=users/cn=opl/cn=jwroblew>;
OBrien, Paul </o=crm/ou=wash/cn=recipients/cn=paobrien>
Bcc:
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Fri Nov 30 2012 12:37:16 EST
Attachments:

(b)(5) per CRM

From: Raman, Mythili
Sent: Friday, November 30, 2012 11:07 AM
To: Smith, Jack
Cc: (b)(6) (7) per CRM; Hulser, Raymond; Wroblewski, Jonathan; OBrien, Paul
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5)(6)(7)(C) per CRM

From: Smith, Jack
Sent: Friday, November 30, 2012 10:51 AM Eastern Standard Time
To: Raman, Mythili
Cc: Day, M. Kendall; Hulser, Raymond; Wroblewski, Jonathan; OBrien, Paul
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5)(6)(7)(C) per CRM

From: Raman, Mythili
Sent: Friday, November 30, 2012 9:56 AM
To: Smith, Jack
Cc: (b)(6)(7)(C) per CRM; Hulser, Raymond; Wroblewski, Jonathan; OBrien, Paul
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5)(6)(7)(C) per CRM

From: Smith, Jack
Sent: Thursday, November 29, 2012 6:46 PM
To: Raman, Mythili
Cc: (b)(6)(7)(C) per CRM Hulser, Raymond
Subject: Fw: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5) per CRM

From: (b)(6)(7)(C) per CRM
Sent: Thursday, November 29, 2012 05:25 PM Eastern Standard Time
To: Smith, Jack
Subject: FW: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 5:24 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD); Shatz, Eileen M. (TAX)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Thanks, (b)(6)(7)(C) per CRM Looping in Eileen here.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, November 29, 2012 5:19 PM
To: Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM

(b)(5) per CRM

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

[REDACTED] please see the briefing request below. The staffers say there is no rush for us to set something like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: OBrien, Paul
</o=crm/ou=wash/cn=recipients/cn=paobrien>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: FW: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Fri Jan 04 2013 14:47:29 EST
Attachments:

(b)(5) per CRM

From: Shatz, Eileen M. (TAX) [mailto:Eileen.M.Shatz@usdoj.gov]
Sent: Friday, January 04, 2013 2:45 PM
To: (b)(6)(7)(C) per CRM Aguilar, Rita C. (OLA) (JMD); Smith, Jack
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Just let me know when and where you need me.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Friday, January 04, 2013 2:36 PM
To: Aguilar, Rita C. (OLA) (JMD); Shatz, Eileen M. (TAX); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, Happy New Year! Adding Jack Smith.

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Friday, January 04, 2013 2:09 PM
To: (b)(6)(7)(C) per CRM Shatz, Eileen M. (TAX)
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI - I am expecting a call back today or early next week from the this staffer to find out if they are still interested in setting up this proposed briefing, and if so, for a bit more details on what they're after. I saw this clip in CQ that I also thought you might all be interested in reading. Happy new Year, everyone! Rita

CQ NEWS – POLITICS

Jan. 4, 2013 – 11:54 a.m.

DISCLOSE Advocates Renew Fight

By Eliza Newlin Carney

The Democrat-authored campaign finance transparency bill known as the DISCLOSE Act failed to win approval in either the 111th or the 112th Congresses, but its backers have set out to try again in this session.

Rep. Chris Van Hollen, D-Md., reintroduced the legislation on Thursday, calling the bill “a first step to clean up the secret money in politics.” The bill is unchanged from last year’s version; it would require all corporations, unions and super PACs to report campaign expenditures of \$10,000 or more. The bill also covers financial transfers to groups that use the money for election-related activity.

At the outset of the 113th Congress, the legislation’s prospects appear no better than they were previously.

The Supreme Court’s 2010 *Citizens United v. Federal Election Commission* ruling ushered in a wave of unrestricted spending that hit the \$6 billion mark in the recent elections, including more than \$1 billion by super PACs and politically active nonprofits that do not always disclose their donors. Van Hollen is engaged in ongoing litigation aimed at forcing the FEC to write stricter disclosure regulations.

“The Supreme Court’s decision in *Citizens United* opened the floodgates to unrestricted special interest spending in American elections and threatens the very nature of our democracy — the unprecedented secret spending during the last elections makes the need for this legislation even more important,” Van Hollen said in a statement.

The DISCLOSE Act’s lead Senate sponsor in the previous Congress was Rhode Island Democrat Sheldon Whitehouse, who vowed last year to keep pressing ahead despite unanimous GOP Senate opposition. The bill’s backers on and off Capitol Hill have voiced optimism that some in the GOP may now come around to support the bill, following an election that saw outside groups outspend parties and candidates in some key congressional races.

At least one GOP senator has already signaled support for some form of disclosure fix. Sens. Lisa Murkowski, R-Alaska, and Ron Wyden, D-Ore., recently unveiled a bipartisan disclosure proposal that they plan to introduce early in this Congress, following a public comment period slated to end in mid-January. However, Senate Minority Leader Mitch McConnell, R-Ky., remains strongly opposed to stricter rules, including the DISCLOSE Act, which he has characterized as an assault on free speech.

Top of Form

Bottom of Form

Source: CQ News

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, November 29, 2012 5:19 PM
To: Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM

(b)(5)

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(6)(7)(C) per CRM please see the briefing request below. The staffers say there is no rush for us to set something like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be

violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
(b)(6)(7)(C) per CRM </o=crm/ou=wash/cn=recipients/cn=(b)(6)(7)(C) per CRM>;
(b)(6)(7)(C) per CRM </o=crm/ou=wash/cn=recipients/cn=(b)(6)(7)(C) per CRM>
Bcc:
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Fri Jan 04 2013 14:56:14 EST
Attachments:

(b)(5) per CRM

From: (b)(6)(7)(C) per CRM
Sent: Friday, January 04, 2013 2:55 PM
To: Smith, Jack
Cc: (b)(6)(7)(C) per CRM
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5)(6)(7)(C) per CRM Rita (b)(5)(6)(7)(C) per CRM

From: Smith, Jack
Sent: Friday, January 04, 2013 2:49 PM
To: (b)(6)(7)(C) per CRM
Cc: (b)(6)(7)(C) per CRM
Subject: FW: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(5)(6)(7)(C) per CRM

From: Shatz, Eileen M. (TAX) [mailto:Eileen.M.Shatz@usdoj.gov]
Sent: Friday, January 04, 2013 2:45 PM
To: (b)(6)(7)(C) per CRM Aguilar, Rita C. (OLA) (JMD); Smith, Jack
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Just let me know when and where you need me.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Friday, January 04, 2013 2:36 PM
To: Aguilar, Rita C. (OLA) (JMD); Shatz, Eileen M. (TAX); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, Happy New Year! Adding Jack Smith.

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Friday, January 04, 2013 2:09 PM
To: (b)(6)(7)(C) per CRM Shatz, Eileen M. (TAX)
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI - I am expecting a call back today or early next week from the this staffer to find out if they are still interested in setting up this proposed briefing, and if so, for a bit more details on what they're after. I saw this clip in CQ that I also thought you might all be interested in reading. Happy new Year, everyone! Rita

CQ NEWS – POLITICS
Jan. 4, 2013 – 11:54 a.m.

DISCLOSE Advocates Renew Fight

By Eliza Newlin Carney

The Democrat-authored campaign finance transparency bill known as the DISCLOSE Act failed to win approval in either the 111th or the 112th Congresses, but its backers have set out to try again in this session.

Rep. Chris Van Hollen, D-Md., reintroduced the legislation on Thursday, calling the bill “a first step to clean up the secret money in politics.” The bill is unchanged from last year’s version; it would require all corporations, unions and super PACs to report campaign expenditures of \$10,000 or more. The bill also covers financial transfers to groups that use the money for election-related activity.

At the outset of the 113th Congress, the legislation’s prospects appear no better than they were previously.

The Supreme Court’s 2010 Citizens United v. Federal Election Commission ruling ushered in a wave of

unrestricted spending that hit the \$6 billion mark in the recent elections, including more than \$1 billion by super PACs and politically active nonprofits that do not always disclose their donors. Van Hollen is engaged in ongoing litigation aimed at forcing the FEC to write stricter disclosure regulations.

"The Supreme Court's decision in Citizens United opened the floodgates to unrestricted special interest spending in American elections and threatens the very nature of our democracy — the unprecedented secret spending during the last elections makes the need for this legislation even more important," Van Hollen said in a statement.

The DISCLOSE Act's lead Senate sponsor in the previous Congress was Rhode Island Democrat Sheldon Whitehouse, who vowed last year to keep pressing ahead despite unanimous GOP Senate opposition. The bill's backers on and off Capitol Hill have voiced optimism that some in the GOP may now come around to support the bill, following an election that saw outside groups outspend parties and candidates in some key congressional races.

At least one GOP senator has already signaled support for some form of disclosure fix. Sens. Lisa Murkowski, R-Alaska, and Ron Wyden, D-Ore., recently unveiled a bipartisan disclosure proposal that they plan to introduce early in this Congress, following a public comment period slated to end in mid-January. However, Senate Minority Leader Mitch McConnell, R-Ky., remains strongly opposed to stricter rules, including the DISCLOSE Act, which he has characterized as an assault on free speech.

Top of Form

Bottom of Form

Source: CQ News

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, November 29, 2012 5:19 PM
To: Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM

(b)(5) per CRM

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(6)(7)(C) per CRM please see the briefing request below. The staffers say there is no rush for us to set something

like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(7)(C) per CRM>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc:
Bcc:
Subject: Fw: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Sat Jan 26 2013 09:40:38 EST
Attachments:

(b)(5) per CRM Jack, when are you available?

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 09:31 AM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(5)(6)(7)(C) per CRM
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Heard from Sen. Whitehouse's staffer again who would like us to come visit this coming week if a all possible. Can you please let me know what your availability might be. Thanks Rita

From: Shatz, Eileen M. (TAX)
Sent: Friday, January 04, 2013 02:44 PM
To: Pilger, Richard (CRM); Aguilar, Rita C. (OLA); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA); Chen, Edgar (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Just let me know when and where you need me.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Friday, January 04, 2013 2:36 PM
To: Aguilar, Rita C. (OLA) (JMD); Shatz, Eileen M. (TAX); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, Happy New Year! Adding Jack Smith.

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Friday, January 04, 2013 2:09 PM
To: (b)(6)(7)(C) per CRM Shatz, Eileen M. (TAX)
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI - I am expecting a call back today or early next week from the this staffer to find out if they are still interested in setting up this proposed briefing, and if so, for a bit more details on what they're after. I saw this clip in CQ that I also thought you might all be interested in reading. Happy new Year, everyone! Rita

CQ NEWS – POLITICS
Jan. 4, 2013 – 11:54 a.m.

