

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

February 3, 2025

James McHenry
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Brian Driscoll
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Acting Attorney General McHenry and Acting Director Driscoll:

We have grave concerns about the removal or reassignment across the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) of senior career civil servants who have served honorably under multiple administrations, regardless of the President's party.

The removals and reassignments from their positions of a significant number of experienced, nonpartisan Department officials with invaluable national security expertise without any comparable replacements one day into the second Trump Administration presents an alarming threat to national security.¹ As many as 20 senior Department officials were reassigned or removed, including the veteran career deputy assistant attorneys general in the Department's National Security Division.²

Many of these national security experts have reportedly been reassigned to roles concerning immigration enforcement, for which they have little expertise.³ Relatedly, Ranking Member Durbin has received credible information indicating that at least six FBI field offices may be creating pilot programs for agents and analysts, including employees from the Counterintelligence and Counterterrorism Divisions, to work on immigration enforcement. These transfers are particularly inexplicable given that the Department simultaneously removed senior career civil servants at the Executive Office for Immigration Review, significantly handicapping the operations of our nation's immigration courts.⁴ In a single day, the Department substantially

¹ Perry Stein & Ellen Nakashima, *Justice Dept. removes senior career officials from key positions*, WASH. POST (Jan. 21, 2025), <https://www.washingtonpost.com/national-security/2025/01/21/justice-trump-removes-senior-staffers-national-security-criminal>.

² Eric Tucker, *Key career officials at Justice Department reassigned to different positions, AP sources say*, AP (Jan. 21, 2025), <https://apnews.com/article/trump-fbi-justice-department-360fe0c616e11f72bca68ab69f5eed6c>.

³ Perry Stein & Ellen Nakashima, *Justice Dept. removes senior career officials from key positions*, WASH. POST (Jan. 21, 2025), <https://www.washingtonpost.com/national-security/2025/01/21/justice-trump-removes-senior-staffers-national-security-criminal>; Josh Gerstein & Dasha Burns, *DOJ gears up for immigration enforcement*, POLITICO (Jan. 22, 2025), <https://www.politico.com/news/2025/01/22/donald-trump-justice-department-immigration-005783>.

⁴ Julia Ainsley, *Trump fired four top immigration court officials hours after taking office*, NBC NEWS (Jan. 21, 2025), <https://www.nbcnews.com/politics/immigration/trump-fired-four-top-immigration-court-officials-hours-taking-office-rcna188637>; Laura Romero & Mike Levine, *Former top DOJ immigration official says she was removed with no explanation*, ABC NEWS (Jan. 22, 2025), <https://abcnews.go.com/US/former-top-doj-immigration-official-removed-explanation/story?id=117981236>.

diminished the country's ability to respond to national security threats and address the challenges in our overburdened immigration system.

Our alarm has only grown in the past two weeks as this purge of experienced career prosecutors and agents has expanded to include the removal or forced retirement of all six FBI Executive Assistant Directors (EADs), including the EADs who oversee the National Security Branch, Intelligence Branch, and the Criminal, Cyber, Response, and Services Branch;⁵ as well as the Assistant Directors⁶ and Special Agents in Charge of at least four major field offices.⁷ Acting Deputy Attorney General Emil Bove ordered these actions in a January 31, 2025 memo, stating, "I do not believe the current leadership of the Justice Department can trust these FBI employees to assist in implementing the President's agenda faithfully."⁸ Similarly, more than a dozen senior Department prosecutors were fired after receiving memos from Acting Attorney General McHenry stating: "Given your significant role in prosecuting the President, I do not believe that the leadership of the Department can trust you to assist in implementing the President's agenda faithfully."⁹ Retaliating against these career public servants who were simply doing the work assigned to them is outrageous and unacceptable.

