Exclusive Documents: Jack Smith's Office Wiped a Government iPhone Five Weeks After Congress Demanded Preservation

DOJ FOIA-2025-00389 · Oversight Project v. DOJ, No. 25-cv-220 (D.D.C.) · Nov 20, 2026 · @Marshall Yates

Story pitch from The Oversight Project · Exclusive, unpublished DOJ documents

The story

Jack Smith built a criminal case on the charge that Donald Trump mishandled federal records. New Justice Department documents show that Smith's own office wiped a government phone, permanently destroying whatever records it held, and that Smith never disclosed it.

On Dec. 16, 2024, Smith's office factory-reset a government-issued DOJ iPhone and handed it back out the same day. The office's own records officer didn't find out until the next morning. Whatever was on the phone is gone for good. Five weeks earlier, Sens. Chuck Grassley and Ron Johnson had written to Smith personally. They demanded that every record of his investigations be preserved, and warned specifically that Mueller-team phones had been wiped by wrong-passcode lockouts. Smith's office then lost a phone the same way.

Smith was briefed on Dec. 18, 2024 and sent the matter to the Inspector General. After that, he said nothing. Nothing about it appeared in public. When Grassley asked him under oath in September 2026 whether he had complied with the Federal Records Act, he didn't mention it. DOJ released the memo only on Nov. 13, 2026, as the last item in our FOIA lawsuit, six weeks after his testimony. **It has never been reported.**

Smith's own office saw this coming. Its records training told staff the goal was to avoid "the irony of being investigated for the improper handling of federal records while investigating someone for the improper handling of federal records."

Five problems for Smith

1. **Warned, then wiped.** Congress put Smith on written notice on Nov. 12, 2024. The wipe followed on Dec. 16, during the office's final weeks, after both Trump cases had been dropped and before staff phones were copied at out-processing.

2. **A government phone holds government records.** This was DOJ asset A089869, managed by DOJ's device system and used for SCO work. Federal law treats its contents as federal records and requires the Archivist to be notified when records are destroyed (44 U.S.C. § 3106). The memo passes that decision to DOJ's records office and never says it was made.
3. **The official story doesn't add up.**
    - The memo says the employee "locked herself out." The IT chat that day says "She accidently wiped it."
    - The memo says she "did not realize" she was hitting the limit. The phone forces about 21 minutes of escalating lockouts before an eighth try is even possible, and staff were told to stop at five.
    - She said she had no texts but spam. The office then found a work text chain with her, preserved only on someone else's phone.
    - Even so, the office declared "little likelihood" of a lost record, based on her word.
4. **Kept from the public for two years.** Our FOIA request for exactly these records was filed Nov. 6, 2024, six weeks before the wipe. DOJ's earlier exports of the office's IT chat skip from Dec. 9, 2024 straight to Jan. 3, 2025. The memo came out last, after Smith testified, and DOJ is still withholding 223 pages in full.
5. **What Smith told the Senate.** "I sought at all times to comply with the Federal Records Act." His written statement said his office "followed Justice Department policies" and "observed legal requirements." He gave those assurances 21 months after personally handling a records-loss incident he never disclosed.

Smith's defenders will say his office referred the matter to the Inspector General within two days. If so, why was a referral that serious never mentioned to Congress when he was asked about this exact subject?

Key dates

Date	Event
Nov. 6, 2024	The Oversight Project files a FOIA request for records on the retention of Smith's investigative records
Nov. 12, 2024	Grassley and Johnson demand Smith preserve all records and cite the Mueller phone wipes

Date	Event
Dec. 16, 2024	The SCO iPhone is wiped and reissued the same day. Chat: "She accidently wiped it"
Dec. 18, 2024	Smith is briefed and orders an IG referral
Jan. 10, 2025	Smith leaves DOJ
Sept. 29, 2026	Smith tells the Senate he "sought at all times to comply with the Federal Records Act"
Nov. 13, 2026	DOJ finally releases the memo

What we're offering

The full 44-page production is yours to publish: the memo, the IT chat screenshot, the device re-enrollment email and the office's records training. We can also provide the four earlier productions, a page-cited timeline, and an on-the-record interview.

Questions for DOJ and Smith's counsel: Was NARA notified? What did the Inspector General find? Did the FBI recover anything from the phone? Were other SCO phones wiped? Why didn't Smith disclose this when asked about records compliance under oath?

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Sources: DOJ OIP, Fifth and Final Response, FOIA-2025-00389 (Nov. 13, 2026), pp. 4–9, 11, 18, 43; Third Interim Response (July 23, 2026), p. 214 · Grassley–Johnson letter (Nov. 12, 2024) · Smith statement to Senate Judiciary (Sept. 29, 2026) · Hearing transcript · Mueller phone wipes (Washington Examiner, 2020). Oral quotes should be checked against the official Senate webcast. The employee is not named; DOJ withheld staff identities.