

United States Senate

July 30, 2025

COMMITTEES
SELECT COMMITTEE ON INTELLIGENCE
CHAIRMAN
SENATE ARMED SERVICES COMMITTEE
JOINT ECONOMIC COMMITTEE
ENERGY AND NATURAL RESOURCES

Mr. Jamieson Greer
Acting Special Counsel
United States Office of Special Counsel
1730 M Street NW
Washington, D.C. 20036-4504

Dear Acting Special Counsel Greer:

I write requesting the Office of Special Counsel to investigate whether Jack Smith, Special Counsel for Attorney General Merrick Garland, unlawfully took political actions to influence the 2024 election to harm then-candidate President Donald Trump. As the Office of the Special Counsel is tasked with ensuring federal employees aren't conducting partisan political activity under the guise of their federal employment, you're well situated to determine whether Smith broke the law.

Many of Smith's legal actions seem to have no rationale except for an attempt to affect the 2024 election results—actions that would violate federal law.¹

Consider just the following examples, where Smith expedited trial proceedings and deliberately published information, with no legitimate purpose:

- After filing the indictment against President Trump on August 10, 2023, Smith demanded the trial start January 2, 2024, with jury selection beginning as early as December 11, 2023. Defendants in these types of cases typically have more than two years to prepare for trial, but President Trump's defense team had fewer than six months to review 13 million pages of evidence and thousands of hours of video footage provided by prosecutors. Notably, jury selection was to begin just two weeks before the Iowa caucuses.
- On December 11, 2023, after President Trump filed his defense with the District of Columbia District Court, Smith pressed for a trial before the election by moving for an expedited review by the appeals court. On the same day, however, Smith further escalated this push and filed a petition with the Supreme Court to bypass the district court. Smith skirted the normal appellate process but failed to articulate a legitimate reason the court should grant this abnormal request.
- Following the Supreme Court's decision recognizing presidential immunity, Smith's prosecution team filed an initial brief on September 5, 2024, although there was no defense motion pending. The judge granted Smith permission to file the brief on September 26, 2024, but pointed out this was "procedurally irregular." This timeline is highly unusual considering complex litigation matters normally take place over several months, rather than a mere three weeks. This action also appears to violate the Justice Department's 60-day rule, which prohibits timing any action, for the purpose of affecting

¹ 5 U.S.C. § 7323

any election or giving advantage or disadvantage to a candidate, within 60 days of the election.²

- Smith's brief on Trump's immunity from prosecution was 165 pages, which required special permission to exceed the normal maximum page limit by four times. In fact, Smith also incorporated grand jury testimony typically kept secret at this point in other proceedings. This action appears to be a deliberate and underhanded effort to disclose unsubstantiated and extensive allegations timed to maximize electoral impact.

These actions were not standard, necessary, or justified—unless Smith's real purpose was to influence the election. In fact, throughout Special Counsel Smith's tenure, he regularly used far-fetched and aggressive legal theories to prosecute the Republican nominee for president. I would add that President Biden also called during the election for President Trump to be "locked up."

President Trump of course vanquished Joe Biden, Jack Smith, every Democrat who weaponized the law against him, but President Trump's astounding victory doesn't excuse Smith of responsibility for his unlawful election interference. I therefore ask the Office of Special Counsel to investigate whether Jack Smith or any members of his team unlawfully acted for political purposes.

Sincerely,



Tom Cotton
United States Senator

² DOJ's Justice Manual § 9-85.500