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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

October 8, 2026

VIA ELECTRONIC TRANSMISSION

The Honorable Richard J. Durbin
Ranking Member
Committee on the Judiciary
United States Senate

Dear Ranking Member Durbin and Members of the Senate Judiciary Committee:

I received your letter dated October 7, 2026. As I've written before, my Democratic colleagues can't have it both ways. In the past, some of the Democratic members of this Committee have run roughshod over Committee rules for unjustifiable reasons and have claimed violations by Republicans when the facts don't fit simply to drum up headlines in the partisan national press. I need not remind you that my oversight of this matter is years in the making, has been supported by courageous whistleblowers who came to my office concerned about the rotten political bias at the heart of Jack Smith's investigation, and has been transparent with the American people and my Democratic colleagues from the get-go.

Since January 2025, I've released nearly 2,200 pages of records related to Arctic Frost and Jack Smith's Special Counsel team, and I've continued to release records since the hearing nearly a week ago, which have been available to you. Indeed, just this week I've shared additional records with Ranking Member Durbin's office. And as another example, I made public records last month that showed a core member of Jack Smith's Special Counsel staff thought of themselves as an "advocate for repealing the" Speech or Debate clause enshrined in the U.S. Constitution, that the Special Counsel staff issued far-reaching preservation requests to Apple for Member of Congress accounts, including for the accounts of at least one member of this Committee, and that Smith's Special Counsel staff collected donor data, including checks from nearly 5,000 Americans in all 50 states. If you want to use those records, you've been given access to do so. But, the important question is, where is the outrage from your side about these clearly abnormal investigative tactics?

Contrary to your misguided statement, the major embarrassment of the hearing was Democrats falling over themselves defending unlawful and unconstitutional actions by Jack Smith. By now it should go without saying that my Democratic colleagues had every chance to assist in my constitutional duty to conduct oversight of these matters. They all failed to lend a hand or request to join my oversight. For instance, during an Executive Business Meeting of this Committee nearly a year ago to the date, I asked my Democratic colleagues for their assistance in investigating Arctic Frost, stating, "I urge my Democratic colleagues to join us in further uncovering this unconstitutional breach by the Biden Administration." Nobody from your side took me up on the offer.

I received the same cold shoulder when I worked without bipartisan help to release records related to the Durham Annex, Clinton Annex, Crossfire Hurricane,¹ the decision by Smith and his Special Counsel staff to secretly obtain phone data on members of this Committee, and their actions to proceed with a fishing expedition in seeking records and communications from more than 430 Republican individuals, donors, and organizations. My door has been open, and not one person on your side has walked through other than to complain and try to undermine my long-standing work. Which reminds me of Democratic colleagues who actively worked to undermine my and Senator Johnson's Biden family investigation by falsely accusing us of advancing Russian disinformation. You see, those types of ad hominem attacks on my and Senator Johnson's character, oversight work and staff serve no other purpose than to obstruct and frustrate our good government oversight. So, call me skeptical when I receive a letter like the one you just sent me complaining about my office's conduct when I and others have been subject to inappropriate conduct for years, such as when Minority Leader Schumer and Ranking Member Wyden publicly tried to offer a resolution on the Senate floor attacking me and Senator Johnson and were shut down by the parliamentarian.

And when we included Ranking Member Wyden and Ranking Member Peters in our Biden investigation, our work product began to leak. In one example, Senator Johnson and I sent a letter to the Treasury. Then a Yahoo News article published stating, "[t]he senators' requests to the Treasury have borne fruit, according to the ranking Democratic senator on the Finance Committee, Ron Wyden of Oregon[.]" Senator Wyden's spokesperson was also quoted as saying, "the Treasury Department [is] rapidly complying with Senate Republican requests—no subpoenas necessary—and producing 'evidence' of questionable origin." The Yahoo News article stated that the Department of Treasury had "complied with Republican senators' requests for highly sensitive and closely held financial records about Hunter Biden and his associates[.]" Further, on the same day the Yahoo News article published, BuzzFeed News reported that the Committees had begun coordinating interviews with potential witnesses. Indeed, during that inquiry, the Democratic side also made public previously undisclosed and non-public information pertaining to our investigation. In the end, we made public authentic bank records proving the legitimacy of our work. To date, not one of our Democratic colleagues has apologized to us even though they violated Senate Rules.

My inclusion of my Democratic colleagues undercut the inquiry, and my act of inclusion wasn't reciprocated. For example, on July 1, 2020, Ranking Member Wyden and Ranking Member Peters released a COVID-19 report that included non-public government information that was not shared with Senator Johnson or me, we were excluded from document production requests and were provided a fake draft report that was represented as the final but had little connection to what was actually finally released. I can go on with other examples, but the point is made.

You see, your side can't argue about Rules when your side doesn't play by them.

In short, my oversight has been made possible in large part by whistleblowers and their legally protected disclosures—not my Democratic colleagues—who have urged me to bring transparency and a public accounting to the sordid history of Arctic Frost, Jack Smith's partisan prosecution, and, ultimately, the years-long weaponization of the Justice Department against members of the Republican party—from Members of Congress down to individual American citizens exercising their *constitutionally given rights* to support candidates and causes with their hard-earned dollars. These investigative efforts should've been bipartisan, but your side failed to engage.

