

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 15, 2025

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

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).

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 National Intelligence John Ratcliffe referred Mr. Clark to Mr. Patel.¹ 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.²

Additionally, the Department reportedly received a complaint from an intelligence agency alleging that Mr. Patel improperly disclosed classified information.³ According to one review of publicly available *Freedom of Information Act* records regarding Mr. Patel, "what the emails show pretty clearly is that Patel politicized the [declassification] process...coordinat[ing] efforts with high-ranking officials at the White House, Department of Justice and Republican lawmakers to declassify documents he believed were favorable to Trump."⁴

Previously, Mr. Patel served as a trial attorney for the Department's National Security Division in the Counterterrorism Section from January 2014 through April 2017. From March 2016 through April 2017, he also served as a liaison officer to the Department of Defense's Joint Special Operations Command. Mr. Patel has allegedly exaggerated or distorted his role in the Department during that period.⁵ Mr. Patel has repeatedly described himself as "the Main Justice

¹ 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).

² *Id.*

³ See David Ignatius, *How Kash Patel rose from obscure Hill staffer to key operative in Trump's battle with the Intelligence community*, WASH. POST (Apr. 16, 2021), <https://www.washingtonpost.com/opinions/2021/04/16/kash-patel-trump-intelligence-community/>.

⁴ Jason Leopold, *Kash Patel's Emails Offer Insight Into How He Might Run the FBI*, BLOOMBERG (Jan. 10, 2025), <https://www.bloomberg.com/news/newsletters/2025-01-10/trump-nominee-kash-patel-s-odni-emails-show-how-he-might-politicize-fbi>.

⁵ Adam Goldman, Charlie Savage, & Eileen Sullivan, *Patel Distorts Justice Dept. Benghazi Inquiry, Inflating His Role*, N.Y. TIMES (Dec. 13, 2024), <https://www.nytimes.com/2024/12/13/us/politics/kash-patel-benghazi-investigation-doj.html>.

lead prosecutor for Benghazi for awhile.”⁶ In fact, the Benghazi investigation and prosecution was led by attorneys in the office of the U.S. Attorney for the District of Columbia and the first case went to trial six months after Mr. Patel left the Justice Department.⁷

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

1. All records between January 2, 2021 and January 20, 2021 reflecting or relating to communications between and among Mr. Patel and Jeffrey Clark;
2. All records reflecting or relating to communications between and among Mr. Patel and DOJ or FBI officials concerning the 2020 election;
3. All records reflecting or relating to allegations of misconduct by Mr. Patel, including referrals to DOJ or claims related to his tenure in the Department; and
4. All records reflecting or relating to Mr. Patel’s involvement in the Benghazi inquiry during his tenure at the National Security Division between January 1, 2014 and April 30, 2017.

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

Sincerely,



Richard J. Durbin
Ranking Member

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

⁶ *Id.* (citing Mr. Patel’s Sep. 24, 2024 appearance on the Shawn Ryan Show); *see also* Kash P. Patel, GOVERNMENT GANGSTERS: THE DEEP STATE, THE TRUTH, AND THE BATTLE FOR OUR DEMOCRACY (2023) (“By the time the D.O.J. was moving in full force to compile evidence and bring prosecutions against the Benghazi terrorists, I was leading the prosecution’s efforts at Main Justice in Washington, D.C.”).

⁷ Adam Goldman, Charlie Savage, & Eileen Sullivan, *Patel Distorts Justice Dept. Benghazi Inquiry, Inflating His Role*, N.Y. TIMES (Dec. 13, 2024), <https://www.nytimes.com/2024/12/13/us/politics/kash-patel-benghazi-investigation-doj.html>.