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**Submitted to the Senate Judiciary Subcommittee on the Constitution
Hearing on “Arctic Frost: Conspiracy and Coordination Against
President Trump and the American Right”**

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Chairman Schmitt, Ranking Member Welch, and distinguished Members of the Subcommittee on the Constitution:

President Donald J. Trump overcame the most vindictive weaponization of the justice system against an American leader in our Nation’s history. Partisan operatives sought to destroy him through a coordinated campaign of lawfare that began long before 2020 and reached its peak under the Biden administration.

This subcommittee confronts the undeniable evidence of that assault, laid bare in the whistleblower documents, letters, and productions released by Chairman Grassley. These records expose Operation Arctic Frost—the Biden FBI’s internal codename for its sweeping dragnet targeting the entire Republican political apparatus and the America First movement.

This Committee’s documents reveal a biased FBI election interference investigation that involved handpicked partisan agents to carry out a political agenda. Attorney General Garland, Deputy Attorney General Monaco, and FBI Director Wray personally signed off on this inquiry on April 4, 2022. This became the foundation for Special Counsel Jack Smith’s election-interference indictment of President Trump on August 1, 2023. Smith issued at least 197 grand jury subpoenas, ensnaring more than 400 Republican organizations, individuals, and lawmakers—including America First Legal itself, an organization that did not even exist on January 6, 2021. The subpoenas invaded donor lists, financial records, communications with Congress and the media, and more.

Most outrageously, the Biden FBI secretly obtained the personal cell phone records of eight Republican U.S. Senators and one representative without the legally required notice to Congress. They seized former President Trump’s and Vice President Pence’s government cell phones and conducted a nationwide sweep of interviews.

This Committee’s oversight has forced these facts into the open. The records are clear: Arctic Frost was explicitly designed “to investigate the entire Republican political apparatus.”

The Biden Administration’s investigation of President Trump’s records was no less egregious. The Mar-a-Lago raid on August 8, 2022 was itself built on unlawful referrals. The National Archives’ own former General Counsel acknowledged that “the PRA has no explicit provision on how to address concerns about suspected removal or destruction of Presidential records.” The Archivist is not a law enforcement officer authorized to make criminal referrals, and former Archivist David Ferriero—who openly stated his concern about “what’s going to happen in 2024”—was at all relevant times biased against the President. NARA’s referral of President Trump’s recordkeeping practices to the FBI lacked legal authority. Neither President Obama, former Vice President Biden, nor President Carter was subjected to a raid of their personal residences despite retaining records; before the Special Counsel case, courts were instructed to defer to negotiations between presidents and NARA. The Garland DOJ flipped that settled practice solely to target President Trump.

Internal emails from line agents questioned the “predication” for the search and concluded, “I no longer believe we have real PC”—probable cause. These are not Republican talking points; these are the words of career FBI agents who witnessed an entire enterprise of malicious prosecution, not legitimate law enforcement.

Judge Aileen Cannon’s dismissal of the prosecution on July 15, 2024, confirmed as much. The Special Counsel’s appointment violated the Appointments Clause, his office was funded through an improper appropriation, and no constitutional basis existed for the search or the subsequent indictment.

America First Legal’s relentless FOIA litigation has been indispensable to proving this conspiracy. AFL’s investigation found that the Manhattan District Attorney’s Office identified “36 responsive records” in response to our request for communications with the Biden DOJ mentioning Donald Trump. AFL’s FOIA work has also exposed the ties between Matthew Colangelo—who descended from the third-highest position in Biden’s DOJ to “jump-start” Bragg’s prosecution—and the broader White House lawfare strategy. These disclosures, combined with the Arctic Frost documents, prove coordination between the federal government and state prosecutors against a presidential candidate in clear violation of federal election law.

Reforms are possible. Special counsel appointments must require Senate confirmation. FBI investigative powers targeting political figures must be constrained by meaningful internal controls. State courts must never again be permitted to baselessly interfere with the election of federal officials over subject matter that Congress has assigned to the exclusive jurisdiction of federal authorities.

The true threat to democracy was never President Trump—it was the partisan operatives who abused federal and state law enforcement in a deliberate conspiracy to destroy him and suppress the America First movement.

Thank you.