

Congress of the United States

Washington, DC 20515

November 8, 2024

Mr. Jack Smith
Special Counsel
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Dear Mr. Smith:

The Committee on the Judiciary is continuing its oversight of the Department of Justice and the Office of Special Counsel. According to recent public reports, prosecutors in your office have been “gaming out legal options” in the event that President Donald Trump won the election.¹ With President Trump’s decisive victory this week, we are concerned that the Office of Special Counsel may attempt to purge relevant records, communications, and documents responsive to our numerous requests for information.² The Office of Special Counsel is not immune from transparency or above accountability for its actions. We reiterate our requests, which are itemized in the attached appendix and incorporated herein, and ask that you produce the entirety of the requested material as soon as possible but no later than November 22, 2024.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials related to the Office of Special Counsel’s investigations and prosecutions of President Trump. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

¹ Katelyn Polantz, *Special counsel Jack Smith’s office is bracing for retribution if Trump wins*, CNN (Nov. 1, 2024).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep’t of Just. (June 1, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep’t of Just. (June 6, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep’t of Just. (Aug. 29, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jack Smith, Special Couns., U.S. Dep’t of Just. (Sept. 7, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, and Rep. Andy Biggs, Chairman, H. Comm. on the Judiciary’s Subcomm. on Crime and Fed. Gov’t Surveillance, to Jack Smith, Special Couns., U.S. Dep’t of Just. (Dec. 21, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jay I. Bratt, Couns. to the Special Couns., U.S. Dep’t of Just. (June 6, 2024).

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If you have any questions about this request, please contact Committee staff at (202) 225-6906. Pursuant to the Rules of House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of the Justice Department.³

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman
Committee on the Judiciary



Barry Loudermilk
Chairman
Subcommittee on Oversight
Committee on House Administration

cc: The Honorable Jerrold L. Nadler, Ranking Member, Committee on the Judiciary
The Honorable Norma Torres, Ranking Member, Subcommittee on Oversight,
Committee on House Administration

Enclosure

³ Rules of the U.S. House of Representatives, R. X, 118th Cong. (2023).

Appendix: Outstanding Oversight Requests

June 1, 2023:

1. Provide information about the use of FBI personnel by Special Counsel Jack Smith, including but not limited to the following:
 - a. The total number of FBI employees assigned to work on the investigation;
 - b. The number of FBI employees from FBI Headquarters working on the investigation; and
 - c. The number of FBI employees from the Washington Field Office working on the investigation;
2. Explain whether any FBI employees who have worked on Special Counsel Smith's investigation previously worked on any other matters concerning President Trump; and
3. Explain whether Special Counsel Smith's investigation relies on any information or material gathered exclusively by the FBI prior the Special Counsel's appointment.

August 29, 2023:

1. All documents and communications referring or relating to any appointment, meeting, or other visit by Jay Bratt to the White House or the Executive Office of the President; and
2. All documents and communications between the Executive Office of the President and the Department of Justice referring or relating to the investigation and/or prosecutions of Special Counsel Jack Smith.

September 7, 2023:

1. All documents and communications referring or relating to any appointment, meeting, or other visit by Stanley Woodward to the Justice Department, including the Office of the Special Counsel, concerning the representation of Walt Nauta;
2. All documents and communications between or among the Office of the Special Counsel, the Office of the Attorney General, or the Office of the Deputy Attorney General referring or relating to Mr. Woodward and his representation of individuals involved in the matters before you; and
3. All documents and communications referring or relating to Mr. Woodward's application to fill a vacancy on the Superior Court of the District of Columbia.

December 21, 2023:

1. All documents and communications between or among the Office of Special Counsel, the Office of the Attorney General, or the Office of the Deputy Attorney General referring or relating to the investigation and prosecution of President Donald Trump;
2. All documents and communications sufficient to identify the universe of current and former Office of Special Counsel staff members, including but not limited to the following information:
 - a. Salaries for each Office of Special Counsel member of staff;
 - b. Travel costs incurred and trips taken by each Office of Special Counsel member of staff as it relates to the investigation and prosecution of President Trump; and
 - c. The organizational structure of the Office of Special Counsel.
3. All documents and communications referring or relating to the hiring and selection of current and former Office of Special Counsel staff members, including but not limited to the following information:
 - a. Job postings or solicitations;
 - b. Hiring criteria or prospective employees' evaluations; and
 - c. Communications between the Office of Special Counsel and prospective employees.
4. All documents and communications referring or relating to the "Warrant by Telephone or Other Reliable Electronic Means," filed In the Matter of the Search of Information That Is Stored at Premises Controlled by Twitter Inc., Identified in Attachment A, Case No. 23-SC-31 (D.D.C. 2023).

June 6, 2024:

1. All documents and communications referring or relating to meetings between FBI and Justice Department officials sent to or received by you prior to the execution of the search warrant on President Trump's private residence;
2. All documents and communications between or among yourself, employees of the Department of Justice, and employees of the Executive Office of the President from January 2021 to the present, related to the investigation and prosecution of President Trump, including, but not limited to, email communications and notes taken during your meetings with White House officials;
3. All documents and communications sent to or received by you referring or relating to your May 24, 2024, motion to modify President Trump's conditions of release, including,

but not limited to, all drafts of the motion and communications between employees of the Office of Special Counsel Jack Smith discussing the motion and timing of its filing; and

4. All documents and communications between or among you and the Office of Professional Responsibility about your course of improper conduct and unethical actions as an employee of the Office of Special Counsel Jack Smith.