

**CONFIRMATION HEARING ON THE
NOMINATION OF KASHYAP PRAMOD PATEL
TO BE DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION**

**HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED NINETEENTH CONGRESS**

FIRST SESSION

JANUARY 30, 2025

Serial No. J-119-2

Printed for the use of the Committee on the Judiciary



www.judiciary.senate.gov
www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2025

COMMITTEE ON THE JUDICIARY

CHARLES E. GRASSLEY, Iowa, *Chairman*

LINDSEY O. GRAHAM, South Carolina	RICHARD J. DURBIN, Illinois,
JOHN CORNYN, Texas	<i>Ranking Member</i>
MICHAEL S. LEE, Utah	SHELDON WHITEHOUSE, Rhode Island
TED CRUZ, Texas	AMY KLOBUCHAR, Minnesota
JOSH HAWLEY, Missouri	CHRISTOPHER A. COONS, Delaware
THOM TILLIS, North Carolina	RICHARD BLUMENTHAL, Connecticut
JOHN KENNEDY, Louisiana	MAZIE HIRONO, Hawaii
MARSHA BLACKBURN, Tennessee	CORY A. BOOKER, New Jersey
ERIC SCHMITT, Missouri	ALEX PADILLA, California
KATIE BOYD BRITT, Alabama	PETER WELCH, Vermont
ASHLEY MOODY, Florida	ADAM B. SCHIFF, California

KOLAN DAVIS, *Chief Counsel and Staff Director*

JOE ZOGBY, *Democratic Chief Counsel and Staff Director*

CONTENTS

OPENING STATEMENTS

	Page
Grassley, Hon. Charles E.	1
Durbin, Hon. Richard J.	6
Tillis, Hon. Thom	10

NOMINEE

Patel, Kashyap Pramod	11
Questionnaire	96
Responses to written questions	123

APPENDIX

Items submitted for the record	271
-------------------------------------	-----

**CONFIRMATION HEARING ON THE
NOMINATION OF KASHYAP PRAMOD PATEL
TO BE DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION**

THURSDAY, JANUARY 30, 2025

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:33 a.m., in Room 216, Hart Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Graham, Cornyn, Lee, Cruz, Hawley, Tillis, Kennedy, Blackburn, Schmitt, Britt, Moody, Durbin, Whitehouse, Klobuchar, Coons, Blumenthal, Hirono, Booker, Padilla, Welch, and Schiff.

**OPENING STATEMENT OF HON. CHARLES E. GRASSLEY,
A U.S. SENATOR FROM THE STATE OF IOWA**

Chairman GRASSLEY. Before we begin, I'd like to say that our prayers are with the victims and the first responders of the horrible tragedy at Reagan Airport. It's reported that more than 60 souls were on board the plane and the helicopter that collided over the Potomac River. This is a horrible, hard-to-understand disaster that demands answers. As first responders continue their recovery effort and as investigators begin their work, Congress will work with the administration to get to the bottom of this, keep all those—and we should all keep the people impacted in our prayers. So maybe we should, just for a short period of time, think about this tragedy.

[Pause.]

Good morning. I want to welcome everyone to this very important hearing to consider the nomination of Kash Patel to serve as Director of the Federal Bureau of Investigation. Congratulations on your nomination.

Mr. PATEL. Thank you, Mr. Chairman.

Chairman GRASSLEY. And thank you for your willingness to serve.

Before we get started, I want to set out a couple of ground rules, kind of ordinary for controversial hearings like this. I want everyone here to be able to watch the hearing without obstruction. If people stand up and block the view of those behind them or if they speak out of turn, it's quite obvious that it's not fair or considerate

to everybody else in this room. So officers would immediately remove those individuals.

Now I will explain how we're going to proceed. I'll give my opening remarks and then invite Ranking Member Durbin to give opening remarks, then Senator Tillis will introduce the nominee. After that, Mr. Patel will have a chance to give his opening statements after we swear him. Following Mr. Patel's statement, we'll begin the first round of questioning. Each Senator will have an initial 7-minute round of questions. After the first round, we'll do a second 3-minute round of questions.

I ask Members to do their best to adhere to these limits so that we can proceed efficiently, and I thank each of the Members of this Committee because when we had Attorney General nominee Bondi here, everybody stayed within their time. I expect Mr. Patel to be treated fairly by my colleagues.

We're here today to consider the nomination of Kash Patel to serve as Director of the FBI. You're nominated, Mr. Patel, to one of the most important offices in our Government, and to get here this far along in the process of your nomination, you gave us much information. You submitted over a thousand pages of records to the Committee, over a thousand individual interviews, and many hundreds of hours of media. I thank your family for coming. I know some of them have traveled to get here and I know they're very proud of you, and I determined that by looking them in the face.

Public trust in the FBI is low. Only 41 percent of the American people think the FBI is doing a good job. This is the lowest rating in a century. It's no surprise that public trust has declined in an institution that has been plagued by abuse, lack of transparency, and weaponization of law enforcement.

Nevertheless, the FBI remains an important, even indispensable institution for law and order in our country. It's the people on the top floor of the J. Edgar Hoover Building, not your local FBI agents, that have caused the low approval rating. Mr. Patel, I know you know this, but it's your job to restore the public trust and return the FBI to its core mission of fighting crime. Your extensive background gives you a unique position to make this happen.

Mr. Patel's career has been a study in fighting unpopular but righteous causes exposing corruption and putting America first. For almost a decade, Mr. Patel served as a public defender, defending the constitutional rights of some of the least popular people in this country. After serving as a public defender, Mr. Patel joined the Department of Justice under President Obama as a counterterrorism prosecutor in the National Security Division. In this role, he investigated and he prosecuted many important cases, including the World Cup bombing in Uganda in 2010, for which he received an award of excellence.

In 2017, Representative Devin Nunes asked Mr. Patel to join the House Permanent Select Committee on Intelligence to uncover the truth about Russiagate—and Mr. Patel did uncover the truth. It was during this period of time, if you remember, I first met you, Mr. Patel.

Through tireless work, Mr. Patel showed that Crossfire Hurricane was based upon fraudulent, discredited information paid for by the Democratic National Committee and the Clinton campaign.

As a reward for his efforts to uncover the truth, mainstream media—can you believe this—personally attacked Mr. Patel, and the FBI secretly subpoenaed his records. Now, I know what that is because my staff received similar treatment during my investigation. The attacks Mr. Patel faced during his work in the House of Representatives are similar to the ones that he faces today. I expect many of these underhanded attacks will be repeated today.

Mr. Patel has been accused of—and I—of having, quote, unquote, “an enemies list.” This is not a fair characterization. As he stated, quote, “There’s no revenge list,” end of quote. Mr. Patel has identified those he believes have put politics and personal ambition over service to the country. He’s called out those who’ve used the institutions, like the FBI, to achieve their own personal gain. Mr. Patel has said he believes that people who do this should be named and that Americans deserve transparency so that they can make their own judgment, as they did in this last election.

Other attacks against Mr. Patel are similarly unfounded—to take just one example, in fact—to take just one example, he’s been accused of jeopardizing hostage rescues. In fact, those allegations have been repeatedly shown to be false smears. As numerous national security officials have said publicly, and on the record, Mr. Patel played a critical role in returning Americans safely home and has done so through hard work and personal cost to him.

Mr. Patel has been accused of being unqualified to be FBI Director. This suggestion ignores his impressive career at the highest levels of Government service. After exposing Russiagate scandal in the Congress, Mr. Patel served in roles such as Senior Director of Counterterrorism at the National Security Council, Deputy Director of National Intelligence, and Chief of Staff to the Acting Secretary of Defense.

Mr. Patel managed large intelligence and defense bureaucracies, identified and countered national security threats, prosecuted and defended criminals. He’s done this while fighting for transparency and accountability in the Government. Mr. Patel has precisely the qualifications we need at this time when the FBI is not being respected by our public.

Mr. Patel, should you be confirmed, you’ll take charge of an FBI that is in crisis. Recently, my oversight exposed that a special agent in charge of the FBI New Orleans field office was on vacation during New Year’s Eve and New Year’s Day. Of course that also included the Sugar Bowl. Senior personnel should be at their posts, not on vacation, during critical security events. And we all remember what happened at that time in New Orleans. But, of course, this FBI agent would find it acceptable to do what he did.

In August 2022, at an FBI oversight hearing of this Committee, the Director Wray decided to leave early. I asked him to stay just 1 hour and 20 minutes longer, but he already made up his mind that he was going to leave. Later, under questioning in November of that year by Senator Hawley, Director Wray admitted that he left this Committee hearing early so that he could go on vacation. These two instances, among others, are examples of a blatant disrespect that the FBI leadership has shown to this Committee and indirectly to the American people.

In November 2022, I released internal FBI records that my office received, pursuant to lawful whistleblower disclosures. Those records provided data about how hundreds of FBI employees, who had retired or resigned to avoid discipline, many of those employees engaged in sexual misconduct in the workplace. Those records also showed lower-level FBI employees were punished—lower-level employees of the FBI were punished more harshly than senior-level employees. Now fairness was out the window.

Over one year later, with no response from the FBI, I asked Director Wray about this at a December 5, 2023, hearing before this Committee. He publicly pledged to get me the data I requested in November, a year before. He and his Deputy Director never followed through.

I also questioned Director Wray about improperly classified information relating to Afghan evacuees placed in our country. At that time, approximately 50 evacuees were already deemed potential national securities concerns. So what's the number now? The public has a right to know. I've also raised concerns about whistleblower disclosures, saying that the FBI moved agents from child sex abuse cases to those January 6 cases. The FBI, under Director Wray, never got his priorities straight.

With respect to weaponization, I'd like to turn to a letter I wrote July 20 of 2022. That letter noted that Assistant Special-Agent-in-Charge Thibault was a key official involved in opening the elector case that became the Jack Smith lawfare operation. That's not supposed to happen. An official at Thibault's rank and position isn't supposed to open cases. That's the job of special agents. For those who don't remember, Thibault was the anti-Trump agent that violated the Hatch Act for his political conduct in office. My letter also noted that Richard Pilger, who ran the Justice Department's Elections Crime Branch, was involved in the approval.

Now I'd like to call the Committee's attention to something I'm going to share with you—information about the FBI that's never been made public before.

Chairman GRASSLEY [off microphone]. Do you have those?

[Voice heard off microphone.] Binder—the binder over here.

Chairman GRASSLEY. Oh yes, I'm sorry.

In my hand are a series of FBI emails.

The first is an email that Thibault sent to a subordinate agent on February 14, 2022. He said, quote, "Here is the draft opening language we discussed," end quote. The draft opening was attached, and it included material that would later become part of Jack Smith's elector case.

The second email, February 24, 2022, email from Thibault to John Crabb, a prosecutor in the U.S. Attorney's Office for the District of Columbia, saying, quote, "I had a discussion with the case team, and we believe there is predication to include former President of the United States, Donald J. Trump, as a predicated subject," end quote. This FBI case would later be code-named Arctic Frost.

The third email, February 24, 2022, email from Thibault to John Crabb, noting that the Attorney General and the FBI approval will be sought to open the case.

The fourth email, February 25, 2022, email from Thibault—subordinate agent, saying they added Trump and others as a criminal subject to the case. Thibault responded, quote, unquote, “Perfect.”

The fifth email, March 22, 2022, from Thibault, emailing a version of an investigative opening for approval. This didn’t include President Trump. I want to make clear, that one didn’t include President Trump as a criminal subject.

The sixth email is on April 11, 2022, from Thibault approving the opening of Arctic Frost.

The seventh email is an April 13, 2022, email from FBI agent to Thibault stating that the FBI Deputy Director approved its opening.

The eighth email, on the same date, had Thibault emailing John Crabb that the elector case was approved. Crabb responded, quote, “Thanks a lot. Let’s talk next week,” end quote.

Between March 22 and April 13, other versions of the document opening the investigation existed because a ninth email shows that the FBI General Counsel’s Office made edits on March 25.

Was Trump still removed as an investigative subject? If so, which Justice Department FBI officials, other than Jack Smith, later added him for prosecution? I expect the production of all records on this matter to better understand the full fact pattern and whether other records exist. Notably, approval of these documents was also given by Richard Pilger.

This Committee has written about Pilger undermining the Justice Department’s efforts during the 2020 election for partisan purposes. These emails and documents substantiate my July 2022 letter, which the FBI ignored. And I hope you, when you get there, won’t ignore my letters. Partisan FBI agents and DOJ officials tried and ultimately succeeded in launching a full field criminal investigation and prosecution of the President of the United States. Justice Department and FBI leadership acted in concert to further a political scheme to take down Trump, just like they did with Crossfire Hurricane.

They have yet to learn a lesson—and I hope you’ll learn that lesson for them, or teach that lesson—and their conduct, yet again, seriously eroded integrity of this once-storied institution. As I’ve said before, if a politically charged investigation is to be opened, it must be done the right way. And that didn’t happen here.

Mr. Patel, in my time, I’ve never seen our law enforcement and Intelligence Community institutions so badly infected with political decision-making—and I say “Intelligence Community” because you know what happened when 55 people—former or present intelligence agencies—signed a letter in 2020 that the laptop was a Russian hoax as an example. So all of this is these institutions breaking faith with we, the people.

Mr. Patel, you must be fair, you must be consistent, but you must be aggressive. Your actions must be based on accountability. And transparency brings accountability. Should you do so, you’ll have my support. And remember, either you’re going to run your agency or the agency’s going to run you. And the agency certainly ended up running Director Wray, and probably people before him.

Without objection, I’m going to put in this letter in the record, and this letter was sent to Director Wray December the 9th last

year, calling for him and his Deputy to step down, and it's titled, quote, unquote, "Failures."

[The information appears as a submission for the record.]

Chairman GRASSLEY. Now, I turn to Ranking Member Durbin.

**OPENING STATEMENT OF HON. RICHARD J. DURBIN,
A U.S. SENATOR FROM THE STATE OF ILLINOIS**

Senator DURBIN. Thank you, Mr. Chairman. I appreciate your commitment to the Judiciary Committee's long-standing bipartisan practice of vetting Presidential nominees.

A little history. The FBI dates back to the start of the last century, 1908, when then-Attorney General Charles Bonaparte organized a special agent force. J. Edgar Hoover became Director of the FBI in 1924 and led the Bureau for 48 years until his death in 1972. He is credited with professionalizing the Bureau and developing its investigative ability.

However, with little or no oversight, Hoover also used the Bureau's investigative powers improperly. He infamously directed the FBI to spy on Dr. Martin Luther King, Jr., Thurgood Marshall, and other civil rights leaders of the day.

In 1975, the United States Senate created Frank Church's Committee, and they disclosed widespread abuses by the FBI and other U.S. intelligence agencies. The Church Committee concluded these agencies had engaged in illegal surveillance, and as a result, quote, "groups and individuals have been assaulted, repressed, harassed, and disrupted because of their political views, social beliefs, and their lifestyles," and, quote, "the intelligence agencies have served the political and personal objectives of Presidents and other high officials."

The Hoover era of the FBI, the Watergate scandal, and the findings of the Church Committee highlighted the risk of political interference in FBI investigations and led to significant, important reform. In 1976, Congress passed a law that limits the FBI Director to a single term of 10 years, which was intended to insulate that position from political influence, and, critically, we made the FBI Director's appointment subject to the advice and consent of the Senate. That's why we're here today.

Since 1935, the motto of the FBI has been Fidelity, Bravery, Integrity. These qualities represent the Bureau's core values and the high standards that are expected of all of its employees, including the Director of the FBI. After meeting with Mr. Patel and reviewing his record, I do not believe you meet the standard. Mr. Patel has neither the experience, the temperament, nor the judgment to lead an agency of 38,000 agents in 400 field offices around the globe.

During the time I've served on this Committee, I've had the opportunity to consider four FBI Director nominations. Each one was a Republican, and I voted for all of them. My concerns about the Director of the FBI are not partisan. As much as Republicans claim that President Biden and former Attorney General Garland weaponized the FBI, let's look at the record. President Biden kept the FBI Director, a lifelong Republican who'd been appointed by President Trump. Contrast that with President Trump: fired his first FBI Director, James Comey, forced out his second FBI Direc-

tor, Chris Wray, for being insufficiently loyal. With Mr. Patel, however, obviously the President has found a loyalist.

Mr. Patel's loyalty includes touting conspiracy theories that threatened efforts at President Trump's enemies. How do we know Mr. Patel's theories, his beliefs, what motivates him, what he really believes? He wrote it in a book. This book, "Government Gangsters," I urge all of you to read before you cast a vote for this gentleman. Mr. Patel has published at the back of this book a list of 60 people—

[Poster is displayed.]

Senator DURBIN [continuing]. Whom he calls, quote, "members of the deep state"—60. This list includes many distinguished public servants who've dedicated their lives to our Nation. Among them are Democrats and Republicans, including former Trump administration officials, like the former Secretary of Defense Esper.

Then there is Mr. Patel's plan to, quote—and I quote him, "shut down the FBI Hoover building on day one, reopen it the next day as a museum of the deep state," and he has said, quote, "We're going to come after people in the media. We're going to come after you. Whether it's criminally or civilly, we're putting you all on notice."

Does this sound like the kind of nonpartisan law enforcement professional who should lead the FBI? No, not to me. This is someone who's left behind a trail of grievances throughout his life, lashing out at anyone who disrespects him or doesn't agree with him. Don't take it from me. Listen to these Republicans who worked with him during the Trump's first administration.

Attorney General Bill Barr, and I quote, "I categorically oppose making Patel Deputy FBI Director. I said it would happen over my dead body. Patel had virtually no experience that would qualify him to serve at the highest level of the world's preeminent law enforcement agency."

National Security Advisor John Bolton: "I didn't think he was qualified. He demonstrated no policy aptitude at all. I was forced to hire him."

President Trump's Deputy National Security Advisor Charles Kupperman: "The idea that Kash Patel is going to be the FBI Director is appalling. His legal career is modest at best. His ideas are ludicrous."

CIA Director Gina Haspel threatened to resign after President Trump proposed making Mr. Patel CIA Deputy Director.

Defense Secretary Mark Esper said Mr. Patel lied about whether Nigeria had approved a hostage rescue operation, putting American lives at risk. But Mr. Patel would have us believe that all of these public servants, all Republicans, all from the first Trump administration, and apparently anyone else who's critical of him, are nothing but government gangsters and deep state members. Many of them have made his list of enemies.

Just this week, CNN reported that during the Trump administration, CIA officials referred Mr. Patel to the Justice Department for criminal investigation for sharing classified information without authorization. Last week, I asked the Justice Department and Intelligence Community for information on any criminal referrals relating to misconduct by Mr. Patel. I have yet to receive a response.

Mr. Patel's record is clear. He traffics in debunked conspiracy theories that serve or benefit his political beliefs. Let's start with January 6—and he dedicates a whole chapter in this book on January 6. That's something that each and every one of us as witnesses to January 6 have our own view of.

I'll be grateful always to the Capitol Hill police officers who risked their lives defending me, Members of Congress, and visitors to the United States Capitol on that day. Mr. Patel posted——

[Poster is displayed.]

Senator DURBIN [continuing]. On social media, quote, “January 6, never an insurrection. Cowards in uniform exposed,” end of quote. Let me repeat that: “Cowards in uniform exposed.” Who was in the Capitol building on January 6 in a uniform? The Capitol police were. Do you think they were cowards? Many of them risked their lives, and some gave their lives, in defense of this building. How about the DC police who were here, as well? They were in uniform—“cowards” risking their lives, as well, some of them being battered and beaten by these mobsters that came on into the Capitol. And Mr. Patel claims that the FBI agency he aspires to lead—get this now—was planning January 6 for a year. He says, “The FBI was planning January 6 for a year”—that's a quote.

Mr. Patel has gone so far as to co-produce and sell musical recordings of a song performed by January 6 rioters in jail—rioters who violently assaulted police officers. He has described this January 6 choir as, quote, “political prisoners”—“political prisoners”—but at least six members pleaded guilty to assaulting law enforcement officers on January 6. All six have now been pardoned by President Trump. Here are some of those people——

[Poster is displayed.]

Senator DURBIN [continuing]. Who received blanket clemency by President Trump on his first day in office in the second term. Julian Khater assaulted Capitol Police officers with pepper spray, incapacitating three officers.

[Poster is displayed.]

Senator DURBIN. Ryan Nichols sprayed pepper spray on multiple police officers. After the attack, Nichols posted on Facebook, and I quote, “So, yes, I'm calling for violence, and I will be violent.”

[Poster is displayed.]

Senator DURBIN. Jorden Mink struck officers, quote, “aggressively with a long pole.” He spat at officers and threw large items at them.

Armed with a knife, Ryan Samsel——

[Poster is displayed.]

Senator DURBIN [continuing]. Shouted at officers, quote, “You're going to die. Get out of the way.” Samsel shoved officers when they tried to lock the doors to the Senate Gallery.

After breaching the Capitol, James McGrew——

[Poster is displayed.]

Senator DURBIN [continuing]. Struck an officer and lunged for his baton. McGrew also threw a wooden hand rail with metal brackets at officers.

I want to read a sentence from this book on the January 6 experience, just to give you an idea of Mr. Patel's take on what he calls a haphazard riot. “By everything we could see, the crowd at the

Capitol was unarmed or armed only with nonlethal objects, like bottles, flagpoles, or bike racks.”

Mr. Patel has also peddled conspiracy theories for his own financial benefit——

[Poster is displayed.]

Senator DURBIN [continuing]. Promoting a line of dietary supplements that claim to help people detox from COVID-19 vaccines.

During my time on this Committee, I was fortunate to get to know and worked with former FBI Director Bob Mueller. I met him a few days after 9/11. That’s when he took over the FBI. I trusted him. I worked with him. I did everything I could to help him because I believed that the FBI was a critical, central agency in restoring America’s confidence that we were safe.

Bob Mueller was an extraordinary man. Oh, he was a Republican, make no bones about it. He said it and admitted it, and I knew it. He comes from the San Francisco area, and when he was in college and graduated, a friend of his, a year ahead of him, had enlisted in the Marine Corps and was killed in Vietnam. Bob was inspired to do the same thing, join up in the Marine Corps, and he did, and he was a First Lieutenant in Vietnam. He received a Bronze Star with a valor pin, and he also received a Purple Heart. He was injured in battle. I read about his experience because after he was healed from that wound to his leg, he returned to combat. He was just that kind of fella.

Regardless of party, he was a real American. He was a longtime Federal prosecutor, a U.S. attorney, the head of the DOJ’s Criminal Division, and Acting Deputy Attorney General before he became head of the FBI. After 9/11, I worked with him, and we had a good relationship, a professional relationship. We didn’t always see eye to eye, but I respected him so much for what he had given to this country.

In his book, Mr. Patel calls Director Bob Mueller, quote, “a swamp creature.” With all due respect, Mr. Patel, I’ve not worn the uniform of this country, and neither have you. To think that you would denigrate Bob Mueller’s service to our country and call him a “swamp creature” is an indication of the depths your political views take you.

The FBI plays a critical role in keeping America safe from terrorism, violent crime, and other threats. Our Nation needs an FBI Director who understands the gravity of this mission and is ready on day one—not someone who is consumed by his own personal political grievances. The American people deserve an FBI Director focused on keeping our families safe from terrorism, drug trafficking, and violent crime—not this checklist of grievances we find in this book. Mr. Patel, your record makes it clear you’re not that person. I yield.

Chairman GRASSLEY. Thank you, Senator Durbin. Before I call on Senator Tillis, I want to clear up something. The way I see it, and I think I’m going to invite everybody that it can be cleared up, this business about what Mr. Patel said about cowards in uniform, it’s a mischaracterization of what he actually said. So I’m going to invite you to listen to the interview Mr. Patel gave that linked to his post to hear what he actually said. When he said, “cowards in uniform,” he was talking about senior Pentagon leadership failing

to mobilize the National Guard to protect the Capitol. His comments had nothing to do with police. Mr. Patel made his comments while discussing an article in The New York Times exposing grave miscommunication between the Department of Defense and the DC National Guard, so I would encourage people to follow up on that. Senator Tillis.

**INTRODUCTION OF KASHYAP PRAMOD PATEL, NOMINEE
TO SERVE AS DIRECTOR OF THE FEDERAL BUREAU OF
INVESTIGATION, BY HON. THOM TILLIS, A U.S.
SENATOR FROM THE STATE OF NORTH CAROLINA**

Senator TILLIS. Thank you. Mr. Chairman, Ranking Member, colleagues on the Senate Judiciary Committee, it's my honor to introduce Kash Patel, President Trump's nominee to be FBI Director. I've completed due diligence on his life and career, and I'm convinced that Kash possesses significant expertise, an ironclad commitment to justice, and he's an outstanding choice to lead the FBI.

Kash's parents are Indian immigrants of Gujarati ancestry. They're up here in the front row. The Gujarat state is a melting pot of religions, including Hinduism, Islam, Jainism, with temples, mosques, and other religious sites scattered across the state. His father was raised in Uganda, but his family had to flee the country to escape repression under Idi Amin. His mother was born in Tanzania. They met and married in India and, ultimately, made their way to New York City by way of Canada, where his parents, along with seven brothers and sisters and their spouses, and at least a half a dozen kids, lived under the same roof. His parents raised Kash in the Hindu faith, and they instilled in him the values of hard work and education. Kash is a devout Hindu, and consistent with his faith, he's shown respect to people of all faiths.

Kash attended the University of Richmond where he earned his bachelor's degree in criminal justice and history. He went to Pace University School of Law where he earned his J.D. and an international law certificate from the University College of London Faculty of Laws. Kash began his career as a public defender in Florida where he led or co-led more than 60 jury trials in State and Federal court. Kash clearly demonstrated a devotion to upholding the rule of law and defending the rights of individuals.

Kash led the defense of Jose Buitrago in *United States v. Buitrago*, a high-profile case in Florida in 2015. Buitrago was one of the Columbia nationals arrested in a major drug bust involving Operation BACRIM. Kash and his co-counsel successfully argued that key evidence was withheld by the prosecution, leading to Buitrago's release. I suspect some of Kash's disdain for prosecutorial misconduct stem from this experience.

Kash was hired as a senior counsel on the House Permanent Select Subcommittee on Intelligence—Committee, I should say, in 2017. He told me he distinctly remembers my friend Trey Gowdy's comments shortly after they were introduced. He said, in Trey's dialect, "Kash, Congress is where righteous investigations go to die. I hope you're ready."

I think Kash was ready, and he went on to establish a solid reputation for pursuing the facts. And from there, he held senior posts at the NSC, the Department of Defense, and the DNI. Since leav-

ing the administration in 2020, Kash has written articles and books on national security, law, and governance. Through his work as an author, Kash continues to advocate for justice and transparency, and to be ever vigilant in defending our great democracy and the rule of law.

Colleagues, I created a Kash bingo card that I have available to any of my colleagues who would like it on the other side of the aisle. Some may view this as an unserious caricature and not appropriate for this Committee. Sadly, I consider it a serious caricature of what I expect to be witnessed today. I think we'll have words like "enemies list" and "deep state." I've already X'd out four boxes in the opening statements alone.

The fact of the matter is, some people will be here to simply substantiate a false narrative. At worse, they may be just going through an unfounded litany of quotes and half-quotes and half-truths, some of which have already been dispelled by the Chairman after the opening statements.

Mr. Chair and Ranking Member, in my 10 years in the Senate, I hope I've established a reputation for being fair, doing my homework, and taking tough positions that have been met with harsh criticism. Heck, I've even been censured by my entire State and 30 counties for taking tough positions—and I stand by those decisions today and my decision to support Kash Patel. When President Trump announced his intent to nominate Kash, I contacted Trey Gowdy, and others who worked with Kash, and they gave me glowing recommendations.

So I called Kash on December the 2d, and I offered to help him with his nomination. Since then, we have spent hours together—in person and on the phone. I've asked him difficult questions, and I've urged him to reach out to Members across the aisle. In fact, Kash Patel has met with 60 Members of the U.S. Senate—every Member except the last three who were sworn in, and the majority of the Members on the other side of the dais, and this Committee and Members of the Committee.

Chair Grassley, Ranking Member Durbin, friends, and colleagues on the Committee, I've completed my due diligence of Kash Patel, and I am honored to provide my strongest recommendation for his confirmation. Thank you, Mr. Chair.

Chairman GRASSLEY. Thank you for that introduction. Before I swear you, I want to make clear that before you give your statement, if you want to introduce family and friends in the audience, you're welcome to do that.

Would you please stand, and raise your hand.

[Witness is sworn in.]

Chairman GRASSLEY. Okay. You may proceed.

**STATEMENT OF KASHYAP PRAMOD PATEL,
NOMINEE TO SERVE AS DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION**

Mr. PATEL. Chairman Grassley, Ranking Member Durbin, and Members of the Judiciary Committee, thank you for the opportunity to appear today.

I must start with a word of prayer for the tragic accident that befell our Nation last night, where we lost civilians and service

members. I pray for their families, I pray for law enforcement and military personnel, and I pray for their souls, and, hopefully, God will find them peace in the near future.

I'd like to welcome my father, Pramod, and my mother, Anjana, who are sitting here today. They traveled here to get here from India. My sister's also here, Nisha. She also traversed the oceans just to be with me here today. It means the world that you guys are here, Jai Shri Krishna. I wouldn't be here today without their guidance, their unwavering support, and their relentless love. When President Trump informed me of his intention to nominate me as the Director of the FBI, I was deeply honored. Sitting here today, I carry not only the dreams of my parents, but also the hopes of millions of Americans who stand for justice, fairness, and the rule of law. My commitment to these principles is deeply rooted in my family's history, which has profoundly shaped my world view.

My father fled Idi Amin's genocidal dictatorship in Uganda, where 300,000 men, women, and children were killed based on their ethnicity just because they happened to look like me. My mother is originally from Tanzania. She studied in India, as did my dad, and they were married there. They would later immigrate to New York, as the Senator pointed out, where I was born, and we were raised in a household of my father's seven siblings, their spouses, and at least half a dozen children. That's the only way we knew how to do things at the time in the 70s and the 80s—the Indian way. But we would soon learn the American way. These values have shaped and been the driving force of my career in 16 years of Government service. Protecting the rights of the Constitution is of the utmost importance to me and has been every single time I've taken that oath of office.

The recent terrorist attacks in New Orleans tragically claimed the lives of 14 innocent Americans and serve as a stark reminder that our national security is at threat, both internally and externally. The FBI, the Federal Bureau of Investigation, and the Department of Justice, where I served, play a pivotal role in securing our freedoms and our safeties for American citizens. If confirmed as the next FBI Director, I will remain focused on the FBI's core mission. That is, to investigate fully wherever there is a constitutional and factual basis to do so and to never make a prosecutorial decision. That is solely the providence of the Department of Justice and the Attorney General.

For the first 8 years after law school, I served as a public defender, first for Miami-Dade County and later for the Southern District of Florida. During that time, I represented some pretty awful human beings charged with some pretty heinous crimes. But what I learned there was the core value that has been enshrined in me since: that due process must be provided without bias to all Americans. And if we cannot provide due process to the worst, then there can be no due process for anyone, and our constitutional Republic fails. But I battled on that hill for that due process.

I would later serve in the Obama Justice Department as a terrorism prosecutor in the National Security Division, where we successfully contributed to prosecutions of terrorist organizations like al-Qaeda, al-Shabaab, and others. I was honored to receive the

2017 Assistant Attorney General's Award from Loretta Lynch for my work in helping the Ugandans bring members of al-Shabaab to justice for murdering 74 innocent people, including an American. I would also receive the Human Intelligence Award from the Intelligence Community for related work on that mission.

My experiences at the National Security Division would later be followed by my experiences on the National Security Council as senior director for counterterrorism, and later as the deputy director of national intelligence responsible for the production, creation, and promulgation of the Presidential Daily Briefing, our Nation's most sensitive classified information and secrets to protect our country. My time in the White House was preceded by my time right here in Congress as a staffer on the House Intelligence Committee, where I spearheaded the investigation that exposed serious FISA—Foreign Intelligence Surveillance Act—abuses by members of the Department of Justice and the Federal Bureau of Investigation. That misconduct eroded the public trust in our FBI.

The erosion of trust, as Chairman Grassley pointed out, is all too low today. Forty percent of Americans have trust in the FBI. In order to get it back, there's a twofold track, Senator. One, violent crime is exploding in this country, and we cannot afford to allow it to run away. We must tackle violent crime. Just in 2023 alone, there was a hundred thousand rapes, a hundred thousand drug overdoses, and 17,000 homicides. The priority of the FBI, if I am confirmed, will be to ensure that our communities are protected and safeguarded, and our children have parks to play in and not needles to walk over.

The way we do this, we let good cops be cops. We let law enforcement and we provide them with the tools necessary and resources they need to get after violent crime. The second way we do this, on equal track, is aggressive constitutional oversight from Congress. The public trust can only be restored if there is full transparency, and I am committed to that full transparency. Members of Congress have, unfortunately, submitted hundreds of questions that have been unanswered by the FBI in recent times. That will not occur, if I am confirmed. All appropriate requests for information will be responded to expeditiously and fully.

I'm committed to working alongside the dedicated men and women of the FBI. They are warriors of justice, and I will always have their backs because they have the backs of the American people. I look forward to answering your questions, and I want to take a moment to thank my family, my friends, people who've traveled here, and my entire team that has made this day possible. God bless America, and I look forward to your questions.

Chairman GRASSLEY. Seven minutes first round. Is that right? Is it 7 minutes?

[Voice heard off microphone.] Yes, sir.

Chairman GRASSLEY. Seven minutes, three minutes the second round. Mr. Patel, I'm not going to go through all the things that you've done through your career because I said those in my opening statements, but Democrats on the Committee say you don't have experience. What are you most proud of from your career in public service?

Mr. PATEL. Mr. Chairman—Mr. Chairman, I appreciate the question. It's really humbling to be afforded the opportunity to have served this country for 16 years. But I think what I'm most proud of is my work in national security, protecting the no-fail mission, returning American hostages, killing high-value terrorists that brought hate and destruction to our shores. I've served that mission in Democratic and Republican administrations, and it is the one mission that we cannot fail, and it is the one mission where the FBI must play a critical role.

Chairman GRASSLEY. Okay. As you well know, and you and I discussed this in my office, whistleblowers are critical to rooting out waste, fraud, and abuse. Their courage to come forward and make legally protected disclosures about Government wrongdoing benefits the country. I think they're politically—they are good American citizens, just want the Government to do what it's supposed to do. I think they're treated by bureaucracies, not just in the FBI but throughout the bureaucracy, like skunks at a picnic. Will you protect whistleblowers from retaliation, unlike former Director Wray, and promote a culture at the FBI that values whistleblowers' important contributions?

Mr. PATEL. Absolutely, Mr. Chairman. I share in your beliefs about the importance of whistleblowers.

Chairman GRASSLEY. So we've spent a lot of taxpayers' money ruining whistleblowers. Will you commit to ensuring that no taxpayer money will be used to identify and retaliate against whistleblowers?

Mr. PATEL. Senator, if I am confirmed, it will not.

Chairman GRASSLEY. Okay. You and I have heard a lot of criticism about various statements about January 6. You said, quote, "Those who broke actual laws should be prosecuted," end of quote. But you've also called out the partisan nature of prosecutions and compared how the Biden Justice Department treated January 6 offenders with how they ignored many other crimes. Those include crimes related to illegal immigration, as well as riots that took place around the country. So explain your position on January 6, to this Committee, and how do you respond to critics who say that you're anti-law enforcement?

Mr. PATEL. Mr. Chairman, I greatly appreciate the question and the opportunity to discuss that. If anyone wants to consider me as anti-law enforcement, then look at my 16 years in Government service. Whether I was trying 60 jury trials in State and Federal court upholding the rights of the indigent and breathing life into constitutional due process, or later as a national security prosecutor where I served this country and overseas, and later when I was a Joint Special Operations Command civilian embedded with SEAL Team Six and Delta chasing down some of the most high-value target terrorists there are on this earth and successfully achieving a mission and state, I have always respected law enforcement. I have taken that oath and will take that oath again, God willing, to be the next Director of the FBI. As for January 6, I have repeatedly, often, publicly, and privately said there can never be a tolerance for violence against law enforcement, and anyone—anyone—that commits an act of violence against law enforcement must

be investigated, prosecuted, and imprisoned. And on January 6, I said the same thing about acts against law enforcement.

The Capitol Police, who I had served with, and when I was chief of staff at the Department of Defense, rushing to the aid of the Members of this Committee and your colleagues to provide the National Guard was my top mission priority—not politics. And that is my love of this country, to protect our laws and our way of life, and it was no different. If there was any, ever corruption, I have been the first to call it out. And I will continue to call out corruption in Government service because it is a privilege to serve this Nation. Thank you, Mr. Chairman.

Chairman GRASSLEY. Outside of this Committee and some people on this Committee have accused you of promoting the QAnon movement. My colleagues have already asked your future boss, Ms. Bondi, many questions about this. I think it's easy to see these attacks for what they are: guilt by association. Are you a follower or promoter of QAnon?

Mr. PATEL. No, Senator. In fact, I have publicly, including in the interviews provided to this Committee, rejected outright QAnon baseless conspiracy theories or any other baseless conspiracy theories. They must be addressed head on with the truth and I will continue to do that, and I will always continue to support Americans who support law enforcement, our military, and want a secure border.

Chairman GRASSLEY. Over the past 4 years, the FBI and Justice Department have weaponized law enforcement toward partisan ends. This has affected you personally. You, along with even members of my staff, were the victims of FBI overreach when they secretly subpoenaed your records during the investigation into Crossfire Hurricane. Inspector General Horowitz of the Justice Department was right to say actions like this have a, quote, unquote, “chilling effect on whistleblowers.” How do you intend to make sure that this kind of misconduct never happens again?

Mr. PATEL. Senator, this may be one of the scenarios that most uniquely qualifies me to take command at the FBI. Having been the victim of Government overreach and a weaponized system of justice and law enforcement, I know what it feels like to have the full weight of the United States Government barreling down on you. And as the Biden Inspector General determined, those activities by the FBI and DOJ were wholly improper and not predicated upon law and facts. I will ensure, if confirmed, that no American is subjected to that kind of torment, to that kind of cost, financially and personally. And most importantly, I will make sure that no American is subjected to death threats, like I was, and subjected to moving their residences, like I was, because of Government overreach, because of leaks of information about my personal status. If confirmed as FBI Director, Mr. Chairman, you have my commitment that no one in this country will feel that pain.

Chairman GRASSLEY. Senator Durbin.

Senator DURBIN. Thanks Mr. Chairman. Mr. Patel, I woke up this morning to National Public Radio, and they had an item on there about what has happened to those who were given blanket clemency by President Trump. One of these individuals was a man named Matthew Huttel. Are you familiar with him?

Mr. PATEL. I'm sorry, what was the last name?

Senator DURBIN. Matthew Huttie.

Mr. PATEL. If you could remind me, Senator.

Senator DURBIN. Well, I was reminded again this morning. He's a man who's been found guilty of numerous crimes. The one described this morning was an outrageous situation where he beat his 3-year-old child to a point where the poor kid couldn't even sit down for a week. Mr. Huttie was one of the demonstrators who came to the Capitol on January 6. He was incarcerated, been charged with and pled guilty to crimes that he had committed, violence against police officers. After he was released by President Trump, he returned to his home State of Indiana.

A few days later, he was stopped on the road, pulled a gun on a policeman. The policeman, a sheriff's deputy, turned, shot and killed him. This is not the only instance of a person who received President Trump's clemency committing another crime. Peter Schwartz was mentioned this morning on the radio: 38 criminal convictions—38. He'd been sentenced to 14 years in prison. He was released because of the President's unconditional clemency, which was given to him, as well.

So I guess my question is this. Was President Donald Trump wrong to give blanket clemency to the January 6 defendants?

Mr. PATEL. Thank you, Ranking Member. A couple of things on that. One, the power of the Presidential pardon is just that, the President.

Senator DURBIN. Well, I meant—I concede he has the authority. I'm asking, was he wrong to do it?

Mr. PATEL. And as we discussed in our private meeting, Senator, I have always rejected any violence against law enforcement—and I have—including in that group is specifically addressed any violence against law enforcement on January 6th. And I do not agree with the commutation of any sentence of any individual who committed violence against law enforcement.

Senator DURBIN. So do you think that America is safer because the 1,600 people have been given an opportunity to come out of serving their sentences and live in our communities again?

Mr. PATEL. Senator, I have not looked at all 1,600 individual cases. I have always advocated for imprisoning those that cause harm to our law enforcement and civilian communities. I also believe America is not safer because President Biden's commutation of a man who murdered two FBI agents—Agents Coler's and Williams' family deserved better than to have the man that point-blank range fired a shotgun into their heads and murdered them released from prison. So it goes both ways.

Senator DURBIN. Leonard Peltier was in prison for 45 years. He's 80 years old and he was sentenced to home confinement. So he's not free, as you might have just suggested.

Mr. PATEL. He killed two FBI agents.

Senator DURBIN. That's true—

Mr. PATEL. That's unacceptable.

Senator DURBIN [continuing]. He did, and he went to prison for it and should have. My question to you, though, is do you think America is safer because President Trump issued these pardons to

1,600 of these criminal defendants—many of whom violently assaulted our police in the Capitol?

Mr. PATEL. Senator, America will be safe——

Senator DURBIN. You're not going to answer the——

Mr. PATEL [continuing]. When we don't have 200,000 drug overdoses in 2 years. America will be safe when we don't have 50,000—50 homicides in a day.

Senator DURBIN [continuing]. So, you just won't answer the question.

Mr. PATEL. I am——

Senator DURBIN. I'm going to say——

Mr. PATEL [continuing]. Here.

Senator DURBIN. I don't think we're safer when Matthew Huttel was sent back to Indiana. I don't think we're safer with Peter Schwartz—I could go through a long list of individuals, some of whom are wanted in States of Members of this Committee. Let me move to another topic if I can. Tell me about your J6 choir. What is that?

Mr. PATEL. Well, it's not my choir. It's simply a recording that was utilized to raise funds for families in need of nonviolent offenders.

Senator DURBIN. Who sings on this recording?

Mr. PATEL. I don't know, Senator.

Senator DURBIN. What did you have to do with it?

Mr. PATEL. Simply to raise funds to assist families of nonviolent offenders whose kids needed college education payments and whose rent needed being paid.

Senator DURBIN. My understanding is that the performers on this J6 choir were the rioters who are in prison.

Mr. PATEL. I'm not aware of that, sir. I didn't have anything to do with the recording.

Senator DURBIN. You weren't aware of who made the recording?

Mr. PATEL. No, Senator.

Senator DURBIN. That's interesting. Did you receive any money for selling copies of that music or that recording?

Mr. PATEL. Absolutely not.

Senator DURBIN. You do have a foundation, though. Do you not?

Mr. PATEL. I'm very proud of the Kash Foundation and the \$1.3 million we've given to families in need across this country, including active duty service members, police officers putting kids in college, and helping people in disaster relief areas rebuild their homes and their communities.

Senator DURBIN. One and OA LLC, are you familiar with that?

Mr. PATEL. Sorry?

Senator DURBIN. One and OA LLC.

Mr. PATEL. I believe, Senator, you're referring to the LLC that one of the individuals has his private business with.

Senator DURBIN. Is it part of the Kash Foundation in any way?

Mr. PATEL. Only in that one of the members of the board has that LLC for his outside business.

Senator DURBIN. Andrew Ellis?

Mr. PATEL. I believe that's his name. Yes.

Senator DURBIN. Yes. Do you know how much was paid to him from your charitable work?

Mr. PATEL. Yes. Like any other charity, we had to go out and fundraise—something I'm sure every Member of this Committee is familiar with. And we used digital marketing campaigns, and I believe we paid a digital marketing company through One and OA LLC a quarter million dollars to raise \$500,000, which we gave away to families in need, like when hurricanes struck Florida, Texas, and North Carolina.

Senator DURBIN. We will be going through the details of your foundation and the expenditures with the questions for record that the Chairman has mentioned—

Mr. PATEL. I look forward to it.

Senator DURBIN [continuing]. If you have a chance to answer those under oath.

Mr. Patel, you frequently associated with and sometimes praised extremist figures with well-documented histories of racism, anti-semitism, conspiracies, and the like. In September 2023, you appeared with Laura Loomer at an event promoting your book.

[Poster is displayed.]

Senator DURBIN. This one here—you shared a photo of yourself and Loomer in which you held her book and she held yours. Just a few months before this event, Ms. Loomer posted on X that the September 11 terrorist attacks were, quote, “an inside job.” Around that time, she accused Florida’s First Lady Casey DeSantis of exaggerating her cancer diagnosis to gain voter sympathy. A number of my Republican colleagues on this Committee have criticized Ms. Loomer’s extremism. One of my colleagues described her as a, quote, “crazy conspiracy theorist who regularly utters disgusting garbage.” Another called her “really toxic.” Given all this, why did you associate with Ms. Loomer?

Mr. PATEL. Senator, as you can see, I took a photograph with an individual who showed up at a book event. I don’t believe I’m guilty by association, and I certainly don’t believe that an individual who is the first minority to serve as the deputy director of national intelligence for this country is a racist in any way. And I detest any conjecture to the contrary.

Senator DURBIN. You familiar with a Stu Peters? Does that name ring a bell?

Mr. PATEL. I’m sorry, what?

Senator DURBIN. Are you familiar with Mr. Stu Peters?

Mr. PATEL. Not off the top of my head.

Senator DURBIN. You made eight separate appearances on his podcast. He promoted outrageous conspiracy theories and worked with a prominent neo-Nazi. There are more—Ted Nugent, it goes on. The list goes on. I’m just asking, when it comes to your association with individuals, why are so many of them in this category?

Mr. PATEL. My association, as you loosely define it, is by appearing in media over a thousand times to take on people who are putting on conspiratorial theories and to devour them of their false impressions and to talk to them about the truth. That is something that I will always continue to fight for, Senator.

Chairman GRASSLEY. Senator Graham.

Senator GRAHAM. Thank you. We’ll eventually talk about the FBI.

[Laughter.]

Senator GRAHAM. Because that's the job you're up here for. Right? Have you ever been subject to racism as an individual?

Mr. PATEL. Unfortunately, Senator, yes. I don't want to get into those details with my family here.

Senator GRAHAM. Oh, let's get into a few of them. Tell me about it.

Mr. PATEL. Well, if you look at the record from January 6, where I testified before that Committee, because of my personal information being released by Congress, I was subjected to a direct and significant threat on my life, and I put that information in the record. I had to move.

Senator GRAHAM. What are——

Mr. PATEL. In that threat——

Senator GRAHAM. Go ahead.

Mr. PATEL [continuing]. I was called "a detestable"—and apologize if I don't get it all right, but it's in the record—"a detestable sand nigger who had no right being in this country." "You should go back to where you came from." "You belong with your terrorist home friends." That's what was sent to me. That's just a piece of it. But that's nothing compared to what the men and women in law enforcement face every day. And that's why they have my support.

Senator GRAHAM. Okay. Growing up, were you subject to racism?

Mr. PATEL. Yes, sir.

Senator GRAHAM. Okay. Now, I think the reason you're here has a lot to do with your work on Crossfire Hurricane. Are you familiar with that FBI operation?

Mr. PATEL. I am, Senator.

Senator GRAHAM. So Senator Durbin mentioned the Church Report and the history of abuse, but he failed to mention Crossfire Hurricane. He failed to mention the Horowitz Report. Wonder why? If you're waiting for these guys over here to figure that out, you're going to die waiting. So this is the Nunes memo. You worked for Mr. Nunes over on the——

Mr. PATEL. Sorry?

Senator GRAHAM [continuing]. House side, Devin Nunes?

Mr. PATEL. Sorry?

Senator GRAHAM. Are you familiar with this memo by the "Foreign Intelligence Surveillance Act Abuses"——

Mr. PATEL. Yes.

Senator GRAHAM [continuing]. "At the Department of Justice?"

Mr. PATEL. Absolutely.

Senator GRAHAM. Did you help write this memo?

Mr. PATEL. I did, as a staffer.

Senator GRAHAM. Okay. I'm going to put this in the record.

Mr. PATEL. Thank you.

[The information appears as a submission for the record.]

Senator GRAHAM. In this memo, you kind of dissected the abuses of Crossfire Hurricane. Right?

Mr. PATEL. I did, Senator.

Senator GRAHAM [continuing]. And the Mueller investigation? So the Crossfire Hurricane investigators, two of them were Strzok and Page. Are you familiar with them?

Mr. PATEL. I am, Senator.

Senator GRAHAM. Okay. It was opened up on July the 31st, 2016, and here's what Strzok said: "And, damn, this feels momentous because this matters. The other one did, too, but that was to ensure we didn't F-something up. This matters because this matters. So super glad to be on this voyage with you." That's to Page. And Page responds a couple of months later, "He's not ever going to be President. Right?"—talking about Trump. Strzok: "No. No, he won't. We'll stop it." Is it fair to say that the people in charge of investigating Crossfire Hurricane hated Trump's guts?

Mr. PATEL. Well, you don't have to take my word for it. That statement, along with the statements from the sources during the operation—

Senator GRAHAM. Are those days over in the FBI, you hope?

Mr. PATEL. Well, if they're not, they will be.

Senator GRAHAM. Okay, good. You know who Carter Page was?

Mr. PATEL. I do, Senator.

Senator GRAHAM. Do you know that the FBI secured warrants against him on four different occasions?

Mr. PATEL. Yes, Senator.

Senator GRAHAM. Do you know that the information that they relied upon came from the Steele dossier?

Mr. PATEL. I do.

Senator GRAHAM. Was it you that were able to find out that the Steele dossier was a bunch of crap?

Mr. PATEL. Yes, Senator. We followed the money, and we exposed the fraud that was—

Senator GRAHAM. And—and—

Mr. PATEL [continuing]. The Steele dossier.

Senator GRAHAM. And the primary sub-source was Igor Danchenko. Right?

Mr. PATEL. That's correct, Senator.

Senator GRAHAM. And he was actually a Russian analyst.

Mr. PATEL. That's right.

Senator GRAHAM. Are you aware that in January he told the FBI that—let's see, what did he tell the FBI—"Steele had no proof to support the statements. Then it was just talk." The primary sub-source explained to the FBI that his information came from word of mouth and hearsay, conversations he had with friends over beers, and some of the information were statements he heard made in jest—and he told the FBI this in January—

Mr. PATEL. That's right.

