



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, DC 20530*

The Honorable Jim Jordan  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Jordan:

This responds to your letter to the Department of Justice (Department) Office of Professional Responsibility (OPR), dated December 4, 2024, regarding the investigations and prosecutions overseen by Special Counsel Jack Smith. This letter supplements information the Department provided in ten previous relevant communications, as well as a briefing provided by OPR on November 19, 2024.<sup>1</sup>

The Department was pleased to offer a briefing by OPR Counsel Jeff Ragsdale in acknowledgement of the Committee's interest in this matter. On November 19, 2024, Mr. Ragsdale briefed you and Committee staff on the policy and processes of OPR, including the policy reasons for keeping investigations of alleged prosecutor misconduct in abeyance while the underlying prosecution is ongoing, and the status of this matter. During the briefing, Mr. Ragsdale focused on the following points:

- OPR has a longstanding practice of holding matters in abeyance while the underlying litigation is pending before a court. This practice ensures that the OPR investigation does not interfere with litigation and recognizes the important role courts must play in reviewing and resolving misconduct claims in matters before them. As Committee staff for the minority correctly pointed out, defense counsel routinely bring allegations of professional misconduct and ask the court to take action—as happened in this case. Despite the court's essential role, OPR actively monitors cases in which Department prosecutors are involved to ensure that it does not lose access to information that may be relevant to a future OPR investigation, among other reasons. In this case, while the matter was pending, OPR reviewed the allegations, gathered relevant documents, and continued to monitor the ongoing, underlying case.

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<sup>1</sup> These include those dated June 15, 2023; September 12, 2023; December 15, 2023; January 4, 2024; June 20, 2024; August 6, 2024; August 29, 2024; September 13, 2024; September 26, 2024; and October 22, 2024.

- We have explained the reasons for this practice in our prior letters. Such a practice ensures that the OPR process is not inappropriately used to disrupt an ongoing prosecution and avoids interference with the court's own supervision of the case. The policy also allows OPR to consider the allegations as a whole, after the record is complete, and in the context of the full litigation.
- It is customary and routine for prosecutors or supervisors to alert OPR when defense counsel alleges improper conduct of a serious nature in a pleading or other court filings in a process termed "self-referral." Indeed, they are required to do so. *See* Justice Manual Section 1-4.300. A self-referral therefore is not an indication that misconduct necessarily took place, but merely brings to the attention of OPR allegations made by defense counsel. In this case, the Special Counsel's Office properly followed this process and alerted OPR to misconduct alleged by defense counsel to the court.
- In November, the Special Counsel's Office informed OPR that it was winding down its work and of its view that OPR proceeding with the investigation of the allegations would not interfere with the ongoing litigation, which is a critical consideration as OPR considers whether to actively investigate. Again, this is a standard practice, followed by the Office of the Inspector General as well as OPR. Accordingly, OPR began to actively investigate the allegations raised in the pleadings and in the congressional letters it received.
- OPR is following its standard and longstanding practices with respect to investigating these allegations. Although Mr. Ragsdale did not discuss specific investigative steps or details in the committee briefing, and it would not be appropriate for him to do so, he emphasized that OPR is treating this case the same as other cases and following OPR's routine policies and practices to thoroughly investigate the allegations.
- At the end of its investigation, OPR typically prepares a comprehensive report. Although OPR reports concerning misconduct are not generally released publicly for privacy reasons and due to restrictions imposed by the Privacy Act, in certain matters when it was legally permissible to do so, OPR reports have been released to Congress or the public with appropriate redactions if necessary. The Department—not Mr. Ragsdale or anyone in OPR—makes that decision. However, Mr. Ragsdale expressed that he would expect that the Department would likely be willing to provide the final report to Congress, consistent with precedent.
- Finally, in response to your question on when OPR is expected to conclude its investigation, Mr. Ragsdale stated that, while he cannot guarantee a specific time frame to complete a thorough investigation of the matter, his office is moving expeditiously, and he expects that the review will conclude in 2025.

