

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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July 22, 2026

The Honorable Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Dear Acting Attorney General Blanche:

The Committee on the Judiciary writes to refer strong evidence that appears to show Jack Smith, former Special Counsel, knowingly made false statements during his December 17, 2025, deposition.¹ While testifying under oath, Mr. Smith seemingly made willfully and intentionally false statements of material fact that contradict new documents obtained by the Committee from the Department of Justice (DOJ). The Committee is providing this information for the DOJ to investigate a potential violation of 18 U.S.C. § 1001.

During the Biden-Harris DOJ's investigation of the 2020 election, codenamed Arctic Frost, and the subsequent Special Counsel investigation, investigators unconstitutionally subpoenaed phone records for over a dozen Republican Members of Congress and obtained gag orders to prevent the Members from knowing that the Biden-Harris Administration had obtained these records.² In May 2022, investigators in the U.S. Attorney's Office for the District of Columbia began seeking subpoenas for Members' phone records because these Members spoke with certain Executive Branch officials.³ On August 9, 2022, the Federal Bureau of Investigation (FBI) and DOJ Office of Inspector General agents seized Representative Scott Perry's cell phone, capturing a full image of the contents of his phone.⁴

¹ See Deposition of Jack Smith, Former Special Couns., U.S. Dep't of Justice (Dec. 17, 2025) [hereinafter Smith Deposition].

² See Grand Jury Subpoena for Chairman Jordan's Phone Records, U.S. Dist. Court for the Dist. of Columbia (May 1, 2022); Email from Jennifer Clarke, Deputy Chief, Public Integrity Section, to Timothy Duree, Assistant Chief, Criminal Division (May 19, 2022); Grand Jury Subpoena for Representative Fitzgerald's Phone Records, U.S. Dist. Court for the Dist. of Columbia (May 31, 2022); Grand Jury Subpoena for Speaker McCarthy's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023); Grand Jury Subpoena for Senator Lee's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023); Grand Jury Subpoena for Representative Gohmert's Phone Records, U.S. Dist. Court for the Dist. of Columbia (Jan. 23, 2023); Memorandum on Limited Toll Records Subpoenas for Members of Congress, Off. of the Special Couns., U.S. Dep't of Justice (May 17, 2023).

³ See Email from Jennifer Clarke, Deputy Chief, Pub. Integrity Section, to Timothy Duree, Assistant Chief, Crim. Div. (Apr. 26, 2022).

⁴ FBI Form FD-302, Execution of Seizure Warrant for Representative Scott Perry's Phone (Aug. 9, 2022).

In the months following Jack Smith’s appointment as Special Counsel, Mr. Smith’s team proposed over a dozen additional toll record subpoenas for Republican Members of Congress, with Mr. Smith approving the vast majority of these subpoenas.⁵ Mr. Smith and the Biden-Harris DOJ barely considered the Constitution as they seized these records of Congressional Republicans—and to the extent that they did, subject matter experts within DOJ warned that their subpoenas might be unconstitutional.⁶ However, instead of carefully considering the constitutional implications of their actions, these DOJ prosecutors obtained non-disclosure orders to try to prevent the Members from ever learning that the Biden-Harris Administration had seized their records.

The Committee has been conducting oversight of Mr. Smith’s politicized investigation, including its violations of the Speech or Debate Clause in obtaining privileged information from Members of Congress. On October 14, 2025, the Committee requested that Mr. Smith testify before the Committee about his investigation.⁷ Among other things, the Committee noted that it sought Mr. Smith’s testimony concerning his office’s “surveillance of sitting Members of Congress,” noting specific interests in “how many other members of Congress were investigated as part of the Arctic Frost investigation and Jack Smith investigation” and if “additional Members of Congress that were swept up” in the investigation.⁸ The Committee subsequently issued a deposition subpoena for Mr. Smith.⁹

During the deposition on December 17, the Committee advised Mr. Smith that he was obliged to provide all necessary information that would make his responses truthful and to avoid half-truths or incomplete answers.¹⁰ The Committee questioned Mr. Smith about the toll records subpoenas relating to the private records of Members of Congress. The Committee sought to understand, in particular, whether Mr. Smith, or members of his team, ever received or reviewed the content of Members’ communications. During his deposition, Mr. Smith testified that he did not receive the content of Members’ text messages. He testified:

Q. Did you seek a search warrant for the content of any text messages from Members?

A. From Members?

Q. Yes.

⁵ See Emails among Timothy Duree, Assistant Special Couns., Ray Hulser, Counselor to the Special Couns., and Thomas Windom, Senior Assistant Special Couns. (Jan. 9, 2023); Memorandum on Limited Toll Records Subpoenas for Members of Congress, Off. of the Special Couns., U.S. Dep’t of Justice (May 17, 2023).

