



U.S. Department of Justice

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September 17, 2020

VIA EMAIL

Representative Emanuel Chris Welch  
Special Investigative Committee  
Illinois House of Representatives  
101<sup>st</sup> General Assembly

Representative Tom Demmer  
Special Investigative Committee  
Illinois House of Representatives  
101<sup>st</sup> General Assembly

Dear Representative Welch and Representative Demmer,

Thank you for the opportunity to discuss our positions with regard to the Illinois House of Representatives Special Investigative Committee's ("SIC") investigation and for considering our interests as you proceed. As we noted, we recognize the SIC's independence and its obligation to conduct its inquiry. We also appreciate the SIC's recognition of the sensitivity of our ongoing federal criminal investigation.

This letter responds to your letters on September 16, 2020. We hope this clarifies the positions we described in our September 14 call.

- We do not have a general objection to the SIC seeking testimony from witnesses or the production of documents in the course of its investigation. We understand that the SIC's investigation will include topics related to the federal criminal investigation, given that the SIC has specifically referenced the deferred prosecution agreement (DPA) entered by the Commonwealth Edison Company. We recognize the SIC's separate and independent responsibilities, and therefore, we do not object generally to the SIC's pursuit of testimony or the production of documents on those topics, even if the party previously shared the same underlying factual information with federal prosecutors or law enforcement agents, except as noted below. We might raise objections to particular testimony or document requests as the SIC's and our investigations proceed, including objections to testimony and to the production of documents from parties the SIC has already named, but we are not asserting such objections at this time.
- We do object, however, to witnesses being asked about their knowledge of or participation in proceedings before a grand jury, or to produce materials that disclose grand jury activities. We likewise object to witnesses being asked about any communications with prosecutors or federal law enforcement agents related to the federal criminal investigation, or being asked to produce materials about communications with

prosecutors or federal law enforcement agents. For example, if a witness explained certain facts to prosecutors or federal law enforcement agents, we do not object generally to the witness explaining those same facts to the SIC. We object, however, to questions about whether the witness shared those (or any other) facts with prosecutors or federal law enforcement agents, as such questions could reveal confidential information about the course of our investigation and could deter cooperation with our investigation by that witness and others. Similarly, we object to witnesses being asked to reveal any information they learned from prosecutors or federal law enforcement agents during the investigation.

As noted, we would object to requests for documents, information, or testimony from our office, as well as from other federal agencies, regarding the facts and circumstances underlying the DPA, along with other aspects of the investigation, including requests to our office or to federal agencies for confirmation of the names of individuals or entities described in the DPA. Among other concerns, prosecutors and federal law enforcement agents are prohibited from sharing certain information related to federal investigations.

Finally, we would object to any witness being compelled to provide testimony or produce documents to the SIC pursuant to any proposed grant of immunity, which could interfere significantly with a federal criminal investigation.

- We welcome the opportunity to discuss matters with the SIC as these investigations proceed.

Thank you again for your consideration.

Sincerely,



John R. Lausch, Jr.  
United States Attorney

cc: John C. Kocoras, First Assistant United States Attorney