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June 13, 2023

The Honorable Merrick Garland
Attorney General
United States Department of Justice

Attorney General Garland:

I write to you today with a simple ask. Please produce to my office, in writing, by July 7, 2023:

- 1) All staff rosters, phone lists, or similar records, within the custody or control of the Department of Justice, depicting all employees hired by or detailed to the office of Special Counsel Jack Smith;
- 2) All communications of the Office of Special Counsel, whether electronic or otherwise, relating to overcoming or piercing any legal claim of privilege, whether executive privilege, attorney-client privilege (including crime-fraud exception), work product, or any other privilege, including but not limited to policy documents; and
- 3) All communications between the Office of Special Counsel and: (1) any state bar association; or (2) the 65 Project.

As you are undoubtedly aware, the work of Special Counsel Jack Smith is both highly irregular and of extraordinary public concern. Indeed, it is of such concern that the Department of Justice has fielded multiple requests of Congress, from individual member offices and full Committees. My office alone fields numerous calls of constituents asking about the Special Counsel, his authorities, and how his office is structured. It is beyond debate that this simple staff list cannot be withheld from Congress or the public on the basis of attenuated and entirely fantastic privacy concerns.

This information is not only of public interest in the abstract but is highly critical to the ongoing oversight work of the federal Congress. It is already public that one of Jack Smith's deputies, Karen Gilbert, resigned in 2009 from her position as head of the narcotics section of the United States Attorney's Office for the Southern District of Florida after misconduct which DOJ stated it "deeply regrets" and which cost the American taxpayer over \$600,000 in a settlement.¹ This misconduct was both referred to the DOJ Office of Professional Responsibility and the Florida Bar. Furthermore, Federal Election Commission records indicate that Ms. Gilbert has made thousands of dollars in donations to "Biden for President," "Obama for America," the "DNC Victory Fund," "Obama Victory Fund 2012," and associated partisan organizations.

While there are innumerable valid legislative purposes for this request, it should be obvious that doing due diligence in vetting an office that has apparently done no vetting of its own personnel, or worse, might affirmatively be seeking to staff with sanctioned lawyers and partisan hatchet-men (and women), is an entirely appropriate purpose and one small reason I am requesting this information. The 118th Congress has

¹ *Prosecutors Reassigned After Secret Taping*, Curt Anderson, THE ASSOCIATED PRESS, March 26, 2009, *available at* <https://www.theledger.com/story/news/2009/03/27/prosecutors-reassigned-after-secret-taping/26003384007/>.

procedural tools in place to allow for targeted recission of funds from components or subcomponents of agencies that are not operating in the public interest.

Finally, it is a matter of public record now that at least 27 devices used in the Mueller probe were unlawfully wiped clean of records, often by senior prosecutors on that probe, including Andrew Weismann and Greg Andres, or by more junior staff, such as Kyle Freeny and Rush Atkinson. I am deeply concerned that such flagrantly illegal, and debarrable conduct, seeking to cover up prosecutorial misconduct, will be repeated by Special Counsel Jack Smith and his team. As a result:

- 1) Please take care to comply with all applicable recordkeeping laws; and
- 2) Please provide my office with copies of all applicable notices and training provided to staff within the Office of Special Counsel Jack Smith, giving staff notice of their obligations under federal law and Department of Justice policy, by the date specified above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matt Gaetz", with a stylized flourish at the end.

Matt Gaetz
Member of Congress