



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

Telephone: (202) 514-3642

October 27, 2023

Reed Rubinstein
America First Legal Foundation
600 14th Street NW, 5th Floor
Washington, D.C. 20005
foia@aflegal.org

Re: FOIA-2022-00056
21-cv-03024 (D.D.C.)
VRB:JMB:CEY

Dear Reed Rubinstein:

This is a third interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on October 7, 2021, in which you requested records of the Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, and Office of Public Affairs concerning the October 4, 2021 memorandum of Attorney General Merrick Garland related to violence against school administrators since September 15, 2021.¹

We previously provided you with two interim responses to your request, most recently on August 26, 2023. In our most recent response, we noted that 403 pages of potentially responsive material were sent out on consultation with other Executive Branch entities. Please be advised that the consultation process has now been completed for 133 of these pages. At this time, I have determined that ninety pages containing records responsive to your request are appropriate for release with certain information withheld, including some withholdings made on behalf of the Executive Office for United States Attorneys (EOUSA), pursuant to Exemptions 5, 6, and 7(C) of the FOIA, 5 U.S.C. § 552(b)(5), (b)(6), and (b)(7)(C), and copies are enclosed. An additional forty-three pages are being withheld in full pursuant to Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Please be advised that certain pages within this release contain highlighting. This highlighting was present on these pages as located by OIP and was not added as part of our FOIA review process.


¹ Through counsel, the parties have subsequently reached agreements regarding the scope of this request, including an agreement that certain non-responsive information need not be processed. This information has been marked accordingly. For reference purposes, where appropriate, we have also noted whether FOIA exemption(s) apply to this non-responsive information.

Further, we have now completed the initial processing of an additional 709 pages of potentially responsive material. Ninety-seven of these pages have been removed as entirely duplicative of other processed material, including twenty-two pages that were referred to OIP by EOUSA.² We have also removed twenty-seven pages that we have determined are not responsive to your request, including eight pages that were referred to OIP by EOUSA. Finally, 585 pages of potentially responsive material have been sent out on consultation to other Executive Branch entities. We will provide a response on those pages once the consultation process has been completed.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Yoseph T. Desta of the Department's Civil Division, Federal Programs Branch, at (202) 305-3080.

Sincerely,



Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures

² For your information, the EOUSA tracking numbers associated with this request are LITG-2022-00006 and EOUSA-2022-000037.

From: Ramamurti, Arjun R. (OAG)
Subject: Materia s
To: Seidman, Ricki (OASG)
Sent: October 15, 2021 12:35 PM (UTC-04:00)
Attached: 10.13.21 Memorandum on Statutes_v3.docx, 10.14.21 List Spreadsheet.xlsx, Working list of statutes (task force).docx

Hi Ricki

Here's the background material we have so far.

Thanks,
Arjun

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State	County/School Board	Major city	Description of alleged incident	Publication Date	Source
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(b) (5)

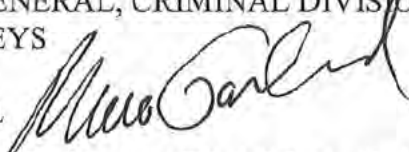
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Office of the Attorney General
Washington, D. C. 20530

October 4, 2021

MEMORANDUM FOR DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL 
SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL,
AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS
THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD
MEMBERS, TEACHERS, AND STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.

From: Rizzo, Sa vador
Subject: [EXTERNAL] Re: WaPo fact check question // DOJ memo on schoo safety
To: Co ey, Anthony D. (PAO)
Sent: October 14, 2021 3:24 PM (UTC-04:00)

Got it, thanks for your response.

Sal

From: Coley, Anthony D. (PAO) (b) (6)
Sent: Thursday, October 14, 2021 3:13 PM
To: Rizzo, Salvador (b) (6)
Subject: RE: WaPo fact check question // DOJ memo on school safety

CAUTION: EXTERNAL SENDER

Hi Sal, Thank you for reaching out.

Both the DAG and AAG Clarke were correct. Per the memo, "While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views."

Re: the meetings you mentioned: those groups were not mentioned in the AG's memo. Per the release, "... today Attorney General Merrick B. Garland directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, Tribal, territorial and local **law enforcement** leaders to discuss strategies for addressing this disturbing trend. These sessions will open dedicated lines of communication for threat reporting, assessment and response by law enforcement. [emphasis added]
<https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers> [justice.gov]

From: Rizzo, Salvador (b) (6)
Sent: Thursday, October 14, 2021 10:55 AM
To: Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO) (b) (6); Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] WaPo fact check question // DOJ memo on school safety

Hello, this is Sal Rizzo at the Washington Post Fact Checker. I'm looking into statements from Republican officials who have characterized [the Oct. 4 memo \[justice.gov\]](#) from Attorney General Garland on threats to the safety of school officials as "spying on parents" or "direct[ing] the FBI to intervene in local schoolboard meetings." The statements I am fact checking have come from House Minority Leader Kevin McCarthy, Sens. Tom Cotton and Josh Hawley, Gov. Ron DeSantis and Rep. Jim Jordan in recent weeks.

In recent Senate hearings, DAG Monaco and AAG Clarke have said the memo addresses only threats to the safety of school officials, not legitimate debate or petitioning.

Do you have a response to characterizations of the Oct. 4 memo as "spying on parents" or directing the FBI "to intervene in local schoolboard meetings"?

Deadline is 5 p.m.

Regards,

Sal Rizzo
Reporter, The Fact Checker
The Washington Post

(b) (6) desk
(b) (6) cell

@rizzoTK

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Coey, Anthony D. (PAO)
Subject: RE: Justice Department Addresses Violent Threats Against School Officials and Teachers
To: Josh Gerstein
Sent: October 14, 2021 12:04 PM (UTC 04:00)

Hey man! How are you??

Nothing new on this right now....

From: Josh Gerstein (b) (6)
Sent: Thursday, October 14, 2021 11:33 AM
To: Coey, Anthony D. (PAO) (b) (6)
Subject: [EXTERNAL] Fwd: Justice Department Addresses Violent Threats Against School Officials and Teachers

Hi Anthony

Hope all is well.

Is there someone at OPA tracking this who can provide an update? Like about the task force(s)?

thanks

Josh

Begin forwarded message:

From: Juan Perez (b) (6)
Subject: FW: Justice Department Addresses Violent Threats Against School Officials and Teachers
Date: October 14, 2021 at 11:15:00 AM EDT
To: Josh Gerstein (b) (6)

Good morning. Hope you're well.

I think it's time to check in on the progress of this – specifically the task force plans. Do you think DOJ would talk about this?

From: Josh Gerstein (b) (6)
Date: Monday, October 4, 2021 at 6:10 PM
To: TP-Education (b) (6)
Subject: Fwd: Justice Department Addresses Violent Threats Against School Officials and Teachers

Fy

Begin forwarded message:

From: "USDOJ Office of Public Affairs" <USDOJ.OfficeofPublicAffairs@public.govdelivery.com>
Subject: Justice Department Addresses Violent Threats Against School Officials and Teachers
Date: October 4, 2021 at 6:08:10 PM EDT
To: (b) (6)
Reply-To: USDOJ.OfficeofPublicAffairs@public.govdelivery.com



The United States Department of Justice

FOR IMMEDIATE RELEASE
WWW.JUSTICE.GOV/NEWS

October 4, 2021

Note: Read the Attorney General's memorandum [here](#).

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

Justice Department Addresses Violent Threats Against School Officials and Teachers

WASHINGTON – Citing an increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation's public schools, today Attorney General Merrick B. Garland directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. These sessions will open dedicated lines of communication for threat reporting, assessment and response by law enforcement.

"Threats against public servants are not only illegal, they run counter to our nation's core values," wrote Attorney General Garland. "Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety."

According to the Attorney General's memorandum, the Justice Department will launch a series of additional efforts in the coming days designed to address the rise in criminal conduct directed toward school personnel. Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.

The Justice Department will also create specialized training and guidance for local school boards and school administrators. This training will help school board members and other potential victims understand the type of behavior that constitutes threats, how to report threatening conduct to the appropriate law enforcement agencies, and how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

Threats of violence against school board members, officials, and workers in our nation's public schools can be reported by the public to the FBI's National Threat Operations Center (NTOC) via its national tip line (1-800-CALL-FBI) and online through the FBI website (<http://fbi.gov/tips>). To ensure that threats are communicated to the appropriate authorities, NTOC will direct credible threats to FBI field offices, for coordination with the U.S. Attorney's Office and law enforcement partners as appropriate. Reporting threats of violence through NTOC will help the federal government identify increased threats in specific jurisdictions as well as coordinated widespread efforts to intimidate educators and education workers.

Do not reply to this message. If you have questions, please use the contacts in the

call the Office of Public Affairs at 202-514-2007.

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Josh Gerstein
Senior Legal Affairs Reporter
POLITICO

(b) (6)
(b) (6)

Josh Gerstein
Senior Legal Affairs Reporter
POLITICO

(b) (6)
(b) (6)

From: Rojo Hugo
Subject: [EXTERNAL] Full transcript "Face the Nation with Margaret Brennan" - Oct 3 2021
To: Rojo Hugo
Sent: October 3 2021 2:51 PM (UTC-04:00)



This is a transcript of the October 3, 2021 broadcast of "Face the Nation with Margaret Brennan" on the CBS Television Network.

Watch + online transcript: ["Face the Nation with Margaret Brennan" on Oct. 3, 2021](#)

Please credit: "Face the Nation with Margaret Brennan" / CBS News

****RUSH TRANSCRIPT BY GINS****

MARGARET BRENNAN: I'm Margaret Brennan in Washington. And this week on FACE THE NATION, the standoff between Democrats on Capitol Hill continues, and our Covid death toll reaches a grim new milestone.

Last week was a revealing look into Washington's ways as Democratic budget battles reached new lows, and tensions within the party are at new highs. House Progressives, backed by the President, won this round as they blocked a vote on that trillion-dollar infrastructure bill that passed the Senate in August without bipartisan support. It's not that they don't like it. They're holding it up until Democrats get on board with the massive three-and-a-half trillion-dollar bill devoted to spending, for social programs and climate change. Moderate Democrats in the Senate, like West Virginia's Joe Manchin and Arizona's Kyrsten Sinema say that's a price tag that's too high.

WOMAN: This is not giving out money, this is not spending. This is investing and this is building the state that we both love!

MARGARET BRENNAN: And they're both feeling the heat from the left.

SENATOR JOE MANCHIN: And all they need to do is we have to expect more I guess for them to get the results, expect more results.

MARGARET BRENNAN: So is President Biden. He spent the week huddling with Democrats in Washington and announced he's going on a road trip to see his proposals.

PRESIDENT JOE BIDEN: We had hurricanes and floods and we had these things like we had anyway, a lot was going on. A lot was going on.

MARGARET BRENNAN: The President says he has been busy, but promised a new focus on his domestic agenda.

PRESIDENT JOE BIDEN: Biden vowed he's going to do this. Biden is going to work like he to make sure we get both these passed and I think we will get them passed.

MARGARET BRENNAN: Can he unite the party and fix the mess that's become the subject of late night shows.

WOMAN (Saturday Night Live): Can't we compromise on anything? Isn't something better than nothing?

MARGARET BRENNAN: The representative Alexandria Ocasio-Cortez will be here, and we'll ask her that very question.

Plus, New Jersey Democratic Senator Cory Booker on prospects for police reform. He'll respond to our interview last week with South Carolina Republican Tim Scott.

And although Delta variant cases are finally starting to slow, West Virginia is in crisis. We'll talk with West Virginia Governor Jim Justice, Doctor Anthony Fauci, and Former FDA Commissioner Doctor Scott Gottlieb. It's all just ahead on FACE THE NATION.

MARGARET BRENNAN: Good morning, and we come to FACE THE NATION. These are interesting times here in Washington. We're used to the political battles being back and forth between Republicans and Democrats, but today we find ourselves in an increasingly polarized debate between Democrats. The factions within the party, the Progressives or liberals, and the Moderates. We asked some of the key Moderates on both sides of Congress to join us this morning and they didn't take us up on our invitation. But we do begin today with a key Progressive, New York Representative Alexandria Ocasio-Cortez, Congresswoman, it's great to have you here in studio.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ (D New York/RepAOC): Great to be here. Thank you.

MARGARET BRENNAN: So you have this standoff right now. How realistic is the risk that the Democrats end up with nothing?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: You know I know that you know, I believe that the entire party is committed in devoting for for this country. And I know that our caucus, the House Democratic caucus, is entirely focused on devoting for this country. But I think the question that we're having right now, and the reason why we are having this discussion right now, is because we don't want to leave communities behind. And also often DC politics, you know, when we have to make a compromise, the folks that get compromised are lower income, working class families. It's healthcare, it's retirement, it's communities of color. And we want to make sure that we're fighting for all of us, not just some of us.

MARGARET BRENNAN: Which is why you're using your leverage right now to hold up the other trillion-dollar infrastructure bill. But the head of your caucus, the progressive caucus, was on another network this morning and Representative Jayaprasad one and a half trillion dollars is just too small. That's the number that Senate Moderate Joe Manchin, in particular, want to get down to. President Biden, according to our reporting from Ed O'Keefe, our correspondent, says you're going to have to settle for about two trillion dollars. Is that an acceptable thing for you?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: So here's here's where I think the problems. It's that when we talk about top line numbers, there's a lot of that's hidden in that discussion. And so, the reason why this this conversation shouldn't be about numbers, but it should be about what substantive programs are being to be excluded or that

MARGARET BRENNAN: That's coming from the White House.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Yeah, but the White House isn't making the demands to exclude unversal childcare or universal Pre K. This is coming for the more conservative wing of the Democratic Party. And those are but those are the conversations that we need to have, because he's saying that Washington math is notoriously funny and you can make a three trillion you can make a one trillion do a billion into two trillion. You can make a three trillion do a billion that helps fewer people, etc. And so that's why we really need to talk about the substance of this. The budget bill that House Progressives are trying to fight for, the Biden Budget Back Better agenda, includes unversal Pre K, free community college, expansion of Medicaid, we're fighting for expansion of Medicaid. And these are the things that we are saying, in addition to the very real climate threat that we have, emissions reductions, are worth standing up for.

MARGARET BRENNAN: So but a two trillion do a billion, that means you're going to have to maneuver here somewhere.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Mm Hm.

MARGARET BRENNAN: The head of your caucus said this morning you're looking at shorter funding periods for programs. So instead of chopping, sort of nipping and tucking.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Yes, yes.

MARGARET BRENNAN: So, what's non negotiable there for you?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: So, you know, you bring up an excellent point, in that the fact is that we do have to compromise with with the fact that we have Senator Manchin and Sema, who refuse to support certain programs for working families. And so, the compromises and options that we have before us do we shorten our funding programs? Do you reduce the level of funding? Do you cut programs out together? I think that one of the deals that's out there is fully fund what we can fully fund, but maybe instead of doing it for 10 years, you fully fund it for five years or you fully fund it

MARGARET BRENNAN: What are you thinking of when you throw that out as an example?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: So I think, you know, I think there's a there're so many different programs in the budget bill. First of all, I think it's unfortunate that we have to, even as Democrats have a discussion about not having a child tax credit. I think it's unfortunate that we have to compromise with ourselves for an ambitious agenda for working people. I believe that free community college should be that should be a standard, that should we should have K through 14. But this is one bill and perhaps we can vote for more down the line, and we've discussed with the President about that, continuing that funding. But there's a there's a wide variety of those programs, and I would encourage folks in the community to also reach out to the re-elected officials to let them know what programs they want to make sure are kept. But I think there are some things that are that are that are very, very important to us.

MARGARET BRENNAN: What's your for you, what's non negotiable?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: You know, I think some of some of the climate provisions that we have, we cannot afford to increase carbon or just fossil fuel emissions at this time. That's simply the science. That's not something we can kick down the line. Right now, both the IPCC report say that this

MARGARET BRENNAN: Mm Hm.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: coded for humanity, as we as recent reporting, saying that if you're under forty, keep myself, keep millions of Americans, you'll be seeing a catastrophic increase

MARGARET BRENNAN: You're going to run right into Senator Joe Manchin on those issues though

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Mm Hm.

MARGARET BRENNAN: you know that.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Mm Hm. Yes. And I think I think Senator Manchin is going to run to the science, as we

MARGARET BRENNAN: So, what do you think that means? And he also has said for him, this bill will be dead on arrival if it does not include the Hyde Amendment

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Mm Hm.

MARGARET BRENNAN: which would ban federal funding for abortion.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Mm Hm. So, I think what we're seeing here is a dynamic where progressives are trying to skin the cat in different ways, but moderates are not really coming to the table. I will and I don't even want to call them moderates because there's a lot of moderates in the party that don't keep being associated with with some of this hard line tactics. It's it's a very tiny contra of of conservative Democrats. But but I mean this is the issue is that we're saying, okay, we're going down from six trillion to three trillion.

MARGARET BRENNAN: Mm Hm.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Now it's one trillion and we have some these conservatives that say, we, our net is zero and

you're lucky if you get one. And this isn't I want to ground this conversation because this isn't a tit for tat between personality it's not about me and Senator Manchin.

MARGARET BRENNAN: Mm Hm.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: It's about families in the Bronx. This is about people who need to take the subway take a bus to drop the kids off at school, and they're not going to be able to go back to work because they don't have childcare to go back to work.

MARGARET BRENNAN: But but this is a question about the vision for the Democratic Party. And last year, you were very, very frank. During the presidential race you said, "In any other country, Joe Biden and I would not even be in the same party, but in America, we are." Has Joe Biden proved himself progressve enough for you now?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Yeah, you know, I think and and those comments are are are referring to parliamentary systems in other countries where there's a lot more diversity. We don't have a two party duopoly in other countries the way that we do in ours, but I think that President Biden has been a good faith partner to the entire Democratic Party. He is, in fact, a moderate and we do agree on certain issues. But he reaches out and he actually tries to understand our perspective and that's why I am fighting for his agenda.

MARGARET BRENNAN: Mm Hm.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: with the Build Back Better Act.

MARGARET BRENNAN: Are you surprised, though, that he hasn't been able to deliver those Senate moderates that you're having those problems with?

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: No. No, I think that for quite some time we have seen that some of these conservatives in the party. You know this is not about a team, it's about, you know, individual sort of preferences. But that's okay. You know, we're going to come together. I believe in the vision and commitment of our party for working people. And the thing is that we have to respect a families and a voters.

MARGARET BRENNAN: Well lastly, just, you know, these moderates in the House as well, not just Senator Manchin would say, you're not paying for the team when you hold one hostage, as they would say for the other, and put a bill that has roads and bridges and jobs potentially at risk.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Well, the agreement several months ago to even proceed on that one bipartisan bill was that it was tied with with our larger Build Back Better Agenda. And the reason when some folks say, well, why can't you just pass this, and we'll see everything else later? First of all, we do not. You know, both of these bills need to pass. Both will not pass if they if people try to separate them, if we try to diverge from that agreement that was set several months ago. We can't simply invent new terms midstream and then expect everyone else that those in a terms to hold. I'm working to hold up my end of the bargain by sticking to both. And we want a we need to expect a of our lawmakers who are part of that deal to stick to that bargain.

MARGARET BRENNAN: Congresswoman, thanks for coming in today.

REPRESENTATIVE ALEXANDRIA OCASIO CORTEZ: Thank you so much.

MARGARET BRENNAN: We turn now to COVID, the pandemic and Doctor Anthony Fauci, the President's chief medical adviser. Good morning to you, Doctor Fauci.

ANTHONY FAUCI, M.D. (Chief Medical Adviser to President Biden/Director, National Institute of Allergy and Infectious Diseases): Good morning.

MARGARET BRENNAN: Seven hundred thousand American dead. This is now the worst pandemic the country has ever experienced. Are we close to over? Do we need to brace for another wave?

ANTHONY FAUCI: Well, you know, one of the things we want to make sure is that we have had over the last few weeks a turning around of the acceleration of this, starting to come down in cases and hospitalizations and soon deaths. The one thing that we don't want to do is that we don't want to become complacent and say, "Okay, now we need to pull back, we don't need any more people to get vaccinated." We need

MARGARET BRENNAN: Right.

ANTHONY FAUCI: to continue to get those individual cases now, seventy million people who are eligible to be vaccinated vaccinated because if you look at the history, Margaret

MARGARET BRENNAN: Mm Hm.

ANTHONY FAUCI: of the different surges we've had, it's come up, start to come down and then a of a sudden boom, come back up again. As it's coming down, we have with our capability, we can make this happen. Namely go down to a very, very low level, with vaccination and with mitigation.

MARGARET BRENNAN: We

ANTHONY FAUCI: So that's the one thing I want to make sure that our viewers realize that we've done well in the sense of getting fifty five percent of the population fully vaccinated and sixty four percent with at least one dose. But we've got to keep pushing on the vaccination front.

MARGARET BRENNAN: Okay. You said, "Don't let your guard down." There are two new studies out that show COVID's gotten better at transmitting through aerosols, just through the air. What does that mean? We're going into cold weather. We're going into the holidays. Do people need to start looking around and saying it's just too risky to gather with family members if there are unvaccinated children?

ANTHONY FAUCI: Well, Margaret, I believe just the way the CDC has recommended that when you are in a situation where you have dynamics of virus in the community, where there's a carry a lot of spread, even if you are vaccinated and you are in an indoor setting, a congregating setting, it just makes sense to wear a mask and to avoid high risk situations. And what we should be doing is look at ventilation in indoor spaces. We know now that this is clearly spread by aerosol, and when you have something spread by aerosol, you also ultimately want more ventilation, which is the reason why outdoors is a ways much safer than

nd doors. And if you are indoors, ventilation is going to be key. And that's the reason why we really should be paying attention to that.

MARGARET BRENNAN: But we can gather for Christmas, or it's just too soon to tell.

ANTHONY FAUCI: You know, Margaret, it's just too soon to tell. We've just got to concentrating on continuing to get those numbers down.

MARGARET BRENNAN: Right.

ANTHONY FAUCI: And not try to jump ahead by weeks or months and say what we're going to do at a particular time. Let's focus the laser on continuing to get those numbers down. And we can do that by people getting vaccinated and also in the situation where boosters are appropriate to get people boosted because we know that they can help greatly in diminishing infection and diminishing advanced disease, the kinds of data that are now accumulating in real time.

MARGARET BRENNAN: The President announced nearly a month ago that businesses need to mandate vaccines for the employees or submit them to weekly testing. We looked; it's been a month. None of this paperwork has been filed with OSHA to make that happen. Was this a stunt or are you seeing companies follow through even without the legal mandate filed?

ANTHONY FAUCI: I think some of them are, and I think you'll be seeing a lot more once we get past these legal issues. I think what the President said about companies greater than one hundred individuals is a good thing, and you're seeing a so-called groups, universities and businesses are doing that, are mandating vaccines in particular saying.