DISCLOSE Advocates Renew Fight

By Eliza Newlin Carney

The Democrat-authored campaign finance transparency bill known as the DISCLOSE Act failed to win approval in either the 111th or the 112th Congresses, but its backers have set out to try again in this session.

Rep. Chris Van Hollen, D-Md., reintroduced the legislation on Thursday, calling the bill “a first step to clean up the secret money in politics.” The bill is unchanged from last year’s version; it would require all corporations, unions and super PACs to report campaign expenditures of \$10,000 or more. The bill also covers financial transfers to groups that use the money for election-related activity.

At the outset of the 113th Congress, the legislation’s prospects appear no better than they were previously.

The Supreme Court’s 2010 *Citizens United v. Federal Election Commission* ruling ushered in a wave of unrestricted spending that hit the \$6 billion mark in the recent elections, including more than \$1 billion by super PACs and politically active nonprofits that do not always disclose their donors. Van Hollen is engaged in ongoing litigation aimed at forcing the FEC to write stricter disclosure regulations.

“The Supreme Court’s decision in *Citizens United* opened the floodgates to unrestricted special interest spending in American elections and threatens the very nature of our democracy — the unprecedented secret spending during the last elections makes the need for this legislation even more important,” Van Hollen said in a statement.

The DISCLOSE Act’s lead Senate sponsor in the previous Congress was Rhode Island Democrat Sheldon Whitehouse, who vowed last year to keep pressing ahead despite unanimous GOP Senate opposition. The bill’s backers on and off Capitol Hill have voiced optimism that some in the GOP may now come around to support the bill, following an election that saw outside groups outspend parties and candidates in some key congressional races.

At least one GOP senator has already signaled support for some form of disclosure fix. Sens. Lisa Murkowski, R-Alaska, and Ron Wyden, D-Ore., recently unveiled a bipartisan disclosure proposal that they plan to introduce early in this Congress, following a public comment period slated to end in mid-January. However, Senate Minority Leader Mitch McConnell, R-Ky., remains strongly opposed to stricter rules, including the DISCLOSE Act, which he has characterized as an assault on free speech.

Top of Form

Bottom of Form

Source: CQ News

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, November 29, 2012 5:19 PM
To: Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM

(b)(5) per CRM

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(6)(7)(C) per CRM please see the briefing request below. The staffers say there is no rush for us to set something like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)

Cc: Griffin, Ayo (Judiciary-Dem)

Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc:
Bcc:
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Sat Jan 26 2013 13:54:27 EST
Attachments:

Who would we be briefing (senators or just staff + names if possible)? Also please have Rita give you a summary of exactly what they want to be brief on and why so I can run it by the front office

From: (b)(6)(7)(C) per CRM
Sent: Saturday, January 26, 2013 01:38 PM Eastern Standard Time
To: Smith, Jack
Subject: Fw: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Wed?

(b)(6)(7)(C) per CRM
(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 12:49 PM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(6)(7)(C) per CRM
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Thanks, Eileen.

(b)(6)(7)(C) per CRM do you have time on Wed?

From: Shatz, Eileen M. (TAX)
Sent: Saturday, January 26, 2013 12:38 PM
To: Aguilar, Rita C. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Non-Responsive per TAX

able to do on Wednesday

May be

From: Aguilar, Rita C. (OLA) (JMD)

Sent: Saturday, January 26, 2013 9:31 AM
To: Shatz, Eileen M. (TAX); (b)(6)(7)(C) per CRM (CRM)
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Heard from Sen. Whitehouse's staffer again who would like us to come visit this coming week if a all possible. Can you please let me know what your availability might be. Thanks Rita

From: Shatz, Eileen M. (TAX)
Sent: Friday, January 04, 2013 02:44 PM
To: (b)(6)(7)(C) per CRM (CRM); Aguilar, Rita C. (OLA); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA); Chen, Edgar (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Just let me know when and where you need me.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Friday, January 04, 2013 2:36 PM
To: Aguilar, Rita C. (OLA) (JMD); Shatz, Eileen M. (TAX); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, Happy New Year! Adding Jack Smith.

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Friday, January 04, 2013 2:09 PM
To: (b)(6)(7)(C) per CRM Shatz, Eileen M. (TAX)
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI - I am expecting a call back today or early next week from the this staffer to find out if they are still interested in setting up this proposed briefing, and if so, for a bit more details on what they're after. I saw this clip in CQ that I also thought you might all be interested in reading. Happy new Year, everyone! Rita

CQ NEWS – POLITICS
Jan. 4, 2013 – 11:54 a.m.

DISCLOSE Advocates Renew Fight

By Eliza Newlin Carney

The Democrat-authored campaign finance transparency bill known as the DISCLOSE Act failed to win approval in either the 111th or the 112th Congresses, but its backers have set out to try again in this session.

Rep. Chris Van Hollen, D-Md., reintroduced the legislation on Thursday, calling the bill "a first step to clean up the secret money in politics." The bill is unchanged from last year's version; it would require all corporations, unions and super PACs to report campaign expenditures of \$10,000 or more. The bill also covers financial transfers to groups that use the money for election-related activity.

At the outset of the 113th Congress, the legislation's prospects appear no better than they were previously.

The Supreme Court's 2010 Citizens United v. Federal Election Commission ruling ushered in a wave of unrestricted spending that hit the \$6 billion mark in the recent elections, including more than \$1 billion by super PACs and politically active nonprofits that do not always disclose their donors. Van Hollen is engaged in ongoing litigation aimed at forcing the FEC to write stricter disclosure regulations.

"The Supreme Court's decision in Citizens United opened the floodgates to unrestricted special interest spending in American elections and threatens the very nature of our democracy — the unprecedented secret spending during the last elections makes the need for this legislation even more important," Van Hollen said in a statement.

The DISCLOSE Act's lead Senate sponsor in the previous Congress was Rhode Island Democrat Sheldon Whitehouse, who vowed last year to keep pressing ahead despite unanimous GOP Senate opposition. The bill's backers on and off Capitol Hill have voiced optimism that some in the GOP may now come around to support the bill, following an election that saw outside groups outspend parties and candidates in some key congressional races.

At least one GOP senator has already signaled support for some form of disclosure fix. Sens. Lisa Murkowski, R-Alaska, and Ron Wyden, D-Ore., recently unveiled a bipartisan disclosure proposal that they plan to introduce early in this Congress, following a public comment period slated to end in mid-January. However, Senate Minority Leader Mitch McConnell, R-Ky., remains strongly opposed to stricter rules, including the DISCLOSE Act, which he has characterized as an assault on free speech.

Top of Form

Bottom of Form

Source: CQ News

From: (b)(6)(7)(C) per CRM (CRM)

Sent: Thursday, November 29, 2012 5:19 PM

To: Aguilar, Rita C. (OLA)

Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)

Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM
(b)(5) per CRM

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(6)(7)(C) per CRM please see the briefing request below. The staffers say there is no rush for us to set something like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: Aguilar, Rita C. (OLA) (JMD)
To: </o=crm/ou=wash/cn=recipients/cn=raguilar1>
(b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc:
Bcc:
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions
Date: Sat Jan 26 2013 14:11:16 EST
Attachments:

I will re-confirm and send an update shortly.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Saturday, January 26, 2013 02:00 PM
To: Aguilar, Rita C. (OLA)
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, CRM looking for the exact agenda and to confirm this is just staff.

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 01:51 PM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(6)(7)(C) per CRM
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

I can also make a time Friday afternoon work.

From: Shatz, Eileen M. (TAX)
Sent: Saturday, January 26, 2013 01:46 PM
To: Aguilar, Rita C. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

I just checked my calendar and have now been booked for most of Wed. Would Friday afternoon be possible? The following week I am good after Tuesday. Sorry for the confusion.

From: Aguilar, Rita C. (OLA) (JMD)
Sent: Saturday, January 26, 2013 12:50 PM
To: Shatz, Eileen M. (TAX); (b)(6)(7)(C) per CRM (CRM)
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Thanks, Eileen.

(b)(6)(7)(C) per CRM
do you have time on Wed?

From: Shatz, Eileen M. (TAX)
Sent: Saturday, January 26, 2013 12:38 PM
To: Aguilar, Rita C. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Non-Responsive per TAX

able to do on Wednesday

May be

From: Aguilar, Rita C. (OLA) (JMD)
Sent: Saturday, January 26, 2013 9:31 AM
To: Shatz, Eileen M. (TAX); (b)(6)(7)(C) per CRM (CRM)
Subject: Re: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Heard from Sen. Whitehouse's staffer again who would like us to come visit this coming week if a all possible. Can you please let me know what your availability might be. Thanks Rita

From: Shatz, Eileen M. (TAX)
Sent: Friday, January 04, 2013 02:44 PM
To: (b)(6)(7)(C) per CRM (CRM); Aguilar, Rita C. (OLA); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA); Chen, Edgar (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Just let me know when and where you need me.

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Friday, January 04, 2013 2:36 PM
To: Aguilar, Rita C. (OLA) (JMD); Shatz, Eileen M. (TAX); Smith, Jack (CRM)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, Happy New Year! Adding Jack Smith.

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Friday, January 04, 2013 2:09 PM

To: (b)(6)(7)(C) per CRM Shatz, Eileen M. (TAX)
Cc: Hulser, Raymond; Wroblewski, Jonathan; Erb, William (OLA) (JMD); Chen, Edgar (OLA) (JMD)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

FYI - I am expecting a call back today or early next week from the this staffer to find out if they are still interested in setting up this proposed briefing, and if so, for a bit more details on what they're after. I saw this clip in CQ that I also thought you might all be interested in reading. Happy new Year, everyone! Rita

CQ NEWS – POLITICS
Jan. 4, 2013 – 11:54 a.m.

DISCLOSE Advocates Renew Fight

By Eliza Newlin Carney

The Democrat-authored campaign finance transparency bill known as the DISCLOSE Act failed to win approval in either the 111th or the 112th Congresses, but its backers have set out to try again in this session.

Rep. Chris Van Hollen, D-Md., reintroduced the legislation on Thursday, calling the bill “a first step to clean up the secret money in politics.” The bill is unchanged from last year’s version; it would require all corporations, unions and super PACs to report campaign expenditures of \$10,000 or more. The bill also covers financial transfers to groups that use the money for election-related activity.

At the outset of the 113th Congress, the legislation’s prospects appear no better than they were previously.

The Supreme Court’s 2010 *Citizens United v. Federal Election Commission* ruling ushered in a wave of unrestricted spending that hit the \$6 billion mark in the recent elections, including more than \$1 billion by super PACs and politically active nonprofits that do not always disclose their donors. Van Hollen is engaged in ongoing litigation aimed at forcing the FEC to write stricter disclosure regulations.

“The Supreme Court’s decision in *Citizens United* opened the floodgates to unrestricted special interest spending in American elections and threatens the very nature of our democracy — the unprecedented secret spending during the last elections makes the need for this legislation even more important,” Van Hollen said in a statement.

