

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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October 14, 2025

Mr. Jack Smith
Former Special Counsel
c/o Mr. Peter Koski
Partner
Covington & Burling LLP
850 Tenth Street, NW
Washington, D.C. 20001

Dear Mr. Smith:

Since the beginning of the 118th Congress, the Committee has conducted oversight of the operations of the Office of Special Counsel you led—specifically, your team’s partisan and politically motivated prosecutions of President Donald J. Trump and his co-defendants.¹ Among the disturbing tactics employed in that prosecution, your team sought to silence President Trump by restricting his public statements about the case,² conducted an unnecessary and abusive raid of his residence,³ attempted to improperly pressure defense counsel with the promise of political patronage,⁴ and manipulated key evidence in the investigation.⁵ These actions undermined the integrity of the criminal justice system and violated the core responsibility of federal prosecutors to do justice. As the Committee continues its oversight, your testimony is necessary to understand the full extent to which the Biden-Harris Justice Department weaponized federal law enforcement.

¹ See Hunter Walker, et al., *Jack Smith’s Deputy in Jan. 6 Case Is A ‘Lawman Type’ Who’s Taken On Trumpworld Before*, TALKING POINTS MEMO (Sept. 13, 2023); Anna Bower & Roger Parloff, *Trump’s D.C. Criminal Case Lurches Back to Life*, LAWFARE, (Sept. 6, 2024), <https://www.lawfaremedia.org/article/trump-s-d.c.-criminal-case-lurches-back-to-life>.

² Ryan J. Reilly and Daniel Barnes, *Special counsel asks for ‘narrow’ gag order for Trump in election interference case*, NBC NEWS (Sept. 15, 2023).

³ Kaitlan Collins, *FBI executes search warrant at Trump’s Mar-a-Lago in document investigation*, CNN (Aug. 9, 2022).

⁴ See Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary to Jack Smith, Special Counsel, U.S. Dep’t of Justice (Sep. 7, 2023) (citing Ken Dilanian, *Lawyer for witness in Trump docs probe alleged prosecutorial misconduct*, NBC NEWS (Jun. 8, 2023)).

⁵ Government’s Response to Defendant Waltine Nauta’s Motion to Extend Time, *U.S. v. Trump, et al.*, No. 23-80101-CR-CANNON(s) (S.D. Fla. May 3, 2024); see John Solomon, *Trump Whodunnit: Prosecutors admit key evidence in document case has been tampered with*, JUST THE NEWS (May 3, 2024).

To date, the Committee has conducted transcribed interviews and depositions of several individuals detailed to your office, including Jay Bratt, J.P. Cooney, and Thomas Windom.⁶ In addition, the Committee has obtained internal Federal Bureau of Investigation (FBI) documents that show the FBI, with the likely involvement of prosecutors that were later assigned to your team, surveilled Representative Scott Perry prior to seizing his cell phone in a stunning breach of constitutional separation of powers.⁷ Your abusive surveillance of sitting Members of Congress did not stop there. Earlier this week, the FBI, at the direction of Director Kash Patel, released an alarming document showing that your team requested and obtained private phone records for at least eight Senators and one Representative during an investigation known as “Arctic Frost.”⁸ These documents reinforce the conclusion that your office conducted politically motivated investigations.

Although the Committee has learned new information from these interviews, several members of your Special Counsel team failed to fully cooperate with the Committee’s inquiry. For example, during a transcribed interview with the Committee, former Senior Assistant Special Counsel Thomas Windom relied on an overbroad and unreasonable interpretation of grand jury secrecy protections to refuse to answer the Committee’s questions on important topics.⁹ After the Committee subpoenaed Windom to compel his testimony, he invoked various ill-defined privileges and objections, including the Fifth Amendment, to refuse to answer approximately 70 questions.¹⁰ According to Windom’s counsel, “the foundation of [Windom’s] decision to decline to answer is his constitutional right to silence embodied in the Fifth Amendment.”¹¹ For instance, Windom refused to answer “how many other members of Congress were investigated as part of the Arctic Frost investigation and Jack Smith investigation” and if there are records of additional “Members of Congress that were swept up by a legal process” pursuant to this investigation.¹² Windom testified:

- Q. How many other Members of Congress were investigated as part of the Arctic Frost investigation and Jack Smith investigation?
- A. I respectfully decline to respond for the reasons stated by my counsel.

⁶ Deposition of Jay Bratt, Counselor to Special Counsel, (May 14, 2025); Transcribed Interview of J.P. Cooney, Deputy Special Counsel, (June 24, 2025); Transcribed Interview of Thomas Windom, Senior Assistant Special Counsel USAO D.C., (June 12, 2025); Deposition of Thomas Windom, Senior Assistant Special Counsel USAO D.C., (Sept. 30, 2025).

