

Questions for the Record from Mr. Andy Biggs for Mr. Jack Smith

“Oversight of the Office of Special Counsel Smith”

January 22, 2026

1. Please confirm whether, I, Representative Andy Biggs was the subject of any toll-record, metadata, or other subpoena issued by your office or the Arctic Frost team. If yes, provide the date, scope, and legal justification.
2. Please provide a complete list of all Members of Congress (House and Senate), congressional staff, and immediate family members whose toll records, metadata, or other communications data were obtained via grand-jury subpoena or National Security Letter at any time during the investigations, including the Arctic Frost phase prior to your tenure as Special Counsel and during your tenure. For each entry, indicate (a) the date range of records sought, (b) the provider (e.g., AT&T, Verizon), (c) whether a non-disclosure order (NDO) was requested and/or obtained, and (d) if an NDO order was requested and/or obtained, from what judge was it sought?
3. Please list all state and local election officials in Arizona, Michigan, Wisconsin, Georgia, Nevada, and Pennsylvania from whom communications with President Trump, his campaign, and/or his advisors were subpoenaed. For each, state the date of the subpoena, the time period covered, and the categories of data sought (e.g., email, phone, bank records).
4. Please provide a categorized list of all non-government individuals and entities (including attorneys, aides, family members, and organizations) whose bank, telephone, IP, mortgage, or other financial records were obtained via subpoena. Separate the list into (a) individuals associated with the Trump campaign or post-election efforts and (b) conservative organizations or entities. For each, identify the subpoena date and data categories.
5. Please provide a list of any subpoenas, inquiries, interviews, NDO requests, and investigations that were done throughout the course of your work as Special Counsel, but were not done in relation to a grand jury hearing.
6. How did your office determine what information was within the scope of your investigatory powers as set by 28 C.F.R. § 600.4 and DOJ policy governing Special Counsels? Upon making that scope determination, did you check compliance with your limited investigatory jurisdiction set by 28 C.F.R § 600.4 before issuing a grand-jury subpoena? If so, with whom did you consult with on compliance? Please attach or describe any internal memoranda, checklists, or approval forms used to document this determination of compliance.

7. When your office considered subpoenas for toll records of Members of Congress, what analysis was performed to determine if the Speech or Debate Clause (U.S. Const. art. I, § 6, cl. 1) and 2 U.S.C. § 6628 (Senate communications privacy) barred any elements of, or added limits to, your investigation?

8. Your office obtained toll records for at least one member of former Representative Gohmert's staff. What safeguards were in place to ensure that the subpoena did not capture legislative-privileged communications protected under *Gravel v. United States*, 408 U.S. 606?