The DISCLOSE Act’s lead Senate sponsor in the previous Congress was Rhode Island Democrat Sheldon Whitehouse, who vowed last year to keep pressing ahead despite unanimous GOP Senate opposition. The bill’s backers on and off Capitol Hill have voiced optimism that some in the GOP may now come around to support the bill, following an election that saw outside groups outspend parties and candidates in some key congressional races.

At least one GOP senator has already signaled support for some form of disclosure fix. Sens. Lisa Murkowski, R-Alaska, and Ron Wyden, D-Ore., recently unveiled a bipartisan disclosure proposal that they plan to introduce early in this Congress, following a public comment period slated to end in mid-

January. However, Senate Minority Leader Mitch McConnell, R-Ky., remains strongly opposed to stricter rules, including the DISCLOSE Act, which he has characterized as an assault on free speech.

Top of Form

Bottom of Form

Source: CQ News

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, November 29, 2012 5:19 PM
To: Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wroblewski, Jonathan (CRM); Chen, Edgar (OLA); Erb, William (OLA)
Subject: RE: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

Rita, (b)(5) per CRM

(b)(5) per CRM

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, November 29, 2012 4:34 PM
To: (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond; Wroblewski, Jonathan; Chen, Edgar (OLA) (JMD); Erb, William (OLA) (JMD)
Subject: Briefing Request: Campaign Finance Criminal Investigations & Prosecutions

(b)(6)(7)(C) per CRM please see the briefing request below. The staffers say there is no rush for us to set something like this up (even a few weeks from now would be fine on their end) and want to have more of a conversation to better understand these topics. Is this something that your folks would be able to do/interested in? Please let me know if you have any questions and if there are elements of their request that touch on other components that I should also loop in here. Thanks, Rita

Cc: OLA colleagues for situational awareness

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin

(Office of Sen. Whitehouse)

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
Cc:
Bcc:
Subject: RE: Campaign fin briefing
Date: Mon Jan 28 2013 12:27:14 EST
Attachments:

Attachment follows below line (old email string--doesn't add much):

And fyi - Rita also covers campaign finance for us too!

From: Chen, Edgar (OLA)
Sent: Wednesday, November 28, 2012 07:18 PM
To: 'Florence, Justin (Judiciary-Dem)' <Justin_Florence@Judiciary-dem.senate.gov>
Cc: Griffin, Ayo (Judiciary-Dem) <Ayo_Griffin@Judiciary-dem.senate.gov>; Erb, William (OLA); Aguilar, Rita C. (OLA)
Subject: RE: campaign finance criminal investigations & prosecutions

Thanks -- I have flagged for Bill and am copying Rita here as well (b)(5) per OIP
(b)(5) per OIP What's your sense on timing?

Non-Responsive per OIP

Thanks!
Edgar

From: Florence, Justin (Judiciary-Dem) [mailto:Justin_Florence@Judiciary-dem.senate.gov]
Sent: Wednesday, November 28, 2012 6:52 PM
To: Chen, Edgar (OLA)
Cc: Griffin, Ayo (Judiciary-Dem)
Subject: campaign finance criminal investigations & prosecutions

Hey Edgar --

As we mentioned on the phone, we would like to get an informal staff briefing from relevant experts at the Department about authorities, tools, and priorities for criminal investigations and prosecutions involving campaign finance and related violations. We are particularly interested in investigations/prosecutions of groups such as 501(c)(4)s and super PACs that make independent expenditures. Some of the kinds of potential violations we have in mind, aside from bribery, would be violations of campaign finance anti-coordination laws and bans on accepting foreign contributions for campaign spending, as well as potential tax code violations by organizations misrepresenting their political activity to the IRS or engaging in similar conduct. We much appreciate any help on this.

-Justin Florence and Ayo Griffin
(Office of Sen. Whitehouse)

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

From: Smith, Jack
Sent: Monday, January 28, 2013 12:17 PM
To: (b)(6)(7)(C) per CRM
Subject: Re: Campaign fin briefing

I can't open the attachment on the bb. Can you send it as email text?
Thanks,
Jack

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

From: (b)(6)(7)(C) per CRM
Sent: Monday, January 28, 2013 12:04 PM Eastern Standard Time
To: Smith, Jack
Subject: Fw: Campaign fin briefing

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Monday, January 28, 2013 11:20 AM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(6)(7)(C) per CRM
Subject: Fw: Campaign fin briefing

Eileen and (b)(6)(7)(C) per CRM

Here's an updated message from Sen. Whitehouse's staff. (b) (5) per OIP

(b) (5) per OIP

I think we've narrowed a date/time down to sometime this Friday per Eileen's last email. Please let me know if this still works for both of you and if you have any questions or comments.

Thanks, Rita

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

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Monday, January 28, 2013 10:59 AM
To: Aguilar, Rita C. (OLA)
Subject: RE: Campaign fin briefing

Hi Rita,

Our proposed agenda is essentially the same as what we initially asked about (see attached). Our focus is on the activities of groups attempting to influence elections through independent expenditures and electioneering communications, and some of the potential violations that we would be most interested in learning about the Department of Justice's approach to and investigation or prosecution of include:

1. Material false statements to the IRS regarding political activity in order to obtain and maintain 501(c)(4) status. 26 U.S.C. § 7206.
-

2. Knowing and willful violations of FECA prohibitions on coordination between independent organizations and candidates or parties. 2 U.S.C. § 441a(a).
3. Knowing and willful violations of disclosure rules, such as prohibitions on contributing money in the name of another person. 2 U.S.C. § 441f.
4. Knowing and willful violations of prohibitions on political expenditures by foreign nationals, or the acceptance of funds from foreign nationals to be spent to influence federal elections. 2 U.S.C. § 441e.

Enforcement and penalties for FECA violations can generally be found in 2 U.S.C. § 437g.

As for attendance, it will be staff only. We may be joined by Stephen Lilley, the Subcommittee's Chief Counsel, and Justin Florence, another counsel.

Thanks,
Ayo

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 2:11 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Campaign fin briefing

Can you please send me an updated proposed agenda for this meeting and confirm that it will be staff only (you and who else)? I am trying to lock in a date on my end, possibly on Friday afternoon, but need a few more details. Thanks, Rita

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
OBrien, Paul </o=crm/ou=wash/cn=recipients/cn=paobrien>;
Wroblewski, Jonathan
</o=crm/ou=wash/cn=recipients/cn=users/cn=opl/cn=jwroblew>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: Re: Campaign fin briefing
Date: Mon Jan 28 2013 19:48:59 EST
Attachments:

(b)(5) per CRM

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

From: (b)(6)(7)(C) per CRM
Sent: Monday, January 28, 2013 02:57 PM Eastern Standard Time
To: Smith, Jack; OBrien, Paul; Wroblewski, Jonathan
Cc: Hulser, Raymond
Subject: RE: Campaign fin briefing

(b)(5)(6)(7)(C) per CRM

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

From: Raman, Mythili
Sent: Monday, January 28, 2013 1:37 PM
To: Smith, Jack; OBrien, Paul; Wroblewski, Jonathan
Cc: (b)(6)(7)(C) per CRM; Hulser, Raymond
Subject: RE: Campaign fin briefing

(b)(5) per CRM

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

From: Smith, Jack
Sent: Monday, January 28, 2013 12:23 PM
To: Raman, Mythili; OBrien, Paul

Cc: (b)(6)(7)(C) per CRM

Subject: Re: Campaign fin briefing

(b)(5)(6)(7)(C) per CRM

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

From: (b)(6)(7)(C) per CRM

Sent: Monday, January 28, 2013 12:04 PM Eastern Standard Time

To: Smith, Jack

Subject: Fw: Campaign fin briefing

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]

Sent: Monday, January 28, 2013 11:20 AM Eastern Standard Time

To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(6)(7)(C) per CRM

Subject: Fw: Campaign fin briefing

Eileen and (b)(6)(7)(C) per CRM

Here's an updated message from Sen. Whitehouse's staff. (b) (5)

(b) (5)

I think we've narrowed a date/time down to sometime this Friday per Eileen's last email. Please let me know if this still works for both of you and if you have any questions or comments.

Thanks, Rita

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

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]

Sent: Monday, January 28, 2013 10:59 AM

To: Aguilar, Rita C. (OLA)

Subject: RE: Campaign fin briefing

Hi Rita,

Our proposed agenda is essentially the same as what we initially asked about (see attached). Our focus is on the activities of groups attempting to influence elections through independent expenditures and electioneering communications, and some of the potential violations that we would be most interested in learning about the Department of Justice's approach to and investigation or prosecution of include:

1. Material false statements to the IRS regarding political activity in order to obtain and maintain 501(c)(4) status. 26 U.S.C. § 7206.
 2. Knowing and willful violations of FECA prohibitions on coordination between independent organizations and candidates or parties. 2 U.S.C. § 441a(a).
-

3. Knowing and willful violations of disclosure rules, such as prohibitions on contributing money in the name of another person. 2 U.S.C. § 441f.
4. Knowing and willful violations of prohibitions on political expenditures by foreign nationals, or the acceptance of funds from foreign nationals to be spent to influence federal elections. 2 U.S.C. § 441e.

Enforcement and penalties for FECA violations can generally be found in 2 U.S.C. § 437g.

As for attendance, it will be staff only. We may be joined by Stephen Lilley, the Subcommittee's Chief Counsel, and Justin Florence, another counsel.

Thanks,
Ayo

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 2:11 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Campaign fin briefing

Can you please send me an updated proposed agenda for this meeting and confirm that it will be staff only (you and who else)? I am trying to lock in a date on my end, possibly on Friday afternoon, but need a few more details. Thanks, Rita

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
To: Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>
Cc:
Bcc:
Subject: RE: Campaign fin briefing
Date: Tue Jan 29 2013 13:12:06 EST
Attachments: .

Rita, just heard -- Jack Smith and I are in for Friday pm. Jack requests 3 pm. Sorry again for delay.
Best Regards, (b)(6)(7)(C) per CRM

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Tuesday, January 29, 2013 2:11 AM
To: (b)(6)(7)(C) per CRM
Subject: Re: Campaign fin briefing

OK, my colleague Edgar also flagged for Jonathan W. in my and Bill's absence at the OLA-CRM mtg earlier today. If they say "OK" will you be free Fri afternoon?

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

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Monday, January 28, 2013 02:42 PM
To: Aguilar, Rita C. (OLA)
Subject: RE: Campaign fin briefing

Rita, sorry for delay -- awaiting my instructions

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Monday, January 28, 2013 11:21 AM
To: Shatz, Eileen M. (TAX); (b)(6)(7)(C) per CRM
Subject: Fw: Campaign fin briefing

Eileen and (b)(6)(7)(C) per CRM

Here's an updated message from Sen. Whitehouse's staff. (b) (5)

(b) (5)

I think we've narrowed a date/time down to sometime this Friday per Eileen's last email. Please let me know if this still works for both of you and if you have any questions or comments.

