

United States Senate
WASHINGTON, DC 20510

November 3, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Pamela Bondi
Attorney General
Department of Justice

Dear Attorney General Bondi:

In July 2022 Chairman Grassley launched an investigation, as Ranking Member of the Senate Judiciary Committee, into Arctic Frost—the FBI investigation that evolved into Special Counsel Jack Smith’s elector case.¹ In December 2022, Chairman Johnson, then-Ranking Member of the Permanent Subcommittee on Investigations, joined Chairman Grassley in reviewing Arctic Frost.² More recently, on October 7, 2025, as Chairman of the Senate Judiciary Committee, Senator Grassley held a hearing titled, “Oversight of the Department of Justice.”³ During that hearing, he asked you, “have you sought grand jury secrecy waivers so that all Arctic Frost documents can be produced to Congress? And if not, do you plan to do that?”⁴ You responded, “...I will be working directly with Director Patel on this issue. And there is not much more we can say about the issue, for obvious reasons, at this time.”⁵

Since then, our offices have received copies of 44 subpoenas sent by Special Counsel Jack Smith’s team to Verizon and AT&T, four of which requested phone information connected to roughly a dozen Members of Congress.⁶ Each of these subpoenas was accompanied by a nondisclosure order (NDO), of which 19 were approved by Chief Judge James E. Boasberg of the United States District Court of the District of Columbia.⁷

According to 2 U.S.C. § 6628, Senate offices retain possession of their Senate data from both dual-use and Senate-specific devices and service providers do not acquire “possession, custody, or control” of that data.⁸ Moreover, no court order or provision of law can prevent a company from notifying senators of any legal process that sought disclosure of any Senate data transmitted on Senate or dual-use devices.⁹ At least one of the subpoenas our offices obtained from Verizon contained requests for information on Senate-issued devices, including a phone number associated with a Senate office land line.¹⁰ Further, even if one of the phone numbers was not covered by 2 U.S.C. § 6628, the collection of Members of Congress communication records, particularly those potentially connected to a core constitutional function such as certifying the election, raises serious separations of powers concerns.

¹ Letter from Senator Charles E. Grassley to the Honorable Merrick Garland, Attorney General, and the Honorable Christopher Wray, Director of the FBI (Jul. 18, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_to_justice_dept_fbi_-_political_bias.pdf.

² Letter from Senators Charles E. Grassley and Ron Johnson to the Honorable Merrick Garland, Attorney General (Dec. 6, 2022), https://www.grassley.senate.gov/imo/media/doc/grassley_johnson_to_justice_deptjacksmith.pdf.

³ Hearing, Senate Judiciary Committee, *Oversight of the Department of Justice* (Oct. 7, 2025), <https://www.judiciary.senate.gov/committee-activity/hearings/oversight-of-the-department-of-justice-10-07-2025>.

⁴ *Id.*

⁵ *Id.*

⁶ Documents on file with Senate Judiciary Committee and Permanent Subcommittee on Investigations Staff.

⁷ *Id.*

⁸ 2 U.S.C. § 6628(a)(6), (b)(1)(A).

⁹ 2 U.S.C. § 6628(c).

¹⁰ Documents on file with Senate Judiciary Committee and Permanent Subcommittee on Investigations Staff.

As such, we are requesting again that the DOJ seek grand jury secrecy waivers for all records connected to Arctic Frost and former Special Counsel Jack Smith's investigation to ensure that Congress has all the relevant documents to conduct oversight of the Biden-DOJ and FBI's handling of the Arctic Frost investigation to include the recent revelations with respect to phone records. Given the seriousness of this matter, we urge you to do so immediately and request that you provide our offices rolling updates on your efforts.

Thank you for your prompt review and response.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Ron Johnson
Chairman
Permanent Subcommittee
on Investigations