Senator GRAHAM [continuing]. Of 2017. And they got two more warrants after that.

Mr. PATEL. That's correct.

Senator GRAHAM. Are you aware that the FBI had volumes of information that the Steele dossier was a bunch of bullshit, and nobody ever told anybody at the top?

Mr. PATEL. I am, sir. We exposed it.

Senator GRAHAM. Or they lied about being told.

Mr. PATEL. That's correct.

Senator GRAHAM. So are you aware of the fact that the FISA Court rebuked the FBI? Are you aware of the fact that an FBI lawyer went to jail because he misled the court by manipulating an email from the CIA?

Mr. PATEL. I am.

Senator GRAHAM. Do you believe that Crossfire Hurricane was one of the most disgusting episodes in FBI history of a corrupt investigation led by corrupt people who wanted to take Donald Trump down?

Mr. PATEL. Yes, sir.

Senator GRAHAM. Do you think that's why you're in this chair today, to fix that?

Mr. PATEL. I think that's the big question.

Senator GRAHAM. Without Crossfire Hurricane, this guy wouldn't be here. And my friends on the other side, like pulling teeth. The Horowitz investigation, the Inspector General labeled this "fraudulent at its core," "mismanaged at its core," "running stop signs." "At every turn, they went forward when they should've stopped." The Durham Report said it was obviously politically motivated. FBI agents were telling anybody and everybody that would listen, this is not reliable, this is not trustworthy, but they plowed on. And because of you and Trey Gowdy and others, we now know about this. Everybody who signed the warrant, under questioning by me, said if they knew then what they know now, they wouldn't have sign the warrant. Comey said that. Yates said that. Rosenstein said that.

The reason you're here is because most of the public, almost every Republican believes that the FBI has been used continuously in a political fashion, ignoring evidence, making up evidence, lying to get Donald Trump. And when it came to the Hunter Biden laptop, they told every social media outlet in October 2020, oh, that's Russian disinformation. That was B.S., too. Right before the election, the FBI intervened to shut reporting on the Hunter laptop down as being Russian misinformation, according to Zuckerberg. Do you promise all of us those days are over at the FBI?

Mr. PATEL. Yes, Senator, they are.

Senator GRAHAM. Are you proud of what you did to find all that?

Mr. PATEL. Absolutely.

Senator GRAHAM. Do you think that's why you're here today, is to make sure that never happens again?

Mr. PATEL. The American people deserve just that.

Senator GRAHAM. Thank you.

Chairman GRASSLEY. Senator Whitehouse.

Senator WHITEHOUSE. Thanks, Chairman. Welcome, Mr. Patel. I remember January 6: Colleagues running through our halls to flee the mob, colleagues shouting that rioters should be shot, us returning to our constitutional business through hallways cleared for us by automatic weapons-carrying SWAT teams. None of you, none of us said those violent rioters should be pardoned. A Republican colleague said such pardons would be hard to believe—even absurd. Your former colleague, J.D. Vance, said the violent rioters should not be pardoned. Even Jim Jordan said pardons would, and I quote, "focus on all the people who didn't commit any violence." Well, Trump pardoned all of them. And there's a lesson in that. Every time you think Trump would never go that far, rethink that. We all seem to agree that violence against police is unacceptable, yet more than 600 people who physically attacked Capitol Police officers were just put back on the street—part of a 1,500 personal

Trump army now out there with people who have proven themselves willing to do violence on Trump's call. In only 10 days, some are already back committing crimes.

We've also tried as a Committee, together, to address the dangers of illicit drug sales over the internet. And I assume we're all against murder for hire. But Trump also just pardoned a dark web operator sentenced to life in prison for trafficking illegal drugs online and accused of soliciting murders for hire. Those pardons, as Mr. Patel has said, are a mistake, but they are also a signal that we are entering a strange and dangerous time. That is the context for today's hearing. Warnings that the FBI could become Trump's enforcer, use the powers of law enforcement to stifle speech and dissent, punish political rivals of either party, and hand out free passes, get-out-of-jail-free cards to violent supporters are warnings we should heed.

Here are some warnings of this nominee's Trump administration colleagues. Former Attorney General Bill Barr said, "This nominee has virtually no experience that would qualify him to serve at the highest level of the world's preeminent law enforcement agency," and, quote, "We would never be able to command the respect necessary to run the day-to-day operations of the Bureau." That's for the Deputy position. Former CIA Director Gina Haspel was reported threatening to resign rather than have this nominee serve under her. John Bolton, Trump's former national security adviser, said, "I didn't think he was qualified. I was forced to hire him." Trump's Deputy National Security Advisor, the nominee's former supervisor, said, "His ideas are ludicrous. He's absolutely unqualified for this job. He's untrustworthy. And it's an absolute disgrace to even consider an individual of this nature." That's from Republican appointees who worked with him. And here's what this nominee himself has said about using his office to prosecute journalists: "We will go out and find the conspirators, not just in government, but in the media. We're going to come after you, whether it's criminally or civilly." Is that a correct quotation, Mr. Patel?

Mr. PATEL. Senator, that's a partial quotation.

Senator WHITEHOUSE. But it's correct?

Mr. PATEL. In part.

Senator WHITEHOUSE. Regarding his publication of his enemies list, Mr. Patel proclaimed, "The manhunt starts tomorrow," and reposted a video depicting him taking a chainsaw to his political enemies.

[Poster is displayed.]

Senator WHITEHOUSE. Is that you, Kash Patel, re-truthed reposting that at the top of that page?

Mr. PATEL. Senator, I had nothing to do with the creation of that meme.

Senator WHITEHOUSE. Is that you reposting it? Was my question.

Mr. PATEL. And that's me at the top.

Senator WHITEHOUSE. You said FBI agents were responsible for the violence on January 6, and I quote you here—

[Poster is displayed.]

Senator WHITEHOUSE [continuing]. "Beyond a reasonable doubt." Is that what you said?

Mr. PATEL. That's completely incorrect, and I appreciate the opportunity to address that.

Senator WHITEHOUSE. I'll give you opportunity in writing. But this is my time now.

Mr. PATEL. Have at it.

Senator WHITEHOUSE. An Inspector—Attorney General investigation found that that was false.

[Poster is displayed.]

Senator WHITEHOUSE. And you said we should impeach judges who rule against Donald Trump, who are, in your words, "political terrorists."

When this nominee tries to explain all this away, keep one thing in mind.

[Poster is displayed.]

Senator WHITEHOUSE. He's testified under oath before a Colorado judge who presided over a Trump case in which he was a witness, and the judge found, and I'm quoting here, "He was not a credible witness. His testimony is not only illogical, but completely devoid of any evidence in the record." That's from a judge.

This is a dangerous time, and I ask all my colleagues to consider whether these plain comments by this person and by his own Trump administration colleagues should be given a blind eye—just overlooked, or whether, like the warnings of pardoning violent January 6 offenders, they're warnings to be heeded. There is an unfathomable difference between a seeming facade being constructed around this nominee here today and what he has actually done and said in real life when left to his own devices. Conduct shows character. And if you look at history, you see the danger of security chiefs in authoritarian regimes becoming the tools of political power. The characteristics that they often show are that they are vengeful, that they are grandiose, that they are intemperate, that they are partisan and blindly loyal, and that they are servile and won't say "no." I'm afraid that the history of this nominee's conduct raises those warnings. And I yield my 1 second back.

Chairman GRASSLEY. Before Senator Cornyn, you said you'd like to explain something. I forget the point he made. You can do that now if you want to.

Mr. PATEL. Simply this, Senator. In the collective, all of those statements are taken out of grotesque context. And anyone that thinks my 16 years of service isn't exemplary on how I would proceed, if confirmed as FBI, is intentionally putting false information into the public ether and creating more public discourse. The only thing that will matter, if I'm confirmed as the Director of the FBI, is a de-weaponized, depoliticized system of law enforcement, completely devoted to rigorous obedience of the Constitution and a singular standard of justice.

Chairman GRASSLEY. Before I call on Senator Cornyn, I'd like to say that we've heard about the January 6 pardons. I think it's important that we remind people at the same time of some pardons by the previous administration. Thomas Sanders, a kidnapper who murdered a 12-year-old girl, named Lexis, and her mother, Suellen Roberts; Adrian Peeler, a Connecticut drug kingpin who was convicted in the death of an 8-year-old boy and his mother; Leonard Peltier, that's already been referred to, that murdered two FBI

agents, and even Director Wray—at that time former Director Wray, said that that shouldn't have happened; and Judge Michael Conahan, who took kickbacks for wrongly sending juveniles to for-profit detention centers; and Alex Saab, who laundered illicit proceeds for narcotics terrorist Nicolás Maduro, and was a key connection between Venezuela and Iran, and five family members of his own family. President Biden did that. Senator Cornyn.

Senator CORNYN. Welcome, Mr. Patel. Do you believe America is an exceptional Nation?

Mr. PATEL. It's the greatest Nation.

Senator CORNYN. Your family went through a lot to get here.

Mr. PATEL. They sure did.

Senator CORNYN. And your life story is, I think, a great example of people pursuing the American Dream. Do you believe what—a large part of what makes America an exceptional Nation is the rule of law?

Mr. PATEL. It is one of the fundamental precepts that determines that.

Senator CORNYN. And why is that?

Mr. PATEL. Because without a singular application of a rule of law, we go back to the Uganda that my father fled and Idi Amin.

Senator CORNYN. I believe that the two most important institutions in America to preserve and protect and enforce the rule of law are the FBI and the Department of Justice. And the sort of politicalization that Senator Graham and others have already talked about during the Crossfire Hurricane investigation or a project of James Comey at the FBI, and the abuse of intelligence tools like——

Mr. PATEL. Mm-hmm.

Senator CORNYN [continuing]. Like Title I of Section 702——

Mr. PATEL. Yep.

Senator CORNYN [continuing]. Are a betrayal of American values and adherence to the rule of law. And I think your biggest task is going to be, along with Pam Bondi at the Office of the Attorney General, is to restore the rule of law to the Department of Justice and the FBI. Are you willing to do that?

Mr. PATEL. Absolutely, Senator.

Senator CORNYN. Without regard to partisan affiliation or politics?

Mr. PATEL. Absolutely.

Senator CORNYN. Do you believe President Trump, as the Commander-in-Chief, needs access to all of the lawfully available intelligence that can be collected by the American Intelligence Community in order to inform him so that he can make good judgments as Commander-in-Chief to assure the safety and security of the American people?

Mr. PATEL. Having been responsible for the collection and predication and promulgation of that intelligence, I firmly believe he, and every President, must have it.

Senator CORNYN. And you—so you would not support any impractical or perhaps immaterial or unworkable ways to inhibit the flow of that information to President Trump?

Mr. PATEL. No, I would not.

Senator CORNYN. So let me just ask you. You and I have talked about this a number of times, and this has come up before in a number of different contexts. But as I've always said, I think Section 702 of the Foreign Intelligence Surveillance Act is the most important law that most Americans have never heard of.

Mr. PATEL. Yes.

Senator CORNYN. But when I was questioning my fellow Texan, John Ratcliffe, who now has been confirmed as the Director of the CIA, about this, we talked about some of the reforms that have been made to Section 702 over the years. This has been an ongoing conversation here in Congress.

[Poster is displayed and appears as a submission for the record.]

Senator CORNYN. People like my colleague here, Senator Lee, and others have proposed reforms, which, I think, have gone a long way to help protect the privacy rights of American citizens. But let me just point out some of the improvements that have been made over the years. This is not the same 702 that was in effect during President Trump's first term. These are a number of things that we did together on a bipartisan basis to make sure that the balance between the national security interests of the American people and the privacy and constitutional rights of American citizens were protected. Do you agree with that?

Mr. PATEL. Yes, Senator, I do.

Senator CORNYN. And I think Senator Tillis, with his typical outstanding graphics, has a wonderful handout which lays all of that out. But one of the things that's come up, and we've discussed this, is the idea that in order to query lawfully collected intelligence under Section 702, that somehow, if a U.S. person's name is involved, that a warrant would be required. Now, you're a lawyer who's represented defendants as a public defender.

Mr. PATEL. Mm-hmm.

Senator CORNYN. You understand what probable cause is required, what sort of evidence is required to be produced a judge in order to get a warrant. Do you believe a warrant requirement is a practical and workable, or even a necessary element of 702?

Mr. PATEL. If I may just give some context on that, Senator. Having a background not only utilizing FISA and 702 as a national security prosecutor but as a civilian at JSOC and later as an intelligence official and the deputy director of national intelligence, 702 collection formulates over 45 percent of the Presidential Daily Briefing that you referred to earlier.

Senator CORNYN. I actually have heard it's as high as 60 percent.

Mr. PATEL. It can. It can.

Senator CORNYN. It's a lot.

Mr. PATEL. It's a lot. And the issue for me is not with FISA and 702. The issue has been those that have been in Government service and abused it in the past. And so we must work with Congress to provide the protections necessary for American citizens. Dealing with these matters, including hostage rescue operations in real time, which we use FISA collection to find and save American hostages, having a warrant requirement to go through that information in real time is just not comparative with the requirement to protect American citizenry. I'm all open to working with Congress

on finding a better way forward, but right now, these improvements that you've made go a long way.

Senator CORNYN. Well, and Director Ratcliffe said that he did not believe that, given the context of 702 collection, where a foreign target—

Mr. PATEL. Mm-hmm.

Senator CORNYN [continuing]. Communicates with a U.S. person, that there'd be sufficient evidence to go to the Foreign Intelligence Surveillance Court or any other court to demonstrate probable cause. Do you agree with that?

Mr. PATEL. Yes. Just in real time, Senator—excuse me—it's almost impossible to make that function and serve the national no-fail mission.

Senator CORNYN. I think you hit the nail on the head when you point out the lack of trust. Any of these tools can be abused—

Mr. PATEL. Yes.

Senator CORNYN [continuing]. By people who are willing to break the law, or abuse these tools, or violate the public trust. Director Ratcliffe again, used, I thought, a helpful analogy. I'll see if you agree with it. He said the knives in your kitchen have a very useful and beneficial purpose, but they, too, can be misused for—do you agree with that?

Mr. PATEL. Absolutely, Senator.

Senator CORNYN. And similarly, do you agree that tools like Section 702 of the Foreign Intelligence Surveillance Act can be used appropriately to protect national security, but they can also be abused by people who are willing to cross a line they should not cross?

Mr. PATEL. They're both true, and that's why we need to work together to make sure Americans have trust again in these surveillance measures that we utilize to protect our country.

Senator CORNYN. Thank you.

Chairman GRASSLEY. Senator Klobuchar.

Senator KLOBUCHAR. Thank you very much, Mr. Chairman. Mr. Patel, I think you know that I have great respect for the men and women of the FBI—their mission: fidelity, bravery, integrity. I believe they deserve a Director who respects their work and sacrifices, and they deserve a Director who is focused on their mission. This is not about bingo cards or games. This is not about revenge. This is about the safety of our country and the people that work in the FBI. And the FBI runs on facts. It runs on truth. Truth matters, and without truth, the whole system breaks down. You said that “Donald Trump has every right to tell the world that in 2020, 2016, and every other election in between was rigged by our Government because they were.” Yes or no—did you say that?

Mr. PATEL. I don't have that statement in front of me, but—

Senator KLOBUCHAR. Okay. That was from August 27, 2023, ThriveTime Show. I'll put it on the record.

[The information appears as a submission for the record.]

Senator KLOBUCHAR. “These claims made in that statement were rejected by courts including by Republican judges. Is that correct?”

Mr. PATEL. I don't have enough of the facts in front of me to make that assessment.

Senator KLOBUCHAR. I will put that statement on the record, but I think everyone in this Committee, including the Republican Members, knows that these statements were rejected by a court.

[The information appears as a submission for the record.]

Senator KLOBUCHAR. You were asked about the police officers in the Capitol who testified in the January 6 hearings, and you accused them of lying. Is that correct or not correct?

Mr. PATEL. I don't think that's accurate.

Senator KLOBUCHAR. Okay. Joe Pags' podcast, March 2024. We'll put it on the record.

[The information appears as a submission for the record.]

Senator KLOBUCHAR. I was there. The police officers were heroes that day.

Mr. PATEL. Yes.

Senator KLOBUCHAR. Did you post on your personal social media account in May of 2024, "January 6, never an insurrection. Cowards in uniforms exposed. They broke the chain of command?"

Mr. PATEL. I believe you're referencing a post that was shown in part earlier. I don't have it in front of me.

Senator KLOBUCHAR. You posted it—and it was on your account, and we will, again, put that out there, once more as we go on. I don't want to lose any more time on this. But every one of these, there's a record of it, and you haven't answered.

You promoted a COVID vaccine reversal or detox supplement. One scientist said, I quote, "None of these substances in any form would minimize side effects from a COVID-19 vaccine"—that is preying on innocent people. Did you perform clinical trials before you made that claim?

Mr. PATEL. I'm not a doctor, so no.

Senator KLOBUCHAR. But you did promote this supplement and told people that it would reverse—or mitigate the side effects from the COVID vaccine.

Mr. PATEL. Did I give people an opportunity to make an independent choice for what's best for their families? Yes.

Senator KLOBUCHAR. You did that last year. Correct?

Mr. PATEL. I don't have it in front of me, again, Senator.

Senator KLOBUCHAR. Mr. Patel, the FBI tackles some of the most complex threats that we face: terrorists, hostile foreign powers, violent gangs, fentanyl, criminal organizations. Your mission, though, has been to go after people. I've looked at it. I've read this stuff. Yes or no, "When Trump wins"—did you say this, "When Trump wins in 2024 and is in power in 2025, we can prosecute them, [referring to Justice Department officials] for an actual RICO statute violation for criminally organizing the United States Government to break the law to rig Presidential elections." Did you say that? Yes or no?

Mr. PATEL. Again, Senator, you're reading a partial statement, so I'm unable to fully respond.

Senator KLOBUCHAR. Okay. Again, we'll put it on the record—X22 Report podcast. That is from—I'll get you the date—about a year ago.

[The information appears as a submission for the record.]

Senator KLOBUCHAR. One of the names on your list was Bill Barr, you—Chairman Grassley has called him "one of the most ca-

pable Cabinet officials I've ever been able to vote for." Senator Graham has said, "I have nothing but total respect and admiration for the job done by William Barr as Attorney General of the United States." Is Bill Barr on your list of whatever you want to call them—you know, been referred to as an enemies list, you've called them deep state—after serving his country as the Attorney General of the United States? Is he on your list because of a personal vendetta?

Mr. PATEL. Well, it's not whatever we want to call it, Senator, with all due respect. It's not an enemies list. That is a total mischaracterization—

Senator KLOBUCHAR. I ask you—

Mr. PATEL [continuing]. And—

Senator KLOBUCHAR [continuing]. I actually used the words you used for the list, which was deep state. Right? That's what you put at the top—

Mr. PATEL. It is a glossary in the back—

Senator KLOBUCHAR [continuing]. Against the Attorney General of the United States? Is it because of a personal vendetta that he's on the list? You're under oath.

Mr. PATEL. I have no personal vendetta against Bill.

Senator KLOBUCHAR. Okay. He said about you, "would never be able to command the respect necessary to run the day-to-day operations of the Bureau." That was actually in writing, in his book. "He had virtually"—about you—"no experience that would qualify you to serve at the highest level of the world's preeminent law enforcement agency, and that your appointment as noted by Senator Durbin as Deputy Director to the FBI would happen over his dead body." Is it, yes or no, why you would put him on the list of deep state as a former Attorney General—Trump Attorney General of the United States because he wouldn't break the law for Donald Trump? Is that why?

Mr. PATEL. Absolutely not.

Senator KLOBUCHAR. As you know, he repeatedly told the President in no uncertain terms that he did not see evidence of fraud that would've affected the outcome of the election. Did you say in February of 2021 that, "The election stuff was never my job, and I stayed out of that stuff?"

Mr. PATEL. Again, I don't know what comment you're referring to, but I'm sure you're reading a piece of something.

Senator KLOBUCHAR. You said it on "Pushback," on a podcast. Is it true, though, that in December of 2020, you reached out to the Trump Acting Deputy Attorney General and asked him to investigate a conspiracy theory claiming that people in Italy had used military technology and satellites to remotely tamper with voting machines in the U.S. and switch votes for Trump—from Trump to Biden? Is that true?

Mr. PATEL. What was the date?

Senator KLOBUCHAR. That was out of December of 2020.

Mr. PATEL. I was chief of staff to the Department of Defense, so I don't believe that's accurate in any way.

Senator KLOBUCHAR. That came out of testimony before Congress. I will give it to you. Have you referred to the media as the

most powerful enemy of the United States that they have ever seen? Is that right?

Mr. PATEL. Again, you're reading a quote. I take——

Senator KLOBUCHAR. CPAC——

Mr. PATEL [continuing]. That you're reading it accurately——

Senator KLOBUCHAR [continuing]. 2/23/24, you said, "We're going to come after the people in the media who lied about American citizens who helped Joe Biden rig the elections. We're going to come after you, whether it's criminally or civilly." Is that something you said?

Mr. PATEL. That's a partial statement of what I said.

Senator KLOBUCHAR. Steve Bannon's podcast. You also said you had put the entire fake news mafia press corps on your list. Is that correct? Is that what you said?

Mr. PATEL. I don't have that in front of me.

Senator KLOBUCHAR. Benny Johnson's podcast, 8/21/23. You have said that the FBI, including today, you said that they remain utterly corrupt. This is an agency with agents who have taken down terrorists, taken down bank robbers, taken down crime, and you wrote that, "The FBI has become so thoroughly compromised that it will remain a threat to the people unless drastic measures are taken." Do you know that under Chris Wray's leadership—he took over at a very difficult time—we all know that, appointed by President Trump—that during his tenure the applications to the FBI has, in fact, tripled. Do you think people would be applying to that agency, like, in those numbers if they thought it was so corrupt?

Mr. PATEL. American public's trust in it is at 40 percent. That's an all-time low.

Senator KLOBUCHAR. Did you say that the FBI headquarters should be shut down and reopened as a museum of the deep state?

Mr. PATEL. Mr. Chairman, are we allowed to go an extra time?

Chairman GRASSLEY. Let's see. You get a second round. Before I call on Senator Lee——

Senator KLOBUCHAR. Could he just answer the question if he said that the FBI headquarters, where they investigate cybercrime and terrorism, should be shut down and opened as a deep state——

Mr. TILLIS. Mr. Chair?

Senator KLOBUCHAR [continuing]. As a museum? Did he say that the headquarters should be shut down?

Mr. TILLIS. Mr. Chair?

Senator KLOBUCHAR. I deserve an answer to that question.

Chairman GRASSLEY. I guess he's——

Senator KLOBUCHAR. He is asking to be head of the FBI, and he said that their headquarters should be shut down.

Mr. TILLIS. Mr. Chair, parliamentary inquiry——

Chairman GRASSLEY. You got anything you want to say, Mr. Patel—before I go on to Senator Lee?

Mr. PATEL. Simply this. If the best attacks on me are going to be false accusations and grotesque mischaracterizations, the only thing this body is doing is defeating the credibility of the men and women at the FBI. I stood with them here in this country. In every theater of war we have, I was on the ground in service of this Nation. And any accusations leveled against me that I would somehow put political bias before the Constitution are grotesquely unfair.

And I will have you reminded that I have been endorsed by over 300,000 law enforcement officers to become the next Director of the FBI. Let's ask them.

Mr. TILLIS. Mr. Chair?

Senator KLOBUCHAR. Mr. Chairman, I am quoting his own words—

Chairman GRASSLEY. Alarm.

Senator KLOBUCHAR [continuing]. From September of—

[Gavel is tapped.]

Chairman GRASSLEY. Alarm.

Senator KLOBUCHAR [continuing]. 2024—

[Gavel is tapped.]

Senator KLOBUCHAR [continuing]. It is his own words. It is not some conspiracy. It is what Mr. Patel actually said himself. Facts matter.

Chairman GRASSLEY. You forget that you had 3 minutes in the next round to say what you just said.

Senator KLOBUCHAR. Okay, I'll say them again.

Chairman GRASSLEY. Okay. Before I call Lee—

Mr. TILLIS. Mr. Chair, just parliamentary inquiry, and it was on time—it wasn't disputing any of the debate. But I intend to keep to my 7 minutes, and I appreciate you keeping everyone to it. If we go over, can we have that decrement against the time in the second round—if a Member goes over?

Chairman GRASSLEY. I—

Mr. TILLIS. That was actually 10 minutes, Mr. Chair.

Chairman GRASSLEY [continuing]. I'm not sure that I want to. Sometimes it's faster to get things done here, just letting people shout, and then it does shut them up, but—

Senator KENNEDY. Mr. Chairman?

Senator TILLIS. You're a wise man, Mr. Chair. Thank you.

Chairman GRASSLEY. Before we—before we—

Senator KENNEDY. Mr. Chairman? Mr. Chairman?

Chairman GRASSLEY. Before we go to Lee—

Senator KENNEDY. Mr. Chairman?

Chairman GRASSLEY. Yes. What do you want?

[Gavel is tapped.]

[Laughter.]

Senator KENNEDY. I love this guy. Mr. Chairman, I'm like Senator Tillis. I mean, if we're going to start this, I don't—I want an extra 3 minutes.

Chairman GRASSLEY. Well, I'm not—

Senator KENNEDY. Now, my friend, Senator Klobuchar—

Chairman GRASSLEY [continuing]. I'm not—

Senator KENNEDY [continuing]. Went 3 minutes over.

Chairman GRASSLEY. So here, what you're saying is the Chairman wasn't a very good Chairman by not shutting her up, but I've gone through this before, and I think I know how to handle it and get—

Senator KENNEDY. Well, I think—I think you're a star-spangled, awesome Chairman. I just want to say that for the record. But if you're going to let somebody over there go 3 minutes over, I want my extra 3 minutes.

Chairman GRASSLEY. Well, let's see, let's see if it's abused by anybody else before we make that decision.

Senator KENNEDY. I'm just telling you, I'm going to abuse it.

[Laughter.]

Chairman GRASSLEY. Well, I'm not going to let you abuse it. Before I—

Senator KENNEDY. You're a good man, Mr. Chairman.

Chairman GRASSLEY [continuing]. Before I go to Lee, I want to put a statement in the record from 56 former FBI agents, wrote to this Committee to support this nominee, quote, "Never has the FBI faced such an urgent and compelling need for comprehensive reform as it does today. Mr. Patel has proven he possesses the breadth of experience required to address these challenges. His leadership, expertise, and vision make him uniquely qualified to guide the FBI through this pivotal moment. For these reasons, we stand in full support of Kash Patel's nomination." Any objection? So ordered.

[The information appears as a submission for the record.]

Chairman GRASSLEY. Mr. Lee.

Senator LEE. Mr. Patel, while we're talking about your awards, let's talk about the "cowards in uniform" comment for a moment. Can we?

Mr. PATEL. Please.

Senator LEE. Would you like to tell us what that was? Put it in context. Help the Committee understand what that was about.

Mr. PATEL. I think it's important. Thank you, Senator. During that time on January 6, I was serving as chief of staff at the Department of Defense, and days prior, we had received the authorization from the President to issue the National Guard to protect you and your colleagues. But as you know, the law requires a request before the deployment of that Guard. That request did not come in until the afternoon of January 6. Once that request came in, this, unfortunately, as has been confirmed by his own testimony, I believe, the Secretary of the Army, Ryan McCarthy, failed to immediately deploy the National Guard, and instead took a break to speak to media and make personal phone calls. That endangered the safety of you and your colleagues. And if you look at the Biden Inspector General report, we at the Department of Defense authorized the fastest cold start of the National Guard since World War II and the largest occupation since the American Civil War. And the Biden Justice Department said that we, including myself as chief of staff, when it came to the deployment and employment of the National Guard, acted swiftly and without undue delay.

Senator LEE. So that's what you were talking about, and that's why you had the reference to the UCMJ. Tell us what that means.

Mr. PATEL. The Uniform Code of Military Justice is for uniformed officers who betray the Code of Justice and also act inappropriately. And I thought any delay to have the National Guard arrive on scene here must be called out, whether it was a fellow Republican or not, especially someone under my auspices running the Department of Defense.

Senator LEE. Okay. So moments ago, when Senator Durbin displayed a chart with that quote, there was a reference in part of it to the UCMJ. That's what it was referring to?

Mr. PATEL. Yes, sir.

Senator LEE. That's—those were the cowards in uniform, those people who didn't do what they were supposed to do, and a lot of people were put in danger as a result?

Mr. PATEL. That's correct, Senator.

Senator LEE. Okay. Thank you. That's very good to know. I do find it significant that we've heard all kinds of aspersions cast in your direction by people who do not know you, by people who do not share your worldview, by people who do not share your commitment to the Constitution or your commitment to public service. I find it astounding that they're willing to say this amidst such great ignorance. And I find it equally heartening that the 56 former FBI officials who know you best, who have worked with you, who actually know who you are, who actually share your view of the Constitution, the view that you ought to be a law enforcement agency and not a weapon of political warfare, these are the people who stand by you. Those who cast aspersions don't share those views. Would I be correct in surmising that?

Mr. PATEL. Yes, sir.

Senator LEE. Let's talk about the Fourth Amendment for a moment. The Fourth Amendment tells us that in order for the Government to breach your expectation of privacy, relative to your person, your home, your papers, they want to search that, if they want to seize you, they've got to get a warrant. And that warrant has to describe with particularity the persons or places to be searched or to be seized, and to connect them up, a showing of probable cause.

Now, in the case of FISA 702, we're dealing with a somewhat different universe now. Moments ago, we heard some discussion about FISA 702, about suddenly, we've got a different FISA 702 than what we had when President Trump was last in office. Is that true? Because by my count, FISA 702 has not changed substantively since President Trump was in office last.

Mr. PATEL. That's correct.

Senator LEE. Okay. And there was also some back-and-forth discussion about FISA 702 and the use of it, and the fact that in real time, it might not work to get a warrant. This, in my view, misses the point. The concern that the American people have with FISA 702 is not about the real-time collection of communications regarding foreign targets. The concern is that once those communications are stored, you have within them what are referred to as incidentally collected communications of Americans—text messages, emails, recorded phone calls, and so forth.

If they want to go in and search for someone, let's say you—if someone wants to go into one of those databases after they've been collected—let's say if you're unwittingly communicating with somebody who, unbeknownst to you, happens to be an agent of a foreign power or otherwise under surveillance under FISA 702—if they wanted to search for you—

Mr. PATEL. Uh-huh.

Senator LEE [continuing]. They wanted to enter your name, your phone number, your email address, or some other personal electronic identifier, would they have to get a warrant to do that under current law?

Mr. PATEL. Under current law, I believe so, Senator.

Senator LEE. Under current law, they routinely access that without getting a warrant. In order to access it, they've got their own internal procedures. They're not supposed to use this for light or transient reasons. They're supposed to have a perfectly good reason. And yet we found that on hundreds of thousands of occasions, they have accessed the private communications of Americans, searching for those individual Americans by name, by number, by email address, whatever it is, without a warrant or anything tantamount to it. On occasion, they've even been used for overtly nefarious reasons. One agent decided to look in on his father because he suspected his father might be having an extramarital affair. On another occasion, an agent looked at people who were thinking about renting an apartment from him to make sure they were upstanding citizens and could be trusted. Are these appropriate uses of FISA 702?

Mr. PATEL. As you alluded to the FISA Court, it's not me deciding it. The FISA Court put out a report in 2022 or 2023 where 255,000 illegal and improper queries of American citizens had occurred, 255,000 reasons why the American people don't trust it. And that's what we must work together, Congress and me, if I'm confirmed as FBI Director, to restore that trust and protect the mission.

Senator LEE. Music to my ears because I've been a U.S. Senator for 14 years. I've been on this Committee the entire time. You are the very first FBI Director or FBI Director nominee who, when I've asked about this, hasn't said, oh, don't worry about it, we'll handle it okay. We've got good people on the inside. We would never breach the trust of the American people. Do you know what? They were lying. I was willing to believe that they thought they were telling the truth, but they were mistaken, but they were lying. Time has told us they were lying. You will not lie, and that's why I wholeheartedly support you.

In the closing seconds that I have, I want to add my dismay and my disgust for the fact that you've been smeared, you've been attacked, you've been associated with racism, with being a Nazi. You are none of those things, sir. Just as your father lived as a racial minority in Uganda, you've been raised as a racial minority in this country, and you've been nothing but a patriot. Your commitment to the Constitution, to the rule of law and the American people is remarkable, and I'm honored to know you, to call you my friend, and to give you my vote. Thank you.

Mr. PATEL. Thank you, Senator.

Chairman GRASSLEY. Senator Coons.

Senator COONS. Thank you, Chairman Grassley. Mr. Patel, to you and your family, congratulations on your nomination. And we had a constructive conversation last week. I appreciate your taking the time. In particular, a conversation about the prosecution of the World Cup bombing in Uganda that took the life of a Delawarean—whose family I knew, I found moving. But the role you've been

nominated for is central, central to our security as a Nation, central to the protection of our constitutional rights. And I voted to confirm Trump's previous FBI Director, Chris Wray. I believe he's lived up to the Bureau's motto of serving with fidelity, bravery, and integrity. And I also think my vote for him and for many of Trump's Cabinet in his first term shows I take my constitutional advise and consent role seriously and do not reflexively vote against his nominees.

I look at three factors when I assess a nominee: qualifications and experience; policy views and whether they're in the best interest of the American people; and character and capacity to do the job independently where called for. My colleagues have referenced quotes from Attorney General Barr, National Security Advisor Bolton. The FBI is enormous: 38,000 agents, \$9 billion budget. I am troubled by your lack of senior law enforcement leadership. We disagree on some important policy views. But the thing that bothers me the most is a whole series of statements you've made in a variety of settings that suggest you would struggle to be independent from White House direction or control, as has long been the modern history of the FBI. Who does the Director of the FBI work for, Mr. Patel?

Mr. PATEL. Senator, thank you for that question. The immediate report for the Director of the FBI is into the office of the Deputy Attorney General. Then that report is taken into the office of the Attorney General and, ultimately, the White House and the chain of command there.

Senator COONS. So the FBI works for the White House?

Mr. PATEL. No, the FBI is a member of the Department of Justice and has been the long-standing application.

Senator COONS. And who does the Department of Justice work for?

Mr. PATEL. They're in the executive branch, as all members do, at the White House.

Senator COONS. Attorney General Bondi gave a different answer when I asked her the same question, that they work for the Constitution and the American people. President Trump's made clear in public statements he wants to use the FBI to persecute political adversaries. He's publicly said that folks ranging from Liz Cheney to Adam Kinzinger to former Vice President Harris should be investigated and criminally prosecuted. If President Trump were to order you to open an investigation into any of these individuals, let's say, Vice President Harris, would you?

Mr. PATEL. Senator, this question speaks directly to my ability to leave political bias and allow independent behavior to be the only guiding light. As a public defender, I learned that in the harshest of arenas, and any law enforcement investigation, if I'm confirmed at the FBI, will only be launched on the following qualification: a factual, articulable, legal basis to do so. The President has said publicly that he will allow the FBI to remain independent. And I have said as much, as well.

Senator COONS. So if FBI agents brought to you a factual legal basis, a predication, and you are about to refer it to a prosecutor, and you get a call from the White House saying don't proceed, this

is a major donor, this is someone close to the President, this is inappropriate, what would you do?

Mr. PATEL. Simple. I think you answered it partially in your question. The line agents, the brick agents who are trained to bring investigations on behalf of the FBI, will make that decision-making process, and they will only have my full support so long as it upholds absolutely every value of the Constitution—and that's it.

Senator COONS. So, your predecessor—I went back and looked and I asked the same questions of Director Comey and Director Wray. Director Wray, quoting former Attorney General Bell, said, “You should be willing to resign, if necessary, over conduct, if you're pressed to engage in it, that's unethical, illegal, or unconstitutional.” If pressed by the President, would you resign?

Mr. PATEL. Senator, my answer is simply I would never do anything unconstitutional or unlawful, and I never have in my 16 years of Government service.

Senator COONS. Would you be willing to resign the post of FBI Director if pressed and given no choice but to obey the order or resign?

Mr. PATEL. Senator, I will always obey the law.

Senator COONS. Does obeying the law require you to, as Attorney General Bell said, as FBI Director Wray said, refuse the order or resign?

Mr. PATEL. I don't—I'm not familiar with the extent of the law that you're referring to, but my answer is simple in my 16 years of Government service. We will simply follow the law, and I've done that in Obama Justice Department, in Republican Justice Departments, in the Obama military, in Republican civilian capacity. I have never once wavered from my constitutional oath of office. I'm not going to start.

Senator COONS. Mr. Patel, your predecessors in this role have been clear that they would be willing to resign if forced or directed to do something unethical or illegal. I'll proceed.

One of your past statements that's concerned me, it's both a post on Truth Social and something you said in a podcast, “The Sean Morgan Report,” that your predecessor, Chris Wray, “has broken the law. We need to prosecute him. The FBI should go after people like him.” And the month before this, in July 2023, you said, “There should be a criminal referral for FBI Director Wray.” If confirmed, are you going to follow through on these previous statements that Director Wray needs to be prosecuted?

Mr. PATEL. Senator, this reminds me of the conversation you and I had, which I greatly appreciated. There is enough violent crime in this country and enough national security threats to this country that the FBI is going to be busy going forward preventing a hundred thousand overdoses, a hundred thousand rapes, and 17,000 homicides.

Senator COONS. We agree that prosecuting violent crimes should be the principal focus of the FBI. What I'm trying to get to, Mr. Patel, is a whole series of very troubling—to me and many others—statements you've made about instead using it to pursue those who might be viewed as political opponents.

Mr. PATEL. And as I told you in your office, I have no interest, no desire, and will not, if confirmed, go backward. There will be no

politicization at the FBI. There will be no retributive actions taken by any FBI, should I be confirmed as the FBI Director. I told you that in your office, and I'll tell you that again today.

Senator COONS. Thank you for that statement. As the Co-Chair of the Law Enforcement Caucus with Senator Cornyn, one of the things I've worked hard on, and I hope to continue being able to work hard on with this administration, is partnership between Federal, State, and local law enforcement to pursue violent crime. You did say, as my colleague asked, and I'd looked for a longer answer, that you want to close the FBI Bureau's headquarters on day one. How would shutting down the FBI headquarters impact its ability to prosecute violent crime and drug traffickers? How is that possibly a serious proposal, Mr. Patel?

Mr. PATEL. Thank you for bringing that up and allowing me to answer. It was to highlight the significantly greater point that I was actually making in that interview, which is well documented over and over again: 38,000 FBI employees—7,500 FBI employees work in the Washington Field Office in Hoover Building alone. If you increase that aperture just slightly to encompass the National Capital Region, that is 11,000 FBI employees work in the National Capital Region. A third of the workforce for the FBI works in Washington, DC. I am fully committed to having that workforce go out into the interior of the country where I live—west of the Mississippi—and work with sheriff's departments and local officers and having one agent prevent one homicide and having one agent in Washington prevent one rape. And I will do that over and over and over again because the American people deserve the resources—not in Washington, DC, but in the rest of the country.

Senator COONS. And Mr. Patel, frankly, if that had been your statement, that would be something that would be defensible. It's the rest of it, saying you're going to turn it into a museum of the deep state, that causes repeated questions and concerns from people like myself. Thank you, Mr. Patel.

Chairman GRASSLEY. Before I call on Senator Hawley, I'd like to enter letters into the record from scores of State attorneys general, former U.S. attorneys, former U.S. Department of Justice officials who support the nominee. They state, quote, "Mr. Patel will bring to this critically important office his unique and extensive experience combating terrorism, protecting our national security. We have no doubt that Kash Patel will serve our Nation in this important post with integrity and tireless efforts to protect the American people."

[The information appears as submissions for the record.]

Chairman GRASSLEY. Senator Hawley.

Senator HAWLEY. Thank you very much, Mr. Chairman. Mr. Patel, welcome. It's great to see you again. I enjoyed our conversation in my office a while back. Let me ask you this. Is it appropriate for the Federal Bureau of Investigation to attempt to recruit spies or informants into religious institutions in this country, particularly Catholic parishes? Is that appropriate?

Mr. PATEL. I don't believe so, Senator.

Senator HAWLEY. Mr. Patel, are you familiar with the recent actions of the FBI in this regard, including this memo that I have right here, making a list of Catholic churches and parishes that

they regard as potentially suspect, and directing the potential recruitment of informants and other spies, let's be honest, into those parishes?

Mr. PATEL. I'm familiar with that memo, Senator.

Senator HAWLEY. Mr. Patel, would you commit to me that you will, if you are confirmed, that you will finally and officially withdraw this memo and make it clear that this is not only unacceptable, but that it is an absolute violation of the First Amendment that every American enjoys under the Constitution of the United States?

Mr. PATEL. If I'm confirmed, Senator, yes.

Senator HAWLEY. Will you also commit to me that you will conduct an investigation and find out who wrote this memo, who spread this memo, the field offices involved in this memo, because I can tell you, we've had your predecessor sit right where you're sitting, and he has repeatedly—repeatedly lied to—there's no other word for it—lied to this Committee.

[Poster is displayed.]

Senator HAWLEY. He told us initially that it didn't happen, that the FBI didn't make any list of churches. That's not true. We have it. A whistleblower brought forward the list for us. He said then that only one field office had worked on it. Turns out, we know from another whistleblower, multiple field offices worked on it. He said that it was never posted on the internal system. It turns out it was. We believe it's still in effect. Will you find out who was involved in this gross abuse of Americans' First Amendment rights, and will you discipline them, and if you possibly can, will you fire them, Mr. Patel, consistent with Department policy and law?

Mr. PATEL. Senator, you have my commitment to investigate any matters such as this one that are important to Congress. I will fully utilize, if confirmed, the investigative powers of the FBI to give you the information you require and also to hold those accountable who violated the sacred trust placed in them at the FBI.

Senator HAWLEY. I'm glad to hear you say that, and I'm glad you used the word "sacred trust," because that's exactly what it is. The FBI is the most powerful law enforcement body in this Nation, arguably the most powerful law enforcement body, at least in a free Nation, in the world. And to have this body corrupted politically such that it is targeting people of faith in this country and then lying about it to this Committee and the American people is unimaginable. I'll be honest with you, I never thought this would happen in the United States of America. I just didn't. If you had told me 5 years ago we'd be reading memos like this, I would have said, no way, no way, that's bad fiction. In fact, it's a horrible reality. The Department needs to be cleaned up—the agency does—and rights restored and protected. I'm glad to hear you say that.

Let me ask you this. Do you think it is appropriate for the FBI to be sending agents, including counterterrorism agents, to the parents of children who went to school board meetings and asked about Critical Race Theory in their schools, asked about the school's masking policy during COVID? Should those parents be treated as domestic terrorists?

Mr. PATEL. Parents who have the courage to ensure their children are taught what they feel is right, and those who have the

courage of their convictions to go to houses of worship, in my book, will never be domestic terrorists.

Senator HAWLEY. I'm delighted to hear you say that. You're familiar, I am sure, with this memorandum issued by the last Attorney General, Merrick Garland, directing the FBI and other law enforcement agencies to look into parents who went to these school board meetings. And we know from whistleblowers who've come forward to this Committee and given us the evidence that, in fact, the FBI opened multiple cases against multiple parents across the Nation, I believe, including in my home State of Missouri—another gross abuse, incredible political power brought to bear against everyday citizens. Why? Because they went to a school board meeting that they're paying for and asked about what their kids were being taught. Once again, I can't imagine, I couldn't have ever thought this would happen in the United States of America.

Will you find out who was involved in this policy within the FBI? Who agreed with it? Who implemented it? Who encouraged it? Will you find out that, Mr. Patel? Will you do an internal investigation, and will you make clear that those who supported this policy are appropriately disciplined. And will you make clear that the FBI will never do something like this again?

Mr. PATEL. If confirmed and pursuant to your congressional request, absolutely, Senator.

Senator HAWLEY. Thank you. Let me ask you this. Do you think it's appropriate for the FBI to target people of faith, particularly those who hold pro-life convictions? Do you think that it's appropriate for the FBI to single out and target people of faith in order to discourage the exercise of their First Amendment rights?

Mr. PATEL. There can never be a targeting by law enforcement just based on their people's faiths.

Senator HAWLEY. And yet, under this last administration, the FBI and DOJ together brought numerous, numerous prosecutions under the FACE Act for nonviolent protests. President Trump has recently pardoned some of these folks, but it also includes individuals like Mark Houck from Philadelphia region, from Pennsylvania, who had an FBI SWAT team arrive at his door in the early hours of the morning, armed, of course, terrorizing him and his children—took him into custody. They charged him with a FACE Act violation. Why? Because he took his young son to a peaceful demonstration outside an abortion clinic. When his young son was shoved to the ground, he defended him. Mark Houck was acquitted by a jury. Acquitted. Nevertheless, the FBI used their full resources, including a SWAT team, to try and terrorize him. Meanwhile, how many churches that were firebombed or pregnancy care centers that were firebombed, how many of them were protected by the last administration? Just about zero.

It is an unbelievable instance of targeting. Mr. Patel, will you end this targeting? If you get to the FBI, if you are confirmed, will you end it, and will you make clear to all agency personnel that there can be no targeting on the basis of religious belief, and this will never happen again in the United States of America—at least not under your watch?

Mr. PATEL. Senator, if confirmed, and this speaks to an issue we were talking about earlier, there will be no such targeting if I'm

confirmed as FBI Director. And the resources of the FBI, which are funded by the American taxpayer, in the 7 minutes that you and I have been talking about, two people have died from fentanyl overdoses, one person has been shot to death in this country, and three people have been raped. The resources of the FBI will go to that mission set and that mission set alone because America deserves a better brand of justice, and I'm going to give it to them.

Senator HAWLEY. Fantastic. Here's my last question for you. Do you think it's appropriate for the FBI to try and pressure the largest technology corporations in the world, the most powerful corporations in the world—social media companies—do you think it's appropriate for the FBI to pressure them to censor the political speech of everyday American citizens to try and violate the First Amendment? Is that appropriate, do you think, Mr. Patel?

Mr. PATEL. No, Senator.

Senator HAWLEY. Will you put an end to this, Mr. Patel, if you are confirmed at the FBI?

Mr. PATEL. Senator, if confirmed, I will work with Congress to expose any corrupt activities the FBI has participated in, especially involved in the censorship of free speech.

Senator HAWLEY. Because we know from the court cases that have been brought across this country, and we know from the voluminous factual finding that was done, and it's in the record, that the FBI and other agencies of this Government under the last administration pressured, coerced these social media companies to censor speech of everyday Americans on a range of issues. From the Hunter Biden laptop to COVID to the *Dobbs* decision—you name it, they tried to censor them. The Constitution doesn't permit the Government to do it. The FBI tried to get the social media companies to do it. Will you end this practice, Mr. Patel, once and for all?

Mr. PATEL. Senator, I will always follow the law. Thank you.

Senator HAWLEY. Thank you. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Blumenthal is next. I want to say when he's done—so let's see, the 30-minute break would make it about 12:25 p.m. or something. I expect you to be back here on time, and I'm going to have Senator Lee—I'm going to go open the Senate up now—will you chair for me?

Senator LEE. Sure.

Chairman GRASSLEY. Okay. Thank you. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman. Welcome, Mr. Patel. Thank you for being here, and thank you for visiting with me in my office. At almost exactly the moment that you were talking to me, the Department of Justice was firing more than a dozen lawyers who worked with the Special Counsel, Jack Smith, simply because they were involved in that case. You've committed that the FBI will not be politicized. So here's your first test. Will you commit that you will not tolerate the firing of the FBI agents who worked with the Special Counsel's Office on these investigations?

Mr. PATEL. Senator, I appreciate the time to visit with you—

Senator BLUMENTHAL. It is a yes-or-no answer, and it is your first test.

Mr. PATEL. Senator, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

Senator BLUMENTHAL. And I'm not going to accept that answer because if you can't commit that those FBI agents will be protected from political retribution, we can't accept you as FBI Director.

Mr. PATEL. All FBI employees will be protected against political retribution.

Senator BLUMENTHAL. They deserve—those individuals deserve to be protected from Trump retribution. That was your first test. You failed it, and that is a—

Mr. PATEL. By saying all FBI employees should be protected?

Senator BLUMENTHAL. That is a test of professional diligence because it is the measure of whether you will stand up and say “no” to the President if he gives you an unlawful or illegal order. Let me turn to the J6 choir. You know who the J6 prison choir is, don't you?

Mr. PATEL. It's been referenced earlier, yes.

Senator BLUMENTHAL. And you know about the song that, in fact, you produced, you promoted, and you used to, as you put it, “raise awareness and support for the political prisoners still locked in jail.”

[Poster is displayed.]

Senator BLUMENTHAL. Those J6 choir, were they political prisoners?

Mr. PATEL. I don't know everyone in the J6 choir.

Senator BLUMENTHAL. That's what you said.

Mr. PATEL. That's not how I read it, Senator.

Senator BLUMENTHAL. This is your tweet. That's your whole statement.

Mr. PATEL. Well, I'm reading it now.

Senator BLUMENTHAL. You won't stand behind your own statements made in tweets, countless of them. As a matter of fact, as you put it to Steve Bannon on his show, “Then we went into a studio and recorded it, mastered it, digitized it, and put it as a song, now releasing it exclusively in the ‘War Room.’” That was the J6 prison choir song.

Mr. PATEL. And all proceeds were given away to charity to help families in need.

Senator BLUMENTHAL. And you called them political prisoners. Julian Khater, do you know what he did?

Mr. PATEL. I don't know who that is, Senator.

Senator BLUMENTHAL. Well, he's one of the J6 prison choir—

Mr. PATEL. You seem to know more about it than I do.

Senator BLUMENTHAL [continuing]. Identified in a court filing—and you're saying now you don't know who he is? You glorified him and the rest of that choir. He's the one who sprayed U.S. Capitol Police Officer Brian Sicknick with pepper spray. Officer Sicknick died the next day. Khater admitted his violence. He pleaded guilty to assaulting a police officer. Do you believe that Julian Khater was a political prisoner?