MARGARET BRENNAN: But you're speaking with immunity. But when you're speaking with immunity, it doesn't seem reflected in the action here.

ANTHONY FAUCI: Well, certainly if you look at universities now, we've had, I believe, Margaret, if I'm not mistaken, close to a thousand or more universities are saying that if you want to be on campus with real-time classes.

MARGARET BRENNAN: Mm Hm.

ANTHONY FAUCI: You really have to get vaccinated or you can't come and there are businesses that are doing that. I mean airlines look at airlines, the mandate of the airlines where you have now ninety-nine percent of certain airlines employees are vaccinated.

MARGARET BRENNAN: Yeah.

ANTHONY FAUCI: So when you do that when you tell people that here are alternatives that if you do not want to get vaccinated, you're not going to work or you're not going to be able to go to school. I think that the emergent nature of what we're dealing with actually does justify that.

MARGARET BRENNAN: We've seen such an uptick in infections among kids and low uptake of the vaccine in that twelve to seventeen range California from a just mandated start as of January is the estimate. Do you think other states should should follow suit?

ANTHONY FAUCI: Well, I agree with what Governor Newsom did in California. I mean I'm not going to get into the local issues on why to talk about general principles that people need to realize that having a vaccine requirement for schools is not a new novel thing that is very peculiar or specific.

MARGARET BRENNAN: Mm Hm.

ANTHONY FAUCI: To COVID-19. We've been doing this for decades. My own children could not have gone to school if they had not gotten vaccinated with the measles, mumps and rubella. So when we see pushback on that, it's as if this never happened before. It's actually ongoing with other vaccines. So, it's do it with a virus that's very, very serious.

MARGARET BRENNAN: Mm Hm.

ANTHONY FAUCI: And as you just mentioned with the numbers, Margaret, has caused an unprecedented number of deaths and infections in this country.

MARGARET BRENNAN: We had news this week from Merck that they have this new pill. They submitted to the FDA that can reduce the chances of hospitalization if you get COVID. The government has purchased 1.7 million doses. That doesn't seem like nearly enough. Why didn't the government place a bigger bet on this drug?

ANTHONY FAUCI: Well, I think the government placed a good bet on it. You know when people some people were saying, well, it's, you know, it's it's no proof at all or even indication it's going to work. We went ahead and purchased 1.7 million. We have the option for millions more. And now that we have this success, the company certainly is going to rev up and make tens and tens of millions more for the rest of the world and for us. So, it's good news, and I think we were very prescient in making that determination way back of making a purchase of 1.7 million billion.

MARGARET BRENNAN: You don't worry that the

ANTHONY FAUCI: Excuse me. I'm sorry.

MARGARET BRENNAN: You don't we're talking millions.

ANTHONY FAUCI: It's millions. Sorry.

MARGARET BRENNAN: Billions, trillions these days now. Understood. But you don't worry that that in the immediate term, the American government will be pushed to the back of the line before these foreign governments have the new purchase orders filed.

ANTHONY FAUCI: You know I don't think so, Margaret, at all. I mean, I think this is good news and I think it's going to be an important addition to our armamentarium. What I won't want people to be doing is to say, well, now that we have a drug, we don't need to get vaccinated.

MARGARET BRENNAN: Right.

ANTHONY FAUCI: The easiest way to not get in a hospital and not die is to not get infected in the first place.

MARGARET BRENNAN: A right. Doctor Fauci, thank you for your time this morning.

ANTHONY FAUCI: Good to be with you, Margaret. Thank you for having me.

MARGARET BRENNAN: FACE THE NATION will be back in a minute. Stay with us.

(ANNOUNCEMENTS)

MARGARET BRENNAN: Overall, two thirds of Americans over eighteen are fully vaccinated, and a new study last week determined unvaccinated Americans were eight times more likely to get the Delta variant than those who are vaccinated and were fifty seven more times more likely to die. West Virginia is one state in crisis due to the Delta variant, and the vaccination rate is considerably below the national average. Republican Governor Jim Justice joins us. Governor, you were leading the pack out of the gate and now you've hit the wall. Why aren't you able to convince more of your constituents to get immunized?

GOVERNOR JIM JUSTICE (R West Virginia @WVGovernor): Well, Margaret, we're a long ways from being in crisis in West Virginia. If you look at our death rate compared to the national average, we're still below the national average with our death rate. We got out of the gate right, you know, and vaccinated our people.

MARGARET BRENNAN: Your hospitals are getting overwhelmed.

GOVERNOR JIM JUSTICE: I'm sorry?

MARGARET BRENNAN: Your hospitals are getting overwhelmed; you have a high infection rate.

GOVERNOR JIM JUSTICE: We're overwhelmed across this country. I mean, for crying out loud, you know, West Virginia is managing it absolutely great. And in every way, from the standpoint of getting out first and vaccinating our people first in West Virginia, we wish that the boosters would have come along sooner, because we got out so early that really and truly, we were at the six months, you know, situation way before. And think about this for just one second, Margaret.

MARGARET BRENNAN: We

GOVERNOR JIM JUSTICE: On Tuesday or Wednesday of this coming week, we will have given and administered every single one of our Pfizer vaccines to every nursing home we have in this state.

MARGARET BRENNAN: We, governor

GOVERNOR JIM JUSTICE: To say West Virginia is in a crisis is wrong. That's just a there's to it.

MARGARET BRENNAN: Governor, you just asked the Biden administration for more monoclonal antibodies, which is one of the treatments for people who are hospitalized with this virus, and they denied it. You need that because people are very sick. Are you concerned that your request was denied?

GOVERNOR JIM JUSTICE: Well, sure, we're concerned. We weren't denied, it was just overruled. But with a lot of that, you know, Margaret, the reality is the supply, you know, the southern states just gobbled up the supply and everything. And and again, the Biden administration is standing there holding the bag. We need more antibodies here, but we're managing it.

MARGARET BRENNAN: You were talking about your dispute of characterization of where you are with vaccinations, but you do seem to have hit a wall with the younger people in your state. You've done all these things with mascots, with your bulldog Babydog. You've got given away guns, you're giving away these things. Why can't you increase vaccinations?

GOVERNOR JIM JUSTICE: Well, I just think about it. You know, since we came out with our campaign with a little old English bulldog or Babydog, you know, it's got a face that makes everybody smile and she loves everybody. You know but with a lot that we have vaccinated hundreds of thousands of more West Virginians. It's been tremendous and successful. You know, a lot of us, a lot of us, across this nation hit a wall.

MARGARET BRENNAN: Yeah.

GOVERNOR JIM JUSTICE: We need to know that the more we get vaccinated, the more we live, we know that.

MARGARET BRENNAN: Governor

GOVERNOR JIM JUSTICE: But at the same time, we protect our freedoms. Do we not?

MARGARET BRENNAN: We're going to talk more on the other side of this break. So stay with us.

GOVERNOR JIM JUSTICE: Okay.

(ANNOUNCEMENTS)

MARGARET BRENNAN: If you're not able to watch the full FACE THE NATION, you can set your DVR or we're available on demand. Plus, you can watch us through the CBS or Paramount Plus app.

(ANNOUNCEMENTS)

MARGARET BRENNAN: We'll be right back with West Virginia Governor Jim Justice, former FDA Commissioner Doctor Scott Gottlieb and New Jersey

Senator Cory Booker. Stay with us.

(ANNOUNCEMENTS)

MARGARET BRENNAN: We come back to FACE THE NATION. We want to continue our conversation with West Virginia Governor Jim Justice.

Governor, let's pick up where we left off, which was how your state is faring right now with vaccinations and with COVID. Your health officials, Doctor Cay Marsh at a press conference just this week, talked about how much your medical system is under strain right now, saying that the number of COVID cases and hospitalizations is higher than it has been during the entire pandemic. And you yourself said you're right in the eye of this storm. So, what's the problem? Why aren't people protecting themselves?

GOVERNOR JIM JUSTICE: Well, Margaret, they are, you know, I mean, we are in the eye of the storm, we're right at the peak of the surge right now. And from our hospital standpoint, we're absolutely, you know, we're still doing elective surgeries and we're still doing that. We are not overloaded from the standpoint of our hospitals being, you know, having to turn people down and all that. We are absolutely, you know, our managing this and managing it in a right way. But we are right at the peak of our surge here, and we're very hopeful that it's starting to decline. It's declining in certain ways. But we're still going to be very, very diligent in what we do.

MARGARET BRENNAN: You yourself at your press conference this week encouraged parents to vaccinate their children. California's governor's mandating kids twelve to seventeen get a vaccine to go into the school room after around January. Are you going to mandate that for school kids as well?

GOVERNOR JIM JUSTICE: No chance.

MARGARET BRENNAN: Why?

GOVERNOR JIM JUSTICE: No chance.

MARGARET BRENNAN: Why are you, you mandate as governor as governor, you mandate we looked, measles, mumps, rubella, tetanus, polio, other vaccines, why won't you put COVID on that list?

GOVERNOR JIM JUSTICE: Now, Margaret, you know you don't have to come in so hot. You guys asked me to come, you know? But, Margaret, to bottom line the whole thing is just this

MARGARET BRENNAN: Well, I am asking you to clarify.

GOVERNOR JIM JUSTICE: I truly believe that the mandates on you divide us and on you divide us more. From the standpoint of mandates, I don't believe in imposing upon our freedoms over and over and over. And I've said that over. I don't know how many times I got to say that

MARGARET BRENNAN: Mm Hm.

GOVERNOR JIM JUSTICE: But from the standpoint of our children, I'm going to still encourage in every way because I truly believe that the more people that we get vaccinated

MARGARET BRENNAN: Yeah.

GOVERNOR JIM JUSTICE: The less people we die. But at the same time, we still got to stand up for who we are. For crying out loud, we're Americans.

MARGARET BRENNAN: I know this has become a big issue for the Republican Party, which which you are a part of in terms of framing this as a freedom of choice, but for small children you mandate that the parents get them those immunizations so that they are safe in the classroom. They don't have freedoms as children to choose whether or not to get polio or not. We protect them against that. Why don't you want to protect those children by mandating that?

GOVERNOR JIM JUSTICE: Well, Margaret, Margaret, to to to think that I don't want to protect the children is ridiculous. I mean we all want to protect our children. But parents have decisions to make in this situation, too, just like the local officials have decisions to make. For crying out loud, you know, that's that's who should be making these decisions is the parents, you know. And and from the standpoint of the federal government

MARGARET BRENNAN: Well, you'd make those decisions as a governor, actually.

GOVERNOR JIM JUSTICE: Well, we can go on and on about this forever, but but in this situation, we're not going to change and and really and truly, it never has really mattered to me. You know I do think this nation is so divided from the status standpoint of partisanship, it's unbelievable.

MARGARET BRENNAN: Yeah.

GOVERNOR JIM JUSTICE: And right now, what you had AOC say just earlier, you know, our team needs to be better. Well, you elected individuals, you don't elect a team, you elect individuals to come to Washington and voice their opinions.

MARGARET BRENNAN: Mm Hm. Yeah.

GOVERNOR JIM JUSTICE: Not elect a party. You know, you elect you elect you elect individuals.

MARGARET BRENNAN: Right. Right. Well, Governor, thank you very much for your time today.

GOVERNOR JIM JUSTICE: All right.

MARGARET BRENNAN: Only about a third of the world's population is fully vaccinated against COVID, with developing countries lagging far behind. Elizabeth Palmer will have the latest from London.

ELIZABETH PALMER (CBS News Senior Foreign Correspondent): Good morning. We passed another global milestone in the pandemic this week: Few million people have now died from COVID-19.

(Begin VT)

ELIZABETH PALMER: But in Britain, where the London Marathon went ahead this morning for the first time in two years, fewer people are dying. In fact, thanks to high vaccine uptake across Europe, the death rate here is less than half what it is in America. Not so in Russia, which has had record COVID deaths this weekend. Fewer than one in three Russians have been vaccinated. When a descendant of the Russian royal family was married in Saint Petersburg, there were fifteen hundred guests and not a mask in sight. This is typical. Many Russians believe natural bodies give both adequate protection and bragging rights.

(Vladimir Putin speaking foreign language)

ELIZABETH PALMER: Here's Vladimir Putin telling Turkey's president, Erdoğan his ant body even sixteen. Erdoğan responds, mine's a hundred. In Israel, by contrast, vaccines, three of them, including the booster is the new norm for everyone over twelve. That's coverage the developing world can only dream of. Ngozi Okonjo Iweala heads the World Trade Organization.

NGOZI OKONJO IWEALA: Where nearly sixty percent of people in developed countries are fully vaccinated, in Africa, the figure is barely four percent.

ELIZABETH PALMER: African leaders want countries like the U.S. to lift vaccine export controls to free up millions of doses. But in the wealthy West, the virtues of free, as we knew it, are returning. In France, a base, the kisses on the cheek, is back.

(End VT)

ELIZABETH PALMER: That's as long as the vaccine resistant mutation of the virus doesn't emerge, but epidemiologists are saying that's still a very real possibility. Margaret.

MARGARET BRENNAN: Elizabeth Palmer in London, thank you.

We go now to former FDA Commissioner Doctor Scott Gottlieb, who also sits on the board of Pfizer. He is the author of *Uncontrolled Spread: Why COVID-19 Crushed Us and How We Can Defeat the Next Pandemic*. Doctor Gottlieb, a ways good to talk to you. I want to pick up with you where

SCOTT GOTTLIEB, M.D. (Former FDA Commissioner/@ScottGottliebMD): Thanks.

MARGARET BRENNAN: Where I left off with Governor Justice, which was on this question of vaccine mandates for children. He didn't like the comparison of the COVID-19 vaccine to the other vaccines he mandates as a governor. Measles, mumps, rubella, tetanus, polio. Should it be considered different?

SCOTT GOTTLIEB.: Well, I think it's inevitable that the COVID vaccine is going to be incorporated into the childhood immunization schedule. CDC ultimately has to take that up. My guess is they're not going to take that up until you have fully approved vaccines for children, until you have more than one vaccine in the market available to kids. So that might be more of a fall 2021, 2022 type of event. But you're going to see other states and local districts moving forward with their own mandates. And I think the right focus for decisions around these mandates is at the local level. So, you're going to see other states like California taking this up.

MARGARET BRENNAN: Right, which they did. But Governor Justice what you're talking about is a practical matter of timing. He said it's about personal freedom and parents making decisions for themselves, and it's a theme that we continue to hear, particularly from Republicans. Senator Ted Cruz this week said he stands with NBA players refusing to be vaccinated, for example. The Republican governor of Texas, Fort Worth, they're saying that so, it's a matter of free choice. You've been concerned about potentialization of vaccines. Aren't we already there?

SCOTT GOTTLIEB: We are there. Look, these are not just individual choices, these are collective decisions and what we've always we've always looked at vaccination as a collective decision. That's why we have a childhood immunization schedule because your behavior with respect to your choice around vaccination affects your community. That's why I think the right focus of decisions making around these mandates is as local as possible. So to the extent that governors and mayors can do this. I think that's going to deprioritize these kinds of decisions. It's when the federal government steps in that becomes more of a political issue. I do worry about the consequences of the moment we're in. The fact that now vaccination is something that's dividing us culturally and politically, because I think that's going to have broader implications than just around COVID. I worry that going forward, we're going to see vaccination rates decline as this becomes more of a political football. And we see people everywhere governors running against vaccine and vaccine mandates in the next presidential cycle. That's going to be deleterious to the public health generally, that's what comes out of this episode, we're in.

MARGARET BRENNAN: And that was your, if I understand it, your chief criticism of President Biden's decision a month ago to issue a mandate. One he hasn't followed for yet, but at least announced.

SCOTT GOTTLIEB: Yeah, I would be trying to use big carrots rather than sticks when it comes to private businesses. I think that's where they might have crossed the line, that really created more acrimony and gave people on the political right, frankly, something to now run against. Certainly, the federal government's been in its right with the mandates on federal workers. I think health care workers should be mandated to get vaccinated. We require them to get vaccinated for chickenpox and hepatitis B and influenza. I think a mandate on the Medicare program makes a lot of sense. Using the Medicare program to try to incentivize Medicare providers to get the populations vaccinated at higher levels. That's going to protect a lot of senior citizens. So, there's certainly too much that the federal government has at its disposal. But I think when you're getting down to private businesses in states, you want to see those decisions made by the businesses, by the state at the local level. I think the federal government could step in with incentives to try to drive that behavior.

MARGARET BRENNAN: Mm Hm. We asked Doctor Fauci about this proposal from Merck that was announced as being successful fifty percent of the time in reducing or excuse me, reducing by half the chance of hospitalization. 1.7 million doses, are you concerned that's not enough?

SCOTT GOTTLIEB: Well, it's not enough. 1.7 million doses, by virtue of the indication that this is probably going to be approved for, would cover us with one month of the Delta wave. I mean it would have covered one month in the Delta wave in the South. So, I think there could have been a little more forethought to trying to get more manufacturing in place and procuring more doses. Just to give you a basis of comparison, the Strategic National Stockpile has anywhere between fifty million and eighty million courses of therapy for a feared pandemic flu. So, you know, contracting for 1.7 million doses wasn't

enough to cover any appreciable portion of this pandemic. This drug looks very promising. This is the most profound treatment effect based on the top line data that I've seen from an orally available drug in the treatment of any respiratory pathogen. So, you know, hopefully Merck is going to be in a position to file the data with FDA this week. They can make an emergency use authorization request as early as this week.

MARGARET BRENNAN: Mm Hm.

SCOTT GOTTLIEB: And depending on how long the FDA takes, and the FDA has seen a lot of this data already, you could see this drug available very soon.

MARGARET BRENNAN: Is it going to have to be rationed, though?

SCOTT GOTTLIEB: Depending on what happens with the COVID spread, it's going to have to be rationed, yeah. I would expect to see a scheme similar to what we have with the antibody drugs, but this is going to be allocated to states.

MARGARET BRENNAN: Alright. Doctor Gottlieb, thank you for your analyses, as always.

We're going to take police reform up next with Senator Cory Booker.

Stay with us.

(ANNOUNCEMENTS)

MARGARET BRENNAN: Last Sunday, South Carolina Republican Senator Tim Scott gave us his explanation for why bipartisan negotiations on police reform collapsed. We spoke Friday to his Democratic counterpart, Senator Cory Booker to find out that despite getting the Fraternal Order of Police, the country's largest police union, to support his bill, he couldn't get Republicans to do so. The last straw, he said, was when Senator Scott refused to codify former President Trump's 2020 executive orders which required certain criteria for police departments to receive federal money. That prompted Senator Booker to walk away something for which he says he takes "full responsibility."

(Begin VT)

SENATOR CORY BOOKER (D New Jersey/@CoryBooker): We were working to take a lot of things. I told my staff, "We're not going to even take half a loaf. Let's take a couple slices of bread." The one area we had was on chokeholds, where there was conditions of grants and the like, but there was no other areas of agreement that we had yet established. And when we started giving some just basic things that we didn't think were that great, we couldn't get the agreement there. And it's unfortunate because it's basically the issues that the families were asking these are families of people that were murdered the issues that the police officers who are now standing up and agreeing with us and by far the majority of police officers are represented by at least the FOP. What everybody was saying is, let's make a situation, just increase transparency, raise professional standards

MARGARET BRENNAN: Mm Hm.

SENATOR CORY BOOKER: and create more accountability when an officer does something really, really against the law as we as our common values. That's what we were looking for.

MARGARET BRENNAN: So, specifically, because Senator Scott was specific in his criticism. He said do that you wanted police departments to hand over data to the federal government from every investigation encounter with police, including routine traffic stops, or if they don't do that, they would risk losing money.

SENATOR CORY BOOKER: I think that we should be in a nation that if an officer uses physical force, whether that's a body camera, that that data should be collected. Right now we do not have a collection on these things. I think, to give transparency to any town, we should start understanding what are the traffic stops, the demographics of those, and the like. We've in a country where both Senator Scott and I have had personal experiences

MARGARET BRENNAN: Mm Hm.

SENATOR CORY BOOKER: with wrongfully stopped being stopped by police, guns drawn on us, accused of things that we didn't do. If there's no transparency to those actions, we can't deal with this. As a former manager of a city, if you can't measure it, then you can't manage it.

MARGARET BRENNAN: So given that you say you did have some areas of agreement

SENATOR CORY BOOKER: We had one area of agreement on chokeholds

MARGARET BRENNAN: Mm Hm.

SENATOR CORY BOOKER: which, frankly, across the states, red states and blue states are banning those actions.

MARGARET BRENNAN: Yeah.

SENATOR CORY BOOKER: We did not have enough to do the kind of data transparency that was necessary, the kind of raise professional standards that even police officers are now saying the majority of folks who represent them. And we did not have real consequences. Remember there are things we've been debating from the beginning about qualified immunity, other shields to hold officers that do bad things accountable.

MARGARET BRENNAN: But qualified immunity had been put to the side for the moment. Is that correct?

SENATOR CORY BOOKER: It there's definition. This is what I mean about not being wrong

MARGARET BRENNAN: Yeah.

SENATOR CORY BOOKER: not sticking with the full loaf. But we did want, what the FOP and others agreed to, some movement on the criminal

standards and some movement on holding municipal accounts accountable for when the officers do horrible, horrible things.

MARGARET BRENNAN: So the argument that Senator Scott was making is that doing that, by saying there will be punitive action against you or you won't be eligible for those grants, is asking to restrict funding. And he used that term "Defund the police," which has frankly dogged Democrats for some time because it just creates a perception of being somehow soft on crime, right? So, how do you respond to that? Do you think when he's using that particular phrase in explaining why you walked away, that this is just a political game?

SENATOR CORY BOOKER: Again, this is a moral moment. This is not about a back and forth between Tim and I. It's a moral moment. And to get big compromises done, which I've accomplished before, you have to have people that are willing to take risks.

MARGARET BRENNAN: But it was Democrats who walked away twice. That's what he would say and that's what Republicans have said that. In 2020 it was Democrats who walked away from Republican police reform bills and this time Democrats are walking away.

SENATOR CORY BOOKER: Again I mean by that math they walked away from the George Floyd bill. Remember, there was two bills put out. We were trying to do the honest, hard work of finding a compromise. Along that pathway, we did something people didn't expect. Major law enforcement organizations were not known to agree with Democrats, came to agreement.

MARGARET BRENNAN: Mm Hm.

SENATOR CORY BOOKER: And we didn't and we were not able to do it. We would not have gotten the people on the fringes, people in both parties would have disagreed with it. I wouldn't give up on this bill because this is not a partisan issue, this is a moral issue. We have a problem in policing in America.

MARGARET BRENNAN: So, what does that mean? Because President Biden, when he blamed Republicans, said he's going to get this done through executive action. What you're saying, it sounds like you're going to try to reverse this?

