

CNN's *The Situation Room*

09/29/26

10:01:11a.m.

3 minutes and 23 seconds

WOLF BLITZER: And let's begin with the major breaking news we're following right now. The former U.S. Special Counsel Jack Smith, is currently testifying before the Senate Judiciary Committee, defending his legal authority to prosecute President Trump. Remember, Smith secured two — yes, two federal criminal indictments against President Trump under the Biden Justice Department, one for allegedly trying to overturn the 2020 presidential election, the other for mishandling classified documents. Both cases were dismissed before trial. But Smith has long drawn the fury of President Trump and his allies, who say those investigations were politically motivated. Today marks the second time the former special counsel is publicly defending those investigations under oath, and he's making it very clear that he stands firmly behind the legitimacy of his work and will not be silenced.

JACK SMITH: I stand by my decisions as special counsel, including my decision to bring charges against President Trump. I made those decisions without regard to President Trump's political association, activities, beliefs, or candidacy in the 2024 presidential election. Our investigation developed proof beyond a reasonable doubt that President Trump engaged in serious crimes against our nation. If asked whether to prosecute a former president today based on the same facts, I would do so regardless of whether that president was a Republican or a Democrat.

BLITZER: Let's go live right now to our senior justice correspondent, Evan Perez. He's up on Capitol Hill watching all of this unfold. Evan, you've done extensive reporting on Jack Smith's investigations. What are you watching for today?

EVAN PEREZ: Well, Wolf, you're going to hear a lot from Republicans who are trying to paint the investigations that Jack Smith oversaw as politicized, as — as weaponization against Republicans, against the president of the United States. Of course, at the time, he was former president when Jack Smith was investigating him. And what you hear there, what you heard there from — from — from Smith is him backing up everything that happened in that investigation, that everything he believes that was done — was done not for political purposes, as the President and some of his Republican allies in this room want to point out, want to make it out to be, that what he was doing was following the law and trying to bring a case. For instance, there is going to be a lot of focus already, is a lot of focus on phone records belonging to members of Congress, bank records belonging to conservative organizations that were subpoenaed as part of this investigation. Wolf and Pamela, you know, we know that that's a routine part of building a case if you're doing a criminal case, you — you subpoena those records as part of an effort to — to make that case. Republicans say that they should never have that — should never have happened because that was politicization. And so, that's what a lot of the focus that we're going to hear about the questioning — the questioning of Jack Smith over the next several hours.

BLITZER: It's certainly going to be lively. Indeed. Evan Perez up on the Hill for us. Thank you

very, very much.

(....)

11:16:05 a.m.

4 minutes and 46 seconds

BLITZER: And there's more breaking news we're following. The former special counsel Jack Smith is testifying on camera and under oath up on Capitol Hill right now. He's before the Senate Judiciary Committee defending his historic and highly controversial federal investigations into President Trump. Those cases involved President Trump's alleged role in trying to overturn the 2020 presidential election and charges that he mishandled classified documents at Mar-a-Lago. Both cases were eventually dismissed, and the President denies any — any wrongdoing. Smith says he stands by his decision to prosecute Trump. Republican lawmakers say he acted politically and should be prosecuted himself. But this morning, Jack Smith delivered a very defiant message directly to his critics on that Senate Judiciary Committee panel, and I'm quoting him now, he said, "I will not be silenced." CNN's senior Justice correspondent Evan Perez is watching all of this play out up on Capitol Hill. Very dramatic stuff, Evan. Republicans have been aggressive in their questioning so far, right?

PEREZ: That's right, Wolf. They are very aggressive in the questioning. But I will say, you know, in between the time that they're not — when the Republicans are not speaking, a lot of them have left the room, and it gives you a sense of what the purpose of this hearing is. This is not so much about getting information from Jack Smith. It's about reframing the events of January 6 and those investigations that Jack Smith oversaw, and part of that, the job of some of the members of congress, some of these senators, is to frame some of the actions by the investigators as targeting Republicans. Listen to this exchange between Senator John Kennedy of Louisiana and Jack Smith about some of the actions taken during this investigation.

SENATOR JOHN KENNEDY (R-LA): You saw just the records of the Republicans, and you knew that violated the speech and debate clause, didn't you?

SMITH: That is incorrect. We sought to comply with —

KENNEDY: Did you take ConLaw?

SMITH: — I'm sorry, Senator?

KENNEDY: Were you in the quad playing Frisbee during the ConLaw at Harvard Law School?

SMITH: I did take constitutional law, yes.

KENNEDY: Well, then you had to know it violated the Speech and Debate Clause. In fact, when you went to Judge Boasberg, you didn't even tell him you were seeking the phone records of members of Congress, did you? Because you knew he wouldn't agree. He would. He would say,

hey, counsel, anybody who knows a law book from a J.Crew catalog knows that this violates the Constitution. But you didn't tell him, did you?

SMITH: We sought non-disclosure orders from —

KENNEDY: You didn't tell him, did you?

SMITH: — in seeking non-disclosure orders, we did not.

KENNEDY: Didn't tell him. But you're unbiased. You have no personal feelings. You make me want to throw up in my mouth.

PEREZ: And, Wolf, you know, that's that gives you a little bit of the flavor of what's going on in the room behind me. Look, I mean, the — the investigation that they're talking about, of course, is about the President — the then-President of the United States, Donald Trump, trying to avoid, you know, the — the — the certification of his losing that election. And, of course, the part of the investigation was looking into whether there were people like Rudy Giuliani calling members of Congress, Republicans who would have been working with them to try to do that. And so, of course, it would be Republican members of Congress whose phone records, the toll records that would have been would have been subpoenaed. Democrats were not involved in that. And of course, that gives you a sense of this investigation. One other thing that happened just a little while ago, Senator Eric Schmitt of Missouri tried to paint a conspiracy saying Jack Smith was in cahoots, essentially with Fani Willis, the — the prosecutor down in Atlanta, who also did a state investigation of the President and tried to portray that they had met at a game in Atlanta basketball game. It turns out Schmidt was wrong. He showed a poster there that attempted to show messages that he thought showed that Smith was down in Atlanta. It turns out he was mistaken that — that Smith was actually at a basketball game in Maryland. The game between Maryland and the Iowa Hawkeyes. So, Schmidt was wrong. And, of course, that was one of the more fiery exchanges that we saw in this room this hour. Wolf.

BLITZER: Pamela, a lot of fiery exchanges, there's no doubt about that. Evan Perez, watching all of this unfold. This is historic and important.