

MATT GAETZ  
1<sup>ST</sup> DISTRICT, FLORIDA

ARMED SERVICES  
COMMITTEE

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September 9, 2024

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Attorney General Garland:

On August 27, 2024, Special Counsel Jack Smith filed a superseding indictment against former President Donald Trump in federal district court in the District of Columbia. One day later, he was arguing before the 11th Circuit Court of Appeals, attempting to overturn a federal district judge's finding that he was unlawfully appointed by you. It is unclear what authority Special Counsel Smith has to file either of these briefs or to provide services to the Department of Justice. Therefore, please provide my office with the following information by September 27, 2024:

- (1) any written authorization issued between July 15, 2024, and the present enabling Special Counsel Smith and his office to their continue work; and
- (2) any Department of Justice (DOJ) directives, legal opinions, or regulations relied upon in making such a determination, including documents which relate to DOJ officials working during a lapse in appropriations or authorizations; and

answer the following questions and provide the following information by the same date:

- (3) Did the Office of the Special Counsel consult with the Public Integrity Section pursuant to the Justice Manual 9-85.500 when considering whether or not to file the superseding indictment of August 27, 2024, and if so, on what date?
- (4) Did the Office of the Special Counsel consult with the Deputy Attorney General or Attorney General pursuant to the Justice Manual 9-85.500 when considering whether or not to file the superseding indictment of August 27, 2024, and if so, on what date?
- (5) If the response to question (3) of this letter is anything other than a "yes," please provide a written explanation for failing to do so; and
- (6) If the response to question (3) of this letter is a "yes" and to question (4) is anything other than a "yes," please provide the final written assessment of the Public Integrity Section to the Office of the Special Counsel; and
- (7) If the response to both questions (3) and (4) of this letter are "yes," please provide any records of the Deputy Attorney General's Office or the Office of the Attorney General authorizing the Office of Special Counsel to file the August 27, 2024, superseding indictment.

Sincerely,



Matt Gaetz  
Member of Congress