Mr. PATEL. Senator, I'm not familiar with his case. You seem to know a lot more about it than I do. And as I said repeatedly, I will always utilize my resources to help Americans in need, which is

what I was trying to do here, and I have never once advocated for political violence or violence against law enforcement.

Senator BLUMENTHAL. Ryan Nichols. Ryan Nichols also pleaded guilty to assaulting a police officer. He was one of the J6 choir. He pushed the crowd against officers defending a door to the Capitol and sprayed officers with pepper spray. Is Ryan Nichols a political prisoner?

Mr. PATEL. Same answer, Senator.

Senator BLUMENTHAL. How about Jorden Mink, another member of the J6 choir?

Mr. PATEL. I don't know who he is.

Senator BLUMENTHAL. James McGrew, a political prisoner?

Mr. PATEL. I don't know who that is.

Senator BLUMENTHAL. James McGrew pushed and struck officers and launched a handrail toward them—and you glorified him. You promoted and produced a song to raise money for them. And you now want us to believe you don't know who they are?

Mr. PATEL. No part of that song or anything I've done in my 16 years of Government service glorifies or advocates for violence against law enforcement. And the fact that you would be willing to say that in front of these people in the American audience shows how much of a divide we actually have to restore a law enforcement that is constitutionally based, de-weaponized and depoliticized. You have my commitment to do that. In your office, we had a lot of common ground. I'm committed to working with you on things like Section 230 and making sure the citizens of Connecticut aren't pillaged by Chinese fentanyl.

Senator BLUMENTHAL. I welcome your statement, Mr. Patel, but it doesn't answer my question, and it doesn't go to your credibility in denying, you know, who these people are—after, and I have to say, in this tweet and in others, I have a raft of them. I'm going to ask the Chairman that they be made a part of the record, if there's no objection.

Senator LEE [presiding]. Without objection.

[The information appears as submissions for the record.]

Senator BLUMENTHAL. You glorified, you promoted, you supported these individuals: Ronald Sandlin—he struck an officer in the head, hand, and shoulders, and grabbed another officer. Was he a political prisoner?

Mr. PATEL. I don't know who that is, Senator.

Senator BLUMENTHAL. Well, the simple fact is that you knew about the J6 choir. You knew what they did in assaulting and endangering police officers who sought to defend the Capitol on that day, were severely injured, and some, as a consequence, died. I think the FBI deserves better. The men and women of the FBI put their lives on the line every day. I've worked with them as United States attorney for 4½ years, and then as attorney general, off and on, for 20 years. I've admired them for the 14 years that I've been in this body. I think they deserve better. Thank you.

Senator LEE. As we turn to Senator Cruz, I'll notice that the statement that he has up does say “without trial,” and I think that plays some role in the context of that statement. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Mr. Patel, welcome. Let me first of all say thank you. Thank you for saying yes when

President Trump asked you to serve in this role. I think there are very few roles in all of Government that are more important than Director of the FBI, and there are very few roles in all of Government that are more in need of a fundamental change. You and I have both spent much of our adult lives working in and around law enforcement, and the loss of respect from the American people of the FBI and of the Department of Justice is one of the most tragic developments of the last 4 years. Both the Department of Justice and the FBI have a long history of being apolitical—outside of politics, of being faithful to and focused on upholding the rule of law and keeping the American people safe. And in many ways, the worst legacy, in my opinion, of the Biden administration was the complete politicization and weaponization of both the Department of Justice and the FBI, turning them into tools to attack the perceived enemies of the Biden White House.

Now, you have been charged with going in and restoring integrity of the FBI. That is not going to be an easy task. But before you can carry out that task, and I am confident you will be confirmed and you will be in the position to carry out that task, you've got to make it through the gauntlet of the Senate Judiciary Committee and my colleagues on the Democrat side of the aisle, who I don't know how many spots on Senator Tillis' bingo card have been filled, but it looks like he's playing blackout, and they're all filled right now. But you will be and have been accused of just about everything they can.

But I want to focus on what several Democrats have done recently, which is trying to blame you for the violence that occurred on January 6, which even in the annals of ridiculous attacks, this one really takes the cake. So let's just focus on some facts. Let me ask you a question. What role did you occupy in the days immediately before January 6?

Mr. PATEL. Chief of staff of the Department of Defense.

Senator CRUZ. You were the chief of staff at the Department of Defense.

Mr. PATEL. Yes, sir.

Senator CRUZ. So to be clear, you were not rioting at the Capitol?

Mr. PATEL. No, sir.

Senator CRUZ. Okay. Where were you physically on January 6?

Mr. PATEL. In the office of the Secretary of Defense in the Pentagon.

Senator CRUZ. And what were you doing on that day?

Mr. PATEL. On that day, specifically, responding to—preparing to mobilize and deploy the National Guard once we got the lawful request from the local governing authority, which was the Mayor of DC and the Speaker of the House.

Senator CRUZ. Now, how many days in advance were you working to prepare the Department of Defense to help secure the Capitol on January 6?

Mr. PATEL. Days in advance, Senator, we were in the Oval Office on an unrelated national security matter with the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and myself. And the President authorized up to 20,000-plus National Guard's men and women to secure any security measures necessary related to the Capitol. So we were moving

to the fullest extent of the law before the requisite request came from a local governing authority days ahead of time.

Senator CRUZ. And while you were chief of staff at DOD, how many times did DOD approach Capitol Police and ask if they needed National Guard assistance?

Mr. PATEL. I believe those letters are well documented—numerous instances, and numerous of those instances, those requests were shut down.

Senator CRUZ. Now, am I correct that the Capitol Sergeant at Arms said assistance was unnecessary?

Mr. PATEL. That's correct, Senator.

Senator CRUZ. Who did the Sergeant at Arms report to?

Mr. PATEL. The Speaker of the House.

Senator CRUZ. That would've been Nancy Pelosi at the time. Is that correct?

Mr. PATEL. Yes, Senator.

Senator CRUZ. And would that also be Chuck Schumer, then the Senate Majority Leader?

Mr. PATEL. The Sergeant at Arms, yes, Senator, reports up there.

Senator CRUZ. Did Mayor Bowser, the Democrat-elected Mayor in DC, either request or allow National Guard assistance?

Mr. PATEL. She put in writing, on the days leading up to January 6, a declination for National Guard additional support, and that letter is available publicly to the world.

Senator CRUZ. So, and just to speak English for folks at home, a declination meant she said, no, don't send National Guard. Is that right?

Mr. PATEL. Yes, sir.

Senator CRUZ. Let me ask you a simple question because from the questioning from my Democrat colleagues, they might think otherwise. Do you condemn violence against law enforcement?

Mr. PATEL. All of it.

Senator CRUZ. And by the way, is that true whether the violence is right wing or left wing or anywhere else?

Mr. PATEL. There is no discriminating between types of violence against law enforcement.

Senator CRUZ. And do you believe those who assault and commit violence against law enforcement should be prosecuted and should be sent to jail?

Mr. PATEL. Especially those that kill them.

Senator CRUZ. Let me ask you, how many years have you worked in public service?

Mr. PATEL. About 16, Senator.

Senator CRUZ. And how many years have you worked, in particular, in law enforcement and prosecution and national security?

Mr. PATEL. Over a decade, Senator.

Senator CRUZ. You know, I have to say it is ludicrous, but sadly predictable, that Democrats are endeavoring to tarnish you, to paint a false caricature based on innuendo and smoke. And so you're working to protect the Capitol on January 6, and yet they're trying to blame you for the violence that occurred. Let me ask you to this just as a straightforward matter. What is the job of the FBI, and what will the FBI's role be if and when you are confirmed as its Director?

Mr. PATEL. The simple motto on the website of the FBI's home-page is to protect American citizens and uphold the Constitution. If I am confirmed as the next Director of the FBI, that's what we're going to do and redirect resources to making sure that occurs every single day.

Senator CRUZ. Thank you for your willingness to do so, and this Committee will hold you to account on restoring integrity at the FBI, and I thank you also for your commitment to transparency. I think that is incredibly important to bringing back integrity, and I'm grateful for it.

Mr. PATEL. Thank you, sir.

Senator LEE. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. Mr. Patel, as part of my responsibility as a Member of this Committee, I ask the following two initial questions of all nominees before any of my Committees. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. PATEL. No, Senator, I have not.

Senator HIRONO. Have you ever faced discipline or entered into a settlement relating to this kind of conduct?

Mr. PATEL. No, Senator, I have not.

Senator HIRONO. Mr. Patel, you have been a champion of the January 6 prison choir.

[Poster is displayed.]

Senator HIRONO. You have stated that the choir's members were, quote, "incarcerated as a result of their involvement in the January 6, 2021, protest for election integrity," end quote. One of the choir members is Julian Khater, who pled guilty—he pled guilty—to assaulting officers with a deadly weapon. On January 6, he attacked Capitol Police Officer Brian Sicknick with pepper spray, and the next day, Officer Sicknick suffered from two strokes and died. Mr. Patel, was Mr. Khater protesting for election integrity? Yes or no?

Mr. PATEL. I don't know who that is.

Senator HIRONO. I'm not asking you who that is. I'm asking you whether, having heard the description of what he pled to, whether he was protesting for election integrity. Yes or no?

Mr. PATEL. I don't know who that is, and that statement—

Senator HIRONO. That is not responsive to my question. You're not willing to say that, but you were willing to describe this choir as consisting of people who are protesting for election integrity, and yet you testify you don't know them.

[Poster is displayed.]

Senator HIRONO. We have heard already, your book includes a list of 60 people who you think make up part of the executive branch deep state. Mr. Patel, if confirmed, do you plan to investigate President Trump's former FBI Director, Christopher Wray? Yes or no?

Mr. PATEL. I have no plans in going backward. I have no plans in safeguarding—

Senator HIRONO. How about James Comey? Do you plan to investigate him?

Mr. PATEL. Senator, every investigation will be subject to the same legal standard.

Senator HIRONO. You plan to investigate James Comey, who's on your list?

Mr. PATEL. I have no intentions of going backward——

Senator HIRONO. How about Bill Barr?

Mr. PATEL [continuing]. And every intention of using the Constitution.

Senator HIRONO. How about Bill Barr? Do you plan to investigate him, who's on your executive branch deep state, and you say you're going to ferret out the deep state? Yes or no?

Mr. PATEL. No one that did not break the law will be investigated.

Senator HIRONO. That's "no" answers to any of those. Okay. Over 1 million Americans died——

[Poster is displayed.]

Senator HIRONO. As a result of COVID-19. The COVID-19 vaccine saved lives, yet less than a year ago, you promoted unregulated, unproven, unscientific supplements to reverse the effects of the vaccine on Truth Social. You told your followers that these supplements would detox them of the COVID-19 vaccine. Mr. Patel, did you make money by promoting these supplements?

Mr. PATEL. Senator, do you know of any individuals who died as a result of complications——

Senator HIRONO. Yes, again——

Mr. PATEL [continuing]. From the vaccine——

Senator HIRONO [continuing]. Are you——

Mr. PATEL [continuing]. Because I do.

Senator HIRONO [continuing]. Are you unable to answer my question, which is a straightforward, did you make money by promoting these supplements?

Mr. PATEL. All of my financial disclosures have been made to this Committee.

Senator HIRONO. I would like to hear your answer, yes or no? Did you make money?

Mr. PATEL. I don't have——

Senator HIRONO. This is my third and last time——

Mr. PATEL [continuing]. Those financial disclosures——

Senator HIRONO [continuing]. I'm going to ask you that question.

Mr. PATEL [continuing]. In front of me. You have that information.

Senator HIRONO. So you refuse to answer the question——

Mr. PATEL. I answered——

Senator HIRONO [continuing]. You are——

Mr. PATEL [continuing]. 1,300 pages.

Senator HIRONO [continuing]. You are—you—no answer, and yet you spread dangerous misinformation. Mr. Patel, the FBI is the primary agency responsible for investigating election-related crimes, including fraud and the denial of voting rights. So being able to separate fact from conspiracy theories around elections is an important thing for the FBI Director. I have a question to see if you can do that. Mr. Patel, did Donald Trump lose the 2020 Presidential election? Yes or no?

Mr. PATEL. President Biden's election was certified, he was sworn in, and he served as the President of the United States.

Senator HIRONO. Once again, the people who are 100 percent loyal to President Trump cannot answer that question. It is alarming that you want to be an FBI Director who can't answer a simple question—factual question. During a 2023 interview——

[Poster is displayed.]

Senator HIRONO [continuing]. With Steve Bannon, you said, quote, “We will go out and find the conspirators, not just in government, but in the media. Yes, we’re going to come after the people in the media who lied about the American citizens, who helped Joe Biden rig Presidential elections.” There’s your quote. Do you still plan to come after the free press?

Mr. PATEL. Not unless private citizens have been defamed. That’s their right.

Senator HIRONO. You said that you would be going after the media that’s—so I want to know whether you plan to do that, go after the free media?

Mr. PATEL. I can’t go after the media for other people. That’s a decision they have to make.

Senator HIRONO. So I would say that that was a statement that you made that is pretty chilling to the free media. So I didn’t hear a “no” that you would not go after them. You currently serve on the board of directors for the Trump Media Technology Group, which owns the social media platform, Truth Social. If confirmed as FBI Director, will you resign from this position and end all ties with the Trump Media and Technology Group?

Mr. PATEL. Yes, Senator, as I’ve stated to you in writing.

Senator HIRONO. Over the last 2 years, the FBI has dedicated resources to Operation Not Forgotten, which works to address violent crime in Indian Country.

Mr. PATEL. Mm-hmm.

Senator HIRONO. If confirmed as FBI Director, would you continue the important work of Operation Not Forgotten?

Mr. PATEL. I’ve made that commitment to many of your colleagues who have Tribal issues and Tribal crimes plaguing their communities, and I’ll make that commitment to you, as well, Senator.

Senator HIRONO. My time is almost up, but I would like to note that on the many questions asked about the choir—the J6 choir, it included at least five men who pled guilty to assaulting police officers, and these are the people whose record this nominee promotes. Thank you.

Senator LEE. Okay. We’ll go to Senator Kennedy next, and then, as directed by the Chairman, we will take a 30-minute recess at the conclusion of Senator Kennedy’s questioning.

Senator KENNEDY. Thank you, Mr. Chairman. I just want to say, for the record, that Chairman Grassley is the greatest Chairman God ever put breath in——

[Laughter.]

Senator KENNEDY [continuing]. And would somebody please tell Grassley I said that?

[Laughter.]

Senator KENNEDY [continuing]. You’ve made a lot of people mad. Haven’t you, Mr. Patel?

Mr. PATEL. Seems so, Senator.

Senator KENNEDY. Think maybe you've made the right people mad?

[Laughter.]

Mr. PATEL. As my FBI agents, the brick agents, told me when I was running cases with them across this country and around the world, if you're not ticking off some people, you're not doing your job right.

Senator KENNEDY. My colleague and friend, Senator Durbin, called you a conspiracy theorist. Do you remember that?

Mr. PATEL. I do, Senator.

Senator KENNEDY. You were instrumental in revealing that the Trump Russia election collusion hoax was a hoax. Weren't you?

Mr. PATEL. Yes, sir. I was the lead investigator.

Senator KENNEDY. Sounds to me like we need to get some new conspiracy theories because all the old ones turned out to be true.

[Laughter.]

Mr. PATEL. Facts matter, Senator.

Senator KENNEDY. Yes. I mean, conspiracy theorists are up something like 37-to-nothing.

[Laughter.]

Senator KENNEDY. You're not saying that everybody at the FBI is bad. Are you?

Mr. PATEL. Never said that. I've overwhelmingly said multiple times that 98 percent of the FBI is courageous, apolitical warriors of justice. They just need better leadership, especially those who participated in these conspiracies that actually turned out——

Senator KENNEDY. Who put away the Unabomber?

Mr. PATEL. The FBI.

Senator KENNEDY. Yes. Who put away Timothy McVeigh and his Stalin's stomach for blood?

Mr. PATEL. Brick agents at the FBI.

Senator KENNEDY. Who helped investigate Jussie Smollett, who, in an effort of self-aggrandizement, set back the fight for minority rights for years?

Mr. PATEL. I think that was local authorities.

Senator KENNEDY. It was the FBI, had opened an investigation. Wasn't it?

Mr. PATEL. Eventually, yes, Senator.

Senator KENNEDY. There have been or were some bad people at the FBI and the Justice Department which worked hand-in-glove. Weren't there?

Mr. PATEL. Unfortunately, yes, Senator.

Senator KENNEDY. Secretary Clinton's lawyer, a gentleman by the name of Michael Sussmann, had a pass to come and go at the FBI building as he wished. Don't you think the American people have a right to know about the details of that?

Mr. PATEL. Not just that, but what a political party was doing with the Sensitive Compartmented Information Facility with direct access to the Federal Bureau of Investigation.

Senator KENNEDY. Mr. Hunter Biden cheated on his income taxes—didn't pay \$1.4 million in income taxes over 4 years. And he filed fraudulent returns. He tried to deduct his hookers as a business expense, for God's sakes, and they hit him with two mis-

demeanors before there was a public outcry. Don't you think the American people are entitled to know the details of that?

Mr. PATEL. The American people are entitled to a singular form of justice and the details to every public corruption investigation.

Senator KENNEDY. Do you remember Peter Strzok?

Mr. PATEL. I sure do.

Senator KENNEDY. One of the lead investigators for Mr. Mueller's Russian collusion hoax?

Mr. PATEL. Yes, Senator.

Senator KENNEDY. Do you remember when the Inspector General, not his colleagues, turned him in? The Inspector General found that Mr. Peter Strzok said, quote—sent an email to his girlfriend, quote, “just went to a Southern Virginia Walmart. I could smell the Trump support,” end of quote. Remember that?

Mr. PATEL. He did that while employed at the FBI, while working on that investigation.

Senator KENNEDY. Do you remember when the IG revealed another email by Mr. Strzok to his girlfriend? Mr. Strzok said, quote, “I am riled up. Trump is a fucking idiot. He's unable to provide a coherent answer,” end of quote. Do you remember that?

Mr. PATEL. Peter Strzok said that.

Senator KENNEDY. Do you remember when his girlfriend texted Mr. Strzok, quote, “Trump's not ever going to become President. Right? Right?” and Mr. Strzok replied, “No. No, he won't. We'll stop it.”

Mr. PATEL. I do remember their insurance policy.

Senator KENNEDY. And then Mr. Strzok testified, in front of God and country, that never had his political beliefs impacted his work. Do you believe in the tooth fairy?

Mr. PATEL. When I was a kid.

Senator KENNEDY. Do you believe Jimmy Hoffa died of natural causes?

[Laughter.]

Mr. PATEL. He's also not in the end zone of Giants stadium.

Senator KENNEDY. And then Mr. Strzok got fired, and next thing we know, the FBI and the Department of Justice, after he sued, gave him \$1.2 million. Don't you think the American people are entitled to know the details of that?

Mr. PATEL. Absolutely.

Senator KENNEDY. Now, I want you to think hard before you answer my next question. Do you believe in the adage that two wrongs don't make a right, but they do make it even?

Mr. PATEL. Senator, I think if anyone commits a wrong in Government service, the American public deserve to know the absolute secular detail of that corrupt activity.

Senator KENNEDY. When reforming the FBI and the Justice Department, two wrongs don't make a right, but they do make it even is the wrong approach. Isn't it?

Mr. PATEL. That's correct.

Senator KENNEDY. And we're going to hold you accountable for that.

Mr. PATEL. I hope you do.

Senator KENNEDY. Now, there's some—there's some good people at the FBI.

Mr. PATEL. Lots.

Senator KENNEDY. And there have been, and may still be, some bad people there. And you've got to find out who the bad people are and get rid of them in accordance with due process and the rule of law. And then you've got to lift up the good people. Don't go over there and burn that place down. Go over there and make it better. Do you commit to us today that you will do that?

Mr. PATEL. I commit to you, if confirmed, Senator, every single day, 24/7/365, the FBI will be the premier law enforcement agency in the world.

Senator KENNEDY. Thank you, Mr. Chairman.

Senator HAWLEY [presiding]. We'll now recess for a 30-minute lunch break. We'll return at approximately 12:40, and we will resume with Senator Booker's questions.

[Whereupon the hearing was recessed and reconvened.]

Chairman GRASSLEY [presiding]. Thank you, Mr. Patel, for returning on time. Senator Booker.

Senator BOOKER. Thank you Mr. Chairman. I'm struggling with a bit of the flu here but thought it was really important to come.

Chairman GRASSLEY. Everybody's—everybody's got flu.

Senator BOOKER. Yes, it's been pretty rough, but I appreciate the time. And, Mr. Patel, if I can jump right in. Twelve prosecutors—12 career prosecutors were involved in an investigation and prosecuting the cases against President Trump—

Mr. PATEL. Mm-hmm.

Senator BOOKER [continuing]. And were recently fired.

Some of those that were involved in the Mar-a-Lago classified documents case. Do you know who Brett Reynolds is?

Mr. PATEL. Maybe, but it doesn't ring a bell at this point, sir.

Senator BOOKER. You're under oath. You have no recollection of who Brett Reynolds is?

Mr. PATEL. If you could provide me with a little more context, I could possibly remember.

Senator BOOKER. Are you aware of any plans or discussions to punish in any way, including termination, FBI agents or personnel associated with Trump investigations?

Mr. PATEL. Senator, just to be clear, I did not participate in any of those DOJ decisions.

Senator BOOKER. Sir, that's a yes-or-no question. Are you aware of any plans or discussions to punish, in any way, including termination, FBI agents or personnel associated with Trump investigations? Yes or no?

Mr. PATEL. I'm not aware of that, Senator.

Senator BOOKER. Thank you. There is no evidence of wrongdoing by FBI employees involved in these investigations. If you do pursue investigations of those involved, will you commit to using standard processes, including a standard review by the FBI Inspections Division and the Inspector General?

Mr. PATEL. Senator, I will honor all of those review processes.

Senator BOOKER. You will honor those review processes.

Mr. PATEL. Yes, Senator.

Senator BOOKER. If these are actions against FBI employees that do not follow those standard processes that happen before you get in, will you commit to reversing any decision prior to your arrival

so that those standard processes and the standard review by the FBI Inspections Division will take place?

Mr. PATEL. I don't know what's going on right now over there, but I'm committed to you, Senator, and your colleagues, that I will honor the internal review process of the FBI.

Senator BOOKER. Have you made any commitments to anyone about pursuing any investigations or targets if you are FBI Director?

Mr. PATEL. Only violent criminals and terrorists.

Senator BOOKER. Have you had any conversations with anyone on the transition team about pursuing any investigations or targets?

Mr. PATEL. Only following the Constitution.

Senator BOOKER. Again, are you certain?

Mr. PATEL. That I have told people on the——

Senator BOOKER. Have you made——

Mr. PATEL [continuing]. Administration——

Senator BOOKER. Are you certain? Have you made, had any conversations with anyone on the transition team about pursuing any investigations or targets?

Mr. PATEL. Senator, to the best of my recollection, I've only said I will use the Constitution.

Senator BOOKER. Have you had any—have you discussed specific investigations or targets you would pursue as FBI Director with the President of the United States?

Mr. PATEL. Senator, to the best of my recollection, no.

Senator BOOKER. Are you certain?

Mr. PATEL. To the best of my recollection, no.

Senator BOOKER. According to public reports, you were subpoenaed by the Federal prosecutors to testify as a witness before the grand jury investigation investigating the Mar-a-Lago classified documents case. And you testified before the grand jury. Correct?

Mr. PATEL. Yes, sir.

Senator BOOKER. And when you were before the grand jury, you pled the Fifth on the basis of self-incrimination. Correct?

Mr. PATEL. I utilized my constitutional rights during that process with the advice and consent of counsel and appeared before that grand jury.

Senator BOOKER. I will take that as a yes. And you are familiar, I imagine, with Section 6002 of Title 18?

Mr. PATEL. Off the top of my head, Senator, no.

Senator BOOKER. Well, Section 6002 is the immunity statute.

Mr. PATEL. Mm-hmm.

Senator BOOKER. Whenever a witness refuses to testify or provide other information before a grand jury based upon the privilege against self-incrimination, the court can order the witness to testify. The witness must comply with the order, but they receive immunity, which means that no testimony or any other information provided before the grand jury can be used against them in any criminal proceeding. You were compelled to testify as a witness in the Mar-a-Lago classified document case. Did you participate in any criminal conduct involved in that case?

Mr. PATEL. Involved in which? The Mar-a-Lago classified documents case?

Senator BOOKER. Yes.

Mr. PATEL. No, I testified through a compulsion by court order.

Senator BOOKER. You received immunity for providing information that was self-incriminating. Do you remember the name of the prosecutor who questioned you?

Mr. PATEL. There were multiple, Senator. I do not.

Senator BOOKER. Was it one of the people—were any of them people that were fired this past week?

Mr. PATEL. I have no idea, Senator.

Senator BOOKER. Are you certain? You're under oath.

Mr. PATEL. I'm aware that I'm under oath, Senator, and I have no idea, and I did not participate in the removal of any DOJ prosecutors.

Senator BOOKER. What was the information you provided that you received immunity for?

Mr. PATEL. Senator, I would love my grand jury testimony to be released, but as you know, that grand jury testimony has been sealed by the Department of Justice, and I'm not allowed to discuss it here.

Senator BOOKER. Well, I find it troubling that you do not know the law here, and let me tell you what the law is—

Mr. PATEL. Mm-hmm.

Senator BOOKER [continuing]. Rule 6 governs grand jury proceedings. Under Rule 6(e), "Grand jurors, court reporters, and prosecutors are bound to secrecy, but witnesses are not bound by secrecy." You were a witness in the classified documents case. You are not bound by secrecy. You can tell us everything that happened in that room and everything you testified about. I'll ask you again, what information did you provide to the grand jury?

Mr. PATEL. In this we are in agreement, Senator. Get my grand jury testimony. I want it made public. I asked the Department of Justice—

Senator BOOKER. But why—

Mr. PATEL [continuing]. To make it public—

Senator BOOKER [continuing]. There is no legal—

Mr. PATEL [continuing]. And they refused to do so.

Senator BOOKER [continuing]. There is no legal bound against you telling us right now what you—what you testified to.

Mr. PATEL. When I asked for my transcript to be released—

Senator BOOKER. Sir, did you—

Mr. PATEL [continuing]. The Department of Justice—

Senator BOOKER [continuing]. Or did you not commit a crime?

Mr. PATEL. Senator, I did not commit a crime.

Senator BOOKER. Then why won't you tell us what you testified to?

Mr. PATEL. Because it occurred over the course of 3 weeks. I don't have the ability to recall everything I testified to—

Senator BOOKER. Did you testify to—

Mr. PATEL [continuing]. But I'm asking you to put my transcript out.

Senator BOOKER [continuing]. Witnessing the President of the United States declassifying documents?

Mr. PATEL. Senator, what I testified to is best captured by that transcript in real time.

Senator BOOKER. So you're not willing to tell Congress, after making many pledges today about transparency, whether or not you testified to witnessing the President of the United States declassify documents? In the name of all the values you have said today, did you or did you not testify to witnessing the President of the United States declassify documents?

Mr. PATEL. I testified accordingly and under oath, and I encourage you to get that transcript.

Senator BOOKER. And by the law of our land, you are free to tell people. What are you hiding from Congress? Answer the question. Did you testify to witnessing the President of the United States declassifying documents? Yes or no?

Mr. PATEL. Senator, the grand jury testimony is available to you. I encourage you to make it public.

Senator BOOKER. As you likely know, the second volume of Jack Smith's report about the declassified documents case is not public yet. To fulfill our constitutional duty of advice and consent to the President on nominations, Members of this Committee have asked the DOJ to review the report. Do you agree that Congress should thoroughly review its nominees? Yes or no?

Mr. PATEL. Yes.

Senator BOOKER. Okay.

[Gavel is tapped.]

Senator BOOKER. Now, last question and I'll be done. When you and I met, you told me that you wanted to remove 11,000 FBI personnel or move many of them, and you said that again today. You have looked at an org chart to understand what offices and functions that you'll be pulling from. I don't think you've done a serious analysis. But I do think you have an assignment from Donald Trump to gut the FBI. You said yourself, I'll shut down the FBI Hoover building. There are people specifically that you are targeting, I believe, and do you agree that you have already prepared plans to remove certain individuals from their offices? For example, individuals that will be replaced by political personnel, the political personnel that are being put in in an institution that you and I discussed that has no political appointees, but one. The political personnel involve these names: Erica Knight, Tom Ferguson—

Chairman GRASSLEY. You've stated your question. Would you answer? Or don't you want to? Okay?

Mr. PATEL. We can move on.

Chairman GRASSLEY. Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman, and, Mr. Patel, there is absolutely no doubt that you have the experience and the expertise to lead the FBI, and we welcome you here today. We are pleased that you are here. I've been listening to my colleagues across the dais and listening to their questions, and it has led me to one thing. Why are the Democrats so afraid of you?

Mr. PATEL. I don't know, Senator. You'd have to ask them.

Senator BLACKBURN. Well, I'll tell you what I think, and listening to their questions and your responses, which we appreciate, they know that you're going to go in, and you are going to clean up that political cabal that has been over there for years. You are going to reposition the FBI to its core mission. You stated that earlier in this hearing, and there will be no more political persecutions

and no more two tiers of justice. And they have liked having two tiers of justice, they have enjoyed it, and it has helped them, they think, in their political mission. They've enjoyed targeting Catholics, they've enjoyed targeting parents. But the American people have said they want no more of that. And our colleagues know you are going to clean it up.

I want to talk to you about the *Epstein* case. I have worked on this for years, trying to get those records of who flew on Epstein's plane and who helped him build this international human trafficking/sex trafficking ring. Now, earlier, I urged then-Chairman Durbin to subpoena those records, and I ended up being blocked by Senator Durbin and Christopher Wray. They stonewalled on this, and I know that breaking up these trafficking rings is important to President Trump. So will you work with me on this issue so we know who worked with Jeffrey Epstein in building these sex trafficking rings?

Mr. PATEL. Absolutely, Senator. Child sex trafficking has no place in the United States of America, and I will do everything, if confirmed as FBI Director, to make sure the American public knows the full weight of what happened in the past and how we are going to countermand missing children and exploited children going forward.

Senator BLACKBURN. Thank you for that. I do want to touch on the political persecution. I find it so interesting that they feel like you would carry out political persecution. Your parents are with us today. They fled Uganda and persecution from Idi Amin, and I think that with your background and given your family's history, that you would never move to political persecution. Is that accurate?

Mr. PATEL. Yes, Senator, that is.

Senator BLACKBURN. And we appreciate that you would remove any kind of two tiers of justice from the FBI because they have practiced that every day for years—not all FBI agents. There are some good ones, and we certainly want to keep them, but the politics has got to be moved out of the agency. Now, they've tried to frame you as being anti-police. We've discussed that some today, and I know that you grew up working with NYPD officers in your community, and I know that law enforcement groups, including the National Association of Police Organizations, have endorsed your nomination, and on top of that, your brother is a law enforcement officer. Is that accurate?

Mr. PATEL. Many of my family are. Yes, Senator.

Senator BLACKBURN. How many of your family, sir?

Mr. PATEL. Well, I guess the Indians have a different definition of "family." We got a really big one, and they're all family, so—

Senator BLACKBURN. We all love big families.

Mr. PATEL. So we got a lot.

Senator BLACKBURN. And so I appreciate that, but it is accurate to say that in your role, you're going to do everything that you possibly can to protect the men and women who are protecting our communities.

Mr. PATEL. That is of the utmost importance.

Senator BLACKBURN. Thank you. I want to go to the Nunes memo. You were the principal author of the Nunes memo. Is that accurate?

Mr. PATEL. Yes, me and staff.

Senator BLACKBURN. Thank you. And that did really so much to focus the light on the Russiagate hoax and the political cabal that was, for years, operated out of the DOJ and the FBI. And I know that there are some that felt like that memo was not accurate. We know now differently, and I'm quoting a comment that was made about that memo and by a Member of that House Intel Committee. And I quote, "It was meant only to give Republican House Members a distorted view of the FBI," end quote. I find it so interesting they use the term "distorted view." I think the American people, who, for 4 years under Biden, saw the FBI weaponized against them, against parents, against people of faith, weaponized against President Trump. I think they would disagree with that. Do you stand by the good work that you did on the Nunes memo?

Mr. PATEL. Our team, and, yes, absolutely.

Senator BLACKBURN. And the Nunes memo was accurate in its description of the details. Correct?

Mr. PATEL. As confirmed by the Inspector General, the Special Counsel, because the Nunes memo only contains sworn information received pursuant to transcribed interviews and production of Government materials, including FBI 302s and DOJ memorandum.

Senator BLACKBURN. So the Nunes memo is accurate?

Mr. PATEL. Yes, ma'am.

Senator BLACKBURN. Thank you for that. In your new role as Director, how will you work to root out two tiers of justice at the FBI?

Mr. PATEL. The same way I have always done so, ma'am, with the utmost fidelity to the Constitution and integrity to law enforcement. Government must allow those who are privileged to serve to execute their law enforcement duties fully, but at the same time, the American people deserve accountability inwards to Government to any of those who violate that sacred trust.

Senator BLACKBURN. And as you prepare to take this new role, what are the top areas of concern for you as we look at our national security?

Mr. PATEL. The top areas when it comes to national security, ma'am, have remained unchanged, and the threat dynamic has increased. It's thwarting terrorist activities and terrorist attacks here and overseas against our citizens and our allies, and it also includes CCP espionage, which is running rampant these last 5 years through our country, including our cyberinfrastructure and our agricultural properties. And it also includes taking on Iran, the number one state sponsor of terror, and any other adversary that wishes to harm America.

Senator BLACKBURN. Thank you. I look forward to a "yes" vote on your confirmation.

Mr. PATEL. Thank you.

Senator BLACKBURN. Thank you, Mr. Chairman.

Senator DURBIN. Mr. Chairman?

Chairman GRASSLEY. Senator Padilla.

Senator DURBIN. Mr. Chairman?

Chairman GRASSLEY. Oh, yes.

Senator DURBIN. Since the Senator from Tennessee raised my name, I'd like to respond.

Chairman GRASSLEY. Please go ahead.

Senator DURBIN. Mr. Chairman, while I was Chair of the Committee, protecting children from sexual exploitation was one of our highest priorities. We chaired hearings on kids' online safety, and we decided on a bipartisan basis to call the Big Tech CEOs in for an important—maybe historic meeting of this Committee. Last year the Committee reported six bipartisan bills to help protect child safety online, including one of my own, Stop CSAM, and Senator Blackburn's Report Act. In the previous Congress, Senator Blackburn and I led legislation that was signed into law that eliminated statutes of limitation for Federal civil suits by survivors of childhood sex abuse. I've worked to ensure the DOJ's unethical non-prosecution agreement with Jeffrey Epstein is investigated. As I've argued in this Committee, my Inspector General Access Act would allow the Inspector General to investigate that.

Yet, in 2023, I was falsely accused of preventing releasing the names of Jeffrey Epstein's network by Mr. Patel when my Republican colleagues prevented Senator Blackburn from offering an amendment to the flight logs. Prior to the Committee's November 9, 2023, Supreme Court ethics subpoenas markup, Senator Blackburn had never raised Epstein's flight logs with me publicly or privately. During the November 30, 2023, Supreme Court ethics subpoena authorization markup, I tried to recognize her multiple times, but there was an effort to close down the Committee before any further business went forward on the Republican side. Many Epstein records, including flight logs, have been public for years. My office subsequently reached out to hers to try to identify what records she was actually seeking. We did not receive a response.

Senator BLACKBURN. Mr. Chairman, if I may respond to Chairman Durbin. I had raised the issue with Chairman Durbin. I had raised it on the floor that we wanted to get these records, and then during that hearing that you're recognizing, sir, or that you're mentioning, I sought recognition. It was not my Republican colleagues that ended that hearing. Mr. Chairman, you had the gavel, and you were the Chairman, and you sought not to recognize me. And I know and you know, and so many people are aware, sir, that you and Christopher Wray did not want those out. And I know we need to move on for questions, but, Mr. Chairman, we have fought this issue for quite some time. I look forward to having an FBI that will work to help get these records and end this human and sex trafficking in this country.

Senator DURBIN. Fifteen seconds?

Chairman GRASSLEY. Yes. Yes, go ahead.

Senator DURBIN. The Senator from Tennessee knows what the 2-hour rule is. The 2-hour rule takes the gavel out of the Chairman's hands, and that was what was being executed when you were seeking recognition and being executed by your side of the aisle.

Chairman GRASSLEY. Okay. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. Colleagues, as we know, it's not just the nominee for FBI Director that's before us today, but there's been a lot of chaos and confusion this week in regards to Executive orders that have been issued as it pertains to the Fed-

eral budget, Federal spending, hiring freezes, et cetera. But relevant to this confirmation hearing, colleagues, the FBI has paused its new academy classes while they assess how the firing freeze impacts them. President Trump's Executive orders has a national security exception, but it is unclear how it will apply to agencies like the FBI. The FBI has a large civilian employee population, so it's not certain if they will qualify for exceptions. The White House memo stated that nearly a thousand probationary FBI employees would stay—they would stay on only if, quote, "justified," without clarity on a timetable or process for justification.

Mr. Patel, how does this help or does this hurt the FBI improving public safety in America?

Mr. PATEL. Senator, I know about as much as this late-breaking news as you do by reading it in the media, and I will say the following in terms of FBI employees, if I am confirmed. FBI employees represent the frontline of defense for national security and crime, and, if I'm confirmed, I will ensure that all FBI graduates of the academy will be protected and funded so that we can continue the fight together.

Senator PADILLA. But would you agree that even just causing a pause or confusion in being able to grow the ranks is not helpful to public safety in America?

Mr. PATEL. Yes—

Senator PADILLA. Thank you.

Mr. PATEL [continuing]. Not having a law enforcement there—

Senator PADILLA [continuing]. Thank you, 7 minutes goes by fast, so I want to get to as many topics as I can.

As you know, the FBI plays a critical role in national security and public safety—

Mr. PATEL. Mm-hmm.

Senator PADILLA [continuing]. Yet the reports are that the hiring freeze is damaging. And I want to submit for the record, Mr. Chairman, a New York Times article outlining the questions and concerns I just stated.

Chairman GRASSLEY. Without objection.

[The information appears as a submission for the record.]

Senator PADILLA. Now on to the next topic. FBI agents rely on their leadership to ensure their safety and success of operations. As senior director for counterterrorism at the National Security Council, you were involved in a SEAL Team rescue mission to recover a 27-year-old American hostage in Nigeria. According to former Secretary of Defense's Mark Esper, you falsely informed senior leadership that the United States had secured permission to fly over other nations' airspace en route to Nigeria. This misinformation forced the aircraft to circle the border for an additional hour, potentially jeopardizing the mission's success and putting service members at undue risk. Can you explain your decision to falsely claim airspace permissions had been secured for the mission?

Mr. PATEL. I greatly appreciate this. This is one that hits home squarely because my guys, my friends were on that operation. They were in that helo. They were in that V-22. And there's never a time in my career that I would jeopardize the safety of the men and women in uniform. And if you ask the National Security Advisor of the President of the United States, who was with me on that

day, who has gone on the record publicly, as has General Tony Tata, who's the Undersecretary of Defense, they have both stated with affirmation that I acted appropriately, relayed all information accurately, and never jeopardized the safety of the hostages. And our men were on the ground for 59 seconds and executed six sentries, and rescued an American hostage named Phil Walton, and he's home today with his family because of it.

Senator PADILLA. So your friend's word versus the former Secretary of Defense. That's what we're going to be asked to consider. Next topic. In September of 2024, just a couple of months ago, you stated that, "Chris Wray was caught illegally using 702 collection against Americans 274,000 times"—that's a quote. And you criticized Congress for failing to implement necessary reforms when reauthorizing Section 702. Now, earlier in this hearing, I heard you respond to Senator Cornyn's questions and saying that the improvements to FISA 702 accountability go a long way. That's what you said today—earlier on the record and under oath. But on that September podcast that I'm referring to, you said that, by passing the reauthorization bill, Republicans, quote, "bent the knee." So which is it? They bent the knee and didn't reform 702 as you would suggest? Or that they've gone a long way?

Mr. PATEL. Senator, as I've talked about extensively with my experience with 702, it is a necessary tool to protect this country. The FISA Court themselves issued the report you're referring to about the illegal searches. They found 270,000-some violations. So I think we need it, and I think we need to work with Congress to reform it.

Senator PADILLA. Let me rephrase my question more bluntly. Which is your opinion on the most recent reauthorization of 702: That Republicans bent the knee for not insisting or adopting significant reforms or that reforms have gone a long way? Because they seem like contradictory statements.

Mr. PATEL. 702 is a critical tool, and I'm proud of the reforms that have been implemented, and I'm proud to work with Congress moving forward to implement more reforms.

Senator PADILLA. So they bent the knee, but now you're proud of it. Got it.

Next topic. I know you've been asked about the J6 prison choir, prior, in this hearing. My question is not going to rehash previous questions. Funds have been raised, as you explained to me in our meeting last week, to support families of insurrectionists—my words, clearly not yours—that have been in jail, including those who committed acts of violence against police officers. I want to note, in any of your work around the J6 prison choir, was any of the funds that were raised used to support the families of the police officers who were brutally attacked by the insurrectionists?

Mr. PATEL. Senator, my foundation has used funds——

Senator PADILLA. Yes or no? Yes or no?

Mr. PATEL [continuing]. To help police officers across the country.

Senator PADILLA. It's a "yes" or "no."

Mr. PATEL. I don't know if those officers' families applied for a grant. That's how we distribute at a charity——

Senator PADILLA. So, that——

Mr. PATEL [continuing]. Based on who contacts us.

Senator PADILLA [continuing]. That tells me a lot about your care and prioritization of the police officers you claim to support because—

Mr. PATEL. We've given away over a half million dollars to law enforcement—

Senator PADILLA. But you can't articulate—

Mr. PATEL [continuing]. And active duty military.

Senator PADILLA. I mean, you were able to articulate to me examples of the families of January 6 insurrectionists because the insurrectionists—

Mr. PATEL. Your words, not mine.

Senator PADILLA [continuing]. Who were in jail were supporting their families, but you can't, you know, say clearly and confidently that families of police officers who were brutally attacked got similar support. Next topic.

[Gavel is tapped.]

Chairman GRASSLEY. Your time's up.

Senator PADILLA. Okay. I'll save it for the second round. Thank you, Mr. Chair.

Chairman GRASSLEY. Before I call on Senator Schmitt, I have a letter that I want to put in, in regard to this Nigerian rescue story. It's from General Tata. What people that bring this up don't tell you is that General Tata has denied the exchange reported in the Atlantic and has forcefully defended Mr. Patel. General Tata said, "I never heard the words that somebody's saying they heard from me. That's not a quote from me," end of quote. General Tata wrote to the Committee and said, it was, quote, "irresponsible," end quote, to say Mr. Patel "jeopardized the mission." He said, quote, "Kash played a critical role in that and many other successes during his tenure precisely because he cares so deeply about America, its national domestic security, and her citizens." So by unanimous consent, I will put this letter in the record. Any disagreement? I hear none.

[The information appears as a submission for the record.]

Chairman GRASSLEY. Senator Schmitt.

Senator SCHMITT. Thank you, Mr. Chairman. It's good to see you, Mr. Patel. It's great to have your family here. I know they must be very proud.

I have to tell you, I saw up close and personal how politically weaponized the FBI had become in my former job as Attorney General of Missouri. We brought the *Missouri v. Biden* lawsuit, which uncovered this vast censorship enterprise where the Federal Government coerced and colluded with some of the biggest companies in the history of the world to suppress speech. And not just that, actually to pre-bunk the Hunter Biden laptop story. The FBI had the laptop in November of 2019. They met with senior executives—Yoel Roth, who was the main guy at Twitter at the time, signed an affidavit saying they were talking specifically about the laptop that could be Hunter Biden's—pre-bunking it, calling it a Russian hack and leak operation. They knew it was true. They knew it was his laptop. So the rot is deep. And the time for you is now, and I'm glad because reform is needed.

Senator Durbin referenced your book. I actually think—I think it's a good—everyone should read the book—because I want to ask

you about some quotes that are in the book because a lot's been made of it. Usually just some of the end notes, but the content of the book. Did you say in the book, "American justice must never be selective. If the law is applied unevenly, democracy crumbles." Did you say that?

Mr. PATEL. I did, Senator.

Senator SCHMITT. "When agencies like the FBI and the CIA prioritize politics over truth, the Nation suffers." Did you say that?

Mr. PATEL. I sure did, Senator.

Senator SCHMITT. "Accountability isn't optional. Those who violate the public trust must face real consequences, regardless of their rank or title." Did you say that?

Mr. PATEL. I did, Senator.

Senator SCHMITT. Okay. There's a lot more in there, and I know that Senator Tillis has got the game of bingo. I'd like to play another game: Would You Rather.

[Laughter.]

Mr. PATEL. Let's have at it, sir.

Senator SCHMITT. Would you rather the FBI prosecute and persecute parents who voice legitimate concerns at school board meetings, or should it investigate domestic terrorists who commit school shootings and threaten the lives of American children?

Mr. PATEL. Absolutely investigate, prioritize the safety of our children and any actual and real domestic terrorists, as I've prosecuted in my past in the Obama Justice Department.

Senator SCHMITT. Would you rather the FBI be weaponized by investigating Presidential candidates, political opponents, spying on and wiretapping candidates' advisors, or should the FBI get back to its core mission and get politics out of the FBI?

Mr. PATEL. There should be no politics in the FBI, and having been a victim of the weaponization of law enforcement against me, I know what that feels like. And, if I'm confirmed, I will make sure no American feels that sleight of hand ever again.

Senator SCHMITT. Would you rather the FBI target traditional Catholics as extremists, or should the FBI focus on investigating actual threats posed to the American people by cartels pumping fentanyl into our communities through the Southern Border?

Mr. PATEL. A hundred thousand deaths due to fentanyl drug overdoses in one year. I'd rather the FBI focus on that and save our children.

Senator SCHMITT. Would you rather the FBI ignore when thugs threaten to harm and plot against Supreme Court Justices, or should the FBI actually investigate that and get to the bottom of it?

Mr. PATEL. I'm so glad you brought that up, Senator. This body passed the law to protect our Justices of the peace, including the Supreme Court, and every single Justice of the peace deserves that enforcement of that law so they can do their duty.

Senator SCHMITT. Would you rather the FBI pressure social media companies into censoring conservative viewpoints, or should it focus on what the FBI should get back to, which is investigating interstate crimes that threaten the well-being of Americans?

Mr. PATEL. No censorship. Let's focus on investigating interstate crimes.

Senator SCHMITT. Would you rather the FBI raid the home of a former President and chief political rival, going through the First Lady's personal belongings, spreading out documents on the floor staged, or should it raid the homes of terrorists who seek to harm citizens?

Mr. PATEL. Let's let our men and in law enforcement kick down the doors of terrorists and narco traffickers and pedophiles, and put those people in prison where they belong.

Senator SCHMITT. So, I mean, I could go on and on. But let me tell you what I think's really going on here. What I think's going on here is that the folks on the other side can't actually believe and can't come to grips that they're in this position right now. That they're in the Minority and that President Trump is back in office. Because what they did was, after he was out of office, they tried to destroy him. They tried to financially ruin him and his family. They tried to intimidate him. They tried to throw him in jail for the rest of his life. They tried to demonize half the country. Their opening and closing argument for the last 4 years has been that President Trump and Republicans are a threat to democracy. But the American people sat in a jury box, and they watched and they weighed the evidence, and they heard all the facts and they rendered their own verdict. And their verdict was for reform.

They don't believe that the people who've been doing this in these positions have done a particularly good job before. They the deck is stacked against them, and they saw how our justice system was turned against political opponents in a Soviet-style justice system, which moniker was, "Show me the man, and I'll show you the crime." You—and by the way, I don't think they can believe you're sitting where you're sitting at right now. But guess what? You are, and you're going to get confirmed, and you're going to lead this agency back to what it always should have been, which is to protect the American people, to fight crime, to put the bad guys in jail, not to execute a political agenda like some Banana Republic form of justice where you point to the person on the other side that you want taken out and you go do that person's bidding.

This country was founded on the idea that people could say what they wanted, they could believe what they want, and that the Government wouldn't come after them. The Government's job is not to tell you what you should think, or what you can say, or what you can do or what you believe. And this Justice Department under Christopher Wray, and under Joe Biden, and Merrick Garland has done just that. And that's why the trust has plummeted. So you've got a big job. You've got a big, big job. But I have all the faith in the world in you that you're going to restore that trust because you believe in the rule of law, you have an incredible personal story, you're going to get confirmed, and I wish you all the best and you have my vote.

Mr. PATEL. Thank you, Senator, appreciate that.

Chairman GRASSLEY. Senator Welch.

Senator WELCH. Thank you very much. Just responding—you guys won. There was—if you want to call it a jury box, the American people elected you, and you're the Majority party in the House and in the Senate. You've got that President Trump was duly elected. But let me tell you the source of my ongoing concern, which I

regret it sometimes does not seem to be a common concern. We had a catastrophe for our democracy on January 6. And you're asserting that you won and you did, and I acknowledge it. It troubles me that so many people have difficulty saying that Biden won the election. And I listened to your response, Mr. Patel, and many of the people who congratulated you and your parents on your extraordinary story. I share that, so I want you to know that. But what's so hard about just saying that Biden won the 2020 election? What's hard about that?

Mr. PATEL. Senator, as I've said before, that President Biden was certified and sworn in, and he was the President. I don't know how else to say it.

Senator WELCH. Well, the other way of saying it is he won.

Mr. PATEL. He was the President.

Senator WELCH. The other way to say it is he won. I can say Trump won. I didn't vote for him, but he won. You know, Al Gore said Bush won when they were having that recount in Florida. And we have had a peaceful transfer of power here in very contested elections. And I'll just be very direct with you about why I think this is of consequence. When Trump—Donald Trump has never acknowledged that he lost in 2020, and he invited people to come to the Capitol on January 6 to Stop the Steal. And after that happened, police officers died. People were injured. It created enormous ongoing bitterness within the country and that's your boss. Do you believe that the 2020 election was stolen as President Trump says it is?