SENATOR CORY BOOKER: I think there's a lot that President Biden is going to step up and do, and I'm excited about that. And for Washington, who are I'm a baby. I've been here for eight years, but I do know now on the big bills that I've been able to get passed, compromised bills in the criminal justice system, it often would take more than one Congress. We are going to do this because the families deserve it, there's not enough justice in policing.

MARGARET BRENNAN: When?

SENATOR CORY BOOKER: Whenever we can.

MARGARET BRENNAN: When? I mean we had racial justice protest movement that shook this country.

SENATOR CORY BOOKER: Right.

MARGARET BRENNAN: This was an opportunity.

SENATOR CORY BOOKER: Yes.

MARGARET BRENNAN: We've been through two Congresses. Now are you telling us wait until after 2022?

SENATOR CORY BOOKER: So, again, as Martin Luther King would say, "how long?" You know, people have been told to wait. Justice delayed is justice denied. And for those families I've talked to over the last weeks, they're rightfully impatient. I cannot change the minds of some Republicans, but I've got enough momentum now that I'm going to continue to work. I can't tell you when, but I will tell you this: We have a ready seen progress, from Kentucky to Colorado. We have seen the activism of people in the streets demanding and creating real substantive change. We offered in these negotiations

MARGARET BRENNAN: But if Democrats lose the majority in 2022, do you think you are more likely to get the kind of change you want?

SENATOR CORY BOOKER: I don't know what this is, but I'm telling you I'm not giving up. And again, law enforcement leaders will tell you this: We have a lot of work to do so that everybody doesn't feel like I feel growing up and a lot of kids do when you see a police officer, your first instinct is fear and not like, hey, there's somebody here to help me. And so we need to create transparency, accountability and raise professional standards. The majority of police officers, at least the unions that represent them

MARGARET BRENNAN: Mm Hm.

SENATOR CORY BOOKER: Agree with us now. We have more work to do to get this done.

MARGARET BRENNAN: Senator Scott says he's at the table. Will you come back to it or are talks completely dead at the moment?

SENATOR CORY BOOKER: Again, Senator Scott and I actually are friends and so I'm more than confident, especially as I look at other Republicans there and other folks they deal with, that we're going to find a way to keep working on this issue. We came to a state where we couldn't embody Donald Trump's EO in regards to this, that's problematic for me. But, again, this is going to continue to be an urgency in my life. And as a person who has been able to deliver significant reform in the criminal justice space, I'm going to continue to work on this. In America police officers as we're now seeing, conservative think tanks, are calling for change. We're going to build on that coalition and we're going to believe we're going to get this done.

MARGARET BRENNAN: Senator Booker, thank you for your time.

SENATOR CORY BOOKER: Oh, thank you very much.

(End VT)

MARGARET BRENNAN: You can watch our full interview with Senator Booker on our website. We'll be back in a moment.

(ANNOUNCEMENTS)

MARGARET BRENNAN: Americans seem to be increasingly splintered these days, and now that anger and partisanship is impacting our children.

(Excerpt from Matt Masters/Williamson Home Page; School Board Meeting)

MARGARET BRENNAN: Attention, angry American parents, your children, and the rest of the country are watching.

(Excerpt from Matt Masters/Williamson Home Page; School Board Meeting)

MARGARET BRENNAN: Scenes like this outside a school board meeting in Tennessee last month, or this one in Idaho, where anti-mask protestors caused local officials to cancel their meeting due to safety concerns triggered an unusual emergency request for federal assistance to stop violence against public school children, board members and local educators.

In a letter to President Biden, the National School Board Association appealed for help.

WOMAN: These threats to school board members is horrible. They're doing their jobs.

MARGARET BRENNAN: The board compared the angry eruptions to domestic terrorism and hate crimes. It isn't clear what the feds can actually do about the basic lack of respect and civility plaguing communities right now.

PRESIDENT JOE BIDEN: Show some respect.

MARGARET BRENNAN: The spate of physical attacks on flight attendants enforcing mask rules is just another example of self-righteous adults behaving badly.

It seems the anxiety caused by the pandemic has made it even harder for many of our fellow Americans to listen to each other. And to forget how to have a civil conversation about difficult issues. At least eight states have enacted legal bans on teachers even discussing theories regarding race-based privilege. Racial equity is one of the most explosive topics at school board gatherings. It is dangerous to our children when the parents themselves are the school bullies. It poses a threat to the very foundational levels of our democracy: Basic education. Not every act needs to be political. Putting a mask on your child amidst a pandemic is just practical.

MAN: Avoiding masks is not in the Bible, but taking care of others is.

MARGARET BRENNAN: As this Tennessee dad explained to his kindergartener.

MAN: She went to school and was one of just a few kids in her class wearing a mask which made her ask me why she had to. My answer was because we want to take care of other people. She is five years old, but she understood that concept and it's disappointing that more adults around here can't seem to grasp it.

MARGARET BRENNAN: Perhaps the children could teach us a thing or two about civic duty.

We'll be right back.

(ANNOUNCEMENTS)

(Audio Cut) – Margaret Brennan.

###

Press contact

Hugo Rojo, CBS News Communications

(b) (6)

(b) (6)

From: Iverson, Dena (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Tyler Olson - FoxNews.com
To: Hornbuckle, Wyn (PAO); Coley, Anthony D. (PAO)
Cc: Stueve, Joshua (PAO); Pietranton, Kelsey (PAO); Shevlin, Shannon (PAO); Li, Kaei (PAO)
Sent: October 15, 2021 3:19 PM (UTC-04:00)
+ Anthony

Dena Iverson
Principal Deputy Director, Office of Public Affairs
U.S. Department of Justice

(b) (6)

(b) (6)

(b) (6)

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

From: Hornbuckle, Wyn (PAO) (b) (6)
Sent: Friday, October 15, 2021 3:18 PM
To: Press <Press@jmd.usdoj.gov>; Iverson, Dena (PAO) (b) (6)
Cc: Stueve, Joshua (PAO) (b) (6); Pietranton, Kelsey (PAO) (b) (6); Shevlin, Shannon (PAO) (b) (6); Li, Kaei (PAO) (b) (6)
Subject: Re: [EXTERNAL] Media Inquiry from Tyler Olson - FoxNews.com

+ Dena

Sent from my iPhone

> On Oct 15, 2021, at 2:21 PM, Press <Press@jmd.usdoj.gov> wrote:

>

>

>

> --

> Catherine Morris

> Speechwriting/Media Affairs Intern

> Office of Public Affairs | U.S. Department of Justice

> Mobile: (b) (6)

> (b) (6)

>

>

> -----Original Message-----

> From: no-reply@usdoj.gov <no-reply@usdoj.gov>

> Sent: Friday, October 15, 2021 1:50 PM

> To: Press <Press@jmd.usdoj.gov>

> Subject: [EXTERNAL] Media Inquiry from Tyler Olson - FoxNews.com

>

> Date Friday, October 15, 2021 - 1:49pm EDT

>

> Name: Tyler Olson

>

> Email Address: (b) (6)

>

> Topic: Civil Rights

>

> Media Outlet: FoxNews.com

>
> Deadline: 4:15 p.m.
>
> Inquiry:
> Good afternoon,
>
> I'm Tyler Olson, a reporter for FoxNews.com.
>
> We are writing a story about some of the challenges facing Cabinet secretaries. For AG Garland, we plan to mention the backlash against his memo asking the FBI to look into threats against school boards, and he fact he will likely face questions about it before the House Judiciary Committee next Thursday.
>
> Did the DOJ communicate with the NSBA before it sent out that memo? Did it consult with any other groups or stakeholders?
>
> Does the DOJ agree with the wording in the NSBA letter that some of the actions of parents "could be the equivalent to a form of domestic terrorism and hate crimes."
>
> I would appreciate a response by 4:15 p.m.
>
> Thanks for your time.
>
> Best,
>
> Tyler Olson
>
>

From: Visser, Tim (OAG)
Subject: FW: Attached memo sent at 1:15pm to all the USAs.
To: Rossi, Rachel (OASG); Hahn, Mary (OASG)
Sent: October 20, 2021 6:22 PM (UTC-04:00)
Attached: Guidance on Implementing the Attorney Generals Memorandum on Addressing Threats against School Administrators Board Members Teachers and Staff.pdf

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Wednesday, October 20, 2021 1:37 PM
To: Heinzelman, Kate (OAG) (b) (6); Klapper, Matthew B. (OAG)
(b) (6)
Cc: Reich, Mitchell (OAG) (b) (6); Goodlander, Margaret V. (OAG)
(b) (6); Visser, Tim (OAG) (b) (6); Seidman, Ricki (OASG)
(b) (6); Ramamurti, Arjun R. (OAG) (b) (6)
Subject: Attached memo sent at 1:15pm to all the USAs.

Plus: (b) (5)

(b) (5)

That will ensure the team knows right away. Thanks! T

From: (b) (6), (b) (7)(C) (USAEO) (b) (6), (b) (7)(C)
Sent: Wednesday, October 20, 2021 1:19 PM
To: Chambers, Kevin (ODAG) (b) (6); Matthews-Johnson, Tamarra D. (OAG)
(b) (6)
Cc: (b) (6) (USAEO) (b) (6); Wong, Norman (USAEO)
(b) (6)
Subject: RE: Draft EOUSA Release - cleared version attached

Attached memo sent at 1:15pm to all the USAs.

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

Trial Attorney (Detaillee) – U.S. Attorney’s Office for the District of Columbia

National Violent-Crime Coordinator – Executive Office for U.S. Attorneys

U.S. Department of Justice

175 N St., N.E. – 4th Floor

Washington, DC 20530

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

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



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

(202) 252-1000

MEMORANDUM – Sent via Electronic Mail

DATE: October 20, 2021

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS
ALL LAW ENFORCEMENT COORDINATORS
ALL PUBLIC AFFAIRS OFFICERS

FROM: Monty Wilkinson
Director

SUBJECT: Guidance on Implementing the Attorney General's Memorandum on Addressing Threats against School Administrators, Board Members, Teachers, and Staff

ACTIONS REQUIRED: (1) Convene a meeting by November 3, 2021, with appropriate district law enforcement leaders in accordance with the Attorney General's memorandum.
(2) Notify the Executive Office for United States Attorneys that you have held this meeting, identify which agencies participated, and note any significant issues for the Deputy Attorney General's attention.

DUE DATE: November 3, 2021

CONTACT PERSONS: (b) (6) (for meeting confirmation notifications)
Contractor
Legal Programs Office

(b) (6)

(b) (6) (for non-legal/coordination questions)
Law Enforcement Coordinator Program Manager
Office of Legal Programs

(b) (6)

(b) (6)

(b) (6), (b) (7)(C) (for legal questions)

National Violent-Crime Coordinator

Legal Programs Office

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

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

This provides further guidance for implementing the Attorney General's October 4, 2021 memorandum entitled, ["Partnerships among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats against School Administrators, Board Members, Teachers, and Staff."](#) The memorandum instructs the United States Attorneys, as the chief federal law enforcement officers in their federal districts, to convene in partnership with the FBI, meetings with appropriate law enforcement agencies.

The Department's aim in requesting these meetings is to assess and discuss trends in violations of criminal laws regarding harassment, intimidation, threats of violence, and actual violence against school officials, teachers, and employees. These meetings should be designed to ensure open lines of communication between federal, state, local, Tribal, and territorial authorities so that appropriate law enforcement agencies are made aware of criminal conduct that falls within their jurisdiction. The problem may be more pressing in some federal districts than others.

The Attorney General's directive emphasizes that constitutionally protected speech must be safeguarded. These meetings should make clear that law enforcement must not interfere with, and should protect, spirited debate about policy matters and peaceful protest.

The Deputy Attorney General has requested that each United States Attorney's office (USAO) convene at least one meeting by November 3, 2021. Please consider the following when planning meetings:

- *Partners to include in meetings.* These meetings should include relevant federal, state, local, Tribal, and territorial law enforcement agency partners that are best suited to gauge and respond to criminal threats to school officials, teachers, and employees in your federal district. These meetings are for law enforcement partners only and are not for education system or school officials.
- *Format of meetings.* You may choose the most efficient and effective means by which to conduct these meetings. For USAOs in states that have multiple federal districts, you may consider holding a statewide or multi-district meeting in conjunction with other USAOs. If the USAO, working with the FBI, deems individual consultations with relevant law enforcement partners to be a more appropriate means of comprehensively assessing the threats, those consultations can take the place of a single joint meeting involving multiple agency representatives.

The format can be as formal or informal as you deem appropriate, through whichever means – in-person, virtual, or hybrid – you believe is most feasible and effective. For offices that plan to convene in-person meetings, please follow COVID-19 workplace safety guidance and local COVID-19 protocols, including social distancing and other safety requirements (*e.g.*, masking and other health guidelines).

- *Discussion topics.* While assessing the extent or lack of the problem in your federal district and discussing improvements to communication channels is paramount, the following topics should also be discussed:
 - How victims can be supported;
 - State, local, Tribal, and territorial laws that address this conduct. This discussion topic would be appropriate for non-federal partners to lead, as they will be the subject matter experts;
 - Relevant federal laws and the appropriate exercise of federal law enforcement authority. This discussion topic would be appropriate for the USAO, the FBI, and other federal partners to lead.
 - Outreach and training needs, including resources for threat mitigation.

If your office has already finalized planning for a meeting or held a meeting, there is no need to hold an additional meeting. Please continue to bear in mind that the purpose of these meetings is to address violations of criminal law regarding harassment, intimidation, threats of violence, and actual violence against school officials, teachers, and employees, not exercises of free speech, expression, or petition.

By November 3, 2021, please notify EOUSA of the following: (1) confirm that your office has held the required meeting with appropriate district law enforcement leaders and indicate the date of the meeting; (2) identify the law enforcement agencies that participated; and (3) note any significant issues arising from the meeting that you believe should be brought to the Deputy Attorney General's attention. Please provide this notification by email – no particular format is required – to (b) (6) at (b) (6).

Please direct any non-legal questions (*e.g.*, questions about the process for setting up these meetings) to (b) (6), Law Enforcement Coordination Program Manager. For legal questions, please contact (b) (6), (b) (7)(C). Contact information is provided above.

Thank you for your continued work to make all communities safer.

cc: All United States Attorneys' Secretaries

From: Seidman, Ricki (OASG)
Subject: Like y Questions Binder
To: Good ander, Margaret V. (OAG)
Sent: October 13, 2021 5:48 AM (UTC-04:00)
Attached: UPDATED Like y Questions TOC.docx, DRAFT questions ike y to be asked HJC 10-21-21.docx

1. Attached is an updated table of contents doc (unformatted) and the combined Q & A.
2. I have highlighted in the ToC doc topics where we do not have questions.
3. As I was going through this, I looked at the Q & A. (b) (5)
[REDACTED]
4. The headers are not aligned.
5. I think for ease of use, we should keep the Q & A as one doc, but I know you might prefer to keep the topics separate. In a separate email, I will send you the culled docs I used to narrow down the questions in each topic in case they are useful to you. One warning: they do not include the questions I shifted from Hot Topics b/c I added those directly into the big doc.
6. Hope this is self-explanatory. This should give you a big head start on what is left to do (b) (6)
[REDACTED]. I'll text you with my travel plans. During the day, I won't have a lot of time, but starting at around 5, I can work on anything you need.
(b) (6)

Hope I didn't forget to tell you something

All best, Ricki

Ricki Seidman
Deputy Associate Attorney General
U.S. Department of Justice
(b) (6)
She/her

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

CIVIL LIBERTIES
Guidance on School Board Meetings

QUESTION

- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

ANSWER

- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].
- (b) (5) [REDACTED]
[REDACTED]
[REDACTED].

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

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Assorted Hot Topics

ASSORTED HOT TOPICS3

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Scoped Out Per Agreement - Also (b)(5)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

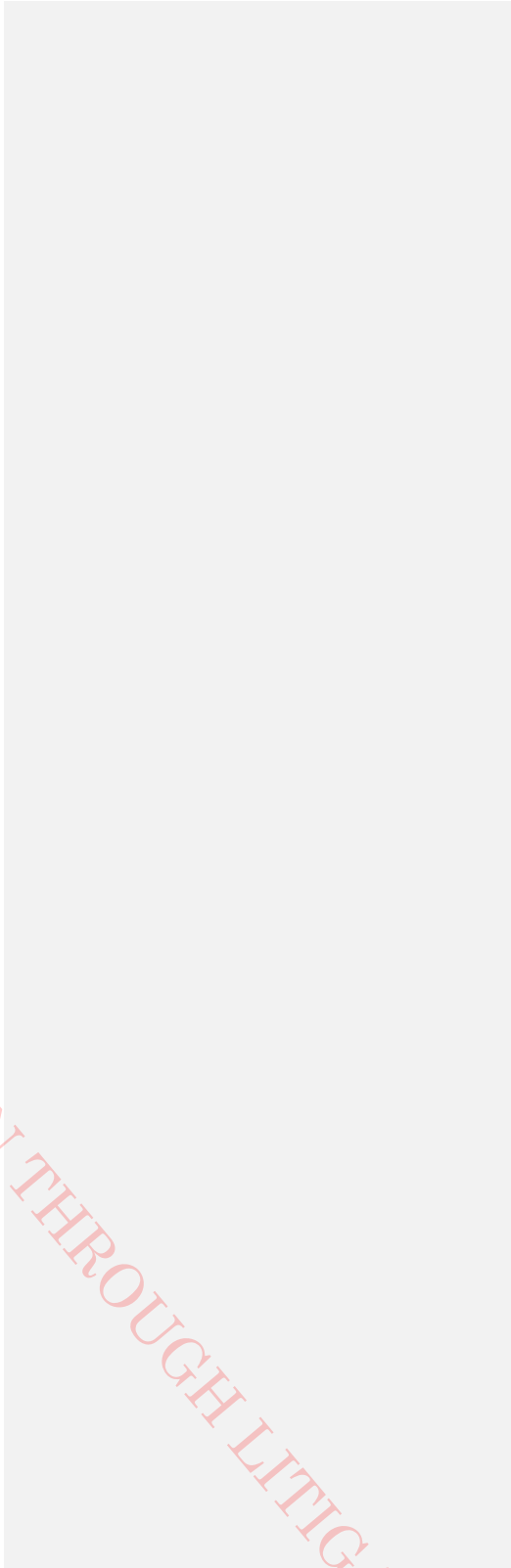
ASSORTED HOT TOPICS
Guidance on School Board Meetings

QUESTION

- (b) (5) [Redacted]

ANSWER

- (b) (5) [Redacted]
- (b) (5) [Redacted]



From: Mitche , Kenda M. (PAO)
Subject: CRT Press Clips
To: Bradford, Arye e (PAO); Frie , Gregory B (CRT); Moosy, Robert (CRT); Caderon, Tovah R (CRT); Simons, Shaheena (CRT); Yi, Danie (CRT); Kar an, Pame a (CRT); C arke, Kristen (CRT); Herring, Oneshia (CRT); Robins, Jennifer (CRT); Howe, Suey (CRT); Cochran, Shay yn (CRT); Fe te, James (CRT); Ruisanchez, A berto (CRT); Rosenbaum, Steven (CRT); Foran, Shei a (CRT); Pe egrino, Whitney (CRT); Stoneman, Christine (CRT); Herren, Chris (CRT); Chand er, Thomas (CRT); Woodard, Karen (CRT); Majeed, Sameena (CRT); Bond, Rebecca (CRT); Roberts, Aivia P. (PAO); Wertz, Jeremy (CRT); Smith, Johnathan (CRT); Co ey, Anthony D. (PAO); Lopez, Louis (CRT); (b)(6) Barbara Bosserman (CRT) Breen v. Dept of Transp (CIV); Breen v. Dept of Transp (CIV); Breen-Portnoy, Cea a (CR); Brown, iffany A. G. (CRT); Ca vo, Juan (CRT); Cherian-Rivers, Se in (CRT); Co es, Miche e (CRT); Dean, Kerry K (CRT); Deines, Jennifer (CRT); Diaz-Si veira, Krysten (CRM); Doug as, Joshua (CRT); Fentonmi er, Laura (CRT); Fitzgera d, Paige (CRT); Ga indo-Wa sh, Christina (CRT); Gough, Judy (CRT); Hecker, E izabeth (CRT); Howard, Sarah (CRT); Isa, John (CRT); Kirkenda , Roberta (CRT); Kisch, Lori (CRT); Kugman, Maura (CRT); Lapertosa, Max (CRT); Meyer, Va erie (CRT); Moran, Timothy (CRT); Nea , Daria (CRT); Pe egrino, Whitney (CRT); Phi ips, Co een (CRT); Quash, Linda (CRT); Rittgers, Dar ene (CRT); Robin-Vergeer, Bonnie (CRT); Siege , Nico e (CRT); Stauss, Karen (CRT); Stevens, Karen L (CRT); Towt, Katie (CRT); Washington, Ange a (CRT); Wertz, Rebecca J (CRT); Woh enhaus, Renee (CRT); Wo fe, Kath een (CRT); York, Doug as (CRT); Young Anna (CRT)
Sent: October 15, 2021 6:01 PM (UTC-04:00)
Attached: 10.15 CRT C ips.pdf

Hi all,

Please see attached for today's CRT clips. Have a great weekend!

Thanks,
Kendall

Kendall Mitchell
Press Assistant // Office of Public Affairs
U.S. Department of Justice

c: (b) (6)
e: (b) (6)

October 15, 2021 – CRT Press Clips

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CRIMINAL

Associated Press (on MSN): [In trial over Arbery death, racial reckoning looms large](#)

By Russ Bynum and Aaron Morrison

Reprint: [ABC News](#), [PBS](#)

BRUNSWICK, Ga. -- A framed photo on the wall of Travis Riddle's soul [food](#) restaurant shows the local sheriff arresting a gray-bearded white man with hands cuffed behind his back, a reminder to all who enter that for Riddle justice still waits to be served in the slaying of Ahmaud Arbery.

It shows Greg McMichael on the day last year that he and his son, Travis McMichael, were jailed on murder charges in the 25-year-old Black man's killing.

The McMichaels are charged with chasing Arbery in a pickup truck and fatally shooting him after spotting him running in their neighborhood. More than two months passed before their arrests after video of the shooting was leaked online and sparked a national outcry.

Jury selection in the murder trial of the McMichaels and William “Roddie” Bryan, a neighbor who joined the pursuit and took the video, is scheduled to begin Monday. For many, it’s not just the three white defendants on trial, but rather a justice system that allowed them to remain free for weeks after they pursued and killed a Black man.

“You’ve got the corruption, then the good ole boy system, then the racism — that’s how I see it,” said Riddle, who hopes to break away from his restaurant, Country Boy Cooking, to attend some of the trial.

