

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<https://oversight.house.gov>

January 9, 2025

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

I write to request that the Department of Justice (DOJ) immediately provide the Committee on Oversight and Government Reform (the Committee) with a complete copy of Volume Two of Special Counsel Jack Smith's final report on the mishandling of classified documents by President Donald Trump and associates for review, *in camera*.

On January 8, 2025, in a filing before the United States Court of Appeals for the Eleventh Circuit, DOJ indicated that Volume Two of Special Counsel Jack Smith's final report would not be made public so long as certain criminal proceedings remain pending.¹ As detailed in the filing, Volume Two of the final report relates to the Special Counsel's investigation of the mishandling of classified documents by President Donald Trump and associates.² Instead of a public release, DOJ outlined its intent to provide a version of Volume Two "to the Chairmen and Ranking Members of the House and Senate Judiciary Committees for review *in camera* upon their request and agreement prohibiting any public release of the Final Report's contents."³ Given the jurisdiction and role of this Committee, similar access to Volume Two must be afforded to the Committee.

The National Archives and Records Administration (NARA) is responsible for the collection and retention of records created or received by the President, including classified information.⁴ NARA played a central role in the case involving President Trump's willful retention of classified documents after leaving office, going so far as to refer the matter to DOJ

¹ Opposition to Motion for Injunction, *United States of America v. Waltine Nauta and Carlos de Oliveira*, 11th Cir. (2024) (No. 24-12311) (online at <https://storage.courtlistener.com/recap/gov.uscourts.ca11.87822/gov.uscourts.ca11.87822.90.0.pdf>).

² *Id.*

³ *Id.*

⁴ See 44 U.S.C. §§2201-2209

The Honorable Merrick B. Garland

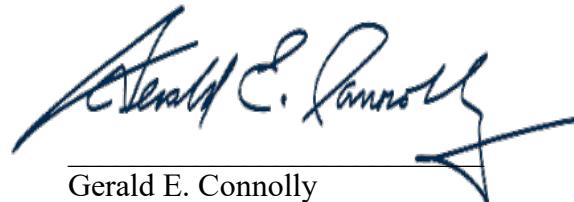
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in February of 2022.⁵ House Rule X assigns the Committee on Oversight and Government Reform with jurisdiction over NARA. Indeed, Chairman James Comer exercised this jurisdiction during the 118th Congress when he investigated then Vice President Joe Biden's retention of presidential records, demanding related documents, communications, and transcribed interviews with senior officials from NARA.⁶ Furthermore, House Rule X designates the Committee on Oversight and Government Reform the principal oversight committee of the House of Representatives and affords the Committee broad authority to investigate "any matter" at "any time."

In light of the Committee's legislative jurisdiction over presidential records, broad investigative jurisdiction, and vested interest in this matter, I urge DOJ to make available Volume Two of Special Counsel Jack Smith's final report to the Committee on Oversight and Government Reform for review *in camera immediately or no later than January 15, 2025*.

If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,



Gerald E. Connolly
Ranking Member

cc: The Honorable James Comer, Chairman

⁵ *Inside a Nearly Four-Year Fight Over Classified Material*, New York Times (Jul. 15, 2024) (online at www.nytimes.com/article/trump-classified-documents-investigation-timeline.html).

⁶ See, e.g., Committee on Oversight and Accountability, *Press Release: Comer Demands Answers from NARA and Biden White House About Classified Docs Stashed at Penn Biden Center* (Jan. 10, 2023) (online at <https://oversight.house.gov/release/comer-demands-answers-from-nara-and-biden-white-house-about-classified-docs-stashed-at-penn-biden-center/>).