⁷ FBI-HJC119-SP-000001(on file with the Committee). *See also*, Transcribed Interview of Thomas Windom, Senior Assistant Special Counsel USAO D.C., at 82-84 (June 12, 2025); Transcribed Interview of J.P. Cooney, Deputy Special Counsel, at 51-53 (June 24, 2025).

⁸ Jordan Sekulow, *FBI Bombshell: Jack Smith Spied on Senators*, AMERICAN CENTER FOR LAW AND JUSTICE, (Oct. 7, 2025), <https://aclj.org/government-corruption/fbi-bombshell-jack-smith-spied-on-senators>.

⁹ *See e.g.*, Transcribed Interview of Thomas Windom, Senior Assistant Special Counsel USAO D.C., at 19-21, 33-34, 92-93, 113-114 (June 12, 2025).

¹⁰ *See e.g.*, Deposition of Thomas Windom, Senior Assistant Special Counsel USAO D.C., at 12-13, 15-16, 28-29, 30, 33 (Sept. 30, 2025).

¹¹ *Id.* at 25.

¹² *Id.* at 15-16.

- Q. Were there any other records of Members of Congress that were swept up by . . . legal process in your investigation?
- A. I respectfully decline to respond for the reasons stated by my counsel.
- Q. In the special counsel's report, it talks about evidence from congressional staff. Were those congressional staff connected only to Congressman Perry?
- A. I respectfully decline to respond for the reasons stated by my counsel.¹³

Similarly, former Counselor to the Special Counsel Jay Bratt invoked the Fifth Amendment approximately 75 times during his interview with the Committee.¹⁴ He refused to answer key questions necessary for the Committee's oversight, including whether the purpose of the classified documents investigation was to affect the outcome of the 2024 presidential election, whether the raid on Mar-a-Lago was intended to capture political intelligence, who he met with during his three visits to the Biden-Harris White House, and why he pressured defense counsel using the promise of political patronage.¹⁵ Specifically, Bratt testified:

- Q. Mr. Bratt, was the presidential records investigation of President Trump intended for the purpose of harming him politically?
- A. On advice of counsel, I respectfully assert my fifth amendment rights and decline to answer the question.
- Q. Was the Justice Department trying to weaken the President because he was the chief political rival of Joe Biden?
- A. . . . Same answer as my previous answer.
- Q. Was the point of the investigation to affect the outcome of the 2024 presidential election?
- A. Same answer.
- Q. Was the Justice Department trying to weaken the President because he was the chief political rival of Joe Biden?

¹³ *Id.* at 15-16.

¹⁴ Deposition of Jay Bratt, Counselor to Special Counsel (May 14, 2025).

¹⁵ *Id.* at 10, 12, 14.

A. Same answer.¹⁶

* * *

Q. Was the raid on [Mar-a-Lago] intended to capture political intelligence against the President to advantage President Biden?

A. Same answer.¹⁷

As the Special Counsel, you are ultimately responsible for the prosecutorial misconduct and constitutional abuses of your office. Your misdeeds were so flagrant that the Justice Department's Office of Professional Responsibility confirmed to the Committee in November 2024 that it had opened an inquiry into the tactics of your office.¹⁸ Over the course of our oversight, we have written you several times to request documents relating to your politicized investigation. You failed to respond.

Accordingly, to further our oversight, the Committee requires your testimony at a transcribed interview. In addition, please produce the following information in your personal possession for the period January 20, 2021, to the present:

1. All documents and communications referring or relating to Attorney General Order No. 5559-2022, Appointment of John L. Smith as Special Counsel;
2. All documents and communications between you and any political appointee or senior career official of the Biden-Harris Administration referring or relating to your work as Special Counsel; and
3. All documents and communications you sent or received during your service as Special Counsel referring or relating to your work, your investigations, your charging decisions, or your tactics.

Please produce this material and contact the Committee to schedule your transcribed interview as soon as possible, but no later than 10:00 a.m. on October 28, 2025. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of the Justice Department to inform potential legislative reforms.¹⁹

¹⁶ *Id.* at 10.

¹⁷ *Id.* at 14.

¹⁸ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Jeffrey Ragsdale, Counsel, Off. of Professional Responsibility, Dep't of Justice, 2 (Dec. 4, 2024). The Office of Professional Responsibility stayed the inquiry pending the conclusion of your prosecutorial actions. *Id.*

¹⁹ Rules of the U.S. House of Representatives, R. X (2025).

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Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is fluid and cursive, with the first name "Jim" and last name "Jordan" clearly distinguishable.

Jim Jordan
Chairman

cc: The Honorable Jamie Raskin, Ranking Member