Local activists plan a weekend rally at the Glynn County Courthouse in Brunswick, a working-class port city 70 miles (112 kilometers) south of Savannah, and a car caravan through the neighborhood where Arbery was slain.

“It’s shaken the faith of the Black and brown community in their ability to trust the justice system,” said the Rev. John Perry, who was president of the Brunswick NAACP chapter when Arbery was killed.

Arbery's death on Feb. 23, 2020, later became part of the broader reckoning on racial injustice in the criminal legal system after a string of fatal encounters between Black people and police — George Floyd, Breonna Taylor and Rayshard Brooks, among others. Akeem Baker, a close friend of Arbery's, still takes runs on the 23rd day of each month for a distance of exactly 2.23 miles to keep his memory alive.

Baker said he is frequently tagged in social media posts by people doing similar memorial runs as far away as the U.K.

“I have to believe that this is going to bring needed changes to Brunswick and to the nation, in terms of racial justice,” Baker said.

The McMichaels and Bryan are charged with nine counts each, including malice murder, felony murder, aggravated assault and other crimes. The men told police they used pickup trucks to keep Arbery from fleeing the Satilla Shores neighborhood. Security cameras in an open-framed house under construction had previously recorded him on the site, and they suspected he was stealing.

Greg McMichael, a retired investigator for the area district attorney, can be seen playing up his law enforcement ties on recordings taken by police body cameras of officers dispatched to the scene after the shooting.

Prosecutors contend Arbery was merely jogging on a street just 2 miles (3.2 kilometers) from his home. They say he was unarmed and police found no evidence he had stolen anything.

What remains to be seen is how much prosecutors emphasize evidence of racism in Arbery's killing. At a court hearing last year, a Georgia Bureau of Investigation agent testified that Bryan told investigators he witnessed Travis McMichael stand over Arbery and utter a racist slur — “f - - - ing n - - - er” — while Arbery bled in the street from three shotgun blasts.

Travis McMichael's attorneys deny that.

Investigators also found text messages on Travis McMichael's cellphone from a year before the shooting in which he used the N-word twice in one exchange. Prosecutors included the texts in evidence filed in the public court record, but haven't requested to use them during the trial.

Meanwhile, defense attorneys want the judge to block prosecutors from showing the jury photos of the truck the McMichaels used to chase Arbery, which show a front bumper vanity plate of Georgia's former state flag with the Confederate battle emblem.

Attorneys for the McMichaels and Bryan have insisted they committed no crimes, saying they had reason to suspect Arbery was a burglar and were legally trying to stop him. At the time, Georgia law allowed arrests by private citizens. They contend Travis McMichael shot Arbery in self-defense after Arbery attacked him with his fists and grappled for his gun.

"The jury will see this case is simply about protecting one's neighbors and oneself," Jason Sheffield, an attorney for Travis McMichael, said in an email to The Associated Press.

Arbery's family has long said he was targeted because of his race. His relatives cheered when the U.S. Justice Department brought federal hate crimes charges against the McMichaels and Bryan in April. A separate trial in that case is scheduled for February.

"Race will be all over this case," said Lee Merritt, a civil rights attorney for the Arbery family. "The nation is going to get a front row seat into where culturally Glynn County, Georgia, is in 2021, or where it was in 2020 at the very least."

Georgia was one of just four U.S. states without a hate crimes law at the time Arbery was slain, though Georgia lawmakers quickly adopted one amid the outcry over his death. They also all but gutted the state citizen's arrest statute.

Thea Brooks, Arbery's aunt, says he was the victim of a "modern-day lynching." She noted that security cameras at the same construction site the McMichaels suspected Arbery of looting had recorded others entering to look around — including white people and children.

"It really makes me feel like, on that day, it was a racially profiled situation," Brooks said.

For local activist Elijah Bobby Henderson, Arbery's killing exposed boundaries between white and Black Brunswick residents to maintain what he called "a comfortable tension between races." He recalled being told as a child that Black children shouldn't go trick-or-treating in the Satilla Shores neighborhood where Arbery died.

"As long as everyone respects those boundaries, there can be peace," Henderson said. "Ahmaud dared to cross one of those boundaries."

James Yancey Jr., a Black criminal defense attorney in Brunswick who is not involved in the Arbery case, said issues of race will likely loom large in the trial whether prosecutors emphasize it or not.

"Any time you have a case involving particularly a white person and a Black person ... I think it's probably impossible to overlook that fact," Yancy said.

Arbery's death prompted Henderson and other Black activists in Glynn County to form the group A Better Glynn to promote racial and socio-economic justice. In its first year, the nonprofit registered voters ahead of a 2020 election that saw longtime District Attorney Jackie Johnson

defeated. The county also hired its first full-time Black police chief after the group pressed for a national search.

Meanwhile, Perry and Riddle are among eight candidates running in the Nov. 2 election to be Brunswick's next mayor.

The Rev. James Woodall, a former president of the Georgia NAACP, called the electoral strides a sign more changes would come to Brunswick and other communities like it.

“You’re seeing a wave of organizing to lift up the issues of people in that community and to get folks engaged like never before,” said Woodall, now a public policy associate at the Southern Center for Human Rights.

“We’re looking forward to building a state where justice is literally the order of the day and not just an expectation of a small, minute portion of our community.”

The Hill: [Texas man sentenced to 23 years after using fake Grindr profiles to commit hate crimes](#)
By Jenna Romaine

The last of four Texas men has been sentenced for his part in targeting gay men in a violent hate crime spree.

The crime spree began around Dec. 6, 2017.

All four men pleaded guilty.

The last of four Texas men has been sentenced for his part in targeting gay men in a violent hate crime spree.

“This defendant targeted innocent victims for violent crimes simply because he believed they were gay,” Assistant Attorney General Kristen Clarke of the Justice Department’s civil rights division said in a [press release](#). “This sentence affirms that bias-motivated crimes run contrary to our national values and underscores the Justice Department’s commitment to aggressively prosecuting bias-motivated crimes, including crimes against the LGBTQI community. We will continue to pursue justice for victims of bias-motivated crimes, wherever they occur.”

Daniel Jenkins, 22, of Dallas was sentenced to 23 years in federal prison on Wednesday for using the dating app Grindr, which is primarily used by gay men, to lure and then commit violent crimes against them, along with three other men.

The crime spree began around Dec. 6, 2017, when Jenkins and three other men — Michael Atkinson, Pablo Ceniceros-Deleon and Daryl Henry — began creating fake profiles on Grindr in order to lure gay men into meeting up with them. Nine victims were lured to an apartment complex where Jenkins and his conspirators then held them at gunpoint, forced them to withdraw money from ATMs and physically assaulted them.

During the attacks, the defendant and the other men “used gay slurs and taunted the victims.” One of the other men also attempted to sexually assault one victim.

Under a plea agreement, Jenkins pleaded guilty to a single count of conspiracy to commit hate crimes, kidnapping and carjacking; one hate crime count; and a single count of using a firearm during and in relation to a crime of violence, according to the Justice Department. Jenkins had initially been facing a maximum sentence of 26 years.

“This sentence sends a strong message that individuals who conduct violent, targeted attacks will be held accountable,” said Special Agent in Charge Matthew DeSarno of the FBI Dallas Field Office. “Investigating hate crimes is one of the FBI's highest priorities and we will continue to vigorously pursue offenders that threaten our families and communities. Everyone deserves to be and feel safe and we take this opportunity to urge the public to report suspected hate crimes to the FBI and local law enforcement.”

Jenkins’s coconspirators all previously pleaded guilty. Atkinson was sentenced to more than 11 years in prison, Cenicerros-Deleon was sentenced to 22 years in prison and Henry was sentenced to 20 years in prison.

SPECIAL LITIGATION

WALB News 10 (Albany, GA): [WALB Investigates: DOJ calls extreme staffing shortages a ‘persistent problem’ in Georgia prisons](#)

By Emileigh Forrester

ALBANY, Ga. (WALB) - As [the U.S. Department of Justice \(DOJ\) investigates how inmates are treated in Georgia’s state prisons](#), one of their major concerns is staffing shortages.

Assistant Attorney General Kristen Clarke with the DOJ’s Civil Rights Division announced the investigation during a press conference last month.

Clarke said the DOJ’s investigation revolves largely around the number of inmate-to-inmate assaults in Georgia prisons and how they’re allowed to happen.

“Extreme staffing shortages and high turnover among corrections officers are persistent problems in Georgia,” Clarke said, adding a lack of staffing could lead to a dangerous environment. “It can lead to inadequate supervision and violence.”

According to Clarke, reports of violence in Georgia prisons led the DOJ to step in.

“Concerned citizens, family members and civil rights organizations — as well as photographs and videos leaked to social media and through other channels — have highlighted widespread contraband weapons and open gang activity in the prisons,” she said.

That included a violent riot at Ware State Prison last year.

Clarke referenced what she called “countless” violent assaults in Georgia prisons, including stabbings and beatings, some of which left inmates dead.

“In 2020, at least 26 people died in Georgia prisons by confirmed or suspected homicide,” Clarke said.

WALB requested staffing numbers for Georgia state prisons for a period of 2015 to 2019.

On Jan. 1, 2015, 12% of all Georgia Department of Corrections state prison staff positions were vacant.

Five years later, on Jan. 1, 2019, that had gone up to 18%.

Experts say some concerns that could lead to job vacancies in this field include safety and pay.

[The U.S. Bureau of Labor Statistics \(BLS\) said](#) working in a correctional institution can be stressful and dangerous.

BLS said correctional officers and jailers have one of the highest rates of injuries and illnesses of all jobs, often from confrontations with inmates.

How much do state prison employees get paid?

WALB requested salary scales for GDC staff.

In 2020, a Georgia state prison correctional officer could earn between a minimum of \$27,936 annually to a maximum of \$45,884.42 annually.

Here is the breakdown of minimum and maximum possible salaries for other correctional positions:

Correctional sergeants could earn between \$35,479 annually and \$50,472.86 annually

Correctional lieutenants could earn between \$37,558 annually and \$55,520.14 annually

Correctional captains could earn between \$40,570 annually and \$62,868.40 annually

Correctional unit managers could earn between \$44,627 annually and \$62,868.40 annually

Correctional assistant superintendents could earn between \$52,048 annually and \$69,783.92 annually

Correctional superintendents could earn between \$59,451 annually and \$85,980.77 annually

Correctional senior managers could earn between \$54,536.37 annually and \$95,438.66 annually

According to the BLS, the median annual wage for correctional officers and jailers across the country was \$47,440 annually as of May 2020.

This means half the workers in the occupation earned more than that amount and half earned less.

BLS data showed that on average, all corrections officers in Georgia earned the third lowest annual wage in the country at that time, which was \$35,210 annually.

According to the BLS, [correctional officers in only Mississippi and Missouri earned less on average.](#)

Acting U.S. Attorney for the Middle District of Georgia Peter Leary also spoke during the press conference last month.

He stressed the importance of these staff members.

“We work closely on a daily basis with our Georgia state law enforcement and corrections officer partners,” Leary said. “Those men and women are indispensable to our united goal of achieving a safer Georgia.”

However, he and Clarke maintained that there must be accountability if there are any problems that lead to unsafe environments.

“Ensuring lawful and humane conditions inside our nation’s jails and prisons is a top priority,” Clarke said.

The Department of Justice said that if their investigation finds a systemic constitutional violation, they will let the State of Georgia know and would then work with the state to establish solutions.

It’s not clear how long that investigation could take.

WALB is continuing to investigate the treatment of inmates in Georgia prisons and how it relates to inmate violence and suicides.

We sent multiple emails to the Georgia Department of Corrections with questions about this story but have not heard back.

WALB has reached out to multiple advocacy agencies for correctional officers for comment but did not receive a response.

[San Marco Corridor News \(Texas\): Five Texas juvenile correctional facilities under investigation by DOJ for physical, sexual abuse](#)

By Staff

WASHINGTON D.C. – The Justice Department announced on Wednesday that it has opened a statewide investigation into the conditions in the [five secure juvenile correctional facilities](#) run by the Texas Juvenile Justice Department.

The five facilities are (1) Evins Regional Juvenile Center, in Edinburg; (2) Gainesville State School, in Gainesville; (3) Giddings State School, in Giddings; (4) McLennan County State Juvenile Correctional Facility, in Mart; and (5) Ron Jackson State Juvenile Correctional Complex, in Brownwood.

The investigation will examine whether Texas provides children confined in the facilities reasonable protection from physical and sexual abuse by staff and other residents, excessive use of chemical restraints, and excessive use of isolation. The investigation will also examine whether Texas provides adequate mental health care.

“Too often children held in juvenile detention facilities are subject to abuse and mistreatment, and deprived of their constitutional rights,” said Assistant Attorney General Kristen Clarke for the Justice Department’s Civil Rights Division. “State officials have a constitutional obligation to ensure reasonable safety for children in these institutions. The Department of Justice stands ready to protect the rights of children who end up in juvenile

facilities and our investigation will ensure that the treatment of these children comports with constitutional standards.”

“The U.S. Attorney’s Office of the Western District of Texas is committed to protecting the constitutional rights of all persons, including vulnerable young persons incarcerated in Texas Juvenile Justice Department secure facilities,” said U.S. Attorney Ashley C. Hoff for the Western District of Texas. “We look forward to partnering with the Civil Rights Division and other U.S. Attorney’s Offices in our state to conduct a fair and thorough investigation of these allegations.”

“Young people, even though they are confined in a juvenile facility, should not be abused, mistreated, or deprived of essential services,” said Acting U.S. Attorney Jennifer B. Lowery of the Southern District of Texas. “We have a duty to ensure young people incarcerated in our state are held under safe and constitutional conditions.”

“No matter who they are – or what they’ve done – our state’s kids deserve safe environments,” said Acting U.S. Attorney Chad Meacham of the Northern District of Texas. “We cannot expect juvenile offenders to thrive later in life if they emerge from confinement traumatized by sexual abuse, excessive force, or incessant isolation.”

“The U.S. Attorney’s Office for the Eastern District of Texas is committed to protecting the constitutional rights of all Texas children, including those incarcerated in Texas Juvenile Correctional Facilities,” said Acting U.S. Attorney Nicholas J. Ganjei of the Eastern District of Texas. “We are proud to partner with the Civil Rights Division and the other U.S. Attorney’s Offices of Texas to conduct a fair and thorough investigation of these allegations.”

The department has not reached any conclusions regarding the allegations in this matter. The investigation will be conducted under the Civil Rights of Institutionalized Persons Act (CRIPA) and the Violent Crime Control and Law Enforcement Act.

Both statutes give the department the authority to investigate systemic violations of the rights of young people in juvenile correctional facilities. The department’s work has led to important reforms to protect the rights of young people housed in those facilities.

The Civil Rights Division’s Special Litigation Section is conducting this investigation jointly with the U.S. Attorneys’ offices in the Western, Eastern, Southern, and Northern Districts of Texas. Individuals with relevant information are encouraged to contact the department via phone at [1-866-432-0438](tel:1-866-432-0438) or by email at TX.Juveniles@usdoj.gov.

HOUSING AND CIVIL ENFORCEMENT

JD Supra: [Department of Justice Enters Into Consent Orders for Violations of the Servicemembers Civil Relief Act](#)

By Staff

In late September, the Department of Justice (DOJ) entered into two consent orders to resolve allegations related to violations of the Servicemembers Civil Relief Act (SCRA). The past year

has seen an uptick in regulatory scrutiny centered on military consumer protection laws. The DOJ's recent consent orders highlight this trend.

The SCRA provides various legal and financial protections for active duty servicemembers, including, among other things, a retroactive 6% interest cap on financial obligations and additional rights in connection with the termination and/or collection of a financial obligation.

Consent Order #1: New Jersey Higher Education Student Assistance Authority

On September 20, the DOJ entered into a [consent order](#) with New Jersey Higher Education Student Assistance Authority (HESAA) to resolve claims that it violated the SCRA by obtaining unlawful default judgments against two military servicemembers. Section 3931 of the SCRA applies to any civil proceeding where a servicemember does not appear due to their military service. Prior to seeking a default judgment, the plaintiff must file an affidavit stating whether or not the defendant is in military service or that their military status is unknown.

In this instance, HESAA sought default judgments against two servicemembers in connection with the payment of student loans. In its [complaint](#), the DOJ alleged that HESAA conveyed inaccurate information to the courts by misrepresenting the servicemember's active duty status at the time the default judgment was sought. The consent order requires HESAA to pay \$15,000 to each of the servicemembers, as well as a \$20,000 civil money penalty.

Consent Order #2: American Honda Finance Corporation

A little over a week after the HESAA settlement, on September 29, the DOJ entered into a [consent order](#) with American Honda Finance Corporation (AHFC) for alleged violations of the SCRA. Under the SCRA, a residential or motor lessee has the option to terminate the lease in certain circumstances. For example, a person who enters a lease, then subsequently enters military service during the lease period, may thereafter terminate the lease. Likewise, a servicemember already in military service may terminate the lease upon notice of permanent change of station, deployment, or death or serious injury. Once terminated, the lessor must refund any advance payments on a pro rata basis.

The DOJ's [allegations](#) against AHFC center on the refund of advance vehicle lease payments. In connection with their leases with AHFC, some lessees paid an up-front value at lease signing in the form of cash payments, credit for vehicle trade-in, and/or other rebates. The DOJ alleged that AHFC refused to refund the portion of funds attributable to the servicemember's vehicle trade-in value. The consent order requires AHFC to refund over \$1.58 million dollars to 714 servicemembers. The consent order also requires AHFC to pay a nearly \$65,000 civil money penalty and to modify its internal policies and provide training on SCRA compliance.

Looking to the Future

The DOJ's consent orders are another example of increased regulatory interest in enforcing military consumer protection laws. Earlier this year, [we reported](#) on the CFPB's commitment to supervising lenders under the Military Lending Act, reversing the Trump administration's position on the matter.

This focus toward military consumer protection is also appearing on Capitol Hill. In January 2021, President Trump signed legislation to permanently establish the Servicemembers and Veterans Initiative within the DOJ to coordinate servicemember-related litigation, including claims under the SCRA. More recently, the House of Representatives passed the National Defense Authorization Act (NDAA) with an amendment that would strengthen SCRA protections. Specifically, the amendment would require written consent to arbitrate a contract dispute that falls within the purview of the SCRA.

As we enter a period of greater regulatory scrutiny and legislative attention, business entities should be cognizant of the unique compliance implications of transacting with members of the armed services and seek to reduce potential risks accordingly.

TRENDING

Washington Post: [The false GOP claim that the Justice Dept. is spying on parents at school board meetings](#)

By Salvador Rizzo

“Attorney General Garland is weaponizing the DOJ by using the FBI to pursue concerned parents and silence them through intimidation. Florida will defend the free speech rights of its citizens and will not allow federal agents to squelch dissent.”

— **Florida Gov. Ron DeSantis (R)**, [in a tweet](#), Oct. 5

“Frankly, I don’t think we’ve ever seen anything like it in American history. ... Are you aware of any time in American history when an attorney general has directed the FBI to begin to intervene in school board meetings — local school board meetings?”

— **Sen. Josh Hawley (R-Mo.)**, in a Senate hearing, Oct. 5

“Merrick Garland says he’s going to use the Justice Department to spy on parents at school board meetings.”

— **Rep. Jim Jordan (R-Ohio)**, in an interview on Fox News, Oct. 13

“Who would have ever thought that you would have an American president make a decision to leave Americans behind in Afghanistan now directing the DOJ to try to silence parents and actually separate parents from what their children can do inside schools?”

— **House Minority Leader Kevin McCarthy (R-Calif.)**, in an interview on Fox News, Oct. 10

“Now the FBI is trying to silence parents. That’s wrong.”

— **Glenn Youngkin, Republican nominee for Virginia governor**, [in a campaign ad](#), Oct. 13

Because of a “disturbing spike” in threats directed at public school officials, Attorney General Merrick Garland issued a memorandum this month calling on the FBI and federal prosecutors to meet with local law enforcement agencies and set up “dedicated lines of communication.”

Republicans are sounding the alarm over Garland's one-page memo, claiming in interviews, congressional hearings, campaign ads and social media that the Justice Department is cracking down on parents simply for dissenting at their local school board meetings.

These meetings, where the nation's almost 14,000 public school districts debate and set their policies, can become heated over questions such as how to teach race in the classroom and whether coronavirus vaccinations and tests or face masks should be required, among other issues. Some school board members [have grown concerned for their safety](#) as their forums have turned more vitriolic, and one recently reported a [death threat and resigned](#).

The bottom line is Republicans are reading much more into Garland's memo than it says. The memo focuses strictly on "violence, threats of violence, and other forms of intimidation and harassment" — all of which are crimes — not on parents raising questions or complaints.

The Facts

The Oct. 4 [memo](#), addressed to FBI Director Christopher A. Wray and federal prosecutors, reads in part:

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values.

...

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. ...

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response. ...

Garland's memo added, "In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel."

In an accompanying [news release](#), the Justice Department said, "Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to

determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute

And: “The Justice Department will also create specialized training and guidance for local school boards and school administrators. This training will help school board members and other potential victims understand the type of behavior that constitutes threats, how to report threatening conduct to the appropriate law enforcement agencies, and how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.”

Put it all together, and Garland is calling for 1) strategy meetings between federal and local law enforcement, 2) a task force, 3) dedicated lines of communication for addressing threats, and 4) training and guidance for school officials. The news release says the Justice Department will study “how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.” (Most violent crimes are investigated and prosecuted by state and local law enforcement agencies, not federal authorities.)

Some of the Republican officials we asked for comment pointed to a letter from the National School Boards Association (NSBA) that asked President Biden for federal resources to help monitor emerging threats. The letter was dated Sept. 29, days before the attorney general’s memo was released, and made various requests of federal agencies including the Justice Department.

“While local and state law enforcement agencies are working with public school officials in several communities to prevent further disruptions to educational services and school district operations, law enforcement officials in some jurisdictions need assistance — including help with monitoring the threat levels,” NSBA officials wrote to Biden.

“School board meetings have been disrupted in California, Florida, Georgia, and other states because of local directives for mask coverings to protect students and educators from COVID-19,” the group’s letter says. “An individual was arrested in Illinois for aggravated battery and disorderly conduct during a school board meeting. During two separate school board meetings in Michigan, an individual yelled a Nazi salute in protest to masking requirements, and another individual prompted the board to call a recess because of opposition to critical race theory.”

As noted in the letter, a school board member in Ohio received hate mail [that said](#): “We are coming after you and all the members on the ... BoE [Board of Education]. ... You are forcing them to wear mask — for no reason in this world other than control. And for that you will pay dearly.” That correspondence is being investigated by police.

Days after the NSBA letter was sent, a school board chairman in North Carolina resigned and disclosed that his life had been threatened, WCCB Charlotte [reported](#).

