



## **Via Federal Express and Email**

July 26, 2018

Hon. Geoffrey Berman  
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Southern District of New York  
One St. Andrews Plaza  
New York, NY 10007

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## **Re: Request for Investigation of Bill Shine**

As you may know, I am the founder of Judicial Watch and Freedom Watch, and currently the latter's chairman and general counsel, as well as a former federal prosecutor of the U.S. Department of Justice. I am writing to you to request that you re-open and/or commence a bona fide investigation of Mr. Bill Shine ("Mr. Shine") and Fox News.

Mr. Shine was recently appointed Deputy White House Chief of Staff, apparently on the strong urging of Sean Hannity, his close friend and former colleague at Fox News. Previously, Mr. Shine served as co-President of Fox News and also served as the chief aide to Fox News' chairman Roger Ailes, who was forced to resign in July of 2016 after a series of allegations of sexual harassment and other misconduct. Mr. Shine himself was terminated from his position in May of 2017.

The New York Times (Times) reported last week ["Bill Shine, Trump's Top Communicator, Was Questioned by Federal Prosecutors," July 20, 2018], that the Southern District of New York had been investigating Mr. Shine's role at Fox News. As the Times and other press reports have indicated, senior management, including Mr. Ailes and Mr. Shine, allegedly engaged in a pattern of harassment against Fox News employees who made claims of sexual misconduct, including obstructing these employees' civil liberties and their right to due process. According to press reports, Fox News and its parent company, 21<sup>st</sup> Century Fox, have paid out approximately \$100 million in settlements to such claimants since the termination of Mr. Ailes. These settlements have been shrouded in secrecy under confidentiality provisions.

Before Mr. Shine's termination, it had been alleged that Fox paid millions in settlements that were not properly disclosed to the company's auditors and shareholders as legal settlements relating to sexual misconduct claims. As you know, a public company's willful misrepresentation of such financial transactions would constitute a crime.

These allegations were made publicly over a year ago, but the U.S. Attorney for the Southern District of New York has apparently taken no action concerning Fox News or its officers.

In November of 2017, however, Fox's parent company quickly settled a civil shareholder suit relating to its misconduct. D&O Diary described the result of the action: "In what is one of the largest shareholder derivative settlements ever, senior officials of 21st Century Fox have agreed to a \$90 million settlement (to be funded by insurance) of allegations the company's management permitted a culture of sexual and racial harassment to permeate the company, ultimately resulting in financial and reputational harm to the company."

As a practical matter, and in the "world of common sense," the speed in which 21<sup>st</sup> Century Fox acted in settling this action and the amount it paid out would raise a compelling doubt about the company's professed innocence. According to numerous accounts, Mr. Shine was a key corporate figure in almost every major sexual harassment claim made during his years serving as an executive at the company. On July 5, 2018, attorney Lisa Bloom tweeted the following: "Having rep'd several Fox News accusers, let me tell you: it's worse than that. Mr. Shine has been accused over and over again of covering up for accused harassers Roger Ailes ... and others, while the women were driven out of the industry entirely."

Also, on July 5, 2018, BuzzFeed quoted a senior and current Fox News executive: "It's extraordinary that the president of the United States could hire someone like this," said one senior Fox News executive. "This is someone who is highly knowledgeable of women being cycled through for horrible and degrading behavior by someone who was an absolute monster."

According to a September 2, 2016 article in New York magazine, Ailes and senior executives apparently allegedly engaged in a pattern of other illicit and potentially illegal activities. New York magazine claimed that "Fox News also obtained the phone records of journalists, by legally questionable means." This and other reports claim that critics, employees and journalists were surveilled by private detectives, threatened and had personal records hacked by the network. Additionally, Andrea Mackris, a former Fox News host, has alleged in a civil suit that Fox executives, including Mr. Shine, engaged in questionable activities targeting her, including hiring a social media firm to create fraudulent social media accounts to slander her. If true, this is potentially a criminal violation.

These alleged invasions of privacy and phone record intrusions are consistent with the alleged illegal activities of related Fox News companies, News Corp's News of the World and related entities such as the Sun and the Mirror Group in Great Britain, where criminal prosecutions and convictions have resulted for alleged phone hacking of public figures, including

the Royal Family. See “UK Hacking Scandal Fast Facts,” CNN Library, May 2, 2018. See attached article.

