



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

June 24, 2016

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The Honorable Lamar Smith
Chairman
Committee on Science, Space and Technology
United States House of Representatives
2321 Rayburn House Office Building
Washington, DC 20515-6301

Dear Chairman Smith:

I thank you for your correspondence dated June 17, 2016.

You previously wrote to this Office on May 18, 2016 requesting certain documents from the period of January 1, 2012 to the present. On May 31, 2016 I advised you that this Office has no documents responsive to the first and third requests in your May 18 letter and that whatever documents this Office may have in response to your second request were subject to the attorney-client and attorney work product privileges. I also noted that the principles of federalism and state's rights support the conclusion that the actions of a state attorney general's office in its exercise of its legal authority are not subject to federal supervision.

Without acknowledging that this Office previously advised you that it has no documents responsive to two of your three requests, you ask again for the same three categories of documents. Once again, please be advised that this Office has no documents responsive to your first and third requests contained in your May 18 and June 17 letters. With regard to your second request, as I indicated in my May 31 letter, any documents that this Office has are subject to the attorney-client and attorney work product privileges. These privileges are among the oldest privileges to protect confidential communications and have existed at common law for hundreds of years. *Upjohn Co. v. U.S.*, 449 U.S. 383, 389 (1957) (acknowledging that "[t]he attorney-client privilege is the oldest of the privileges for confidential communications known to the common law.") (citation omitted). I respectfully request that the Committee consider, honor, and respect these longstanding privileges, as well as the previously described principles of federalism.

If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in black ink that reads "Karen D. Olson".

KAREN D. OLSON
Deputy Attorney General

cc: The Honorable Eddie Bernice Johnson, Ranking Member