The [NSBA letter](#) said some “acts of malice, violence, and threats against public school officials ... could be the equivalent to a form of domestic terrorism and hate crimes.”

“Most disturbingly, on page 4, the NSBA letter references Scott Smith — the Loudoun County, Virginia, parent who was arrested for protesting at a school board meeting in June — implying that his behavior was ‘extremist’ and warranting action from federal law enforcement,” said Christina Pushaw, a spokeswoman for DeSantis. “Smith’s supposed crime? He attempted to protest a Loudoun school’s coverup of his 14-year-old daughter’s sexual assault by a transgender classmate in her school bathroom.”

According to the Loudoun County Sheriff’s Department, in July, more than a month after an alleged assault at Stone Bridge High School on May 28, “a 14-year-old male was arrested in the case with two counts of forcible sodomy.” The same teen reportedly was charged with sexually assaulting another alleged female victim at a different high school last week.

Smith, the father of the first alleged victim, was found guilty of disorderly conduct and resisting arrest after an altercation at his local school board meeting in June, which Smith says he attended to protest how his daughter’s case was handled. “Deputies dragged him to the ground, then outside, where he continued struggling and arguing with them, threatening to kick their teeth out,” Loudoun Now reported.

“In citing Mr. Smith’s case as an example of behavior that justifies a federal crackdown, the NSBA letter asked the Biden administration to deploy federal law enforcement to silence and intimidate parents who have grave concerns that deserve to be heard,” Pushaw said. “The Loudoun County School Board is not the victim in this case.”

The NSBA, a not-for-profit association, has no relationship to the Justice Department. Garland’s memo makes no mention of the group, its letter to Biden or the examples it included.

Asked about DeSantis’s vow that “Florida will defend the free speech rights of its citizens and will not allow federal agents to squelch dissent,” Pushaw said: “At this time, it is too soon to speculate about legal actions, because the DOJ has not yet taken any legal action to infringe upon Floridians’ rights following this memo. As you know, the DOJ memo directs the FBI to work with U.S. attorneys and ‘convene meeting’ in each federal judicial district. ... To be clear, Governor DeSantis is committed to protecting Floridians’ rights and will take legal action if future developments warrant that.”

A spokesman for Jordan, Russell Dye, said in an email that the only way the Justice Department could use “its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate,” as the memo says, was by monitoring parents at school board meetings, as the congressman said.

“The only reasonable explanation is to have the FBI/DOJ watch what parents say at meetings and intimidate them into silence,” Dye said. “Pretty easy to understand.”

(The FBI simply could get tips from local officials, as Garland’s memo envisions.)

Mark Bednar, a spokesman for McCarthy, said existing laws already establish criminal penalties for violence or threats as outlined in the memo. Bednar said the Justice Department’s move was

heavy-handed and could have a chilling effect on parents who might otherwise speak up about their children's education.

"Localized threats of violence are appropriately handled by local law enforcement," Bednar said. "As such, the real question is why the Biden administration used the power of the federal government to publicly threaten 'a series of measures' aimed at addressing local school board meetings ... The unnecessary, ominous rhetoric from the DOJ's memo could have a chilling effect on parents' First Amendment engagement with their local schools."

Fair, but McCarthy's comment on Fox News was that Biden was "directing the DOJ to try to silence parents and actually separate parents from what their children can do inside schools." There's no indication Biden himself is directing this, or that the Justice Department will be targeting legitimate speech (free of violence or threats) at these forums.

Garland spokesman Anthony Coley referred us to this line in the Justice Department memo: "While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views."

Coley also pointed to recent Senate testimony by Deputy Attorney General Lisa O. Monaco, the second-highest-ranking official at the department, and Assistant Attorney General Kristen M. Clarke, the head of the Civil Rights Division.

"Frankly, I don't think we've ever seen anything like it in American history. ... Are you aware of any time in American history when an attorney general has directed the FBI to begin to intervene in school board meetings — local school board meetings?" Hawley asked Monaco at a Senate Judiciary Committee hearing Oct. 5.

"The memorandum is quite clear. It's one page," Monaco said. "And it asks the U.S. attorney community and the FBI special agents-in-charge to convene state and local law enforcement partners to ensure that there's an open line of communication to address threats, to address violence — and that's the appropriate role of the Department of Justice, to make sure that we are addressing criminal conduct and violence." (A spokesman for Hawley did not respond to our questions on the record.)

When the same Senate committee met the next day for a different hearing, Clarke said in response to questions from Sen. Ted Cruz (R-Tex.) that parents "have the right to express their view, to challenge the school board, to ask for reforms."

"The attorney general's memo deals with threats against public servants and says the threats against public servants are not only illegal, they run counter to our nation's core values," Clarke said.

Youngkin, the Republican running for Virginia governor, received a ["Pants on Fire" rating](#) from PolitiFact this week for claiming his Democratic opponent, Terry McAuliffe, "calls in his friend Joe Biden to actually put the DOJ on Virginia parents." No evidence indicates that Biden or McAuliffe were involved in Garland's decision-making, and [both the White House and McAuliffe have denied the allegation](#).

Nevertheless, Youngkin repeated the claim at a rally in Culpeper, Va., on Oct. 13, after he had been fact-checked: “He calls his friend Joe Biden. Joe Biden calls the attorney general. And the attorney general calls the FBI in to silence parents.” An abbreviated version of all this has made it into a new Youngkin [campaign ad](#).

Asked about the claim, Youngkin spokesman Matt Wolking said in an email that McAuliffe had refused to take a position on Garland’s memo and therefore “admitted he won’t stand up for Virginia parents being targeted and intimidated by his party’s DOJ.”

The Pinocchio Test

These Republicans are turning a one-page memo on public safety into a dystopian plot in which Big Brother erases well-meaning parents for thinking freely.

The reality is school officials are reporting more concerns for their safety — some attendees at their meetings have been arrested for physical violence — and the Justice Department is calling for strategy sessions between federal and local law enforcement, a task force and dedicated lines of communication to address the threats, and training for school board members and others who might be targeted.

Garland’s memo doesn’t direct the FBI to “spy” on parents, as Jordan claimed. Hawley claimed that, for the first time in American history, the FBI was being told to “intervene” in local school board meetings. That’s not accurate.

Dissenting parents would not be “silenced” by the feds under the attorney general’s memo, as DeSantis, McCarthy and Youngkin have said. Garland wrote, “While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.”

McCarthy’s spokesman makes a fair point: the Justice Department’s action could have a chilling effect on legitimate debate. Garland said in the memo that the federal government could be prosecuting some offenses itself or assisting local authorities handling these cases.

But the memo, and the Senate testimony from Monaco and Clarke, make clear that only criminal conduct would be targeted, not free speech.

These claims earn Four Pinocchios.

MISCELLANEOUS

Scoped Out Per Agreement - Also (b)(5)

2. School Boards Memo/Threats to Educators

Scoped Out Per Agreement - Also (b)(5)



OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

School Board Memo/ Threats to Health Educators

QUESTIONS *[from incoming congressional letters]:*

- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]

DRAFT/DELIBERATIVE

MISCELLANEOUS HOT TOPICS

Scoped Out Per Agreement - Also (b)(5)

2. School Boards Memo/Threats to Educators

Scoped Out Per Agreement - Also (b)(5)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

School Board Memo/ Threats to Health Educators

QUESTIONS [from incoming congressional letters]:

- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]

HOUSE OVERSIGHT HEARING Q&A BINDER
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OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

X. MISCELLANEOUS

Scoped Out Per Agreement - Also (b)(5)

2. School Boards Memo/Threats to Educators

Scoped Out Per Agreement - Also (b)(5)



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From: Davidson, Marcia A. (OAG)
Subject: Table of Contents
To: Goodlander, Margaret V. (OAG)
Sent: October 15, 2021 3:57 PM (UTC-04:00)
Attached: TOC.docx

Of Judge's memoranda attached. This does not include the following which I also have copies of (I'm behind on entering them).

Subject: Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff dated October 4, 2021.

Marcia A. Davidson
Confidential Assistant
Office of the Attorney General
U.S. Department of Justice
Office: (b) (6)
Cell: (b) (6)

From: Lewis, Megan (ODAG)
Subject: FW: Vawa transcript
To: Pietranton, Kelsey (PAO); Kaplan, Jennifer E (OVW)
Sent: October 8, 2021 2:07 PM (UTC-04:00)
Attached: VAWA RUSH FirstDraft.pdf

In case you both wanted to see this; it's a machine-rough, so it'll get cleaned up when we get the final.

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

Hearings to examine renewing and strengthening the Violence Against Women Act.

Tuesday, October 5, 2021

NOTICE: [This transcription is an automatically-generated FirstDraft version and has not been proofread or checked for accuracy. Please check against the original recording or subsequent proofread transcript (if available) for errors.]

Dick Durbin [00:00:10 - 00:00:32]

Will come to order today, the Senate Judiciary Committee is holding a hearing on the reauthorization of the Violence Against Women Act, a game changing bipartisan piece of legislation that has provided life saving assistance to women across America for nearly three decades. I'd like to start things off with a video that provides an overview of the legacy of this law.

[00:00:32 - 00:00:54]

I was a shelter director in North Florida in 1993 when Congress was debating the Violence Against Women Act and I remember standing in this shelter and thinking to myself after the Violence Against Women Act passes. This will all change and indeed it.

Mazie K. Hirono [00:00:54 - 00:01:10]

Has the original 1994 law provided grants for legal aid and transitional housing for victims of domestic violence. It also created funding for law enforcement training and assistance hotlines.

Sheldon Whitehouse [00:01:10 - 00:01:27]

First, passed in 1994 after intense lobbying from women who had few legal protections and few resources against domestic and sexual violence, the bill is said to have decreased domestic violence for women by 70 percent and it's bipartisan.

Mazie K. Hirono [00:01:27 - 00:01:41]

VAWA has been instrumental in safeguarding women and children from abuse anguish violence and this resulted in the saving of millions of lives. Nothing could be more related to the Administration of Justice than the Violence Against Women Act judges across the country are enlightened and prepared to deal with domestic violence and you can directly connect that to this law.

[00:01:41 - 00:01:56]

We've seen almost a 50 percent increase in reporting more victims reaching out. They're calling the police, they know their services available and they're getting help.

Sheldon Whitehouse [00:01:56 - 00:02:01]

Why now is there something you sense in this moment in the midst of the pandemic Laws have to evolve?

Unidentified [00:02:01 - 00:02:13]

We have made enormous progress in this country in addressing domestic violence. We have seen decreases of about two thirds in the last 25 to 30 years, but as you point out, we're starting to see an increase.

Mazie Hirono [00:02:13 - 00:02:22]

Again, 92 percent of women murdered in 2018 were killed by men. They knew COVID 19 has only made the issue worse.

Amy Klobuchar [00:02:22 - 00:02:30]

One in three women have experienced either physical and or sexual intimate partner violence or non-partner. Sexual violence is.

Dick Durbin [00:02:40 - 00 03:09]

For more than 30 years, October has been recognized as Domestic Violence Awareness Month. It's a reminder that all of us have an obligation to stand up and support, survivors of sexual and domestic violence, many of whom had to nurse their wounds, both physical and emotional, in silence. And over the past 18 months, many survivors have been forced into the most vulnerable position of all isolated at home with an abuser.

[00:03:09 - 00:03:38]

During this pandemic, nearly four in 10 rape crisis centers and nearly half of the YMCA is domestic violence. Programs have reported an increase in demand for services police departments throughout the country have also reported a spike in arrests and calls related to domestic violence. In my home state of Illinois.

[00:03:38 - 00:04:07]

Our domestic violence hotline experienced a 16 percent increase in calls in 2020, Sometimes fielding 150 calls in a single day, a friend of mine and vocal advocate for survivors of domestic violence. The late Sheila Whetstone used to say, and I quote her, I find it absolutely intolerable to think that a woman's home can be the most violent, most dangerous and oftentimes the most deadly place she can be. This is unacceptable reality for far too many women in America and that's why the Senate must reauthorize and strengthen the law that for nearly 30 years has transformed the way we address sexual and domestic violence in America.

[00:04:07 - 00:04:36]

The Violence Against Women Act in the years since it was first signed into law of Iowa as it's often referred to, has changed and even saved countless lives. It has opened up new avenues of support and relief for survivors, including including domestic abuse hotlines. It has helped to sell ambush protocols for doctors, police officers, judges and others to spot the subtle signs of domestic violence and provide help once they observe those signs.

[00:04:36 - 00:05:05]

And it has funded resources that allow victims to escape abusive environments. Unfortunately, in the last Congress, the Senate failed to reauthorize the Violence Against Women Act, while appropriations of our programs have continued, which is good news, much needed efforts to improve the law stalled.

Thankfully in this Congress, there is a strong bipartisan commitment to join our colleagues in the House and pass both of 2021. Today, the committee will have a chance to hear from the junior Senator from Iowa Senator Ernst.

[00:05:05 - 00:05:34]

She's been working closely with Senator Feinstein and me to prepare the Senate's own version of the Bowery Authorization Act of 2021 for introduction Senator Ernst. Thank you so much. We'll also hear from Senators Leahy, Hyde-Smith and Capital were then going to have a chance to hear from the deputy attorney general Lisa Monaco, a law enforcement leader who has voiced strong support for this legislation as well as a conversation on the phone last night with Lisa.

[00:05:34 - 00:06:03]

And she mentioned that she started her career on the hill as an intern in this committee working on the original VAWA It inspired her to go to law school and to embark on a career of public service, which has been remarkable. So Lisa, I'm glad you're back home. Again. I want to personally thank Senators Ernst and Feinstein for their tireless efforts.

[00:06:03 - 00:06:32]

Senator Feinstein, because of a serious illness in the family, could not join us this morning, but she is here in spirit and we salute all of her leadership. A number of our colleagues on this measure have included Senator Leahy, who expect to be here momentarily and make a statement and Senator Amy Klobuchar, who has also been an invaluable contributor to this effort.

[00:06:32 - 00:07:02]

I'm grateful for the shared commitment to produce a strong bipartisan bill. In March, the House once again passed of our reauthorization with strong bipartisan support from the indomitable Congresswoman, Sheila Jackson Lee House Judiciary Committee Chair, Nadler and Congressman Brian Fitzpatrick. Like the House passed bill, our legislation will modernize and improve this vital law and it won't roll back the progress that we've made.

[00:07:02 - 00:07:31]

This new version of Violence Against Women Act will not only provide funding to organize organizations and resources that support survivors. It will invest in critical prevention and education. It will improve access to services for survivors in rural areas and those who require culturally specific services.

[00:07:31 - 00:08:00]

It will enhance protections for Native American women and children. It will help keep dangerous weapons out of the hands of abusers and it will provide survivors with the support they need by expanding access to legal services and other crucial programs. And once we join in passing the house during the House and passing this legislation, we know we're going to send it to the desk of a leader who is sympathetic, not just sympathetic, but wildly supportive of this measure.

[00:08:00 - 00:08:29]

The man who originally sponsored the first Violence Against Women Act President, Joe Biden, I can think of no better way for us to do our part in honoring Domestic Violence Awareness Month. Now I turn to ranking member Grassley. Thank you, Mr. Chairman and I welcome all the witnesses and guests story

hearing on VAWA today.

[00:08:29 - 00:08:58]

I supported enactment of the Original Voucher Act that was in 1994 and have voted to reauthorize the grant programs authorized by via multiple times. When I wasn't able to support a Democrat led effort to reauthorize, I introduced my own proposal that would have protected and enhanced the program. This year I again led my colleagues in sending a letter to the Senate appropriators urging that Congress continue to prioritize funding of the voucher programs in previous years when I sent similar letters to appropriators.

[00:08:58 - 00:09:27]

Senator Shelby and Leahy leaders of the appropriators were incredibly responsive to my requests and supportive of these programs. So I want to thank them for working with me to champion the funding as a member of this committee. I've made it a top priority to champion related measures to expand the rights and services for victims of intimate partner violence.

[00:09:27 - 00:09:56]

This year for example, I joined a number of committee members in co-sponsoring legislation to ensure that the Crime Victims Fund will receive an additional \$ 1 billion in deposits each and every year. Services to the victims and survivors of intimate, partner violence, sexual assault and child abuse are accorded priority funding under the Victims of Crime Act, which created this important fund in 2016 and again This year.

[00:09:56 - 00:10:25]

I also work closely with young, sexual survivor, assault survivor, Amanda Wynne and the organization she founded on bills to enhance the right of sexual or violence, survivors and criminal justice system in early 2018. I led this committee's effort to press the FBI for information in response to allegations of sexual abuse lodged against Olympic athletes against their former team. Doctor.

[00:10:25 - 00:10:54]

I've been seeking justice for victims of Larry Nassar was abuse and I have some timely questions for DOJ who refuse to attend our hearing last month about accountability for those who failed these victims as former chairman of the committee, I also worked closely with Senator Feinstein on Legislation to impose mandatory reporting requirements on coaches and instructors who witness abuse when working with young athletes.

[00:10:54 - 00:11:24]

I also sponsored and led this committee in approving legislation to renew and update the Trafficking Victims Protection Act. As many of the victims of sexual trafficking also are victims of intimate partner violence. I worked with Senator Cornyn on the Justice of Victims of Trafficking Act, shepherding it through this committee in the Senate and led our committee to in approving a measure sponsored by former Senator Hatch to make more resources available for the victims of child pornography.

[00:11:24 - 00:11:53]

Renewing extending Bawa is our next priority and that's why we've concerned convene this hearing today. Before we begin, I want to take this opportunity to mention now that it's Domestic Violence

Awareness Month that it's important that we adopt an extension of fatwa. A Senate passed reauthorization could include the language on which we've reached consensus and meanwhile, we could continue to engage in negotiations on additional important reforms and updates of VAWA. I also want to recognize several of my Republican colleagues who are not members of our committee, but have joined us here to testify today.

[00:11:53 - 00:12:22]

Senator Ernst Hyde-Smith Capital.

Chuck Grassley [00:12:22 - 00:12:24]

I thank you for being here.

John Cornyn [00:12:24 - 00:12:28]

And I'd like to thank Miss Monaco for attending today's hearing.

Chuck Grassley [00:12:29 - 00:12:45]

On behalf of the Department of Justice, thank you, Senator Grassley, let me lay out the mechanics of the hearing will begin with member panel and each Senator will have three minutes of opening statements. After that Deputy Attorney General Monaco will testify and she will have five minutes. We will turn to questions from Senators and each Senator will have five minutes for questioning before we begin.

[00:12:45 - 00:13:01]

I also want to note again that Senator Feinstein is unable to be here, but has submitted a statement from the record, which will be included without objection. And we are all both sides of the aisle. Grateful for her amazing leadership on this bill and hearing as chair of the Subcommittee on Human Rights and the Law. So first begin with a statement from Senator Ernst who I mentioned earlier, has worked closely with Senator Feinstein and myself to get this bill introduced enacted into law.

[00:13:01 - 00:13:17]

We're glad you're here today. Senator, please proceed.

Mazie K. Hirono [00:13:18 - 00:13:41]

Thank you very much, chairman Durbin Ranking Member Grassley members of the Senate Judiciary Committee. The Violence Against Women Act is now over 25 years old. As many of us are aware, this law provides desperately needed resources to tackle domestic and sexual abuse in our communities. And as too often the case with programs like Valois authorization has lapsed.

[00:13:41 - 00:14:03]

But despite that reality, year after year, Viva programs continue to be funded by Congress. I am a survivor myself. I know firsthand the paralyzing fear that comes when someone you trust abuses you, but you don't have to be a survivor to understand just how awful violence against women can be in terms of physical and mental well-being in terms of self-image, in terms of our families. And in terms of the security of our society as a whole.

[00:14:03 - 00:14:26]

I wasn't in the Senate in 2013 the last time Congress authorized Valois. But since I've been here, I've had

a vested interest in being part of the process and getting this vitally important bill modernized and reauthorized because I believe we can always improve the violence against women act for our survivors.

[00:14:26 - 00:14:49]

For months, I've worked closely with Chairman Durbin and Senator Feinstein along with Senators Cornyn, Murkowski, Klobuchar and ranking member Grassley on a bipartisan bill that would not only reauthorize VAWA but truly modernize that we are not there yet, but good things in the Senate often take time.

[00:14:49 - 00:15:12]

We will keep working until we come to a bill that won't just be a talking point for one side or the other, but a bill that can pass the Senate and the House become a law and truly deliver for my fellow survivors, a modernized Violence Against Women Act that will pass the Senate must present a renewed focus on rural survivors and invest in proven programs that reduce violence.

[00:15:12 - 00:15:35]

When you live in an area like mine rural Montgomery County, Iowa with a population of just over 10000 people, the nearest shelter is an hour away. In Council Bluffs, we've got to fix that. We must provide better resources for survivors and their own communities. We must also extend critical housing protections to rural communities allowing survivors protection and security.

[00:15:35 - 00:15:57]

It's a critical lifeline and a way out of these abusive situations. We also have to focus on successful efforts to prevent sexual violence like the rape prevention and Education Program instead of reacting to these horrific crimes. This program works to prevent them from happening in the first place. Not only that we must ensure not just that survivors are empowered, but that offenders are punished.

[00:15:57 - 00:16:20]

My goal has always been to empower survivors, punish abusers and enhance the overall purpose behind this important law. I will continue working with my democratic partners, folks on this committee and stakeholders to reach a bill that will help prevent what happened to me from ever happening to another woman.

[00:16:20 - 00:16:43]

It's a lofty goal, but why else are we here? Thank you very much.

Dick Durbin [00:16:43 - 00:16:52]

Thank you. Senator Ernst, I see Senator Hyde-Smith as arrived, but Senator Capital would you like to start? Thank you. Mr. Chairman Colleague.

Mazie K. Hirono [00:16:53 - 00:17:14]

I appreciate Chairman Durbin ranking member Grassley for having this hearing today and I'm proud to be here for this important hearing, strengthening the Violence Against Women Act or VAWA. I'd like to begin by thanking all of the people that work in this area across our our country. This is tough work.

[00:17:14 - 00:17:36]

It's so important and I want to make sure that and thanking our survivors for their ability to fight back

against the scourge, ending domestic violence and other VAWA related crimes has been a priority of mine since I became a Senator. But also as a Congresswoman. As a matter of fact, the first time I ever came over to the Senate was to join with then Senator Biden to celebrate one of the reauthorizations in the early 2000s. I've also previously served as the chairman of the board of a local organization that worked to combat domestic violence.

[00:17:36 - 00:17:57]

That's the YWCA in Charleston, West Virginia, but this work would not be possible without the funding and support that Vowell provides and why it's critical that this bill be reauthorized. I was told by a leader in West Virginia that these funds are a lifeline to their work. As a member of the Appropriations Committee.