This purge has not stopped at leadership. In a January 31, 2025 memo to the Executive Office for U.S. Attorneys, the Justice Management Division, and the U.S. Attorney's Office for the District of Columbia, the Acting Deputy Attorney General threatened that he "would not tolerate subversive personnel actions by the previous Administration in any U.S. Attorney's Office."¹⁰ In his January 31 memo to Acting Director Driscoll, Mr. Bove directed the FBI to

⁵ Ken Dilanian, Tom Winter, & Zoë Richards, *Several top FBI officials are told to resign or be fired as Trump continues federal purge*, NBC NEWS (updated Jan. 31, 2025), <https://www.nbcnews.com/politics/justice-department/several-top-fbi-officials-are-told-resign-face-demotion-trump-continue-rcna190095>; Ken Dilanian, et al., *Trump administration forces out multiple senior FBI officials and January 6 prosecutors*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-forces-multiple-senior-fbi-officials-rcna190138>.

⁶ Michael Kosnar, Ken Dilanian, & Ryan J. Reilly, *Head of FBI Washington Field Office is forced out*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/justice-department/head-fbi-washington-field-office-forced-trump-administration-purge-rcna190223>.

⁷ Ken Dilanian, Tom Winter & Zoë Richards, *Several top FBI officials are told to resign or be fired as Trump continues federal purge*, NBC NEWS (Jan. 30, 2025), <https://www.nbcnews.com/politics/justice-department/several-top-fbi-officials-are-told-resign-face-demotion-trump-continue-rcna190095>; Ken Dilanian, et al., *Trump administration forces out multiple senior FBI officials and January 6 prosecutors*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-forces-multiple-senior-fbi-officials-rcna190138>; Kerry Pickett, *FBI purge: 20+ top officials ousted in sweeping shake-up*, WASH. TIMES (Jan. 31, 2025), <https://www.washingtontimes.com/news/2025/jan/31/top-fbi-officials-terminated-forced-quit/>.

⁸ Dep't of Justice, Memorandum from Acting Deputy Attorney General to Acting Director of the FBI, *Terminations* (Jan. 31, 2025) (on file with Committee); Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Jan. 6 cases*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/>.

⁹ Dep't of Justice, Memorandum from Acting Attorney General, *Notice of Removal from Federal Service* (Jan. 27, 2025); Hannah Rabinowitz, Katelyn Polantz, & Paula Reid, *Trump Justice Department fires officials who investigated Trump and launches 'special project' into January 6 cases*, CNN (Jan. 27, 2025), <https://www.cnn.com/2025/01/27/politics/trump-special-project-january-6-prosecutors/index.html>.

¹⁰ Dep't of Justice, Memorandum from Acting Deputy Attorney General to Director of Executive Office for U.S. Attorneys, Deputy Director of Executive Office for U.S. Attorneys, Assistant Attorney General of Justice Management Division, and Acting U.S. Attorney for U.S. Attorney's Office for the District of Columbia,

provide the names of all FBI personnel who worked on investigations related to the January 6th attack on the U.S. Capitol and an unrelated terrorism case, and warned that “additional personnel actions” could follow.¹¹ In both memos, the Acting Deputy Attorney General clearly threatened the termination of identified employees. In a January 31 message to the entire FBI workforce, the Acting Director stated, “This request encompasses thousands of employees across the country who have supported these investigative efforts,” including himself and the Acting Deputy Director.¹²

Reports indicate there has been significant resistance from within the Bureau, in an attempt to protect FBI employees who are simply doing their jobs.¹³ In a February 1 message, Acting Director Driscoll stated, “I want to assure you that we continue to work with the Department of Justice to better understand the purpose for which the lists I referenced yesterday are being sought. As career special agents – and fellow FBI employees – we know firsthand that none of us are assigned to matters based on anything other than the responsibilities of the roles in which we serve.”¹⁴ The head of the New York Field Office reportedly urged his team to “dig in . . . and remain calm,” because they are “in the middle of a battle of our own, as good people are being walked out of the F.B.I. and others are being targeted because they did their jobs in accordance with the law and F.B.I. policy.”¹⁵

Such leadership is admirable but not sustainable against the might of a weaponized Justice Department. In fact, over the weekend thousands of FBI personnel across the country were asked to complete a questionnaire by Monday, February 3 at 3pm.¹⁶ The survey asks for their job title, whether they worked on a case related to the January 6th attack on the Capitol, “if they were involved in the arrest of a Jan. 6 suspect, if they testified at a trial, if they interviewed witnesses, if they conducted surveillance on suspects and more.”¹⁷ It has also been reported that the Acting FBI Director is being advised by an advisory committee comprised of partisan

Terminations (Jan. 31, 2025) (on file with Committee). See also @NickSartor, X.com (Jan. 31, 2025, 5:21 PM), <https://x.com/nicksartor/status/1885453420477153351>.