⁶ U.S. CONST., Art. I, § 6, cl. 1.

⁷ Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary to Jack Smith, Former Special Couns. (Oct. 14, 2025).

⁸ *Id.* at 2-3. (internal quotation marks omitted).

⁹ Subpoena from Rep. Jim Jordan, Chairman, H. Comm. on the Judic., to Jack Smith, Former Special Couns. (Dec. 3, 2025).

¹⁰ Smith Deposition at 9-10; See e.g., *Lutwak v. United States*, 344 U.S. 604 (1953).

A. No, I don't recall that.

Q. Okay. It was just toll records?

A. Correct.¹¹

* * *

Q. Did the toll records that you requested from the Senators, did they include the content of the phone calls?

A. No.

Q. Did the records that you requested, the toll records from the Member of Congress, include the content of text messages?

A. No.¹²

The responses provided by Mr. Smith gave the impression that neither Mr. Smith nor his team had access to the content of Members' privileged text messages. We now know this to be false.

Under 18 U.S.C. § 1001, a witness commits a crime if the witness "knowingly and willfully" makes "any material false, fictitious, or fraudulent statement or representation" with respect to "any investigation under review, conducted pursuant to the authority of any committee . . . of the Congress."¹³ Congress cannot perform its oversight function if witnesses who appear before its committees do not provide truthful testimony. False statements before Congress are crimes that undermine the integrity of the Constitutional duty to conduct oversight and inquiries.

New information obtained by the Committee reveals how Mr. Smith likely circumvented key constitutional protections, including the Speech or Debate Clause, to spy on Members of Congress.¹⁴ On July 14, 2026, the DOJ produced documents to the Committee revealing that Mr. Smith's team obtained text messages of 44 Members of Congress—implicating both Republicans and Democrats in both chambers of Congress—that may have included privileged content.¹⁵ This information calls into question the completeness and accuracy of statements that Mr. Smith made under oath to the Committee regarding his team's access to the content of Members' text messages.

¹¹ Smith Deposition at 43.

¹² *Id.* at 136.

¹³ 18 U.S.C. § 1001.

¹⁴ Letter from Patrick D. Davis, Assistant Atty Gen., U.S. Dep't of Justice, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (on file with the Comm.) [hereinafter DOJ July 14 Letter].

¹⁵ *Id.*

The new information received on July 14 showed that Mr. Smith's team likely violated DOJ's own internal policy and obtained text messages between Members of Congress and Executive Branch officials that may have included privileged content, without any screening by a filter team for potential privileges.¹⁶ The filter team procedures state that "[n]o materials shall be disclosed to the investigative team without approval of a filter team attorney."¹⁷ Despite this, on August 21, 2023, Senior Assistant Special Counsel Thomas Windom received an email from the General Counsel of the National Archives and Records Administration (NARA) in response to the Special Counsel Office's June 2, 2023 request, for NARA to produce "Presidential records of the Trump administration"¹⁸ In that email, NARA attached "54 spreadsheets containing requested custodians' text messages" from White House phones.¹⁹ Windom then reviewed the text messages and proceeded to forward the content of the texts to fellow prosecutors on the investigative team.²⁰ Windom, as a member of Smith's investigative team, should not have had access to the content of those text messages until after they were reviewed by the filter team.