[00:17:57 - 00:18:19]

I'm proud that we've consistently championed it in many cases increased the amount of money available for services for survivors of domestic and sexual violence in a bipartisan fashion. Now that the Office of Violence Against Women has announced the most recent round of grant funding. I am a bit concerned about how the Department of Justice is allocating some resources.

[00:18:19 - 00:18:40]

Senator Ernst alluded to this a bit, specifically my state of West Virginia. While we have great challenges, we are accorded -- I want to make sure we're accorded sufficient priority under existing statutory funding as the only state that lost population, the population based metrics are not helpful to meet those demands.

[00:18:40 - 00:19:02]

One of my concerns that VAWA formulas may require updating to better reflect the needs of our nation's rural populations. I'm also concerned about the plight of service providers that are struggling to recover economically post-COVID They need our help. Now more than ever, I urge the Department of Justice to update to the maximum extent possible its allocation methods to better reflect the needs of rural and remote areas where many victims have unique challenges to reporting these crimes and seeking assistance.

[00:19:02 - 00:19:23]

VAWA reauthorization has historically been a bipartisan effort has it been discussed today and I'm happy to see many of my colleagues present with us today demonstrating that willingness to work together to get survivors of domestic violence, the resources they need. We can pass this bill, which encompasses the provisions on which already there is widespread bipartisan consensus.

[00:19:23 - 00:19:45]

Doing so would not end our conversation or our work on behalf of victims and survivors because we know there are things we must continually improve to meet the needs and challenges. I would also like to thank Senators Feinstein and Ernst for their dedicated their dedicated movement to get this passed. For example, a few weeks ago, a few years ago, human trafficking was not a great concern in my state, but sadly now it is in addition to the challenges presented by COVID, we continue to be overwhelmed by the impact of an opioid epidemic.

[00:19:45 - 00:20:06]

We are all here today with a shared goal because I've heard from individuals and organizations that need our help. We can provide that help. I'm ready to work together during Domestic Violence Awareness Month and beyond to see this goal accomplished so that we can continue to empower victims, support our survivors, protect families and every single one of our states.

[00:20:06 - 00:20:27]

Thank you.

Dick Durbin [00:20:28 - 00:20:38]

Thank you, Senator kept us Senator Leahy, has dispensed with his responsibilities on the floor of the Senate and is able to join us and he'll be followed by Cindy Hyde-Smith Senator from Mississippi.

Patrick Leahy [00:20:39 - 00:21:04]

And thank you very much, Mr. Chairman. I had to open the Senate this morning and a little bit of delay and my replacement getting there. But we're here and I want to thank you and ranking member Grassley for holding this hearing. The Violence Against Women Act has been a bedrock of the federal government's response to domestic violence and sexual assault.

[00:21:04 - 00:21:29]

It was enacted in 1994 As one who was here at that time. I know this one of the most consequential pieces of legislation within our committee's jurisdiction. But with our evolving world, there came a need to not only reauthorize a law, but update and strengthen it as well. In 2013, we passed a strong bipartisan.

[00:21:29 - 00:21:54]

Violence Against Women Act reauthorization, I was -- chairman of the committee is a top priority of mine. I proudly partner with Senator Kraybill and we did just that. We put together a bipartisan bill. It's co-sponsored by 62 Senators. It passed a So overwhelmingly with 78 votes. And some thought we should water down to make it easier to pass.

[00:21:54 - 00:22:18]

Senator Craig, I stood with the survivors and victims service professionals who called for legislation to protect all veterans regardless of their immigration status, their sexual orientation or their membership in an Indian tribe. Unfortunately, I'm far less satisfied with how the Senate failed to reauthorize the Violence Against Women Act since 2013. Nearly two years have already passed since I joined my friend Senator Feinstein, introduced in the last week authorization, which also passed the House with a strong vote of Republicans and Democrats.

[00:22:18 - 00:22:43]

I'm glad that under the new Senate leadership, we seem to be working on a more diligent bipartisan matter. We're set to introduce a broadly supported set of our bill very soon, but this is not about politics, about listening to survivors and ensuring that those on the frontlines working to prevent domestic and sexual violence have all the tools we need.

[00:22:43 - 00:23:08]

There's incredible dangers and stresses the COVID As one has gone to crime scenes where I was a prosecutor and seeing women who had been beaten to death and then we find that this has been going on for some time. So there's no place to report it. Nothing to do now that was nearly 50 years ago, we can do a lot better and we do -- I still remember those one of those scenes.

[00:23:08 - 00:23:33]

It was yesterday as social distancing pushed many survivors living with their abusers further into isolation. During COVID, victim service providers are struggling to meet increasing housing and economic needs. The programs of our support make a real difference to these survivors and to their families. We ought to work with them.

[00:23:33 - 00:23:57]

And it was a strong bipartisan bill without delay. Mr. Chairman, I thank you for the courtesy. Let me go for it.

John Cornyn [00:23:58 - 00:24:05]

Thank you. Senator Leahy for your leadership over the years for this important legislation, Senator Hyde-Smith. Thank you.

Mazie K. Hirono [00:24:05 - 00:24:27]

Chairman, Durbin and ranking member Grassley, I certainly appreciate the opportunity to be here today to speak for the women who are experiencing these situations. My concerns are a lot like Senator Capito. As we consider this reauthorization, I certainly want us to look at what I feel like is an overlooked population.

[00:24:27 - 00:24:50]

The survivors of intimate partner violence who reside in rural areas, it's a lot harder to get access to things. These are the particular challenges faced by so many victims and survivors of domestic violence in my state of Mississippi before even making the decision to seek help these survivors. Most often women have to come overcome cultural norms which prioritize family privacy, which is very important in rural areas, traditional gender roles and keeping their families together

[00:24:50 - 00:25:12]

When they do decide to get help, they'll have to travel long distances to receive it and we'll have fewer transportation options to get there in many instances. But one account more than 25 percent of the women in rural settings reside at least 40 miles from the closest service provider compared to less than one percent in rural and urban areas.

[00:25:12 - 00:25:34]

Perhaps the most daunting due to geographic isolation, these survivors, they don't have the ability to remain anonymous that they wish that they would have when they're seeking their help and they are so concerned of what the community would think of them. All of us in Congress can agree that our goal should be to ensure that these women in rural areas and indeed all victims of sexual abuse, domestic violence and stalking are protected and they receive the services that they need.

[00:25:34 - 00:25:57]

To this end, these programs are funded generously each and every year by the Appropriations Committee which I serve on earlier this year. We also came together as a chamber and unanimously adopted a measure to significantly increase deposits into the crime victims fund. This cooperative achievement will go a long way to sustaining the fund over time, but we need to harness that same cooperative spirit now.

[00:25:57 - 00:26:19]

October is Domestic Violence Awareness Month a time when we should come together to develop bipartisan relationships to address this and have meaningful chances that this would be signed into law by the President. But we're not yet there and that's extremely frustrating. The other chamber this year passed reauthorization bill that has little chance of reaching 60 votes in this chamber.

[00:26:19 - 00:26:41]

That bill is yet to overcome objectives from prosecutors who fear it will limit their abilities to successfully pursue repeat offenders of domestic violence. It is yet to address concerns that it could destabilize some states, unemployment systems. It is yet to address provisions that may reduce grant eligibility for providers serving victims of elder abuse or commercial sexual exploitation.

[00:26:41 - 00:27:04]

And ironically, the bill's gender identity provisions can make it more challenging for grant recipients to best to serve the rape victims in sex trafficking victims for whom they provide space to heal emotionally and physically. Therefore, I call on this committee and Senate leadership to adopt the reauthorization bill this month that embodies language on which we agree, including a greater emphasis on serving victims in rural areas.

[00:27:04 - 00:27:26]

In the meantime, I believe we should continue to work together in good faith to resolve the remaining areas where we've yet to reach consensus. We need to do it for the sake of survivors of victims of domestic and sexual violence everywhere. Thank you for allowing me to be here to speak on such an important issue.

[00:27:26 - 00:27:49]

I certainly appreciate.

Chuck Grassley [00:27:49 - 00:28:09]

It thank you, Senator Hyde-Smith and Senator Capito. Before you leave, I want to make a shameless plug for a Rise from Trauma Act, a bill that you have joined me in introducing to effectively treat the root causes of violence. By focusing on the impact of this exposure to trauma has on our children and providing them the services they need to help heal.

[00:28:09 - 00:28:30]

Thank you so much for being co-sponsor. Thank you for joining us this morning. We're now -- we're going to call before us Lisa Monaco. Let me get to the appropriate page here. So I don't say the wrong thing at this moment. As a witness tables being prepared, I welcome Deputy Attorney General, Lisa Monaco. Before you sit down, let's I mean, administer the oath, I might.

[00:28:30 - 00:28:51]

Do you affirm the testimony you are about to give before the committee will be the truth, the whole truth and nothing but the truth. So help me, God, I just thank you very much. Note that the deputy attorney general answered in the affirmative. She serves as the Justice Department's second ranking official.

[00:28:51 - 00:29:12]

She's responsible for the overall supervision of the department in this role. Deputy Attorney General Monica advises and assists the attorney general in formulating and implement the department's policies and programs. She was confirmed by the Senate with bipartisan support in April, previously served as a career federal prosecutor and several leadership positions across the department served as Homeland Security and counterterrorism adviser to President Obama.

[00:29:12 - 00:29:32]

Born and raised in Massachusetts, a graduate of Harvard and the University of Chicago Law School, but deputy general. Please proceed.

Lisa O Monaco [00:29:37 - 00:30:02]

Thank you very much. Mr. Chairman ranking member Grassley members of the committee. I appreciate very much this opportunity to speak to you today. The Violence Against Women Act has had an enormous impact in combating domestic violence, dating violence, sexual assault and stalking. And I'm here to urge Congress to reauthorize and to strengthen it. Before we get started though, Mr. Chairman, with your indulgence, I would like to recognize several tragedies that the Department of Justice has suffered in recent days.

[00:30:02 - 00:30:28]

Yesterday in Tucson, Arizona, a DEA agent was shot and killed and a second DEA agent and a task force officer were shot and wounded separately. Last Friday, a deputy U.S. marshal succumbed to injuries from a vehicle accident that occurred while he was assisting with a law enforcement operation. These sacrifices remind all of us of the risks law enforcement takes every day to protect the communities that they serve.

[00:30:28 - 00:30:54]

My thoughts and prayers are with their families and the men and the women of the DEA and the U.S. Marshals Service. Now Mr. Chairman ranking member Grassley, the original passage of the Violence Against Women Act in 1994 is as you have noted, Mr. Chairman had a major impact on my own life at the time.

[00:30:54 - 00:31:20]

I was a young staff member on this committee working for then Chairman Biden and one of my responsibilities included responding to letters from people who wrote to the committee time. And again, I read firsthand accounts not only about the violence that too many people, mostly women suffered at the hands of their intimate partners, but also about the lack of accountability for these crimes.

[00:31:20 - 00:31:46]

Statistics the committee reported during that period painted a very grim picture. Ninety eight percent of rape, rape victims never saw their attacker caught tried and imprisoned, meaning almost all of the

perpetrators of rape walked free. Fewer than half of the people arrested for rape were convicted and almost half of convicted rapist could expect to serve only a year or less in jail.

[00:31:46 - 00:32:12]

My conversations with individual survivors, rape crisis centers, domestic violence, shelters, emergency rooms and police stations put a human face on those statistics. And that experience led me to want to go to law school, Mr. Chairman and it led me into public service. And it drew me to a career in law enforcement and criminal justice.

[00:32:12 - 00:32:38]

With the passage of Iowa, I saw how a law could make a real difference in people's lives and I saw what Congress could accomplish through thoughtful policy driven by courageous voices experts and bipartisan leadership. Congress reauthorized VAWA in 2000, 2005, 2013 each time with bipartisan support. Over the years, we've made substantial progress, but the need for various programs and protections is as critical as ever.

[00:32:38 - 00:33:04]

And I'd like to highlight just a few of the items the Department of Justice sees as priorities for the reauthorization bill. First, reauthorizing VA was vitally important grant programs at the \$ 1 billion funding levels included in the President's fiscal year 2022 request. This will ensure communities can provide critical services to survivors as well as the right tools and training to make sure that responses to these crimes are survivor centered and trauma informed.

[00:33:04 - 00:33:30]

And I'm pleased to announce today that the Office of Violence Against Women has issued this year more than \$ 476 million in grants to help state, local and tribal organizations support survivors as they heal, promote victim access to justice and trained professionals to respond to domestic violence Dating violence, sexual assault and stalking.

[00:33:30 - 00:33:56]

Second, we need to find ways -- new ways to reach and improve services for underserved populations including culturally specific communities. Third, expanding the ability of tribes to protect their communities from domestic and sexual violence through expanded jurisdiction in force, reducing homicides through federal firearms laws, including by closing. The so-called boyfriend loophole, that leaves countless victims at risk.

[00:33:56 - 00:34:22]

Now before I take your questions, Mr. Chairman, I want to speak to two recent issues that have received considerable national attention and which I think underscore the continued importance of our the tragic murder of Gabby Potatoe has been at the forefront of many people's minds. Well, I won't speak to the ongoing investigation regarding her death.

[00:34:22 - 00:34:48]

I am struck by two critical lessons we should take away from the publicly reported information, not just in this case, but in the thousands of other cases that don't receive public attention. First is the importance of the bystanders 9-1-1 call, which prompted law enforcement to respond to reports of violence between

Mr, Potato and her boyfriend.

[00:34:48 - 00:35:14]

The second, as we learned from watching the public video footage of interviews conducted by those officers is the vital importance of having trained law enforcement who understand the dynamics of domestic violence when responding to such incidents. But we should not forget that Gabby Potato is not alone.

[00:35:14 - 00:35:39]

There are more than 89000 missing persons cases in this country and roughly 45 percent of them involve people of color, including too many missing and murdered indigenous persons now gender based violence is too often a precursor to these cases. And while these cases often don't receive public attention, the Department of Justice will continue its work to prevent these crimes and to bring perpetrators to justice.

[00:35:39 - 00:36:05]

Finally, I want to recognize the many courageous women athletes who have spoken out and testified on behalf of the hundreds of survivors of Larry Nassar as horrific sexual abuse and most recently the four brave women athletes who came before this committee last month. I also want to thank this committee for its work and that of the inspector general in bringing to light a system that inexcusably failed them and the scores of other survivors.

[00:36:05 - 00:36:31]

As the deputy attorney general as a lawyer as a former FBI official and as a woman, I was outraged by the inspector general's findings and I was horrified at the experiences Simone Biles McKayla Maroney Maggie Nichols and Ali Raisman recounted in their powerful testimony. I am deeply sorry that in this case the victims did not receive the response or the protection that they deserved.

[00:36:31 - 00:36:57]

I've discussed with the FBI director the full scope of the changes he's instituting to ensure this never happens. Again, I've also directed additional measures inside the Department of Justice to ensure that where there is an ongoing threat violence or abuse, especially when that involves vulnerable victims that our prosecutors understand that they have a duty to coordinate with other local law enforcement partners to address it. And I've made clear that it is a priority of the Department of Justice to provide victims and witnesses of crime, the support that they need.

[00:36:57 - 00:37:23]

My experience working on VAWA for this committee many years ago taught me a key principle that guides me still today. Our government has a moral obligation to protect its citizens and when it falls short in that effort we must listen to those who we have. Let down to better understand where we can improve survivors who come forward to report abuse must be met with competent and compassionate professionals who have the resources, training and institutional support to do their jobs.

[00:37:23 - 00:37:49]

That's the promise of our and one the Department of Justice is committed to carrying out in our own organization and in VAWA funded programs and work throughout the country. I appreciate the time and

attention of the many members of Congress who've contributed to this important legislation. Many for decades.

[00:37:49 - 00:38:15]

I look forward to continuing that work with this committee and to answering your questions today. Thank you.

Chuck Grassley [00:38:16 - 00:38:41]

Thank you, Deputy Attorney General. It's been my honor to serve on this committee for over 20 years. Three weeks ago, we heard as you recounted the incredibly compelling and heartbreaking testimony from four survivors of sexual violence who were abused by disgraced USA, Gymnastics team doctor Larry Nassar.

[00:38:41 - 00:39:06]

The reaction across the nation to that testimony was incredible resounding powerful. The American people want child predators like Larry Nassar and anyone who aids in their crimes held accountable. The Department of Justice has a special responsibility in this regard. We had the director of the FBI present during the entire testimony of the gymnast and he testified later.

[00:39:06 - 00:39:31]

I think making no excuses for what they experienced when they finally summoned the courage to bring their grievance to the proper legal authorities the FBI failed them, our government failed them, we failed them and it was very clear in addition to managing millions of dollars in funds Earmarked for survivors of abuse, the Department of Justice oversees individual prosecutions of predators and their abettors.

[00:39:31 - 00:39:56]

Many people, including myself and my colleagues in the gymnasts, who testified, expressed shock and dissatisfaction with the department's decision to decline prosecution of the FBI agents who not only mishandled the Nassar investigation, but clearly lied to the Inspector General's Office. People are charged with the crime of lying to the government and are held accountable and some are imprisoned for the very acts which appear to have taken place here.

[00:39:56 - 00:40:21]

And yet the decision not to prosecute is one which most of us clearly don't understand. What is your response to the criticism over the department's decision not to prosecute these FBI agents If the department is committed to bringing justice to survivors of sexual violence? What is your plan to better demonstrate that commitment going forward?

Lisa O Monaco [00:40:22 - 00:40:45]

Mr. Chairman, thank you, Mr. Chairman. First, let me reiterate the survivors who testified so bravely last month deserved better than they got from the FBI and from the Justice Department. The IG documented inexcusable unacceptable failures, some of them quite fundamental failures, a lack of urgency, a lack of care from the victims who we have a duty to protect.

[00:40:45 - 00:41:08]

It is a core mission of the department to protect those victims. And as you know, the FBI director testified

about a number of measures he put -- he's putting in place from strengthened policy strength and training, mandatory reporting when such abuse comes to light in the future. And I've also put in place the measures I referenced in my opening statement.

[00:41:08 - 00:41:31]

Now with regard to the understandable interest in frustration with regard to the department's long standing policy to protect appropriate decision making and not commenting on declination decisions, I can inform the committee today that the recently confirmed assistant attorney general for the Criminal Division is currently reviewing. This matter, including new information that has come to light.

[00:41:31 - 00:41:54]

In light of that review, I think you'll understand Mr. Chairman that I'm constrained in what more I can say about it. But I do want the committee and frankly I want the survivors to understand how exceptionally seriously we take this issue and believe that this deserves a thorough and full review.

Dick Durbin [00:41:55 - 00:42:04]

I might ask you this, is there any sense of urgency or timetable to this new criminal review about the wrongdoing by the FBI agents?

Lisa O Monaco [00:42:04 - 00:42:15]

We take exceptionally seriously our duty to protect victims and yes, I think you can be assured there is a sense of urgency and gravity with the work that needs to be done.

Dick Durbin [00:42:16 - 00:42:41]

I'd like to ask you about one other issue in the remaining minute. I mentioned while she was still here that Senator Cabinet Capital and I have co-sponsored legislation, the Rise from Trauma Act when you read the statistics of the number not only of spouses but children. Of those spouses who are either victims of violence are exposed to violence in their lifetime.

[00:42:41 - 00:43:06]

It is a showstopper as a parent, you think back on the experiences of your own youth and those memorable events. Hopefully God willing, they are positive memories. But in many cases they're not. And there's a scar on the -- on the souls and minds of these children that has to be addressed or we see terrible outcomes.

[00:43:06 - 00:43:31]

We're going through a spate of gun violence across America and in the city of Chicago, which I dearly love, which is just incredible. And you wonder who are these kids that get so mixed up with the gangs and turn to guns and violence, the fight or flight syndrome and everything that follows. What? Can you tell me about your announcement this morning of additional resources that are going toward the issue of dealing with trauma?

Lisa O Monaco [00:43:32 - 00:44:05]

Well, Mr. Chairman, as you know, one of the founding principles of the Violence Against Women Act when it was first enacted in 1994 and continuing on for 25 years has been to ensure that prosecutors court systems, victim advocates and all who encounter children who are exposed to Violence in the home

victims themselves of domestic violence, sexual assault, stalking dating violence to ensure that when they encounter the system in all of its myriad forms that those individuals receive the the service that they are due, meaning that service providers the prosecutors.

[00:44:05 - 00:44:39]

So judges have been trained to understand the unique experience that a survivor of domestic violence or children exposed to violence in the home, what that trauma is like and how that should impact their movement if you will. And what they get in the system. They shouldn't be retraumatized Mr. Chairman by coming forward and by seeking to hold their perpetrator accountable.

Chuck Grassley [00:44:39 - 00:45:06]

I've gone over my time and I'm sorry just to close by saying, but resources have to be available for analysis for counseling, for remediation, for mentorship to put these -- give these kids a second chance otherwise, I'm sorry, say the results are going to be terrible. And so I'm glad to work with you and the attorney general President on that issue.

[00:45:06 - 00:45:32]

Senator Grassley Yeah, before I start my questions, I want to emphasize what's been said here and you've already respond to it as positively an update as you could about reconsidering prosecution of these people that weren't -- were doing their job and taking action appropriate. I sent a letter to Attorney General Garland along the same line the very same day.

[00:45:32 - 00:45:58]

I think that we had this hearing now to my first question, it starts out with the fact that VAR was passed the House of Representatives on that bill. Certain prosecutor groups have flagged for us something concerning with that the business community has raised questions about unemployment, benefits that are in that program could undermine mine the stability of the unemployment system.

[00:45:58 - 00:46:25]

I hope that we can reach a bipartisan agreement to move a bill forward. Short of that, I hope we can continue to do what we've done to reauthorize VAWA because it's a very important program that must be continued. So my question is based on the fact that I believe 90 to 95 percent of what are on the table in regard to VAWA is agreed to, but then there's certain outstanding things.

[00:46:25 - 00:46:51]

Is the department supportive of ensuring that the existing firewall programs are extended, for example, through the end of the year that the bipartisan negotiations can continue on a longer term reauthorization message?

Lisa O Monaco [00:46:52 - 00:47:14]

Well, Mr. Ranking Member first, I want to thank you for your support in the past of the reauthorization of VAWA an exceptionally important provisions, not only the -- the -- the major funding and grant to form your grant programs and important grant programs that provide services to victims. But also the rural grant programs, which I know is exceptionally important to you.

[00:47:14 - 00:47:37]

And so I thank you for your work and your support in the past and we look forward to continuing to work with you and the other bipartisan Senators who were here before. I think it's very important that we move urgently to reauthorize the Violence Against Women Act. And of course, we are grateful that the Congress, when the Violence Against Women Act lapsed that the funding programs were continued to be funded because as we know provide urgent services.

[00:47:37 - 00:47:59]

But as Senator Ernst and others said, it is very important that we strengthen, improve and indeed modernize the Violence Against Women Act. So we stand ready to work with you, Senator and others to make sure we can get that done.