¹¹ Dep’t of Justice, Memorandum from Acting Deputy Attorney General to Acting Director of the FBI, *Terminations* (Jan. 31, 2025) (on file with Committee); Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Jan. 6 cases*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/>.

¹² Message on file with the Committee. See also @MLevineReports, X.com (Jan. 31, 2025, 7:13 PM), <https://x.com/MLevineReports/status/1885481541628772358>; @Schwellenbach, X.com (Jan. 31, 2025, 7:25 PM), <https://x.com/schwellenbach/status/1885484380245655911>. Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Trump cases*, WASH. POST (last updated Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/>.

¹³ Ken Dilanian et al., *Senior FBI official forcefully resisted Trump administration firings*, NBC NEWS (Feb. 1, 2025), <https://www.nbcnews.com/politics/national-security/senior-fbi-official-forcefully-resisted-trump-administration-firings-rcna190301>

¹⁴ @KenDilanianNBC, X.com (Feb. 1, 2025, 9:48 PM), <https://x.com/KenDilanianNBC/status/1885883026590097433>; Ken Dilanian et al., *Senior FBI official forcefully resisted Trump administration firings*, NBC NEWS (Feb. 1, 2025), <https://www.nbcnews.com/politics/national-security/senior-fbi-official-forcefully-resisted-trump-administration-firings-rcna190301>.

¹⁵ Adam Goldman et al., *Top F.B.I. Agent in New York Vows to ‘Dig In’ After Removals at Agency*, N.Y. TIMES (Feb. 2, 2025), <https://www.nytimes.com/2025/02/02/us/politics/fbi-new-york-email-trump.html>

¹⁶ Jake Miller et al., *FBI distributing questionnaire probing agents’ work on Jan. 6 Capitol riot cases, sources say*, CBS NEWS (Feb. 2, 2025), <https://www.cbsnews.com/news/fbi-questionnaire-jan-6-agents/>

political operators, including an Elon Musk affiliate.¹⁸ This is a stark departure from the longstanding tradition that the FBI Director is the only political appointee in the Bureau.

In addition, Ranking Member Durbin has received credible information indicating that at least 25 more Special Agents in Charge may be removed this week and that a loyalty test is being implemented in the leadership hiring process, with candidates being asked about the 2020 election and January 6, 2021. Finally, Ranking Member Durbin has also received credible information that reduction in personnel orders to the law and policy sections of various divisions in the Justice Department, such as the Environment and Natural Resources Division, are further stripping DOJ of vital institutional knowledge.

Additionally, the interim U.S. Attorney for the District of Columbia, Ed Martin, dismissed all pending charges against January 6 defendants, shuttered the section of the office that was handling cases related to the January 6 attack on the Capitol, ordered an internal review of staff handling cases relating to the January 6 attack, and, as of January 31, had fired dozens of prosecutors who worked on those cases.¹⁹ Notably, Mr. Martin was a leader of the so-called “Stop the Steal” movement to overturn the 2020 election and was on the grounds of the U.S. Capitol on January 6.²⁰ He later downplayed the violence against law enforcement, advocated for January 6 defendants, and described the U.S. Attorney’s office as “the President’s lawyers.”²¹

As America faces a heightened threat landscape, these shocking removals and reassignments deprive DOJ and the FBI of experienced, senior leadership and decades of experience fighting violent crime, espionage, and terrorism. As the FBI Agents Association stated in response to reports about the removal of FBI officials: “Dismissing potentially hundreds of Agents would severely weaken the Bureau’s ability to protect the country from national

¹⁷ Perry Stein, Carol D. Leonnig, & Jeremy Roebuck, *As DOJ probes FBI’s Jan. 6 work and weighs firings, agents told to detail roles*, WASH. POST (last updated Feb. 2, 2025), <https://www.washingtonpost.com/national-security/2025/02/02/fbi-firings-jan-6-trump-cases>.