¹ In reference to after my and Senator Feinstein's joint work.

Turning to the claims you raise, I first want to note that my office complied with the Senate Rules when, before the hearing on September 29, 2026, my staff provided Democratic staff with hundreds of pages of records. But, other records have been transmitted to your staff this Congress in advance of oversight hearings, and even more records have been made available to you on the Committee's website. As you are aware, since your side has done the same, as Chairman, I can decide the manner, mode, and timing of when access to records will be afforded, and additional considerations are always at play when whistleblower equities are involved. Unlike Jack Smith, who has no regard for the evils of whistleblower retaliation, I presume that you understand the risks at issue when whistleblowers disclose information confidentially.

I don't remember any of my colleagues raising similar concerns when Democratic members of this Committee publicly admitted that they "broke committee rules" or that they believed they knowingly violated Senate Rules in releasing records to the press during this Committee's consideration of then-Supreme Court Justice nominee Brett Kavanaugh. One Democratic member on this Committee publicly hailed their breaking of Senate Rules as an act of civil disobedience. So, please spare me the outrage regarding your misapplied standards. And given that history, whistleblowers are much more hesitant to allow my staff to share records with you.

Further, I've served with my Judiciary colleagues on other committees, including on the Budget Committee, in which a report and records were not provided to me or my staff in a timely manner. In one instance, my staff waited for nearly eight months to obtain records in preparation for a hearing chaired by Senator Whitehouse on climate change all while his staff was, unbeknownst to us, working with House Democrats on the matter. The *Washington Post* published a story on the committee report before my staff had a chance to review it. My Democratic colleagues gave the report to outside interests before giving it to committee members in advance of a hearing. Moreover, then-Chairman Leahy unilaterally released 8,500 pages of investigative records before my staff had a chance to review. So, again, spare me the complaints about your misapplied standards.

This pattern of conduct also held true when this Committee considered the nomination of Emil Bove to the federal bench. My Democratic colleagues failed to timely share information regarding unsubstantiated allegations involving Judge Bove. Your side received records from the whistleblower, whom I defended as a whistleblower, on July 1 and July 7 last year—a fact which has not been disputed. But your side hid those records from Republicans because we didn't receive them until July 10, the day Judge Bove's nomination was originally scheduled for markup. It should be noted, of course, that Judge Bove addressed these allegations in a public letter—in stark contrast from Jack Smith's refusal to answer the questions in my October 23, 2025, letter.

Further, I publicly stated that Mr. Reuveni, who made the unsubstantiated allegations against Judge Bove, was a whistleblower even though this administration didn't. That's in stark contrast to Special Counsel Smith's partisan prosecutors J.P. Cooney and Molly Gaston who asked that the Department of Justice Office of the Inspector General target whistleblowers with a retaliatory investigation for making legally protected disclosures to my office about their—and Smith's—abuse of authority. During his hearing, Mr. Smith failed to answer my question whether whistleblowers who make lawful disclosures about his taxpayer-funded work should be investigated or if he stood by his former staff targeting whistleblowers who made legally protected disclosures to Congress. Will my Democratic colleagues stand with me to support my whistleblowers and disavow former Special Counsel Smith's staff in targeting them? If not, why not?

It's worth noting that many of the records I've obtained throughout my Arctic Frost investigation were provided by patriotic whistleblowers, and I've made many of them public. Whistleblower disclosures require caution before sharing because they often provide information in confidence and face severe backlash for their disclosures. As I said on the Senate floor, "I've made a career out of protecting and defending whistleblowers, and never in my time have I, my staff and my whistleblowers received more attacks for doing that job than this Congress."

The attacks made by some of those on the Democratic side of the aisle and the partisan media create a chilling effect on whistleblowers. That chilling effect causes whistleblowers to withhold permission sharing certain records or, in some cases, making them public out of fear they will be targeted with retaliation, like Cooney and Gaston called for with my whistleblowers and of which Smith didn't disagree. Accordingly, there are some records that I am unable to provide you access to currently. However, my staff are working to obtain an agreement to provide you access to those types of records and spending considerable time in doing so. In fact, my staff have already reached out to yours to schedule a meeting next week to review records as well as the ones you've recently written me about. On that point, will you commit to providing my staff access to the records that you've obtained? We have not received any from you on this matter, and, if there are other matters for which you have received records, we ought to discuss.

Ultimately, the public still awaits a full accounting of Jack Smith and his Special Counsel staff's conduct. The investigation is active, the hearing is not the end of my work, and therefore some records will not be shared with you until a later date. But, rest assured, as I have in the past, you will be given access to those records, including next week when our respective staff meet.

I also note that Smith has withheld more than 800 pages of emails at the center mass of this Committee's investigation which I requested again this week without a response yet. I requested that information in October last year via a public letter and should we have received it, would've gladly shared it with you just like I have shared records with you in advance of every oversight hearing I've held this Congress. I'm committed more than ever to ensuring that any improper conduct by Smith or his Special Counsel staff is brought to the attention of the American people. For these reasons and more, my oversight will continue, and I encourage you—yet again—to join my efforts instead of undermining them.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary