



Written by [R. Cort Kirkwood](#) on July 14, 2026

Grassley: Jack Smith Illegally Spied on More Than 40 Congressmen

Former Special Counsel Jack Smith illegally spied on almost four dozen members of Congress, GOP U.S. Senator Chuck Grassley announced today.

Grassley and other top conservatives, including outgoing America First Republican Representative Thomas Massie of Kentucky, were included in the surveillance dragnet.

Smith accessed text messages from the victims' cellphones in pursuing two white whales: the "insurrection" of January 6, 2021 during the mostly peaceful protest at the U.S. Capitol, and the case in which Trump was accused of improperly taking classified documents to his Mar-a-Lago estate after his first term.



AP Images
Chuck Grassley

I received records frm DOJ confirming Jack Smith's investigative team reviewed the contents of text msgs sent by 44 MEMBERS OF CONGRESS Im 1 of the 44

Im alerting my colleagues who were impacted and will release the records w Sen Johnson so American ppl can see the evidence

— Chuck Grassley (@ChuckGrassley) [July 14, 2026](#)

Filter Team Ignored

Grassley's report cites documents released by the Department of Justice pursuant to records pursued by Grassley's Judiciary Committee and GOP Senator Ron Johnson's subcommittee on investigations.

The lawmakers asked for the records after whistleblowers contacted them.

The records show that President Joe Biden's DOJ "established a Filter Team to evaluate materials obtained in the course of both Jack Smith's investigation relating to January 6 (referred to as 'Project Coconut') and his Mar-a-Lago documents investigation (referred to as 'Project Cranberry')," a [Grassley news release reported today](#):

The Filter Team's purpose was to prevent investigators from the Special Counsel's Office and the FBI ('Investigative Team') from accessing privileged materials among the records obtained during the course of these investigations." The DOJ letter further states "the Special Counsel's Investigative Team apparently bypassed the Filter Team and directly accessed these text messages," in reference to Members' communications.



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The illegal access occurred after Smith's office "subpoenaed the National Archives and Records Administration (NARA) to provide all text messages from October 2020 through January 20, 2021, from phones associated with a long list of personnel serving in the White House during President Trump's first term." Those names included Trump, daughter Ivanka, Vice President Mike Pence, White House aide Stephen Miller, and others.

That request went to the archives in June. In August, the archives coughed up the records.

Within 30 minutes of receiving the records on August 21, a top Smith lawyer, "Thomas Windom, downloaded the texts and, within one hour, other members of Smith's investigative team downloaded and began reviewing the texts," the release continues:

It appears the review was done without waiting for the Filter Team to evaluate and segregate privileged information.

Forty-four legislators — 40 Republicans and four Democrats — were victims of the illegal fishing expedition:

1. Senator Chuck Grassley (R-Iowa)
2. Senator Ron Johnson (R-Wis.)
3. Senator John Cornyn (R-Texas)
4. Senator Lindsey Graham (R-S.C.)
5. Senator Josh Hawley (R-Mo.)
6. Senator Mike Lee (R-Utah)
7. Senator Cory Booker (D-N.J.)
8. Senator Cindy Hyde-Smith (R-Miss.)
9. Senator Dan Sullivan (R-Alaska)
10. Senator David Perdue (R-Ga.)
11. Senator Lamar Alexander (R-Tenn.)
12. Senator Martha McSally (R-Ariz.)
13. Senator Rand Paul (R-Ky.)
14. Senator Rick Scott (R-Fla.)
15. Senator Rob Portman (R-Ohio)
16. Senator Roy Blunt (R-Mo.)
17. Senator Susan Collins (R-Maine)
18. Senator Tim Scott (R-S.C.)
19. Senator Tom Cotton (R-Ark.)
20. Senator Cory Gardner (R-Colo.)
21. Rep. Kevin McCarthy (R-Calif.)



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- 22. Rep. Steve Scalise (R-La.)
- 23. Rep. Jim Jordan (R-Ohio)
- 24. Rep. Devin Nunes (R-Calif.)
- 25. Rep. Adam Smith (D-Wash.)
- 26. Rep. Andy Biggs (R-Ariz.)
- 27. Rep. Mark Walker (R-N.C.)
- 28. Rep. Bryan Steil (R-Wis.)
- 29. Rep. Dan Newhouse (R-Wash.)
- 30. Rep. Doug Collins (R-Ga.)
- 31. Rep. Dusty Johnson (R-S.D.)
- 32. Rep. Elise Stefanik (R-N.Y.)
- 33. Rep. John Katko (R-N.Y.)
- 34. Rep. Joshua Gottheimer (D-N.J.)
- 35. Rep. Karen Bass (D-Calif.)
- 36. Rep. Ken Buck (R-Colo.)
- 37. Rep. Lee Zeldin (R-N.Y.)
- 38. Rep. Mario Diaz-Balart (R-Fla.)
- 39. Rep. Mo Brooks (R-Ala.)
- 40. Rep. Morgan Griffith (R-Va.)
- 41. Rep. Rodney Davis (R-Ill.)
- 42. Rep. Russ Fulcher (R-Idaho)
- 43. Rep. Scott Perry (R-Pa.)
- 44. Rep. Thomas Massie (R-Ky.)

Reaction

GOP Senator Rand Paul of Kentucky tacitly accused the disgraced lawyer of perjury. In December, Smith testified under oath that he did not access the text messages.

"Jack Smith swore under oath that he didn't spy on text messages belonging to members of Congress," Paul wrote:

Today: New evidence confirms he spied on dozens of members of Congress, myself included.
This is a blatant abuse of power, and exactly what our Founders warned about.

December 2025: Jack Smith swore under oath that he didn't spy on text messages belonging to members of Congress.



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pic.twitter.com/3eqwiylLXI

— Rand Paul (@RandPaul) [July 14, 2026](#)

Revealed today: My texts were unconstitutionally collected during the Biden administration by Jack Smith's illegal Arctic Frost investigation.

Congressmen still wrongly think DOJ protocols are an appropriate replacement for Fourth Amendment warrants. <https://t.co/dlNdAPILgA>

— Thomas Massie (@RepThomasMassie) [July 14, 2026](#)

Massie, who lost the 2026 primary when the Israel Lobby [bought his seat](#) for unknown Ed Gallrein, was equally perturbed:

My texts were unconstitutionally collected during the Biden administration by Jack Smith's illegal Arctic Frost investigation.

Congressmen still wrongly think DOJ protocols are an appropriate replacement for Fourth Amendment warrants.

Grassley did not say what action, if any, he will take against Smith.

Documents Case Dismissed

Amusingly, after all the hubbub about Trump's taking secret documents to his home, a federal judge dismissed the case because Smith was appointed without congressional approval.

More amusingly, it appears that Smith's team might have committed the same crime by mishandling classified documents, the *New York Post* reported last week.

"Prosecutors under former special counsel Jack Smith apparently disclosed classified material after bringing charges against President Trump over identical violations, according to internal government records released Wednesday," the [Post reported](#).

Messages between members of the special counsel's office from July 2023 show that investigators seemed to provide "access to classified materials" without confirming those who reviewed the information did so on a "need to know" basis.

Other communications from Oct. 15 and 16 of that same year revealed that "a classified letter" was left out, while on April 19, 2024, a Sensitive Compartmented Information Facility (SCIF) was left open because "no one closed it the day before."

"That's a violation and an incident so I need to know the details," said Carli Rodriguez-Feo, a Department of Justice veteran who has worked in its Litigation Security Group.

Jack Smith prosecutors may have mishandled classified docs after charging Trump with



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same offense <https://t.co/UCtum0qTbC> pic.twitter.com/bJBvQ31VRU

— New York Post (@nypost) [July 8, 2026](#)

President Biden committed the same crime as Trump, but Special Counsel Robert Hur didn't prosecute him. "Biden would likely present himself to a jury, as he did during our interview of him, as a sympathetic, well-meaning, elderly man with a poor memory," [Hur's report said](#):

Based on our direct interactions with and observations of him, he is someone for whom many jurors will want to identify reasonable doubt.

It would be difficult to convince a jury that they should convict him — by then a former president well into his eighties — of a serious felony that requires a mental state of willfulness.

Smith dropped his prosecution of Trump for his putative role in the J6 "insurrection" after he defeated Vice President Kamala Harris.



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