

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 10, 2026

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

Dear Chairman Grassley:

In advance of an unprecedented series of eight Senate Judiciary Committee hearings on Special Counsel Jack Smith’s investigation into President Trump’s effort to overturn the 2020 election, we write to reiterate our request for you to invite Mr. Smith to testify publicly before the Committee without further delay.<sup>1</sup> We also again ask you to 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,” 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, including the underlying records to support the requests for the toll records of Members of Congress and the related non-disclosure orders.

In your December announcement, you claimed that this series of hearings will “find out exactly what went wrong” with the Justice Department’s investigation of the attack on the U.S. Capitol and President Trump’s actions to overturn the results 2020 election.<sup>2</sup> Many of the questions you have raised, however, could be answered if the Committee immediately called former Special Counsel Smith to testify. Last month, the House Judiciary Committee called Mr. Smith, and the Senate Judiciary Committee should follow suit so that Senators have a chance to question the former Special Counsel directly.

Any questions Senators have regarding how and why Special Counsel Smith pursued this investigation into President Trump’s actions to overturn the 2020 election should be answered directly by him and the Volume II Report. As Mr. Smith noted in his deposition testimony, “the decision to bring charges against President Trump was mine, but the basis for those charges rests entirely with President Trump and his actions. ...Our investigation developed proof beyond a reasonable doubt that President Trump engaged in a criminal scheme to overturn the results of the 2020 election and to prevent the lawful transfer of power.”<sup>3</sup><sup>4</sup> Mr. Smith further testified last month, “I made my decisions without regard to President Trump’s political association,

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<sup>1</sup> See Letter from Sen. Durbin et al. to Sen. Grassley (Oct. 30, 2025), <https://www.durbin.senate.gov/newsroom/press-releases/durbin-leads-judiciary-democrats-in-calling-on-chairman-grassley-to-allow-former-special-counsel-jack-smith-to-testify-publicly-before-committee>.

<sup>2</sup> Press Release, Sen. Grassley, Senate Judiciary Committee Plans Series of Arctic Frost Hearings for 2026 (Dec. 8, 2025), <https://www.grassley.senate.gov/news/news-releases/senate-judiciary-committee-plans-series-of-arctic-frost-hearings-for-2026>.

<sup>3</sup> *Id.*

<sup>4</sup> Deposition of Jack Smith, H. Comm. on the Judiciary (Dec. 17, 2025), p.17, available at [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-12/Smith-Depo-Transcript\\_Redacted-w-Errata.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2025-12/Smith-Depo-Transcript_Redacted-w-Errata.pdf).

activities, beliefs, or candidacy in the 2024 election. President Trump was charged because the evidence established that he willfully broke the law.”<sup>5</sup>

In addition to failing to accept Mr. Smith’s offer to testify, the Committee has failed to gain access to Volume II of the Special Counsel’s Report, all while the President has sued his own Justice Department to “permanently prohibit the release of Volume II.”<sup>6</sup> Attorney General Bondi has shamelessly made the Department complicit in this cover-up, moving to permanently block the release of the Volume II based on the transparently false argument that the report is “an internal deliberative communication that is privileged and confidential.”<sup>7</sup>

Rather than cutting to the heart of the matter and calling Mr. Smith to testify, the Committee is dedicating valuable time to holding eight subcommittee hearings on Mr. Smith’s investigation. The rationale for multiple of these hearings is that the Special Counsel’s office requested the toll records of a number of Senators as part of its investigation. However, a cursory examination of the events surrounding the January 6, 2021 attack shows that the White House attempted to enlist multiple Senators in President Trump’s scheme to overturn the election and many were in contact with the President in real-time while the Capitol was under siege.<sup>8</sup> As Mr. Smith noted in his deposition, “President Trump and his associates tried to call Members of Congress in furtherance of their criminal scheme, urging them to further delay certification of the 2020 election. I did not choose those Members, President Trump did.”<sup>9</sup> Mr. Smith further testified about this issue during the House Judiciary Committee hearing: “We had evidence that the President had directed Rudy Giuliani … to contact Members of Congress to try to further delay the proceedings and exploit the violence … We had evidence that those calls had happened. We wanted to get more evidence of that, to corroborate it for trial.”<sup>10</sup>

Instead of engaging in thoughtful debate about the online disinformation, intelligence failures, and domestic terrorism threat landscape that led to January 6—and that continues to cause havoc on our current political climate—Republican Senators are attempting to rewrite history to match President Trump’s distorted vision of the 2020 election. As the President and his allies have made

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<sup>5</sup> Hearing: Oversight of the Office of Special Counsel Jack Smith, H. Comm. on the Judiciary (Jan. 22, 2026), available at <https://judiciary.house.gov/committee-activity/hearings/oversight-office-special-counsel-jack-smith>.