Thanks, Rita

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

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Monday, January 28, 2013 10:59 AM
To: Aguilar, Rita C. (OLA)
Subject: RE: Campaign fin briefing

Hi Rita,

Our proposed agenda is essentially the same as what we initially asked about (see attached). Our focus is on the activities of groups attempting to influence elections through independent expenditures and electioneering communications, and some of the potential violations that we would be most interested in learning about the Department of Justice's approach to and investigation or prosecution of include:

1. Material false statements to the IRS regarding political activity in order to obtain and maintain 501(c)(4) status. 26 U.S.C. § 7206.
2. Knowing and willful violations of FECA prohibitions on coordination between independent organizations and candidates or parties. 2 U.S.C. § 441a(a).
3. Knowing and willful violations of disclosure rules, such as prohibitions on contributing money in the name of another person. 2 U.S.C. § 441f.
4. Knowing and willful violations of prohibitions on political expenditures by foreign nationals, or the acceptance of funds from foreign nationals to be spent to influence federal elections. 2 U.S.C. § 441e.

Enforcement and penalties for FECA violations can generally be found in 2 U.S.C. § 437g.

As for attendance, it will be staff only. We may be joined by Stephen Lilley, the Subcommittee's Chief Counsel, and Justin Florence, another counsel.

Thanks,
Ayo

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 2:11 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Campaign fin briefing

Can you please send me an updated proposed agenda for this meeting and confirm that it will be staff only (you and who else)? I am trying to lock in a date on my end, possibly on Friday afternoon, but need a few more details. Thanks, Rita

From: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>
To: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>;
(b)(6)(7)(C) per CRM </o=crm/ou=wash/cn=recipients/cn=(b)(6)(7)(C) per CRM>;
(b)(6)(7)(C) per CRM </o=crm/ou=wash/cn=recipients/cn=(b)(6)(7)(C) per CRM>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Bcc:
Subject: FW: Campaign fin briefing
Date: Tue Jan 29 2013 14:32:47 EST
Attachments: DRAFT TALKING POINTS PIN CU 1-28-13 v2.wpd

(b)(5)(6)(7)(C) per CRM

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

From: (b)(6)(7)(C) per CRM
Sent: Monday, January 28, 2013 2:57 PM
To: Smith, Jack; OBrien, Paul; Wroblewski, Jonathan

Cc: Hulser, Raymond
Subject: RE: Campaign fin briefing

(b)(5)(6)(7)(C) per CRM

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

From: Raman, Mythili
Sent: Monday, January 28, 2013 1:37 PM
To: Smith, Jack; OBrien, Paul; Wroblewski, Jonathan
Cc: (b)(6)(7)(C) per CRM Hulser, Raymond
Subject: RE: Campaign fin briefing

(b)(5) per CRM

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

From: Smith, Jack
Sent: Monday, January 28, 2013 12:23 PM
To: Raman, Mythili; OBrien, Paul
Cc: (b)(6)(7)(C) per CRM
Subject: Re: Campaign fin briefing

(b)(5)(6)(7)(C) per CRM

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

From: (b)(6)(7)(C) per CRM
Sent: Monday, January 28, 2013 12:04 PM Eastern Standard Time
To: Smith, Jack
Subject: Fw: Campaign fin briefing

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM, Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Monday, January 28, 2013 11:20 AM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; (b)(6)(7)(C) per CRM
Subject: Fw: Campaign fin briefing

Eileen and (b)(6)(7)(C) per CRM

Here's an updated message from Sen. Whitehouse's staff. (b) (5) per OIP

(b) (5) per OIP

I think we've narrowed a date/time down to sometime this Friday per Eileen's last email. Please let me know if this still works for both of you and if you have any questions or comments.

Thanks, Rita

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

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Monday, January 28, 2013 10:59 AM
To: Aguilar, Rita C. (OLA)
Subject: RE: Campaign fin briefing

Hi Rita,

Our proposed agenda is essentially the same as what we initially asked about (see attached). Our focus is on the activities of groups attempting to influence elections through independent expenditures and electioneering communications, and some of the potential violations that we would be most interested in learning about the Department of Justice's approach to and investigation or prosecution of include:

1. Material false statements to the IRS regarding political activity in order to obtain and maintain 501(c)(4) status. 26 U.S.C. § 7206.
2. Knowing and willful violations of FECA prohibitions on coordination between independent organizations and candidates or parties. 2 U.S.C. § 441a(a).
3. Knowing and willful violations of disclosure rules, such as prohibitions on contributing money in the name of another person. 2 U.S.C. § 441f.
4. Knowing and willful violations of prohibitions on political expenditures by foreign nationals, or the acceptance of funds from foreign nationals to be spent to influence federal elections. 2 U.S.C. § 441e.

Enforcement and penalties for FECA violations can generally be found in 2 U.S.C. § 437g.

As for attendance, it will be staff only. We may be joined by Stephen Lilley, the Subcommittee's Chief Counsel, and Justin Florence, another counsel.

Thanks,
Ayo

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

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Saturday, January 26, 2013 2:11 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Campaign fin briefing

Can you please send me an updated proposed agenda for this meeting and confirm that it will be staff only (you and who else)? I am trying to lock in a date on my end, possibly on Friday afternoon, but need a few more details. Thanks, Rita

From: (b)(6)(7)(C) per CRM
To: </o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) P>
Erb, William (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=verb>
Cc:
Bcc:
Subject: Emailing: DRAFT TALKING POINTS PIN CU 1-28-13 v2.wpd
Date: Wed Jan 30 2013 10:31:54 EST
Attachments: DRAFT TALKING POINTS PIN CU 1-28-13 v2.wpd

Your message is ready to be sent with the following file or link attachments:

DRAFT TALKING POINTS PIN CU 1-28-13 v2.wpd

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: OBrien, Paul </o=crm/ou=wash/cn=recipients/cn=paobrien>
To: Smith, Jack </o=crm/ou=wash/cn=recipients/cn=jacsmith>
Cc:
Bcc:
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff
Date: Wed Jan 30 2013 19:21:43 EST
Attachments:

(b)(5) per CRM

Paul M. O'Brien
Deputy Assistant Attorney General
Criminal Division
United States Department of Justice

From: Smith, Jack
Sent: Wednesday, January 30, 2013 7:15 PM
To: OBrien, Paul
Subject: Fw: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Wednesday, January 30, 2013 06:12 PM Eastern Standard Time
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, I am assisting Rita with the upcoming campaign finance briefing tentatively scheduled for Friday. **Non-Responsive per OIP** Faith Burton wanted to double check that CRIM's front office has "signed off" on you and **(b)(7)(C) per CRM** participating in the briefing. I assured Faith that you guys probably already have. Also, would you be available tomorrow afternoon or Friday morning to have a pre-brief conference call to discuss the briefing. Thanks, Bill.

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; Erb, William (OLA) (JMD) </o=crm/ou=wash/cn=recipients/cn=werb>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc: Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>; Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff
Date: Thu Jan 31 2013 11:27:30 EST
Attachments: (b)(5) per CRM
CU DRAFT TALKING POINTS PIN 1-31-13 v3.wpd

(b)(5) per CRM

From: Smith, Jack
Sent: Thursday, January 31, 2013 9:59 AM
To: Erb, William (OLA) (JMD); (b)(6)(7)(C) per CRM; (b)(6)(7)(C) per CRM
Cc: Aguilar, Rita C. (OLA) (JMD); Hulser, Raymond
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(6)(7)(C) per CRM

Please send the finalized talking points to everyone including the additional information I asked you to put together the other day . See everyone at 2:00.

Jack

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Thursday, January 31, 2013 9:29 AM
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, just as I expected. Do you have finalized talking points you can send over? Thanks, Bill.

From: Smith, Jack (CRM)

Sent: Wednesday, January 30, 2013 08:00 PM
To: Erb, William (OLA)
Cc: Aguilar, Rita C. (OLA)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Wednesday, January 30, 2013 06:12 PM Eastern Standard Time
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, I am assisting Rita with the upcoming campaign finance briefing tentatively scheduled for Friday. **Non-Responsive per OIP** Faith Burton wanted to double check that CRIM's front office has "signed off" on you and **(b)(5)(C) per CRM** participating in the briefing. I assured Faith that you guys probably already have. Also, would you be available tomorrow afternoon or Friday morning to have a pre-brief conference call to discuss the briefing. Thanks, Bill.

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
To: Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>; Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; Erb, William (OLA)
(JMD) </o=crm/ou=wash/cn=recipients/cn=werb>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff
Date: Thu Jan 31 2013 12:14:31 EST
Attachments:

No problem

(b)(6)(7)(C) per CRM

(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

From: Aguilar, Rita C. (OLA) [mailto:Rita.C.Aguilar@usdoj.gov]
Sent: Thursday, January 31, 2013 12:05 PM Eastern Standard Time
To: (b)(6)(7)(C) per CRM Smith, Jack; Erb, William (OLA) (JMD); (b)(6)(7)(C) per CRM
Cc: Hulser, Raymond
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

Anyone mind if I share these with Eileen from TAX who will also be attending the briefing?

From: (b)(6)(7)(C) per CRM (CRM)
Sent: Thursday, January 31, 2013 11:27 AM
To: Smith, Jack (CRM); Erb, William (OLA); (b)(6)(7)(C) per CRM (CRM)
Cc: Aguilar, Rita C. (OLA); Hulser, Raymond (CRM)
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Smith, Jack
Sent: Thursday, January 31, 2013 9:59 AM
To: Erb, William (OLA) (JMD); (b)(6)(7)(C) per CRM; (b)(6)(7)(C) per CRM
Cc: Aguilar, Rita C. (OLA) (JMD); Hulser, Raymond
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(7)(C) per CRM

Please send the finalized talking points to everyone including the additional information I asked you to put together the other day . See everyone at 2:00.

Jack

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Thursday, January 31, 2013 9:29 AM
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, just as I expected. Do you have finalized talking points you can send over? Thanks, Bill.

From: Smith, Jack (CRM)
Sent: Wednesday, January 30, 2013 08:00 PM
To: Erb, William (OLA)
Cc: Aguilar, Rita C. (OLA)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Wednesday, January 30, 2013 06:12 PM Eastern Standard Time
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, I am assisting Rita with the upcoming campaign finance briefing tentatively scheduled for Friday. **Non-Responsive per OIP** Faith Burton wanted to double check that CRIM's front office has "signed off" on you and **(b)(7)(C) per CRM** participating in the briefing. I assured Faith that you guys probably already have. Also, would you be available tomorrow afternoon or Friday morning to have a pre-brief conference call to discuss the briefing. Thanks, Bill.