Mr. PATEL. Sir, my opinions on the 2020 election have been expressed in this hearing, and he's entitled to whatever opinions he wants.

Senator WELCH. If I'm—do you agree with him that the election was stolen in 2020?

Mr. PATEL. Senator, millions of Americans have expressed concern going back to multiple elections over election integrity.

Senator WELCH. You know, you're so skillful. You understand what I'm asking you. Can you say the words, "Joe Biden won the 2020 election?"

Mr. PATEL. Joe Biden was the President of the United States.

Senator WELCH. Under this: There's a difference. I can say the words, "Donald Trump won." I don't like to say it, but I must say it. And you cannot say that Joe Biden won the election.

Mr. PATEL. What I can say is the same for both of them, Senator. Both of their elections were certified, and they are both—one was and one now is President.

Senator WELCH. Okay. The reason I have some concerns about that, my colleagues on the Republican side, is that whoever is the FBI Director—and I suspect it will be Mr. Patel—has a boss, and he has strong points of view. He said that Vice President Harris was a criminal and should be prosecuted. Is that a prosecution you would initiate?

Mr. PATEL. There is no prosecution that the FBI will ever initiate because the FBI will only do investigations. And those will only be open where there's a factual and constitutional basis to do so.

Senator WELCH. He's, he's—your boss has said that General Milley who served us with great distinction, I happen to have great admiration for, should be tried for treason. Do you agree with that?

Mr. PATEL. Senator, everybody's entitled to their opinion. The only thing that matters at the FBI is whether the law is followed.

Senator WELCH. Okay. I know everybody's entitled to their opinion. I'm asking you your opinion. Should General Milley be tried for treason?

Mr. PATEL. Vice President Harris, Kamala Harris, or General Milley, or anyone otherwise will not be subjected to an FBI investigation that doesn't meet the rigorous standards of the Constitution.

Senator WELCH. All right. You've talked about your devotion to the men and women in the FBI. I accept that. But as you know, President Trump used the power of the pardon to let people who are cop beaters out of jail. Right? He also let a drug dealer out of jail. You're familiar with, or maybe not you're not, Ross Ulbricht started the Silk Road on the dark web, made millions of dollars selling drugs, providing a vehicle by which people could get things that were going to kill them, and people died. He also sought a couple of people to murder on his behalf because he thought his empire was threatened. What is your opinion about Trump pardoning this drug dealer-attempted murderer?

Mr. PATEL. My opinion on Presidential pardons is that, one, I was not consulted—

Senator WELCH. No, no—

Mr. PATEL [continuing]. And two, it's not the province of the FBI.

Senator WELCH [continuing]. I'm asking you your opinion about Mr. Ulbricht. Should the person who created that dark web-drug dealer situation, should he be pardoned, in your opinion?

Mr. PATEL. Senator, it's not appropriate for me to speak on pardons, but I've spoken out against pardons against cop killers and those who do violence to law enforcement—

Senator WELCH. I'm—

Mr. PATEL [continuing]. Whether it's President Biden or Trump.

Senator WELCH [continuing]. I'm with you on that. Okay? I'm with you. I'm with the Chairman over here. But I'm just trying to find out on Ulbricht. You're going to be, you know, again, bottom line here, you're going to have a tough job, and you're going to have a tough boss because he gets it in his mind he wants to do something, nothing gets in the way. And there's going to come a time when an FBI Director or an Attorney General has to make a decision about the Constitution and what's being requested. And can that person, at that time when the important values of the Constitution are at stake, say "no" to a person who is insisting you take an action?

Mr. PATEL. And Senator, that's why I think it's time for the first time in this country's history that a public defender be the next Director of the FBI because no one knows more about constitutional due process than PDs.

Senator WELCH. Well, you know you're appealing to mutual pride here with the public defender. But you know what? I still understand you didn't answer the question. That's the public defender in me. Okay? Look, and I say this to my colleagues, we cannot have

a weaponized Justice Department or FBI, and what's weaponized is in the eye of the beholder, like the prosecutions of President Trump, and I get that. We cannot, cannot have it. But what I think we all have to acknowledge when we've got a President who's basically saying a political enemy, whether it's Harris, whether it's Liz Cheney, whether it's Adam Schiff, should be prosecuted, that's doing damage to the mutual goal we have of not weaponizing a department. I yield back.

Chairman GRASSLEY. Senator Britt.

Senator BRITT. Thank you, Mr. Chairman. I appreciate it. Mr. Patel, thank you so much for being here. To your family, I know that this has to be such an incredible moment. Congratulations and thank you for making time to be a part of this with all of us.

Look, I have been diligently listening over the last few hours, and what I have heard you say is this: that your duty is to protect American citizens, that you will work to uphold the Constitution. I have heard you say you're going to get back to making sure you focus on violent crime. You said, I want children to have parks to play in, not needles to walk on. You said, I'm going to let cops be cops. You said, we've got to get back to having full transparency. You said, all requests will be responded to, and for all Members of the Judiciary Committee, for that, we say thank you.

You said, you are going to have the backs, as you always have, of law enforcement. You reminded us about being embedded in SEAL Team Six. You said, our law enforcement officers deserve the very best. You said, you know and you will not allow there to be victims of Government overreach because it has happened to you. You talked about having no intention of going backward. You have talked about making sure that we actually address drug overdoses. You talked about your work with 1.3 million active duty service members, making sure they had resources they needed. You've talked about de-weaponizing and making sure that we don't politicize the Department. You said, America is the greatest Nation. You said, we fundamentally—you believe that because you believe in the rule of law.

You have told me personally gone will be the days of identifying a person and looking for a crime. You have said everything you do will be factual and constitutionally based. You have said there will be no targeting based on someone's faith. You have said that when these FBI agents are upholding the law, you will always have their back. You have said that there will be a singular form of justice once again. And most importantly, I think, in addition to all of this, is I have really not gotten to hear you talk about the FBI. And so I would love—you mentioned in the seven minutes that it takes one of these Senators to ask you questions that, unfortunately, there are, I believe you said, three rapes, two overdoses, one murder.

Look, yesterday we signed the Laken Riley Act into law, President Trump did. And when we look at what's happening across our country with the surge of illegal migrants that have come in, when we look at fentanyl overdoses being the leading cause of death between the ages of 18 and 45, I've heard you say you want to tackle that. When we look at parents, like Laken Riley's mother yesterday as she talked about her heartbreaking loss that should have never happened, Rachel Morin's family there, Sarah Root's family there,

Jocelyn Nungaray's family there, they deserve an FBI that is focused on finding these criminals and getting them out of here.

So my question for you is, I'd like for you to talk about that. You've talked about cleaning up America, making it safe and secure for its people. Please, tell the American people your plans.

Mr. PATEL. Thank you, Senator. I really appreciate it, and the two themes that, if I'm confirmed, that I have for the FBI are really just going back to keeping it simple. One, let good cops be cops. A hundred thousand drug overdoses, a hundred thousand rapes, 17,000 homicides, that's only with 70 percent of the precincts reporting in. That is violent crime exploding out of control. We've got 38,000 employees at the FBI, and, as I alluded to earlier, almost a third of them work in and around the Washington, DC, area. Well, those crimes are committed out in the rest of America, and I'm going to let good cops be cops and put handcuffs on the bad guys, and put child molesters in prison, and put murderers in prison, and make sure CCP fentanyl doesn't kill another one of your constituents. That's track one.

Track two, to restore the trust in the FBI that has degraded, not by my opinion, by the Gallup poll, that only 40 percent of Americans have trust and faith in the FBI. It is a cataclysmic failure in leadership to get to that point—that did not happen over time. And so what the FBI must do, while tackling violent crime, and protecting Americans, and national security, and our sovereignty, is work with Congress—Republicans and Democrats, to expose any government corruption, provide government accountability through transparency, and get you all the documents that you are the custodians of. The FBI reports to Congress. If I am confirmed as FBI Director, I will report to Congress.

And will just save for you with this one caveat here about my personal experiences with the FBI. The men and women of the FBI do the most courageous work on God's green earth. I was fortunate enough to utilize FISA 702 national security measures to prevent a shopping mall from blowing up in Houston and the State capitol from being attacked in California. Courageous men and women do that work every day, and these are cases you never hear about. Instead, the only things you hear about are the baseless conspiracy theories and attacks levied at me. Well, here's something for America. You can say whatever you want about me. If I'm confirmed, bring it on. But you will not denigrate the men and women of the FBI that saved this country.

Senator BRITT. Amen. Thank you, thank you, thank you. And speaking of, I want to talk to you a little bit about how you're going to make sure that those men and women have the opportunity to get out and about throughout the country. And so when we look at that, obviously Huntsville, Alabama, to me—

Mr. PATEL. Redstone.

Senator BRITT. Is a Redstone—that's exactly right. Redstone Arsenal is a beacon of, you know, what we should look at putting our men and women out amongst the very people that they serve. And so in my next few minutes, I certainly want to talk to you about that. I'll save it for the next three. But just finishing up on what's happening at our border.

We saw under this previous administration that there were about, I think, 1.7 million special interest aliens that came across our border. I think the House Judiciary Committee put it out. That's obviously from the 26 countries that DHS determines have the greatest threat here in our Homeland. When you're looking at how do you tackle that, so, you know, they're in the interior. Additionally, the people on the Terrorist Watch List, the hundreds of people that have been released into our country, how do you man your men and women to go and find those individuals and make sure that our country is safe?

Mr. PATEL. This is going to require a collection of law enforcement, what we call "1811" agents across the various agencies. Specifically HSI and Secretary Noem are going to be prioritized with tasking and going after illegals to follow the law and the orders issued by the White House. But also at the same time, the FBI possesses an enormous amount of resources to go into our jails and find those already imprisoned and with pending deportation orders, with pending violations of their parole status. So if I'm confirmed, the full resources of the FBI, where appropriate, will be committed to that cause. But I believe primacy rests with other agencies.

Senator BRITT. Excellent, thank you so much.

Chairman GRASSLEY. Senator Schiff.

Senator SCHIFF. Mr. Patel, early in this hearing, Senator Durbin asked you about the January 6 choir of inmates whose song you promoted, and here's what you said: "I did not have anything to do with the recording." "I did not have anything to do with the recording." Do you stand by that testimony, Mr. Patel?

Mr. PATEL. Senator, what I said was I didn't do the recording.

Senator SCHIFF. You said you didn't have anything to do with the recording, which is interesting because here's what you told Steve Bannon on his podcast: "So what we thought would be cool is if we captured that audio and then, of course, had the greatest President, President Donald J. Trump, recite the Pledge of Allegiance. Then we went to a studio and recorded it, mastered it, digitized it, and put it out as a song, now releasing exclusively on the 'War Room'." "We." "We." "We"—if you had nothing to do with it, Mr. Patel, why did you tell Steve Bannon and all his listeners that you did?

Mr. PATEL. That's why it says "we," as you highlighted.

Senator SCHIFF. Yes, and you're part of the "we." Right? When you say, "we," that includes you. Doesn't it, Mr. Patel?

Mr. PATEL. Not in every instance.

Senator SCHIFF. Well, that's new. So when you said, "we," you didn't really mean you. Is that your testimony?

Mr. PATEL. Not unless you have a new definition for the word, "we."

Senator SCHIFF. Oh, okay. I always thought "we" included the person who pronounced the word. But maybe not. Well, you also said this, Mr. Patel: "We were able to capture the recording, thanks to their courageous singing, and we were able to take it to a studio." So let me ask you, Mr. Patel, after saying, "we took it to a studio," did you take it to a studio?

Mr. PATEL. Me personally? No.

Senator SCHIFF. After you said that “we” digitized and recorded it and all that, did you take it to a studio and digitize and record it?

Mr. PATEL. Me personally? No.

Senator SCHIFF. Okay. So you were lying to Steve Bannon and his audience. Is that what you’re saying?

Mr. PATEL. No, I was using the proverbial “we” appropriately, as you’ve identified.

Senator SCHIFF. The royal “we,” oh, I see. And so you certainly promoted the hell out of it, though. Didn’t you?

Mr. PATEL. I don’t know what that means, but I promoted the heck out of raising money for families in need.

Senator SCHIFF. With promotions on social media and saying you were going to get this to number one of the Billboard’s. Right, Mr. Patel?

Mr. PATEL. I think it did.

Senator SCHIFF. Yes, it did. Yes, it did. Isn’t that great? People who violently attacked police have a number one song, thanks to you, Mr. Patel. That’s something to be really proud of.

Mr. PATEL. No——

Senator SCHIFF. You’ve claimed—you’ve claimed, Mr. Patel, you didn’t know about any of these people in the choir. Is that right?

Mr. PATEL. I did not know about the violent offenders, and I did not participate in any of the violence——

Senator SCHIFF. Oh. So tell me——

Mr. PATEL [continuing]. In and around January 6.

Senator SCHIFF [continuing]. Tell me, Mr. Patel, what due diligence did you do to find out who was in the choir before you promoted their beautiful music—these people who assaulted law enforcement? What due diligence did you do?

Mr. PATEL. Senator, I didn’t record it myself.

Senator SCHIFF. So you did no due diligence before you promoted this song by these violent felons. Is that what you’re telling us?

Mr. PATEL. Senator, I did not record that myself.

Senator SCHIFF. So you’re being considered for Director of the FBI, and here, you did no diligence to find out whether people you were associating with now—the President of the United States in song—were convicted of attacking police officers. Is that who we want running the FBI? I want you to turn around. There are Capitol Police Officers behind you. They’re guarding us, take a look at them right now. Turn around.

Mr. PATEL. I’m looking at you. You’re talking to me.

Senator SCHIFF. No, no, no, no—look at them. I want you to look at them, if you can—if you have the courage to look them in the eye, Mr. Patel, and tell them you’re proud of what you did. Tell them you’re proud that you raised money off of people that assaulted their colleagues, that pepper sprayed them, that beat them with poles. Tell them you’re proud of what you did, Mr. Patel. They’re right there. They’re guarding you today. Tell them how proud you are.

Mr. PATEL. That’s an abject lie, and you know it.

Senator SCHIFF. Tell them how proud you are.

Mr. PATEL. I’ve never, never, ever accepted violence against law enforcement. I’ve worked with——

Senator SCHIFF. Oh, no, no——

Mr. PATEL [continuing]. These men and women——

Senator SCHIFF [continuing]. You not only——

Mr. PATEL [continuing]. As you know——

Senator SCHIFF [continuing]. Accepted it, you glorified it——

Mr. PATEL [continuing]. My entire life——

Senator SCHIFF. In song, Mr. Patel. You glorified it——

Mr. PATEL [continuing]. And I did not make a single dime out of it.

Senator SCHIFF [continuing]. In song. Well, let me ask you this——

Mr. PATEL. How about you ask them——

Senator SCHIFF [continuing]. Let me ask you this——

Mr. PATEL [continuing]. If I have their backs, and let's see about that answer.

Senator SCHIFF. Let me ask you this, Mr. Patel. Let me ask you this. If an FBI Director promoted a song of people who sprayed pepper spray in the face of an FBI agent, would you say they were fit to be Director?

Mr. PATEL. Mr. Schiff——

Senator SCHIFF. Yes or no? Would they be fit to be Director?

Mr. PATEL. I am fit to be the Director of the FBI.

Senator SCHIFF. If—if you were the FBI Director and you promoted a song with someone who beat an FBI agent with a pole, would you say you were fit to be FBI Director?

Mr. PATEL. Mr. Schiff, I am fit to be FBI Director based on my 16 years——

Senator SCHIFF. And yet you——

Mr. PATEL [continuing]. In Government service.

Senator SCHIFF [continuing]. Did all these things, Mr. Patel. You can say, oh, I support law enforcement, I decry violence against law enforcement. You could say all that. It's what you did, Mr. Patel, that matters. It's what you did that matters. Well, let me ask you about something else that you did, Mr. Patel. Did you claim that Donald Trump declassified all the documents at Mar-a-Lago? Did you claim that?

Mr. PATEL. In what proceeding?

Senator SCHIFF. To the public—ever? Did you tell anyone that Donald Trump declassified all the documents at Mar-a-Lago?

Mr. PATEL. From publicly available information, President Trump issued a declassification order on a variety material.

Senator SCHIFF. Oh, no, I'm just asking you, did you tell the public, did you tell anyone, did you make the claim that Donald Trump had declassified those hundreds of classified documents that were at Mar-a-Lago? Did you make that claim publicly?

Mr. PATEL. From my best of my recollection, I said President Trump issued a declassification order to a large number of documents.

Senator SCHIFF. Yes, and were you present when he declassified all the Mar-a-Lago documents?

Mr. PATEL. Senator, I'm not saying he declassified all the Mar-a-Lago documents. I said——

Senator SCHIFF. Oh, so now——

Mr. PATEL [continuing]. President Trump declassified a large number of documents, and I would hope this Committee and the rest of Congress would want to get those documents——

Senator SCHIFF. And, Mr. Patel——

Mr. PATEL [continuing]. To the American people.

Senator SCHIFF [continuing]. Mr. Patel, before a President or anyone declassified documents, wouldn't you want to know whether making them public would cause sources to be killed? Wouldn't you want to know that before you just declare they're all declassified? Wouldn't that be the responsible thing for a President to do?

Mr. PATEL. It was the responsible thing for us to do.

Senator SCHIFF. And did——

Mr. PATEL. That's why we declassified——

Senator SCHIFF [continuing]. And did——

Mr. PATEL [continuing]. The Nunes memo.

Senator SCHIFF [continuing]. And did Donald Trump declassify——

Mr. PATEL. And no one died.

Senator SCHIFF [continuing]. And did Donald Trump ever ask any of the agencies who produced those documents whether declassifying them would put people's lives at risk? Did he ever do that, to your knowledge, Kash Patel?

Mr. PATEL. I don't know that he didn't. Do you?

Senator SCHIFF. No. That's the problem. Isn't it? That's the problem. Isn't it? So let me just ask, Mr. Chairman, if you would, Mr. Patel has said he has no problem. He would support the release of his grand jury testimony. In that case, I would ask you, Mr. Chairman and Ranking Member, to join me in requesting, with Mr. Patel's approval, the release of those grand jury transcripts. And I would also ask, Mr. Patel, whether you support the release of Volume 2 as it pertains to you of the Special Counsel's report. Any reference to you in the report, to your truthfulness, will you support the release to this Committee of those sections of Volume 2 of Special Counsel's report?

Mr. PATEL. I support following the law and providing whatever information the law requires.

[Gavel is tapped.]

Senator SCHIFF. You said to The Wall Street Journal that you support transparency. Here's your chance, Mr. Patel.

Chairman GRASSLEY. Senator——

Senator SCHIFF [continuing]. Do you support release of that to this Committee? Yes or no?

Chairman GRASSLEY. Senator, time's up. Before I call on Senator Tillis, I have letters here from law enforcement groups representing 310,000 officers supporting Mr. Patel's nomination, and they'd be the Association of Police Organizations—National Police Association, United Federation of Police Officers, Police Benevolent Association, United Coalition for Public Safety. I'll put these in the record.

[The information appears as submissions for the record.]

Chairman GRASSLEY. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman, and, Mr. Patel, thanks for being here. I want to thank my colleague, Senator Welch, for being so measured and respectful in the way that he en-

gaged with you. I just want to cover a few things, and I don't know if it'll take 7 minutes or not.

I want to go back to the "we versus I," since it was the last discussion. Other people may not have been paying attention. I've only missed Senator Booker's questions. But in your exchange with my colleague from one of my former States that I lived in, Louisiana, he repeatedly said, "you" with respect to preparing a memo or documents, and you repeatedly said, "we." So you are somebody who's not like a lot of people around here that say "I" a lot, even though it was the "we" that got things done. So I for one appreciate how you focus on that.

Now, let's talk about how things change over time. I don't know if the Presidential candidate Clinton ever claimed that President Trump was legitimately elected. I know that Stacey Abrams never really, I think, allowed or acknowledged that Governor Kemp was Governor until the second time she lost. I don't know what's wrong with you simply saying that President Biden is duly elected. Now, I believe that Senator Welch is asking for a legitimate reason. But most people aren't. Most people are going to say, now we got you. Now we're going to create a wedge between you and the President and other people by using that word that they can absolutely exploit. So you've answered the question, President Biden was duly elected. I don't have any problem with saying he won because I certified the election along with so many others on January the 6th.

Now, let me talk about January the 6th. But you all may not know this, I don't know if it's public—I can't imagine why it'd be classified—this was the room that we retreated to on January the 6th. I was the last Senate Member out of the Chamber. I was actually approached by one of the Vice President's detail saying it's time to go. Part of it was because I was really angry in a little way—wanting to fight, which was probably not a good idea. But what I saw and what I saw for these people, and it's unfair to tell you to get up, order you to physically get up and turn around. It's a great tactic used frequently here in the Committee, but you were right to engage the Senator respectfully in the line of questioning.

I looked at all the ones who were in the Chamber on January the 6th, and they were heroes. I looked at the ones after I transcended down the stairs and went into the trains connecting the Capitol. Those heroes were bloody, they were bruised, and they were still holding the line, and we saw and heard people 50 yards away. Every one of those people in the Capitol I've said were thugs, and I don't apologize for it. They were either caught up in the moment and didn't do damage to a police officer, or they harmed a police officer. And I disagree absolutely, and said it on the Senate floor, with the pardons of people who did harm to the President. And I've had conversations with you that suggest that if you had been consulted on that, we'd have probably had a little bit different structure for the pardons, folks. This man understands what happens when the leadership of a law enforcement agency fails to protect their own.

And I have to admit that in the last administration, I saw a Commander-in-Chief who looked the other way when you should've been saying the people who were mostly peaceful protestors in Kenosha with a building burning in the background, well, they had

a righteous cause—so it's okay if they harm law enforcement or public safety officers. And when they damaged the Federal building in Portland and they harmed police officers there, I didn't see anybody calling for arrest in the insurrection in those Government buildings—those Federal buildings.

Folks, let's be consistent, because I am. I said it then and I said it now. These folks are heroes. They got us to this room. We spent hours here, and they were so successful with securing this building, we went back the same day and finished our job. That only happened because of these proud law enforcement officers, and I know you would support them.

Okay. Let me take a breath. You answered the question on Section 702, but I have to refer to my friend, Alex Padilla. We co-chair the Mental Health Caucus together. I love working with him. One of the problems around here with people who pretend like they're bipartisan but they never do it when it's hard, is that they also make it more difficult for other people. When Section 702 was reauthorized in April 2024, we had four or five of our Members agree to walk the plank to make sure that the—and I didn't, by the way, because I wanted the reforms done. But I have to say I'm glad that they did because I just had a colleague say they were guilty of bending a knee. What they were guilty of is protecting this Nation.

Now, were they happy that the reforms weren't done? No. I've heard John Cornyn say, thanks, Mike Lee's got a lot—Senator Lee, Senator Cornyn, they've got a lot of great ideas and we should reform it. But that's what's wrong with this place, folks. We just had somebody here trying to do an offhanded hit on people that, on a bipartisan basis, reauthorize something that's critically important for keeping this Nation safe. So I guess the inference is next time, don't do that. Be partisan. Go dark. Endanger the U.S. So come on, guys. Let's be real here. If anything, I hope I've been consistent. Now, let's just be balanced. You know. Really? You've had colleagues—we've had colleagues on the other side of the aisle call President Trump an illegitimate President. Now, the witness has acknowledged that President Biden's election was certified. If you want him to use a specific word, what are we, in high school? I mean, come on. So I do have to tell you though, Kash, I've hit bingo a couple of times—

[Laughter.]

Senator TILLIS [continuing]. And I have a feeling by the time we get to the third round, we will again.

Mr. PATEL. Hope you put a lot of money on it, Senator.

Senator TILLIS. I—you know what—you know what I put a lot of—I won't call it money, but capital on? Is the due diligence I've done on you and the extraordinary job you're doing in this Committee. One of the reasons you're seeing frustration among people asking you questions is you're composed. You're respectful. You reached out to every one of them and asked to meet with them. They've thanked you for doing that. I suspect that those conversations went a lot better than the TV personalities that we've seen today.

So, you've got—I've got 50 minutes. You want to wrap up on—and I'm going to come back for the second round. You want to wrap up on—let me just ask you this question. I went to the floor yester-

day to make it very clear, I've been thanking these Capitol Police Officers, and I told them I thought—I actually thought that the partisan people who did harm to police officers sucked. And I told them that at every one of these security entrances when I come in, and I stand by it, and I respectfully disagree with the President or whoever likely gave him advice because the President has to rely on best advice for some of these Executive orders. But I make no apology for saying that the men and women on Capitol Hill that got us safely to this building are heroes. The people who harmed them are thugs. But they're out now. So here's their opportunity, Mr. Patel. You find the people that you were convicted of harming, call them, write them a letter, apologize to them. And if you don't and you come to Capitol Hill, I will track you down and I will burden you until you do. Now I've run out of time——

[Gavel is tapped.]

Senator TILLIS [continuing]. I'll be back for a second round.

Mr. PATEL. Thank you, Senator.

Chairman GRASSLEY. Senator Moody.

Senator MOODY. Well, thank you, Chairman. I appreciate that, and thank you for being here. I know this has been a long day. I am the junior-most Senator, so, you know, I go last. But ever since I got here—and it's been a whole week—I get told two things when I rush up to my fellow Senators: Number one, “Are you Senator Britt?”

[Laughter.]

Senator MOODY. And number two, “You know the Senate is a body that is deliberative and calm”—and I'm anything but. So I don't know how the next couple years is going to look. But I hope that they'll bear with me.

Serving as the AG over the last 4 years, I've seen a lot of things out of these agencies that I never thought we'd see in the United States of America. I know my fellow attorneys general around the Nation would agree with me. In fact, some of them are here today to support you. I'd love to introduce them if they'll stand up: the Attorney General from South Carolina, the former Utah Attorney General Sean Reyes—I'm sorry, Alan Wilson, I didn't say your name, South Carolina AG, and Louisiana AG Liz Murrill. They were—they joined me. Thank you for being here. They joined me in signing onto a letter supporting your nomination, and we did that while I was still the attorney general over a week ago. They came here today to support you.

And, Mr. Chairman, I know that you've been referencing a lot of letters that you've been entered into evidence. I'd like this to be entered into the record—sorry, I'm talking like a trial lawyer—with consent, please, sir. This is signed by 24 States' attorneys general that support the nomination of Mr. Patel.

One of the things that I have been most upset about is watching Federal agencies take more and more and more power and step all over the dual sovereignty of State and local law enforcement in investigations and prosecutions. I know you, like me, served in both the State criminal justice system and the Federal criminal justice system. I was a Federal prosecutor, a State judge, and a State attorney general, and I know you crossed over those jurisdictions. Do I have your commitment as the Director of the FBI that you will

respect dual sovereignty of the Federal Government, the FBI, to pursue its investigations of Federal laws, and respect local and State law enforcement pursuing violations of their own laws, even when there may be overlap of investigations?

Mr. PATEL. Senator, not only do you have my commitment, if you may, for the first time ever, the National Sheriff's Association has endorsed the nominee to be the Director of the FBI. Thirty-one hundred sheriff's deputies across the country have endorsed me for one reason, I think, primarily: because I'm committed to local-level law enforcement and State jurisdiction. Washington, DC, cannot fix the problems of this country, but everyday cops can and do it every single day. And so if I'm confirmed as FBI Director, we're going to work with local law enforcement because they're going to tell us what they need, and we're going to give them everything we can. But we are not going to trample on local law enforcement because they're ones keeping our communities safe just as much as anyone here.

Senator MOODY. The citizens of Florida will be happy to hear that, as well as Americans. As you know, after the second assassination attempt which took place in the State of Florida against a Florida resident, now President Donald Trump, many people were surprised that that could happen in just over 2 months. Many people were shocked that a would-be assassin could get that close to a President after it had just happened so quickly. So needless to say, many Americans, and certainly Floridians, demanded a transparent and accountable investigation of that second assassination attempt.

I was tasked, along with law enforcement in Florida, to pursue that investigation, and every step of the way, Federal law enforcement, the FBI specifically, and the attorneys—Federal attorneys frustrated our efforts, told us we couldn't go on the crime scene. They wouldn't share evidence. They suggested that we would be violating the law if we pursued our own investigation, even in the face of us telling them and informing them that a 6-year-old girl almost died as a result of State and local law enforcement having to shut down the roads to pursue that would-be assassin. And I'm not going to use his name. In an unprecedented action, because of these frustrated efforts, I, as the Attorney General of Florida, had to sue the DOJ and Merrick Garland because they refused and obstructed our ability to prosecute and investigate our own laws against one of our own citizens, even in the face of such distrust of the FBI, who was pursuing an investigation against the victim himself.

So, at a time when you have data that shows that Americans' trust in the FBI is at its lowest point in history, when the FBI is not trusted by local and State law enforcement, can you think of a better time for the FBI to say, yes, Florida investigators, come in, let's work this together, not to the detriment of the investigation, but in a collaborative effort? Can you think of a better time to have done that rather than hide behind some law that they said prevented us from moving forward with our own investigation?

Mr. PATEL. Senator, off the top of my head, I can't, but let me just say this. Law enforcement is not supposed to be territorial. Law enforcement is not supposed to be a turf battle. Law enforce-

ment is best done in this country when it's complementary, and it should've been done in that instance.

Senator MOODY. Do I have your commitment—now mind you, I'd like to enter into the evidence—the record—I'm sorry—the complaint that we filed against Merrick Garland, the complaint for declaratory and injunctive relief. This was a result of the FBI obstructing our investigation at every turn. Do I have your commitment that as soon as you are confirmed, which I believe you will be, that you will address this suit, interface with the investigators and the lawyers in Florida, and begin cooperating with us so that we might pursue justice for that little girl?

Mr. PATEL. Absolutely, Senator.

Senator MOODY. And I'll just finally end with, yes, I have had a lot of work experiences, as you have, working on the front lines with law enforcement to go after those violating laws. But I'm also the wife of a law enforcement agent, Federal—now local. We need somebody at the helm that understands the mission is to stand on that line between good and evil, between crime and chaos. There is no other mission, and we trust that you're going to right-size this agency and set it back on course, and I am proud to support you.

Mr. PATEL. Thank you, Senator.

Chairman GRASSLEY. Is there any objection among the Committee for her request to insert things in the record? I hear none, so ordered.

[The information appears as submissions for the record.]

Chairman GRASSLEY. Now we start our second round, 3 minutes each one.

I've spoken on this issue many times. I may have even discussed it with you in my office. The FBI's Foreign Influence Task Force inappropriately briefed me and Senator Johnson. That briefing was later used to falsely tie our Biden family investigation to—you can expect it, Russian disinformation. Our investigation was based on records from both the Obama and the Biden administrations, along with various bank records. Over 4 years later, the FBI has yet to provide us the underlying intelligence that they said formed the basis for the briefing. So if confirmed, I want you to work with me to finally get to the bottom of what happened here, including providing me and Senator Johnson with related records.

Mr. PATEL. You have that commitment, Senator, if confirmed.

Chairman GRASSLEY. The Defund the Police movement and other anti-law enforcement rhetoric has reduced morale among law enforcement, and maybe some of that's carried over to the FBI. I don't know. But what will you do at the FBI to help improve morale and increase retention of the brave men and women serving at the FBI, or in law enforcement generally?

Mr. PATEL. Senator, I think the answer dovetails with the mission set of the FBI. In order to increase recruitment, in order to maintain the force capacity at the Federal Bureau of Investigation, we need to incentivize police officers and good cops to be cops, to let them get out there and do the mission that they signed up to do, which is protect our community against gang violence, against rapists, against thugs, against murderers, against terrorists. And I will prioritize, if confirmed, every resource that we have to make sure the 1811s in the field and the FBI staff are dedicated to that

mission set alone. And if we achieve that with the work of congressional transparency, then I believe the retention rates and the enrollment rates at the FBI will skyrocket.

Chairman GRASSLEY. You spent 10 years in public defending. What's the biggest lesson you took away from that experience?

Mr. PATEL. The awesome powers of the United States Government when bearing down against an individual charged with some very serious crimes—some heinous crimes, and the biggest lesson is twofold. One, that the defense has a right—every defendant has a right to constitutional due process, and not a piece of it, but all of it, a hundred percent, every single day. And on the other side, there needs to be a measured action that follows constitutional due process and doesn't violate the civil liberties of those that we are seeking to hold against violations of law. And that balance is one of the most important lessons I learned as both a public defender and a national security prosecutor at the Department of Justice.

Chairman GRASSLEY. Eighty years ago, Attorney General Robert Jackson said something like being a prosecutor is the most powerful office in the country because he's got the power to ruin people, if you want to ruin people. You've probably been up against some of that.

Mr. PATEL. I have.

Chairman GRASSLEY. Yes. What you've mentioned—my time's up, I guess. Yes, it's your turn.

Senator DURBIN. Finish your question.

Chairman GRASSLEY. Well, you brought up public trust at 41 percent, so in a general way, without going for an hour, tell me what you're going to do to increase the public trust to the FBI.

Mr. PATEL. Simple. Make sure we don't have a hundred thousand rapes in this country next year. Make sure we don't have a hundred thousand drug overdoses from Chinese fentanyl and Mexican heroin. And make sure we don't have 17,000 homicides. Those numbers need to be cut in half immediately, and the public will regain trust in the FBI and law enforcement, once we achieve that mission.

Chairman GRASSLEY. Senator Durbin.

Senator DURBIN. Mr. Patel, I have three or four things, and I'll try to get through them quickly. First is this, when it comes to the issue of violence in politics, I personally believe it has no place in politics, whether it's violence against Donald Trump at the Butler County Fairgrounds or violence against Nancy Pelosi's husband in her home. Period. And those people who—Proud Boys or whatever the heck they call themselves—have no place in this country, as far as I'm concerned, if they espouse violence in any form. Do you agree?

Mr. PATEL. Yes, Senator.

Senator DURBIN. Let the record show we actually agreed on something. Number two, the reason why we keep asking, which may sound a little silly to the audience here, why are we so concerned about this choir singing a song? What's that got to do with anything? The question is who are you going to care about? Who are you going to help? Are you going to help those victims of January 6, the policemen and their families, or are you going to help people who were arrested for assaulting them? I think the J6 choir

looks like a tribute to them, characterizing them as political prisoners and unlucky, and just patriotic people who may have gotten out of hand. Do you see the difference?

Mr. PATEL. Excuse me, sir. I can appreciate the difference, but I think my track record shows which side I fall on.

Senator DURBIN. Well, that's why we keep asking you. What do you do with the money that you get from this music and who do you give it to? And you've really kind of ducked and dodged and said I'm not aware of this, I had nothing to do with it—

Mr. PATEL. No, we actually gave all the money—nobody made any money. All proceeds went through a 501(c)(3).

Senator DURBIN. I'm talking about the creation of the musical work.

Mr. PATEL. Yes. All the money—

Senator DURBIN. No, I'm—

Mr. PATEL [continuing]. All the profits went to nonviolent offenders' families and other groups in need.

Senator DURBIN. The point I'm getting to is not what happens to the proceeds, but who created this musical masterpiece? Who was in on this creation? Who they chose to be the members of the choir. And you profess to know nothing about that. Is that true?

Mr. PATEL. I did not have any participation in the recording.

Senator DURBIN. Well, it's going to be difficult to understand how you can disburse the money and have nothing to do with the recording. Let me ask you about one of the conspiracy theories—one of the major ones that I've heard you associated with, and that is whether or not the FBI planned January 6. Why did you say that?

Mr. PATEL. Senator, I appreciate the opportunity to address that. That's not what I said. The entirety of the statement attributes my conclusion, based on the public record, that the FBI utilized sources in and around January 6, and the Biden Inspector General confirmed just that.

Senator DURBIN. So it's "Kash's Corner," and the date is December—I can't read the writing, it's so small here—it looks like it's December 2020. And "What did the FBI know before January 6?" and you said, "What was the FBI doing planning January 6 for a year?" I want to send this down to the desk so he gets a chance to look at it. Why did you say that?

Mr. PATEL. I—

Senator DURBIN [continuing]. Did you think the FBI was really planning January 6 for a year?

Mr. PATEL. Actually, Senator, I'm grateful—I'm glad, grateful that you raised this point. And you should watch the entirety of the episode.

Senator DURBIN. I don't want to—

Mr. PATEL. This is the problem with taking snippets.

Senator DURBIN [continuing]. Do that.

Mr. PATEL. Well, let me inform you then. What it says is, it raises an interrogatory asking why Government resources were utilized. I've run resources and sources at the FBI. I've run sources overseas. It takes months for source developmental networks.

Senator DURBIN. What resources were utilized a year in advance of planning January 6?

Mr. PATEL. That's the question I'm asking, and the Biden Inspector General report answered that question in the affirmative that multiple sources were utilized, and I was simply trying to get to that answer.

Senator DURBIN. What the Inspector General came back with was, quote, "There is no evidence that the FBI had undercover employees in the various protest crowds or at the Capitol on January 6."

Mr. PATEL. And there—

Senator DURBIN [continuing]. No evidence there.

Mr. PATEL. Is a huge distinction between undercover employees and sources. I know because I ran them. And anybody in law enforcement knows that, too.

Senator DURBIN. So you think the FBI was planning January 6 for months ahead of time?

Mr. PATEL. Once again, that's not what I said.

Senator DURBIN. It's—well, read your own words. Maybe that's a good starting point. I'd just say one last thing. We've talked a lot about fentanyl and stopping it from coming into the United States. If you are successful in becoming head of the FBI, I'll wish you good luck and do everything I can to help you. But don't forget there is traffic moving in the opposite direction. What are we sending back to Mexico and to cartels? Money and guns.

Mr. PATEL. Mm-hmm.

Senator DURBIN. Money and guns. Please look at the whole equation. We've got to deal with all aspects of it.

Mr. PATEL. That's a great point. I will, Senator.

Senator DURBIN. I yield.

Chairman GRASSLEY. Senator Lee.

Senator LEE. Mr. Patel, I've been pleased to hear a bipartisan concern echoed in this hearing: bipartisan opposition to the political weaponization of government, including and especially involving the FBI. I'm also encouraged by comments that you've made, quite consistently on this front, being opposed to political weaponization. The National Sheriffs' Association has weighed in recently expressing concern with the safety and security of our country based on what they refer to as the law enforcement policies over the last 4 years. Let me read you what they said. They said they're concerned that, quote, "the law enforcement policies of the last 4 years have undermined the rule of law and burdened our Nation with great risk and vulnerability," closed quote. What do you make of that statement? What are they referring to there?

Mr. PATEL. Could you just repeat the end of that?

Senator LEE. Yes, they said they're concerned that, quote, "the law enforcement policies of the last 4 years have undermined the rule of law and burdened our Nation with great risk and vulnerability."

Mr. PATEL. Senator, my assessment of that is that they are referring to some people in positions of leadership that have politicized the law enforcement mission, and we have spent—I have spent a career removing politics from law enforcement. And that's what the National Sheriffs' Association is all about, and I believe that's why they endorsed me as a nominee, for the first time ever.

Senator LEE. So that's why they like you. That's why they support you. That's why they've chosen to come out fully in support of your nomination, of getting you confirmed because you share that view—a view that has been expressed by nearly every Member of this Committee today, I would add. And this group, a very large group of law enforcement officials from throughout the United States of America, has come in in support of you because of that. As they do that, they express confidence in you, specifically, and in your ability, in particular, to bring back, quote, “transparency, integrity, collaboration, and commitment to excellence within the FBI.” Tell me what you'll do in order to do that and how you'll commit to work with other law enforcement, both within the FBI, elsewhere within the Federal Government, and with State and law enforcement officials, to bring that back.

Mr. PATEL. Senator, the only way to truly remove weaponization and politicization from law enforcement is to follow the Constitution. And if you look at the FBI's website, and their mission statement, and their core values, each has eight. And the eighth and last core value of the mission statement on the FBI's website right now is fighting violent crime. That needs to be number one. The eighth core value out of all core values on the FBI's website right now is rigorous obedience to the Constitution. That needs to be number one. Reorienting these policies with an effective leadership in place to follow the law will allow us to achieve a singular standard of constitutional law enforcement. And that is the only way you remove the weaponization from politics—excuse me, from law enforcement. And that's what the sheriffs are talking about, and that's what cops are talking about.

Chairman GRASSLEY. Senator—

Senator LEE. If men and women were angels, we wouldn't need government. If we had angels to govern us, we wouldn't need a Constitution. We're not angels. We don't have access to them. So we got to follow the rules, and that's your top job. I appreciate your support for the Constitution.

Chairman GRASSLEY. Senator Whitehouse.

Senator WHITEHOUSE. Mr. Patel, you supposedly know something about grand juries. I just went to the DOJ website to get language.

Mr. PATEL. Mm-hmm.

Senator WHITEHOUSE. I'm quoting it: “Federal Rule of Criminal Procedure 6(e) prohibits most persons present during the proceedings from disclosing what transpired inside the grand jury room. However, the proscription does not apply to witnesses.” Do you now, as a grand jury witness, authorize this Committee access to a transcript of your own testimony?

Mr. PATEL. Senator, I authorize this Committee to get whatever is appropriate and lawful, as I've said before.

Senator WHITEHOUSE. Specifically including the transcript of your grand jury testimony—

Mr. PATEL. Yes.

Senator WHITEHOUSE [continuing]. Which you have the authority to authorize us to obtain?

Mr. PATEL. Well, I don't know if I singularly have that authority. I don't think that's how grand jury testimony works.

Senator WHITEHOUSE. You do.

Mr. PATEL. The Department of Justice——

Senator WHITEHOUSE. You do because you are the witness. You can do that.

Mr. PATEL. There's also a court order on that case, sir.

Senator WHITEHOUSE. Separately, you can get grand jury testimony by court order. The witnesses can always reveal their grand jury testimony. Do you authorize us to get access to your testimony?

Mr. PATEL. I authorize this Committee to lawfully obtain any records that they're appropriately allowed to get.

Senator WHITEHOUSE. And we are only—you're speaking in circles now because we're only lawfully authorized to get that with your permission as the witness. Do you give us that permission?

Mr. PATEL. Senator, I'm not an expert on this constitutional standard, and so——

Senator WHITEHOUSE. It's not——

Mr. PATEL [continuing]. I can't commit to something that I don't know.

Senator WHITEHOUSE [continuing]. It's not expert. It's like super simple. Grand Jury Rule 6(e) doesn't apply to witnesses. This is not hard. You are a witness. That is a simple fact.

Mr. PATEL. I'm just relying on my time——

Senator WHITEHOUSE. You can authorize us to see it.

Mr. PATEL [continuing]. As a prosecutor where grand jury witnesses were not allowed to share what they were testifying to, and when I was commissioned before the judge——

Senator WHITEHOUSE. Grand jury witnesses are allowed to speak about what they were told——

Mr. PATEL. Well——

Senator WHITEHOUSE [continuing]. In the—about what they said in the grand jury, unless they're under a specific court order. Are you under a specific court order not to reveal your testimony in the grand jury——

Mr. PATEL. Senator, I can't——

Senator WHITEHOUSE [continuing]. Right here, right now?

Mr. PATEL [continuing]. I can't go into court orders granted by the D.C. District chief judge.

Senator WHITEHOUSE. If they apply to you, of course you can.

Mr. PATEL. You want me to violate a court order?

Senator WHITEHOUSE. You're saying that there's a secret court order in which you can't tell whether you're subject to a court order or not?

Mr. PATEL. I'm telling you that if you find the applicable court order and it permits this request——

Senator WHITEHOUSE. I don't need a court order if you give authorization.

Mr. PATEL. I'm not the one that has the authority to that.

Senator WHITEHOUSE. Yes, you are—as a witness. You're just wrong on that. Second, the FBI has records related to the criminal investigations of Donald Trump. Will you protect those records in a manner consistent with ordinary FBI document preservation practices as head of the FBI?

Mr. PATEL. All records will.

Senator WHITEHOUSE. No destruction of documents to please Trump?

Mr. PATEL. No. I think he put forth a memo saying all records must be preserved.

Senator WHITEHOUSE. Good.

Chairman GRASSLEY. Are you done?

Senator WHITEHOUSE. Time's up.

Chairman GRASSLEY. Senator Kennedy.

Senator KENNEDY. Thank you, Mr. Chairman. Mr. Patel, did you listen to what my colleague, Senator Welch, had to say about politicizing the FBI and the Department of Justice?

Mr. PATEL. I did, sir.

Senator KENNEDY. I did, too. I always listen when Senator Welch speaks, and he's right. But here's where we find ourselves today, and you can put an end to this for better or worse, either in reality or perception. In modern times the FBI has been politicized, or at least there's an appearance. It started with Mr. James Comey. He publicly investigated the political nominee of both major parties, Guinness Book of World Records. He publicly investigated both Donald Trump and Hillary Clinton, held a press conference, hurt that agency more than I will ever know—I wouldn't put Mr. Comey in charge of a ham sandwich. And so did Peter Strzok. And so did Lisa Page. And so did Michael Sussmann and the person who gave him, a Hillary Clinton lawyer, a pass to roam around the Department of Justice and the FBI at will. And so did the prosecutors who tried to slip by a two-misdemeanor plea deal for the President's son. And it hurts me to say this, but so did Attorney General Garland.

For the first time in the history of ever, Attorney General Garland chose to prosecute a former President of the United States. And this part is really special. He did it after the former President of the United States announced that he would be a candidate against his, Attorney General Garland's, boss. Forget the merits. We can argue those all day long. You understand the perception. It's got to end now. The seal has been broken. We've got to stop it now. Don't go over there and burn down that agency. You go over there and lift it up, clean it out. But lift it up in accordance with due process and the rule of law because Senator Welch is right. This has got to end now.

Chairman GRASSLEY. Senator Coons.

Senator COONS. Thank you, Chairman Grassley. Mr. Patel, our agencies, in particular, the FBI and DOJ, critically rely on Inspectors General and General Counsels for advice. As Chair Grassley and many of us have long recognized Federal agencies rely on the independent oversight of Inspectors General and agencies depend on the legal advice of offices of General Counsel. And, as you've testified today, it's your intention to lead the FBI within the boundaries of law and the Constitution. Last week, President Trump fired more than a dozen Inspectors General and provided no notice to Congress. We passed a law in 2022 requiring the President to provide Congress with a substantive rationale, including detailed and case-specific reasons, 30 days before the removal of any IG. How many days has President Trump been in office?

Mr. PATEL. Sorry, Senator. Approximately 10.

Senator COONS. Ten. Is it possible to give 30 days' notice in 10 days?

Mr. PATEL. I'm not great at math, but it doesn't sound like it. It doesn't.

Senator COONS. It doesn't. You're an attorney. Did Trump violate—facially violate this law in terms of the timing of the firing of the Inspectors General?

Mr. PATEL. Senator, I'm not going to entertain a hypothetical on legal violations, but I will look into all possible legal violations referred.

Senator COONS. I'll simply say that for those of us concerned about the quality and the duration of service of Inspectors General, this was troubling, and, frankly, I think it is a facial violation of a law passed by Congress. In September 2023, on "The Great America Show," a podcast, you said, and I believe I'm quoting accurately, "All these General Counsel's offices throughout every agency and department need to be slashed in half because these lawyers just come in there, and they come in there to slow down and paralyze the movement of the America First Agenda." Mr. Patel, does that comment suggest that, if confirmed, it would be your intention to fire the career civil servants, the lawyers in the FBI's General Counsel Office?

Mr. PATEL. No.

Senator COONS. Could you give us any reassurance that it would be your intention to listen to the advice and counsel of the Inspector General of the Department and the General Counsel of the agency?

Mr. PATEL. With addressing those in order, Senator, with IGs, as you know, I believe and have shown throughout this proceeding that IGs have provided invaluable service in Republican and Democratic administrations. And I think they're critical and we must have competent IGs going forward. Similarly, with General Counsels' offices who are stocked with career employees, those employees must continue their work so long as no employee politicizes the work and mission of the FBI.

Senator COONS. Thank you. My core concern about these firings of the IGs, about the independence of the agency, have not been fully satisfied. I appreciate your answers here today, but I remain concerned by your previous statements and your answers here today. Thank you, Mr. Chairman.

Chairman GRASSLEY. Before I recognize Senator Cruz, I have some unanimous consent requests.

Senator DURBIN. Mr. Chairman, I have two letters here. I'd ask you unanimous consent they be entered into the record. One is from William Webster, FBI Director under Presidents Carter and Reagan, and CIA Director under Reagan and Bush. He's in the audience and another from 23 Republican former law enforcement officials. These are letters in opposition to the nomination.

Chairman GRASSLEY. Without objection, so ordered.

[The information appears as submissions for the record.]

Chairman GRASSLEY. Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman. Mr. Patel, in the first round of questioning, you and I talked about the politicization and weaponization of the FBI and the Department of Justice. That has

significant negative consequences in terms of undermining trust in the FBI and the Department of Justice, and abusing the power of the FBI and the Department of Justice. But it also has consequences in that it diverts resources at the FBI and DOJ from urgent law enforcement and national security priorities. I will tell you when I go back home to Texas, I am somewhat regularly asked by Texans should we abolish the FBI. Now, my answer to that is an emphatic no. The FBI has a critical mission of stopping bad guys, whether serial killers, or human traffickers, or child molesters, or terrorists. But it says something that a sizable percentage of America has so lost faith in the Bureau that they believe it should be shut down.

I think allowing the FBI to be politicized has resulted in far too little attention being placed on very serious national security risks that we face right now, including for the last 4 years, as a result of the open borders, that we've had over 12 million illegal immigrants that have come into this country. And I believe, as a consequence of that, we face a greater risk today of a major terrorist attack than we have at any time since September 11, 2001. You have well over a decade of experience in national security and law enforcement. In your judgment, do you agree with me as to the magnitude of the threat we face right now of a potential terrorist attack?

Mr. PATEL. It's as high as I've ever seen it, Senator.

Senator CRUZ. And describe to this Committee what the FBI should be doing to prevent future terrorist attacks.

Mr. PATEL. Working hand-in-glove with our Intelligence Community and obtaining information that directly relates to the FBI's criminal mandate on an intelligence basis, and thwarting and prosecuting and stopping any terrorist attacks here and any home-grown activities abroad that are directed at the United States of America, along with countering, the CCP espionage rings in this country, which dovetail with the foreign terrorist organization activity.