<sup>6</sup> Expedited Motion, United States v. Donald J. Trump, Waltine Nauta, & Carlos de Oliveira, No. 9:23-cr-80101-AMC (S.D. Fla. Jan. 20, 2026), <https://storage.courtlistener.com/recap/gov.uscourts.flsd.651411/gov.uscourts.flsd.651411.772.0.pdf>.

<sup>7</sup> Eric Tucker, *Justice Department says Jack Smith report on Trump investigation ‘belongs in dustbin of history’*, AP NEWS (Jan. 23, 2026), <https://apnews.com/article/trump-cannon-justice-department-classified-documents-206d2c926a079a22c74dab2fca09b9c1>.

<sup>8</sup> See e.g., *See all the Evidence Presented in Trump’s Impeachment Trial*, WASH. POST (Feb. 13, 2021), <https://www.washingtonpost.com/politics/interactive/2021/evidence-trump-second-impeachment/>; Barbara Sprunt, *Here are the Republicans Who Objected to the Electoral College Count*, NPR (Jan. 7, 2021), <https://www.npr.org/sections/insurrection-at-the-capitol/2021/01/07/954380156/here-are-the-republicans-who-objected-to-the-electoral-college-count>; Ryan Goodman et al., *Comprehensive Timeline on False Electors Scheme in 2020 Presidential Election*, JUST SECURITY (May 15, 2024), <https://www.justsecurity.org/81939/timeline-false-electors/>; and Nicholas Wu & Kyle Cheney, *Ron Johnson Tried to Hand Fake Elector Info to Mike Pence on Jan. 6, Panel Reveals*, POLITICO (June 21, 2022), <https://www.politico.com/news/2022/06/21/jan-6-panel-trump-overturn-2020-election-00040816>.

<sup>9</sup> Deposition of Jack Smith, H. Comm. on the Judiciary (Dec. 17, 2025), p.18.

<sup>10</sup> Hearing: Oversight of the Office of Special Counsel Jack Smith, H. Comm. on the Judiciary (Jan. 22, 2026), available at <https://judiciary.house.gov/committee-activity/hearings/oversight-office-special-counsel-jack-smith>.

abundantly clear in recent weeks, they continue to press the Big Lie that the 2020 election was stolen to justify interfering in upcoming elections.<sup>11</sup> In a move that would make President Trump proud, Senate Republicans chose to enrich themselves at the expense of the American taxpayer when they enacted legislation that would allow Senators—and only Senators—to sue the federal government for the Special Counsel accessing their toll records.<sup>12</sup>

Rather than dedicating eight hearings to investigating the investigators, the Committee should be using this time to fulfill its responsibility to conduct oversight of the current Administration's rampant abuses of power, threats to our elections, self-serving corruption, and increasingly despotic violations of civil liberties.

We respectfully request you reconsider this ill-advised monopolization of the Committee's time. If Senate Republicans truly want to understand the inner workings of Arctic Frost and why the Special Counsel subpoenaed the toll records of certain Republican Senators, Mr. Smith should be invited to appear before the Committee for public testimony as soon as possible. The Committee should also protect its institutional prerogatives and demand release of the Special Counsel's full report. Given the seriousness of the matter, it is imperative Members be given the opportunity to hear from Mr. Smith directly and examine the full Report and underlying materials.

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

<sup>11</sup> Nick Corasaniti, *Why Trump's Calls to 'Nationalize' Voting Have Raised Midterm Fears*, NEW YORK TIMES (Feb. 7, 2026), <https://www.nytimes.com/article/trumps-nationalize-voting-elections-midterms-explainer.html>.

<sup>12</sup> See Gregory Svirnovskiy, *Warren Davidson Slams Lindsey Graham Over Senate Data Payout Provision*, POLITICO (Nov. 21, 2025), <https://www.politico.com/live-updates/2025/11/21/congress/davidson-slams-graham-over-data-payout-measure-00664369>; and Katie Hubbard, *Lindsey Graham Blocks House-Passed Bill To Repeal Shutdown Deal Provision Allowing \$500,000 Lawsuits From Senators*, CBS NEWS (Nov. 20, 2025), <https://www.cbsnews.com/news/lindsey-graham-blocks-bill-repeal-provision-allowing-lawsuits-senators/>.



Richard Blumenthal  
United States Senator



Cory A. Booker  
United States Senator



Peter Welch  
United States Senator



Mazie K. Hirono  
United States Senator



Alex Padilla  
United States Senator



Adam B. Schiff  
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