Chuck Grassley [00:48:00 - 00:48:23]

Some years ago, this committee approved the Survivors Bill of Rights for Sexual Assault. This year I'm working with colleagues on related legislation that would for five states with additional funding under the Stop Formula Grant Program authorized by VAWA. If they adopt legislation to implement these same rights. At the state level?

[00:48:23 - 00:48:47]

I remain concerned however that only a minority of sexual assault victims come forward and report the crime other than adopting the Survivors Bill of Rights. What additional steps might federal state local authorities take to encourage more victims of sexual assault to report the crime and cooperate in its investigation.

Lisa O Monaco [00:48:47 - 00:49:06]

Well, first Senator thank you for your leadership on ensuring survivors regardless whether in the state system of the federal system receive the services and the rights that they deserve. I think the simple answer to your question, Senator is reauthorization of VAWA and it is at the levels that the President has sought because that will expand the much needed indeed urgently needed services.

[00:49:06 - 00:49:24]

I spent some time with a number of advocates last week and I heard from them that frankly I unfortunately the demand for services is far outpacing the availability of those services. We have waiting lines at places like rape, rape, trauma and rape crisis centers, critical rape crisis centers that VAWA funds.

[00:49:24 - 00:49:43]

So I think the simple answer Senator is reauthorization and the increased funding that the President is seeking.

Chuck Grassley [00:49:43 - 00:49:58]

OK, my last question will have to be about the federal courts having authority to award restitution for certain losses incurred by victims of crime in federal cases and the Governmental Government Accountability Office recommended several years ago that the Department of Justice implement performance measures and goals for The collection of restitution.

[00:49:58 - 00:50:12]

To what extent has DOJ implemented those reforms And what can you tell us about that subject?

Lisa O Monaco [00:50:14 - 00:50:29]

Well Senator -- I'll have to go back and look at that specific report and our responses, although I know that we take very seriously reports from where there's the GAO or the IG and particularly when it comes to stewardship of federal dollars.

Josh Hawley [00:50:30 - 00:50:32]

Could you respond to that in writing then?

Chuck Grassley [00:50:32 - 00:50:33]

I'd be happy to, sir.

John Cornyn [00:50:33 - 00:50:35]

Thank you. Thank you. Senator Grassley, Senator Lee.

Patrick Leahy [00:50:38 - 00:51:08]

Thank, thank you, chairman. I have the attorney general. It's great to see you here. I've had the pleasure working with you over the years. You talked about being a junior staff member here. You were a very vital staff member right from day one and I appreciate you being here on this and I can't think of anybody better be talking about violence against women act as one of the most consequential pieces of legislation within our committee's jurisdiction.

[00:51:08 - 00:51:38]

Fortune Lifetime successfully reauthorized in 2013. I was glad on that one. When Senator a great -- I brought the bill through, we had students, immigrants LGBTQ individuals and tribal land. It passed overwhelmingly. But those -- those of us who it is as prosecutors saw what happened, violence against women, not a statistic, but actually saw the victims.

[00:51:38 - 00:52:08]

I talked with the veterans, those who are still alive and could talk, so I'm glad you're here. I think you would agree that it's important to not only we authorize but improve and strengthen the law. Would you agree with that?

Lisa O Monaco [00:52:10 - 00:52:12]

I do Senator and.

Patrick Leahy [00:52:12 - 00:52:36]

I, you know, I think back off in my own experience, many of us have experiences prosecutors do you see the impacts of domestic and sexual violence on individuals on their communities? Well, it's a one size doesn't fit all in the criminal justice system. I've been looking at things like restorative justice principles and practices.

[00:52:36 - 00:52:59]

Maybe they can help those in power survivors have a voice in shaping the response to her and it gives in many communities the opportunity to make sure that those who caused the harm be accountable for

their -- their actions. I've been working with your Justice Department to establish the federally backed National Center and Restorative Justice.

[00:52:59 - 00:53:22]

I'm familiar with it because it's housed within the Vermont Law School. The center received initial funding from the Office of Justice Programs received another Justice Department grant earlier this year to continue and I appreciate that both the House of Representatives and the White House have expressed support for continuing expanding it as needed.

[00:53:22 - 00:53:46]

So my long way round to cover to the question we have to reauthorize, we have to improve on the existing law. I think utilizing restored demand justice approaches is one of those necessary improvements to deputy Attorney, General Monaco. We're working to put finalize restorative justice language within the set of our legislation.

[00:53:46 - 00:54:09]

Will you support exploring restorative justice as another approach to reducing domestic and sexual violence in our communities?

Lisa O Monaco [00:54:10 - 00:54:35]

Yes, Senator -- and just to give you a sense of my thinking on this, I start from the premise that the original Violence Against Women Act at its core was about improving responses. As we've talked about removing improving responses to domestic violence, dating violence, stalking sexual assault and improving the response of law enforcement in the courts.

[00:54:35 - 00:55:00]

It had been treated as a private matter and we had to innovate and we had to change our thinking. And as has been noted before earlier this morning, the hallmark of reauthorizations of our in the past has been filling gaps and innovating and improving and modernizing our services. And what I have heard from advocates and from experts is that some survivors are reticent to seek help from the criminal justice system and so they need other options.

[00:55:00 - 00:55:26]

I think those options need to be evidence based. They need to be voluntary, but I think a hallmark of violence against women in the past and in the future ought to be being willing to study and innovate and be responsive to what we're seeing on the ground. So yes, Senator and I'm very pleased that OJP and the Bureau of Justice Assistance has been able to fund the Restorative Justice Center you mentioned in Vermont.

Patrick Leahy [00:55:26 - 00:55:55]

Well, I appreciate that and I -- I have a feeling that the -- at least the Senate Appropriations Committee will make sure the money is there to be made on this. And just -- and you alluded to this, I'll close with this. I think back and the distressed memory, a number of cases were as a prosecutor when a victim of violence against women, sometimes no longer alive come forward. We find this been going on for some time.

[00:55:55 - 00:56:24]

That person never don't. They have a place they could go to report it. I have often said I was distressed in my Office of State Attorney to hear about it for the first time as we're ordering the autopsy. Thank you.

John Cornyn [00:56:27 - 00:56:52]

Thank you. Senator Leahy, Senator Cornyn, deputy Attorney, General Monaco, thank you for being here today. I'm actually a little surprised to see you given the fact that you refused to attend the hearing where the heinous conduct Larry Nasser was exposed again and where even the FBI director personally apologized saying he was deeply and profoundly sorry to the victims of these repeated sexual Assaults, while they were Olympic athletes.

[00:56:52 - 00:57:17]

Let me just ask you to respond to a statement that was reported in the hill. This was by one of the witnesses there, former U.S. Olympic gymnast Aly Raisman. She attended a News conference that Senator Blumenthal and Senator Grassley held and as you know, Senator Blumenthal, Senator feinstein had both written a letter to you and the attorney general asking serious questions asking for you to appear at the hearing that we held three weeks ago.

[00:57:17 - 00:57:42]

But Miss Raceman, one of the -- for victims of repeated sexual assault by the Olympic team, doctors said the message by them not showing up sends the child child abuse, doesn't matter. She's talking about the Department of Justice talking about you. I think it's completely shocking and disturbing that they didn't think it was important.

[00:57:42 - 00:58:06]

What's your response?

Lisa O Monaco [00:58:09 - 00:58:20]

Senator I think that the women who came and testified here last month are exceptionally brave. Their voices were powerful and their voices.

John Cornyn [00:58:20 - 00:58:28]

They're talking about you not showing up and the jet was essentially a disrespectful act.

Josh Hawley [00:58:29 - 00:58:29]

Which did not?

John Cornyn [00:58:31 - 00:58:39]

View the allegations that they have made against Mr Nasser is sufficiently significant for the Department of Justice to actually show up for the hearing.

Lisa O Monaco [00:58:40 - 00:58:55]

I'm deeply and profoundly sorry for the fact that the victims and courageous survivors, both of the women who testified last month and the scores, unfortunately scores of other survivors of Larry Nassar did not.

John Cornyn [00:58:55 - 00:58:57]

Why do you -- are the attorney general show up at the hearing?

Lisa O Monaco [00:58:58 - 00:59:05]

Senator I think the committee and I thank the committee for its work was able to hear from Director Wray and the inspector general.

John Cornyn [00:59:05 - 00:59:30]

I also demonstrated profound disrespect for these victims of sexual assault by your refusal to respond to Senator Blumenthal Senator Feinstein's letter or to even show and express your personal apology as the public official responsible for supervising the FBI at the Department of Justice. Don't you think you showed them disrespect by refusal to show?

Lisa O Monaco [00:59:30 - 00:59:47]

I mean, no disrespect Senator and I'm here to answer whatever questions the committee has with regard to the steps the department is taking to ensure that the failures, the inexcusable failures, fundamental failures do not happen. Again. I welcome the committee's questions here today on that subject.

Josh Hawley [00:59:48 - 00:59:48]

Well, you're about.

Lisa O Monaco [00:59:48 - 00:59:49]

Three weeks too late.

John Cornyn [00:59:49 - 01:00:15]

By my -- by my count, a lot of the initial failures of the FBI occurred in 2015. We're now in 20 one and despite the Department of Justice's refusal to act on the criminal referral by the inspector general. Now you tell us six years later that the Department of Justice is reviewing new information and has a sense of urgency and gravity over the over these potential criminal prosecutions.

[01:00:15 - 01:00:41]

You know I've been in Washington long enough to know there's a difference between what people say and what they do. And when you're talking about a six year delay between the time that the outcry of these victims of sexual assault has made an six year delay. Between then and now it's pretty hard to understand or to believe that there is any sense of urgency or gravity on the part of the Department of Justice.

[01:00:41 - 01:01:07]

What is the statute of limitations for lying to the FBI or from some of the other potential criminal activities that have been charged by the inspector general in this case?

Lisa O Monaco [01:01:08 - 01:01:15]

I believe the statute of limitations will want to confirm four thousand one, which I think is the statute referencing is five years.

John Cornyn [01:01:15 - 01:01:27]

So here we are six years later, isn't it likely that any criminal charges for lying to the FBI would be barred by the statute of limitations?

Lisa O Monaco [01:01:28 - 01:01:35]

So Senator Cornyn, I really don't want to get into the specifics about what legal theories could be pursued, what evidence may?

John Cornyn [01:01:36 - 01:01:51]

I'm asked pursuant to the statute of limitations, you said it's five years for lying to the FBI Here we are six years later and the Department of Justice has done nothing and you have the audacity to tell us that you are experiencing a sense of urgency and Gravity over this, it's simply not credible Senator Whitehouse.

[01:01:51 - 01:02:06]

Thank you. Welcome as Monaco. Good to have you back in the committee again.

Lisa O Monaco [01:02:06 - 01:02:07]

Thank you, sir.

Sheldon Whitehouse [01:02:09 - 01:02:29]

We had another exceptionally brave and powerful witness with allegations of sexual assault in this committee before the Olympic athletes and that was Dr. Christine Blasey Ford. In response to that testimony, the Republicans hired a prosecutor to try to punch holes in her testimony and when that failed, it appears that the FBI tanked.

[01:02:29 - 01:02:49]

The background investigation, just for starters, is there any reason that sexual assault allegations should be taken less seriously in the context of a background investigation than in the context of a criminal investigation?

Lisa O Monaco [01:02:50 - 01:02:53]

Sexual assault allegations should always be taking seriously Senator.

Sheldon Whitehouse [01:02:54 - 01:03:17]

And let me thank you for the trickle of information that has begun to flow about the FBI's conduct in that matter. As you know, Director Wray maintained a complete stonewall, an information about that investigation during the Trump administration while at the same time maintaining a fast lane for FBI information related to the CROSSFIRE hurricane investigation.

[01:03:17 - 01:03:41]

Why there should be two different gates at the FBI For information related to these two investigations is something that we'd like to try to understand further and I hope you'll continue to cooperate in extracting from the FBI. The information that we need to understand what took place will you?

Lisa O Monaco [01:03:42 - 01:04:00]

We will Senator and I'm pleased that the FBI has responded to, I think your most recent letter on this matter is offered a briefing on the matter and you have my commitment. We will continue to make sure

that we do our very best to answer your questions.

Sheldon Whitehouse [01:04:00 - 01:04:26]

So more generally, I have a letter that I'd like to put into the record Mr. Chairman from its anonymized, which I think is appropriate from a victim of domestic violence related to her experience with a Rhode Island group called Sojourner House, which among its other services provides Transitional housing, so that the victim of violence can go and find a place to live while she or he works through all the changes in their lives to dealing with that violence threat requires.

[01:04:26 - 01:04:53]

So I'd like to put that on the record without objection. And relatedly years ago, the last time I guess we reauthorized the VAWA act. We got my Smart Prevention Act into it, which provides funding to help kids, right? The woman is often the direct victim of domestic violence, but a child witnessing that violence has been through a terrible ordeal also that can affect them for a long time.

[01:04:53 - 01:05:20]

Could you speak please to the role of housing in providing adequate support for victims of domestic violence and the support that children particularly very young children need when they may not be the subject of the violence itself, but they are nevertheless witness to it. And traumatized by that experience in their family.

Lisa O Monaco [01:05:20 - 01:05:48]

Well, thank you, Senator -- I'm glad you highlighted this issue because I think too often it's overlooked the ripple effect from domestic violence. And as you rightly point out, the woman is often the direct victim, but it does ripple out and unfortunately the most vulnerable the children are often in that wake and feeling those effects as acutely as the primary victim

[01:05:48 - 01:06:15]

Towards that end, the Violence Against Women Act and its transitional housing program funds much needed frankly refuge for people fleeing domestic violence and violent situations. I think the latest figure I saw Senator some two million housing nights a year that the Violence Against Women Act transitional housing program funds through its grant recipients.

[01:06:15 - 01:06:43]

The President's budget request seeks additional funding an increase in that and it's much needed. As I said, I've heard directly from advocates in the last week just how much demand is outpacing supply. And so I think you've hit on a very critical issue and I look forward to working with the members of this committee to really making sure we address that issue of transitional housing and having a refuge for women and their children who are too often in the Line of fire so to speak when it comes to domestic violence.

Sheldon Whitehouse [01:06:46 - 01:06:59]

And last point, in my 15 seconds remaining the -- I hope the administration will support the proposed increase in the smart prevention funding related to child witnesses of domestic violence from 15 million to \$45 million. It's a bit hard when we're talking about 2 trillion here and 3.5 trillion. They are to imagine

that for this population we're at 15 million.

[01:06:59 - 01:07:12]

But I hope the administration will support increasing that.

John Cornyn [01:07:13 - 01:07:15]

Thank you. Senator Whitehouse -- Senator Hawley.

Lisa O Monaco [01:07:16 - 01:07:19]

Mr. Chairman, I let Senator Cotton go next, he was here before me.

Tom Cotton [01:07:19 - 01:07:40]

Senator Cotton Miss Monaco, Last week the National School Board Association wrote to President Biden asking the administration to bring the full force and weight of the feds down onto parents who are protesting various school policies at school board meetings, including the indoctrination of children with an anti-American Doctrine known as critical race theory or protesting the requirement that children as young as to be required to wear masks.

[01:07:40 - 01:08:00]

Now I think we can all agree that violence is not an acceptable form of political protest and violence can never be used to achieve policy or political goals. But that's not what the School Board Association letter focuses on. In fact, in one example of what the association thinks warrants federal criminal charges they cite and this is a direct quote.

[01:08:00 - 01:08:21]

An individual who prompted a school board to call a recess because of opposition to critical race theory, a recess. The association is asking the administration to use the Patriot Act, a law that this Congress passed and has repeatedly reauthorized primarily to stop the threat of Islamic jihadists. To bring criminal charges for domestic terrorism against parents who attend school boards to oppose things like critical race theory or mask mandates resulting in a recess being called

[01:08:21 - 01:08:42]

As Monaco, is it domestic extremism for a parent to advocate for their child's best interests?

Lisa O Monaco [01:08:43 - 01:08:59]

Well, sir, as you rightly point out that violence is not the answer, there can be very spirited public debate and there should be very spirited public debate on a whole host of issues. But when that tips over into violence or threats, there is a role for law enforcement.

Josh Hawley [01:08:59 - 01:09:11]

Miss Monaco, I'm sorry, my -- my time is limited here and I asked a simple yes or no question. I have several of them that I want to ask. So I'd like a yes or no answer. Is it domestic extremism for a parent to advocate for their child's best interests?

Lisa O Monaco [01:09:12 - 01:09:18]

I think the -- what you have described, no, I would not describe as domestic extremism.

Tom Cotton [01:09:18 - 01:09:24]

Domestic extremism for a parent to want to have a say in what their child is taught at school.

Lisa O Monaco [01:09:25 - 01:09:41]

I think it's important, although obviously not my field in the Justice Department to opine on education policy. It's important for parents voices to be heard, but Senator I want to talk about what the attorney general did do in response to that. So I want issue of threats.

Tom Cotton [01:09:41 - 01:09:56]

Miss Monika, I want to go to my question. I grant you that no one, no one should ever threaten violence or use violence to try to achieve political or policy goals. They shouldn't for instance, follow Democratic Senators into the bathroom, violating state laws. No one should ever use threats of violence or violence to achieve political goals.

[01:09:56 - 01:10:11]

I'm asking very simple questions here, trying to get the bottom of what was on the attorney general's mind or the department's mind. Is it domestic racism for parents to oppose their children being taught to treat people differently because of race?

Lisa O Monaco [01:10:11 - 01:10:26]

The Justice Department's job Senator is to apply facts to law not to opine on letters that are put forward or you know, I think I think it's very important for the Justice Department.

Tom Cotton [01:10:26 - 01:10:46]

Miss Monaco, it's a fact that the School Board Association just sent this letter to President Biden and then conveniently. The attorney general released his letter yesterday describing his series of measures to confront this grave and growing threat of parents protesting their kids, being indoctrinated in a school board having called recess certain connection between those two things.

Lisa O Monaco [01:10:47 - 01:11:01]

I want to be very clear in the memorandum that's publicly available, the attorney general issued talks about the importance of bringing federal state local law enforcement together to make sure that there is awareness of how to report threats that may occur and to ensure that there's an Open line of communication to address threats, to address violence and to address law enforcement issues.

[01:11:01 - 01:11:15]

In that context, which is the job of the Justice Department, nothing more.

Tom Cotton [01:11:15 - 01:11:32]

United States just saw the largest single year increase in murders on record as the attorney general issued a memorandum describing a special series of measures. The Department of Justice should take to try to address this record increase in murders.

Lisa O Monaco [01:11:32 - 01:11:56]

Yes, indeed, Senator -- in fact, I issued a directive to the field earlier this year as the attorney general. It

was on behalf of the attorney general and the rest of the leadership of the Justice Department to address the alarming rise in violent crime and to lay out a strategy for violent crime reduction, which includes going after and using federal resources to target the most violent Offenders, including those operating with guns, including those responsible for murders and violence in our communities.

[01:11:56 - 01:12:20]

So absolutely, we take the alarming rise in violent crime exceptionally seriously. And indeed I've heard from the many hours I have spent with law enforcement leaders across this country how urgently they feel it is to address this rise in violent crime. And we are working every day to address that.

Tom Cotton [01:12:20 - 01:12:35]

Now I just want to -- I just want to finish with one final question. Did anyone at the FBI express disagreement or any reticence at all about investigating disagreements between parents and school boards over curriculums and school policies?

Lisa O Monaco [01:12:36 - 01:12:43]

I don't understand that to have been the absolutely was not the subject of the attorney general's memorandum, but the answer -- your question is no.

Tom Cotton [01:12:43 - 01:12:46]

Nobody at the FBI expressed any reticence.

Lisa O Monaco [01:12:47 - 01:13:02]

I'm sorry, Senator if you're asking me what was the response to the attorney general's memorandum, I've heard no, no reticence, no concern. The job of U.S. attorneys and FBI special agent in charge to be conveners in their community to address violent issues in their community. Is the core job of the Justice Department?

[01:13:02 - 01:13:16]

All right, then thank you. Senator Cotton and Senator Klobuchar prior to your arrival, we said good things about you and your work.

Amy Klobuchar [01:13:17 - 01:13:42]

Better than bad things, oh, thank you very much, Mr. Chairman. Thank you for your leadership. I apologize for being late. We're having an incredible hearing over in the Commerce Department, Commerce Committee on the whistleblower's allegations and statements about Facebook. And I was thinking as I sat there, despite all of the hearings that we've had in this committee it may be that one person is going to be the catalyst to finally passing bills, not just in the privacy area which she herself said isn't enough. But in transparency for algorithms?

[01:13:42 - 01:14:07]

And also consolidation, which was specifically mentioned with the dominant platforms, miss Monaco, I know we're going to have a confirmation hearing on your new nominee for antitrust, but I only lead with that because the violent content is part of this story as well. I would start with the fact that this has always been a bipartisan reauthorization so many times in the past.

[01:14:07 - 01:14:32]

This bill is so important and in your view has the pandemic where we saw in my own state intimate partner partner violence rose from more than 40 percent rose more than 40 percent in 2020. Has the pandemic increased the urgency to reauthorize power?

Lisa O Monaco [01:14:34 - 01:14:53]

Absolutely it has Senator and I have been remarking this morning on my discussions with advocates and service providers. So people on the ground doing the work that is so urgently funded by the Violence Against Women Act. They have told me that the demand for services is outpacing the ability to provide those services and it's only become more so as a result of the COVID 19 pandemic, which stands to reason people are at home and really you know with -- with their abuser in many Respects?

[01:14:53 - 01:15:12]

And that is a horrible situation that we need to rectify.

Amy Klobuchar [01:15:12 - 01:15 27]

OK. For many years, I've worked with Senator Cornyn on the Abby Honnold Act, something that Senator Franken was originally involved in introducing and this bill would encourage law enforcement's use of trauma, informed techniques when responding to sexual assault crimes to avoid retraumatizing the victim.

[01:15:27 - 01:15:42]

Can you speak to why it's important that law enforcement uses these types of techniques as Bill was actually included in the House passed reauthorization of VAWA?

Lisa O Monaco [01:15:43 - 01:16:31]

Thank you, Senator and thank you for your leadership on that issue. It is such an exceptionally important part of the Violence Against Women Act and our approach to these issues, understanding from the survivors perspective, what they're going through when they are interviewed by law enforcement, when they interact with the court system, when they go to get their medical Exam as a result of a sexual assault that they have suffered, making sure that at every step along the way, the individuals they are encountering understand the trauma that the victim and survivor has encountered so that they can take appropriate steps. So they can recognize and have their services be as we say trauma informed where the victims experience is at the center of the training that service providers provide.