¹⁸ See Ken Dilanian et al., *Trump administration forces out multiple senior FBI officials and January 6 prosecutors*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-forces-multiple-senior-fbi-officials-rcna190138>; Ken Dilanian and Ryan J. Reilly, *Elon Musk affiliate in FBI director’s office sparks fear of partisan interference*, NBC NEWS (Jan. 29, 2025), <https://www.nbcnews.com/politics/national-security/people-ties-musk-top-fbi-critic-are-advising-fbi-director-rcna189567>.

¹⁹ Spencer S. Hsu & Tom Jackman, *D.C. U.S. attorney fires Jan. 6 prosecutors, launches new probes*, WASH. POST (last updated Jan. 31, 2025), <https://www.washingtonpost.com/dc-md-va/2025/01/31/jan6-prosecutors-fired-dc-martin/>.

²⁰ Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Jan. 6 cases*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/> (He posted that day on social media, “Like Mardi Gras in DC today: love, faith and joy. Ignore #FakeNews”).

²¹ Kyle Cheney, *Ed Martin Jr., A crusader for Jan. 6 defendants, now oversees their absolution*, POLITICO (Jan. 29, 2025), <https://www.politico.com/news/2025/01/29/ed-martin-jr-jan-6-defendants-00201269>; @EagleEdMartin, X.com (Jan. 24, 2025, 6:10 PM), <https://x.com/eagleedmartin/status/1882928906770248023>; Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Jan. 6 cases*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/>. See e.g., *United States v Joseph Padilla*, 1:21-cr-00214-JDB (D.D.C. Nov. 10, 2021) ECF No. 47 (Appearance of Counsel).

security and criminal threats and will ultimately risk setting up the Bureau and its new leadership for failure.”²²

While creating an experience and leadership vacuum in our national security, counterintelligence, and public safety apparatus is inexcusable on its own, these dramatic actions with far-reaching repercussions have also taken place without any Senate-confirmed leadership at the helm of the Department or the FBI. Furthermore, the removals completely misunderstand the manner in which personnel in the Department and the Bureau are assigned to investigations and prosecutions and will result in a drain of law enforcement resources from other sections to compensate for the removals and reassignments.

Moreover, the firing of dozens of federal prosecutors and hundreds of agents will cripple FBI field offices and U.S. Attorney’s offices across the country. We can only assume these decisions are intended to prevent the Department from investigating national security and public corruption, while also serving as political retribution against the President’s perceived enemies and stoking fear among the dedicated and talented workforce in our nation’s premier law enforcement agency.

President Trump’s nominations of Pamela Bondi to be Attorney General, Todd Blanche to be Deputy Attorney General, and Kash Patel to be FBI Director are still being considered by the Senate. These personnel actions contradict commitments made by Ms. Bondi and Mr. Patel under oath before the Senate Judiciary Committee. Ms. Bondi testified that “there will never be an enemies list within the Department of Justice,” “[n]o one will be prosecuted/investigated because they are a political opponent,” “the Justice Department must be independent and must act independently, and DOJ’s “number one job is to enforce the law fairly and evenhandedly.”²³ Mr. Patel testified that “all FBI employees will be protected against political retribution,” “every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments,” “the FBI must be independent” from individuals like Elon Musk making decisions about personnel, and he “will honor the internal review process of the FBI.”²⁴ This Committee has a constitutional obligation to perform oversight over the Department and its components, and to provide advice and consent on the nominations of officers to lead it. To those ends, please provide the following information:

1. A complete list of all career civil servants in the Department of Justice and its components removed, reassigned, or asked to resign since January 20, 2025, from the positions they held as of January 19, 2025, including their former and current titles and offices and individual rationales for each employment action.
2. Copies of and any records reflecting or relating to the Acting Deputy Attorney General’s January 31, 2025 Memorandum to the Executive Office for United States Attorneys,

²² @KenDilanianNBC, X.com (Jan. 31, 2025, 4:45 PM), <https://x.com/kendilianiannbc/status/1885444338374582706>.