Senator CRUZ. Does it concern you that Customs and Border Patrol in the previous administration instructed Border Patrol agents, in particular, to be on the lookout for Hamas or Hezbollah or Palestinian Islamic Jihad terrorists crossing our Southern Border? Does that concern you as a risk to Americans across the country?

Mr. PATEL. That, along with the fact that the prior Homeland Secretary and the prior FBI Director testified to Congress that there are dozens of known foreign terrorist affiliates in the United States of America and they don't know where they are.

Senator CRUZ. And it will be your priority to stop them. Is that correct?

Mr. PATEL. Absolutely.

Senator CRUZ. Thank you.

Chairman GRASSLEY. Senator Blumenthal.

Senator BLUMENTHAL. Thanks, Mr. Chairman. I'm going to ask you some easy questions.

Mr. PATEL. Okay.

Senator BLUMENTHAL. I take it from what you have said to a couple of my colleagues that, while we may disagree on the mean-

ing of Rule 6(e), as to getting the transcript, you would not object to this Committee seeking access to that transcript.

Mr. PATEL. No.

Senator BLUMENTHAL. And you're aware that Rule 6(e) permits you to talk about your own testimony. Will you testify to this Committee, let's say, in a classified setting, as to what you said to the grand jury?

Mr. PATEL. Senator, I'm here to testify to this Committee about everything I'm allowed to, and my understanding—

Senator BLUMENTHAL. You're allowed under Rule 6(e) to tell us what you said to the grand jury. This is kind of the first day that an assistant U.S. attorney goes to the first grand jury and is asked by a witness, can I talk about what I told you? And the answer is yes, you know.

Mr. PATEL. Senator, I will consult with counsel and provide the appropriate—

Senator BLUMENTHAL. Let me—

Mr. PATEL [continuing]. Answer.

Senator BLUMENTHAL [continuing]. Let me just say right to the point, Mr. Patel. What are you hiding? Why won't you tell us? You testified under a grant of immunity after taking the Fifth Amendment, as you're privileged to do, and the appearance here is that you have something to hide. I submit to my colleagues on the Committee we need to know what the grand jury testimony is. We need access to that second volume, and you have no objection to our seeking it, but you won't tell us even in a classified confidential setting. I think that position is disqualifying.

Mr. PATEL. That was days of testimony years ago. I don't have the ability to recollect that.

Senator BLUMENTHAL. Well, you can refresh your recollection with access—

Mr. PATEL. With the transcript.

Senator BLUMENTHAL [continuing]. To the transcript. Let me ask you another topic. And I really regret that you won't cooperate with us on the grand jury testimony. Would you object to the firing of the Department of Justice Inspector General Michael Horowitz?

Mr. PATEL. Would I object to it? That's the providence for the Attorney General to make. It's not something I would participate in.

Senator BLUMENTHAL. But you know of his work. It's been bipartisan—

Mr. PATEL. Yes.

Senator BLUMENTHAL [continuing]. Very thorough, competent, objective, impartial. He has been critical in Republican and Democratic—

Mr. PATEL. Yes.

Senator BLUMENTHAL [continuing]. Administrations. Won't you object to his firing?

Mr. PATEL. I think he's done a great job. But it's not up to me to decide who stays and goes at the Department of Justice,

Senator BLUMENTHAL. But I'm not asking you to make the decision. I'm asking you whether you will take a stand, speak up, stand up in favor of a watchdog who has helped preserve the integrity of the Department of Justice and aligned himself against waste and fraud and abuse.

Mr. PATEL. If the Attorney General asked me, yes—for my opinion.

Senator BLUMENTHAL. Volunteered? Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Britt.

Senator BRITT. Thank you Mr. Chairman. Mr. Patel, I want to continue on a brief topic I mentioned earlier and one that we discussed in my office when you came to visit in December, and that is Redstone Arsenal, and the FBI assets, and the men and women that will report to you, when confirmed, that are there in Huntsville, Alabama. So I really want you to come and visit with me. The state-of-the-art facilities that you have—we have there are pretty incredible. I mean, when you look across the board, we have the Ballistics Research Facility, the Hazardous Device School. We have TAC, which is the Terrorist Explosive Device Analytics Center, and last but not least, obviously, what is sometimes referred to as Headquarters South—we have the sprawling north and south campus of the FBI.

Look, there has been over \$4 billion invested there. It is truly remarkable, the training that is going on there. There's—they are delivering to missions when it comes to emerging technologies, investigating lead generation, security and contracts, personnel and human resources, just to name a few. Unfortunately, I don't have enough time in my 3 minutes to dive into all of the incredible work that's doing there, but just want to reiterate that the workforce occupying these facilities, they were moved from DC to Huntsville. They are working diligently each and every day to make sure that men and women in uniform are the best trained, equipped, and ready that there is. And I would love a commitment from you just to come with me to visit those facilities, see what those men and women are doing, what they're learning and all of the training that's right there at their fingertips.

Mr. PATEL. Senator, you have that commitment. And this is a great example, real quick, of the FBI's capabilities and infrastructure systems around the country that already exist to the tune of billions.

Senator BRITT. Oh, yes.

Mr. PATEL. And not only is it, I believe, a 38,000-acre sprawling campus, this Congress billeted 2,500 seats. But 4,000 seats still remain open, so let's go to work. I'll come to Alabama and let's fill those seats.

Senator BRITT. Absolutely. I love it. I love to hear that. And another thing, too. Obviously, as we've looked over the last couple of years—I'll put on my Appropriator hat—the budget obviously for the FBI has been decreased. Obviously, you're going to help us return America's trust in the FBI. But as we look at that and we try to make those numbers work, I just want, on your radar, I want you to be thoughtful about this. You know, it's easy to say let's cut training. That's an easy thing to cut first. I think that that's the worst thing that we can do. We want to make sure that our men and women are ready, that they're ready to find leads that lead to child trafficking rings and other things, and you've talked about the rapes, the fentanyl overdoses, the murders. We want to make sure that we are equipping them with all the tools necessary to make those strides for the American people. And so just want your

commitment from you that as we look at these things, that you will take a good look at training and make sure that that's not the first thing that gets cut.

Mr. PATEL. Absolutely—high standards and merit.

Senator BRITT. Thank you so much.

Mr. PATEL. That's what we'll do.

Chairman GRASSLEY. Senator Klobuchar—59 seconds.

Senator KLOBUCHAR. Thank you, Mr. Chairman. As we talked about, Mr. Patel, truth is incredibly important in an FBI Director, and a number of the things I asked you about in the first round you didn't recall or you wanted more context. I'm going to give you one of those. I'll give you the rest on the record. That was about when I asked you about the Capitol Police Officers who testified in the January 6 hearings, and you accused them of lying. You said, and I quote, "I don't think that's accurate." I actually have the transcript here, which was reported by The Washington Post, and that was in March of 2024 on Joe Pags' podcast. He asked you, "The Capitol Police, in that fake January 6th Committee, they didn't tell the truth. Did they? Patel: No, not just them, many others, and lying under oath is a Federal offense and they should be investigated for it." Do you believe that about the police officers?

Mr. PATEL. That's a general statement and a mischaracterization of what I said. I encourage you to read the rest of the interview. This is why snippets of information are often misleading and detrimental to this Committee's advice and consent process.

Senator KLOBUCHAR. Oh. If you consent, I would love to have 5 hours of questions, and then I could read the whole transcript.

Mr. PATEL. You've got 2 minutes.

Senator KLOBUCHAR. Okay—wow. In September, you referred to the FBI's Intel Branch, which was stood up after 9/11 and works to protect us from foreign adversaries like China, as, quote, "the biggest problem the FBI has had," end quote. And you said you wanted to, quote, "break that component out of the FBI." It was the same sentence where you said about turning the FBI headquarters into a museum. Do you really think that closing the Intel Branch will make Americans safer?

Mr. PATEL. Again, it's not what I said. The intelligence component of the FBI has seen some politicization and weaponization that we've discussed here today, and intelligence collection capabilities belong in the Intelligence Community. Having served in both law enforcement intelligence communities, I'm uniquely qualified to bring the intelligence limited component back to the FBI. That ties back to the legislative mandate of prosecuting and investigating criminals.

Senator KLOBUCHAR. Okay. Last—I will end early, Mr. Chairman. You said in May of 2023—this is important to all of us because Elon Musk is playing such a major role in the Government right now—you said, "Elon Musk cares about two things: your data and his money." Do you still stand by those words?

Mr. PATEL. I don't have that entire quote, but if that's what it says.

Senator KLOBUCHAR. It was in a cert—you were angry because of an endorsement of Governor DeSantis in Florida, and so you were defending Donald Trump—and so you criticized Elon Musk

and that was the context for it. And you said, “Elon Musk cares about two things: your data and his money.” And it matters to us because he’s playing such a major role in the Government. And so I just wonder if you think that’s true.

Mr. PATEL. I don’t have that full quote in front of me to respond.

Senator KLOBUCHAR. All right. Thank you.

Chairman GRASSLEY. Senator Moody.

Senator MOODY. Thank you, sir. It sounds to me like my fellow Senator is trying to get you to move FBI headquarters to Alabama. I have a full list of why it should move to Florida—and at the very least, maybe a Flora-Bama FBI HQ.

Mr. PATEL. Flora-Bama.

Senator MOODY. Good people there, good recruits. We would fully support it.

Moving on to a more serious matter, I know you would be shocked to learn this. As AG and as the chair of the Human Trafficking Council in Florida, we saw trafficking explode around the Nation as a result of the Biden administration’s wide open borders. It’s no surprise to anyone. But it might shock you to know that the National Human Trafficking Hotline that was funded by Congress to report tips to law enforcement in the last 4 years decided that they would no longer report tips to law enforcement, that they would take a more victim-centered approach. And this fell in line with a lot of what we saw over the last 4 years with people saying things like defund the police, abolish the police—nonsense policies that lead to an explosion in crime. You and I both understand that from our prior work experience.

Mr. PATEL. Absolutely.

Senator MOODY. So there was a CEO that was put in charge in the last 4 years who said that she—we cannot arrest our way out of the human trafficking problem, and I quote, “Trafficking in all its forms is the end result of inequities, abuses of power, and massive systemic and government failures.” Do you believe that that is in fact the cause of human trafficking, or is it the result of evil, heinous humans that seek to profit off of others’ pain?

Mr. PATEL. The only people responsible for human trafficking are the criminals that intentionally traffic in humans, in children, and exploit them. And if I’m confirmed, it will be one of the top priorities to make sure that doesn’t happen in this country and that we find the thousands of missing children that are still missing.

Senator MOODY. I, along with many of the other attorneys general in this Nation, in a bipartisan fashion, not only demanded that they begin reporting tips to law enforcement so that they could follow up and go after the traffickers so that they didn’t continue to victimize and victimize others, but we also came to Congress and tried to get funding pulled—or at least a mandate that they do what they were created to do, and that is to report tips to law enforcement. Do I have your word, moving forward, as someone who understands the necessity to go after traffickers, to not only identify and rescue victims but to assure there aren’t other victims? Do I have your word you’ll work with me to come to Congress to make sure that that happens so that that can never happen again?

Mr. PATEL. You do, Senator.

Senator MOODY. I'm proud to say, in Florida we were able, when we didn't get that result here in Congress, we started our own hotline. It's one of the first in the Nation, and no surprise, we immediately rescued 10 victims of human trafficking that were being held by force and massage parlors. Reporting to law enforcement works. It allows us to rescue and save lives, and I know you will bring that mission focus back to the FBI.

Mr. PATEL. Thank you, Senator. I will.

Chairman GRASSLEY. Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. Mr. Chairman, I want to touch on something that's been on my mind lately, and I will tie it back to this hearing. We have seen a wholesale attack and assault in the past 2 weeks by President Trump on the value of diversity. Through his Executive orders, he is seeking to dismantle over 60 years of work to promote equal opportunity in the Federal Government. His pronouncements have gotten so bad that, apparently, the Defense Intelligence Agency issued a memo 2 days ago that it would no longer commemorate Martin Luther King Day, Women's History month, Holocaust Day of Remembrance, or Asian-American/Pacific Islander Heritage Month, and so on. Why is there such a fear of people who are different? In Hawaii, we celebrate diversity and know that it gives us strength. It is part of what makes Hawaii and America great.

Mr. Patel, earlier you shared some deplorable racist rhetoric that had been used against you. As someone who has also been the recipient of this sort of hateful language, I am deeply sympathetic. I also note, Mr. Patel, that in the past, you have recognized the value of diversity. Back when you were in law school, you signed on to an amicus brief in the *Grutter* case supporting consideration of race in law school admissions. I hope that joining the Trump administration will not cause you to change your views on the value of diversity.

Reflecting on this hearing, it is sad that we are considering Mr. Patel's nomination despite his gross inadequacy to do the job of FBI Director fairly and objectively. Yet, there is no question that much pressure has been brought to bear on my Republican colleagues to support this nomination.

[Poster is displayed.]

Senator HIRONO. For example, a man named Mike Davis has been threatening my Republican colleagues. He said that this vote was a red line—that if Senate Republicans don't vote to confirm Mr. Patel, his organization, a group called the Article III Project, would make their lives a living hell. I certainly hope that all of us will base our vote on your nomination on the best interest—who can work in the best interest of our country and not based on this sort of pressure. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Schmitt.

Senator SCHMITT. Thank you, Mr. Chairman. I don't want to give you a chance to respond to this because I think my colleagues are misstating the law here. You can't authorize the release of your grand jury testimony. Only a court can do that. Is that right?

Mr. PATEL. That's been my understanding.

Senator SCHMITT. Yes. And you—I think you’ve stated that the best reflection and the most accurate version of your testimony is the transcript—

Mr. PATEL. Yes, sir.

Senator SCHMITT [continuing]. In the grand jury testimony, that you’re fine to be released, but the court has to go do that. Right?

Mr. PATEL. Yes, sir.

Senator SCHMITT. Yes. Okay. And it lasted like 3 or 4 days. Is that what you were saying?

Mr. PATEL. Yes.

Senator SCHMITT. Okay. I also want to—Senator Durbin’s talked about, you know, what your priority, or your priorities will be, and I think your testimony has been that it’ll be adherence to the Constitution and the people of the United States of America. Right? You take that very seriously.

Mr. PATEL. That’s it. That’s the only thing that matters.

Senator SCHMITT. Could you talk about maybe some other priorities? We talked initially in my first round about getting the FBI back to its core mission—

Mr. PATEL. Yes.

Senator SCHMITT [continuing]. Which is to fight crime and not, you know, sort of try to do the things that it’s been doing the last 4 years. Talk about how you might bring that together.

Mr. PATEL. So, Senator, I appreciate the questions. It’s something I wanted to address, maybe, 6 hours ago, so I appreciate the opportunity to do it now. Whether we prioritize going after violent crime and national security, we cannot defend against either of those successfully unless we go after the underlying criminal nexus there. And whether it’s human trafficking, whether it’s terrorism, whether it’s opioids, and whether it’s just outright gang violence, the intersection there is narco trafficking. It is the underlying underbelly, the evil illegal underbelly of all those operations that we have not prioritized, in my opinion, as a law enforcement agency, the collective power we can rain down on criminal narco trafficking networks. And ideally, if I’m confirmed, Senator, I would like to work with Attorney General Pam Bondi, if she can become confirmed, to set up regional drug interdiction task force where our local sheriffs’ offices, our local PDs, and our local precincts are folded in with the FBI on an information- and authority-sharing basis to take down the criminal networks.

And the advice and consent process has been extremely informative of this, to me. I do not know your jurisdictions, as well as you all ever will. That’s what makes this so critically important, educational. I did not know that Memphis was the homicide capital of America per capita. I did not know that there was a corridor in Ohio that speaks to the human trafficking volume more so than any intersection in the country. That is what I will rely on your expertise across the aisle to fold in those resources and target those criminal active hotbeds. And I believe if we are successful in actually crippling the narco trafficking networks, we will see a decrease, monumental, in violent crime and at the same time protecting American’s national security.

Senator SCHMITT. And maybe, just maybe, where you have a third of the personnel for the FBI here in Washington, DC, maybe

just maybe one of the reforms is to get more of those folks out into those areas across the country to go do that. Right? That's what you're talking about?

Mr. PATEL. I think so, sir.

Senator SCHMITT. Thank you. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Booker.

Senator BOOKER. Mr. Patel, do you know any of these five individuals: Erica Knight, Tom Ferguson, Greg Mentzer, Steve Reese, or Carlos Fernandez?

Mr. PATEL. Yes, Senator.

Senator BOOKER. Who are they?

Mr. PATEL. People I've worked with in the past, at some point.

Senator BOOKER. I'm told that those are the people that will be additional political appointees to help run the FBI. Is that correct?

Mr. PATEL. That's news to me, Senator.

Senator BOOKER. Under the history of our—the Federal Bureau of Investigation, since the reforms in the early 1970s, there's only been one political appointee. I'm told that these will be additional political appointees—five extra political appointees. Do you know if Reese or Fernandez are affiliated with SpaceX or Elon Musk?

Mr. PATEL. I don't.

Senator BOOKER. I'm told that they are affiliated with SpaceX and Elon Musk, and that he had influence in who will be placed around you as political appointees. Mr. Patel, did you see the President of the United States declassify the documents that were found at Mar-a-Lago?

Mr. PATEL. I witnessed the President of the United States issue a declassification order for documents.

Senator BOOKER. That did not answer my question. Did you or did you not see the President of the United States declassify the documents that he was holding—the classified documents that were at Mar-a-Lago? And did you—

Mr. PATEL. I don't know the answer to that question because I don't know what was fully found because the Justice Department hasn't made that public.

Senator BOOKER. You claimed publicly that you saw President Trump declassify documents. Is that correct?

Mr. PATEL. That's correct, Senator.

Senator BOOKER. So you did indeed see President Trump declassify the documents that were found at Mar-a-Lago that he refused to turn over. Is that correct?

Mr. PATEL. No. What I said, Senator, was I heard and witnessed the President issue a declassification order for a number of documents.

Senator BOOKER. For the documents specifically that were at Mar-a-Lago?

Mr. PATEL. When he issued that order, there was documents. I don't know what was found and what was not found at Mar-a-Lago. I wasn't there.

Senator BOOKER. So this is the issue. The question is, is will you lie for the President of the United States? Would you lie for Donald Trump?

Mr. PATEL. No.

Senator BOOKER. I hear you saying no, but the best way to clarify that would be to testify, as you were allowed by law, upon what you'd said to the grand jury. Because that grand jury, as you just said to my colleague, two or three days of it was about this specific issue.

And so, as my time ends, Mr. Chairman, it would be utterly irresponsible for this Committee to move forward with his nomination unless we know factually, which can be proven by looking at the documents that he's refusing to testify toward, it would be irresponsible for us to move forward if we do not know that the future head of the FBI would break the law and lie for the President of the United States. We can find that out factually if we had access to the testimony or if he would tell us what he said to the grand jury, which by the law of the United States of America, he's allowed to.

But he's refusing to do so. He is refusing the transparency that he claims to adhere to. He is refusing to be direct with the United States Senate. He is refusing to be transparent and put it all out there. Did he or did he not lie for the President? That is the question.

Chairman GRASSLEY. Senator Blackburn.

Senator BLACKBURN. Thank you, Mr. Chairman. I appreciate that, and thank you for your patience today. We do appreciate it. Just for the record, Mr. Chairman, I put up the clip that showed me requesting the records for Epstein, that is—I put that up on social media just so we could clarify that issue. Mr. Patel, what I'd like to ask you about, you mentioned that Memphis is the homicide capital of the country. That concerns us, and we've recently had an issue where the FBI wanted to consolidate the Memphis and Knoxville offices into a Nashville office. And, of course, this causes us some concern. And I would like to get your commitment that you will make certain that we have every resource we need in Memphis to deal with this issue and that the FBI will be appropriately resourced in the State of Tennessee.

Mr. PATEL. You absolutely will, Senator.

Senator BLACKBURN. Thank you so much for that. And then we've had some talk today about DEI, and we've talked about this in this Committee and the emphasis the FBI put on DEI, and things like counting Swiftie bracelets, and things of that nature, and not on investigations. And what we want to make certain is that we have qualified individuals who are going to stick to that core mission, and you have talked about that mission today and thank you for being able to recite what it is. We appreciate that, and I want you to just talk a little bit about those first few actions that you can take to build—to build back the recruiting and the training in order to accomplish that mission.

Mr. PATEL. Absolutely, Senator. Quite simply, I know we have limited time, is that people who sign up to serve the FBI must meet the rigorous high standards, merits, and physical fitness standards, and those will not go—those will not be changed.

Senator BLACKBURN. So that will be a priority for you?

Mr. PATEL. And I think people who want to join the FBI do so with the dedication to serve this country and an adherence to law enforcement, and we will allow those folks that graduate from the

academy and enter the FBI to carry a gun and a badge in representation of this country to protect its citizens. And when we allow the good cops to be cops and put handcuffs on the bad guys, I think you will see an exponential increase in enrollment and how we keep people at the FBI.

Senator BLACKBURN. And that is a day one item for you.

Mr. PATEL. Yes ma'am.

Senator BLACKBURN. Thank you.

Chairman GRASSLEY. Senator Padilla.

Senator PADILLA. Thank you, Mr. Chair. Mr. Patel, do you believe that background checks for firearm purchases are constitutional?

Mr. PATEL. I don't know the in-depth of it, but I think that's what the Supreme Court has said, Senator.

Senator PADILLA. So the word would be Y-E-S, yes? Can you say yes? Are background checks constitutional?

Mr. PATEL. I can say whatever the Constitution and the Supreme Court ruled is the rule of the land.

Senator PADILLA. And what is the rule—the law of the land at the moment?

Mr. PATEL. I'm not an expert on State-by-State background checks.

Senator PADILLA. You're going to be—universal background checks—

Mr. PATEL. Well, that's different.

Senator PADILLA. I think actually your answer is pretty telling. Let me ask you another question. Do you believe that civilian ownership of machine guns are protected by the Second Amendment?

Mr. PATEL. Universal background checks are different—that's not what you say—

Senator PADILLA. I asked a separate question. Do you believe civilian ownership of machine guns is protected by the Second Amendment?

Mr. PATEL. Whatever the court's rule in regards to the Second Amendment is what is protected by the Second Amendment.

Senator PADILLA. He's got another telling response, colleagues, on another important issue. We've all talked—both sides of the aisle—about our concern about gun violence in America. I raise these questions because of an association that can be observed between Mr. Patel and Gun Owners of America—a group staunchly opposed to firearm regulation, a group that Mr. Patel addressed in August, and a group that in December issued a press release applauding his nomination to be FBI Director. Gun Owners of America has taken extreme positions, including the position that all background checks are unconstitutional and that civilian ownership of machine guns is protected under the Second Amendment. Mr. Patel, let me remind you that as FBI Director, you would oversee critical responsibilities related to firearm regulation, including administering the National Instant Criminal Background Check System. Yes, it's constitutional. It's in place for a reason. You would also regulate the distribution of machine guns to prevent them from falling into the wrong hands. Policies and programs in place for a reason. And given your hesitancy, given your answers,

I'm concerned about your ability to do the job when it's not in alignment with groups like Gun Owners of America.

Colleagues, we've been hearing a lot of partial responses and lack of recollections throughout the day, and I can't help but identify the pattern of Mr. Patel calling FBI leadership corrupt, labeling agents as gangsters, accusing them of being part of a criminal deep state conspiracy. We've heard of his experience with the J6 Prison choir, a group of individuals convicted for their roles in the January 6 insurrection. We've heard his false claims that the U.S. had secured airspace permissions during a high-stakes SEAL team hostage rescue mission in Nigeria. I can go on and on. These positions are inconsistent with the role of FBI Director, a position that demands independence, professionalism, and unwavering commitment to the rule of law. Mr. Patel, your loyalty to President Trump and the MAGA movement may score you points in some quarters, but they are certainly not the qualities necessary to serve as Director of the FBI.

And, Mr. Chair, just in closing, I understand while I was out of the room earlier that Senator Tillis raised my name and attributed it to, quote, "bend the knee" as part of my questioning earlier—to me. And so for the record and for my colleague from North Carolina, I want to clarify that the "bend the knee" quotes were not my words. I was quoting Mr. Patel as he appeared on the "Shawn Ryan Show" on September 2 of 2024, and I'm happy to share a link, Senator Tillis, to clarify. Thank you, Mr. Chair.

Chairman GRASSLEY. Senator Welch.

Senator WELCH. Thank you very much. I don't want to belabor this, but it would—it certainly would be of benefit to us if that grand jury testimony could be released. But my understanding is that Senator Whitehouse's point, that you don't need—you, as a witness, could reveal what you said. And I'm just suggesting you might give that some further thought. The second thing is that you have an incred—everybody who runs an agency has enormous responsibility for the people who work there. I happen to have an incredibly high opinion of the FBI. The first time I came to Washington as a boy, I remember the thrill I had going to the FBI headquarters. I thought it was a big deal that my Senator, then, got me special tickets to go, and I've always admired them. There's a lot of apprehension there, and it's not just on this question of weaponization. There's a lot of disruption in a new administration. And, as you've seen, the President announced an impoundment in effect. It's been rescinded by the courts. But we've received calls from folks in various agencies who we've worked with or seen over the years, and there's just an immense amount of insecurity—do I have my job? Don't I have my job?

And, frankly, I think—I will just—this is my point to the President. Chaos is one thing, but cruelty is another. And having people be really uncertain about do they have a job today or not and leaving them in limbo, I don't think is a good thing for morale. And I don't care whether it's a Democratic or Republican President. I'm just looking to you to assure me that the tradition that we've had anchored in the FBI since 1972 when it was politicized—I mean, J. Edgar Hoover went after Martin Luther King in a disgusting and despicable way, went after some John Birch Society folks for

their political beliefs in a disgusting and horrible way. And we have no political appointees over there. So it's going to be up to you to, I think, strengthen that tradition. And we heard about the political appointees that are over there now—or, I guess they're not officially appointees, but they've been sent by the administration. You didn't know about it, but one of them is from SpaceX. And, you know, Elon Musk—he's a rich—a rich guy, but he has no authority, other than what's delegated by the President. But he has no official authority. And why is—you can't answer this, but do you want somebody like Elon Musk peering over your shoulder, telling you what to do about personnel?

Mr. PATEL. No, the FBI must be independent.

Senator WELCH. Well, kick him out. I mean, I'm with you on that. He has no basis, he has no reason to be there. There's some former FBI people. You'll pick the people that you want to listen to. You'll have to make the decisions. You'll be accountable to this Committee. But “no” on Elon Musk. He's just a political crony who knows nothing about law enforcement. So thank you for that assurance.

Chairman GRASSLEY. Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman. Mr. Patel, when Mr. Booker was asking you questions in his first round, you said, “Senator, the grand jury testimony is available to you. I encourage you to make it public.” You also later said—or previously, to Mr. Booker said, “Get my grand jury testimony. I asked the Department of Justice to make it public.”—“I asked the Department of Justice to make it public.” Do you stand by that testimony?

Mr. PATEL. If that's what I said.

Senator SCHIFF. So you asked the Justice Department to make your grand jury testimony public?

Mr. PATEL. At the time of my appearance in the grand jury.

Senator SCHIFF. And who did you ask to do that?

Mr. PATEL. The lawyers.

Senator SCHIFF. Mr. Chairman, since the witness has said that he encourages this testimony to be public, that he, in fact, asked the Justice Department to make it public, I would ask you, Mr. Chairman, if you and the Ranking Member would be willing to write to the court, acknowledging the witness has asked for this to be public, supporting it being made public. I can't imagine there's a court in the land that would say no to a bipartisan request like that.

Chairman GRASSLEY. I won't tell you. Let me say something. I'm not going to take this out of your time. It's not directly answering your question, but I think it'd be significant what Richard Grenell put on X: “I testified in front of Jack Smith's grand jury at the Justice Department and Jack Smith's prosecutor told me directly that I could not talk about my testimony or risk legal actions.” Then he goes on to say that certain Senators, I won't mention here, should ask those lawyers why they instructed witnesses this way.

Senator SCHIFF. Thank you, Mr. Chairman. We'd welcome a chance to have Mr. Grenell testify under oath, as opposed to on X. But nevertheless, what I would ask, given that this witness has said he made the request, this witness has said he would like us

to read the testimony. I would ask if you, and Senator Durbin, would be willing to make that request of the court.

Chairman GRASSLEY. I wouldn't answer your question without talking—to get all the background I need. Considering the conversation between you two, I couldn't make that judgment now.

Senator SCHIFF. I appreciate your consideration, Mr. Chairman. And the reason why I think it's so important is, let's remind ourselves what those documents were in Mar-a-Lago. According to the indictment, the classified documents Trump stored in his boxes include information regarding defense and weapons capabilities of both the United States and foreign countries, United States nuclear programs, potential vulnerabilities of the United States and its allies to military attack, and plans for possible retaliation in response to a foreign attack. So testimony that goes to the care or lack of care, the truthfulness or lack of truthfulness of Mr. Patel would be directly relevant to whether he should be confirmed as FBI Director. And those records are there for the asking. No court's going to turn us down. Mr. Patel may be, I don't know, but he may be the first nominee for FBI Director in history who felt it necessary to plead the Fifth—to say that he wouldn't testify to a grand jury because it might incriminate him. Maybe the first nominee for FBI Director ever to feel necessity of pleading the Fifth. Shouldn't we ask for that testimony when the witness himself says he would encourage it?

Finally, I would just say, we need to think about where we are in this moment. We have a new President. He's fired prosecutors who investigated him. He's investigating other prosecutors—or his Department of Justice is. He's fired Inspectors General who might hold him accountable. And this is just the start. And as FBI Director nominee, he's chosen someone whose primary qualification, in my view, is his willingness to say “yes” when everyone else would say “no” to whatever the President wanted—to say whatever he wanted, to do whatever he wanted. That's why he is sitting here.

I mean, look at the people who held that job before Mr. Patel—the stature of the people that held that job, the qualifications of the people that held that job. And how can any of us think that his background, his qualifications, hold a candle to the people who went before him? How did we get here where we are defending a nominee like this—

[Gavel is tapped.]

Senator SCHIFF [continuing]. Who makes songs with convicts who attack law enforcement? How did we get here? And where are we going? History is littered with democracies that lost their freedoms and didn't notice it while it was happening.

Chairman GRASSLEY. Your time up.

Senator SCHIFF. Let's not be one of them.

Chairman GRASSLEY. Your time's up. Before Senator Tillis ends this, I want to put in the record letter from the parents of Kayla Mueller. Mr. Patel met them through his role in the successful operation to track and kill ISIS leader, Abu Bakr al-Baghdadi. “The terrorist”—I'm quoting, “The terrorist group, ISIS, kidnapped our daughter, Kayla, in August of 2013. Any family who has lived through such an experience will know the value of dedicated, compassionate law enforcement officials.

“Because . . . we have personal experience of his dedication, we know that Kash Patel is such a person. We continue to see in him a genuinely kind, thoughtful, action-oriented man who focuses on what is true and right and just. He loves our country and our citizens and wants the best for them all. He wants the country to do the best that it can.”

Without objection, I'll put their letter in the record.

[The information appears as a submission for the record.]

Chairman GRASSLEY. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman. Mr. Patel, I think everything that I did to invest in knowing you better has been on display today. Congratulations. You've exhibited composure, knowledge of the subject matter that I think more than qualifies you for Director of the FBI. You know, we seem to have the benefit of sort of a different view of looking at the history. I heard—I actually was supportive of Comey until I figured out that he was playing games. Maybe this is one of the people of great stature, but it's well known now that he did some things that seemed to have a political tint to them. I voted for Christopher Wray. I think he's a good man, but I also think he oversaw a Department that did bad things. And at the end of the day, that person has to own it. And you will, too.

You know, it is probably going to disappoint the audience to hear what I'm about to say, and those who are watching at home, but you may be surprised to know that most of us at this dais on both sides of the aisle like each other. Senator Schiff and I just met within the last week to talk about areas that we can work together on. Senator Padilla and I actually worked together. We co-chair the bipartisan Mental Health Caucus, and I believe it's actually one of the most important pieces of legislation we've done. I didn't get a whole lot of Republicans to vote for it, but a fair number—and this is working extraordinarily well. Would you commit to me to go into the NICS center in West Virginia and just see how extraordinary this has come to be? And how it hasn't resulted in a mass confiscation of guns, it hasn't resulted in a propagation of red flag laws. In fact, the plain text of the legislation is not allowing money to flow to States, unfortunately including Florida, that we believe have not gotten the due process right quite yet so that we would actually fund red flag laws that make sense. This is what bipartisanship produces.

Now, you're not going to see any bipartisanship in your confirmation. Look, we had Pam Bondi here, and we had people on this Committee talking about a friendship—or a friendly relationship in the past. The fact is, it was a shirts-and-skins game. Blue voted no, red voted yes. It's got to be the same thing for your confirmation. But Mr. Patel, I tell you, I have—it has been a distinct honor to do the work with you to get you ready for this hearing. You did all the work. I just, you know, I'm kind of like the person on the sideline giving you some suggestions. But you did an extraordinary job and you're going to be held to a high standard. I hope you listen to, and if you don't remember it, listen again to what Senator Kennedy said. There are folks like us that are tired of the pendulum swinging back and forth. We want to be the Senate that can confirm an FBI Director that rights the ship, shows consistent respect for the rule of law and the Constitution, consistent respect for all

law enforcement officers. And I absolutely believe you're up to the task, and I look forward to supporting your nomination.

Mr. PATEL. Thank you, Senator.

Chairman GRASSLEY. Before I close the meeting, you have anything you want to say?

Senator DURBIN. No.

Chairman GRASSLEY. I've got something here that's directly related. In my opening statement, I said I want the Members of this Committee to think about something that's brand new, and it kind of deals with this whole exchange we had today in regard to the grand jury testimony. So I want to read: "Based upon whistleblower disclosures that I made today, it's clear how unfair and corrupt the Trump prosecution was and that's created a little faith at best in the grand jury process. We shouldn't allow part of that corrupt process to be used by this Committee against the nominee. An example, one document I made public today, DOJ officials literally concurred with Thibault to open the elector case against Trump, and that included a grand jury investigation. Jack Smith's lawfare efforts and its corrupt process should be what this Committee investigates."

Mr. Patel, thank you for your testimony today. Your family and friends who are here, I think you got to be very proud of him under these tough conditions because he got tough questions. I think you did very well, and your reputation leading up to and during this hearing, I think, proves that you're a person that can stand a lot of heat, including a President's telling you how to do your job. If confirmed, you'll be in charge of one of the world's best law enforcement agencies at the time when it desperately needs strong changes.

For everyone's information, written questions can be submitted for the record until 5 p.m. tomorrow. Mr. Patel, when you receive them, it's very important you get back to us just as fast as you can so we can set up the meetings that we have to go through to get you to the floor of the Senate. So return them to the Committee as soon as possible. Mr. Patel, you are excused, and the hearing is adjourned.

Mr. PATEL. Thank you, Mr. Chairman.

[Whereupon, at 3:06 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Kashyap Pramod Patel (Kash Patel)

2. **Position:** State the position for which you have been nominated.

Director, Federal Bureau of Investigation

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

919 Florida Avenue N.W., Suite 101
Washington, D.C. 20001

Residence: Las Vegas, Nevada

4. **Birthplace:** State date and place of birth.

1980; Queens, New York

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2002 – 2005, Pace School of Law; J.D. (2005)

2004, University College London, Faculty of Laws; International Law Certificate (2004)

1998 – 2002, University of Richmond; B.A. (2002)

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

VK Integrated Systems, Inc.
Director (April 2024 – Present)

110 Kapsia Way
Clarksville, TN 37040
Paid Position

Skeleton Coast, LLC
Managing Member (Nov. 2022 – Present)
919 Florida Avenue, N.W., Suite 101
Washington, D.C. 20001
Non-Paid Position

Based Apparel, LLC
Managing Member (July 2022 – December 2024)
41898 Beningbrough Place
Leesburg, VA 10176
Paid Position

Kash Foundation, Inc.
Director / Officer (April 2022 – Present)
Binnall Law Group
717 King Street, Suite 300
Alexandria, VA 22314
Non-Paid Position

Trump Media and Technology Group, Corp.
Director (March 2022 – Present)
401 North Cattleman Road, Suite 200
Sarasota, FL 34232
Non-Paid Position

Paytriots, Inc.
Director / Officer (April 2021 – Jan. 2023)
251 Little Falls Drive
Wilmington, DE 19808
Paid Position

Trishul, LLC
Managing Member (Feb. 2021 – Present)
919 Florida Avenue, N.W., Suite 101
Washington, D.C. 20001
Paid Position

Dal Forno, LLC
Managing Member (Feb. 2021 – Present)
919 Florida Avenue, N.W., Suite 101
Washington, D.C. 20001
Paid Position

U.S. Department of Defense – Office of the Secretary of Defense
Chief of Staff, Defense Department and Secretary of Defense (Nov. 2020 – Jan. 2021)
 1000 Defense Pentagon
 Washington, DC 20301
 Paid Position

The White House – National Security Council
Deputy Assistant to the President and Senior Director for Counterterrorism; Director Multilateral Affairs (Feb. 2019 – Nov. 2020)
 1650 Pennsylvania Avenue, N.W.
 Washington, DC 20502
 Paid Position

Office of the Director of National Intelligence – Director’s Office
Principal Deputy to the Acting Director of National Intelligence (Feb. 2020 – June 2020)
 1500 Tysons Mclean Drive, Liberty Crossing
 Mclean, VA 22102
 Paid Position

U.S. House of Representatives – House Committee on Oversight and Government Reform
Senior Counsel (Jan. 2019 – Feb. 2019)
 2157 Rayburn House Office Building
 Washington, DC 20515
 Paid Position

U.S. House of Representatives – House Permanent Select Committee on Intelligence
National Security Advisor (March 2018 – Jan. 2019)
Senior Counsel for Counterterrorism (April 2017 – March 2018)
 U.S. Capitol Building, HVC-304
 Washington, DC 20515
 Paid Position

U.S. Department of Defense – Joint Interagency Task Force, National Capital Region
Dept. of Justice LNO to Joint Special Operations Command (March 2016 – April 2017)
 950 Pennsylvania Avenue, N.W.
 Washington, DC 20530
 Paid Position

U.S. Department of Justice, National Security Division – Counter Terrorism Section
Trial Attorney (Jan. 2014 – April 2017)
 950 Pennsylvania Avenue, N.W.
 Washington, DC 20530
 Paid Position

Federal Public Defender’s Office, Southern District of Florida
Assistant Federal Public Defender (Sept. 2009 – Jan. 2014)

150 West Flagler Street, Suite 1500
Miami, FL 33130
Paid Position

Miami-Dade Public Defender's Office
Assistant Public Defender (Apr. 2006 – Sept. 2009)
Clerk & Trainee (Aug. 2005 -Apr. 2006)
1320 NW14 Street
Miami, FL 33125
Paid Position

New York State Judicial Institute
Judicial Intern (Summer 2004)
78 North Broadway
White Plains, NY 10603
Non-Paid Position

Pace School of Law
Student Assistant, Scholarly Research Law Department (June 2004 – May 2005)
Student Assistant, Law Student Activities Department (June 2004 – Dec. 2005)
Research Assistant to Professor James J. Fishman (Summer / Fall 2004)
78 North Broadway
White Plains, NY 10603
Paid Position

Helping Hand Movers
Employee (Summer 2004)
Chicago, IL
Paid Position

Chambers of Anthony Berry Q.C.
Judicial Pupil (Spring 2004)
9 Bedford Row
London WC1R 4AZ
Non-Paid Position

Honorable George W. Lindberg
Judicial Intern (Summer 2003)
U.S. District Court
219 S. Dearborn Street
Chicago, IL 60604
Non-Paid Position

Garden City Golf Club
Golf Caddy (Summers, 1997 – 2005)
315 Steward Avenue

Garden City, NY 11530
Paid Position

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

U.S. Department of Defense, *Distinguished Public Service Award* (2021)

U.S. Department of Justice, *Assistant Attorney General Award for Excellence* (2017)

Central Intelligence Agency, *Exceptional Collector National HUMINT Award* (2015)

Pace School of Law, *Moot Court, Trial Advocacy Team, and Honor Board* (2004 – 2005)

American Bar Association, *Judicial Internship Opportunity Program Recipient* (2003)

Phi Alpha Theta National History Honors Society, *Member* (1999 – 2002)

Long Island Caddie Scholarship Fund, *Scholarship Recipient* (1998)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

National Association of Criminal Defense Lawyers

Federal Association of Criminal Defense Lawyers

American Bar Association

North American South Asian Bar Association
Board Member & Chair of Criminal Section (2010 – 2014) (approx.)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida (Active: 2006 – 2013; Inactive: 2013 – Present)

New York (2012)

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Florida state courts (2006)

New York state courts (2012)

As indicated above, my membership in the Florida bar has been “inactive” since August 2013, and although I filed papers and made appearances in several federal courts on behalf of the United States, as a government lawyer I was exempt from the membership requirements in those federal courts.

Except as set forth above, there have been no lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Poodle Room, *Member* (2024 – Present)

Robert Trent Jones Golf Club, *Member* (2021 – Present)

Center for Renewing America, *Senior Fellow* (2022 – 2023) (approx.)

Miami Children’s Hospital, *Young Ambassador* (2012 – 2013)

University of Richmond, *Alumni Recruiting Director* (2006 – 2018) (approx.)

I have made financial contributions to charitable organizations over the years. I have not included in the list above any organizations to which I gave funds but did not otherwise participate in the organization’s activities, although the organization might consider or otherwise label me as a member by virtue of my financial contributions.

b. Indicate whether any of these organizations listed in response to 11 (a) above currently discriminate or formerly discriminated on the basis of race, sex, religion or

national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None to my knowledge.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

See Appendix 12.a.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I, and persons acting on my behalf, have searched my records and publicly available electronic databases for reports, memoranda or policy statements I prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which I was or am a member. In addition to the publication identified below, I also prepared or contributed to the preparation of memoranda and reports in the course of my employment with the federal government, which belong to the federal government and are comprised of confidential information, classified information, and/or unclassified information that may individually or in compilation lead to the compromise of classified information or disclosure of operations security. Despite these searches, there might be additional reports, memoranda, or policy statements that neither I nor persons acting on my behalf have been able to identify, find, or recall.

Combatting Over-Classification and Weaponized Intelligence, Center for Renewing America, February 17, 2023.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I and persons acting on my behalf have searched my records and publicly available electronic databases, and have identified the below unclassified/non-confidential testimony, official statements or other communications relating to matters of public policy or legal interpretation that I issued or provided or that others presented on my

behalf to public bodies or public officials. Despite these searches, and in addition to the testimony identified below, there might be other communications or testimony that are confidential, classified, and/or that neither I nor persons acting on my behalf have been able to identify, find, or recall.

Testimony before the Select Committee to Investigate the January 6th Attack on the U.S. Capitol, December 9, 2021.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

See Appendix 12.d.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

See Appendix 12.e.

f. If applicable, list all published judicial opinions that you have written, including concurrences and dissents. Supply the citations for all published judicial opinions to the Committee.

I have not served as a judge.

13. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Except for the above-identified positions I have held with the federal government and as an Assistant Public Defender for the Miami-Dade Public Defender's Office, I have not held any other public offices, nor have I had any unsuccessful candidacies for elective office, nor have I had any unsuccessful nominations for appointed office.

b. List all memberships and offices held in and services rendered, whether

compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Between November 2022 and November 2024, I served as a surrogate for former President Donald J. Trump's campaign for reelection.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have never served as a Law Clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

Miami-Dade Public Defender's Office
Assistant Public Defender (Apr. 2006 – Sept. 2009)
Clerk & Trainee (Aug. 2005 -Apr. 2006)
 1320 NW14 Street
 Miami, FL 33125
 Paid Position

Federal Public Defender's Office, Southern District of Florida
Assistant Federal Public Defender (Sept. 2009 – Jan. 2014)
 150 West Flagler Street, Suite 1500
 Miami, FL 33130
 Paid Position

U.S. Department of Justice, National Security Division – Counter Terrorism
 Section
Trial Attorney (Jan. 2014 – April 2017)
 950 Pennsylvania Avenue, N.W.
 Washington, DC 20530

U.S. Department of Defense – Joint Interagency Task Force, National Capital
 Region

Dept. of Justice LNO to Joint Special Operations Command (March 2016 – April 2017).

950 Pennsylvania Avenue, N.W.
Washington, DC 20530

U.S. House of Representatives – House Permanent Select Committee on Intelligence

National Security Advisor (March 2018 – Jan. 2019)

Senior Counsel for Counterterrorism (April 2017 – March 2018)

U.S. Capitol Building, HVC-304
Washington, DC 20515

U.S. House of Representatives – House Committee on Oversight and Government Reform

Senior Counsel (Jan. 2019 – Feb. 2019)

2157 Rayburn House Office Building

Washington, DC 20515

Paid Position

iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have never held judicial office.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

I have spent my entire legal career in public service.

I began my legal career in 2005 as an Assistant Public Defender at the Miami-Dade Public Defender's Office, where I tried approximately 45 jury trials to verdict, including cases involving serious felonies such as murder, armed trafficking, and kidnapping. From 2009 to 2014, I transitioned to the Federal Public Defender's Office for the Southern District of Florida. There, I continued

to litigate complex cases involving federal crimes, including international drug trafficking, murder, arson, firearms, and fraud.

In 2014, I joined the Department of Justice's National Security Division as a counterterrorism prosecutor and my practice transitioned to focus on national security and counterterrorism concerns. In this role, my focus expanded to include the prosecution of international terrorism cases, utilizing classified intelligence, and engaging with foreign governments to bring terrorists to justice. During this period, I prosecuted high-profile cases, including members of Al-Shabaab responsible for the 2010 World Cup Bombings, and collaborated on cases tied to the Benghazi attacks.

From 2016 to 2017, I served as a DOJ liaison to the Department of Defense's Joint Special Operations Command (JSOC), working alongside Tier 1 Special Forces operators, where I assisted with enabling international counterterrorism operations and fostering collaboration between military and civilian agencies. In 2017, I joined the House Permanent Select Committee on Intelligence (HPSCI) as Senior Counsel for Counterterrorism and later as National Security Advisor, where I was involved in overseeing intelligence operations and where I spearheaded the Committee's bipartisan investigation into Russian active measures, which included examining the origins and integrity of the FBI's Crossfire Hurricane investigation and the Department of Justice's application of Foreign Intelligence Surveillance Act (FISA) processes. This investigation revealed improper surveillance practices targeting members of the Trump campaign, significant misconduct including the suppression of information of innocence from the FISA court, and culminated in the Committee's 250-page "Report on Russian Active Measures" and the widely publicized "FISA Abuse Memo."

In 2019, I began fulfilling leadership roles in various executive branch agencies. Initially, I joined the National Security Council as a Director of Multilateral Affairs and then became Director Deputy Assistant to the President and Senior Director for Counterterrorism, where I was responsible for formulating and implementing U.S. counterterrorism policy. In 2020, I also served as Deputy Director of National Intelligence and oversaw all 17 Intelligence Community agencies, prioritizing intelligence collection to focus on hard targets and global threats. Then, from 2020 to 2021, I served as Chief of Staff to the Secretary of Defense, overseeing a \$740 billion budget, managing 3+ million personnel, and leading efforts to enhance America's defense posture. In this role, I assisted with integrating policy and operations across the Department of Defense and synchronizing efforts with interagency and international partners.

Since leaving government service in 2021, I have continued to contribute to national security and legal discourse, and I established The Kash Foundation, a 501(c)(3) organization supporting veterans, law enforcement, and underserved communities.

- ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From 2005 to 2014, my clients were primarily individuals accused of serious crimes. As an Assistant Public Defender in Miami-Dade County and later as a Federal Public Defender in the Southern District of Florida, I represented clients facing charges ranging from drug trafficking and fraud to violent felonies such as murder and armed robbery. My specialization during this time was in criminal defense.

From 2014 onward, my client was the United States and its agencies. As a counterterrorism prosecutor at the Department of Justice's National Security Division, I represented the United States in prosecuting international terrorism cases. My specialization expanded to include the use of classified intelligence, international law, and counterterrorism strategy.

During my tenure as DOJ liaison to JSOC (2016-2017) and later as National Security Advisor to HPSCI (2017-2019), my role required representing and advising government agencies on sensitive intelligence and national security matters, including oversight of classified programs, strategic planning, and interagency collaboration.

In my roles at the National Security Council and the Department of Defense (2019-2021), I provided service to the President, senior administration officials, and the American public. My specialization focused on formulating and executing counterterrorism policies, overseeing military operations, and managing interagency coordination to safeguard national security.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

From 2005 to 2014, virtually all of my practice was in litigation. During this period, I appeared in court frequently, handling pretrial motions, conducting depositions, and trials. As an Assistant Public Defender and later as an Assistant Federal Public Defender, my court appearances were almost daily given the volume and complexity of the cases I managed as a public defender and federal defender.

From 2014 to 2017, as a prosecutor in the Department of Justice's National Security Division, my litigation activities accounted for approximately 70% of my practice. I appeared in court less frequently, primarily for high-profile terrorism cases and hearings requiring the use of classified information.

Between 2017 and 2021, my professional responsibilities shifted from legal counsel to a focus on oversight, policy, and strategic advisory roles. Litigation constituted approximately 20% of my activities during this period, primarily in my role

as Senior Counsel for the HPSCI, and my remaining responsibilities involved less courtroom advocacy and more interagency coordination and legislative engagement in my subsequent positions within the federal government.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 50% |
| 2. | state courts of record: | 50% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|---------|
| 1. | civil proceedings: | Nominal |
| 2. | criminal proceedings: | >99% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As an Assistant Public Defender with the Miami-Dade Public Defender's Office, I tried approximately 45 cases to verdict, judgment or final decision as lead counsel or co-lead counsel, and I have tried approximately 20 cases to verdict, judgment or final decision as lead counsel or co-lead counsel as an Assistant Federal Public Defender for the Federal Public Defender's Office or Trial Attorney for the U.S. Department of Justice. I have tried one case as sole counsel in federal court.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 98% |
| 2. | non-jury: | 2% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

None.

15. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Uganda World Cup Bombings*, High Court of Uganda (2015 – 2016)

In July 2010, Kampala, Uganda, experienced devastating suicide bombings targeting crowds watching the FIFA World Cup Final at two locations: the Kyadondo Rugby Club and the Ethiopian Village restaurant. These attacks resulted in 74 deaths and 85 injuries, including the death of an American citizen and the serious injury of another. The Somalia-based Islamist group al-Shabaab claimed responsibility.

As a trial attorney in the U.S. Department of Justice's National Security Division, I was assigned by the Department to assist the Ugandan prosecution team and was responsible for, among other things, coordinating U.S.-based assistance in the investigation and prosecution of individuals involved in these bombings, which ultimately led to the successful prosecution and conviction of 15 members of al-Shabaab, holding them accountable for their roles in the attacks. In recognition of my contributions to this case, I received the Department of Justice's Assistant Attorney General Award for Excellence in 2017.

2. *United States v. Alonso*, Case No. 1:12-cr-20486-JAL (S.D. Fla.) (Lenard, J.) (2012-2013).

This case involved allegations of encouraging and inducing aliens to enter the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(iv). The government charged Mr. Alonso in a 17-count indictment alleging that on October 29, 2008, he knowingly encouraged and induced 17 named individuals, including three minors, to enter and reside in the United States unlawfully.

I represented Mr. Alonso as his Federal Public Defender following his arrest in July 2012. Throughout the proceedings, I engaged in extensive pretrial litigation, including filing motions to take foreign depositions and to dismiss the indictment for pre-indictment delay. The case involved complex issues related to foreign evidence and witness testimony, requiring multiple continuances to address these matters. After extensive negotiations and pretrial proceedings spanning approximately nine months, the government ultimately moved to dismiss all charges. On April 25, 2013, the court granted the government's motion and dismissed the indictment without prejudice.

Co-Counsel:

Vincent Peter Farina
Federal Public Defender's Office
150 W. Flagler Street, Suite 1700
Miami, FL 33130

(305) 530-7000

Principal Counsel for the United States:

Anna E. Steel
United States Attorney's Office
99 N.E. 4th Street
Miami, FL 33132
(305) 961-9136

Jaime A. Raich
United States Attorney's Office
99 N.E. 4th Street
Miami, FL 33132
(305) 961-9124

3. *United States v. Buitrago*, Case No. 1:10-cr-20798-MGC (S.D. Fla.) (Cooke, J.) (2011 - 2013)

Salazar Buitrago was charged with three federal drug trafficking offenses: conspiracy to manufacture and distribute cocaine, direct manufacture and distribution of cocaine, and conspiracy to possess with intent to distribute cocaine on board U.S. registered aircraft. Each count involved five kilograms or more of cocaine and carried a potential life sentence.

I represented Mr. Buitrago during pretrial proceedings and through trial. As part of my representation, I traveled to Colombia and met with the Colombian National Police. I discovered the government had failed to disclose *Brady* material, including information about payments made by the Drug Enforcement Administration to Colombian police officers who were key witnesses in the case. When this information came to light during trial testimony, Judge Cooke expressed serious concerns about the prosecution's conduct, particularly regarding the handling of *Brady* discovery.

After four days of trial, on May 23, 2013, Mr. Buitrago entered into a plea agreement to a single count of conspiracy and the government dismissed the remaining counts against him, including manufacturing and distribution charges under 21 U.S.C. § 959 and conspiracy to possess with intent to distribute under 21 U.S.C. § 963. Mr. Buitrago was sentenced to 36 months of imprisonment, which essentially amounted to credit for time already served, followed by three years of supervised release, and was ordered to pay a \$100 special assessment.

Co-Counsel:

Helaine Blythe Batoff
Federal Public Defender's Office
150 W. Flagler Street, Suite 1700
Miami, FL 33130
(305) 530-7000

Paul Maury Korchin
Federal Public Defender's Office
150 W Flagler Street
Miami, FL 33130-1556
(305) 536-6900

Principal Counsel for the United States:

Andrea G. Hoffman
United States Attorney's Office
151 Meeting Street, Suite 200
Charleston, SC 29401
(843) 727-4381

Lynn M. Kirkpatrick
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9239

4. *United States v. Brooks*, Case No. 0:11-cr-60018-CMA (S.D. Fla.) (Altonaga, J.) (2011)

The case involved allegations of possession with intent to distribute cocaine base under 21 U.S.C. §§ 841(a) and 841(b)(1)(B). The government alleged that Mr. Brooks possessed and intended to distribute five or more grams of cocaine base ("crack cocaine").

I helped lead the defense strategy, successfully arguing key pretrial motions, including excluding evidence under Federal Rules of Evidence 404(b). After a five-day jury trial from June 20-28, 2011, the defendant was ultimately convicted on both counts, sentenced to 280 months of imprisonment and 8 years of supervised release, with a \$200 special assessment.

Co-Counsel:

Neison Max Marks
Federal Public Defender's Office
450 S. Australian Avenue, Suite 500
West Palm Beach, FL 33401
(561) 833-6288

Principal Counsel for the United States:

Cynthia R. Wood
United States Attorney's Office
99 N.E. 4th Street, Suite 400
Miami, FL 33132

(305) 961-9185

Terry Lindsey
United States Attorney's Office
500 E. Broward Blvd., 7th Floor
Fort Lauderdale, FL 33394
(954) 660-5696

5. *United States v. Maxime*, Case No. 1:09-cr-20470-JEM-2 (S.D. Fla.) (Martinez, J.) (2009-2010)

This case involved charges of conspiracy to interfere with commerce by robbery (Hobbs Act violation) and possession of a firearm in furtherance of a crime of violence where death occurred. The government alleged that Mr. Maxime participated in the armed robbery and murder of a Dunbar security guard at the Dadeland Mall in Miami on December 1, 2008, resulting in the theft of approximately \$63,650.47 in cash and checks. The government initially sought enhanced penalties, including life imprisonment.

As co-counsel, I assisted with crafting and presenting pretrial motions, including motions to suppress evidence and exclude Rule 404(b) evidence, and participated in multiple evidentiary hearings. I collaborated with co-counsel to analyze forensic and eyewitness evidence and presented objections to the government's discovery disclosures. Mr. Maxime was ultimately convicted on charges of conspiracy to interfere with commerce, interference with commerce, and possession of a firearm in furtherance of a violent crime. He was sentenced to 20 years of imprisonment for the robbery-related charges and life imprisonment for the firearm offense.

Co-Counsel:

Jan Christopher Smith II
Federal Public Defender's Office
1 East Broward Boulevard, Suite 1100
Fort Lauderdale, FL 33301
(954) 356-7436

Steven Michael Potolsky
Steven M. Potolsky, P.A.
100 SE 2nd Street, Suite 3550
Miami, FL 33131
(305) 530-8090

Principal Counsel for the United States:

Anthony W. Lacosta
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132

(305) 961-9280

Scott M. Edenfield
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9086

6. *United States v. Comesana*, Case No. 1:11-cr-20254-CMA (S.D. Fla.) (Altonaga, J.) (2011)

This case involved allegations of conspiracy to make false statements to firearms dealers and dealing in firearms without a license in violation of 18 U.S.C. §§ 371, 924(a), and 922(a). The government alleged that Erik Comesana conspired with his co-defendant to make straw purchases of firearms and engage in unlicensed firearms dealing between October 2009 and March 2011.

I represented Mr. Comesana during pretrial proceedings, including bond hearings and initial arraignment. On June 30, 2011, the court dismissed all charges against Mr. Comesana upon the government's motion.

Co-Counsel:

Peter S. Heller
Law Offices of Peter S. Heller, P.A.
9100 South Dadeland Blvd., Suite 1702
Miami, FL 33156
(305) 284-8000

Principal Counsel for the United States:

Anthony W. Lacosta
United States Attorney's Office
99 NE 4th Street, 8th Floor
Miami, FL 33132
(305) 961-9280

7. *United States v. Sandoval*, Case No. 1:10-cr-20243-CMA (S.D. Fla.) (Altonaga, J.) (2010)

The case involved allegations of interstate theft from a carrier under 18 U.S.C. § 659. The government alleged that Mr. Sandoval was involved in the possession and attempted sale of approximately 6,000 Amazon Kindle electronic book readers that had been stolen from an interstate shipment of 12,000 Kindles with a total value of approximately \$2.5 million.

I represented Mr. Sandoval through pretrial proceedings, including negotiating an

agreement in which Mr. Sandoval ultimately entered a plea of guilty to the single charge of possession of stolen cargo, for which he was sentenced to 30 months' imprisonment, three years of supervised release, a \$5,000 fine, and a \$100 special assessment.

Principal Counsel for the United States:

Aurora Fagan
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(561) 820-8711

8. *United States v. Hamayel*, Case No. 1:10-cr-20685-DMM (S.D. Fla.) (Middlebrooks, J.) (2010–2011)

This case involved a single charge of conspiracy to possess stolen firearms, fully automatic firearms, and explosive materials under 18 U.S.C. § 371. The government alleged that Mr. Hamayel engaged in a conspiracy to procure and purchase weapons including M-16 rifles, AK-47s, grenades, silencers, and explosive devices between April and June 2009.

I represented Mr. Hamayel throughout pretrial proceedings, including detention hearings and arraignment, and facilitated a plea agreement under which he pleaded guilty to the conspiracy charge. Following extensive sentencing advocacy, Mr. Hamayel was sentenced to 48 months of imprisonment, 3 years of supervised release, and a \$100 special assessment.

Principal Counsel for the United States:

Karen E. Gilbert
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9161

Michael R. Sherwin
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9067

9. *United States v. Cortes-Castro*, Case No. 1:11-cr-20005-DPG (S.D. Fla.) (Gold, J., reassigned to Gayles, J.) (2011)

This case involved charges of sex trafficking by force, fraud or coercion under 18 U.S.C. §§ 1591 and 1594. The government alleged that Alberto Cortes-Castro participated in a conspiracy to traffic and prostitute undocumented Mexican women through force, fraud, and coercion between 1999 and 2010.

I represented Mr. Cortes-Castro throughout the proceedings, including initial appearance, arraignment, pretrial motions, and plea negotiations. Mr. Cortes-Castro entered a guilty plea on August 4, 2011, and on November 15, 2011, the court sentenced him to 180 months imprisonment, followed by 5 years of supervised release, and ordered restitution of \$1,239,200.00 jointly and severally with his co-defendants.

Co-Counsel:

Paul Maury Korchin
Federal Public Defender's Office
150 W Flagler Street
Miami, FL 33130-1556
(305) 536-6900

Dave Lee Brannon
Federal Public Defender's Office
450 Australian Avenue, Suite 500
West Palm Beach, FL 33401
(561) 833-6288

Bernardo Lopez
Federal Public Defender's Office
One East Broward Boulevard, Suite 1100
Fort Lauderdale, FL 33301
(954) 356-7436

Principal Counsel for the United States:

Marlene Rodriguez
United States Attorney's Office
99 NE 4th Street, Suite 300
Miami, FL 33132
(305) 961-9206

Karen E. Moore
United States Attorney's Office
99 NE 4th Street, 7th Floor
Miami, FL 33132
(305) 961-9030

Roy Kalman Altman
Podhurst Orseck PA
One SE 3rd Avenue, Suite 2300
Miami, FL 33131
(305) 358-2800

William C. Healy
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9438

10. *United States v. Keaton*, Case No. 1:11-cr-20663-CMA (S.D. Fla.) (Altonaga, J.) (2011)

This case arose from an April 2011 incident where Miami Police Department officers allegedly observed Mr. Keaton in the vicinity of the Liberty Square apartment complex. The government charged Mr. Keaton with possession of a firearm and ammunition by a felon, possession of controlled substances with intent to distribute, and possession of a firearm in furtherance of a drug-trafficking crime. I represented Mr. Keaton throughout the pretrial proceedings and the five-day jury trial in January 2012 in which the jury returned guilty verdicts on all three counts. Mr. Keaton was ultimately sentenced to 360 months imprisonment.

Co-Counsel:

Samuel Randall
Kenny Nachwalter, P.A.
1100 Miami Center
201 South Biscayne Boulevard
Miami, FL 33131-4327
(305) 373-1000

Principal Counsel for the United States:

Elisa Castrolugo
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9033

John Gonsoulin
United States Attorney's Office
99 NE 4th Street
Miami, FL 33132
(305) 961-9302

16. **Legal Activities:** Describe the most significant legal activities you have pursued including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The most significant legal activities I have pursued have centered on matters of national security, law enforcement, the intelligence community, as well as government corruption and accountability. For example, my focus on these issues was exemplified in the investigation into Russian interference in the 2016 U.S. presidential election, colloquially known as “Russiagate.” During my tenure as Senior Counsel for Counterterrorism and later as National Security Advisor on the House Permanent Select Committee on Intelligence (HPSCI), I played a pivotal role in conducting one of the most high-profile and consequential congressional investigations in modern history.

I spearheaded the Committee’s bipartisan investigation into Russian active measures, which included examining the origins and integrity of the FBI’s Crossfire Hurricane investigation and the Department of Justice’s application of Foreign Intelligence Surveillance Act (FISA) processes. This investigation revealed improper surveillance practices targeting members of the Trump campaign, culminating in the Committee’s 250-page “Report on Russian Active Measures” and the widely publicized “FISA Abuse Memo.” These reports exposed significant misconduct, including the reliance on unverified information from the Steele Dossier in FISA warrant applications as well as the suppression of information of innocence.

My role also included managing the collection and analysis of hundreds of thousands of documents from intelligence agencies and private entities, conducting over 70 interviews with current and former senior government officials, and briefing more than 220 members of Congress on our findings. I was instrumental in developing investigative strategies that resulted in the national disclosure of critical information regarding surveillance abuses and improper investigative practices.

Beyond litigation-related matters, I engaged in substantial legal and policy work that did not involve court proceedings. For example, I oversaw sensitive legislative initiatives to strengthen oversight of intelligence and counterterrorism operations. I also worked to reform intelligence collection priorities to address transnational threats more effectively.

I have not performed lobbying activities on behalf of any client or organization. My work has focused on legal, investigative, and policy-driven initiatives in the public interest, particularly within the context of safeguarding the integrity of U.S. intelligence and law enforcement practices.

This experience exemplifies my commitment to uncovering the truth, holding institutions accountable, and ensuring adherence to the rule of law, particularly in matters with profound implications for national security and public trust. My participation in these activities required a deep understanding of classified intelligence, interagency processes, and legislative frameworks, underscoring my ability to navigate complex and sensitive legal challenges at the highest levels of government.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have never taught any courses.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I anticipate receiving a contracted percent of profits from Brave Books, LLC and Vigliano Associates, Ltd. for copyright royalties and licensing fees for my publication of various children's and adult books (*i.e.*, *The Plot Against The King* series and *Government Gangsters*). I also expect to receive a contracted percentage of distribution profits from WarRoom, LLC for production and distribution of a film based on my book, *Government Gangsters*. Because these royalty and licensing arrangements are contingent upon future sales and profitability, however, the exact amount and date of the associated receipts cannot be determined at this time.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service? If so, explain.

No.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See OGE Form 278e.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I will cooperate with the Office of Government Ethics and the Department of Justice's designated agency ethics officials as needed

to identify any potential conflicts of Interest. If any potential conflicts of interest are identified, they would be resolved in accordance with the terms of an ethics agreement that I would enter into with the Department's designated agency ethics official. I am not aware of any other potential conflicts of interest.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will cooperate with the Office of Government Ethics and the Department of Justice's designated agency ethics officials as needed to identify any potential conflicts of Interest. If any potential conflicts of interest are identified, they would be resolved in accordance with the terms of an ethics agreement that I would enter into with the Department's designated agency ethics official.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the *disadvantaged*." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Throughout my legal and professional career, I have demonstrated a strong commitment to serving disadvantaged communities and advancing causes aligned with the ethical obligations outlined in Canon 2 of the American Bar Association's Code of Professional Responsibility. This dedication is evident in my work as a public defender, my charitable initiatives, and my extensive volunteer activities.

From 2005 to 2014, I served as an Assistant Public Defender in Miami-Dade County and later as a Federal Public Defender. In these roles, I provided legal defense for thousands of indigent clients facing serious criminal charges, including murder, armed robbery, and drug trafficking. Many of my clients were confronted with life-altering circumstances and lacked the resources to mount an adequate defense. Over the course of my tenure, I handled more than 60 jury trials and devoted thousands of hours to trial preparation, legal research, and witness engagement. By ensuring fair representation for these individuals, I upheld the principle of equal justice under the law and worked towards fulfilling my ethical duties as an attorney.

In addition to my professional responsibilities, I have actively contributed to community initiatives through charitable work. As the founder and president of The Kash Foundation, established in 2021, I have focused on supporting disadvantaged groups such as veterans, active-duty military personnel, and law enforcement officers. The foundation raises funds for legal defense, educational programs, and financial assistance for those facing systemic challenges in accessing resources. I have dedicated hundreds of hours to guiding the foundation's strategic initiatives and overseeing its operations, demonstrating my commitment to giving back to the community.

Beyond these formal roles, I have engaged in extensive volunteer work. From 2014 to

2019, I served as a youth ice hockey coach, dedicating weekends and evenings to mentoring young athletes and fostering discipline, teamwork, and confidence. Additionally, with my work as a board member of the North American South Asian Bar Association, I helped support diversity in the legal profession and mentor aspiring attorneys from underrepresented backgrounds.

These efforts reflect my strong belief in the importance of utilizing my skills and platform to serve those in need. Whether through direct legal representation, charitable initiatives, or volunteer work, I remain dedicated to fulfilling the ethical responsibility of giving back to the community and advancing causes that promote equal access to justice and opportunity.

FINANCIAL STATEMENT: NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.)

ASSETS		LIABILITIES	
Cash on hand and in banks	\$ 1,302,843	Notes payable to banks-secured	\$ 351,719
U.S. Government securities-add schedule		Notes payable to banks-unsecured	\$ 111,514
Listed securities-add schedule*		Notes payable to relatives	
Fidelity Brokerage Account (9/30/24 Statement Attached)	\$ 93,239		
Wells Fargo Brokerage Account (11/30/24 Statement Attached)	\$ 508,603		
Unlisted securities-add schedule		Notes payable to others	
Accounts and notes receivable:		Accounts and bills due	
Due from relatives and friends		Unpaid income tax	
Due from others		Other unpaid income and interest	
Doubtful		Real estate mortgages payable-add schedule	
Real estate owned-add schedule**		Chattel mortgages and other liens payable	
Real estate mortgages receivable		Other debts-itemize:	
Autos and other personal property	\$ 111,514		
Cash value-life insurance			
Other assets itemize:			
Equity Interest in Trishul, LLC	\$ 965,953		
Equity Interest in Dal Forno, LLC	\$ 629,998		
1,331 units of unvested Restricted Stock Units in Ellis Law Partners, LLC	\$ 1,000,000		
21,875 stock options in VK Integrated Systems, Inc. (value not readily ascertainable). 3,125 vested and 18,750 unvested	\$ -		
37,500 shares of unvested Restricted Stock in VK Integrated Systems	\$ 150,000		
SEP IRA Account (11/30/24)	\$ 151,015		
Personal IRA (12/16/24)	\$ 212,602		
Equity Interest in Skeleton Coast, LLC	\$ 773,557		
Beneficial Interest in Family Trust #1	\$ 420,000		
Beneficial Interest in Kash Patel Legal Offense Trust	\$ 78,000		
		Total liabilities	\$ 463,233
		Net Worth	\$ 5,934,090
Total Assets	\$ 6,397,323	Total liabilities and net worth	\$ 6,397,323
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, cosigner or guarantor	\$ -	Are any assets pledged? (Add schedule)	No
On leases or contracts	\$ 14,185	Are you defendant in any suits or legal actions?	No
Legal Claims	\$ -	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	\$ 611,000		
Other special debt	\$ -		

Questions for the Record
Chairman Charles E. Grassley of Iowa
The Nomination of the Honorable Kashyap Patel
to be Director of the Federal Bureau of Investigation
January 30, 2025

1. On October 5, 2022, I wrote to Director Wray asking questions and requesting documents about sexual misconduct at the FBI based on lawful whistleblower disclosures. Those records provided data about hundreds of FBI employees who had retired or resigned to avoid discipline. Many of those employees engaged in sexual misconduct in the workplace. Today, the Associated Press reported on its own investigative findings that “the FBI has received nearly 300 allegations of sexual misconduct since the bureau announced in 2021 it had launched an agency-wide crackdown. The number marked a nearly 50% increase over complaints filed during the preceding four-year period....” Just last year, the DOJ reportedly “agreed to pay more than \$22 million to settle a class-action lawsuit alleging female FBI recruits had been routinely harassed by instructors with sexually-charged comments about their breast size, false allegations of infidelity and the need to take contraception ‘to control their moods.’”

Will you develop a plan to eliminate sexual misconduct within the FBI?

RESPONSE: If confirmed, I will consult with FBI personnel regarding the Bureau’s current efforts to counter sexual misconduct among FBI employees and will determine what changes should be made to address this issue.

Will you ensure FBI misconduct is disciplined consistently regardless of rank or seniority?

RESPONSE: Yes.

2. During the fall of Afghanistan, the Biden Administration created Operation Allies Welcome. As part of this operation, thousands of Afghans were evacuated to the United States, despite concerns with the vetting process for the evacuees. During an August 4, 2022, hearing former FBI Director Wray stated that he did not know where certain flagged evacuees with significant security concerns were located.

Will you commit to working with my staff to ensure Congress better understands how the FBI is monitoring, investigating, and locating Afghan evacuees who pose a significant threat to U.S. citizens?

RESPONSE: Yes.

3. I, along with Senators Johnson and Paul, have written to the FBI regarding Asif Merchant, the threats from Iran, and how the FBI develops threat assessments.

Will you commit to working with my staff to better understand how the FBI handles threats from Iran, as well as other adversaries, against U.S. citizens and government officials? Will you commit to working with my staff to understand how the FBI develops its threat assessments?

RESPONSE: I would welcome the opportunity to meet with you to discuss how this can best be achieved. As I stated at my hearing, if confirmed, the FBI will be committed to full transparency.

4. I have written to the FBI twice regarding the Salt Typhoon cyberattack. In one letter, I highlighted that the FBI was allegedly obstructing congressional investigations into the matter.

Will you commit to working with my staff to better understand the breadth of the Salt Typhoon cyberattack, and to better understand how the FBI is responding to the CCP's brazen attacks?

RESPONSE: Please see my response to Question 3 above.

5. I have a long history conducting oversight of DOJ and FBI's implementation and use of Foreign Agents Registration Act (FARA). Including its at-times lax and selective use and enforcement. FARA is an important statute that was designed not to prohibit activity but rather to require individuals to register with the DOJ if they are acting as an agent of a foreign government or enterprise to influence U.S. policy or public opinion. This helps ensure transparency and accountability in the public policy arena. In that sense, FARA is a content-neutral regulatory scheme that would not require any entity or individual to refrain from certain types of speech.

If confirmed, will you commit to working with the Justice Department's FARA unit to use all tools available to combat efforts by U.S. adversaries to influence the American public, either through lobbying or public relations work?

RESPONSE: If confirmed, I will ensure the FBI works with the Justice Department's FARA unit to properly investigate FARA violations.

6. On May 29, 2024, I wrote the Justice Department concerning DOJ OIG findings that the Justice Department failed to comply with 50 U.S.C. § 3341 and the Director of National Intelligence's (DNI) Security Executive Agent Directive 9 (SEAD 9) which provide protections for federal employees who allege their security clearance was suspended, revoked, or denied in retaliation for making legally protected whistleblower disclosures. Specifically, my letter highlighted an example where the FBI had suspended an employee for more than 2 years while the employee waited for a final determination on the revocation of their security clearance. This type of practice has a chilling effect on potential whistleblowers from reporting wrongdoing out of fear they will have their security clearances suspended and be put on leave without pay indefinitely, with little recourse to timely appeal the decision. The Justice Department responded on June 12, 2024, that it issued interim guidance to its bureaus, which included the FBI, requesting they inform their employees of their rights to appeal the security clearance suspensions if they believed the suspension was in retaliation for making a legally protected whistleblower disclosure.

Retaliatory security clearance suspensions and revocations against whistleblowers is a serious problem at the FBI. If confirmed, will you commit to ensuring that FBI employees are fully informed of their rights to appeal the suspension and revocation of their security clearance if they believe it was retaliation for making legally protected whistleblower disclosures?

RESPONSE: Yes. Whistleblowers play an important role within the Federal Bureau of Investigation, the federal government, and the public. By coming forward with evidence of waste, fraud, abuse, and misconduct, whistleblowers improve government operations and strengthen the public's trust in our institutions. I am committed to addressing and implementing the Management Advisory Memorandum (MAM) that was issued by the Department of Justice's Office of the Inspector General (OIG) regarding the Department's compliance with whistleblower protections for employees with a security clearance. I am committed to ensuring that all Bureau managers and supervisors create an environment that is supportive of lawful whistleblowing.

If confirmed, will you commit to working with me to reinstate whistleblowers' security clearances that were improperly suspended or revoked?

RESPONSE: Yes. If confirmed, I will ensure that the FBI reviews each known instance where a Bureau employee made a protected disclosure and subsequently had his or her security clearance suspended or revoked, and determines whether the suspension or revocation was based on law and facts and not a retaliation.

7. For years, the state of Iowa has tried to work with the FBI to participate in their National Use-of-Force Data Collection database. However, the amount of identifying information the FBI requires to participate may put the lives and well-being of officers at risk.

If confirmed, would you commit to reviewing the requirements to participate in the database so that more states can join?

RESPONSE: As I am not currently at the Bureau, I am not familiar with the details of the National Use-of-Force Data Collection database. If confirmed, I will familiarize myself with the Bureau's policies in these areas, consult with the appropriate officials, and make a determination as to the best course forward.

Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Kashyap Pramod Patel
Nominee to be Director of the Federal Bureau of Investigation
January 31, 2025

1. From November 2020 to January 2021, you served as Chief of Staff to Acting Secretary of Defense Christopher Miller. In your Senate Judiciary Questionnaire, you stated that you oversaw a \$740 billion budget, managed over three million personnel, and led efforts to enhance America's defense posture. You also stated that you assisted with integrating policy and operations across the Department of Defense and synchronizing efforts with interagency and international partners.

a. You served a Chief of Staff to Acting Secretary Miller for less than three months. What, specifically, were your budgetary and managerial responsibilities?

RESPONSE: As the Chief of Staff at the Department of Defense, my responsibilities included implementing the Secretary's no fail mission with our 3 million plus employees, operating a \$740 billion budget, and \$2 trillion in assets.

2. In a September 2023 appearance on *John Solomon Reports*, you said, "The one thing I've learned is, you know, Democrats aren't stupid. They're vindictive, evil, vicious, and they coordinate."

a. Please explain what you meant.

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions. This discussion involved, among other things, examining partisan politics and the broader landscape of political discourse in Washington, D.C., as well as how these issues implicated my historic commitment to exposing misconduct, regardless of political affiliation, and ensuring that our government operates in a manner that serves the American people with integrity and fairness. I remain committed to working with all members of Congress—Democrats and Republicans alike—to uphold the rule of law and restore public trust in our institutions if confirmed.

b. Do you understand how many Americans would question whether you can impartially lead the FBI after making this statement and others like it?

RESPONSE: The above referenced language was taken out of context and does not accurately or fully represent my prior statements or positions. I understand that public trust in the FBI has eroded over the years, and if confirmed, the FBI will be committed to restoring and upholding the trust of the American people by ensuring the FBI prioritizes protecting and safeguarding our communities, and on an equal track, promoting aggressive constitutional oversight from Congress. Throughout my career in public service, I have demonstrated a commitment to fairness, due process, and the rule of law.

If confirmed as FBI Director, I am committed to ensuring that the FBI focuses on enforcing the law with integrity and impartiality.

c. Do you regret making this statement?

RESPONSE: The above referenced language was taken out of context and does not accurately or fully represent my prior statements or positions. I understand that public trust in the FBI has eroded over the years, and if confirmed, the FBI will be committed to restoring and upholding the trust of the American people by ensuring the FBI prioritizes protecting and safeguarding our communities, and on an equal track, promoting aggressive constitutional oversight from Congress. Throughout my career in public service, I have demonstrated a commitment to fairness, due process, and the rule of law. If confirmed as FBI Director, I am committed to ensuring that the FBI focuses on enforcing the law with integrity and impartiality.

3. In your Senate Judiciary Questionnaire, you wrote that you served as a surrogate on behalf of President Trump's reelection campaign from November 2022 to November 2024.

a. Every FBI Director in the modern era has been apolitical. Given your very recent campaign work, how do expect the American people to trust that you can be apolitical if confirmed to serve as FBI Director?

RESPONSE: My commitment to the rule of law, free from political influence, has been steadfast throughout my career, including my work for presidents of different political affiliations. After serving the public in government service for over 15 years—including my work as a state and federal public defender, as well as my work as a counter-terrorism prosecutor and receiving the 2017 Assistant Attorney General's Award from Loretta Lynch for my work in helping the Ugandans bring members of Al-Shabaab to justice for murdering 74 innocent people, including an American—the body of my work demonstrates my commitment to the Constitution and my ability to work independently, fairly, and free from political influence.

4. In an appendix in your 2023 book, *Government Gangsters*, you list 60 "Members of the Executive Branch Deep State." The list includes former Attorneys General Bill Barr, Eric Holder, and Merrick Garland; President Biden and Vice President Harris; and former FBI Directors James Comey and Christopher Wray. During your nomination hearing, you said the list was not an "enemies list" but rather "a glossary in the back" of the book.

On other occasions, you have characterized the list, its members, and potential actions against members of the list in starkly different terms. For example, in a December 2023 appearance on Steve Bannon's *War Room*, you discussed several individuals on your list who you referred to as "government gangsters of the top tier," including former Attorney General Garland, former FBI Director Wray, and former Deputy Attorney General Rod Rosenstein. Mr. Bannon asked you if a prospective Trump administration would provide "serious prosecutions and accountability," adding: "This is just not rhetoric. We're absolutely dead serious... You cannot have a constitutional republic and allow what these Deep Staters have done to the

country...And the people that did these evil deeds will be held accountable and prosecuted, criminal prosecutions.” When Mr. Bannon asked if you could “deliver the goods on this,” you responded, “Yes.” You added: “We will go out and find the conspirators, not just in government, but in the media. Yes, we’re gonna come after the people in the media who lied about American citizens, who helped Joe Biden rig presidential elections. We’re gonna come after you. Whether it’s criminal or civilly, we will figure that out. But yeah, we are putting you all on notice.”

a. Why should anyone consider your list of 60 individuals to be a mere glossary in your book and not a list of perceived enemies?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions. My book is well researched based on government documents; the appendix referenced is a result of that research. This is a commentary on inappropriate actions while in government service.

b. In light of your list and your past comments about individuals on the list, how can anyone expect you to use the FBI for legitimate law enforcement purposes rather than political investigations and prosecutions if you are confirmed as the Director of the FBI?

RESPONSE: Please see my response to Question 4.a. above.

c. Will you commit to recusing yourself from any cases, investigations, or matters involving any individual on this list?

RESPONSE: If confirmed, as appropriate, I will consult with the relevant ethics officials in the Department of Justice to determine whether a recusal is necessary.

5. Henry “Enrique” Tarrio is the former chairman of the Proud Boys, a far-right organization that promotes and engages in political violence. In May 2023, he was convicted of seditious conspiracy and other charges for his role in the January 6 attack on the Capitol. In September 2023, Mr. Tarrio was sentenced to 22 years in prison. President Trump pardoned him on January 20, 2025.

Stewart Rhodes is the founder of the Oath Keepers militia, another far-right organization. In November 2022, he was convicted of seditious conspiracy and other charges related to his participation in the January 6 attack on the Capitol. In May 2023, he was sentenced to 18 years in prison. His sentence was commuted by President Trump on January 20, 2025.

a. Have you ever met or interacted with Mr. Tarrio?

RESPONSE: To the best of my recollection, no.

b. Have you ever communicated or corresponded with Mr. Tarrio?

RESPONSE: To the best of my recollection, no.

c. If yes, provide a detailed description of all such interactions and communications, including when and where they took place.

RESPONSE: Please see my responses to 5.a. and 5.b. above.

d. Have you ever met or interacted with Mr. Rhodes?

RESPONSE: To the best of my recollection, no.

e. Have you ever communicated or corresponded with Mr. Rhodes?

RESPONSE: To the best of my recollection, no.

f. If yes, provide a detailed description of all such interactions and communications, including when and where they took place.

RESPONSE: Please see my responses to Questions 5.e. and 5.f. above.

6. In a December 2022 Truth Social post apparently addressing NBA player LeBron James and NFL owner Jerry Jones, you wrote: “Soft responds to softer...hey White Jones and Black Lebron, how much money you, nike, n nfl make off CCP slave labor and chinese genocide??? Whats that, i cant hear you thru your lame ass attempt for attention via race hustling. You two belong in Titter jail together, forever.” In a July 2022 Truth Social post, you called Mr. James a “mouth breather.”

a. Do you stand by these comments? Please explain why or why not.

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues, which were part of a broader discussion regarding issues related to profiting from conducted described as CPP slave labor and genocide, such as studies that have analyzed Uyghur labor. *See, e.g.,* <https://www.aspi.org.au/report/uyghurs-sale>.

b. What is “race hustling”?

RESPONSE: The term “race hustling” is often used to describe the act of exploiting racial issues for personal, political, or financial gain.

c. Why did you call Lebron James “Black Lebron” and a “mouth breather”?

RESPONSE: These are descriptive terms regarding a prominent public figure in discussions about corporate and social responsibility, and the phrase “mouth breather” is a colloquial expression used to call out uninformed or hypocritical statements.

d. Why did you call Jerry Jones “White Jones”?

RESPONSE: These are descriptive terms regarding a prominent public figure in discussions about corporate and social responsibility.

7. In *United States v. Cortes-Castro*, you represented Alberto Cortes-Castro, one of three defendants whom the government alleged participated in a conspiracy to traffic and prostitute undocumented Mexican women through force, fraud, and coercion between 1999 and 2010. The defendants pleaded guilty to the charge of conspiracy in exchange for the dismissal of their other charges. As documented in the factual proffer, the defendants enslaved, demeaned, and debased immigrant women. The defendants forced their victims for several years to perform sexual activities daily for up to forty men, and they controlled their victims through mental intimidation, maltreatment, and violent physical abuse. The district court varied upward from the revised guidelines range and sentenced each defendant to 180 months of imprisonment and also awarded restitution to the victims in the amount of \$1.2 million.

The defendants appealed to the Eleventh Circuit, challenging the reasonableness of their sentences and the award of restitution. With respect to the latter, the appellate court characterized the argument on behalf of your client as suggesting that “the order of restitution rewards the victims for their illegal activities.” The Eleventh Circuit called the argument “preposterous given that his victims were enslaved and forced to prostitute.” The appellate court found that by statute, the district court had to compensate these victims of sex trafficking in an amount equaling “the greater of the gross income or value to the defendant of the victim’s services or labor” and for their losses attributable to medical services, necessary transportation, housing, child care expenses, and “other losses suffered...as a proximate result of the offense.” Thus, the Eleventh Circuit affirmed the sentences imposed upon the defendants. See *United States v. Cortes-Castro*, 511 F. App’x 942 (11th Cir. 2013).

a. Did you represent Alberto Cortes-Castro before the Eleventh Circuit?

RESPONSE: No, I was not counsel on the appeal in this case.

b. Do you believe that sex trafficking victims who are forced to engage in unspeakable acts are engaging in illegal activities of their own volition?

RESPONSE: No, definitionally anyone who is forced into an act is not acting of their own volition.

c. Do you agree that it goes beyond zealous advocacy for a client to argue that a restitution order for sex trafficking survivors “rewards the victims for their illegal activities”?

RESPONSE: It would be inappropriate for me to comment on matters involving representation of a former client.

d. Do you agree with the Eleventh Circuit that this was a “preposterous” argument?

RESPONSE: It would be inappropriate for me to comment on matters involving representation of a former client.

8. In your Senate Judiciary Questionnaire, you state that the Kash Foundation, a tax-exempt charity, focuses on supporting, “disadvantaged groups such as veterans, active-duty military personnel, and law enforcement officers.” However, activity related to the Kash Foundation and Fight With Kash appears to violate federal law and regulations governing the conduct of non-profit charities. For example, you have regularly promoted your self-branded website FightWithKash.com as part of the Kash Foundation’s 501(c)(3) organization, and you have stated that the website is a 501(c)(3). But “Fight With Kash” was listed as a sponsor of the 2023 Conservative Political Action Conference, a partisan political conference. Federal law prohibits tax-exempt organizations from engaging in partisan political activities.

a. Why did you use Fight With Kash—which is, in your own words, a 501(c)(3)—to engage in partisan political activities?

RESPONSE: Unlike the Kash Foundation, Fight With Kash is not a 501(c)(3), and I do not recall characterizing it as such. To the best of my knowledge, Fight With Kash’s contribution was to the American Conservative Union Foundation—a Section 501(c)(3) charity—and not to the American Conservative Union—which is the related 501(c)(4) that engages in political activity.

According to its Form 990, the total amount of grants the Kash Foundation gave out in 2023 was \$62,000. The 990 also indicates that the Foundation paid over \$275,000 for “advertising and merchandise” to One and Oh LLC in 2023. This LLC appears to be solely controlled by Andrew Ollis, the Kash Foundation’s secretary. Notably, you have also identified yourself as a “consultant” with One and Oh and according to your disclosure you received thousands of dollars in consulting fees from One and Oh. Federal law and regulations prohibit individuals closely related to a nonprofit organization, such as creators or officers, from using the organization to financially benefit themselves.

b. How do you justify the amount of money your 501(c)(3) has routed to a for-profit venture that is seemingly controlled by Mr. Ollis and that employs you?

RESPONSE: The grant amount reflected in this question is inaccurate. In all events, however, and to the best of my knowledge, like any other charity, the Kash Foundation relied in large part on fundraising to further its mission, including by using digital marketing campaigns which paid a digital marketing company through One & Oh to raise \$500,000, which the Foundation gave away to families in need, such as those affected by hurricanes in Florida, Texas, and North Carolina.

c. Do you agree that the Kash Foundation directed more money to your business partner’s company for advertising and merchandise than you directed to charitable expenditures in 2023?

RESPONSE: I do not agree with this characterization. To the best of my knowledge, the Kash Foundation engaged in standard, ordinary-course business transaction at fair market values, to obtain marketing services necessary for its fundraising and to further its mission of contributing funds to families in need across the country.

It appears you also use the Kash Foundation's website to sell items from Based Apparel, which Mr. Ollis has characterized as a joint venture between the two of you.

d. How do you justify using your 501(c)(3)'s website to sell items from a company controlled by you and Mr. Ollis?

RESPONSE: To the best of my knowledge, Based Apparel provided the Kash Foundation services at or below amounts that are comparable to what would have been paid to an unrelated-third party, and neither Mr. Ollis nor I have realized any gain in our investment in Based Apparel as we have both invested more money into Based Apparel than we have received.

Following the August 2023 Hawaii wildfires, you reposted a link to your foundation's website, where people could purchase shirts that read, "I Stand with Maui." According to the post, "All net profits from the I Stand with Maui T-Shirt go to Samaritan's Purse to support Maui relief efforts." The shirts are still available, for five dollars each, on the Based Apparel website, but there is no indication on the webpage that purchasing one will fund any relief efforts. This contrasts with Based Apparel's webpage selling the January 6 Prison Choir shirts, which states: "All net proceeds for sales of this t-shirt go towards select cases of January 6th victims."

e. How many "I Stand with Maui" t-shirts were sold?

RESPONSE: To the best of my knowledge, approximately 123.

f. Please state the exact dollar amount you have given to Maui relief efforts and which organizations or individuals this money has been directed to.

RESPONSE: Although I personally have not given money to Maui relief efforts, to the best of my knowledge, the Kash Foundations provided funds to the Maui relief efforts in 2024 that exceeded the proceeds received from the "I Stand with Maui" t-shirts. The Kash Foundation's independent financial statement audit for 2024 is not yet complete, however, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

g. Please state the exact dollar amount Based Apparel has given to Maui relief efforts and which organizations or individuals this money has been directed to.

RESPONSE: To the best of my knowledge, Based Apparel did not give money to Maui relief efforts, but the Kash Foundations provided funds to the Maui relief efforts in 2024 that exceeded the proceeds received from the "I Stand with Maui" t-shirts. The Kash Foundation's independent financial statement audit for 2024 is not yet complete,

however, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

h. Please state the exact dollar amount the Kash Foundation has given to Maui relief efforts and which organizations or individuals this money has been directed to.

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

i. Please state the exact dollar amount donated by the Kash Foundation to Samaritan's Purse to support Maui relief efforts following the August 2023 wildfires.

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

j. To which individuals or organizations were proceeds from the sale of "I Stand With Maui" t-shirts directed?

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

In March 2023, following the February 2023 train derailment in East Palestine, Ohio, you publicly pledged to "cut a check for \$5,000 to someone in East Palestine, Ohio from our Kash Foundation."

k. Please state the exact dollar amount donated by the Kash Foundation to any individual or individuals in East Palestine, Ohio or its vicinity, in fulfillment of your pledge.

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report these amounts on its 2024 Form 990.

In October 2024, you pledged that your foundation would donate \$25,000 to those impacted by Hurricane Helene.

l. Please state the exact dollar amount donated by the Kash Foundation to those impacted by Hurricane Helene, and which individuals and organizations received these donations.

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report any of these amounts on its 2024 Form 990.

9. Prior to 2017, you served as a public defender and as a trial attorney at the Justice Department. You then served in several additional government roles until the end of the first Trump Administration. Since then, you appear to have significantly capitalized on your relationship with President Trump. For example, you have sold Trump-themed merchandise, and you authored and sold a trilogy of children's books featuring President Trump as a main character.

Your close affiliation with President Trump certainly seems to have paid off. You have disclosed that your total assets are now nearly \$6.4 million, with \$1.3 million cash on hand and in banks. You also recently joined the Poodle Room, an exclusive club at the Fontainebleau Hotel in Las Vegas, which has an estimated \$20,000 fee for membership.

a. How much financial value have you derived from your position with Trump Media and Technology Group?

RESPONSE: I have never accepted compensation for serving as a board member for Trump Media and Technology Group.

b. Would you agree that a significant portion of your net worth can be attributed to your relationship with President Trump and willingness to capitalize on his likeness?

RESPONSE: No.

c. Do you think that your financial entanglements with President Trump present a potential conflict of interest if you are confirmed as FBI Director?

RESPONSE: To the best of my knowledge, I do not have any financial entanglements with President Trump. I have never accepted compensation for serving as a board member for Trump Media and Technology Group, and as part of my confirmation process, I have worked with officials from the Department of Justice and the Office of Government Ethics to prevent any conflicts of interests and items that might give rise to the appearance of a conflict of interest during my tenure, should I be confirmed. As part of that process, I provided itemized lists of assets and sources of income in my OGE Form 278e, and I also consented to an ethics agreement, agreed to resign from positions, and agreed to divest a number of assets where legally and ethically necessary or appropriate.

d. Will you commit that, if confirmed, you will recuse yourself from any case, investigation, or matter involving President Trump?

RESPONSE: If confirmed, I intend to consult the appropriate ethics officials at the Department of Justice about any investigation that could potentially implicate any conflicts of interests or other ethics concerns, as necessary, and to take all necessary steps to resolve any such conflicts that may arise including, if necessary, recusal.

10. According to the FBI's most recent hate crimes statistics, there was a two percent increase from 2022 to 2023 in the number of hate crime incidents reported. Since 2014, reported hate crimes have more than doubled. The FBI plays a critical role in combatting hate crimes as the leading agency investigating hate crimes at the federal level.

a. Will you commit to using FBI resources and personnel to vigorously investigate hate crimes at the federal level if you are confirmed?

RESPONSE: Hate crimes and illegal discrimination will be investigated in order to protect all Americans from intimidation and violence. If confirmed, the Department will investigate crimes motivated by hate, bigotry, or prejudice. The FBI will use its resources to protect all Americans from violence and intimidation efforts. The FBI will enforce federal hate crime statutes and will utilize resources to ensure that victims feel safe in reporting hate crimes. Any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

b. Will you employ the FBI's resources without bias or favor toward any group or community and work with the Department of Justice to prosecute hate crime offenders no matter their background or motive?

RESPONSE: Please see my response to question 10.a. above.

In 2022, nearly one in four law enforcement agencies failed to report data on hate crimes in their jurisdictions to the FBI. Of the 14,660 law enforcement agencies that provided data, 79 percent of those agencies reported zero hate crimes. That means that only one in six law enforcement agencies provided reports of hate crime incidents in 2022, the fewest number of agencies submitting data in over a decade. Without this data, the FBI has no clear picture of hate crime trends on the ground across the United States.

c. If you are confirmed as FBI Director, how would you encourage more local agencies to provide this data to the FBI?

RESPONSE: Accurate data collection helps the FBI understand the nature and scope of crimes committed against Americans. If confirmed, I welcome the opportunity to study these methods as well as areas to improve.

The Senate Judiciary Committee has heard directly from former FBI Director Wray about the rise in racially motivated extremism and the threat of violent domestic terrorists. We are still reeling from the recent terror attack in New Orleans, and there have been several horrific hate

crimes committed by white supremacists in recent years, including the mass murder of 10 Black Americans at a Buffalo grocery store in 2022.

Last Congress, I introduced the Domestic Terrorism Prevention Act to address this growing threat. This legislation would require the FBI to track domestic terrorism incidents and focus the agency's resources on the most significant domestic terrorism threats. In some of your public statements, you have suggested that the FBI should be focused on investigating the media and members of the "Deep State."

d. Will you commit to prioritizing domestic terrorism investigations, specifically focusing on the clear threat of domestic violent extremism, if you are confirmed?

RESPONSE: As I stated at my hearing, if confirmed, the FBI will investigate any actual and real domestic terrorists as I have prosecuted in my past in the Obama Justice Department. Further, if I am confirmed at the FBI, any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

11. The FBI has a long-standing role in enforcing civil rights protections that extend to all Americans. This deeply rooted tradition is a direct result of the FBI's role as the main body tasked with investigating violations of civil rights statutes and supporting the investigations of state and local authorities in related cases. This includes investigating hate crimes motivated by bias against protected characteristics; color of law crimes involving law enforcement, such as use of excessive force or police misconduct; violations of the Voting Rights Act of 1965, the Civil Rights Act of 1964, and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; and many other violations of law. If you are confirmed as Director of the FBI, you will be responsible for ensuring that the civil rights protections of all Americans are vigorously enforced.

a. Will you commit to employing the full resources and might of the FBI to enforce these critical protections if you are confirmed as FBI Director?

RESPONSE: Congress sets the scope of protections provided by federal civil rights laws. I commit to enforcing any currently existing law as appropriate and in accordance with the relevant facts and law. If confirmed, I look forward to discussing the matter further with FBI officials.

b. Will you commit to enforcing these laws without bias or favor toward any group or community?

RESPONSE: Any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

12. The FBI plays a critical role in identifying, mitigating, and responding to gun violence, as well as supporting federal, state, and local law enforcement partners in their efforts to do the same. For example, the FBI runs the National Instant Criminal Background Check System, or NICS, which is a computerized system crucial to informing federal firearms licensees whether a potential gun purchaser is prohibited from lawfully possessing that weapon.

a. Will you commit to ensuring the FBI fully resources and operates NICS if you are confirmed?

RESPONSE: While I have not studied the FBI's NICS resources in detail, if I am confirmed I will work to ensure that NICS staff continue to diligently conduct background checks in the states in which the FBI provides services to FFLs.

The FBI also plays a leading role in facilitating information sharing as well as providing training to law enforcement agencies related to gun violence.

b. Will you pledge if confirmed as FBI Director to continue the FBI's commitment to collecting, gathering, analyzing, and publishing firearm and gun-violence related data?

RESPONSE: If I am confirmed, the FBI will continue to gather, analyze, and publish data on a variety of topics, including gun violence.

c. Will you also pledge if confirmed to continue the FBI's commitment to training and working alongside partner law enforcement agencies, especially as it concerns gun crimes?

RESPONSE: If confirmed, I pledge to continue the FBI's commitment to training and working alongside partner law enforcement agencies on all fronts.

13. On numerous occasions, you have denigrated the Department of Justice, federal law enforcement officials, and the American justice system. In an August 2022 podcast appearance, you said, "The United States of America has a worse justice system than those that I involved myself with in East Africa and the Middle East to prosecute terrorists."

The very next day, in another podcast appearance, you said, "Due process is in shambles in America. And it is being upheld in third-world countries and banana republics to a higher standard than it is in America."

Why should the American people trust you to lead our nation's leading federal law enforcement agency when have you repeatedly denigrated the American justice system, the Department of Justice, the FBI, and our law enforcement officials?

RESPONSE: As both a public defender and a national security prosecutor at the Department of Justice, I balanced every defendant's right to constitutional due process with measured action that comported with due process and civil liberties. Bad actors who have put politics and

personal ambition over service to this great nation, and who have used institutions like the FBI to achieve their own personal gain, have destroyed public trust in these sacred institutional systems. As an advocate for justice, transparency, defending our great democracy, and ensuring that the rule of law prevails, I am committed to restoring this hallowed institution, and the American people's trust in it.

14. Recent FOIA requests have resulted in the publication of more than 800 pages of emails and memos from your time at the Office of the Director of National Intelligence. These documents show that you spent large amounts of time and energy trying to declassify politically sensitive documents in a failed attempt to exonerate former National Security Advisor Michael Flynn and to advance your views about the Trump-Russia investigation. It appears that you politicized the declassification process and coordinated with the White House, the Justice Department, and Republican lawmakers to declassify documents you believed were favorable to President Trump.

In light of how you politicized your past roles, why should we believe that you will not politicize the FBI if you are confirmed as FBI Director?

RESPONSE: I respectfully disagree with the premise of your question. I am committed, if confirmed, to ensuring there is no politicization at the FBI.

