

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 15, 2025

The Honorable Lloyd J. Austin III  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Secretary Austin:

I write to request records relevant to the Senate Judiciary Committee's consideration of the nomination of Kashyap (Kash) Patel, President-elect Trump's presumptive nominee to be Director of the Federal Bureau of Investigation (FBI).

From November 2020 through January 2021, Mr. Patel served as Chief of Staff for the Department and the Secretary of Defense. He also previously served as a liaison officer from the Department of Justice to the Joint Special Operations Command from March 2016 through April 2017.

Mr. Patel was appointed Chief of Staff on November 10, 2020, after then-President Trump lost the 2020 election. During his tenure, Mr. Patel was accused of impeding the incoming Biden Administration's transition work with the Defense Department, injecting himself and another political appointee into processes normally handled by nonpartisan career civilian and military officials, and ignoring requests from the Biden Administration's transition team.<sup>1</sup>

Additionally, Mr. Patel is implicated in a campaign by then-Acting Assistant Attorney General for the Department of Justice's (DOJ) Civil Division Jeffrey Clark to employ DOJ resources to subvert the 2020 election. On January 2, 2021, then-Director of the Office of the Director of National Intelligence (ODNI) John Ratcliffe referred Mr. Clark to Mr. Patel.<sup>2</sup> Then-Director Ratcliffe informed Mr. Clark that Mr. Patel purportedly could help identify a "trustworthy" individual at the FBI who would potentially be willing to aid Mr. Clark's efforts.<sup>3</sup>

As you know, the FBI is the principal federal law enforcement investigative agency, tasked with protecting all Americans. The Director must be able to execute the FBI's mission in a nonpartisan, impartial manner that is above reproach. The credible allegations against Mr. Patel outlined above are deeply troubling, and the Committee is unable to properly consider his

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<sup>1</sup> See Courtney Kube & Carol E. Lee, *Trump loyalist Kash Patel blocking some Pentagon officials from helping Biden transition*, NBC NEWS (Dec. 5, 2020), <https://www.nbcnews.com/politics/national-security/trump-loyalist-kash-patel-blocking-some-pentagon-officials-helping-biden-n1250053>.

<sup>2</sup> Contemporaneous notes by Jeffrey Clark, Acting Ass't Att'y Gen. for Dep't of Justice's Civil Div., reflecting meeting with John Ratcliffe, Dir. Off. of Nat'l Intelligence (Jan. 2, 2021) (on file with Committee).

<sup>3</sup> *Id.*

nomination without more information on his alleged misconduct. To that end, please provide the following information:

1. All records between November 10, 2020 and January 20, 2021 reflecting or relating to communications between and among Mr. Patel and White House officials, Defense Department officials, General Services Administration officials, and Biden Transition team officials concerning the transition between the first Trump Administration and the Biden Administration; and
2. All records between November 10, 2020 and January 20, 2021 reflecting or relating to communications between and among Mr. Patel and White House officials, Defense Department officials, ODNI Officials, and DOJ officials concerning the 2020 election.

Please provide these materials as soon as possible. I appreciate your prompt attention to this important request.

Sincerely,



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Richard J. Durbin  
Ranking Member

cc: The Honorable Charles E. Grassley  
Chairman, Senate Committee on the Judiciary