

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 30, 2025

The Honorable Charles E. Grassley
Chairman
Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley:

We respectfully request that you call former Special Counsel Jack Smith to testify publicly before the Senate Judiciary Committee. We also ask that you request the Department of Justice (DOJ) transmit to the Committee Volume II of the unredacted “Final Report of the Special Counsel’s Investigations and Prosecutions,”¹ submitted on January 7, 2025, by then-Special Counsel Jack Smith to the Attorney General, as well as any underlying materials not already produced related to Volumes I and II.

Earlier this month, you released information regarding the issuance of a grand jury subpoena for the toll records of eight Senators related to their phone activity immediately before, during, and after the January 6, 2021 attack on the U.S. Capitol.² You then led letters to DOJ and the Federal Bureau of Investigation³—as well as an additional four letters to telecommunications companies and five letters to other federal entities⁴—requesting access to information relevant to the tolling records collected on specific Members of Congress. Senate Judiciary Republicans then proceeded to press Attorney General Bondi to open an investigation into Mr. Smith⁵ and claimed that Congress has “yet to learn of any legal predicate for... issuing subpoenas” to obtain these records.⁶

It is understandable that Senators would seek clarity when their name or phone activity is of interest in any federal investigation, especially one examining President Trump’s role in attempting to overturn the 2020 election and disrupting Congress’s duty to certify a presidential election. However, the Special Counsel taking investigative measures—such as obtaining tolling records—should not be a surprise to anyone who read Volume I of his Report. As Volume I

¹ Hereinafter the “Report.”

² Press Release, Sen. Comm. on the Judiciary, Biden FBI Spied on Eight Republican Senators as Part of Arctic Frost Investigation, Grassley Oversight Reveals (Oct. 6, 2025), <https://www.judiciary.senate.gov/press/rep/releases/biden-fbi-spied-on-eight-republican-senators-as-part-of-arctic-frost-investigation-grassley-oversight-reveals>.

³ Letter from Sen. Grassley et al. to Attorney General Bondi and Director Patel (Oct. 9, 2025), <https://www.judiciary.senate.gov/press/rep/releases/grassley-and-johnson-lead-colleagues-in-seeking-release-of-all-doj-fbi-records-detailing-biden-administrations-targeting-of-sitting-members-of-congress>.

⁴ Press Release, Sen. Comm. on the Judiciary, Grassley Demands Telecommunications Companies, Federal Entities Turn Over All Records Provided to Jack Smith (Oct. 14, 2025), <https://www.judiciary.senate.gov/press/rep/releases/grassley-demands-telecommunications-companies-federal-entities-turn-over-all-records-provided-to-jack-smith>.

⁵ See Devlin Barrett, Republican Senators Denounce Jack Smith Over Jan. 6 Scrutiny of Phone Records, N.Y. TIMES (Oct. 7, 2025), <https://www.nytimes.com/2025/10/07/us/politics/republican-senators-jack-smith-phone-records.html>.

⁶ Letter from Sen. Blackburn et al. to Attorney General Bondi (Oct. 17, 2025), <https://www.blackburn.senate.gov/services/files/70B90251-351A-46E7-BC84-A0790D3527DC>.

documents, and as has been widely reported, President Trump and his representatives called multiple Republican Senators to urge them to delay certification of the election.⁷ As was made clear in Mr. Smith's October 21, 2025 letter clarifying factual details about the tolling records and his October 23, 2025 letter asking to testify publicly before the Committee,⁸ the former Special Counsel is best positioned to speak on these matters. Because of his direct knowledge of the decisions and actions taken under his leadership as Special Counsel, calling Mr. Smith to testify publicly would be a transparent means of answering the questions you and our colleagues have raised.

We also ask that you press DOJ to produce an unredacted copy of Volume II of Special Counsel Smith's Report, as well as any supporting underlying materials related to Volumes I and II. While Volume I has already been made public, Volume II was not released to avoid any prejudice to President Trump's then-codefendants. On January 13, 2025, we wrote to DOJ asking that all records related to Special Counsel's investigations be preserved so that they could be produced to the Committee at the appropriate time.⁹ Since then, the Department has dropped the cases against both individuals,¹⁰ but has inexplicably continued to block disclosure of Volume II.¹¹ Providing both volumes to the Committee would be in keeping with the longstanding practice of such information being made available to Congress and the public,¹² and the complete Report and its underlying materials would support the very inquiries you and our colleagues have initiated, including the questions raised in your October 23, 2025 letter.¹³