From: Erb, William (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=werb>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>;
Wise, Bonnie J. (OLA) (JMD) </o=crm/ou=exchange administrative
group (fydibohf23spdlt)/cn=recipients/cn=wise, bonnie j. -
jmd4ff>
Bcc:
Subject: FW: Sen. Whitehouse on Campaign Finance
Date: Thu Jan 31 2013 12:15:27 EST
Attachments: Sen Whitehouse campaign finance.docx

All: For purposes of the briefing with Sen. Whitehouse's staff, please see the attached memo from Bonnie Wise, OLA's new legal intern, who researched Sen. Whitehouse's recent statements and positions on campaign finance and Citizens United (to open links, press control and click at the same time). Thanks, Bill.

From: Wise, Bonnie J. (OLA)
Sent: Thursday, January 31, 2013 11:38 AM
To: Erb, William (OLA)
Subject: RE: Sen. Whitehouse on Campaign Finance

Hi Bill,

Here are the bullet points you requested. Let me know if you would like any follow-up. Thanks.

-Bonnie

From: Clemente, Michael A. (OLA)
Sent: Thursday, January 31, 2013 9:58 AM
To: Wise, Bonnie J. (OLA)
Cc: Erb, William (OLA)
Subject: Sen. Whitehouse on Campaign Finance

Hey Bonnie – can you send Bill Erb (CC'ed here) a quick breakdown of the main points Sen. Whitehouse has made on campaign finance issues over the past few years. A few representative links and summarizing sentences would be great.

Bill said he'd go over this with you this afternoon to further bring you up-to-date with the project.

Michael Clemente

Confidential Assistant
Office of Legislative Affairs
U.S. Department of Justice
Tel: 202.514.4207

From: (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; Erb, William (OLA) (JMD) </o=crm/ou=wash/cn=recipients/cn=werb>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>
Cc: Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>; Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff
Date: Thu Jan 31 2013 15:32:41 EST
Attachments: CU DRAFT TALKING POINTS PIN 1-31-13 v3.wpd

All, please find revised TPs following our discussion this afternoon.

From: (b)(6)(7)(C) per CRM
Sent: Thursday, January 31, 2013 11:28 AM
To: Smith, Jack; Erb, William (OLA) (JMD); (b)(6)(7)(C) per CRM
Cc: Aguilar, Rita C. (OLA) (JMD); Hulser, Raymond
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Smith, Jack
Sent: Thursday, January 31, 2013 9:59 AM
To: Erb, William (OLA) (JMD); (b)(6)(7)(C) per CRM; (b)(6)(7)(C) per CRM
Cc: Aguilar, Rita C. (OLA) (JMD); Hulser, Raymond
Subject: RE: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(6)(7)(C) per CRM

Please send the finalized talking points to everyone including the additional information I asked you to put together the other day . See everyone at 2:00.

Jack

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]

Sent: Thursday, January 31, 2013 9:29 AM
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, just as I expected. Do you have finalized talking points you can send over? Thanks, Bill.

From: Smith, Jack (CRM)
Sent: Wednesday, January 30, 2013 08:00 PM
To: Erb, William (OLA)
Cc: Aguilar, Rita C. (OLA)
Subject: Re: Campaign Finance briefing with Sen. Whitehouse's staff

(b)(5) per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Wednesday, January 30, 2013 06:12 PM Eastern Standard Time
To: Smith, Jack
Cc: Aguilar, Rita C. (OLA) (JMD)
Subject: Campaign Finance briefing with Sen. Whitehouse's staff

Jack, I am assisting Rita with the upcoming campaign finance briefing tentatively scheduled for Friday. **Non-Responsive per OIP** Faith Burton wanted to double check that CRIM's front office has "signed off" on you and (b)(6)(7)(C) per CRM participating in the briefing. I assured Faith that you guys probably already have. Also, would you be available tomorrow afternoon or Friday morning to have a pre-brief conference call to discuss the briefing. Thanks, Bill.

From: Erb, William (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=werb>
To: Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>; (b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
Aguilar, Rita C. (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=raguilar1>; Shatz, Eileen M.
(TAX) <eileen.m.shatz@tax.usdoj.gov>
Cc: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
Bcc:
Subject: RE: Sen. Whitehouse on Campaign Finance
Date: Thu Jan 31 2013 19:41:17 EST
Attachments:

All: We spoke with Sen. Whitehouse's staff this evening. The briefing is on for 3:00 pm tomorrow (2/1/13) at Rm. 717 of the Hart Senate Office Building. Attending for Sen. Whitehouse's staff will be Ayo Griffin Crime Subcommittee Counsel, and likely Stephen Lilley, Chief Counsel for the Crime subcommittee. There is also the possibility of Sen. Whitehouse's legislative director attending as well. We reaffirmed with Ayo that this an informal briefing, in which we are not offering any positions on future legislation or policy issues, and that we are mainly there to provide our law enforcement perspective on campaign finance matters. Please let me know if you have any further questions. Thanks, Bill.

From: Erb, William (OLA)
Sent: Thursday, January 31, 2013 12:15 PM
To: Smith, Jack (CRM); Pilger, Richard (CRM); Day, M. Kendall (CRM); Aguilar, Rita C. (OLA)
Cc: Hulser, Raymond (CRM); Wise, Bonnie J. (OLA)
Subject: FW: Sen. Whitehouse on Campaign Finance

All: For purposes of the briefing with Sen. Whitehouse's staff, please see the attached memo from Bonnie Wise, OLA's new legal intern, who researched Sen. Whitehouse's recent statements and positions on campaign finance and Citizens United (to open links, press control and click at the same time). Thanks, Bill.

From: Wise, Bonnie J. (OLA)
Sent: Thursday, January 31, 2013 11:38 AM
To: Erb, William (OLA)
Subject: RE: Sen. Whitehouse on Campaign Finance

Hi Bill,

Here are the bullet points you requested. Let me know if you would like any follow-up. Thanks.

-Bonnie

<< File: Sen Whitehouse campaign finance.docx >>

From: Clemente, Michael A. (OLA)
Sent: Thursday, January 31, 2013 9:58 AM
To: Wise, Bonnie J. (OLA)
Cc: Erb, William (OLA)
Subject: Sen. Whitehouse on Campaign Finance

Hey Bonnie – can you send Bill Erb (CC'ed here) a quick breakdown of the main points Sen. Whitehouse has made on campaign finance issues over the past few years. A few representative links and summarizing sentences would be great.

Bill said he'd go over this with you this afternoon to further bring you up-to-date with the project.

Michael Clemente
Confidential Assistant
Office of Legislative Affairs
U.S. Department of Justice
Tel: 202.514.4207

Document ID: 0.7.300.57820

From: Hulser, Raymond
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=rhulser>
To: Raman, Mythili
</o=crm/ou=wash/cn=recipients/cn=mytraman>; Erb, William (OLA)
(JMD) </o=crm/ou=wash/cn=recipients/cn=werb>; Smith, Jack
</o=crm/ou=wash/cn=recipients/cn=jacsmith>;
Eileen.M.Shatz@tax.USDOJ.gov <eileen.m.shatz@tax.usdoj.gov>;
(b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=pin/cn=(b)(6)(7)(C) per CRM>;
Wroblewski, Jonathan
</o=crm/ou=wash/cn=recipients/cn=users/cn=opl/cn=jwroblew>;
Burton, Faith (OLA) (JMD)
</o=crm/ou=wash/cn=recipients/cn=faithburton>; Levine, Doug
(OLA) (JMD) </o=crm/ou=wash/cn=recipients/cn=dlevine>;
Suleiman, Daniel </o=crm/ou=wash/cn=recipients/cn=dsuleima>;
Lenerz, Daniel J. </o=crm/ou=wash/cn=recipients/cn=dalenerz>;
OBrien, Paul </o=crm/ou=wash/cn=recipients/cn=paobrien>; (b)(6)(7)(C) per CRM
(b)(6)(7)(C) per CRM </o=crm/ou=wash/cn=recipients/cn=(b)(6)(7)(C) per CRM>; (b)(6)(7)(C) per CRM
(b)(6)(7)(C) per CRM
</o=crm/ou=wash/cn=recipients/cn=users/cn=aag/cn=abrown>;
Ronald.A.Cimino@tax.USDOJ.gov <ronald.a.cimino@tax.usdoj.gov>
Cc: Buretta, John
</o=crm/ou=wash/cn=recipients/cn=jburetta67829637>; Agrast,
Mark D. (OLA) (JMD) </o=crm/ou=wash/cn=recipients/cn=magrast>
Bcc:
Subject: Re: More on New Whitehouse question regarding Campaign Finance Investigation and
Prosecution
Date: Mon Apr 08 2013 19:44:11 EDT
Attachments:

(b)(5) per CRM

From: Raman, Mythili
Sent: Monday, April 08, 2013 07:20 PM Eastern Standard Time
To: Erb, William (OLA) (JMD); Smith, Jack; Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>;
(b)(6)(7)(C) per CRM Wroblewski, Jonathan; Hulser, Raymond; Burton, Faith (OLA) (JMD); Levine, Doug
(OLA) (JMD); Suleiman, Daniel; Lenerz, Daniel J.; OBrien, Paul; (b)(6)(7)(C) per CRM; (b)(6)(7)(C) per CRM Cimino,
Ronald A. (TAX) <Ronald.A.Cimino@tax.USDOJ.gov>
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD)
Subject: RE: More on New Whitehouse question regarding Campaign Finance Investigation and
Prosecution

(b)(5) per CRM

(b)(5) per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Monday, April 08, 2013 6:26 PM
To: Smith, Jack; Shatz, Eileen M. (TAX); Raman, Mythili; (b)(6)(7)(C) per CRM Wroblewski, Jonathan; Hulser, Raymond; Burton, Faith (OLA) (JMD); Levine, Doug (OLA) (JMD); Suleiman, Daniel; Lenerz, Daniel J.; OBrien, Paul; (b)(6)(7)(C) per CRM (b)(5)(6)(7)(C) per CRM Cimino, Ronald A. (TAX)
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD)
Subject: RE: More on New Whitehouse question regarding Campaign Finance Investigation and Prosecution
Importance: High

All: I just had a frank discussion with Whitehouse's staff about the late question, and why he only shared the examples with us now. Staff indicated he didn't mean to give the wrong impression here. Staff has no reason to believe that Sen. Whitehouse is going to mention any of the examples below, and he just wanted to give us a heads up that Sen. Whitehouse may ask whether DoJ could be looking into some of this conduct independent of whatever the IRS is doing. Staff believes that Sen. Whitehouse may just mention it in his opening statement and that will be it. (b)(5) (6) per OIP

(b)(5) (6) per OIP Thanks,
Bill

From: Erb, William (OLA)
Sent: Monday, April 08, 2013 5:49 PM
To: Smith, Jack (CRM); Shatz, Eileen M. (TAX); Raman, Mythili (CRM); (b)(5)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); OBrien, Paul (CRM); (b)(5)(6)(7)(C) per CRM (CRM); (b)(5)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA)
Subject: RE: New Whitehouse question regarding Campaign Finance Investigation and Prosecution

All: Below are the newspaper stories that the Senator was referring to. Thanks, Bill.