Even more unsettling are the allegations published by New York magazine and Vanity Fair of Laurie Luhn, a former Fox News employee who claims she was “psychologically tortured” working at Fox. She further alleges that she reported directly to Mr. Shine, who at one point kept her under surveillance for a period of up to 6 weeks at the Warwick Hotel in New York while she was heavily medicated. Mr. Shine allegedly cleared all of her communications with her family. She claims Mr. Shine referred her to a psychiatrist who had her hospitalized. After Luhn accused Ailes and Shine of misconduct, Fox later made a \$3.15 million settlement with her, according to press reports. New York magazine stated the agreement specifically barred her from sharing the details of Fox’s activities with the FBI.

During the time that I was chairman and general counsel of Judicial Watch, a female client and I personally experienced aggravated mistreatment of her by Roger Ailes and Mr. Shine. A host of Fox News had smeared my client on national television, causing great psychological emotional distress and pain, and then failed to adequately correct it. From my perspective, the allegations against Mr. Shine, Mr. Ailes’ “alter ego,” thus come as no surprise. The two were apparently joined at the hip!

As a strong supporter of President Trump, I am deeply disturbed that Mr. Shine, who has had a questionable past and background, is now serving in an influential position in our government. Again, apparently the president took the bad advice of Sean Hannity to hire Mr. Shine. However, the development of Mr. Shine’s hiring makes it even more critically important that the Department of Justice act in an expeditious manner to investigate Mr. Shine’s actions as the chief lieutenant of Mr. Ailes during the same period these allegations cover.

The federal investigation into Mr. Shine, which apparently began in early 2017, has apparently not yielded any results, despite a plethora of press reports clearly alleging serious misconduct. I am thus asking that the Department of Justice undertake and engage in a proper and expeditious review of these matters.

Additionally, I am requesting that the U.S. Attorney Mr. Geoffrey Berman recuse himself from the investigation. Mr. Berman was appointed by President Trump, who in turn technically appointed Mr. Shine. Mr. Berman’s former law firm, Greenberg Traurig, has represented Fox News. Additionally, Mr. Berman is a former law partner at Greenberg Traurig of Mr. Rudy Giuliani, who also was closely associated with Fox News’ former disgraced chairman Roger Ailes, and still appears regularly on the cable network.

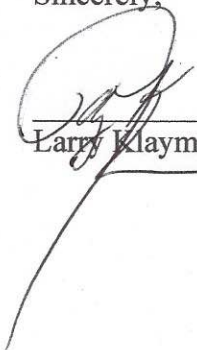
An investigation by the U.S. Attorney for the Southern District of New York, and/or ‘Main Justice,” is clearly both needed and warranted if for no other reason than to address these serious allegations. If culpability is determined, the Department should seek redress for the serious allegations leveled against Mr. Shine and his former employer.

After a thorough investigation and, if culpability is found, the Department should seek appropriate redress, as may be required. This is also important to maintain and protect the

integrity of the President Trump, The White House and the nation, which is regrettably now exposed to a possible and wholly unnecessary scandal over the hiring of Mr. Shine as Deputy White House Chief of Staff under these alleged and as yet not properly investigated circumstances.

Thank you for your anticipated cooperation.

Sincerely,



Larry Klayman, Esq.

Cc:

Honorable Jeff Sessions  
Attorney General  
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950 Pennsylvania Ave, NW  
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Honorable Rod Rosenstein  
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# UK Phone Hacking Scandal Fast Facts

## CNN Library

🕒 Updated 2032 GMT (0432 HKT) May 2, 2018



Anger over the hacking of Milly Dowler's phone led Rupert Murdoch to close 168-year-old News of the World in July 2011.

**(CNN)** Here's a look at the phone hacking scandal in the United Kingdom. Journalists at British newspapers are

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roup publications have also settled cases.

### Timeline:

**November 2005** - British tabloid News of the World (NoW) prints a story about [Prince William](#) injuring his knee, prompting royal officials to complain to the police of probable voicemail hacking.

**August 2006** - NoW editor Clive Goodman and private investigator Glenn Mulcaire are arrested for illegal phone hacking.

**January 26, 2007** - Goodman and Mulcaire are convicted of conspiracy to hack into phone voicemails of royals and are jailed. Andy Coulson, editor of NoW, claims to be unaware of hacking but still resigns.

**May 15, 2007** - The Press Complaints Commission says it found no evidence of phone hacking at NoW.

**July 2007** - Goodman and Mulcaire sue NoW for wrongful dismissal. Goodman receives £80,000 and Mulcaire receives an undisclosed amount.

