



U.S. Department of Justice

Office of Legislative Affairs

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 letters, dated May 6 and June 6, 2024, to the Department of Justice (Department) Office of Professional Responsibility (OPR) and to a trial attorney assigned to the Special Counsel's Office (SCO)—on whose behalf the Department is responding—regarding recent filings and disclosures in *United States v. Trump*, 23-cr-80101 (S.D. Fla.), an ongoing prosecution overseen by the SCO.

As the Attorney General stated when he appointed Jack Smith as Special Counsel, “[This] appointment underscores for the public the Department’s commitment to both independence and accountability in particularly sensitive matters . . . and to mak[ing] decisions indisputably guided only by the facts and the law.”¹ Consistent with the Special Counsel regulations, at the conclusion of Mr. Smith’s work he will provide the Attorney General a report explaining his prosecution or declination decisions.² As with all Special Counsels serving during his tenure, the Attorney General has committed to making as much of that report public as possible, consistent with legal requirements and Department policy.

Until that time, and as we have explained in our responses to this Committee’s prior requests about this matter, the Department is limited in what it may disclose. We have a responsibility to protect information subject to statutory and other legal constraints, such as court orders and matters under seal, concerns for ongoing litigation, and longstanding Executive Branch confidentiality interests. These protections safeguard the strong public interest in the integrity of our law enforcement investigations and prosecutions. Consistent with Department policy over many decades and across administrations of both parties, the SCO will continue to speak through its court filings and will abide by court orders and rules.

¹ Merrick B. Garland, Attorney General, U.S. Dep’t of Just., Attorney General Merrick B. Garland Delivers Remarks on the Appointment of a Special Counsel (Nov. 18, 2022).

² See 28 C.F.R. § 600.8(c) (2024).

The Committee already has access to a significant amount of information that addresses your expressed interest in this matter. Recent public filings and disclosures directly address nearly every issue raised in the Committee's letters. For example:

- The SCO has addressed allegations made by Waltine Nauta, a defendant in *United States v. Trump*, regarding the contents of boxes of evidence seized from former President Trump's Mar-a-Lago residence pursuant to a search warrant. The SCO's filings describe the factual background of how materials were handled and rebut as "false" or immaterial each of the defendant's arguments.³
- The SCO also addressed interactions between Mr. Nauta's defense counsel and a member of the SCO, explaining that these allegations are "entirely without merit."⁴ Significant information about Mr. Nauta's counsel's interactions with the SCO is available in recent and recently unsealed filings in the U.S. District Courts for the Southern District of Florida and the District of Columbia. These filings explain, among other things, that "[t]here was never any threat or offer of a quid pro quo, explicit or implicit ... [n]o threat, suggestion, or anything resembling an offer to benefit [defense counsel] through a judicial appointment was made."⁵
- You have also expressed an interest in the court-authorized search of the former President's residence. Considerable information about the search is available in the Department's public filings—and has been for some time.⁶
- With respect to your interest in the SCO's motion to modify the terms of former President Trump's release, the SCO has submitted detailed filings explaining the basis for its request that the court modify the terms of his release "to make clear that he may not make statements that pose a significant, imminent, and foreseeable danger to law enforcement agents participating in the investigation and prosecution of this case."⁷
- The Department previously addressed your questions about entries on public visitor logs maintained by the White House reflecting visits by Department personnel in September 2021, November 2021, and March 2023. As we explained in our

³ Gov't's Response to Def. Waltine Nauta's Motion to Extend Time, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (May 3, 2024), ECF No. 522 (explaining that "there is a clear record of which boxes contained classified documents when seized" and that "appropriate personnel have had access to the boxes").

⁴ Report in Response to the Ct.'s Sealed Ord. on Aug. 7, 2023 at 2, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (Aug. 11, 2023), ECF No. 115 (unsealed Apr. 22, 2024).

⁵ Gov't's Sur Reply to Resp. to Motion to Dismiss at 2, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (Apr. 26, 2024), ECF No. 488; *see also* Gov't's Response to the Ct.'s Sealed Ord. on Aug. 7, 2023, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (Aug. 11, 2023), ECF No. 115 (unsealed Apr. 22, 2024); Attachment A to Gov't's Resp. to the Ct.'s Sealed Ord. on Aug. 7, 2023, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (Aug. 11, 2023), ECF No. 115-1 (unsealed Apr. 22, 2024).

⁶ *See, e.g., In re Press Application for Access to Judicial Recs. in Case No. 23-SC-31*, Misc. No. 23-84 (D.D.C. Nov. 29, 2023); *In re the Search of Info. Stored at Premises Controlled by Twitter, Inc.*, No. 23-5044 (D.C. Cir. Jan. 16, 2024).

⁷ Gov't's Motion for Modification of Conditions of Release at 1, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (May 31, 2024), ECF No. 592.