Hi Bill,

Below are some examples of press accounts about groups claiming that they would not engage in political activity and then doing so, potentially in violation of 26 U.S.C. § 7206 and 18 U.S.C. § 1001.

Thanks,

Ayo

American Future Fund

Non-Responsive per CRM

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Monday, April 08, 2013 06:26 PM Eastern Standard Time
To: Smith, Jack; Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; Raman, Mythili; [REDACTED]
[REDACTED]; Wroblewski, Jonathan; Hulser, Raymond; Burton, Faith (OLA) (JMD); Levine, Doug (OLA)
(JMD); Suleiman, Daniel; Lenerz, Daniel J.; OBrien, Paul; [REDACTED] [REDACTED] [REDACTED] Cimino, Ronald
A. (TAX) <Ronald.A.Cimino@tax.USDOJ.gov>
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD)
Subject: RE: More on New Whitehouse question regarding Campaign Finance Investigation and
Prosecution

All: I just had a frank discussion with Whitehouse's staff about the late question, and why he only
shared the examples with us now. Staff indicated he didn't mean to give the wrong impression here.
Staff has no reason to believe that Sen. Whitehouse is going to mention any of the examples below,
and he just wanted to give us a heads up that Sen. Whitehouse may ask whether DoJ could be looking
into some of this conduct independent of whatever the IRS is doing. Staff believes that Sen.
Whitehouse may just mention it in his opening statement and that will be it. (b)(5) (6) per OIP

(b)(5) (6) per OIP [REDACTED]. Thanks,
Bill

From: Erb, William (OLA)
Sent: Monday, April 08, 2013 5:49 PM
To: Smith, Jack (CRM); Shatz, Eileen M. (TAX); Raman, Mythili (CRM); [REDACTED] (CRM);
Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Burton, Faith (OLA); Levine, Doug (OLA);
Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); OBrien, Paul (CRM); [REDACTED] (CRM); [REDACTED]
[REDACTED] (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA)
Subject: RE: New Whitehouse question regarding Campaign Finance Investigation and Prosecution

All: Below are the newspaper stories that the Senator was referring to. Thanks, Bill.

Hi Bill,

Below are some examples of press accounts about groups claiming that they would not engage in political activity and then doing so, potentially in violation of 26 U.S.C. § 7206 and 18 U.S.C. § 1001.

Thanks,

Ayo

American Future Fund

*It its 2008 application for tax exempt status, the right-wing organization American Future Fund, closely associated with Iowa GOP operatives, stated that it would not be involved in elections.[1] In response to Question 15 of Part II of Form 1024, asking whether the organization "plan[s] to spend any money attempting to influence the selection, nomination, election or appointment of a person to" public office, AFF answered "no." In response to Question 1 of Part II, asking for "detailed narrative description of all activities" past and planned, AFF indicated it would spend 70% of its resources on educating the public, and 30% on influencing legislation.[2] In a follow up letter to the IRS, AFF indicated that its main mission would be "to encourage the adoption of free market policies." [3]

*However, the same day it sent in its application, American Future Fund issued an ad entitled "Independent," in support of Sen. Norm Coleman, who was up for reelection later that year.[4] The ad praised Sen. Coleman for "working with Republicans and Democrats" and being "an independent voice for Minnesota," and ended with a request to "thank him for his agenda for Minnesota." [5]

*AFF spent over \$7.3 million on independent expenditures and \$2.2 million on electioneering communications during the 2010 elections.[6] Nearly all of the funding went to ad attacking democrats.

*The organization spent over \$24 million on independent expenditures and \$66,000 in electioneering communications in 2012.[7]

*The group has also received donations from other 501(c)(4)s, including over \$11 million from the Center to Protect Patients' Rights,[8] which has no website or address but gave out \$44 million in 2011. [9]

Crossroads GPS

*Crossroads GPS, the 501(c)(4) counterpart to the American Crossroads super PAC founded by GOP operatives Karl Rove and Ed Gillespie in 2010 stated on its Form 1024 application for tax exempt recognition that it intended to divide its activities as follows: 20% research, 50% education, and 30% influencing policymaking.[10] In response to Question 15, whether money would be spent to influence politics, Crossroads GPS answered yes, indicating it "may . . . distribute independent political communications, but that "[a]ny such activity will be limited in amount, and will not constitute the organization's primary purpose."

*Crossroads GPS spent over \$15 million in independent expenditures in the 2010 elections, running ads against 14 Democratic congressional candidates and for 2 Republican candidates.[11]

*In 2012, Crossroads GPS spent over \$70 million on independent expenditures, and over \$200,000 in electioneering communications.[12]

Americans for Responsible Leadership

*Americans for Responsible Leadership, a conservative organization claiming 501(c)(4) status, responded to Question 15 of Part II in its Form 1024 application submitted on September 14, 2012, by stating that it would not spend money to influence elections.[13]

*ARL spent over \$9 million on independent expenditures in the 2012 elections, including more than \$5 million to support Gov. Mitt Romney.[14]

*ARL claims to have submitted an amended application that would have reflected the spending.[15]

Freedom Path

*Freedom Path is a conservative 501(c)(4) group with ties to Republican Senator Orrin Hatch[16] responded to Question 15 of Part II in its Form 1024 application by stating that it would not spend money to influence elections.

*Freedom Path spent over \$300,000 in independent expenditures and \$156,000 in electioneering communications in 2012, mostly directed against Dan Liljenquist, who as challenging Sen. Hatch in the Republican primary.[17]

RightChange.com II

*RightChange.com II, the 501(c)(4) counterpart to the conservative 527 RightChange.com, responded to Question 15 of Part II in its Form 1024 application by stating that it would not spend money to

influence elections.[18]

*The organization later spent \$20,000 in independent expenditures supporting Mitt Romney's presidential election.[19]

America Is Not Stupid, Inc.

*American is Not Stupid, a conservative 501(c)(4) group, responded to Question 15 of Part II in its Form 1024 application by stating that it would not spend money to influence elections.[20]

*Within eight months, the organization spent \$60,000 in independent expenditures against Sen. Jon Tester.[21]

A Better America Now

*A Better America Now, a conservative 501(c)(4) group, responded to Question 15 of Part II in its Form 1024 application by stating that it would not spend money to influence elections.[22]

* The organization spent over \$65,000 in independent expenditures supporting a Texas Republican congressional candidate and attacking his Democratic challenger.[23]

From: Smith, Jack (CRM)
Sent: Monday, April 08, 2013 5:12 PM
To: Erb, William (OLA); Shatz, Eileen M. (TAX); Raman, Mythili (CRM); (b)(5)(6)(7)(C) per CRM (CRM);
Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Burton, Faith (OLA); Levine, Doug (OLA);
Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM);
(b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA)
Subject: Re: New Whitehouse question regarding Campaign Finance Investigation and Prosecution

Bill, do you know or can you find out if there is a specific past case(s) whitehouse is thinking of?

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Monday, April 08, 2013 05:08 PM Eastern Standard Time
To: Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; Raman, Mythili; (b)(6)(7)(C) per CRM
Wroblewski, Jonathan; Hulser, Raymond; Smith, Jack; Burton, Faith (OLA) (JMD); Levine, Doug (OLA)
(JMD); Suleiman, Daniel; Lenerz, Daniel J.; OBrien, Paul; (b)(6)(7)(C) per CRM (b)(6)(7)(C) per CRM Cimino, Ronald

A. (TAX) <Ronald.A.Cimino@tax.USDOJ.gov> (b)(6)(7)(C) per CRM
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD);
Subject: RE: New Whitehouse question regarding Campaign Finance Investigation and Prosecution

All: (b)(5) per OIP
(b)(5) per OIP

From: Shatz, Eileen M. (TAX)
Sent: Monday, April 08, 2013 4:59 PM
To: Erb, William (OLA); Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM);
Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman,
Daniel (CRM); Lenerz, Daniel J. (CRM); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM
(CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: New Whitehouse question regarding Campaign Finance Investigation and Prosecution

Bill- Will look at this now.

From: Erb, William (OLA)
Sent: Monday, April 08, 2013 4:54 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond
(CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz,
Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM
(CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: New Whitehouse question regarding Campaign Finance Investigation and Prosecution
Importance: High

All: New question from Sen. Whitehouse. Sen. Whitehouse is likely to ask AAAG Raman whether the Department of Justice is too deferential to IRS in deciding to prosecute 501(c) organizations that make fraudulent statements regarding their political activities in their IRS filings. Sen. Whitehouse is curious why, for example, if a 501(c) tax organization files were leaked, and they clearly showed that the organization made false statements, why the Department of Justice wouldn't prosecute the case by itself and not wait for the IRS. Looping in the Tax Division who also can help CRIM come up with a quick response. Thanks, Bill.

From: Erb, William (OLA)
Sent: Monday, April 08, 2013 12:20 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond
(CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz,
Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM
(CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

All: Please see Bradley Smith's (Minority witness) testimony. Most of his criticism is directed at the FEC and IRS, but he does make reference to the Edward's prosecution and overzealous prosecutions, but again, most of his criticism is directed at the FEC and IRS. Thanks, Bill.

From: Erb, William (OLA)
Sent: Monday, April 08, 2013 10:27 AM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

All: Please see the attached testimonies and Bio of the Majority's witnesses. Thanks, Bill.

From: Erb, William (OLA)
Sent: Friday, April 05, 2013 7:50 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

All: Following up on Mythili's moot from today:

1) CRIM, as we discussed today, can you please send me the questions that we'd like the Members to ask Mythili during the hearing. (b)(5) per OIP
(b)(5) per OIP

2) Mythili's OMB cleared written testimony was sent to subcommittee staff this evening;

3) Mythili please recall to review the initial set of questions from staff that I forwarded to the group earlier;

4) So far, Sen. Klobuchar, Sen. Cruz, and Sen. Lee are likely to attend. Sen. Feinstein is unlikely to attend, and it is still unclear if Sen. Sessions will attend. I will be speaking with Sen. Lee's and Sen. Cruz's staff on Monday. I will pass on more information from the committee staff as I get it.

5) Please don't forget our call with the IRS at 11:00 am on Monday. More later.

Thanks, and have a nice weekend. Bill

From: Erb, William (OLA)

Sent: Thursday, April 04, 2013 5:55 PM

To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

All: Attached is a copy of IRS' draft testimony for the upcoming hearing. IRS is providing us with this "FYI" only draft in order to give us a better idea of what they expect to testify about at the hearing. IRS is not accepting comments now on this draft, particularly since it is still being cleared within the Treasury Department. IRS prefers that we submit our comments on the testimony through the OMB process once it is placed in circulation. Thanks, Bill.