Coulson is hired as director of communications for Conservative party leader [David Cameron](#), who becomes UK prime minister in May 2010.

**June 2008** - News Group Newspapers pays £700,000 to Gordon Taylor, chief executive of the Professional Footballers Association, whose phone was hacked by Mulcaire.

**November 2009** - The Press Complaints Commission releases a report concluding that there is no evidence of continued phone hacking.

**March 2010** - Celebrity public relations agent Max Clifford agrees to drop his lawsuit against NoW for a payment of more than £1 million.

**September 2010** - Former NoW journalist Sean Hoare alleges that phone hacking was a common practice at NoW and encouraged by Coulson.

**January 21, 2011** - Coulson resigns as British Prime Minister Cameron's spokesman due to coverage of the phone hacking scandal.

**January 26, 2011** - British Metropolitan Police launch a new investigation into voicemail hacking allegations at NoW.

**February 25, 2011** - The High Court orders Mulcaire to reveal who asked him to hack phones.

**April 10, 2011** - NoW officially apologizes for hacking into voicemails from 2004 to 2006, setting up a compensation system for unnamed victims.

**July 4, 2011** - It is revealed that NoW journalists possibly hacked into missing teenager Milly Dowler's voicemail in 2002 and deleted messages to free space, causing her parents to believe she was still alive.

**July 6, 2011** - [Rupert Murdoch](#), owner of NoW, promises full cooperation with the investigation and calls the accusations against NoW "deplorable and unacceptable."

**July 7, 2011** - News International announces that the July 10 Sunday edition of NoW will be the paper's last.

**July 8, 2011** - Coulson is arrested on claims relating to phone hacking and corruption. Goodman, the paper's former royal correspondent who served a four-month jail term in 2007, is also arrested on corruption allegations.

**July 10, 2011** - The tabloid shuts down, issuing a full-page apology for the hacking scandal on page three. The cover says, "Thank You & Goodbye."

**July 13, 2011** - News Corp. withdraws its bid to take over British satellite broadcaster BSkyB, as Prime Minister Cameron announces a wide-ranging public inquiry into the British media.

**July 14, 2011** - The FBI launches an investigation into the allegations that News Corp. employees or associates hacked into phones of [9/11 victims](#).

**July 15, 2011** - Rebekah Brooks, Chief Executive Officer of News International, resigns. Les Hinton, former Chairman News International, resigns as head of the Dow Jones division of the News Group Corp. and publisher of the Wall Street Journal. He was Brooks' predecessor at News International.

**July 16 2011** - Murdoch issues an apology for phone hacking via full page ads in seven national newspapers.

**July 17, 2011** - Brooks is arrested by London police on charges of suspicion of corruption and conspiring to intercept communications. She is released on bail after 12 hours. Sir Paul Stephenson, Metropolitan Police Commissioner and the UK's highest ranking policeman, resigns amid the growing controversy and speculation that London police were involved in the phone hacking scandal. This comes after revelations that former NoW executive editor Neil Wallis later became a communications consultant for the police.

**July 18, 2011** - Assistant Police Commissioner John Yates announces his resignation. Yates had ruled in 2009 not to reopen an investigation of phone hacking by journalists. [Home Secretary Theresa May](#) announces that London's police department will be investigated for corruption by Her Majesty's Inspectorate of Constabulary.

**July 19, 2011** - Murdoch, his son James Murdoch, and former NoW editor Brooks testify before Parliament's Culture, Media and Sport Committee.

**July 20, 2011** - Prime Minister Cameron addresses an emergency meeting to the House of Commons concerning the phone hacking scandal at News Group International and his former communications director, Coulson.

**July 21, 2011** - Colin Myler and Tom Crone, former top executives of NoW, accuse James Murdoch of giving "mistaken" evidence to a parliamentary committee about a settlement to Taylor.

**August 20, 2011** - Mulcaire is ordered by the court to name who hired him to hack the phones of Clifford, Taylor, Elle Macpherson, Simon Hughes, Sky Andrew, and Jo Armstrong.

**September 14, 2011** - Dozens of celebrities, including Hugh Grant and [J.K. Rowling](#), are given permission to participate in a top-level inquiry into phone hacking by British journalists.

**September 16, 2011** - Police in London have applied for a court order under the Official Secrets Act to try to force the Guardian newspaper to reveal confidential sources who have provided information on the phone-hacking scandal.