September 12, 2023, letter, the three visits “were for the purpose of conducting case-related witness interviews” and “were carried out in accordance with” the Attorney General’s Memorandum regarding Department of Justice Communications with the White House.⁸

The issues the Committee has inquired about remain part of an ongoing criminal prosecution and active litigation. A court, not Congress, is the appropriate venue for addressing them. The public filings and disclosures described above reflect the extent of what the Department is currently in a position to disclose on this matter.

The Committee also asked what actions OPR is taking regarding “any allegation of ethical impropriety or any OPR investigation” related to the SCO. OPR is responsible for investigating professional-misconduct allegations against Department attorneys related to the exercise of their authority to investigate, litigate, or provide legal advice, as well as allegations of misconduct against Department law enforcement personnel that relate to allegations of attorney misconduct within the jurisdiction of OPR. As the SCO reported in filings made nearly a year ago, following allegations regarding interactions with Mr. Nauta’s defense counsel, “out of an abundance of caution and in no way implying [any government attorney] acted improperly, *see* Justice Manual 1.4.200 (‘Reporting an allegation raises no inference that the allegation is well-founded.’), the Special Counsel’s Office referred the allegations” to OPR.⁹ OPR’s longstanding policy and practice is to hold in abeyance misconduct allegations concerning Department attorneys, including attorneys working with the SCO, during pending litigation. The Court in the Southern District of Florida has been apprised of this information.¹⁰

The Department’s duty to maintain the integrity of its work is reflected in longstanding protections for the confidentiality of non-public information about its investigations.¹¹ Disclosing such non-public information about investigations could violate legal requirements including court rules and ethical obligations, reveal road maps of our investigations, or interfere with the Department’s ability to bring criminal prosecutions where warranted. To protect the integrity of Special Counsel Smith’s ongoing investigation, and to avoid even the appearance of undue political influence over law enforcement decisions, the Department and its personnel have an obligation to adhere to its longstanding policies and principles. Accordingly, the Department has determined that it cannot provide additional information through the testimony of a trial attorney on the SCO team or, at this juncture, through the release of nonpublic documents or

⁸ Letter from Assistant Attorney General Carlos F. Uriarte to Chairman Jim Jordan (Sept. 12, 2023).

⁹ Gov’t’s Response to the Ct’s Sealed Ord. on Aug. 7, 2023 at 2, 7-8, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (Aug. 11, 2023), ECF No. 115 (unsealed Apr. 22, 2024).

¹⁰ *Id.*; *see also* Transcript of Motion Hearing at 54-56, *United States v. Donald J. Trump et al.*, No. 23-cr-80101 (May 22, 2024), ECF No. 573.

¹¹ *See, e.g.*, Letter from Assistant Attorney General Robert Raben to Chairman John Linder (Jan. 27, 2000); *Response to Congressional Requests for Information Regarding Decisions Made Under the Independent Counsel Act*, 10 Op. O.L.C. 68, 76 (1986) (“[T]he policy of the Executive Branch throughout our Nation’s history has generally been to decline to provide committees of Congress with access to, or copies of, open law enforcement files except in extraordinary circumstances.”); *Position of the Executive Department Regarding Investigative Reports*, 40 Op. Att’y Gen. 45, 46 (1941) (“It is the position of this Department, restated now with the approval of and at the direction of the President, that all investigative reports are confidential documents of the executive department of the Government, to aid in the duty laid upon the President by the Constitution to ‘take care that the laws be faithfully executed,’ and that congressional or public access to them would not be in the public interest.”).

information. Consistent with this determination and the Department's regular practice, it is for the Department—and not a trial attorney—to respond to your inquiry, and we have endeavored to answer your questions as best we are able given the legal and ethical constraints on the information we may share.

In addition, the Department has been clear that it is inappropriate and dangerous to publicly single out our career prosecutors and agents simply for doing their jobs. As the Attorney General has said, “it is absurd and dangerous that public servants, many of whom risk their lives every day, are being threatened for simply doing their jobs and adhering to the principles that have long guided the Justice Department's work.”¹² We repeat those objections here. The threats they face are real.¹³

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

**CARLOS
URIARTE** Digitally signed by
CARLOS URIARTE
Date: 2024.06.20
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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
Washington, DC 20515

¹² Merrick Garland, *Opinion: Unfounded Attacks on the Justice Department Must End*, Wash. Post (June 11, 2024), <https://www.washingtonpost.com/opinions/2024/06/11/merrick-garland-justice-department-threats-fbi-2024/>.

¹³ See *id.*; Josh Gerstein & Kyle Cheney, ‘We’ll Hunt You’: Texas Man Arrested for Allegedly Threatening FBI Agent on Hunter Biden Case, Politico (June 13, 2024), <https://www.politico.com/news/2024/06/13/texas-man-arrested-threats-fbi-agent-hunter-biden-case-00163370>.