From: Erb, William (OLA)

Sent: Tuesday, April 02, 2013 10:50 AM

To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

SJC Majority staff just heard from the Minority that they've invited Brad Smith, Josiah H. Blackmore II/Shirley M. Nault Professor of Law at Capital University Law School. His bio is here: <http://law.capital.edu/faculty/bios/bsmith.aspx>. He is a former FEC commissioner.

Also, SJC staff is planning a conference call with the IRS later today, but it looks like they'll be able to provide a witness. More later, Bill

From: Erb, William (OLA)

Sent: Tuesday, April 02, 2013 8:45 AM

To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation

All: Following up on my earlier emails regarding the upcoming campaign finance hearing.

Updates:

1) IRS/Treasury is still considering whether to send a witness to the upcoming hearing. I understand IRS is continuing to discuss the possibility with Sen. Whitehouse's staff. I expect to hear very shortly of the IRS's decision;

(b)(5) per CRM

3) Mythili's testimony was cleared by ODAG and was sent to OMB yesterday morning;

4) I have been reaching out to Minority and Minority staff on the committee to determine whether their Senators have any particular questions or concerns that they plan to raise at the hearing. So far, I haven't heard much back from staff. Unfortunately, Senators and their staff often don't concentrate on an upcoming hearing until a few days before the hearing. Also, it doesn't help that Congress is on recess this week. I will continue to reach out to staff this week;

Oral Statement:

5) Now that Mythili's written testimony is with OMB, it probably makes sense for CRM to start drafting Mythili's oral statement. Mythili will have 5 minutes to give her opening statement. The general rule for getting an oral statement within 5 minutes is that it must be no more than 4.5 pgs, dbl spaced, 14pt font-times new roman. Also, the oral statement must stay within the "four corners" of the cleared written statement.

Hearing Procedures:

Mythili, will have 5 minutes for her opening statement, and then senators will ask questions in rounds that will likely be 7 minutes each. Senator questioning will be in order of seniority, as modified by the "early bird rule," whereby senators arriving early will have priority. Turn out among members for subcommittee hearings is typically pretty low, although there's no guarantee of this.

[From Ron Cimino's 3/28/13 email].

(b)(5) per CRM

From: Erb, William (OLA)
Sent: Thursday, March 28, 2013 4:02 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: Please see the two proposed witnesses that the majority is likely to have testify on the second panel: Larry Noble, President of Americans for Campaign Reform and former general counsel at the FEC, and Gregory Colvin of Adler Colvin, an expert on Internal Revenue Code/501c4 issues. The minority apparently has not decided on its witness yet. Importantly, Sen. Whitehouse has also invited a witness from the IRS to testify, and staff is waiting to hear back as to whether they'll be able to send someone. This is a suggestion we've made to staff several times now. More later. Bill.

From: Erb, William (OLA)
Sent: Tuesday, March 26, 2013 8:00 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: A few points from today's call with the IRS:

(b)(5) per CRM

(b)(5) per CRM

3) I explained to Sen. Whitehouse's staff again today (he called after our meeting) that we would not be sending a Tax witness to testify about the false statement issue relating to the 501(c)(4)s, because a Tax witness would have nothing more to say beyond what Mythili might say regarding the issue (i.e., that the Department would review a case for possible prosecution once it was referred to us).

4) I strongly suggested to staff that they speak to the IRS about any questions on the investigation of false statements on IRS forms 990 and 1024 regarding political activity by 501(c)(4) groups. I explained that the IRS might be able to clear up the "perception" vs. "reality" when it comes to 501(c)(4) misrepresentations, and the challenges of investigating these possible offenses to the extent that Citizens United is a recent decision, and the timing of reporting requirements by 501(c) organizations to the IRS. Thanks, Bill.

From: Erb, William (OLA)

Sent: Tuesday, March 26, 2013 12:32 PM

To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)

Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)

Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

Reminder: On today's call with the IRS will be Lois Lerner, Director of Exempt Organizations, her Senior Tech Advisor Judy Kindell, and Suzanne Sinno of IRS OLA. I provided the IRS with a copy of our draft testimony, and the list of the issues that Sen. Whitehouse sent us earlier regarding the hearing. My understanding is that of those who can make it, we will be gathering in CRM's large conference at 1:30 for the call. Alternatively, the call in number is 888-331-8226; ACCESS CODE: (b)(6) per OIP. See you at 1:30. Thanks, Bill.

From: Erb, William (OLA)

Sent: Monday, March 25, 2013 2:48 PM

To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM); Cimino, Ronald A. (TAX)

Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)

Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: IRS has accepted our invitation for the conference call tomorrow, Tuesday at 1:30 on the 501(c)(4) matters, and the upcoming SJC hearing on criminal enforcement of the campaign finance laws. (b)(6)(7)(C) per CRM the call in number is: 888-331-8226; ACCESS CODE: (b)(6) per OIP. Looping in Ron Cimino of Criminal Tax who I understand will be representing Tax. Lois Lerner, Director of Exempt Organizations and her Senior Tech Advisor Judy Kindell will be on the call for the IRS. Thanks, Bill.

From: Erb, William (OLA)
Sent: Monday, March 25, 2013 1:15 PM
To: Raman, Mythili (CRM); (b)(6)(7)(C) per CRM (CRM); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

Mythili, I have been in contact with IRS on setting up the meeting and waiting for them to confirm that Tuesday at 1:30 is still an acceptable time for them to have a conference call. IRS originally proposed Tuesday at 1:30 as an acceptable time for a call. I'll let you know when I hear more from IRS. Thanks, Bill.

From: Raman, Mythili (CRM)
Sent: Monday, March 25, 2013 1:10 PM
To: (b)(6)(7)(C) per CRM (CRM); Erb, William (OLA); Wroblewski, Jonathan (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM); (b)(6)(7)(C) per CRM (CRM)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA); (b)(6)(7)(C) per CRM (CRM)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

Bill – Are we going to be calling IRS at 1:30? As far as I know, CRM hasn't actually invited anyone from IRS to the mtg.

From: (b)(6)(7)(C) per CRM
Sent: Monday, March 25, 2013 12:56 PM
To: Erb, William (OLA) (JMD); Wroblewski, Jonathan; Raman, Mythili; Hulser, Raymond; Smith, Jack; Burton, Faith (OLA) (JMD); Levine, Doug (OLA) (JMD); Suleiman, Daniel; Lenerz, Daniel J.; 'Eileen.M. Shatz@tax.USDOJ.gov'; OBrien, Paul
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD); Chen, Edgar (OLA) (JMD); (b)(6)(7)(C) per CRM
Subject: Re: Hearing on Campaign Finance Investigation is scheduled for 4/9.

PIN will be there.

(b)(6)(7)(C) per CRM
(b)(6)(7)(C) per CRM Election Crimes Branch
Public Integrity Section
Criminal Division
U.S. Department of Justice

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Monday, March 25, 2013 12:54 PM Eastern Standard Time

To: Wroblewski, Jonathan; Raman, Mythili; Hulser, Raymond; Smith, Jack; Burton, Faith (OLA) (JMD); Levine, Doug (OLA) (JMD); Suleiman, Daniel; Lenerz, Daniel J.; Shatz, Eileen M. (TAX) <Eileen.M.Shatz@tax.USDOJ.gov>; OBrien, Paul; (b)(6)(7)(C) per CRM
Cc: Buretta, John; Agrast, Mark D. (OLA) (JMD); Chen, Edgar (OLA) (JMD); (b)(6)(7)(C) per CRM
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: Just want to make sure that we are confirmed to speak with the IRS at 1:30 tomorrow as part of hearing prep, correct? Thanks, Bill.

From: Erb, William (OLA)
Sent: Friday, March 22, 2013 3:08 PM
To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: IRS Leg proposes the following days and times to have the call on the 501(c)(4) issues. Can CRIM and Tax please let us know when you're available for the call. I don't think we need to have a big group. Please let me know. Thanks, Bill.

IRS' availability:

Tuesday, 3/26 – after 11:00/before 3:00

Wednesday, 3/27 – after 11:30/before 1:30

Thursday, 3/28 – after 10:30/before 12:30

From: Erb, William (OLA)
Sent: Tuesday, March 19, 2013 1:34 PM
To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Burton, Faith (OLA); Levine, Doug (OLA); Suleiman, Daniel (CRM); Lenerz, Daniel J. (CRM); Shatz, Eileen M. (TAX); OBrien, Paul (CRM); (b)(6)(7)(C) per CRM (CRM)
Cc: Buretta, John (CRM); Agrast, Mark D. (OLA); Chen, Edgar (OLA)
Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: Following up on our hearing prep from last Friday:

(b)(5) per CRM & OIP

(b)(5) per CRM

5) Later today I will discuss the hearing with Minority staff. Thanks, Bill.

From: Erb, William (OLA)

Sent: Wednesday, March 13, 2013 12:41 PM

To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Agrast, Mark D. (OLA); Burton, Faith (OLA); Levine, Doug (OLA)

Cc: Appelbaum, Judy (OLA); Axelrod, Matthew (ODAG); Lenerz, Daniel J. (CRM); Buretta, John (CRM); Suleiman, Daniel (CRM); Shatz, Eileen M. (TAX)

Subject: RE: Hearing on Campaign Finance Investigation is scheduled for 4/9.

(b)(5) per CRM

(b)(5) per CRM

(b)(5) per CRM

Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Tuesday, March 12, 2013 3:52 PM
To: Erb, William (OLA)
Cc: Lilley, Stephen (Judiciary-Dem)
Subject: RE: Hearing on Campaign Finance Investigation

Hi Bill,

Thanks for the message. I see your point, but while part of Sen. Whitehouse's interest is focused on certain conduct by 501(c)(4) groups, I don't think that we could really say that for the purposes of this hearing that interest extends to oversight and regulation of these groups, or the regulatory scheme surrounding these groups.

For the purpose of this hearing, Sen. Whitehouse's interest in 501(c)(4) groups is narrowly focused on criminal enforcement of potential material misstatements made under penalty of perjury. He is specifically interested in learning more about the Department of Justice's approach to these cases, as he is for the variety of non-tax issues that we've also discussed. By contrast, Sen. Whitehouse would not ask Ms. Raman about, for instance, what the appropriate limitations are on political spending by 501(c)(4) groups.

Since Sen. Whitehouse isn't planning to seek justifications for or explanations of the framework governing 501(c)(4) groups from a government witness, and since the majority of the issues that he's interested in don't relate to taxes or the IRS at all, we're not inclined to invite a Treasury Dept. witness to the hearing at this point. In part, we wouldn't want to have to deal with potential committee jurisdictional issues when IRS/Treasury issues aren't the main focus of the hearing. Hopefully this isn't a problem for you, but we're happy to work through any concerns you may have.