If the Department of Justice is committed to full transparency, as the Attorney General claimed when she testified earlier this month,¹⁴ then DOJ should be willing to release the full Report to

⁷ U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL JACK SMITH, FINAL REPORT OF THE SPECIAL COUNSEL'S INVESTIGATIONS AND PROSECUTIONS, VOLUME ONE: THE ELECTION CASE REPORT ON EFFORTS TO INTERFERE WITH THE LAWFUL TRANSFER OF POWER FOLLOWING THE 2020 PRESIDENTIAL ELECTION OR THE CERTIFICATION OF THE ELECTORAL COLLEGE VOTE HELD ON JANUARY 6, 2021 (Jan. 7, 2025), pp. 31 & 57, <https://www.justice.gov/storage/Report-of-Special-Counsel-Smith-Volume-1-January-2025.pdf>.

⁸ Letter from Mr. Smith to Sen. Grassley (Oct. 21, 2025); Letter from Mr. Smith to Sen. Grassley and Rep. Jordan (Oct. 23, 2025) (On file with the Committee).

⁹ Letter from Sen. Durbin et al. to Attorney General Garland (Jan. 13, 2025).

<https://www.judiciary.senate.gov/imo/media/doc/Letter%20to%20DOJ%20on%20Records%20Preservation.pdf>.

¹⁰ *U.S. Court Drops Documents Case Against Trump Associates, Final Step in Legal Saga*, REUTERS (Feb. 11, 2025), <https://www.reuters.com/legal/us-court-drops-documents-case-against-trump-associates-final-step-legal-saga-2025-02-11/>.

¹¹ See Joint Status Report, *United States v. Nauta*, No. 9:23-80101 (S.D. Fla. Mar. 14, 2025), Doc. No. 738.

¹² See e.g., U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL ROBERT K. HUR, REPORT ON THE INVESTIGATION INTO UNAUTHORIZED REMOVAL, RETENTION, AND DISCLOSURE OF CLASSIFIED DOCUMENTS DISCOVERED AT LOCATIONS INCLUDING THE PENN BIDEN CENTER AND THE DELAWARE PRIVATE RESIDENCE OF PRESIDENT JOSEPH R. BIDEN, JR. (Feb. 5, 2024), <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>; U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL DAVID WEISS, REPORT ON THE INVESTIGATION INTO THE CRIMINAL CONDUCT OF ROBERT HUNTER BIDEN (Jan. 10, 2025), <https://www.justice.gov/storage/Report-of-Special-Counsel-Weiss-January-2025.pdf>; U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL JOHN DURHAM, REPORT ON MATTERS RELATED TO INTELLIGENCE ACTIVITIES AND INVESTIGATIONS ARISING OUT OF THE 2016 PRESIDENTIAL CAMPAIGNS (May 12, 2023), <https://www.justice.gov/archives/media/1381211/dl>; and U.S. DEP'T OF JUSTICE, SPECIAL COUNSEL ROBERT S. MUELLER, III, REPORT ON THE INVESTIGATION INTO RUSSIAN INTERFERENCE IN THE 2016 PRESIDENTIAL ELECTION (March 17, 2019), <https://www.justice.gov/archives/sco/file/1373816/dl>.

¹³ Letter from Sen. Grassley to Jack Smith (Oct. 23, 2025).

https://www.grassley.senate.gov/imo/media/doc/grassley_to_jack_smith_-_hearing.pdf.

¹⁴ *Oversight of the Department of Justice*, Hearing before the S. Comm. on the Judiciary, 119th Cong. (Oct. 7, 2025).

the Committee. If the Committee wants to understand why the Special Counsel subpoenaed the toll records of Committee Members, Mr. Smith should be invited to appear before the Committee for public testimony. Given the seriousness of the matter, it is imperative we understand the full extent of then-Special Counsel Smith's investigation and Members be given the opportunity to hear from him directly.

We thank you for your prompt attention to this matter.

Sincerely,



Richard J. Durbin
Ranking Member



Sheldon Whitehouse
United States Senator



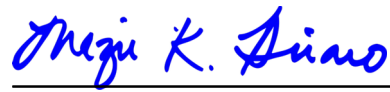
Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator



Cory A. Booker
United States Senator

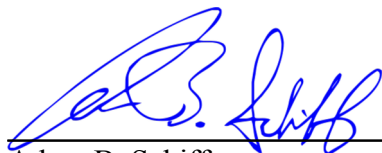


Alex Padilla
United States Senator



Peter Welch

United States Senator



Adam B. Schiff

United States Senator