

Administration of Donald J. Trump, 2020

Memorandum on the Attorney General's Authority to Use Classified Information in Connection with Review of Intelligence Activities

December 18, 2020

Memorandum for the Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, Secretary of Energy, Secretary of Homeland Security, Director of National Intelligence, and the Director of the Central Intelligence Agency

Subject: Attorney General's Authority to Use Classified Information in Connection with Review of Intelligence Activities Relating to the 2016 Presidential Campaigns

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. Authority of the Attorney General. The Attorney General is currently conducting a review of intelligence activities relating to the campaigns in the 2016 Presidential election and certain related matters. On May 13, 2019, the Attorney General directed John Durham to conduct that review, which subsequently developed into a criminal investigation. On October 19, 2020, the Attorney General appointed Mr. Durham to conduct that investigation pursuant to the powers and independence afforded by the Special Counsel regulations of the Department of Justice.

In a memorandum of May 23, 2019, I directed the heads of elements of the intelligence community, as defined in 50 U.S.C. 3003(4), and the heads of each department or agency that includes an element of the intelligence community, to assist the Attorney General in connection with that review, and authorized the Attorney General to declassify, downgrade, or direct the declassification or downgrading of information or intelligence that relates to his review. In addition, the Attorney General is authorized to use classified information as he deems necessary in connection with his review, including in a grand jury or other proceeding.

Sec. 2. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) The authority in this memorandum shall terminate upon the conclusion of the Special Counsel's investigation, unless expressly extended by the President. In addition, the authority of the Attorney General under the May 23, 2019, memorandum is hereby extended to terminate only upon the conclusion of the Special Counsel's investigation, unless expressly extended by the President.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

NOTE: An original was not available for verification of the content of this memorandum. The memorandum referred to U.S. Attorney John H. Durham for the District of Connecticut. This memorandum was released by the Office of the Press Secretary on December 22.

Categories: Communications to Federal Agencies : Attorney General's Authority to Use Classified Information in Connection with Review of Intelligence Activities.

Names: Durham, John H.

Subjects: Defense and national security : Intelligence; Justice, Department of : Attorney General.

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