



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Maloney,

Thank you for your letter dated April 7, 2022, regarding correspondence you received from the National Archives and Records Administration (NARA). We appreciate the opportunity to explain our position in this matter.

As NARA has explained previously in correspondence with you, as part of NARA's role in collecting and archiving the records of the Trump Administration, NARA received boxes of materials that included certain items "marked as classified national security information."¹ Based upon NARA's concerns about whether such materials had been properly handled, it referred this matter to the Department of Justice (Department). As the Attorney General said in February when asked about this matter: The Department "will do what we always do under these circumstances—look at the facts and the law and take it from there."²

While we have great respect for the oversight authority of the House Committee on Oversight and Reform (Committee), in light of the Department's law enforcement responsibilities, and consistent with NARA's response to you on March 28, 2022, the Department previously asked NARA not to share or otherwise disclose to others information relating to this matter in order to protect the integrity of our ongoing work. Based upon that request, NARA referred you to the Department. As you know, the Department's longstanding policy, across administrations of both parties, is "to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch, [and] the Department's goal in all cases is to satisfy legitimate legislative interests while protecting Executive Branch confidentiality interests. Examples of confidential

¹ Letter from David S. Ferriero to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Feb. 18, 2022), available at <https://www.archives.gov/files/foia/ferriero-response-to-02.09.2022-maloney-letter.02.18.2022.pdf>.

² Matt Zaposky, *Commenting on classified material found at Mar-a-Lago, Garland says Justice Dept. will 'look at the facts and the law,'* Washington Post (Feb. 22, 2022).

information include ... information the disclosure of which might compromise open criminal investigations or prosecutions or civil cases.”³

With respect to your request for a briefing on this matter, under well established Department policy, we are unable to provide your office with information related to this matter at this time.⁴ We appreciate that your letter to the Department acknowledged that the Committee “does not wish to interfere in any manner with any potential or ongoing [Department] investigation.”

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,

Peter S. Hyun
Acting Assistant Attorney General

³ Letter from Assistant Attorney General Robert Raben to Chairman John Linder, Subcommittee on Rules and Organization of the House, Committee on Rules at 2-3 (Jan. 27, 2000), *available at* <https://www.justice.gov/file/1080046/download>.

⁴ *Id.* at 3 (“Congressional inquiries during the pendency of a matter pose an inherent threat to the integrity of the Department’s law enforcement and litigation functions. Such inquiries inescapably create the risk that the public and the courts will perceive undue political and Congressional influence over law enforcement and litigation decisions. Such inquiries often seek records and other information that our responsibilities for these matters preclude us from disclosing.”).