Based on this new information, there is cause for investigation to determine whether Mr. Smith knowingly made false statements to obstruct the Committee's oversight. Under relevant federal statutes, a witness makes a false statement when the witness provides a half-truth or excludes information necessary to make statements accurate.²¹ A half-truth includes selectively providing information while affirmatively representing that the disclosed information is complete.²² A statement containing some truthful information becomes affirmatively false when it represents that the partial information is complete.²³

During his deposition, Mr. Smith was advised of his obligation to provide all necessary information that would make his responses truthful.²⁴ The Committee specifically instructed him that he could not tell half-truths or exclude information necessary to make statements accurate, and that a deliberate failure to disclose information could constitute a false statement.²⁵ Despite this admonition, when the Committee inquired about whether Mr. Smith's office received content of text messages sent or received by Members of Congress, Mr. Smith's answers excluded information that was highly relevant to the Committee's examination of violations of the Speech or Debate Clause. In particular, while Mr. Smith testified that he did not seek a search warrant from telecommunications carriers for the content of Members' text messages, he failed to disclose that his office received text message content from NARA relating to White House personnel phone records.²⁶ Mr. Smith's failure to disclose this information amounts to strong

¹⁶ See generally DOJ July 14 Letter.

¹⁷ Slide Deck for DOJ Filter Team as of May 2023 (on file with Comm.).

¹⁸ Email from Gary Stern, Gen. Couns., Nat'l Archives and Records Admin., to Thomas Windom, Dep't of Justice (Aug. 21, 2023).

¹⁹ *Id.*

²⁰ Email from Thomas Windom, Dep't of Justice, to Tad Duree et. al. (Aug. 21, 2023).

²¹ 18 U.S.C. § 1001.

²² See *U.S. v. Blackley*, 167 F.3d 543 (D.C. Cir. 1999).

²³ See *id.* at 551.

²⁴ See e.g., *Lutwak v. United States*, 344 U.S. 604 (1953).

²⁵ Smith Deposition at 9-10.

²⁶ See DOJ July 14 Letter.

evidence that Mr. Smith made material false statements about his office's receipt of the content of text messages sent or received by Members of Congress.

Mr. Smith "knowingly and willfully" made false statements to the Committee during his deposition.²⁷ An individual acts knowingly and willfully if he makes statements deliberately and with knowledge that the statement was false.²⁸ The individual must only act with knowledge of the falsity and need not have any intent to defraud.²⁹ Further, the act is done "willfully" if done deliberately and voluntarily.³⁰ Mr. Smith's conduct during the deposition evidences that he acted "knowingly and willfully" in making false statements to the Committee.

In light of the new information detailing that Mr. Smith's team *did* have access to content of Members' text messages and the fact that Mr. Smith made false statements regarding this information during his deposition, suggests that he willingly and knowingly made false representations to the Committee.

* * *

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight that "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."³¹ Pursuant to rule X of the Rules of the House of Representatives, the Committee has jurisdiction over federal law enforcement including DOJ and its component entities.³² Rule XI of the Rules of the House of Representatives authorizes the Committee to require by subpoena the attendance and testimony of witnesses at depositions and hearings to carry out its functions and duties.³³ Pursuant to these authorities, the Committee has been investigating the operations and programs of the DOJ during the Biden-Harris Administration and, as relevant here, Jack Smith's Office of Special Counsel.

All individuals have an obligation to comply with a duly authorized congressional inquiry. Mr. Smith, a former public servant, is no different. Yet his testimony included intentionally false statements designed to obstruct the Committee's oversight. His conduct can only be understood as an effort to thwart the Committee's inquiry by intentionally making false statements and representations before Congress. We therefore believe that sufficient evidence exists for DOJ to examine whether Mr. Smith's actions warrant a charge for the violation of 18 U.S.C. § 1001. For your reference, we have enclosed documentation of the above-described conduct.

²⁷ 18 U.S.C. § 1001.

²⁸ See *U.S. v. Hopkins*, 916 F.2d 207, 214 (5th Cir. 1990).

²⁹ *U.S. v. Lichenstein*, 610 F.2d 1272, 1276-77 (5th Cir.), *cert. denied*, 447 U.S. 907 (1980).

³⁰ *McClanahan v. U.S.*, 230 F.2d 919, 924 (5th Cir. 1955), *cert. denied*, 352 U.S. 824 (1956).

³¹ See, e.g., *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (internal quotation marks and citation marks omitted).

³² Rules of the House of Representatives, 119th Cong., R. X (2025).

³³ Rules of the House of Representatives, 119th Cong., R. XI(2)(m)(1)(B) (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 stylized with a large "J" and a long, sweeping underline.

Jim Jordan
Chairman

cc: The Honorable Jamie Raskin, Ranking Member

Enclosure