



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 22, 2021

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations
United States Senate
Washington, DC 20510

Dear Senator Grassley and Senator Johnson:

This responds to your letter to the former Acting Attorney General dated March 9, 2021, requesting that the Department of Justice (Department) provide an additional response to your letter of February 3, 2021, about potential issues related to the prior employment of the Acting Assistant Attorney General of the Criminal Division Nicholas McQuaid. We appreciate knowing of your continuing interest in this matter.

As we stated in our response of February 19, 2021, we have confirmed for you that the Acting Assistant Attorney General recently received ethics and professional responsibility training as appropriate for incoming attorneys. In addition, we have confirmed that the Acting Assistant Attorney General has signed the Ethics Pledge as required under the Executive Order on Ethics Commitments by Executive Branch Personnel (Executive Order 13989). Pursuant to this pledge and applicable standards set forth in statutes, regulations, as well as longstanding Department policies and procedures, the Acting Assistant Attorney General is screened and recused from matters in which he has a financial interest or a personal business relationship, including matters involving his former law firm.

As in all cases, the Department strives to provide as much information as possible to Congress to satisfy its oversight interests. However, we must balance and accommodate the respective interests of the coordinate branches in a way that does not harm our ongoing and future efforts in carrying out the Department's mission. As you are aware, the Department's longstanding policy, across Administrations, is not to confirm, deny, or comment upon individual matters that may be under criminal investigation, including any deliberations and decisions about conflicts of interest that department personnel may have.

The Honorable Charles E. Grassley
The Honorable Ron Johnson
Page Two

This policy serves to protect the due process rights of individuals who may potentially be the targets or subjects of such investigations, to protect the integrity of our investigations as being free from outside influence, and to ensure our compliance with any applicable court orders, federal rules of procedure, and rules of professional responsibility.

Your letter also requests communications that the Acting Assistant Attorney General may have had with others in the Department including ethics officials. As you are also aware, it has long been the Department's policy to protect the confidentiality interests in internal pre-decisional deliberations including non-public information related to such matters, including seeking ethics advice. To disclose any ethics communications would have a chilling effect on Department employees' willingness to speak openly and candidly with ethics officials on ethics matters.

In keeping with both of these longstanding policies, the Department is not in a position to provide further information beyond our prior response.

Please do not hesitate to contact this office if we can provide additional assistance regarding this or any other matter.

Sincerely,

Helaine Greenfeld
Acting Assistant Attorney General