²³ *Nomination of Pamela Jo Bondi to be Attorney General of the United States*, S. Comm. on the Judiciary, 119th Cong. (Jan. 15, 2025).

²⁴ *Nomination of Kashyap Patel to be Director of the Federal Bureau of Investigation*, S. Comm. on the Judiciary, 119th Cong. (Jan. 30, 2025).

Justice Management Division, and the U.S. Attorney's Office for the District of Columbia entitled "Terminations" and any accompanying appendices;

3. Copies of and any records reflecting or relating to the Acting Deputy Attorney General's January 31, 2025 Memorandum to the Acting Director of the FBI entitled "Terminations," any accompanying appendices, and any personnel lists created in response to the memorandum;
4. Copies of and any records reflecting or relating to a questionnaire circulated to FBI personnel on Feb. 1 or 2, 2025 regarding personnel's involvement in cases related to events that occurred at or near the United States Capitol on January 6, 2021;
5. All records between November 5, 2024, and the present reflecting or relating to communications between and among you, Emil Bove, Robert Kissane, Pam Bondi, Todd Blanche, or Kash Patel concerning the removal, resignation, or reassignment of any career civil servant in the Department of Justice or its components;
6. All records between November 5, 2024, and January 20, 2025, reflecting or relating to communications between and among you and any Trump-Vance transition team official concerning the removal, resignation, or reassignment of any career civil servant in the Department of Justice or its components;
7. All records between January 20, 2025, and the present reflecting or relating to communications between and among you and any White House official concerning the removal, resignation, or reassignment of any career civil servant in the Department of Justice or its components;
8. All records between November 5, 2024, and January 20, 2025, reflecting or relating to communications between and among you and any Trump-Vance transition team official concerning investigations and/or prosecutions relating to (1) *United States v. Haniyeh, et al.*, 24 Mag. 438 (S.D.N.Y.); (2) events that occurred at or near the United States Capitol on January 6, 2021; and (3) President Trump's mishandling of classified documents;
9. All records between January 20, 2025, and the present reflecting or relating to communications between and among you and any White House official concerning investigations and/or prosecutions relating to (1) *United States v. Haniyeh, et al.*, 24 Mag. 438 (S.D.N.Y.); (2) events that occurred at or near the United States Capitol on January 6, 2021; and (3) President Trump's mishandling of classified documents; and
10. All records between November 5, 2024, and the present reflecting or relating to communications between and among you, Emil Bove, Robert Kissane, Pam Bondi, Todd Blanche, or Kash Patel concerning investigations and/or prosecutions relating to (1) *United States v. Haniyeh, et al.*, 24 Mag. 438 (S.D.N.Y.); (2) events that occurred at or near the United States Capitol on January 6, 2021; or (3) President Trump's mishandling of classified documents.

President Trump won the 2024 presidential election, but he does not have the authority to dismantle the federal civil service or replace dedicated, nonpartisan career officials at DOJ with those whose only qualifications are loyalty to President Trump rather than the Constitution and laws of the United States of America. To that end, we demand the production of these materials as soon as possible, and no later than February 7, 2025.

Sincerely,



Richard J. Durbin
United States Senator



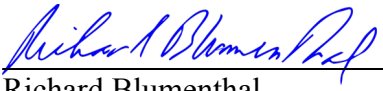
Sheldon Whitehouse
United States Senator



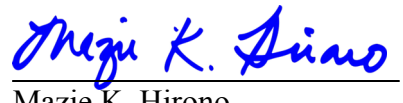
Amy Klobuchar
United States Senator



Christopher A. Coons
United States Senator



Richard Blumenthal
United States Senator



Mazie K. Hirono
United States Senator



Cory A. Booker
United States Senator



Alex Padilla
United States Senator



Peter Welch
United States Senator



Adam B. Schiff
United States Senator

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