15. On September 27, 2024, you were interviewed on *Fox Business* following reports of assassination threats against President Trump from Iran. One host claimed that the threats "could be cover for Homeland Security and their lack of willingness to provide protection to Donald Trump" and followed up by asking what you thought of this theory. You replied, "I think you're absolutely right...if Tony Blinken and his intelligence community have been tracking this very intensely for a long time, what in the world have they been waiting for to brief President Trump and beef up his security...it is an intentional failure of leadership—by the FBI, the IC, the State Department and everyone else—to jeopardize this man's life for political reasons."

a. Do you stand by this statement? Please explain why or why not.

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions. This discussion involved, among other things, examining the government's responsibility to ensure the safety of former presidents, including President Trump, by ensuring that known threats are taken seriously and addressed with urgency, and it illuminated questions regarding whether intelligence and law enforcement agencies acted with the appropriate level of urgency in response to threats regarding President Trump.

b. Why do you believe that former Secretary of State Blinken and other Biden Administration leaders intentionally endangered President Trump's life? Please explain and provide evidence for your position.

RESPONSE: Please see my response to Question 15.a. above.

c. Why do you believe former leadership at the FBI intentionally endangered President Trump's life? Please explain and provide evidence for your position.

RESPONSE: Please see my response to Question 15.a. above.

d. Why do you believe members of the intelligence community intentionally endangered President Trump's life? Please explain and provide evidence for your position.

RESPONSE: Please see my response to Question 15.a. above.

16. In January 2023, you reposted a link to the legal defense fund for Robert DeGregoris, shortly after federal authorities arrested him. Mr. DeGregoris was charged with multiple crimes for his activity at the U.S. Capitol on January 6, 2021.

According to the FBI, Mr. DeGregoris climbed along the entrance to the Lower West Terrace Tunnel where dozens of police officers were stationed. He stayed there for about 20 minutes, and according to Judge Rudolph Contreras's factual findings, "[DeGregoris] urged on the large crowd of rioters standing at a distance from the Tunnel, watched as other rioters assaulted police officers defending the Tunnel, and assisted another rioter in obtaining a position from which he could kick at those officers." A police officer sprayed a chemical irritant on DeGregoris. Despite this, DeGregoris "continued to push with other rioters against the MPD front line for several more minutes," according to the FBI. He "assisted other rioters by helping to push a ladder toward MPD officers." DeGregoris then posted a picture of himself in front of the Capitol and captioned it, "Took some pepper spray & tear gas breaching the front doors.... Worth it." He also texted his wife that he was proud "to stand up for something [he] believe[d] in with every fiber of [his] soul."

Following a bench trial, Mr. DeGregoris was found guilty on all counts in October 2024. President Trump pardoned Mr. DeGregoris on January 20, 2025.

a. Did you personally donate to DeGregoris's legal defense fund? If yes, how much did you donate?

RESPONSE: To the best of my knowledge, no.

b. Did the Kash Foundation or Fight With Kash donate to DeGregoris's legal defense fund? If yes, how much?

RESPONSE: To the best of my knowledge, no.

c. Have you, the Kash Foundation, or Fight With Kash ever personally donated to the legal defense fund of any other criminal defendant? If so, please indicate the individual and the amount of the donation(s).

RESPONSE: The Kash Foundation and Fight With Kash have provided financial support to various legal causes, including to assist families of non-violent offenders affected by legal proceedings related to January 6th, but to the best of my knowledge, neither the Kash Foundation nor Fight With Kash affirmatively tracks as a specific category the amounts of donation to legal defense funds of criminal defendants.

d. You have argued that the FBI helped plan the events of January 6th. Do you have any reason to believe the FBI encouraged, coerced, or otherwise induced DeGregoris to engage in criminal activity at the Capitol on January 6th?

RESPONSE: The language in this question does not accurately represent my prior statements or positions regarding the FBI's reported involvement in the events of January 6th, but in all events, to best of my knowledge, I have no personal knowledge regarding the FBI's interactions with Mr. DeGregoris.

e. Do you have any reason to doubt Judge Rudolph Contreras' factual finding that DeGregoris "watched as other rioters assaulted police officers defending the Tunnel" and "assisted another rioter in obtaining a position from which he could kick at those officers?"

RESPONSE: I have no personal knowledge regarding the specifics of Mr. DeGregoris's reported conduct at issue in this question.

f. Since his pardon by President Trump, has DeGregoris, to your knowledge, apologized or expressed remorse for his actions on January 6th? Do you believe he should express remorse for his actions?

RESPONSE: I have no personal knowledge regarding the specifics of Mr. DeGregoris's reported conduct at issue in this question.

17. You wrote a children's book, entitled *The Plot Against the King: 2,000 Mules*. Your book repeated the false claims of Dinesh D'Souza, the right-wing political commentator who produced and directed the 2020 election conspiracy theory film *2,000 Mules*. Your book included a special message from Mr. D'Souza, in which he discredited the 2020 election and questioned President Biden's victory.

Mr. D'Souza's film spread lies about the 2020 election, and the film was swiftly and repeatedly debunked by both Democratic and Republican officials following its release. In May 2024, the media company that distributed Mr. D'Souza's film removed his film and book from its platforms and issued a public apology. In November 2024, Mr. D'Souza issued a public apology and acknowledged that the film's findings were based on an incorrect analysis of information.

a. Do you still stand by your book even though the false claims on which it was based have been repudiated?

RESPONSE: The Plot Against the King 2000 Mules is a book of fiction for children, bringing a fantastical retelling of events based on the best understanding of facts known at the time. The purpose of the book was to teach fairness, integrity, and truthfulness. While I am unaware of the full context of Mr. D’Souza’s recent discussions of his own works, the lessons to be learned about character from this work of children’s fiction have not changed.

b. Why do you continue to sell and profit from a book that targets children with misinformation about the 2020 election?

RESPONSE: Please see my response to Question 17.a. above.

18. The FBI has a longstanding role in enforcing the nation’s voting rights laws as part of the Bureau’s duty to investigate violations of civil rights statutes and support the investigations of state and local authorities in related cases. This includes investigating violations of the Voting Rights Act of 1965, the Civil Rights Act of 1964, and many other critical sources of federal civil rights law.

Since the results of the 2020 election were finalized, you have consistently and repeatedly supported President Trump’s incorrect and dangerous claim that the election was stolen from him—a claim that led to violence at the Capitol on January 6. Moreover, you also previously vowed to “come after” the people that you allege “helped Joe Biden rig presidential elections.” During your confirmation hearing, you refused to state that President Biden won the 2020 election.

a. Given these comments, how can we trust that if confirmed you’ll enforce federal laws, such as the Voting Rights Act, to protect the rights of those who vote for someone other than your preferred candidate?

RESPONSE: If confirmed, I will fully and fairly investigate all violations of election-related laws so that all Americans can have faith in the results of our elections. As I stated at the hearing, the only thing that matters at the FBI is that the law is followed. This includes our election laws, where it is vitally important that any investigations are de-politicized and conducted without favoritism.

b. If confirmed, what steps will you take to ensure that the value of the right to vote and the credibility of the electoral process is protected for all Americans?

RESPONSE: Please see my response to Question 18(a) above.

19. In your Senate Judiciary Questionnaire, you wrote that you prosecuted high-profile cases and that you “collaborated on cases tied to the Benghazi attacks.” However, the description you provided to the Senate Judiciary Committee is a far cry from how you have represented yourself publicly. In your book, *Government Gangsters*, you described yourself as “leading the prosecution’s efforts at Main Justice in Washington, DC” and “the Main Justice lead Benghazi prosecutor.” You have used similar descriptions of yourself and your role in the Benghazi

prosecutions on numerous other occasions. Such descriptions are confusing considering the prosecution of Ahmed Abu Khattala was run out of the Office of the U.S. Attorney for the District of Columbia, not Main Justice.

a. Why are your public claims regarding your role in the Benghazi prosecutions different from how you've described your work on the Benghazi prosecutions to the Senate Judiciary Committee?

RESPONSE: In both statements above, I indicated that I was the lead for "Main Justice," which is a true and accurate description. In the Senate Judiciary Committee Questionnaire, I reported to this committee that I "collaborated on cases tied to the Benghazi attacks" which is an accurate description of the role of the Main Justice lead prosecutor. These statements are not inconsistent if one understands the role of the Main Justice lead prosecutor.

20. My office received a whistleblower complaint that you endangered a hostage rescue mission of two Americans held captive by Iranian-backed militants in Yemen in October 2020 that you allegedly had no role in planning, negotiating, or executing. The complaint alleges that you broke Hostage Recovery Fusion Cell protocol by providing public comments to the *Wall Street Journal* without authorization in a story that was initially published several hours before the hostages were in confirmed custody of the United States, thus endangering the execution of the mission and the safety of the two Americans.

a. Did you have explicit authorization to provide comments to the *Wall Street Journal* about this hostage rescue mission at the time you gave them?

RESPONSE: As I noted in my testimony, both the National Security Advisor O'Brien and Undersecretary of Defense Tata have stated that I acted appropriately and never jeopardized the safety of the hostages in this mission.

b. If you had explicit authorization, who provided this authorization and when did they provide it?

RESPONSE: Please see my response to Question 20.a.

c. Did you know that at the time of your interview the hostages were not yet safe in U.S. custody?

RESPONSE: Please see my response to Question 20.a.

d. Do you understand why revealing the mission prematurely could have jeopardized the safety of the hostages and the success of the retrieval?

RESPONSE: Please see my response to Question 20.a.

e. Please describe in detail what role you played in the planning, negotiations, or execution of this specific hostage rescue.

RESPONSE: Please see my response to Question 20.a.

21. My office has received information indicating that from a period approximately encompassing January 2020 through November 2020, during your time as Senior Director for Counterterrorism on the National Security Council, you were often absent from the Counterterrorism directorate and left a junior intelligence officer to manage the more senior directorate in your place.

Can you explain what duties at National Security Council or otherwise took you away from the role that was created specifically for you?

RESPONSE: I respectfully disagree with the premise of the question. I was fully engaged in my duties as Senior Director for Counterterrorism on the National Security Council.

22. It has been reported that six senior FBI officials are being told to retire, resign, or be fired by February 3. These career civil servants, who include Executive Assistant Directors and Special Agents In Charge, were reportedly offered no explanation for this decision. When asked about this development, you told Senator Booker that you were not “aware of that.”

a. Do you believe these individuals’ experience has a role in furthering the work of the FBI?

RESPONSE: I cannot comment on the experience of any personnel without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I’m confirmed, every FBI employee will be held to the absolute same standard.

b. If you were not aware or part of discussions regarding the removal, reassignment, or firing of these senior FBI officials, would you have supported the decision and why?

RESPONSE: I cannot commit to supporting any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I’m confirmed, every FBI employee will be held to the absolute same standard.

23. On February 5, 2020, then-Attorney General Barr established new restrictions on beginning investigations into presidential candidates and Members of Congress, requiring express approval from the Attorney General in both cases.

Do you believe the Barr memo establishes a suitable procedure to ensure that investigations into presidential candidates are predicated and approached appropriately?

RESPONSE: As I stated at my confirmation hearing, whether the FBI commences an investigation during my tenure, if confirmed, will depend solely on whether there are sufficient factual, articulable, legal bases for the investigation.

24. The Senate Judiciary Committee has a constitutional responsibility to conduct oversight of the FBI to ensure that the Bureau, from the agents to the Director, are following the law in the execution of their duties and use of authorities.

a. Will you commit to being equally responsive and timely to oversight requests from both the Committee Majority and Minority?

RESPONSE: As I stated at my hearing, if confirmed, the FBI will be committed to full transparency. If confirmed, I will consult with officials in the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs to ensure timely and appropriate responses to oversight inquiries.

25. The Foreign Intelligence Surveillance Act of 1978, known as FISA, provides the statutory framework for the collection of foreign intelligence inside the United States, including through electronic surveillance. You have raised concerns about government misuse of FISA, including the controversial spying authority known as Section 702, stating that FISA is in need of "major, major reform."

As you know, surveillance under Section 702 is subject to fewer constraints because only foreigners located abroad may be targeted. But in practice, Section 702 also enables the warrantless collection of untold amounts of Americans' private text messages, phone calls, and emails.

While Congress has codified remedial measures that have reduced the number of unlawful searches under Section 702, the government can still access the private communications of Americans caught up in Section 702 databases without a warrant or other court order. The FBI in particular has continued to conduct hundreds of thousands of such "backdoor" searches on Americans without a warrant. Just last week, a federal district court judge ruled that such warrantless searches violate the Fourth Amendment.

a. Do you remain concerned about government abuse of FISA and Section 702?

RESPONSE: In my testimony on Thursday, I talked extensively with my 702 experience and how it is a necessary tool to protect this country. That being said, the FISA Court themselves issued a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. That does concern me. I think that 702 is a necessary and critical tool. While I am proud of the reforms that have been implemented, I am ready to work with Congress moving forward to implement additional reforms.

b. When Congress considers Section 702 for reauthorization again next year, do you support enacting an appropriately tailored warrant requirement, with

exceptions for exigent circumstances, before FBI agents can search Americans' private communications that the government has collected under Section 702?

RESPONSE: I welcome the opportunity to discuss the matter further with appropriate officials at the FBI, as well as working with Congress to protect national security and provide protections necessary for American citizens.

c. You have previously called for a public defender to be present at FISA Court proceedings. Current law provides for a limited role for amicus curiae to represent privacy and civil liberties interests where appropriate. Do you support strengthening the role of the amici in such proceedings to better protect privacy and civil liberties?

RESPONSE: Please see my response to question 25.b. above.

d. What other major reforms would you support to ensure that surveillance conducted under FISA, including under Section 702, protects the privacy and civil liberties of Americans?

RESPONSE: As a public defender and a national security prosecutor at the Department of Justice, I balanced every defendant's right to constitutional due process with measured action that comports with due process, doesn't violate civil liberties, and is appropriately tailored to address violations of law. I look forward to working with members of the FBI and with Congress to protect national security and protect American citizens' individual liberties.

e. Given the history of past abuses, how would you ensure that the FBI complies with all Constitutional, statutory, and court-imposed requirements on FISA surveillance?

RESPONSE: Given my experience as a public defender and a national security prosecutor, I am keenly aware of the balancing between due process and appropriately tailored actions to address violations of law. I will work with appropriate FBI officials to ensure that the FBI complies with legal requirements pertaining to FISA surveillance.

26. In mid-December 2022, after then-Senate Republican Leader Mitch McConnell reached a bipartisan government funding agreement, you posted a link to a news article and reposted a screenshot of an X thread from conservative commentator Mark Levin, who wrote the following:

1. McConnell is cutting a massive spending deal with the lame duck Democrats before the House Republican majority is sworn in! He's trying to bypass the more conservative GOP congressmen & defy last November's voters. To my knowledge this is the first time this has ever happened

2. What a diabolical SOB. And any Republican who voted with him is no better.

a. Do you agree with Mark Levin that Senator McConnell is “a diabolical SOB”?

RESPONSE: I have deep respect for Senator McConnell’s significant contributions to this nation and his leadership in the Senate. I agree with Senator McConnell on the need for strong law enforcement, providing more FBI personnel to communities across the nation, and making every appropriate tool available to the FBI for national security. While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted. If confirmed, I look forward to working with all members of Congress to provide strong, effective leadership at the FBI.

i. If you do not agree with Mr. Levin, why did you repost his thread?

RESPONSE: Please see my response to Question 26.a.

b. Do you believe the 18 Republicans who voted with Senator McConnell on that 2022 budget agreement are “no better” than “a diabolical SOB”?

RESPONSE: Please see my response to Question 26.a.

i. If not, why did you repost that?

RESPONSE: Please see my response to Question 26.a.

c. On your Truth Social account, do you share posts or articles with which you disagree? If so, please provide examples of instances where you shared Truth Social posts or news articles containing content with which you disagreed.

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

27. On December 21, 2022, you posted the following, in full: “No Mitch McConnell, the Ukraine is NOT ‘the number one priority’ in America’s budget, Americans are. We must hold these #GovernmentGangsters accountable- #FWK.” On September 29, 2023, you posted the following, in full: “another day, another \$196 million sent to Ukraine... and absolutely ZERO for our 55,000 homeless veterans... But McConnell’s number 1 priority for the senate is the Ukraine. #GovernmentGangsters GET GONE.”

a. Do you believe Senator McConnell qualifies as a “government gangster”? If not, please explain why your Truth Social posts from December 21, 2022, and September 29, 2023, appear to reference him as such.

RESPONSE: Please see my response to Question 26.a.

On November 14, 2022, you shared an article from *The Spectator* titled, “We can blame Mitch McConnell, too.” The piece calls Senator McConnell “an aged leader obviously unsuited for the role [of Republican Leader].” It also says of Senator McConnell: “He is not a deserved leader in any sense of the word.”

b. Do you agree with the descriptions of Senator McConnell as an “aged leader” who is “not a deserved leader” of Senate Republicans? If not, why did you share that article?

RESPONSE: No, I do not agree with this description of Senator McConnell. Further, please see my response to Question 26.a.

c. Do you believe the Senate Republican Conference should have refused to re-elect Senator McConnell as leader at the end of 2022?

RESPONSE: Selection of Congressional leadership is exclusively within Congress’s purview and remit. If confirmed, my duty as FBI Director would be to work productively with all members of Congress, regardless of party or position.

d. Do you share news op-eds with whose content you disagree? If so, please provide examples where you posted links to op-eds with which you disagree.

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

28. Following the 2022 midterm elections, you shared a Truth Social post from President Trump criticizing Senator McConnell for “back[ing] bad candidates like Lisa Murkowski?”

a. Do you agree with President Trump that Senator Murkowski is a “bad candidate?” If not, why did you share that post?

RESPONSE: I have tremendous respect for the work of Senator Murkowski and all members of Congress in service of this nation. Senator Murkowski and I strongly agree on the need to address narcotrafficking and other crimes in remote communities. In my meetings with her throughout the advice and consent process, I learned more than I could have ever expected regarding how to partner with tribal communities to address crime in tribal jurisdictions. While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted. If confirmed, I look forward to working with all members of Congress to provide strong, effective leadership at the FBI. And, I particularly look forward to relying on Senator Murkowski’s deep well of knowledge and advice for addressing crime in tribal jurisdiction, and particularly crime against women and children.

b. Has your view of Senator Murkowski changed since you shared that post?

RESPONSE: I have tremendous respect for the work of all members of Congress in service of this nation, and while I acknowledge a diverse range of perspectives in political discourse, reposting an individual's perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted. Senator Murkowski and I we strongly agree on the need to address narcotrafficking and other crimes in remote communities. In my meetings with her throughout the advice and consent process, I learned more than I could have ever expected regarding how to partner with tribal communities to address crime in tribal jurisdictions. If confirmed, I look forward to working with all members of Congress to provide strong, effective leadership at the FBI. And, I particularly look forward to relying on Senator Murkowski's deep well of knowledge and advice for addressing crime in tribal jurisdiction, and particularly crime against women and children.

29. In July 2023, you shared a Truth Social post on your account from conservative activist Charlie Kirk, who wrote, "Sen. Lindsey Graham gets brutally booed off the stage at Trump's South Carolina rally. Absolutely humiliating. The base is DONE with Neocons who want to spend our money to bomb far away lands." During a September 8, 2023, appearance on Mr. Kirk's show, you clearly laughed in response to Mr. Kirk referring to Senator Graham as "Lady Graham."

a. Do you agree with Mr. Kirk's statement? If not, why did you repost it?

RESPONSE: I have deep respect for Senator Graham's long-standing commitment to public service and his work in Congress and before this Committee. His advice to me throughout the confirmation process has been invaluable. While I acknowledge a diverse range of perspectives in political discourse, reposting an individual's perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted. If confirmed, I look forward to working with all members of Congress to provide strong, effective leadership at the FBI.

b. Do you believe that Senator Graham is a "Neocon who want[s] to spend our money to bomb far away lands"?

RESPONSE: Please see my response to Question 29.a.

c. What did you find humorous about Kirk referring to Senator Graham as "Lady Graham"?

RESPONSE: Please see my response to Question 29.a.

30. On February 7, 2024, you posted a link to a news article and wrote the following, in full: "We did it... Nevada just shut down war monger Nikki and the fake news on election con job nevada primary... next step caucus YUGE Feb. 8 for @realDonaldTrump - we are the key to the west."

Do you still believe that Ms. Haley is a “war monger”? Why or why not?

RESPONSE: I appreciate Ambassador Haley’s service to the nation, and while I acknowledge a diverse range of perspectives in political discourse—including areas of U.S. foreign policy and military intervention, where Ambassador Haley and I might disagree—reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

31. In April 2023, you reposted an article from *Revolver News*, entitled “Navy SEAL chief Eddie Gallagher exposes neocon Dan Crenshaw... disturbing allegations...” The piece reported on a viral video from Eddie Gallagher, a retired Navy SEAL who accused Representative Dan Crenshaw of secretly undermining him during his court-martial proceedings. The article reads, “Dan Crenshaw sounds like a sociopath,” and rhetorically posits, “Is Dan Crenshaw Ted Bundy? Because this is some next-level evil scheming and plotting.”

Do you agree with the sentiments expressed in this article? If not, why did you choose to repost it without any additional insight into your views on this situation?

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

32. On July 15, 2023, you wrote the following on Truth Social:

Elon Musk is is [sic] big tech colluding with our government to censor our elections. You’ve had months to set the record straight, n [sic] you have failed. Your cheap Titter posts and your Mickey Mouse clown droppings do not absolve you- you are as bad as FBI/DOJ n [sic] you and are making millions from the disinformation campaigns. You are a complete and total fake who cares only about \$. Any time you want a real challenge, I’ll debate you, name the place and time. Elon = Schiff - quantlet [sic] thrown

a. What exactly were you referring to when you criticized Mr. Musk’s “cheap Titter posts and [his] Mickey Mouse clown droppings?”

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues. These comments involved, among other things, an ongoing public discussion about free speech, technology platforms reportedly moderating political content, and the ongoing need for address issues related to government transparency and improper use of law enforcement resources which, if confirmed, the FBI will address to regain public trust that has declined in our institutions.

b. Does your offer to debate Mr. Musk still stand? If not, why?

RESPONSE: Please see my response to Question 32.a. above.

c. Why did you, across multiple posts, refer to Twitter as “Titter?”

RESPONSE: Please see my response to Question 32.a. above.

On May 21, 2023, you wrote the following on Truth Social:

Newsflash: Elon Musk cares about Elon Musk n [sic] his X app, he wants to own the company that owns humanity... dont [sic] believe me, hes [sic] now got his billionaire buddys [sic] at the commie central world economic forum running Titter- #TruthOverTweets

d. Do you still believe that Mr. Musk “wants to own the company that owns humanity?”

RESPONSE: Please see my response to Question 32.a. above.

e. If you no longer believe this, please explain when your views changed and why.

RESPONSE: Please see my response to Question 32.a. above.

By the time you wrote the above posts about Musk, he had reinstated President Trump’s account, eliminated the company’s COVID-19 misinformation policy, and significantly reduced the role of content moderators on Twitter/X.

f. Why were you still critical of Mr. Musk’s handling of X despite all these moves?

RESPONSE: Please see my response to Question 32.a. above.

You shared the following meme on Truth Social:



g. Please explain your interpretation of this meme and why you chose to repost it.

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual's perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

On December 21, 2022, you called on Elon Musk to end every FBI contract with Twitter. You wrote, in full:

hey Elon, the FBI calling you a conspiracy theorist. Good, nows [sic] your one chance to slay the kings of disinformation: release every FBI contract with Twitter, every dollar paid to Twitter by the FBI, and every instance the FBI censored free speech with Twitter based on political targeting- you got the receipts, put em on Blast with their own arrogance. #FWK

h. If confirmed as FBI Director, would you move to "release every FBI contract with Twitter, every dollar paid to Twitter by the FBI, and every instance the FBI censored free speech with Twitter based on political targeting?"

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues. These comments involved, among other things, an ongoing public discussion about free speech, technology

platforms reportedly moderating political content, and the ongoing need for address issues related to government transparency and improper use of law enforcement resources which, if confirmed, the FBI will address to regain public trust that has declined in our institutions.

i. If you would not, why has your view on this changed?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues. These comments involved, among other things, an ongoing public discussion about free speech, technology platforms reportedly moderating political content, and the ongoing need for address issues related to government transparency and improper use of law enforcement resources which, if confirmed, the FBI will address to regain public trust that has declined in our institutions.

On March 19, 2024, you posted the following, in full: “Electric car batteries are the modern day blood diamonds... have the eco terrorists hypocrites looked at what it takes to mine lithium and cobalt for your precious EVs in Africa... talk about an actual bloodbath.”

j. Do you believe Elon Musk or those who support expanding access to electric vehicles are “eco terrorists” or are contributing to “an actual bloodbath?”

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues, which were part of a broader discussion regarding the environmental and humanitarian impact of lithium and cobalt mining, as well as issues surrounding the transparency and accountability in sourcing these materials

k. If not, please explain when you changed your beliefs about electric vehicles and why.

RESPONSE: Please see my response to Question 32.j.

33. In December 2022, you said on social media that singer Ted Nugent was “the best of [the] USA.” In a February 2023 post, you referred to Mr. Nugent by the affectionate fan nickname “Uncle Ted.” You also appeared on Mr. Nugent’s television program in 2023, an interview you initially failed to disclose to the Senate Judiciary Committee.

Prior to your statements, Mr. Nugent called President Obama a “subhuman mongrel.” He later recanted his initial apology for his comments. In 2016, Mr. Nugent called Jewish people who support gun safety measures “Nazis in disguise,” after he received backlash for sharing a blatantly antisemitic meme on Facebook. At one of his concerts, he called our late colleague Senator Dianne Feinstein a “worthless whore.”

a. Do you believe these comments reflect someone who is the best of America?

RESPONSE: I absolutely reject and renounce racism, antisemitism, sexism and all other forms of bigotry. I have always believed in the values and hopes of Americans who stand for justice, fairness, and the rule of law, and if confirmed as FBI Director, I will continue to strive to protect those values.

b. Were you aware of these or any similar comments made by Mr. Nugent prior to your post praising him?

RESPONSE: To the best of my recollection, no.

c. Do you believe it is racist to describe the first African-American president as a “subhuman mongrel?”

RESPONSE: Please see my response to Question 33.a. above.

d. Do you believe it is antisemitic to call Jewish proponents of gun control “Nazis in disguise?”

RESPONSE: Please see my response to Question 33.a. above.

e. Do you condemn Mr. Nugent for referring to our former colleague on the Senate Judiciary Committee as a “worthless whore”?

RESPONSE: Please see my response to Question 33.a. above.

34. During your nomination hearing, in response to a question about your association with Laura Loomer, you stated: “I took a photograph with an individual who showed up at a book event.” However, according to Ms. Loomer’s Truth Social post, it appears as though you volunteered to speak before Villagers for Trump, of which Ms. Loomer was a board member. In response to her post, you wrote back, “Thanks @LauraLoomer , @truthsocial order up GG now, lets annihilate the deep state together . This books [*sic*] heading to Number 1 fast.”

a. Had you ever heard of Ms. Loomer before this event? If so, how familiar with her viewpoints were you?

RESPONSE: I heard of Mr. Loomer prior to the event, but I was not familiar with her viewpoints at the time.

b. Were you familiar with Ms. Loomer’s comments calling 9/11 an “inside job” made prior to this event?

RESPONSE: I was not and am not familiar with this comment.

c. Did you know that Ms. Loomer would be at this event at which you spoke?

RESPONSE: I do not recall Ms. Loomer being treated any differently at that event than any of the thousands of people that I have met promoting my book at various events.

d. If Ms. Loomer was merely “an individual who showed up at a book event,” why did you repost a photo of the two of you together?

RESPONSE: I am grateful to those who supported my work to strengthen government transparency and accountability, and although my public appearances and engagement with members of the public reflect my commitment to open dialogue, it does not constitute my endorsement of their views or other positions, nor how they may be interpreted.

35. In 2024, you appeared twice on the podcast of Sean Parnell, including one interview you initially failed to disclose to the Committee. In 2021, Mr. Parnell lost a bid to gain primary custody of his children after his wife accused him of spousal and child abuse. She testified in court that Parnell had choked her on multiple occasions and hit one of their children so hard that it left a welt. While Parnell denied the abuse allegations in court, a Butler County judge found his wife to be “the more credible witness” and concluded that Parnell had committed at least “some acts of abuse in the past.” Parnell himself has admitted the two had a “tumultuous relationship” and “fought a lot.”

a. Were aware of why Mr. Parnell lost custody of his children prior to joining his podcast?

RESPONSE: I do not recall having any knowledge of these issues prior to attending Mr. Parnell’s podcast.

b. Do you have any reason to doubt the Butler County judge who found that Mr. Parnell committed acts of abuse against his family?

RESPONSE: While I absolutely reject and renounce all forms of domestic violence and abuse, I have no personal knowledge regarding the factual allegations that were at issue before the Butler County judge, and thus, it is not appropriate for me to opine as to their truth or falsity.

36. In January 2024, you appeared on the podcast of actress Roseanne Barr. At the top of the show, you praised Ms. Barr, saying, “Even though they come after you relentlessly, that just means you’re actually putting out the truth.” In 2018, ABC cancelled Barr’s show after she tweeted the following about former Obama Administration advisor Valerie Jarrett: “muslim brotherhood & planet of the apes had a baby=vj.” Barr first claimed it was a joke and then issued an apology to Jarrett.

a. Who were you referring to when you said “they” were coming after Barr “relentlessly”?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues. These comments involved, among other things, an ongoing public discussion regarding the pressure and scrutiny public figures face when challenging prevailing narratives in media and politics. While I acknowledge a diverse range of perspectives in political discourse, I absolutely reject and renounce racism, antisemitism, sexism and all other forms of bigotry.

b. Do you condemn the comments Ms. Barr made about Ms. Jarrett?

RESPONSE: I absolutely reject and renounce racism, antisemitism, sexism and all other forms of bigotry. I have always believed in the values and hopes of Americans who stand for justice, fairness, and the rule of law, and if confirmed as FBI Director, I will continue to strive to protect those values.

c. Is it ever acceptable to compare a person of African descent to monkeys or apes?

RESPONSE: Having personally faced racial discrimination on many occasions, I condemn racism and race discrimination in all forms and firmly believe that there is no place for racism in the United States.

d. Is it ever acceptable to depict a person of African descent as a monkey or ape?

RESPONSE: Having personally faced racial discrimination on many occasions, I condemn racism and race discrimination in all forms and firmly believe that there is no place for racism in the United States.

37. You have endorsed multiple candidates for public office.

a. How thoroughly do you vet and research a candidate before issuing an endorsement?

RESPONSE: When endorsing a candidate, I consider their policy positions, track record, and commitment to issues that matter to me—such as national security, law enforcement integrity, and government transparency. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

b. Do you generally follow news coverage of candidates you endorse? Why or why not?

RESPONSE: News coverage is one source among many that I use to educate myself, including concerning various candidates that run for political office.

38. In December 2023, you endorsed J.R. Majewski for a House seat in Ohio. In 2021, he called Gab CEO Andrew Torba one of “America’s greatest patriots.” Gab is social media platform which *The New York Times* described as a “a haven for white nationalists, neo-Nazis and other extremists,” in an article about the Tree of Life synagogue shooter’s frequent postings on the site. Torba himself is an outspoken antisemite who has argued that “Zionists” are responsible for the “subversion of American Christianity.” Majewski is also an ardent follower of QAnon and said he believes “everything that’s been put out by Q.” With respect to his military record, Majewski falsely claimed that he deployed to Afghanistan when, in actuality, his sole deployment was to an American airbase in Qatar. Majewski also lied about the reason for his demotion while in the Air Force; he claimed it was because he brawled with someone in one of the barracks, but it was actually because of his drunk driving at Kadena Air Base in Japan.

a. Were you aware of any of these controversies prior to endorsing Mr. Majewski?

RESPONSE: I do not recall having any knowledge of the issues raised in this question prior to endorsing Mr. Majewski. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

b. Why did none of Mr. Majewski’s controversies disqualify him from receiving your endorsement?

RESPONSE: I do not recall having any knowledge of the issues raised in this question prior to endorsing Mr. Majewski. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

39. You endorsed Pennsylvania gubernatorial candidate Doug Mastriano in 2022, calling him a “patriot” and “warrior.” You reposted an endorsement of Mr. Mastriano in October 2022. During the campaign, Mastriano was revealed to have donned a Confederate uniform while posing in a faculty portrait for the Army War College. Mastriano subsequently defended his choice of outfit. Before your endorsement, Mastriano’s campaign publicly disclosed it paid \$5,000 to the social media platform Gab for “campaign consulting fees.” In August 2022, a local Pennsylvania paper reported that Mastriano hired Scott Nagle to serve on his security detail. Nagle had recently been a regional leader for the Oath Keepers militia group.

a. Were you aware of any of these controversies prior to endorsing Mr. Mastriano?

RESPONSE: I do not recall having any knowledge of the issues raised in this question prior to endorsing Mr. Mastriano. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

b. Why did none of these controversies disqualify Mr. Mastriano from receiving your endorsement?

RESPONSE: I do not recall having any knowledge of the issues raised in this question prior to endorsing Mr. Mastriano. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

c. If confirmed as FBI Director, will you ensure that no one with ties to the Oath Keepers, Proud Boys, or other similar groups is hired by the Bureau?

RESPONSE: If confirmed as FBI Director, I will ensure that all hiring decisions are based strictly on qualifications, integrity, and adherence to the FBI's mission of impartial law enforcement. The FBI has rigorous background investigation and vetting procedures in place to assess the suitability of all candidates for employment, and if confirmed, will ensure that the FBI upholds this standard of excellence for all FBI employees.

40. During the 2022 election, you expressed your support for Joe Kent, a candidate for the House in Washington. Prior to that endorsement, Mr. Kent had a well-documented record of antisemitic and far-right affiliations. For example, Kent told a local outlet in March 2022 that he had spoken to neo-Nazi Nick Fuentes about helping his campaign's social media strategy. While he insisted that the call was set up by a third party, Mr. Fuentes recounted on a livestream that Kent told him, "I love what you're doing." During the campaign, Kent also agreed to be interviewed by Greyson Arnold. Mr. Arnold is a neo-Nazi who, in 2020, called Hitler "a complicated historical figure" and claimed a "Jewish cabal" controlled the American government during World War II. Kent is also a close ally of Joey Gibson, the founder of a Christian nationalist group called Patriot Prayer, which has frequently collaborated with the Proud Boys to organize demonstrations. Kent's campaign also paid over \$11,000 to Graham Jorgensen, a member of the Proud Boys, for campaign consulting.

a. Were you aware of any of these controversies prior to endorsing Mr. Kent?

RESPONSE: I do not recall any knowledge of the issues raised and I unequivocally reject antisemitism. No vetting process is infallible, however, and I believe all elected officials should be held accountable for their actions through due process, and my endorsements are never an endorsement of any misconduct or wrongdoing.

b. Some of these controversies came to light shortly after you endorsed Mr. Kent. Did you ever consider withdrawing your endorsement in light of these reports? If not, why?

RESPONSE: I do not recall ever being aware of the issues raised.

41. In his 2022 memoir, former Attorney General Bill Barr wrote the following:

The President then started advancing the idea of appointing Kash Patel as deputy FBI director...I categorically opposed making Patel deputy FBI director. I told Mark Meadows that it would happen ‘over my dead body.’ In the first place, all leadership positions in the bureau, except the director, have always been FBI agents. They’ve all gone through the same agent training and have broad experience in the field and at headquarters. Someone with no background as an agent would never be able to command the respect necessary to run the day-to-day operations of the bureau. Furthermore, Patel had virtually no experience that would qualify him to serve at the highest level of the world’s preeminent law enforcement agency...The very idea of moving Patel into a role like this showed a shocking detachment from reality.

a. Given Mr. Barr’s extensive background in federal law enforcement—including directing the FBI’s Hostage Rescue Team in 1991—is he qualified to opine on which characteristics are necessary to be a successful FBI Director? If not, why?

RESPONSE: Mr. Barr is entitled to his opinion.

b. Is Mr. Barr correct in writing, “Someone with no background as an agent would never be able to command the respect necessary to run the day-to-day operations of the bureau?” Why or why not?

RESPONSE: Mr. Barr is entitled to his opinion. However, for the reasons expressed in my testimony before the Committee, my record of over fifteen years in public service speaks for itself—including roles in law enforcement, intelligence, and national defense—which demonstrate that, if confirmed, I am uniquely qualified to lead the FBI.

You have since leveled multiple attacks against Barr, labelling him a “hypocrite” and a “[s]wamp monster of the first order.” In October 2022, you stated that Mr. Barr “and the rest of the government gangsters[...] criminally obstructed America’s uniform system of justice.”

c. Do you still believe that Mr. Barr “criminally obstructed America’s uniform system of justice?” Why or why not?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues, which included a broader discussion regarding concerns of how certain investigations and decisions were handled under former Attorney General Barr’s leadership, particularly given my consistent advocacy for government transparency, accountability, and equal application of the law.

42. At the end of the first Trump Administration, *Axios* reported that then-CIA Director Gina Haspel threatened to resign if you were installed as her deputy.

a. Is this reporting accurate?

RESPONSE: As I was not present for the meeting where *Axios* purports that Ms. Haspel threatened to resign, I cannot provide first-hand knowledge.

b. If it is not accurate, please detail the events of this episode as you understand them.

RESPONSE: Please see my response to Question 42.a. above.

43. Section 230 of the Communications Decency Act immunizes social media and other online platforms from liability for harms associated with third party content they host. This protection allows Big Tech companies to avoid accountability for child sexual abuse material, drug sales, and other harmful activity on their platforms. Last Congress, the Senate Judiciary Committee reported multiple bills, including my *STOP CSAM Act*, that would roll back Section 230 immunity for certain online harms, including child sexual exploitation.

In a December 2022 appearance on Steve Bannon's *War Room*, you said that elimination of Section 230 "has to happen."

If you are confirmed as FBI Director, will you support efforts to roll back Section 230, including my STOP CSAM Act, to hold online platforms accountable for the harms they cause?

RESPONSE: As I stated at my hearing, I am committed to working on Section 230. I would welcome the opportunity to meet with you to discuss how this can best be achieved.

44. In response to negative press, you have filed lawsuits against several media companies and critics. These include *The New York Times* and CNN. As recently as last month, you threatened a former colleague of yours with a defamation suit after she criticized you. In your book, *Government Gangsters*, you wrote: "I completely agree with President Trump that we need to reform libel laws in America," adding that "journalists and news outlets should also be more easily sued when they publish defamatory stories based on gossip." You have also attacked individual journalists by name in your book and elsewhere.

Public reporting indicates that you dropped your case against *The New York Times* and that, last week, a Virginia appeals court affirmed the dismissal of your defamation suit against CNN. These outcomes suggest that those lawsuits lacked merit.

a. How can we trust you to protect the freedom of the press and the First Amendment in light of your history of attacking, suing, and threatening journalists and media companies?

RESPONSE: If confirmed, I will follow my oath to support and defend the Constitution, including the First Amendment. Under my direction, the FBI will not initiate investigations for protected First Amendment activities. Individuals, of course, have the right to sue the media for defamation.

b. Why should we expect you to direct the FBI toward its legitimate law enforcement priorities instead of using the Bureau to go after your and President Trump's critics and perceived enemies?

RESPONSE: If confirmed, the priority of the FBI will be to protect Americans from violent crime, terrorism, and drugs. Under my watch, the FBI will not be politicized.

45. During your nomination hearing, you mentioned you received an award from former Attorney General Loretta Lynch. Ms. Lynch appears on your list of "Members of the Executive Branch Deep State" you published in your book, *Government Gangsters*.

Why did you highlight that you received an award from someone whom you consider a member of the "Deep State"?

RESPONSE: The reward was reflective of my performance. My reference to it was to demonstrate that leaders in both Democrat and Republican administrations have found my job performance worthy of recognition.

46. You disclosed that you own unvested restricted stock units in Elite Depot, Ltd.

Is this a foreign investment?

RESPONSE: And as part of my confirmation process, I have worked with officials from the Department of Justice and the Office of Government Ethics to prevent any conflicts of interests and items that might give rise to the appearance of a conflict of interest during my tenure, should I be confirmed. As part of that process, I provided itemized lists of assets and sources of income in my OGE Form 278e, and I also consented to an ethics agreement, in which I have been advised that the duties of the position of Director of the Federal Bureau of Investigation may involve particular matters affecting the financial interests of Elite Depot, Ltd., but the agency has determined that it is not necessary at this time for me to divest my interests in Elite Depot, Ltd., because the likelihood that my duties will involve any such matter is remote. Accordingly, I have agreed to not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Elite Depot, Ltd., for as long as I own it, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

Senator Eric Schmitt
Senate Judiciary Committee
Written Questions for Kashyap Patel
Hearing on “The Nomination of Kashyap Patel to be Director of the Federal Bureau of
Investigation”
Thursday, January 30, 2025

As alleged in the second amended complaint in the *Missouri v. Biden* (*Murthy v. Missouri*) case, the FBI collude with Big Tech companies to censor lawful end user speech. Will you pledge to not use the powers of the FBI to engage in the censorship (or jawboning) of lawful end user speech?

RESPONSE: As I stated at my hearing, it is not appropriate for the FBI to pressure Big Tech companies to censor Americans’ speech in violation of the First Amendment. If confirmed, I will faithfully apply and uphold the Constitution and laws of the United States.

**Nomination of Kashyap Patel
To be Director of the Federal Bureau of Investigation
Questions for the Record
Submitted January 31, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

**Please answer each question and sub-question individually and as specifically as possible.
Where indicated, please provide only yes or no answers.**

1. Is it correct that witnesses are free to discuss or disclose their grand jury testimony publicly notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, unless they are under court order not to disclose their testimony?

RESPONSE: As a general matter, I believe that is true under Rule 6(e). However, that testimony is subject to a seal order, and litigation is ongoing over the release of Jack Smith's report regarding classified documents. I do not believe I have unilateral authority to authorize release of or share any underlying testimony.

a. Are you under court order not to disclose your testimony, or under any court order related to the Mar-a-Lago classified documents case?

RESPONSE: Please see my response to Question 1 above.

b. If the answer to question 1(a) is yes, please describe that court order.

RESPONSE: Please see my response to Question 1 above.

c. If the answer to question 1(a) is no, will you now provide an affidavit containing a full summary of your grand jury testimony?

RESPONSE: Please see my response to Question 1 above.

2. To invoke the Fifth Amendment's privilege against self-incrimination, a witness must show that his or her testimony would put the witness at "substantial and 'real'" risk of criminal prosecution. *Marchetti v. United States*, 390 U.S. 39, 53 (1968). When you invoked your Fifth Amendment right against self-incrimination in the classified documents case, what crime did you think there was a substantial and real risk that you would otherwise be prosecuted for?

RESPONSE: I utilized my constitutional rights during that process with the advice and consent of counsel and appeared before that grand jury.

3. Immediately after your hearing, news broke that several senior career FBI leaders had been asked to resign or be demoted. Did you have advance notice of that action?

a. Have you discussed with anyone on the Trump transition team or in the current administration demoting or removing any officials currently at the FBI or who were at the FBI as of January 20, 2025?

RESPONSE: Not that I recall.

b. Have you discussed with anyone demoting or removing the Assistant Director of Counterterrorism Division, Robert Wells, from his position at the FBI?

RESPONSE: Not that I recall.

4. On September 4, 2023, your Truth Social account posted a photo of an appendix to your *Government Gangsters* book's Appendix B: Members of the Executive Branch Deep State, with the caption: "As promised, the First Ever glimpse inside the pages of my new book #GovernmentGangsters, and what better place to start than the criminals themselves. Pre order now, ships later this month. We sued bidens govt n won, what don't they want you to see."¹

a. Yes or no: Did you post this statement?

RESPONSE: This statement was posted to my Truth Social account.

5. On January 8, 2023, your Truth Social account re-posted a post by Donald Trump saying, "Schiff is a sleazebag and traitor, and should be prosecuted for the damage he has done to our Country."²

a. Yes or no: Did you re-post this Truth Social post by Donald Trump?

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual's perspective on a specific issue does not constitute my endorsement of their views or other positions, nor how they may be interpreted.

6. On March 17, 2024, your Truth Social account re-posted a post by Donald Trump saying, "SHE SHOULD BE PROSECUTED FOR WHAT SHE HAS DONE TO OUR COUNTRY! SHE ILLEGALLY DESTROYED THE EVIDENCE. UNREAL!!!" That post by Donald Trump included a link to an article about former Congresswoman Liz Cheney.³

a. Yes or no: Did you re-post this Truth Social post by Donald Trump?

RESPONSE: While I acknowledge a diverse range of perspectives in political discourse, reposting an individual's perspective on a specific issue does not constitute my endorsement of their views or other positions, nor how they may be interpreted.

¹ <https://truthsocial.com/group/government-gangsters/posts/111009520117757320>.

² <https://truthsocial.com/@Kash/posts/109655996473281113>.

³ <https://truthsocial.com/@Kash/posts/112113324687814150>.

7. During your March 7, 2023, appearance on a live video with Tim Pool, Mr. Pool said to you of January 6, “It looks like you have a preponderance of the evidence suggesting there may have been federal law enforcement involved in making that thing happen.”⁴

a. Yes or no: Did you respond to Mr. Pool’s statement by saying, “I’ll get you to beyond a reasonable doubt”?

RESPONSE: Yes. The full quote continued: “Two pieces of information. Ray Epps was on the FBI’s Most Wanted List one day and the next day he was off the FBI’s Most Wanted List. There are only two ways that happens. You die, or you’re an informant. Put that aside. Under congressional testimony, Jill Sanborn, who I used to work with, the head of the FBI Counterintelligence Division, in charge of all these investigations, testified under oath when Senator Cruz asked her flat out, were there federal agents involved in January 6, and she said, quote, ‘Senator, I cannot answer that as this time.’ If the answer was definitively no, having been an DOJ FBI guy myself, she would have gone there and said ‘nope, absolutely not.’ The reason she said ‘I can’t answer that’ is because of the same stonewalling they gave us during Russiagate, with Christopher Steele and everyone else.”

b. Please explain, with specificity, what evidence you had on March 7, 2023, suggesting the FBI was involved in instigating the January 6 riot.

RESPONSE: Based on the public record and my own experience with the process and length of time required to set up sources and confidential informants at the FBI, I concluded that the FBI utilized sources in and around the U.S. Capitol on January 6. The December 2024 Inspector General report confirmed my conclusion that the FBI used confidential human sources.

8. On February 4, 2022, you posted on Truth Social that you were “Having a beer with @Q right now...”⁵

a. Yes or no: Did you post this statement?

RESPONSE: This statement was posted on Truth Social as a joke. It was made in jest while having dinner with a personal friend who has no connection to any “@Q” account on Truth Social.

b. Yes or no: Did you meet the person behind the @Q account in real life?

RESPONSE: Yes, it’s a parody account created as a joke.

9. On June 16, 2022, you said “There’s a lot of good to a lot of it,” when talking about the QAnon movement.

⁴ <https://www.youtube.com/watch?v=4v8GeOPG0BA>.

⁵ <https://truthsocial.com/@Kash/107856160106604911>.

- a. Yes or no: Did you make this statement?

RESPONSE: This language is taken out of context and does not accurately represent my prior statements or positions regarding QAnon, including that it omits that I am not familiar with the reported tenets of QAnon and that I have repeatedly disagreed with much of what QAnon reportedly advocates for.

- b. Yes or no: In that interview, did you state of Q, “He should get credit for all the things he has accomplished, because it’s hard to establish a movement, let’s call it that, because it’s what it is”?

RESPONSE: Please see my response to Question 9.a. above.

- c. Yes or no: In that interview, did you respond “I agree with you, he has” in response to a host saying, “Q has been so right on so many things”?

RESPONSE: Please see my response to Question 9.a. above.

10. On November 4, 2022, you wrote that the FBI “brazenly rigged the 2020 election.”⁶

- a. Yes or no: Did you write this statement?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions on these issues. These comments involved, among other things, an ongoing public discussion about concerns regarding the FBI’s handling of investigations that might influence public perceptions during the 2020 election.

11. In your Committee Questionnaire, you write that your work at the Kash Foundation is “focused on supporting disadvantaged groups such as veterans, active-duty military personnel, and law enforcement officers.”

- a. Yes or no: Did the Kash Foundation spend \$275,475 in 2023 on marketing services by Foundation Vice President Andrew Ollis’s One & Oh LLC?

RESPONSE: To the best of my knowledge, like any other charity, the Kash Foundation relied in large part on fundraising to further its mission, including by using digital marketing campaigns which paid a digital marketing company through One & Oh to raise \$500,000, which the Foundation gave away to families in need, such as those affected by hurricanes in Florida, Texas, and North Carolina.

- b. Yes or no: Did the Kash Foundation end 2023 with \$557,065 in net revenue?

⁶ Kahs Patel, Opinion, *GOP needs new ‘Church Committee’ to hold FBI, Justice Department accountable for their many abuses*, Fox News (Nov. 4, 2022), <https://www.foxnews.com/opinion/gop-needs-new-church-committee-hold-fbi-justice-department-accountable-their-many-abuses>.

RESPONSE: To the best of my knowledge, this revenue is properly reported in the Kash Foundation's Form 990.

c. In 2023:

i. How much money did the Kash Foundation distribute in grants to veterans?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions are accurately reported in its publicly filed Form 990.

ii. How much money did the Kash Foundation distribute in grants to active-duty military personnel?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions are accurately reported in its publicly filed Form 990.

iii. How much money did the Kash Foundation distribute in grants to law enforcement officers?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions are accurately reported in its publicly filed Form 990.

d. In 2024:

i. How much money did the Kash Foundation spend on advertising and related services?

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report all relevant transactions on its 2024 Form 990.

ii. How much money did the Kash Foundation spend on services by One & Oh LLC? Please describe those services.

RESPONSE: To the best of my knowledge, the Kash Foundation's independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report all relevant transactions on its 2024 Form 990.

iii. How much money did the Kash Foundation spend on services by any of the Foundation's other officers or directors, or any organizations run by or affiliated with such individuals? Please describe those services.