**October 21, 2011** - News International, publisher of the former NoW newspaper, agrees to pay £2 million -- about US \$3.2 million -- to the family of Dowler. Also, Murdoch will pay £1 million -- about US \$1.6 million -- to charities chosen by the Dowler family.

**October 25, 2011** - In a News Corp. shareholders vote Murdoch retains his seat, however 14% of the vote is against him. Murdoch's sons, James Murdoch and Lachlan Murdoch, lose their Board of Director seats.

**November 14, 2011** - The Leveson Inquiry into journalistic culture, practices and ethics opens in London. [It is revealed that more than two dozen News International employees used the services of convicted phone hacker Mulcaire.](#)

**November 21, 2011** - [The Leveson Inquiry begins hearing from witnesses](#), including Grant and the mother of Dowler, in the hacking scandal and in other questionable practices.

**November 23, 2011** - Gerry McCann and Kate McCann, the parents of missing toddler Madeleine McCann, testify before the Leveson Inquiry.

**November 24, 2011** - Celebrities Rowling, Sienna Miller, and Max Mosley testify before the Leveson Inquiry.

**December 14, 2011** - Crone, a former NoW lawyer, testifies before Parliament that James Murdoch was made aware in June 2008 of the scope of the phone hacking situation.

**December 20, 2011** - CNN host Piers Morgan, former editor of both NoW and the Daily Mirror, testifies regarding his exact knowledge of the phone hacking scandal involving [Paul McCartney](#) and Heather Mills.

**February 8, 2012** - NoW's publisher pays out tens of thousands of pounds to settle lawsuits, including £40,000 (\$63,000) and legal costs to actor Steve Coogan, £45,000 (\$71,000) plus costs to Hughes, and £75,000 (\$119,000) plus costs to sports agent Andrew. Former lawmaker George Galloway gets £25,000 (\$40,000) plus costs. Alastair Campbell, who was communications director to [former British Prime Minister Tony Blair](#), will be paid costs and damages.

**February 29, 2012** - James Murdoch gives up his title of executive chairman of News Corp's UK publishing unit. He will keep his corporate title as deputy chief operating officer. The company says he will now focus on its pay television businesses and international operations.

**March 13, 2012** - UK police arrest six people, including former NoW editor Brooks. All six are arrested on suspicion of conspiracy to pervert the course of justice contrary to the Criminal Law Act 1977.

**April 3, 2012** - James Murdoch steps down as chairman of UK satellite broadcaster BSkyB.

**April 5, 2012** - John Ryley, the head of Sky News, admits to authorizing journalists to hack into emails of private citizens. Sky News is owned by News Corp.

**April 24, 2012** - James Murdoch testifies before the Leveson Inquiry. He insists that he knew little about the scale of phone hacking by people working for NoW and he had no reason to look into illegal eavesdropping by his employees when he took over the company's British newspaper subsidiary in December 2007.

**April 26, 2012** - Rupert Murdoch admits at the Leveson Inquiry to the cover-up of phone hacking at NoW and apologizes for not paying more attention to the scandal.

**May 1, 2012** - British lawmakers investigating phone hacking at NoW declare that Murdoch is not a "fit person to exercise the stewardship of a major international company."

**May 15, 2012** - Brooks and her husband, Charlie Brooks, are charged with conspiracy to pervert the course of justice.

**May 28, 2012** - Blair appears before the Leveson Inquiry and denies any question of an alleged deal between Murdoch and his office while prime minister.

**June 14, 2012** - Prime Minister Cameron appears before the Leveson Inquiry. He is questioned about an October 7, 2009, text message from Brooks, sent after the newspaper switched support to the Conservatives, and about his relationship with Brooks.

**July 21, 2012** - A News International spokesman says that Murdoch stepped down last week from a number of company boards of directors, both in the UK and the US.

**July 24, 2012** - The UK's Crown Prosecution Service says that eight people will face a total of 19 charges relating to phone hacking: former NoW staff Coulson, Brooks, Greg Miskiw, Stuart Kuttner, Neville Thurlbeck, Ian Edmondson and James Weatherup are accused of conspiring to intercept communications, while private investigator Mulcaire faces other charges. The accused deny the charges.

**September 4, 2012** - The number of likely victims jumps to more than 1,000 people, according to the top police officer working on the case.

