



**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 of June 9, 2023, to the Department of Justice (Department) regarding the August 8, 2022, execution of a search warrant at premises associated with former President Donald J. Trump.

Your letter requests non-public information about an ongoing criminal investigation and prosecution by a Special Counsel. The Department's longstanding protections for the confidentiality of such information reflect our duty to safeguard the integrity of our work.<sup>1</sup> On June 9, 2023, an indictment was unsealed in this matter that provides detailed information regarding the investigation and charges. Further information about the court-approved search is available in filings submitted in *Trump v. United States*, No. 9:22-CV-81294-AMC (S.D. Fla.) and *Trump v. United States*, No. 22-13005 (11th Cir.). On this matter, as with others, the Department will speak through its court filings and make disclosures consistent with its longstanding policies and legal obligations.

Protecting the confidentiality of non-public information regarding investigations and prosecutions preserves the American people's confidence in the evenhanded administration of justice by guarding against the appearance of political pressure or other improper attempts to influence Department decisions.<sup>2</sup> Disclosing such information could also violate statutory

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<sup>1</sup> See, e.g., Letter from Assistant Attorney General Robert Raben to Chairman John Linder (Jan. 27, 2000) ("Linder Letter"), available at <https://www.justice.gov/file/1080046/download>; *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.") (quoting U.S. CONST. art. 2, § 3). See also Justice Manual §§ 1-7.000, *et seq.*, Confidentiality and Media Contacts Policy; *id.* § 1-8.200, Communications with Congress; *id.* § 1-8.210, Responding to Congressional Requests.

<sup>2</sup> See, e.g., Letter from Assistant Attorney General Carlos Felipe Uriarte to Hon. Jim Jordan (Jan. 20, 2023). See also Memorandum for Edward L. Morgan, Deputy Counsel to the President from Thomas E. Kauper, Deputy Assistant Attorney General, Office of Legal Counsel (Dec. 19, 1969)) ("[T]he Executive cannot effectively investigate if

requirements or court orders, reveal roadmaps of our investigations, and interfere with the Department's ability to gather facts, interview witnesses, and bring criminal prosecutions where warranted.<sup>3</sup> Maintaining confidentiality also safeguards the legal rights, personal safety, and privacy interests of individuals implicated by, or who assist in, our investigations.

Judgments about whether and how to pursue a matter are, and must remain, the exclusive responsibility of the Department. In his statement appointing the Special Counsel, the Attorney General said, "This appointment underscores for the public the Department's commitment to both independence and accountability in particularly sensitive matters. It also allows prosecutors and agents . . . to make decisions indisputably guided only by the facts and the law."<sup>4</sup>

Special Counsel matters are subject to specific regulations regarding the Special Counsel's appointment and independence. Additionally, the Special Counsel regulations establish procedures for disclosing certain information to Congress at the onset and conclusion of a Special Counsel investigation, including an explanation of any instances in which the Attorney General concluded that a proposed action by the Special Counsel should not be pursued because it was so inappropriate or unwarranted under established Departmental practices.<sup>5</sup> These regulations govern the Department's conduct in all Special Counsel investigations and will continue to govern our disclosures in this matter.

Consistent with the Special Counsel regulations, the Department has worked in good faith to provide you with information about the Special Counsel investigation. Today, we responded to your June 6, 2023, request for information about the authorized scope of the Special Counsel's investigation. We also provided a response to your separate letter of June 1, 2023, which included requests regarding the staffing of the Office of Special Counsel.

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 Felipe Uriarte  
Assistant Attorney General

cc: The Honorable Jerrold L. Nadler  
Ranking Member, Committee on the Judiciary

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Congress is, in a sense, a partner in the investigation. If a congressional committee is fully apprised of all details of an investigation as the investigation proceeds, there is a substantial danger that congressional pressures will influence the course of the investigation.").

<sup>3</sup> See, e.g., Linder Letter at 3-6; Fed. R. Crim. P. 6(e).

<sup>4</sup> Statement of Attorney General Merrick Garland Regarding Appointment of a Special Counsel (Nov. 18, 2022), available at <https://www.justice.gov/opa/pr/appointment-special-counsel-0>.

<sup>5</sup> 28 C.F.R. § 600.9(a), (c).