Amy Klobuchar [01:16:31 - 01:16:55]

Thank you. I'm going to -- I'm going to move on to something really important to me and that is the fact that every year more than 600 American women are killed with a gun by intimate partners and half of the women killed by intimate partners are killed by dating partners. Under when Senator Leahy was chairing this committee, we had a hearing on what's called the boyfriend loophole, which always sounds too positive to me actually for what it means.

[01:16:55 - 01:17:18]

And a conservative witness actually all the Republican witnesses, I remember Senator Grassley being at this hearing as well supported changing the situation there. And they said dangerous boyfriends can be

just as scary. The sheriff from Racine County, Wisconsin said as dangerous husbands they hit just as hard and they fire their guns with the same deadly force.

[01:17:18 - 01:17:41]

Yet federal law only prohibits domestic abusers from buying a gun if they are currently or formerly married. If they have ever lived together, if they have a child with the victim, do you agree that we should update the law? And I know you addressed this earlier in order to protect dating partners in the same way we protect married partners.

Lisa O Monaco [01:17:42 - 01:18:02]

Absolutely, Senator the danger and the violence and the risk to the women who are suffering and who are killed, we know that women are more likely to be killed if the abuser has a gun. And it's no different if that abuser is in a dating relationship than if they are a spouse.

Amy Klobuchar [01:18:02 - 01:18:17]

And I also note when the Congress first took action to prohibit convicted domestic abusers, this was on a bipartisan basis from buying or owning a gun. The restriction applied to people who of course already had convictions on the books, they didn't wipe the slate clean. Do you agree that fully addressing the threat means that abusive dating partners with prior domestic violence, convictions should be prohibited from buying a gun?

[01:18:17 - 01:18:31]

That's what's in the bill now the bill that by the way passed the House with dozens of Republican votes.

Lisa O Monaco [01:18:32 - 01:18:52]

I think it's exceptionally important that we address this loophole. The individuals, as you said, are people who would be affected by this are people who've been adjudicated who have been convicted and found to be a threat by a court. That's the -- the issue that we have to address and because failure to close this loophole is resulting in too many women dying.

Amy Klobuchar [01:18:52 - 01:18:58]

Really appreciate your leadership in your testimony today. Thank you very much. Thank you, Senator.

Lisa O Monaco [01:18:58 - 01:19:00]

Thank you. Senator Klobuchar, Senator Hawley.

Josh Hawley [01:19:00 - 01:19:21]

Thank you, Mr. Chairman, Miss Monaco. I want to come back to this extraordinary letter. The memorandum that the attorney general of the United States issued yesterday. Practically every day brings new reports about this administration, weaponizing the federal bureaucracy to go after political opponents. Frankly, I don't think we've ever seen anything like it in American history.

[01:19:21 - 01:19:41]

I mean for those of us who missed the McCarthy era, I guess this President is intent on bringing it to us, but with new force and new power and new urgency unlike anything we've ever seen. Are you aware of any time in American history when an attorney general has directed the FBI to begin to intervene at

school board meetings, local school board meetings?

Lisa O Monaco [01:19:41 - 01:19:45]

I'm not aware and I'm not aware that, that that is not going on.

Josh Hawley [01:19:46 - 01:19:51]

Let me be very clear, this isn't about local school board meetings, that's not the subject of the memorandum. I thought that was in the memorandum.

Lisa O Monaco [01:19:51 - 01:20:18]

The memorandum is quite clear. It's one page and it asks the U.S. attorney community and the FBI special agent in charge to convene state and local law enforcement partners to ensure that there's an open line of communication to address threats to address violence. And that's the appropriate role of the Department of Justice to make sure that we are addressing criminal conduct and violence at.

Josh Hawley [01:20:18 - 01:20:29]

Local school board meetings, let me just ask you, this is parents waiting sometimes for hours to speak at a local school board meeting to express concerns about critical race theory or the masking of their students, particularly young children. Is that in and of itself? Is that harassment? And intimidation is waiting to express one's view at a school board meeting.

[01:20:29 - 01:20:41]

Harassment and intimidation.

Lisa O Monaco [01:20:41 - 01:20:51]

As the attorney general's memorandum made quite clear spirited debate is welcome, is a hallmark of this country. It's something we all should engage in.

Josh Hawley [01:20:51 - 01:21:07]

I don't think some as Monaco with all due respect, it didn't make it quite clear. It doesn't define those terms nor does it define harassment or intimidation. It talks about violence. I think we can agree that violence shouldn't be condoned or looked aside from in any way swept under the rug at all, but harassment and intimidation. What are those terms mean in the context of a local school board meeting?

[01:21:07 - 01:21:23]

I mean this seems to be the First Amendment context we talk about the chill the chill to speech. If this isn't a deliberate attempt to chill parents from showing up at school board meetings for their elected school boards. I don't know what is -- I mean, I'm not -- I'm not aware of anything like this in American history.

[01:21:23 - 01:21:40]

We're talking about the FBI, You're using the FBI to intervene in school board meetings. That's extraordinary.

Lisa O Monaco [01:21:40 - 01:21:57]

Senator I have to respectfully disagree, that is not point me to an instance. The -- the attorney general's

memorandum made quite clear that violence is not appropriate. Spirited public debate on a whole range of issues is absolutely what this country is all about.

Josh Hawley [01:21:58 - 01:22:01]

The -- why is it being investigated by the FBI?

Lisa O Monaco [01:22:01 - 01:22:11]

It is not when in if any situation turns to violence then that is the appropriate role of law enforcement to address it.

Josh Hawley [01:22:12 - 01:22:30]

The memorandum covers more the violence, it talks about intimidation, it talks about harassment. So I'm asking you to draw some lines. We do this all the time in the First Amendment context. This is -- this is the sum and substance of First Amendment law. So I expect that she'll be available and willing to do it now.

[01:22:30 - 01:22:48]

Tell me where the line is with parents expressing their concerns, waiting for hours in the school board means we've all seen the videos. This happened in my state. Parents have waited for hours, sometimes in school board meetings have been ended before they can speak because the school board doesn't want to hear it and now parents are told that if they wait and they express their views that they may be investigated for intimidation.

Lisa O Monaco [01:22:49 - 01:23:11]

I don't know who's telling them that Senator the job of the Justice Department is to investigate crimes when a situation turns to violent when and if a situation turns to violence is the job of the Justice Department and local law enforcement to address that. The attorney general's memorandum simply asked the U.S. attorney community, the FBI and their counterparts to ensure that state and local law enforcement has an open line of communication to report threats. Whether they happen in the context of election officials being threatened where they haven't happened in the context of members of Congress being threatened, which the FBI responds to on a regular basis as is appropriate.

[01:23:11 - 01:23:33]

The job of the Justice Department is to address criminal conduct.

Josh Hawley [01:23:35 - 01:23:51]

You know, all I can say is this is truly extraordinary. I think you know it is, it's unprecedented. You can't point to a single instance where anything like this has happened before. And I think parents across this country are going to be stunned to learn stunt that. If they show up at a local school board meeting by the way where they have the right to appear and be heard where they have the right to say something about their children's education where they have the right to vote.

[01:23:51 - 01:24:08]

And you are attempting to intimidate them, you are attempting to silence them. You are attempting to interfere with their rights as parents and yes, with their rights as voters. This is wrong. This is dangerous

and I cannot believe that an attorney general of the United States is engaging in this kind of conduct.

[01:24:08 - 01:24:24]

And frankly, I can't believe that you are sitting here today defending it. I intend to get answers to these questions. You won't answer my questions. I'm going to get answers these questions. Mr. Chairman, we need to have a hearing on this subject. We need to hear from the attorney general himself. He needs to come here take the oath sit there.

[01:24:24 - 01:24:41]

And answer questions, we have never seen anything like this before in our country's history and frankly I want to say I think it is a dangerous dangerous precedent.

Lisa O Monaco [01:24:42 - 01:24:46]

This hearing on Violence Against Women Act will continue Senator Coats.

Christopher Coons [01:24:47 - 01:25:10]

Thank you. Chairman. Durbin, great to be with you, deputy Attorney General Monica and I appreciate your appearing before us on a hearing that is about the reauthorization and strengthening of the Violence Against Women Act a tremendously positive and important law that you helped shape when it was first brought forward. By then, Senator Biden in this committee.

[01:25:10 - 01:25:33]

It's one of the most important pieces of legislation Congress has passed in recent memory. It's improved and protected the lives of millions of Americans and transformed the way that our country and law enforcement advocates and victims think about and respond to domestic violence. It's also in my view a testament to President, Biden's vision and character, someone who has always had an intense opposition to those who abuse their power over others.

[01:25:33 - 01:25:56]

It still remains far too pervasive in our country and domestic violence in many ways has been worsened by the COVID 19 pandemic. I've gotten calls from the Delaware nonprofit organizations that are both advocates and service providers and I think it's more critical than ever that Congress strengthen and reauthorize this bill.

[01:25:56 - 01:26:19]

So let me ask a few questions on that topic if I might. Gun violence is a pervasive and tragic brutal part of Domestic Violence. Gender-Based Violence studies show Domestic Violence is five times more likely to be deadly if a -- if an abuser has access to a firearm. I was glad to see that the bipartisan House passed viable reauthorization would require the federal government to tell state and local authorities when a person with a domestic abuse conviction has failed a background check.

[01:26:19 - 01:26:42]

Similarly, Senator Cornyn and I introduced in this chamber the Next Denial Notification Act, which would require information sharing between federal, state and local law enforcement when a person prohibited tries to purchase a firearm and fails a background check which you agree that giving state and local authorities Timely information about individuals who've lied and tried and been denied a firearm can help

make our communities safer.

Lisa O Monaco [01:26:43 - 01:26:56]

Absolutely, Senator, we need to make sure as we've got the requisite information in the systems to ensure that those who pose a risk, those who pose a lethal risk cannot possess a firearm and do deadly damage in our communities.

Christopher Coons [01:26:57 - 01:27:16]

And the -- one of the roles I play here is as a member of the Appropriations Committee and in particular, the subcommittee that provides funding for federal law enforcement and for the implementation of our -- the authorization levels haven't gone up as rapidly as the need. And I've heard from providers like the YWCA Child and Community Legal Aid in my home state about how this makes a daily difference, the resources that they receive through Iowa.

[01:27:16 - 01:27:35]

How can we continue to support nonprofit organizations all over the country, an established network of providers and advocates and account for the extra need that the COVID 19 pandemic has placed on them.

Lisa O Monaco [01:27:35 - 01:27:55]

Well, Senator, you've hit at the heart of the matter, which is the really dangerous increase in the need that survivors of domestic violence, dating violence, stalking, sexual assault have. And it's increased during the pandemic as, as we've observed, those who are stuck at home housed with their abuser are suffering and suffering sometimes in silence.

[01:27:55 - 01:28:14]

And so the simple answer to your question, Senator is reauthorizing reauthorizing, excuse me, the Violence Against Women Act and doing so at the \$ 1 billion levels that the President has requested in his FY 2020 two budget request, it will provide much needed indeed urgent services to Survivors training to law enforcement.

[01:28:14 - 01:28:34]

So they respond and when they do so they've got the tools, the training they need not to retraumatize the survivors who they're encountering and it will do the same with regard to court systems, increase rural funding for these same services. Senator Ernst rightly pointed out that we need to make sure that rural communities get these services as well.

[01:28:34 - 01:28:53]

The Office of Violence Against Women's Rural Program does that we need to increase those funds as well. So reauthorizing the critical and frankly landmark programs of the Violence Against Women Act is, is really what we need to be doing.

Christopher Coons [01:28:54 - 01:29:08]

I was glad this hearing began with a panel of three Republican Senators here testifying to the significance of Iowa and in particular Senator Ernst talking about her own experiences and now her engagement and advocacy. Let me ask a last question this if I might. Many survivors of domestic

violence struggle to find rental housing.

[01:29:08 - 01:29:22]

Often, they have poor credit or employment or rental histories directly as a result of their abuse. How can Congress ensure survivors don't face needless barriers to accessing affordable housing, which is one of the main reasons, those who are abused, stay with their abusers as they don't see a path forward towards being able to house their family.

[01:29:22 - 01:29:37]

Free from abuse.

Lisa O Monaco [01:29:37 - 01:29:51]

You're quite right, Senator, we need to make sure that there is a refuge, there is a safe haven, if you will, for people, women and their children oftentimes fleeing an abuser and there needs to be a place for them to go the transitional housing program that the Violence Against Women Act funds and has funded historically provides millions of housing nights a year for just that exact purpose to give that safe haven.

[01:29:51 - 01:30:06]

And we need to reauthorize it and we need to increase the funding to it.

Christopher Coons [01:30:06 - 01:30:19]

Thank you, Deputy Attorney General. Mr. Chairman, could I ask for one minute of forbearance? I guess the Senator who preceded me in questioning, you accused the attorney general and the administration of an unprecedented level of FBI harassment and intimidation of citizens at school board meetings. Is there any foundation to this?

[01:30:19 - 01:30:33]

No, sir, just thought I'd give you a chance to answer that. Thank you, Mr. Chairman.

Lisa O Monaco [01:30:33 - 01:30:35]

Thank you. Senator Coons Senator tell us.

Thom Tillis [01:30:35 - 01:31:02]

Thank you, Mr. Chairman. Thank you for holding this hearing and also thanks to ranking member Grassley. I look forward to us moving ahead and providing more resources, more support to families and victims of domestic violence. I think over the last 18 or 20 months, COVID has not only taken lives as a result of the disease, but we've seen an increase in domestic violence and child abuse.

[01:31:02 - 01:31:28]

So it's very timely that we have this hearing and very important that we make progress. I want to talk Miss Monica about some of the plumbing that we should look at. You know we installed the plumbing back in 1994. We had a Go Go report in 2012 that talked about the DOJ lacking visibility over the extent to which the programs overlap.

[01:31:28 - 01:31:55]

I think in 2018, we had another inspector general report that 42 percent of our grants had not been

closed on a timely basis. So as we're looking ahead at maybe well-intentioned programs, but maybe they need to be repurposed modernized consolidated, do you have any thoughts about what we should focus on in terms of the plumbing of Iowa so that we can get maximum resources to those who need it? And free it up to address role and other other concerns that were expressed in the hearing today.

Lisa O Monaco [01:31:55 - 01:32:21]

Well, thanks very much. Senator and I think you're quite right to focus on the Spitzer specifics of how we're making sure we're getting that funding out to the people who need it and how we make sure that we're using that - those dollars to their best effect. As you know, the Violence Against Women Act funds these critical programs and then recipients of those grants have to file a regular financial reports and reports on the services they are providing.

[01:32:21 - 01:32:46]

The fact that I could tell Senator Whitehouse that there are two million transitional housing nights a year with those grant recipient fundings. It is because of those reports now. I think we have to be exceptionally diligent in how we are monitoring the use of those funds. And I'm confident that we have the capability to do that.

[01:32:46 - 01:33:12]

And I'm also pleased that we have been able to get out the funds for the Violence Against Women Act for the Office of Violence against Women's Twenty. 21 funding that would have expired on September 30th of this year. Had we not gotten it all out the door to the people who need it and we've been able to do that and nearly half a billion dollars in those -- in those funds as of September 30th.

Thom Tillis [01:33:12 - 01:33:26]

Thank you. The -- I think as we go through this process it would be very important just to see how the administration of the program and the future oversight can be improved and modernized. We would appreciate that feedback.

Lisa O Monaco [01:33:26 - 01:33:30]

Happy to work with you Senator on that and I know this is an area of particular focus for you.

Thom Tillis [01:33:30 - 01:33:45]

Thank you. Also just kind of curious about DOJ audits on grantees and victims. Can you give me an update on -- on the audit process and generally speaking how the outcomes are generally speaking to the outcomes?

Lisa O Monaco [01:33:45 - 01:34:19]

Well, Senator, as I said, the -- the VAWA programs themselves in the Office of Violence Against Women does require regular reporting on the -- the use of the funds, how those funds are being distributed, what services are happening as a result. And that's a very, very important part of the success of our being able to see where dollars are effective and add to those and where there not to look at other innovative ways to expand and provide to provide services.

Thom Tillis [01:34:19 - 01:34:45]

What about things that can help us as we move forward with reauthorization and modernization in the area of best practices, I went to a -- a facility that just recently opened in west western North Carolina, which is extraordinary. They're a safe transition, their employment outcomes, they have to be in the top quartile, not the top decile. So how could we better understand programs that seem to be working and really try to set that bar bar high?

[01:34:45 - 01:35:10]

Everybody's trying to do good now I understand that, but some programs are clearly producing better results than others. So what information could we get from the DOJ to really instruct us on the kinds of things that we believe are leading edge and making sure that our resources are going to the ones that are producing the best results?

Lisa O Monaco [01:35:10 - 01:35:31]

Well, first, I'd say that I'd be happy to, to give you a more in-depth briefing about how we identify the best programs and best practices. I view it as the job of the Department of Justice through the Office of Justice Programs, Violence Against Women, Office the cops office to basically be a force multiplier and an identifier of best practices to lift those up. See where great innovative work is being done. In the states, in local communities, because that's what it's all about.

[01:35:31 - 01:35:52]

The federal government absolutely doesn't have the best information on this. We need to identify the great work that is going on locally funded and then expand it and give it a broader audience.

Josh Hawley [01:35:53 - 01:35:55]

Thank you very much. Thank you, Mr. Chair.

Dick Durbin [01:35:55 - 01:36:18]

Thank you. Senator Tillis. Before I recognize Senator Hirono, since it has been a recurring theme from some members about the memorandum that was issued yesterday by the attorney general, we now have a copy of it in hand as well as a press release from the Department of Justice, which without objection. I'm going to enter into the record so everyone can read the actual words printed.

[01:36:18 - 01:36:42]

And it is worth noting that the opening of the memo is quote. In recent months, there has been a disturbing spike in harassment, intimidation and threats of violence against school administrators, board members, teachers staff who participate in the final work of running our nation's public schools. And he goes on to meet with more specifics how the attorney general is seeking to coordinate with local and state law enforcement for the protection of all school personnel.

[01:36:42 - 01:37:05]

That is clearly the intent of this, those who believe that somehow or another violence or something close to it is a valid use of constitutional, right? I couldn't disagree more. There are many who described the January 6th occurrence here in the capital is just a visit by ordinary tourists for those of us who lived through it, no better than anyone who wants to characterize that as an ordinary constitutional process wasn't here and isn't being honest whether They have said that publicly or outside cheering the group

on. So I want to make a record of that and I'm going to add the press release as well from the Department of Justice, which goes into more detail on the subject.

[01:37:05 - 01:37:29]

Senator Rono thank you so much for your patience.

Mazie K. Hirono [01:37:30 - 01:37:56]

Thank you, Mr. Chairman and thank you for clarifying what's actually in the letter or memorandum those issued by the attorney general yesterday. It's always surprising to me that the lawyers on this committee don't seem to understand the legitimate exercise of First Amendment rights and people who are threatening violence and in fact to us who engage in assaults on people.

[01:37:56 - 01:38:22]

So you would think that we would all be able to come together to pass forward. And I thank you Miss Monaco for your testimony and your responses to the urgent need to reauthorize Iowa and at an increased level because the need is definitely there. One group that I wanted to call your attention to is that there is an unfortunately high incidence of intimate partner violence within the Native Hawaiian community, which as an indigenous community parallel the high instances of domestic violence experienced by an exhibitor within American Indian and Alaska Native Communities?

[01:38:22 - 01:38:49]

And as we move forward with combating domestic violence, I'd like to get your commitment to work with my office to address this disparity and better serve native communities because we can do a far better job.

Lisa O Monaco [01:38:50 - 01:39:05]

I absolutely communities I absolutely agree. Senator is one of the priorities laid out in my opening testimony is exactly this, making sure that we are address ng the underserved to include indigenous communities.

Mazie K. Hirono [01:39:05 - 01:39:29]

Thank you and in particular we need to fix Wawa to ensure that Native Hawaiian organizations are eligible for funding from the Office of Violence Against Women's Tribal Coalitions Program. I hope that you'll give your support to that change. There was some discussion already about how women in these situations often do not have options.

[01:39:29 - 01:39:53]

And often they will leave their job not because they're fired but because of domestic violence. And so we want to make sure that these victims and survivors have access to unemployment, insurance benefits. And I think that that is an important aspect of what we need to do with the volunteer authorization, which is great.

Lisa O Monaco [01:39:53 - 01:40:05]

Thank you. Senator, I know that the -- the Office of Justice Programs is exploring how we can ensure that individuals have the assistance. They need to kind of be a bridge to the services they need to get to.

Mazie K. Hirono [01:40:07 - 01:40:46]

So I think that we need to view UI benefits as as more than just in the circumstances where someone loses a job or is fired. We know that protecting immigrant, survivors of domestic violence, sexual assault, dating violence and stalking is particularly a concern for the immigrant community. Can you talk about how important it is for valor to be there for all survivors and also how it's been able to assist immigrant victims of violence?

Lisa O Monaco [01:40:47 - 01:41:24]

Well, I think what's really important center and you rightly point out that an individual shouldn't be held hostage by their abuser and be able -- they need to be able to seek immigration relief as it were on their own. And I think some of that we'll see where the Senate bill what that yields. But I think it's something that we very much want to be supportive of making sure that a individual who did not have to rely on their abuser to file a petition for immigration status.

Mazie K. Hirono [01:41:24 - 01:41:38]

I think immigrant women are particularly vulnerable, those who are undocumented and immigration has become a very divisive issue. And it is really important that we continue to provide these protections and services for immigrant women and for undocumented women in our -- I'd ask for your continued support and the.

[01:41:38 - 01:41:51]

Well, Mr. Chairman, those are the questions I have for the moment.

Dick Durbin [01:41:55 - 01:42:16]

Thank you, Senator Rona and once again thanks for your patience in waiting sure during this hearing, I want to thank Deputy Attorney, General Monaco as well as Senators Ernst Hyde-Smith and Capito for joining us today. Statistics suggest that an average of nearly 20 people per minute are physically abused by an intimate partner partner in the United States 20 per minute.

[01:42:16 - 01:42:38]

That means that over the course of this hearing, hundreds of Americans experienced domestic violence with the passage of our 1994, we reduced incidents of domestic violence and significantly improved support services, but there's still much more to do. I couldn't start to list the number or names of the organizations that provide services and support to survivors of domestic violence and sexual assault.

[01:42:38 - 01:42:59]

Many of them have submitted testimony for the record of today and without objection, their statements will be not only entered into the record but valued for their content. I look forward to introducing the Violence Against Women Act Reauthorization Act with Senators Ernst and Feinstein and many of our colleagues quickly.

[01:42:59 - 01:43:21]

We want to move on this. We need to get this bill to a President who's anxious to receive it as well and sign it into law for reauthorization. Welcome back to the Judiciary Committee and I really value your presence and testimony today. The committee will stand adjourned. Thank you, Mr. Chairman.