Both staff and you had an opportunity to ask questions at the briefing, and the briefing ended only after all questions were exhausted. Although Mr. Ragsdale followed the

Department's longstanding policy and did not offer specific details about OPR's ongoing review, Mr. Ragsdale answered many questions regarding OPR's usual practices while reviewing claims of misconduct and made clear that OPR was treating this matter the same as other matters that come before the office.

We are troubled by a number of inaccuracies and misunderstandings in the Committee's characterizations of the briefing and offer additional clarification and corrections below:

- Contrary to your characterization, OPR does not need the Special Counsel's Office's "permission" or "approval" to begin its review, and that office's notification to OPR of the prosecution's status should not be construed as such. As we made clear in our prior letters and again in this letter, OPR determines whether to begin a review of allegations based in part on the degree to which commencing a review would interfere with the underlying litigation. This is a standard and common practice—indeed, the Department's Office of the Inspector General follows a similar practice to avoid interference with ongoing matters in litigation. In this case, as in other cases, the OPR Counsel makes the final decision as to the timing of an OPR investigation.
- It is inaccurate to say, as your letter does, that "administrative difficulty and resource constraints involved in switching attorneys" prevent OPR from investigating alleged misconduct during an ongoing prosecution. Instead, as explained in the briefing and in detail in our prior letters, OPR's longstanding policy prevents opposing parties from strategically abusing OPR's complaint process to disrupt prosecutions, deferring instead to the court's obligation to supervise and adjudicate alleged attorney misconduct during ongoing prosecutions. Among numerous other reasons for the policy, it also avoids piecemeal review of allegations, allowing OPR to investigate and review them in light of the full facts of a given case. As Mr. Ragsdale highlighted, this has been OPR's practice for decades.
- Mr. Ragsdale made clear that OPR was expected to complete its investigation in 2025. In fact, Mr. Ragsdale shared this expectation with respect to the timeline at least twice during the briefing, including in response to your concluding question. Your letter's assertion that Mr. Ragsdale "declined to give the Committee a timeframe in which OPR would complete its investigation and ultimately release its report and recommendations" is inaccurate.
- Mr. Ragsdale made clear that the Department has previously released final reports to Congress in matters involving significant public interest and when consistent with the Privacy Act, which, as you know, permits certain disclosures in response to requests from a Committee Chair. Your letter's assertion that he said the opposite—that "the Committee could not receive a copy of [the] final report because of the Privacy Act"—is not accurate, and there is no basis for the letter's accusation that OPR has an "intention to hide information from the Committee."

These statements are directly contrary to what Mr. Ragsdale said during the briefing.

- In any event, the Department, not OPR or Mr. Ragsdale, makes the ultimate decision to release an OPR final report to Congress. Mr. Ragsdale referred the Committee to the Office of Legislative Affairs should the Committee need updates or further information from the Department regarding this matter.

At the outset of the 118th Congress, we emphasized our respect for the vital role of congressional oversight and our commitment to cooperating with the Committee's legitimate requests for information.<sup>2</sup> We have followed through on this commitment, engaged with the Committee in good faith, and provided as much information as we could in this matter consistent with the Department's longstanding policies, legal requirements, and practices, and balancing the Committee's need for information against the Department's need to protect the integrity of its pending investigations. As Mr. Ragsdale stated, we anticipate that the Department will be in a position to provide additional information when the investigative report is completed, if legally permissible and consistent with Department policy, which would be in keeping with Department precedents when a Committee chair requests a report in which the Department has determined there is a sufficient public interest.

We hope this information is helpful in clearing up the misunderstandings of the Committee. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

**CARLOS**  
**URIARTE**

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Carlos Felipe Uriarte  
Assistant Attorney General

cc:

The Honorable Jerrold L. Nadler  
Ranking Member  
Committee on the Judiciary  
U.S. House of Representatives  
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<sup>2</sup> Letter from Assistant Attorney General Carlos Uriarte to Hon. Jim Jordan (Jan. 20, 2023).