



**U.S. Department of Justice**

Office of Legislative Affairs

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*Office of the Assistant Attorney General*

*Washington, DC 20530*

The Honorable Charles E. Grassley  
Co-Chair  
Caucus on International Narcotics Control  
United States Senate  
Washington, DC 20510

Dear Senator Grassley:

This responds to your letter to the Department of Justice (Department), dated January 25, 2024, regarding President Biden's decision to grant Alex Saab clemency from U.S. charges and requesting the Department provide the investigative file against Mr. Saab. We are sending an identical response to the other Members who joined your letter.

In every case, the Department is committed to following the facts wherever they lead and holding accountable those who violate our laws. On December 20, 2023, the President exercised his authority to grant clemency to Mr. Saab in exchange for the release of 10 Americans, six of whom had been wrongfully detained.

Your letter requests nonpublic information about the criminal investigative file relating to Mr. Saab. The Department's duty to maintain the integrity of its work is reflected in longstanding protections for the confidentiality of nonpublic information about our investigations and prosecutions.<sup>1</sup> Our longstanding principles and duty to take care that the law be faithfully executed require us to maintain the confidentiality of such information, to avoid even a perception that our efforts are influenced by anything other than the law and the facts. For example, the Department has a responsibility to protect the privacy interests of individuals, including uncharged third parties and criminal defendants, about whom information is developed during the law enforcement process, which can be heightened regarding cases that are dismissed. Even in closed matters, the Department retains a broad confidentiality interest in the internal deliberations of investigators and prosecutors, including about charging decisions.<sup>2</sup> Accordingly, we are unable to share additional information at this time.

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<sup>1</sup> See Letter from Assistant Attorney General Robert Raben to Chairman John Linder at 3-5, Jan. 27, 2000.

<sup>2</sup> See *id.* at 5-6 ("The Department's attorneys are asked to render unbiased, professional judgments about the merits of potential criminal and civil law enforcement cases. If their deliberative documents were made subject to Congressional challenge and scrutiny, we would face a grave danger that they would be chilled from providing the candid and independent analysis essential to just and effective law enforcement or, just as troubling, that they might err on the side of prosecution simply to avoid public second-guessing.").

The Honorable Charles E. Grassley

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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,

Ted Schroeder  
Deputy Assistant Attorney General

cc:

The Honorable Sheldon Whitehouse  
Chairman  
Caucus on International Narcotics Control  
United States Senate  
Washington, DC 20510