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U.S.

# Donald Trump's Fate in Justice Department Probes Headed for Special Counsel

Attorney General Merrick Garland names Jack Smith as special counsel to oversee probes into handling of documents at Mar-a-Lago and efforts to overturn 2020 election results



Attorney General Merrick Garland, at the Justice Department last month, is set to make an announcement regarding former President Donald Trump.

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WASHINGTON—Attorney General Merrick Garland appointed a former federal and international war-crimes prosecutor as special counsel on Friday to oversee Justice Department investigations into former President Donald Trump.

Jack Smith, who once led the Justice Department unit that investigates public corruption and since 2018 was the chief prosecutor at The Hague investigating war crimes in Kosovo, will be the third special counsel in five years to examine issues involving Mr. Trump.

He will lead both the probe into the handling of classified documents at Mr. Trump's Mar-a-Lago resort in Florida and oversee key aspects of the sprawling Justice Department investigation into efforts by Mr. Trump and his allies to

Justice Department investigation into efforts by Mr. Trump and his allies to overturn his 2020 election loss.

“The Special Counsel is authorized to prosecute federal crimes arising from the investigation of these matters,” Mr. Garland said in a brief memo naming Mr. Smith to the post. The memo said Mr. Smith’s remit doesn’t include cases against those who were physically present at the Jan. 6, 2021, riot at the Capitol.

The appointment comes three days after Mr. Trump announced another bid for the presidency and would mark the naming of the third independent prosecutor in five years to examine issues involving Mr. Trump.

The move reflects the sensitivity of Mr. Garland overseeing any investigation into Mr. Trump now that he is a declared presidential candidate. President Biden, who has said he intends to run for re-election in 2024, nominated Mr. Garland to head the Justice Department in part for the former judge’s promise to insulate the agency from political influence.

Some legal experts have anticipated such an appointment. Regulations governing special counsels provide for the attorney general to name an outsider if he determines that the investigation or prosecution presents a conflict of interest for the department and recusals of certain officials wouldn’t be enough to overcome the concerns.

Some former Justice Department officials and prosecutors have said such an appointment wouldn’t do much to allay criticism of the FBI and Justice Department by Mr. Trump and his supporters. There are few people with the necessary prosecutorial experience and nonpartisan reputation who would be willing to take on the post, those people say.

A special-counsel appointment won’t entirely eliminate the appearance of a conflict, as Mr. Garland and other senior Justice Department officials are still likely to be involved in some decision-making related to the probe, according to people familiar with past special counsels.

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