**November 20, 2012** - Britain's Crown Prosecution Service announces that Brooks will be charged with conspiracy over alleged illegal payments to a Ministry of Defence employee. In a separate case, Coulson will face charges of conspiring to make illegal payments to officials for information relating to the royal family.

**November 29, 2012** - Judge Brian Leveson recommends that the UK news industry create its own regulatory body. He states that Parliament will not create a body to "regulate the press".

**February 8, 2013** - News International settles 144 lawsuits related to phone hacking. Seven cases were not settled and are reportedly scheduled to go to trial in June.

**March 18, 2013** - Siobhain McDonagh, Labour Part MP, accepts "very substantial damages" and an apology from The Sun for accessing text messages from her stolen cell phone.

**June 18, 2013** - Eunice Huthart, Angelina Jolie's stunt double, sues News Corp. for possible phone hacking. This is the first US law suit against News Corp.

**October 28, 2013** - The trial of Brooks and Coulson begins.

**October 30, 2013** - It is revealed that former NoW employees Thurlbeck, Weatherup and Miskiw have pleaded guilty to phone hacking.

**January 31, 2014** - Miller testifies regarding an alleged affair with Daniel Craig, which is exposed by a tabloid journalist who hacked Craig's voice mail.



**February 20, 2014** - The day Brooks is to take the stand for the first time, the judge formally clears Brooks of [one charge of conspiracy to commit misconduct in a public office](#), in association with a photograph of Prince William dressed in a bikini at a costume party that was acquired by the Sun newspaper. The four other counts against Brooks still stand.

**June 24, 2014** - [Coulson is found guilty](#) of conspiring to hack phones between 2000 and 2006. Brooks, her husband Charlie Brooks and Kuttner are cleared of all charges against them.

**July 4, 2014** - After being found guilty of conspiracy, Coulson is sentenced to 18 months in prison. He is released in less than five months.

**April 17, 2015** - British prosecutors drop charges against nine defendants, including Coulson, awaiting trial on charges they paid officials for information. This marks the end of prosecutions against Coulson.

**December 11, 2015** - The Crown Prosecution Service announces no further action will be taken in their investigation of the phone hacking.

**April 28, 2016** - A High Court Judge rules that new phone hacking claims against the Sun newspaper can proceed.

**January 2018** - News Group settles four claims of phone hacking stemming from the 2016 court ruling for undisclosed sums. The claimants are Jimmi Harkishin, Chris Herbert, Vic Reeves and Kate Thornton.

**February 5, 2018** - [Actor Hugh Grant settles a phone hacking case against Mirror Group Newspapers](#), which owns the Daily Mirror, Sunday Mirror and Sunday People. The company had admitted all three newspapers had hacked into his voice mails.

#### **Major Players:**

**Rupert Murdoch** - Australian-born founder and CEO of News Corporation Ltd., the parent company of News International. News International owns the Sun, the Times and the Sunday Times in the UK. Murdoch's holdings also include Fox News, the Wall Street Journal, the New York Post and Harper Collins.

**Rebekah Brooks** - Former Chief Executive of News International, editor of the NoW at the time that the alleged hackings occurred. Brooks resigned on July 15, 2011.

**Andy Coulson** - Most recently Cameron's communications chief and former editor of NoW, resigned after the 2007 conviction of Goodman and Mulcaire but claimed not to know about hacking.

**Clive Goodman** - Former NoW's royal editor, jailed for four months after being convicted of conspiracy to intercept phone messages.

**Glenn Mulcaire** - Private investigator jailed for six months after being convicted of conspiracy to intercept phone messages.

**Hugh Grant** - Actor and hacking victim, calls for comprehensive inquiry into tabloid journalism in Britain.

#### **Claims Paid:**

Charlotte Church, singer - £600,000

Family of Milly Dowler, murdered teenager - £2 million

Christopher Eccleston, actor - undisclosed amount

Sarah Ferguson, the Duchess of York - undisclosed amount

Sadie Frost, ex-wife of Jude Law - £50,000

Uri Geller, psychic - undisclosed amount

Hugh Grant, actor - undisclosed amount

Jimmi Harkishin, actor - undisclosed amount

Gavin Henson, rugby player - £40,000

Chris Herbert, manager - undisclosed amount

Simon Hughes, Liberal Democrat MP - £45,000

Jude Law, actor - £130,000

Sienna Miller, actress - £100,000

John Prescott, former Deputy Prime Minister - £40,000

Vic Reeves, comedian - undisclosed amount

Kate Thornton, journalist - undisclosed amount