



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

November 8, 2024

Via email: MRUFOIA.Requests@usdoj.gov

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530

Re: FOIA request for Department of Justice records regarding Special Prosecutor Jack Smith's probe of President-elect Donald Trump.

Dear FOIA Officer,

This letter serves as an official Freedom of Information Act (FOIA) request by the State of Texas, facilitated through Texas Attorney General Ken Paxton's office in relation to Special Counsel Jack Smith's investigation into President-elect Trump.

Texas's requests are set forth below. Should any record or portion of records be claimed as exempt under FOIA, then a sufficient amount of information must be provided in response that allows our office to assess the validity of that claim. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Further, as per 5 U.S.C. § 552(b), all reasonably segregable information must be produced, even if other information is exempt under FOIA.

The State of Texas is requesting a waiver of all fees, and meets the criteria per Justice Department policy. This information request is in the public interest, as it will provide critical information for the public understanding of the Office of Special Counsel's activities. This request does not serve the commercial interest of the Attorney General's office. This request is made in the State of Texas's sovereign capacity. And this FOIA request seeks information that is important for the American people. FOIA serves as "a means for citizens to know what their Government is up to." *Nat'l Archives & Records Admin. v. Favish*, 541 U.S. 157, 171 (2004). And it provides "a structural necessity in a real democracy." The Texas Attorney General's Office frequently updates constituents on important, newsworthy information. The Office issues press releases, and posts

news on its website that is frequently reported on by the press. The information from this FOIA request will significantly contribute to the public's understanding of the Special Counsel's investigation, particularly when the subject of that investigation has been elected as the 47th President of the United States.

Regrettably, past Offices of Special Counsel appear to have intentionally destroyed documents responsive to similar requests made for their records at the end of their tenure.¹ Our office would consider any destruction of the documents requested herein to be a crime under 18 U.S.C. § 1361, and would refer the matter for prosecution in the event destruction occurs. Furthermore, the following requests constitute only a subset of the Office of Special Counsel's records. Our office may make further requests in the near future. We accordingly demand that, in addition to your existing records retention obligations under federal law, you retain all records in the event that litigation over this request or future ones becomes warranted.

The following definitions apply to each of the following requests:

The term "Communications" means any disclosure, transfer, or exchange of information or opinion, however made, including oral, graphic, written, or electronic transmittal of information.

The term "Document" or "Documents" means any written, photocopied, transcribed, recorded or otherwise produced information however produced or reproduced in the possession of DOJ including, but not limited to, inter-office communications; memoranda; reports; correspondence; manuals; guidelines; meeting agendas; minutes of meetings; calendar appointments; records; instructions; notes; diaries; plans; photographs; photocopies; charts; descriptions; drafts, whether or not they resulted in a final document; agreements; letters; conferences; records or notes of telephone or other conversations or communications; publications; directives; statements; proposals; studies; working papers; indices; recordings or materials similar to any of the foregoing.

¹ <https://www.grassley.senate.gov/news/news-releases/doj-foia-release-members-mueller-team-repeatedly-wiped-phones-watchdog-sought>.

REQUESTS

1. All Communications from any current or former member of the Office of Special Counsel Jack Smith to any New York State governmental office since November 18, 2022. This request includes, but is not limited to, all Communications sent to any of the following email domains:
 - i. @exec.ny.gov
 - ii. @ag.ny.gov
 - iii. @dany.nyc.gov

2. All Communications from any current or former member of the Office of Special Counsel Jack Smith to the Fulton County District Attorney's office since November 18, 2022. This request includes, but is not limited to, all Communications sent to any of the following email domains:
 - i. @fultonda.org

3. All Communications from any current or former member of the Office of Special Counsel Jack Smith to any Congressional office. This request includes, but is not limited to, all Communications sent to any of the following email domains:
 - i. mail.house.gov
 - ii. .senate.gov

4. All communications from any current or former member of the Office of Special Counsel Jack Smith to any governmental or law enforcement officer in the State of Texas. This request includes, but is not limited to, all Communications sent to any of the following email domains:
 - i. @dps.texas.gov
 - ii. @traviscountytexas.gov
 - iii. @house.texas.gov
 - iv. @senate.texas.gov

5. Documents memorializing the Office of Special Counsel Jack Smith's final reasoning to request that a trial against President-elect Trump to start in January of 2024. These documents should include all internal messages that contributed to a final decision, communications with actors who are not employed in the Office of the Special Counsel or by the federal government, and any memorandums circulated within the Office of Special Counsel Jack Smith regarding this subject.

6. Documents sufficient to show all mobile numbers and corresponding asset tag numbers assigned to the staff of Office of Special Counsel Jack Smith.

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive style with a prominent loop on the letter "P".

Ken Paxton

Texas Attorney General