Thanks,

Ayo

From: Wroblewski, Jonathan (CRM)

Sent: Tuesday, March 12, 2013 8:35 AM

To: Erb, William (OLA); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Agrast, Mark D. (OLA); Burton, Faith (OLA); Levine, Doug (OLA)

Cc: Appelbaum, Judy (OLA); Axelrod, Matthew (ODAG); Lenerz, Daniel J. (CRM); Buretta, John (CRM); Suleiman, Daniel (CRM); Shatz, Eileen M. (TAX)

Subject: Re: Hearing on Campaign Finance Investigation is scheduled for 4/9.

(b)(5) per CRM

-Jonathan

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]

Sent: Monday, March 11, 2013 12:30 PM Eastern Standard Time

To: Wroblewski, Jonathan; Raman, Mythili; Hulser, Raymond; Smith, Jack; Agrast, Mark D. (OLA) (JMD); Burton, Faith (OLA) (JMD); Levine, Doug (OLA) (JMD)

Cc: Appelbaum, Judy (OLA) (JMD); Axelrod, Matthew (ODAG) (JMD)

Subject: Re: Hearing on Campaign Finance Investigation is scheduled for 4/9.

Now looping in Doug. Doug, please see below. Thanks, Bill.

From: Erb, William (OLA)

Sent: Monday, March 11, 2013 12:28 PM

To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Agrast, Mark D. (OLA); Burton, Faith (OLA)

Cc: Appelbaum, Judy (OLA); Axelrod, Matthew (ODAG)

Subject: Re: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: I want to loop in Doug Levin of OLA who will be handling the internal and OMB clearance of Mythili's testimony for the April 9th hearing. Doug, can you please send out the date that CRIM must provide you with Mythili's testimony in order to get the testimony cleared internally and with OMB. Doug, when setting up the deadlines for clearance please allow for extra time, sense other agencies might have comments on our testimony. Thanks, Bill.

From: Erb, William (OLA)
Sent: Thursday, March 07, 2013 03:56 PM
To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Agrast, Mark D. (OLA)
Cc: Appelbaum, Judy (OLA); Axelrod, Matthew (ODAG)
Subject: Re: Hearing on Campaign Finance Investigation is scheduled for 4/9.

All: Whitehouse's staff has confirmed that the campaign finance hearing will take place on April 9th and they will be sending out the formal invitation shortly. So far, I have confirmed that there will be two panels with the government witnesses testifying first. Waiting for staff to confirm who else will be testifying. Staff does not have any additional intel about the hearing for now. More later. Bill.

From: Erb, William (OLA)
Sent: Wednesday, March 06, 2013 01:24 PM
To: Wroblewski, Jonathan (CRM); Raman, Mythili (CRM); Hulser, Raymond (CRM); Smith, Jack (CRM); Agrast, Mark D. (OLA)
Cc: Appelbaum, Judy (OLA)
Subject: Fw: Hearing on Campaign Finance Investigation likely to be on the week of 4/8

All: See the below from Whitehouse's staff confirming that the campaign finance hearing will not take place during the week of 3/20, but instead possibly during the week of 4/8. Ray, I will also send you a paper Tax prepared on cases related to 501(c)(4) This issue came up at the briefing. Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Wednesday, March 06, 2013 12:56 PM
To: Erb, William (OLA)
Cc: Lilley, Stephen (Judiciary-Dem) <Stephen_Lilley@Judiciary-dem.senate.gov>
Subject: RE: Hearing on Campaign Finance Investigation

Hi Bill,

Yes, we can confirm that the hearing will not take place on 3/20, or during that week. We are now seeking to confirm a date during the week of 4/8, and I will let you know as soon as we have that date finalized.

We are talking to a number of experts, both academics and campaign finance lawyers, about appearing as witnesses, but have not confirmed anyone yet. We will let you know when we get the witnesses set.

I'm generally available and happy to discuss further, but I don't think we really have any updated information on our end aside from what I mentioned above, so I'd hate for you to have to find time during your trip. If you would like to talk, Friday morning before 10:30am EST would be good (I assume that with the time difference, morning times would be preferable to you).

Best,

Ayo

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Wednesday, March 06, 2013 12:34 PM
To: Griffin, Ayo (Judiciary-Dem)
Cc: Lilley, Stephen (Judiciary-Dem)
Subject: Re: Hearing on Campaign Finance Investigation

Ayo, (b)(6) per OIP I was unaware that Stephen spoke to Jonathan W recently about the hearing being possible scheduled for the week of April the 8th. Can you at this point confirm that the hearing will not occur during the week of 3/20? Do you have a few seconds to discuss? If so, when would be a good time to call? Also, do you have any idea who the other witnesses might be? Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Tuesday, March 05, 2013 06:30 PM
To: Erb, William (OLA)
Subject: RE: Hearing on Campaign Finance Investigation

Hi Bill,
That's what we had in mind, so that works fine for us. Also, I think Stephen may have mentioned this to Jonathan Wroblewski, but we're now looking at the week of Apr. 8 for the hearing, so it will be a few weeks later than we had previously thought. I'll let you know as soon as I know the specific date.
Thanks,

Ayo

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Tuesday, March 05, 2013 1:49 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Re: Hearing on Campaign Finance Investigation

Ayo, let us know. Also, as we discussed and as usual practice, our witness will testify by themselves or with a "government" panel. Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Monday, March 04, 2013 06:07 PM
To: Erb, William (OLA)
Subject: RE: Hearing on Campaign Finance Investigation

That's great, Bill. Thanks very much. We're getting the final details nailed down on our end and will get back to you once we've confirmed our date.

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Monday, March 04, 2013 6:03 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Re: Hearing on Campaign Finance Investigation

Ayo, I confirmed that we are willing to participate with a witness in the upcoming campaign finance hearing, depending on the availability of our witness once you announce the hearing and we receive two weeks advance written notice. Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Friday, March 01, 2013 07:09 PM
To: Erb, William (OLA)
Subject: RE: Hearing on Campaign Finance Investigation

Will do. Thanks. (b)(6) per OIP

From: Erb, William (OLA) [mailto:William.Erb@usdoj.gov]
Sent: Friday, March 01, 2013 5:20 PM
To: Griffin, Ayo (Judiciary-Dem)
Subject: Re: Hearing on Campaign Finance Investigation

Ayo, please also include faith.burton@usdoj.gov and Mark.Agrast@usdoj.gov if you do send us an invite. Thanks, Bill.

From: Griffin, Ayo (Judiciary-Dem) [mailto:Ayo_Griffin@Judiciary-dem.senate.gov]
Sent: Wednesday, February 27, 2013 09:47 AM
To: Erb, William (OLA)
Subject: Hearing on Campaign Finance Investigation

Hi Bill,

It was good talking with you yesterday. As we discussed, Sen. Whitehouse would like to convene a subcommittee hearing to look into issues surrounding investigation and prosecution of criminal campaign finance violations by outside groups following Citizens United, and would like to invite a witness from DoJ to testify on the Department's approach to these kinds of potential violations, and to any barriers to effective investigation or prosecution. As I mentioned when we spoke, we have not yet set a hearing date with Chairman Leahy's office, but we are hopeful that we will be able to schedule something for this work period, most likely the week of Mar. 18.

The scope of the hearing will be similar to that for the very helpful briefing that you recently organized for us. Sen. Whitehouse would like to focus on the activities of groups attempting to influence elections through independent expenditures and electioneering communications. Some of the potential violations that he most interested in learning about the investigation of include:

1. Knowing and willful violations of FECA prohibitions on coordination between independent organizations and candidates or parties. 2 U.S.C. § 441a(a).
2. Knowing and willful violations of disclosure rules, such as prohibitions on contributing money in the name of another person. 2 U.S.C. § 441f.
3. Knowing and willful violations of prohibitions on political expenditures by foreign nationals, or the acceptance of funds from foreign nationals to be spent to influence federal elections. 2 U.S.C. § 441e.
4. Material false statements to the IRS regarding political activity in order to obtain and maintain 501(c)(4) status. 26 U.S.C. § 7206.

The overarching context here is that with unprecedented amounts of money being raised and spent to influence elections in the wake of Citizens United, and particularly being raised and spent by outside groups like super PACs and 501(c)(4) groups, which are less tightly regulated than candidates, parties, and conventional PACs, Sen. Whitehouse wants to make sure that the Department is able to effectively investigate, and when necessary, prosecute, the conduct of these groups.

With all of the public accounts about, for instance, shell companies being used to hide donor identities, or groups apparently misrepresenting their activities to the IRS, it would be helpful to know how the Department approaches these cases.

It would be particularly helpful if the witness could convey some of the points that came across in the briefing. One point that particularly resonated during the briefing was that the lack of disclosure in the fundraising of these groups makes it difficult to "follow the money" in the context of conduit transfer cases and foreign donation cases. Other issues raised that would be relevant include, for instance, that coordination cases can be challenging to prosecute because the coordination statute is not as clear as it might be; the high bar posed by knowing and willful standards; and privacy considerations when bringing a tax enforcement case. These are just some initial thoughts. We look forward to having a dialogue about what your people think would be informative and appropriate.

I hope this is helpful as you begin to make inquiries, and let's stay in touch as we both develop more information going forward.

Thanks,

Ayo

Ayo Griffin

Counsel

Subcommittee on Crime and Terrorism
Senator Sheldon Whitehouse, Chair
U.S. Senate Committee on the Judiciary
(202) 224-5168

[1] Michael Beckel, Nonprofit spends big on politics despite IRS limitation, NBC News, Jan. 28, 2013.

[2] AFF Form 1024.

[3] Letter to the IRS from AFF, August 18, 2008, at 3.

[4] Andy Kroll, Ex-IRS Director on Dark-Money Groups: "Investigate Them and Prosecute Them", Mother Jones, Jan. 14, 2013.

[5] American Future Fund, "Independent," YouTube (March 18, 2008).

[6] OpenSecrets.org, American Future Fund.

[7] OpenSecrets.org, 2012 Outside Spending, by Group.

[8] Beckel, *supra* note 13.

[9] Viveca Novak & Robert Maguire, Mystery Health Care Group Funneled Millions to Conservative Nonprofits, OpenSecrets.org.

[10] Crossroads GPS Form 1024 Part II Question 1.

[11] OpenSecrets.org, Crossroads GPS.

[12] *Id.*

[13] Americans for Responsible Leadership Form 1024.

[14] OpenSecrets.org, Americans for Responsible Leadership.

[15] Kim Barker, Controversial Dark Money Group Among Five That Told IRS They Would Stay Out of Politics, Then Didn't, ProPublica, Jan. 2, 2013.

[16] Chris Detrick, A peek at who's behind pro-Hatch nonprofit group, Salt Lake Tribune.

[17] OpenSecrets.org, Freedom Path.

[18] Rightchange.com II Form 1024.

[19] OpenSecrets.org, RightChange.com II.

[20] America is Not Stupid, Inc. Form 1024.

[21] OpenSecrets.org, America is Not Stupid.

[22] A Better America Now Form 1024.

[23] OpenSecrets.org, A Better America Now.
