

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

February 2, 2025

The Honorable James McHenry
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

Dear Acting Attorney General McHenry:

Last week, the Department of Justice (DOJ) moved to end the prosecution of Walt Nauta and Carlos De Oliveira, President Donald Trump's alleged co-conspirators in the classified documents case brought by Special Counsel Jack Smith.¹ We write to seek your assurance that you will publicly and promptly release, as soon as the Department's motion is granted,² the entirety of Special Counsel Smith's report, which explains how President Trump came to knowingly retain hundreds of presidential and highly classified records at his Mar-a-Lago club and then deliberately defied judicial subpoenas, obstructed law enforcement, concealed evidence, and lied about his continuing retention of these classified records.

Consistent with DOJ regulations and clear precedent, your predecessor, Attorney General Merrick Garland, released, in full and without any redactions, all three special counsel reports written during his tenure: Special Counsel Robert Hur's report on President Joe Biden's possession of classified documents,³ Special Counsel David Weiss's report on Hunter Biden's tax and gun offenses,⁴ and Volume One of Special Counsel Jack Smith's report on President Trump's efforts to remain in power after losing the 2020 presidential election.⁵ The

¹ Josh Gerstein and Kyle Cheney, *DOJ moves to drop prosecution of former Trump co-defendants in classified documents case*, POLITICO (Jan. 29, 2025), <https://www.politico.com/news/2025/01/29/doj-moves-to-drop-prosecution-of-former-trump-classified-document-co-defendants-00201232>.

² *United States v. Trump*, No. 24-12311 (11th Cir. Jan. 29, 2025) (Government's unopposed motion to voluntarily dismiss appeal).

³ Special Counsel Robert K. Hur, *Report on the Investigation Into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden, Jr.*, U.S. DEP'T OF JUSTICE (Feb. 5, 2024), <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>.

⁴ Special Counsel David Weiss, *Report on the Investigation Into the Criminal Conduct of Robert Hunter Biden*, U.S. DEP'T OF JUSTICE (Jan. 10, 2025), <https://www.justice.gov/storage/Report-of-Special-Counsel-Weiss-January-2025.pdf>.

⁵ Special Counsel Jack Smith, *Final Report on the Special Counsel's Investigations and Prosecutions Volume One: The Election Case, Report on Efforts to Interfere With the Lawful Transfer of Power Following the 2020*

Department's fair rationale for not previously releasing Volume Two of Special Counsel Smith's report was to avoid any prejudice to President Trump's co-defendants while the criminal case against them was still ongoing.⁶ Once the court grants the Department's motion to dismiss the case, that concern plainly becomes moot. Accordingly, the DOJ will have no conceivable basis upon which to continue withholding this essential report from the American people. Thus, we respectfully ask that you release it to the American people in that event without delay or evasion. We further request your written assurance that President Trump and Acting Deputy Attorney General Emil Bove, President Trump's former defense counsel, both of whom are listed in the Department's filing as "interested parties" in the matter, will not be invited or allowed to play any role in discussions or deliberations about the future of this report.

Based on a review of court filings by the Special Counsel, this report is expected to not only outline the evidence supporting the 40 felony counts against President Trump—demonstrating his willful concealment and mishandling of extremely sensitive national defense information—but also explain why he retained and concealed these classified documents and what precisely he intended to do with them. It is essential that the American people and Congress be given the means to understand how and why President Trump mishandled our nation's most sensitive classified information.

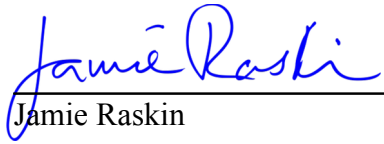
During her first briefing to the White House Press Corps, Press Secretary Karoline Leavitt said: "All of you once again have access to the most transparent and accessible president in American history. There has never been a president who communicates with the American people and the American press corps as openly and authentically as the 45th and now 47th president of the United States."⁷ Given that comparable reports on comparable subjects have been made public in the case of other presidents, we fully expect that, in keeping with this president's proudly proclaimed preeminent commitment to transparency and accessibility, you will publicly release Volume Two of Special Counsel Smith's report, in full and unredacted, as soon as the pending matter is dismissed.

Very truly yours,

Presidential Election Or the Certification of the Electoral College Vote Held on January 6, 2021, U.S. DEP'T OF JUSTICE (Jan. 7, 2025), <https://www.justice.gov/storage/Report-of-Special-Counsel-Smith-Volume-1-January-2025.pdf>.

⁶ See Letter from Rep. Jamie Raskin, *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep't of Justice (Jan. 15, 2025), https://democrats-judiciary.house.gov/uploadedfiles/2025-01-15_hjc_dems_to_garland_doj.pdf.

⁷ *Press Briefing by Press Secretary Karoline Leavitt*, WHITE HOUSE (Jan. 29, 2025), <https://www.whitehouse.gov/briefings-statements/2025/01/press-briefing-by-press-secretary-karoline-leavitt/>.



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Ranking Member
House Committee on the
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Dan Goldman
Member of Congress



Jerrold Nadler
Member of Congress



Zoe Lofgren
Member of Congress



Steve Cohen
Member of Congress



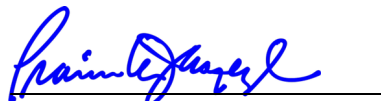
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Ted W. Lieu
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Pramila Jayapal
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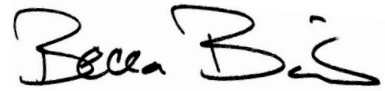
Mary Gay Scanlon
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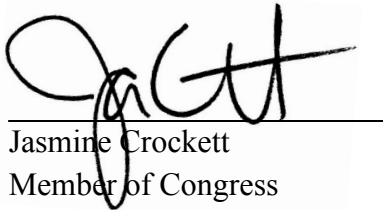
Becca Balint
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Sydney Kamlager Dove
Member of Congress



Jasmine Crockett
Member of Congress

cc: The Honorable Jim Jordan, Chairman
House Committee on the Judiciary