

EXHIBIT 45

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Democracy Dies in Darkness

The Army is trying to find criminal conduct among immigrant recruits, email shows

By **Alex Horton**



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The lawsuits and public pressure made it clear: The Army had a problem.

In August, it reversed its decision to expel dozens of immigrant recruits who were seeking expedited citizenship by serving in the U.S. military.

But days before, on Aug. 13, a military intelligence unit asked Army Reserve attorneys to scrutinize its completed security screening packets for admissions of potential crimes by immigrant recruits, according to an email obtained by The Washington Post.

The email is written in a who, what, when, where, why format. The “why” says: “[Immigrant recruits] are currently suing the federal government claiming they were wrongfully discharged from the Army.”

Critics say the request appears to be retribution for the lawsuits that helped overturn dozens of dismissals and was intended to legitimize a process beset with legal and bureaucratic problems that have been blamed internally for draining vast resources.

“Instead of a good-faith attempt to give due process, it’s done in bad faith,” Margaret Stock, a retired Army officer and immigration attorney, told The Post on Tuesday.

The Pentagon acknowledged the email but said the request was not designed to discharge immigrant recruits or charge them with crimes.

Air Force Maj. Carla Gleason, a Pentagon spokeswoman, said in a statement that “the request for personnel to assist in the review was to ensure we were following federal guidelines and to ensure the packages were complete and accurate given the ongoing MAVNI litigation.”

Gleason provided her statement on Tuesday.

On Wednesday, she said the reviews were “determined to be unnecessary” two days after initial coordination and the packets were diverted back to Army intelligence officials “for reporting to other agencies.”

The Military Accessions Vital to the National Interest program, or MAVNI, promises expedited citizenship for badly needed language and medical skills. More than 10,400 immigrants entered the force through the program since 2009, when it was implemented by Stock. It was shuttered last year.

The August email followed a tumultuous summer where the Army responded to lawsuits by halting the discharge of

recruits while the Pentagon figured out an order of merit and financial screening process. Gleason said that the Pentagon wants to treat recruits with “dignity and respect.”

An unknown number of recruits and reservists have been kicked out after their enlistment because of problems in their counterintelligence screening process — which typically occurs after recruits clear background checks through FBI and police databases, Stock said.

The Pentagon has defended the stricter screening measures introduced in 2016, saying 20 MAVNIs have been investigated for national security concerns in the past five years. It will not say if any of those investigations led to charges or action.

But what has emerged in recent months is a mosaic of seemingly innocuous reasons for dismissals or for reasons outside a recruit’s control. Many reasons for discharges are connected to their foreign backgrounds — which the Pentagon desired to harness in the first place.

The Army has turned immigrants away for holding foreign investments, sending money to parents or communicating with relatives who work in foreign governments, said Stock, who has reviewed declassified reports. Others were discharged because another agency failed to provide documents for screeners in time for an interview, she added.

Now, following questions and a lawsuit over the process, it appears screeners looked to uncover more substantial issues.

The 902nd Military Intelligence Group at Fort Meade, Md., which has conducted the counterintelligence screenings, asked Army Reserve attorneys to help “review [immigrant recruit] packets to determine whether the applicants admitted to or provided information about a crime that requires reporting to law enforcement,” the email says.

The counterintelligence screening is an hours-long interview where recruits are asked about their foreign activities before their arrival in the United States, their relatives and employment history, and loyalty to America.

At least three dozen attorneys were asked to help review screenings, according to an Army legal official who received the email. A majority of those attorneys do not practice immigration law in private practice or in the government, the official told The Post.

“It looks like additional screening will potentially be useful to the Army in defending its actions in civil litigation,” said the official, who declined to provide a name to speak candidly.

Gleason did not answer questions about whether the request for help evaluating screening packets raised questions about the review process, nor a question asking if screeners were directed to focus on immigration-related issues to later forward to other agencies.

The results are not shared with recruits and are only available if they make public records requests. One recruit, a Chinese PhD student, was turned away because a screener with no medical experience said he had Asperger’s syndrome — on the basis that he once observed a family member with autism, The Post previously reported.

Stock said she has reviewed about 30 declassified screening packets. Recruits have shared them with her when asking for help.

“They don’t have the bureaucratic will to fix this. They just want to get this problem over with,” Stock said of the Pentagon. “The way you get rid of the problem is you get rid of the people.”

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