



Office of the Attorney General
Washington, D. C. 20530

January 8, 2025

The Honorable Charles Grassley
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Jim Jordan
Chairman, Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

The Honorable Dick Durbin
Ranking Member, Committee on the
Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Jamie Raskin
Ranking Member, Committee on the
Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Grassley, Chairman Jordan, Ranking Member Durbin, and Ranking Member Raskin:

Pursuant to 28 C.F.R. § 600.9(a)(3), I write to inform you that Special Counsel John L. Smith has concluded his investigation. *See* Attorney General Order 5559-2022 (November 18, 2022).

In addition to this notification, the Special Counsel regulations provide that, when the Attorney General notifies Congress of the closure of a Special Counsel investigation, that notification is to include, consistent with applicable law, “a description and explanation of instances (if any) in which the Attorney General concluded that a proposed action by a Special Counsel was so inappropriate or unwarranted under established Departmental practices that it should not be pursued.” 28 C.F.R. § 600.9(a)(3). There were no such instances during Special Counsel Smith’s investigation.

On January 7, 2025, consistent with 28 C.F.R. § 600.8(c), Special Counsel Smith submitted to me a two-volume final report with appendices (Report), a transmittal letter, a letter from counsel for President Trump, and a letter from Special Counsel Smith in response. This is the only report Special Counsel Smith submitted to me. Pursuant to an Order issued on January 7, 2025, by Southern District of Florida United States District Judge Aileen M. Cannon, the Department of Justice is temporarily enjoined from sharing the Report outside the Department of Justice and may not share any information or conclusions in the Report. *United States v. Waltine Nauta and Carlos De Oliveira*, No. 23-80101-CR-Cannon, ECF No. 89 (S.D. Fla. Jan. 7, 2025).

As I have made clear regarding every Special Counsel who has served since I took office, I am committed to making as much of the Special Counsel’s report public as possible, consistent

with legal requirements and Department policy. As stated in the Department's filings in the Eleventh Circuit Court of Appeals today, when permitted to do so by the court, I intend to provide to you and to the public Volume One of the Report. I have determined that releasing these materials to you and the public at this time is consistent with 28 C.F.R. § 600.9(c) and other applicable law, and that this release is in furtherance of the public interest in informing a co-equal branch and the public regarding this significant matter.

Consistent with local court rules and Department policy, and to avoid any risk of prejudice to defendants Waltine Nauta and Carlos De Oliveira, whose criminal cases remain pending, I have determined, at the recommendation of the Special Counsel, that Volume Two should not be made public so long as those defendants' criminal proceedings are ongoing. Therefore, when permitted to do so by the court, I intend to make available to you for in camera review Volume Two of the Report upon your request and agreement not to release any information from Volume Two publicly. I have determined that once those criminal proceedings have concluded, releasing Volume Two of the Report to you and to the public would also be in the public interest, consistent with law and Department policy.

Finally, consistent with 28 C.F.R. § 600.9(c), I will disclose this letter to the public after delivering it to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Merrick B. Garland", written in a cursive style.

Merrick B. Garland
Attorney General