RESPONSE: To the best of my knowledge, the Kash Foundation’s independent financial statement audit for 2024 is not yet complete, but I understand that it will timely and properly report all relevant transactions on its 2024 Form 990.

iv. How much money did the Kash Foundation distribute in grants to veterans?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions will be accurately reported in its publicly filed Form 990.

v. How much money did the Kash Foundation distribute in grants to active-duty military personnel?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions will be accurately reported in its publicly filed Form 990.

vi. How much money did the Kash Foundation distribute in grants to law enforcement officers?

RESPONSE: To the best of my knowledge, while the Kash Foundation does not specifically track this category of distributions, all of its distributions will be accurately reported in its publicly filed Form 990.

12. In your book *Government Gangsters*, you wrote, “The FBI and DoJ should also be banned from jurisdiction shopping, and policies should be instituted to ensure truly blind jurisdiction choices. Judge shopping has led to grossly political outcomes that undermine faith in our institutions and make a mockery of the idea of equality under the law.”⁷ If confirmed, will you urge the Attorney General to adopt this policy?

RESPONSE: If confirmed, I will consult with FBI personnel about current practices regarding jurisdiction choices and determine whether it is appropriate to recommend changes to the Attorney General.

13. On February 17, 2023, you coauthored a piece in which you wrote, “[C]areer officials deploy a seemingly infinite array of justifications—such as the Privacy Act and various invented privileges based on ostensible traditions and practices—to keep even unclassified information from Congress and the public.”⁸

a. Which “various invented privileges based on ostensible traditions and practices” were you referring to?

⁷ *Government Gangsters*, page 86.

⁸ Kash Patel & Troup Hemenway, *Combating Over-Classification and Weaponized Intelligence*, Ctr. for Renewing America (Feb. 17, 2023), <https://americarenewing.com/issues/combating-overclassification-and-weaponized-intelligence/>.

RESPONSE: If confirmed, I would welcome the opportunity to meet with you to discuss these matters further.

b. If confirmed, will you ensure that such privileges are not invoked to block congressional oversight?

RESPONSE: As I stated at my hearing, if confirmed, the FBI will be committed to full transparency. If confirmed, I will consult with officials in the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs to ensure timely and appropriate responses to oversight inquiries.

c. If confirmed, will you respond to oversight requests from Democratic and Republican members of Congress equally?

RESPONSE: Please see my response to Question 13.b. above.

14. In December 2024, the Department of Justice Office of the Inspector General published a report summarizing its investigation into the Department's use of compulsory process to obtain communications records of Member of Congress, congressional staff, and members of the news media.

a. Do you agree with the Inspector General's conclusion that "[t]he use of compulsory process to obtain records of members of the news media and congressional personnel may implicate separate and important constitutional considerations?"

RESPONSE: I agree that there are important constitutional interests implicated by subpoenas directed at the records of members of the press and of Congress. There are, of course, important government interests in obtaining evidence relevant to criminal and national security investigations.

b. If confirmed, will you continue to follow the Department's revised News Media Policy and policy on congressional investigations, including that, "if a non-disclosure notice would delay notice to a Member of Congress, Congressional Office, or a Congressional Staffer, the prosecutor must disclose such information in the application to the Court?"

RESPONSE: If confirmed, I will familiarize myself with the Department's policies in these areas, consult with the appropriate officials, and make a determination as to the best course forward.

**Senate Judiciary Committee
Hearing on The Nomination of the Kashyap Pramod Patel
to be Director of the Federal Bureau of Investigation
January 31, 2025
Questions for the Record
Senator Amy Klobuchar**

1. The FBI plays a critical role in investigating and prosecuting criminal price fixing cartels. It is a key partner in the Justice Department's Procurement Collusion Task Force. It has also helped secure criminal price fixing convictions in markets from ocean shipping to air cargo to auto parts, recovering billions in criminal fines.

- Will you commit to continuing to investigate and break-up price fixing cartels that rip off consumers and defraud the government in violation of our antitrust laws?

RESPONSE: While I have not had the occasion to study this particular issue, I can commit that the FBI will launch investigations using the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work. If confirmed, I look forward to discussing the issue of price fixing cartels with appropriate officials within the FBI.

2. At your hearing, you expressed how countering Chinese espionage will be a priority if you are confirmed as FBI Director. Former FBI Director Christopher Wray and the ODNI have warned that China remains "the most active and persistent threat" to our national security. If you are confirmed as FBI Director, you will be responsible for keeping us safe from the ongoing cyber threat posed by China.

- What are your plans to counter Chinese cyber-espionage?

RESPONSE: If confirmed, I look forward to consulting with various FBI officials to ensure that we appropriately address various threats, including threats from China.

3. I am very concerned about the rise in hate crimes, including against members of both the Muslim and Jewish communities following the Hamas terrorist attack in Israel. Unfortunately, we have seen thousands of hate crimes motivated by antisemitism and anti-Muslim bias over the last decade, including at the Dar Al-Farooq Islamic Center in my home state of Minnesota, which was the target of a bombing in 2017. This is unacceptable.

- If confirmed as FBI Director, will you commit to ensuring that the FBI will thoroughly investigate hate crimes against all communities, including the Muslim and Jewish communities?

RESPONSE: Yes.

- Do you agree that federal law enforcement officials must work with state and local law enforcement to combat crimes against every community that is victimized by hate crimes, including the Muslim and Jewish communities?

RESPONSE: Yes.

4. In addition to cracking down on the flow of fentanyl through our border, I believe we need to focus our attention on the online sale of this deadly drug. Recently, the DEA found that one-third of drug cases had direct ties to social media.

I've worked to advance a bipartisan bill led by Senators Roger Marshall and Jeanne Shaheen to require social media companies to report fentanyl and other dangerous drug sales on their platforms to the DEA.

- Do you believe tech companies are doing enough to keep fentanyl out of the hands of our kids?

RESPONSE: As I stated at my hearing, if confirmed, the FBI will focus on fentanyl and drug overdoses. If confirmed, I will examine this issue closely with Bureau officials and ensure that the FBI takes appropriate steps to address the various distribution methods for fentanyl.

- Will you prioritize stopping drug trafficking on social media platforms and will you commit to working with us to help get the bill signed into law?

RESPONSE: Please see my response to the first part of question 4. immediately above.

5. Fighting human trafficking has been a priority for me. I have worked in a bipartisan manner with Senator Cornyn and Senator Blackburn to support survivors of trafficking and provide resources to federal, state, and local law enforcement officials on the front lines.

The U.S. Attorney's Office in Minnesota has prioritized this issue. Last year, prosecutors and agents in Minnesota won the Justice Department's highest award for dismantling a massive international sex trafficking criminal organization that forced hundreds of women to engage in commercial sex across the United States.

- Will you make combating human trafficking a priority if confirmed, and how do you believe you can strengthen enforcement of human trafficking laws?

RESPONSE: As I said at my hearing, criminals intentionally traffic and exploit children. If confirmed, it will be a top priority to ensure that this trafficking does not happen in this country. I also commit that we will use our investigative resources and authorities to find the thousands of missing children that are still missing.

6. An estimated 1 in 12 American adults has had explicit images distributed of them without their consent. The rise of AI-generated deepfakes is making these problems worse. FBI Director Wray testified that the Bureau has reported a massive increase in sexual extortion scams, mostly targeting young people. In 2022 alone, those scams resulted in at least 20 young victims committing suicide.

I am leading bipartisan efforts, with Senator John Cornyn and with Senator Ted Cruz on separate bills that together would prohibit the nonconsensual online distribution of actual and deepfake explicit and intimate images, and will give the Justice Department the tools they need to hold perpetrators accountable.

- Will you invest resources at the Justice Department to protect young people from predators trying to exploit them in sexual exploitation cases?

RESPONSE: If confirmed, I will ensure that child exploitation crimes are appropriately investigated by the FBI.

- Do you agree that a federal criminal law prohibiting the nonconsensual distribution of intimate images would help protect victims?

RESPONSE: Like you, I am troubled by the rise in nonconsensual distribution of intimate images and the rise of AI-generated deepfakes and agree that young women and girls are especially vulnerable. While I cannot commit at this time to supporting any particular legislation, I look forward to working with officials including within the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs as well as you and Senators Cruz and Cornyn to discuss how we can best move forward together.

7. The FBI manages the National Instant Criminal Background Check System (NICS), which federal firearms licensees such as gun shops use to determine whether a prospective buyer can legally own or purchase a firearm. The NICS system ensures that people who have been convicted of domestic abuse and are prohibited from owning guns, do not unlawfully purchase them.

If the FBI fails to complete a background check within three business days, the purchase may move forward even if the background check has not been completed or if the person purchasing the gun is legally prohibited from having a gun.

- If confirmed as the FBI Director, will you commit to ensuring that the NICS system has the resources necessary to conduct background checks in a timely manner?

RESPONSE: While I have not studied the NICS system in detail, if I am confirmed I will work to ensure that NICS staff continue to diligently conduct background checks in the states in which the FBI provides services to FFLs.

8. The FBI works in collaboration with tribal police and other law enforcement agencies to investigate and enforce laws related to major crimes, such as homicides, kidnappings, and drug trafficking, that occur within its jurisdiction on tribal lands. This is essential to ensuring the safety of Americans on tribal land.

- If confirmed as FBI Director, will you ensure that there are sufficient resources dedicated to investigate crimes on tribal lands?

RESPONSE: Yes.

9. According to the Washington Post on January 30, 2025, “Multiple senior FBI officials have been ordered to leave the bureau within days or be fired.” This includes officials who oversee criminal, national security, and cyber investigations. You testified that “All FBI employees will be protected against political retribution.”

- At any time, have you been involved in any conversations or decisions relating to personnel at the FBI prior to your confirmation as Director?

RESPONSE: Of course I have had conversations relating to personnel at the FBI. As a nominee for Director of FBI, it would be irresponsible not to discuss the needs of the FBI regarding personnel. For example, I discussed these matters with you in your office and in the hearing before this Committee.

- Have you been in contact with any member of the Trump transition team, or the Trump administration, regarding FBI personnel?

RESPONSE: Yes, of course, I have had conversations with the transition team regarding FBI personnel needs in preparation for the hearing before this Committee.

- Do you believe asking Bureau officials who have worked apolitically on criminal, national security, and cybersecurity to resign or retire will enhance the rule of law and keep our country safe?

RESPONSE: I cannot comment on the experience of any personnel without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I’m confirmed, every FBI employee will be held to the absolute same standard.

10. At the Conservative Political Action Conference on February 23, 2024, you referred to the media as: “the most powerful enemy the United States has ever seen.”

You also stated on a podcast on September 13, 2023 that “We’re going to come after the people in the media who lied about American citizens who helped Joe Biden rig presidential elections. We’re going to come after you, whether it’s criminally or civilly. We’ll figure that out. But yeah, we’re putting you all on notice.” When I asked you about this statement you merely said, “that’s a partial statement.”

And in Appendix B of your book *Government Gangsters* which lists the members of the deep state, as well as on a podcast on August 21, 2023, you referred to the media as “the entire fake news mafia press corps.”

- What exactly did you mean when you said you were going to “come after” the President’s enemies in the media, “whether it’s criminally or civilly.”

RESPONSE: I made those comments in a television interview. I did not make them in a court of law or before the Committee. As I stated in my hearing, while I believe private citizens have the right to pursue defamation cases against the media, there is no role for the FBI to pursue defamation cases on behalf of such individuals.

- What specific crimes do you think members of the media committed?

RESPONSE: Please see my response to the first part of Question 10 immediately above.

- Is it a crime for a member of the media or the general public to criticize President Trump?

RESPONSE: No.

- What will you do if President Trump receives critical media coverage and asks you to investigate a reporter or media organization?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

11. Have you ever threatened revenge or retribution, orally or in writing, to any colleague, the press (in general), or any specific members of the press? If so, when and how?

RESPONSE: To the best of my recollection, I have not.

**Nomination of Kashyap Pramod Patel
to be Director of the Federal Bureau of Investigation
Questions for the Record
Submitted January 31, 2025**

QUESTIONS FROM SENATOR COONS

1. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

RESPONSE: While I understand your desire for a succinct answer, I believe accurately answering the question requires a more detailed explanation. This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it were necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

a. If you would not resign, what would you do?

RESPONSE: Please see my response to Question 1.

2. If President Trump directed the Federal Bureau of Investigation (FBI) to stop investigating a member of his cabinet in order to hide alleged misconduct, is that illegal?

RESPONSE: Please see my response to Question 1.

a. How would you respond to that directive?

RESPONSE: Please see my response to Question 1.

b. Would you resign? If not, why not?

RESPONSE: Please see my response to Question 1.

3. During your confirmation hearing, you testified that, should you lead the FBI, the Bureau would be “busy going forward” preventing violent crime and that you have no intention of “going backwards” to investigate President Trump’s political opponents. However, on January 20, 2025, President Trump issued Executive Order 14147, “Ending the Weaponization of the Federal Government,” which explicitly directs agency heads, like the FBI Director, to “identify and take appropriate action to correct past misconduct by the Federal Government related to the weaponization of law enforcement” over the previous four years.

a. If confirmed, how do you intend to comply with Executive Order 14147 without “going backwards”?

RESPONSE: If confirmed, I will direct the FBI to comply with all lawful Executive Orders. In accordance with EO 14147, it is appropriate for the FBI Director to ensure that the FBI is not weaponized or politicized. To correct the weaponization of law enforcement, I will ensure that FBI personnel are focused on tackling violent crime going forward

4. You testified during your hearing that “all FBI employees will be protected against political retribution,” but in the last 24 hours, scores of senior FBI officials and rank-and-file agents assigned to the federal cases brought against President Trump and the January 6 defendants have been told to resign or be fired.

a. Did you know that these employment actions were about to begin before you testified to the Senate Judiciary Committee?

RESPONSE: Not that I recall.

b. Will you commit to investigating whether these employment actions were politically motivated?

RESPONSE: If confirmed, I will take the opportunity to review employment decisions on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I’m confirmed, every FBI employee will be held to the absolute same standard.

c. Will you commit to asking the Department of Justice Inspector General to investigate whether these employment actions were politically motivated?

RESPONSE: If confirmed, I will seek the advice of counsel to determine whether it is appropriate for me to ask the Department of Justice Inspector General to investigate whether these employment actions were politically motivated. And I will review these matters to determine whether it is warranted to ask the DOJ Inspector General to investigate.

d. If these employment actions were politically motivated, do you commit to reinstating the terminated FBI employees with full back pay?

RESPONSE: While it would be inappropriate to commit to supporting any personnel decision without the opportunity to review on a case-by-case basis, I will review these employment actions to determine whether these actions were politically motivated. Based on that review, I will take the appropriate steps.

e. If not, why not?

RESPONSE: Please see my response to Question 4.d. above.

5. Does the President have the authority to order the FBI to initiate an investigation into a specific individual?

RESPONSE: Please see my response to question 1.

6. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

RESPONSE: If confirmed as FBI Director, my primary role would be to lead the investigation of crimes that plague and endanger our local communities. It is outside the purview of the FBI Director to opine on the legal remedies applicable if a President were to violate particular constitutional duties.

7. The President has claimed that millions of people voted illegally in the 2020 presidential election.

a. Do you agree, and if so, on what evidence do you rest your claim?

b. How—if at all—do you plan on using the resources of the FBI to investigate alleged instances of voter fraud in the 2020 presidential election?

RESPONSE: 7a. and 7b. As I explained at the hearing, millions of Americans have expressed concerns, going back to multiple elections, over election integrity. I have expressed those concerns in public appearances based upon what I saw. If confirmed, I will fully and fairly investigate all violations of election-related laws so that all Americans can have faith in the results of our elections. As I stated at the hearing, the only thing that matters at the FBI is that the law is followed. This includes our election laws, where it is vitally important that any investigations are de-politicized and conducted without favoritism.

8. What will you do to investigate violations of, and help the Department of Justice ensure vigorous enforcement of, the Ethics in Government Act, bribery and honest services laws, and anti-nepotism laws?

RESPONSE: I will ensure that FBI personnel are held to the highest standards on these matters. As an investigatory matter, I will ensure that the FBI efficiently and effectively utilizes resources to open investigations where lawful.

9. During your confirmation hearing, I asked you if “it would be your intention to fire the career civil servants—the lawyers—in FBI’s General Counsel office?” You responded, “No.”

However, in your 2023 book, *Government Gangsters*, on page 213, you wrote:

“Federal Bureau of Investigation Reforms: Cut the General Counsel: Instead of operating as a purely investigatory body, the General Counsel office within the FBI has taken on prosecutorial decision-making. In effect, they are centralizing power to both investigate and prosecute crimes, even though it is the job of

Department of Justice alone to prosecute crimes. The General Counsel office should be significantly reduced in size.”

a. What do you understand the responsibilities of the FBI’s Office of the General Counsel to be?

RESPONSE: The FBI’s Office of the General Counsel’s responsibilities include providing sound advice to all agents and personnel so they may enforce federal law appropriately and in accordance with facts and DOJ policy.

b. Should you be confirmed, which statement represents your true position on reducing the number of career civil servants that work in the FBI’s Office of the General Counsel—your statement during your hearing that you would not fire lawyers in that office, or your statement in your book that the office “should be significantly reduced in size”?

RESPONSE: In my confirmation hearing, I testified that career employees in counsel’s offices must continue their work so long as no employee politicizes the work and mission of the FBI. I also testified that it would not be my intention to fire career civil servants in the General Counsel’s office.

10. During your nomination hearing, you stated “With IGs [Inspectors General], as you know, I believe and have shown throughout this proceeding that IGs [Inspectors General] have provided valuable service in Republican and Democratic administrations, and I think they’re critical and we must have competent IGs [Inspectors General] going forward.”

a. Do you commit to protecting the independence of the Department of Justice Inspector General?

RESPONSE: The Department of Justice Inspector General reports directly to the Attorney General, not to the FBI Director.

b. Would you direct the FBI to fully comply with any requests for interviews or documents that the FBI receives from the Department of Justice Inspector General?

RESPONSE: I believe it would be inappropriate for me to make any commitment with respect to fulfilling requests for interviews or documents without having first consulted with appropriate officials within the FBI as well as with other relevant authorities in other affected agencies.

c. Do you think the FBI should have its own Inspector General?

RESPONSE: As I am not currently at the Bureau, I am not familiar with the FBI’s need for its own Inspector General. If confirmed, I will familiarize myself with the Bureau’s needs in these areas, consult with the appropriate officials, and make a determination as to the best course forward.

11. Research by the U.S. Patent and Trademark Office has found that intellectual property (IP)-intensive industries account for more than 40% of U.S. economic activity and support 44% of the U.S. workforce, or 63 million jobs. IP drives the U.S. economy and strong IP protections inspire confidence in the U.S. market. Can you provide assurances that the FBI will prioritize the investigation and prosecution of IP theft in the United States?

RESPONSE: I share your concern in this important area. I understand that the Department of Justice has identified intellectual property crime as a priority area due to the wide-ranging economic impact on U.S. businesses and, in some situations, the health, safety, and security of the American public. If confirmed, I will ensure the FBI continues to combat these significant harms.

12. The total volume of worldwide piracy in counterfeit products was estimated in 2019 to be 2.5% of world trade (USD \$464 billion). Counterfeit products such as fake pharmaceutical drugs or faulty electronics can cause direct physical harm to Americans, and the profits from these illicit sales often go directly to the coffers of organized crime. How will you deploy FBI resources to address this growing threat?

RESPONSE: I share your concerns in this area. The Department of Justice has identified intellectual property crime as a priority area due to the wide-ranging economic impact on U.S. businesses and the health and safety of the American public. If confirmed, the FBI will continue to focus on investigating the most serious cases of trademark counterfeiting, trade secret theft, copyright piracy, and the related criminal statutes protecting intellectual property.

13. The U.S. Chamber of Commerce estimates that digital piracy costs the American economy between \$29.2 billion and \$70.1 billion and between 230,000 and 560,000 jobs every year. According to the International Intellectual Property Alliance, the core copyright industries—which include film and television, music, publishing, and video games—employ 9.6 million American workers.

a. How would you fight to protect American IP in the face of increasing digital piracy?

RESPONSE: If confirmed, the FBI will continue to focus on investigating the most serious cases of trademark counterfeiting, trade secret theft, copyright piracy, and the related criminal statutes protecting intellectual property.

b. Numerous foreign websites illicitly stream U.S. copyrighted material. Is there a role for the FBI to play in ensuring that U.S. copyrighted materials retain U.S. copyright protection?

RESPONSE: Please see my response to Question 13 a.

14. Studies show that 5% of gun dealers sell 90% of guns that are subsequently used in criminal activity. How will you work to crack down on dealers that funnel thousands of guns to city streets?

RESPONSE: While I am not familiar with the studies to which this question refers, if I am confirmed, I will fully and fairly enforce federal firearms trafficking laws, consistent with the protections of the Second Amendment.

15. How will you work to prevent guns from being funneled from the United States into Mexico?

RESPONSE: The prior administration's open border policies resulted in tens of thousands of American deaths due to fentanyl and an influx of violent illegal aliens affiliated with transnational cartels and terrorist organizations. If I am confirmed, I will work with the Department of Homeland Security and other federal, state, and local law enforcement partners to address all threats to Americans that are being funneled into the country from Mexico.

16. Last year, Congress reauthorized Section 702 of the Foreign Intelligence Surveillance Act. The bill included the codification of several internal FBI measures that the agency had adopted to prevent the unauthorized, warrantless searches of Americans' private data.

a. If confirmed, how will you ensure that the FBI is actually implementing these reforms?

RESPONSE: As both as public defender and a national security prosecutor, I understand the balance between constitutional due process and appropriately tailored measures to address legal violations. I will work with appropriate FBI officials to ensure that the FBI complies with legal requirements in accordance with Congress's reauthorization of Section 702 of the Foreign Intelligence Surveillance Act.

b. Section 702 comes up for reauthorization next year—do you support reauthorizing Section 702 and for how long?

RESPONSE: In my testimony on Thursday, I talked extensively with my 702 experience and how it is a necessary tool to protect this country. That being said, the FISA Court themselves issued a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. That does concern me. I think that 702 is a necessary and critical tool. While I am proud of the reforms that have been implemented, I am ready to work with Congress moving forward to implement additional reforms.

c. What reforms, if any, do you think Congress should include in a Section 702 reauthorization bill?

RESPONSE: Please see my response to question 16.c. above.

d. Would you support a legislative reform to Section 702 that would require the FBI to obtain a warrant before searching an American's private data?

RESPONSE: Please see my response to question 16.c. above.

17. If you are confirmed, what will be your strategy to make sure that all witnesses and victims feel safe in reporting hate crimes and other crimes that the FBI investigates?

RESPONSE: If confirmed, I would welcome the opportunity to meet with appropriate FBI officials and discuss what steps, if any, the Department can take to ensure that witnesses and victims feel safe in reporting hate crimes as well as other crimes that the FBI investigates.

18. What steps would you take to encourage and incentivize participation in the FBI's Hate Crime Statistics Act data collection program?

RESPONSE: Accurate data collection helps the FBI understand the nature and scope of crimes committed against Americans. If confirmed, I welcome the opportunity to study these methods as well as areas to improve.

19. Based on your knowledge, do you believe country of origin is a reliable indicator of the national security risk an individual poses?

RESPONSE: Any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

20. Based on your knowledge, do you believe that religion is a reliable indicator of the national security risk an individual poses?

RESPONSE: Any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

21. I am concerned about violent crime rates, especially in my hometown of Wilmington. If confirmed, how would you work to improve the safety of our communities while improving relationships between law enforcement and the communities they serve?

RESPONSE: If confirmed, I look forward to improving the relationships that the FBI has with law enforcement partners and the many communities within which the FBI operates. I look forward to not only meeting with FBI leaders, but also federal, state, and local law enforcement agency partners to determine how we can improve community safety.

22. Since 2022, you have served as a director and have sat on the board of Trump Media & Technology Group, the company that owns Truth Social.

a. Do you plan on divesting your ownership or stake in the company should you be confirmed?

RESPONSE: I have never accepted compensation for serving as a board member for Trump Media and Technology Group, and as such, I do not have any ownership or stake in this company.

23. On Truth Social, you have repeatedly promoted supplements from a company called “Warrior Essentials” that, the company claims, will reverse the effects of mRNA vaccines like the COVID vaccine.

a. Do you know if the Food and Drug Administration assessed those supplements for efficacy before you promoted them on social media?

RESPONSE: Although my social media posts were intended to highlight alternative health and wellness products that individuals may choose to explore, to the best of my knowledge, I am not aware of any FDA assessment regarding the efficacy of the supplements sold by Warrior Essentials.

Senator Richard Blumenthal
Member, Senate Committee on the Judiciary
Written Questions for Kashyap Pramod Patel
Nominee to be Director of the Federal Bureau of Investigation
January 30, 2025

1. On the evening of January 30, 2025, shortly after the conclusion of your nominations hearing, it was reported that several senior F.B.I. officials, including officials who worked on investigations relating to President Trump, had been told to resign or face dismissal.

a. At the time of your testimony, were you aware of these personnel decisions?

RESPONSE: Not that I recall.

2. On January 31, 2025, it was reported that David Sundberg, the Assistant Director in charge of the FBI Washington Field Office, was notified that he would be terminated.

a. At the time of your testimony, were you aware of this planned personnel decision?

RESPONSE: Not that I recall.

3. On January 31, 2025, it was reported that Spencer Evans, the Special Agent in Charge of the FBI Las Vegas Field Office, was notified that he would be terminated.

a. At the time of your testimony, were you aware of this planned personnel decision?

RESPONSE: Not that I recall.

4. At the time of your testimony, were you aware of any other plans to dismiss any F.B.I. personnel? If so, please describe the personnel plans of which you were aware.

RESPONSE: Not that I recall.

5. At the time of your testimony, were you aware of any other plans to conduct evaluations or reviews of F.B.I. personnel who had worked on January 6 cases or on cases related to President Trump? If so, please describe the personnel plans of which you were aware.

RESPONSE: Not that I recall.

6. On March 10, 2023, you made a post on Truth Social, promoting the release of the January 6 Choir's song "Justice for All." Please identify all individuals you were aware had sung on the recording as of that date.

RESPONSE: I do not know which individuals sang on the recording.

7. Will you commit to providing any consent required to permit this Committee to obtain your full, unredacted testimony before the grand jury investigating President Trump's retention of classified documents following his first term?

RESPONSE: It is my understanding that testimony is subject to a seal order, and litigation is ongoing over the release of Jack Smith's report regarding classified documents. I do not believe I have unilateral authority to authorize release of or share any underlying testimony.

8. On March 10, 2023, you made a post on Truth Social, promoting the release of the January 6 Prison Choir's song "Justice for All." Please identify all individuals you were aware had sung on the recording at the time you made that post.

RESPONSE: Please see my response to Question 6 above.

9. Also on March 10, 2023, you appeared on the War Room podcast, where you said "we captured that audio, and of course have the greatest president, President Donald J. Trump, recite the Pledge of Allegiance. Then we went to a studio and recorded it, mastered it, and digitized it, and put it out as a song..."

a. Please describe what steps you took to create and release "Justice for All."

RESPONSE: I did not record the song.

b. You testified that you did not personally record the song. To your knowledge, who was responsible for making the recording?

RESPONSE: I am not sure.

c. Please identify all individuals who you know were involved in creating and releasing "Justice for All?" Please describe their roles.

RESPONSE: Producers were John Rich, Ed Henry, LF Fino and myself.

10. Did you receive any money, whether as payment, remuneration for production costs, or for any other reason, from the proceeds from sales of "Justice for All"?

a. If so, please provide details of the amount, date(s) received, and reason(s) for receipt.

RESPONSE: I did not receive any money from the proceeds from the song *Justice for All*.

11. Throughout your hearing, and in various Truth Social posts and appearances, you have claimed that the money earned from the song "Justice for All" was given to so-called "January 6th families."

- a. Please provide details of all disbursements of money earned from the song's release, including dates, amounts, and recipients.

RESPONSE: To the best of my knowledge, the proceeds from the song *Justice for All* were directed to charitable efforts supporting families of non-violent offenders affected by legal proceedings related to January 6th. The financial details regarding the proceeds and use of funds in the Kash Foundation are provided in its public disclosures.

12. I have worked on a bipartisan basis with Senator Ron Johnson through my role on the Permanent Subcommittee on Investigations to push the FBI for greater transparency regarding the September 11th attacks, and specifically around disclosure of evidence held by the FBI to representatives of 9/11 victims. In fact, we wrote to then-Director Wray in July and September 2023 urging for the FBI to furnish unredacted records of Saudi Arabia's role in the attacks and requested a full explanation of any ongoing need for classification of any portions of these records. The documents we did receive contained hundreds of redactions.

In June 2024, new evidence became public that includes video footage of Saudi national who had links to Saudi intelligence services, casing the U.S. Capitol, and sketches in the notebook of the same individual that show mathematical calculations for crashing a plane into a building. This evidence was made public as part of court filings made by the 9/11 families in their lawsuit, and was obtained from U.K. security officials even though all the evidence was transmitted to the FBI soon after the attacks.

- a. If confirmed, will you commit to supporting the declassification and release of 9/11-related materials, particularly related to Saudi Arabia's role, subject to withholding only for legitimate national security concerns?

RESPONSE: I believe it would be inappropriate for me to make any commitment with respect to the declassification of any government records without having first consulted with appropriate officials within the FBI as well as with other relevant authorities in other affected agencies.

- b. What steps can you commit to that will lead to that outcome and how long will that process take?

RESPONSE: Please see my response to Question 12(a) above.

13. It has been widely reported that the Trump Administration plans to continue the Biden Administration's efforts to secure a normalization agreement between Israel and Saudi Arabia. I have advocated that any such agreement that garners support from the United States should include a resolution to the 9/11 families claims against the Kingdom.

- a. If confirmed, will you commit to working with me to advocate for such a resolution in the course of these negotiations?

RESPONSE: I believe that the families of the victims of the attacks on September 11 deserve justice. I would welcome the opportunity to meet with you to discuss how this can best be achieved.

14. At your hearing, Senator Schmitt asked you: “Would you rather the FBI prosecute and persecute parents who voice legitimate concerns at school board meetings or investigate domestic terrorists who commit school shootings and threaten the lives of American children?” You answered: “Absolutely investigate and prioritize the safety of our children and any actual and real domestic terrorist.”

In 2019, the U.S. Secret Service’s National Threat Assessment Center (NTAC) [found](#) that more than 60-percent of attackers responsible for incidents of targeted school violence use firearms. Over three-quarters of those attackers “acquired a firearm from the home of a parent or another close relative,” and, in half of those cases, the firearm was “either readily accessible, or it was not secured in a meaningful way.”

a. Do you believe that firearms should be stored in a secure manner to prevent unauthorized access by minors? If not, please explain why not.

RESPONSE: Yes.

NTAC also found that, of attackers responsible for targeted school violence, all exhibited concerning behaviors, most communicated their intent to attack, most experienced psychological, behavioral, or developmental symptoms, and half had interests in violent topics.

b. Do you believe that individuals who exhibit concerning behaviors, communicate an intent to attack, experience psychological, behavioral, or developmental symptoms, and have interest in violent topics should have firearms removed from their possession through a judicial process that provides due process protections? If not, please explain why not.

RESPONSE: As I stated during my hearing, we must prioritize the safety of our children. I have not studied the NTAC report, but if I am confirmed, I will seek to ensure that the FBI prioritizes protecting America’s schools.

15. Section 12004(h)(1)(B) of the Bipartisan Safer Communities Act (P.L. 117-159) required the Attorney General to issue regulations allowing Federal Firearms Licensees (FFLs) to, at no cost to them, use the National Instant Criminal Background Check System (NICS) to conduct background checks on FFL employees and prospective employees to ensure they are not prohibited from handling guns. Last December, the DOJ and FBI proposed regulations to implement this statutory requirement, and the comment period on the proposed rulemaking has now closed.

a. If confirmed, will you commit to finalizing the proposed rulemaking? If not, please explain why not.

RESPONSE: I am not familiar with the specifics of this proposed rulemaking. If I am confirmed, I will work to review the proposed regulations and I will ensure that the FBI faithfully enforces federal law and Department of Justice regulations.

Once the proposed regulations are finalized, there will likely be a significant increase in NICS background check requests, which will increase the workload for the FBI NICS Section.

b. If you are confirmed and if the proposed rule is finalized, will you commit to provide the FBI NICS Section with the resources and personnel it needs to handle the additional volume of NICS background check requests that come in as a result of this regulation?

RESPONSE: If I am confirmed, I will work to ensure that the FBI complies with applicable federal law and regulations.

The National Shooting Sports Foundation (NSSF) has long supported this measure “to help ensure firearms remain out of the hands of individuals who shouldn’t possess them,” and has described employee background checks as “an essential component of . . . overall security planning.”

c. Do you agree that employee background checks “help ensure firearms remain out of the hands of individuals who shouldn’t possess them?” If not, please explain why not.

RESPONSE: I am not familiar with the National Shooting Sports Foundation’s position on the proposed regulation. While I have not studied the proposed measure, if I am confirmed, I will work to ensure that the FBI complies with regulatory and statutory requirements relating to background checks.

d. Do you agree that employee background checks are “an essential component of . . . overall security planning?”

RESPONSE: Please see my response to Question 15.c. above.

i. If so, please describe other essential components of overall FFL security planning.

RESPONSE: I have not studied proposed measure’s provisions relating to FFL security planning. If confirmed, I will work to ensure that the FBI complies with regulatory and statutory requirements relating to FFL security planning.

ii. If not, please explain why not.

RESPONSE: Please see my response to Question 15.d.i. above.

16. Under federal law, federal departments or agencies that have records on individuals who are prohibited from receiving firearms must “not less frequently than quarterly” provide the

“pertinent information in such record” to the FBI’s National Instant Criminal Background Check System (NICS). In 2018, Congress passed and President Trump signed the Fix NICS Act (P.L. 115-141) into law to improve information-sharing between federal departments or agencies and NICS.

Senator Cornyn, the law’s lead sponsor, [explained](#): “Just one record that’s not properly reported can lead to tragedy,” referring to the November 2017 mass shooting in Sutherland Springs, Texas, in which 26 individuals were killed and 22 more were wounded at the First Baptist Church of Sutherland Springs. Senator Cornyn [continued](#): “This bill aims to help fix what’s become a nationwide, systemic problem so we can better prevent criminals and domestic abusers from obtaining firearms.”

- a. Do you agree that “[j]ust one record that’s not properly reported [to NICS] can lead to tragedy?”

RESPONSE: The shooting at First Baptist Church was a national tragedy. While I am not familiar with Senator Cornyn’s statements relating to the Fix NICS Act, if I am confirmed I will work to ensure that the FBI complies with federal law relating to the National Instant Criminal Background Check System.

- i. If so, please describe the steps federal departments or agencies should take to ensure that records on prohibited persons are provided to NICS.

RESPONSE: Federal departments or agencies should work to comply with applicable federal laws and regulations relating to the National Instant Criminal Background Check System.

- ii. If not, please explain why not.

RESPONSE: Please see my response to Question 16.a.i. above.

During the first Trump Administration, in August 2019, the Department of Justice published The Attorney General’s Semiannual Report of the Fix NICS Act per Fix NICS Act requirements. In it, the Department stated: “To function effectively, the NICS must have access to complete, accurate, and timely information submitted by relevant agencies in all levels of government across the country.”

- b. Do you agree that for NICS “[t]o function effectively” it “must have access to complete, accurate, and timely information submitted by relevant agencies in all levels of government across the country?”

RESPONSE: While I am not familiar with the 2019 Semiannual Report, relevant agencies should work to comply with applicable Fix NICS Act provisions.

- i. If so, please describe the steps “relevant agencies in all levels of government across the country” should take to ensure that NICS has “access to complete, accurate, and timely information.”

RESPONSE: I have not studied the Fix NICS Act’s provisions. If I am confirmed, I will work to ensure that the FBI complies with the Act’s requirements.

- ii. If not, please explain why not.

RESPONSE: Please see my response to Question 16.b.i. above.

17. In June 2015, a gunman shot and killed nine Black people at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina. The shooter acquired the gun he used from a Federal Firearms Licensee (FFL) in the Columbia, South Carolina, area. While the FFL had initiated a background check through the FBI’s National Instant Criminal Background Check System (NICS), the background check was not completed within three business days and the FFL subsequently transferred the firearm. Under federal law, FFLs may transfer firearms to a purchaser—whether or not a background check is completed—after three business days so long as a background check was initiated.

Since the mass shooting in Charleston, this loophole has become known as the “Charleston Loophole,” and it enables illegal gun sales to be made to prohibited purchasers. Each year, [hundreds of thousands](#) of NICS background checks take longer than three business days to complete and those sales are allowed to “default proceed” even though law enforcement is allowed up to 90 days to finish the background check process.

- a. Do you agree that, under current law, when a firearm is transferred to a prohibited person when a background check is not completed, it is still a violation for the transferee to possess the firearm? If not, please explain why not.

RESPONSE: The shooting in Charleston was a national tragedy. While I have not studied the NICS background check process in detail, if I am confirmed I will work to ensure that NICS staff continue to diligently conduct background checks in the states in which the FBI provides services to FFLs. FFLs and transferees should comply with applicable laws and regulations that are consistent with the protections of the Second Amendment.

When an FFL makes a “default proceed” sale and transfer, and a subsequently completed background check shows that the purchaser was, in fact, prohibited from possessing the firearm, a firearm retrieval case is generated and referred to the appropriate ATF Field Division to enable retrieval of the firearm from the prohibited purchaser. In 2022, 4,112 of such cases were generated.

- b. If confirmed, will you commit to work with ATF to ensure that firearms are retrieved from prohibited purchasers who obtain them via the Charleston Loophole?

RESPONSE: If I am confirmed, I will review this issue and will seek to ensure that the FBI and ATF work together to protect Americans and enforce applicable federal laws and regulations.

18. Since 1988, the Undetectable Firearms Act has prohibited the possession, manufacture, and sale of any firearm that is undetectable by X-ray machines and metal detectors. It also requires that firearms be made with at least 3.7 ounces of metal in order to be detectable. In March, Congress reauthorized the Undetectable Firearms Act through March 2031.

a. Please describe your familiarity and/or experience with undetectable firearms, including those that have been 3D-printed.

RESPONSE: I have not studied the Undetectable Firearms Act's definitions or the Act's applicability to 3D-printed firearms.

b. Do you agree that undetectable firearms, including those that have been 3D-printed, constitute a threat to public safety?

RESPONSE: The Second Amendment protects the right of the people to keep and bear arms. Consistent with that fundamental right, people who are not lawfully disqualified from buying or possessing firearms have always been free to build or customize their own firearms. As with all firearms, any government restriction on the production or possession of 3D-printed firearms must comply with the protections the Second Amendment affords.

i. If so, please describe the steps the FBI will take under your leadership, if confirmed, to address this threat, and how the FBI will support ongoing federal, state, and local law enforcement efforts to do the same.

RESPONSE: If I am confirmed, I will work to ensure that the FBI enforces all applicable laws that are consistent with the protections of the Second Amendment.

ii. If not, please explain why not.

RESPONSE: Please see my response to Question 18.b.i. above.

19. Federal law requires licensed importers and manufacturers to "identify by means of a serial number engraved or cast on the receiver or frame of the weapon . . . each firearm imported or manufactured by such importer or manufacturer." Federal, state, and local law enforcement use these serial numbers to trace firearms recovered at crime scenes. Firearms that lack serial numbers, which can be constructed out of parts, from kits, or even 3D-printed, are considered untraceable.

Between 2017 and 2023, law enforcement recovered [92,702 untraceable firearms](#). The number of these firearms recovered in 2022 and 2023 was 44% greater than the total recovered in the previous five years.

- a. Please describe your familiarity and/or experience with untraceable firearms.

RESPONSE: I have not studied the application of the quoted statutory language to firearms that lack serial numbers, which can be constructed out of parts or kits, or that are 3D-printed.

- b. Do you agree that untraceable firearms constitute a threat to public safety?

RESPONSE: Please see my response to Question 18.b. above.

- i. If so, please describe the steps the FBI will take under your leadership, if confirmed, to address this threat, and how the FBI will support ongoing federal, state, and local law enforcement efforts to do the same.

RESPONSE: Please see my response to Question 18.b.i. above.

- ii. If not, please explain why not.

RESPONSE: Please see my response to Question 18.b.i. above.

**Senator Mazie Hirono
Senate Judiciary Committee**

**Nominations Hearing | January 30, 2025
Questions for the Record for Kashyap Pramod Patel**

1. Today, minutes before the deadline to submit these questions to you, reporting indicated that hundreds or thousands of FBI special agents, analysts, and other employees will be purged because they were assigned to work on matters that have displeased President Trump. **If you are confirmed to lead the weakened FBI that remains, will you take responsibility when our country suffers from an attack, hack, or crime wave that could have been prevented by these experienced and dedicated agents?** (President Trump, of course, will also be to blame.)

RESPONSE: I have no knowledge of these matters outside of the public reporting. As such, my response is not a confirmation of whether or not the reporting is accurate. If I'm confirmed, I will absolutely take responsibility for the effectiveness of the FBI. I will work tirelessly to ensure that it is and remains the world's premier law enforcement agency.

2. On the day of your confirmation hearing, news broke that several FBI officials holding the rank Executive Assistant Director or Special Agent in Charge (collectively, "Senior FBI Officials") had been asked to resign and told they will be fired if they did not do so. Political hacks appointees will apparently be taking their place.

a. How will replacing dedicated, career civil servants with political appointees make the FBI less politicized, as you claim is your intention?

RESPONSE: My understanding is that there is and will be only one political appointee at the FBI; the Director.

b. When did you first learn of any potential personnel changes related to Senior FBI Officials (as defined above)?

RESPONSE: On Thursday, January 30th.

c. How did you learn of these potential personnel changes?

RESPONSE: I learned about this when I was asked about this in the hearing before this Committee.

d. Provide a list of all people with whom you have discussed these potential personnel changes.

RESPONSE: I have discussed these matters with the transition team for the purposes of providing answers to these questions for the record.

3. In response to a question from Senator Booker, you said that it would be “news to me” if any of five people he listed were to take positions as political appointees at the FBI. One of the people Senator Booker listed is named Tom Ferguson, who you admitted knowing.

a. How did you meet Mr. Ferguson?

RESPONSE: As best I can recall, I believe I met him when he was a staffer for the House Judiciary Committee.

b. When did you last have contact with Mr. Ferguson?

RESPONSE: Please see my response to Question 3.e. below.

c. Have you seen Mr. Ferguson on any occasion since November 30, 2024? If so, provide the date and location of each occasion on which you have seen him. For each entry, provide details of any discussions you had regarding the FBI.

RESPONSE: Not that I recall.

d. Have you spoken with Mr. Ferguson on any occasion since November 30, 2024, that is not listed in your response to part c of this question? If so, provide the date on which and method (e.g., telephone) by which you had each conversation. For each entry, detail any discussions you had regarding the FBI.

RESPONSE: Other than a brief call of congratulations for my nomination, there is nothing else that I recall or can find in my records.

e. Have you sent any written messages to or received any written messages from Mr. Ferguson on any occasion since November 30, 2024? If so, provide the date and time on which and method (e.g., e-mail) by which you sent or received each message. Provide a copy of each entry related to the FBI.

RESPONSE: Yes, in December or January. As best I can recall, amidst other ordinary and friendly messages, he informed me that he may return or already had returned to his prior career in government service at the FBI. (Though, in reference to the question above, it would have been “news to me” if he were a political appointee as there is only one political appointee at the FBI and I was nominated for that position.) The method of communication was the application Signal. As my previous phone was recently hacked by an adversarial nation state, I regularly and ordinarily use Signal as one of my primary means of communication, which auto deletes messages.

f. Have you sent any oral or written messages to or received any oral or written messages from Mr. Ferguson via an intermediary or intermediaries on any occasion since November 30, 2024? If so, provide the approximate date(s) and the identity or identities of each intermediary for each of these messages. Detail anything in each oral message related to the FBI. Provide a copy of each written message related to the FBI.

RESPONSE: Not that I recall. We have many mutual friends, it's possible that I've asked a mutual friend to tell him "hello."

4. Section 702 of the Foreign Intelligence Surveillance Act (FISA) authorizes broad surveillance of foreigners outside the United States. Because Americans communicate with foreigners, this surveillance inevitably sweeps in large amounts of Americans' communications. To prevent Section 702 from being used as an end-run around the Fourth Amendment, Congress required the government to minimize the retention and use of these "incidentally" collected communications and to certify annually that it is not using Section 702 to spy on Americans. Despite these mandates, the FBI routinely searches through the communications acquired under Section 702 for the express purpose of finding and accessing Americans' phone calls, text messages, and emails. It conducts tens of thousands of these "backdoor searches" each year. In your book, *Government Gangsters*, you advocated for several reforms to the Foreign Intelligence Surveillance Act (FISA) to strengthen privacy and security for Americans.

a. If confirmed as FBI Director, will you support legislative reforms to FISA?

RESPONSE: I have used FISA and 702 as a national security prosecutor, a civilian at JSOC, as an intelligence official, and as the Deputy Director of National Intelligence. The issue has been its abuse by those in government service. The FBI must work with Congress to provide protections necessary for American citizens dealing with these matters, including hostage rescue operations. I am open to working together with Congress to appropriately protect national security, but to make sure that the system cannot be abused by people who are willing to cross a line they should not cross. As I alluded to in my testimony, the FISA court put out a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. This is unacceptable. Coordination with Congress will ensure that Americans have trust again in surveillance measures that we utilize to protect our country. I welcome the opportunity to discuss the matter further with appropriate officials at the FBI. As I stated in my testimony, I understand that there have been several positive legislative reforms to 702 in the past several years. I am committed to working with Congress to ensure that 702 is not abused.

b. What is your understanding of the Fourth Amendment's application to these "incidentally" collected communications?

RESPONSE: As a former public defender, I take very seriously the individual rights of all American citizens under the U.S. Constitution, including their right to be protected from unwarranted searches and seizures under the Fourth Amendment. As I mentioned in my testimony, I understand that there have been several positive legislative reforms to 702 in the past several years. I am committed to working with Congress to ensure that 702 is not abused.

c. Regardless of whether the Fourth Amendment applies, do you agree that a statutory or administrative probable cause requirement could be placed on these "backdoor searches?"

RESPONSE: Please see my responses to Questions 4.a & b above.

d. If confirmed as FBI Director, would you support reforming Section 702 to require some sort of probable cause finding in order to review Americans' communications?

RESPONSE: Please see my response to question 4.a. above.

5. A court ruling unsealed the day after President Trump took office held that querying the 702 database for a U.S. person's information were unreasonable under the Fourth Amendment. See Mem. & Order, ECF No. 219, *United States v. Hasbajrami*, No. 1:11-cr-623 (E.D.N.Y. Dec. 2, 2024). **Do you agree that 702 searches of U.S. persons can violate Americans' Fourth Amendment rights?**

RESPONSE: As I alluded to in my testimony, the FISA court put out a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. This is unacceptable. As I stated in my testimony on Thursday, we need to work with Congress to reform this.

6. When Section 702 is due for reauthorization, will you support legislation to ensure that review of U.S.-person communications contained in Section 702 databases must generally be preceded by a probable cause finding?

RESPONSE: Please see my response to question 4.a. above. I welcome the opportunity to discuss the matter further with appropriate officials at the FBI, as well as working with Congress to protect national security and provide protections necessary for American citizens.

7. Do you believe that approval by the director or deputy director of FBI should be necessary to conduct a U.S.-person query for certain sensitive persons? If so, which persons?

RESPONSE: All actions of FBI personnel – whether they are field agents or in senior leadership – should comport with the facts, evidence, law, and DOJ policies and ethics rules.

8. The FBI played an active role in violating civil rights of Japanese Americans during WWII. In the lead up to WWII, the FBI developed an enemies list of Japanese Americans who could be detained in the event of war. Once the U.S. entered WWII, the FBI executed arrests and detentions of the list and conducted warrantless raids and ransacking of Japanese American homes. The FBI assisted in the arrest of Japanese Americans who disobeyed evacuation orders. In Hawaii specifically, FBI surveillance and interrogation of Japanese Americans continued throughout WWII. In *Korematsu v. United States*, 323 U.S. 214 (1944), the Supreme Court upheld the internment of Japanese Americans during World War II.

a. Is *Korematsu* still good law?

RESPONSE: No.

- b. If the answer to part a of this question is anything other than “No,” please explain your understanding of the effect of the opinion in *Trump v. Hawaii*, 585 U.S. 667 (2018), on the continuing force of *Korematsu*.

RESPONSE: See 8a “No”.

- c. Whether or not you believe he is likely to do so, if President Trump, the Attorney General, the Deputy Attorney General, or any other official ordered you as FBI director to assist in the detention of a group of American citizens based on their race, would you do it?

RESPONSE: I do not expect that President Trump, the Attorney General, the Deputy Attorney General, or any other official would issue such an order. If confirmed, I will comport myself in a manner consistent with the facts, the law, and DOJ/FBI policies.

9. The Native Hawaiian community is disproportionately impacted by sex trafficking. Native Hawaiian women and girls represent 67 percent of sex trafficking victims in Hawaii. Homeland Security Investigations (HSI) has been the primary federal law enforcement agency responsible for investigating sex trafficking in Hawaii, but recent Trump Administration actions have diverted HSI’s resources away from sex trafficking. **If confirmed as FBI Director, will you increase the number of FBI agents focused on sex trafficking for communities that experience high levels of sex trafficking? If not, why not?**

RESPONSE: If confirmed, I will ensure that combatting human trafficking across the United States will be a top priority at the FBI.

10. Native peoples, including Native Hawaiians and Alaska Natives, face disproportionately high rates of violence. **If confirmed as FBI Director, will you do anything to address the ongoing problem of missing and murdered indigenous people and the persistent violence endured by Native American families across the country? If so, what will you do? If not, why not?**

RESPONSE: If confirmed, I will ensure that protecting all Americans from violent crime will be a top priority of the FBI.

11. As a result of the COVID-19 pandemic, our country saw a dramatic increase in hate crimes and hate incidents against Asian American and Pacific Islander communities. In response to this increase, I sponsored the COVID-19 Hate Crimes Act, which Congress passed and pursuant to which the Department of Justice issued a guidance document to raise awareness of hate crimes. Critically, the guidance also noted the increase in hate incidents: acts of hate that do not meet the statutory definition of a hate crime but may be illegal (for example, discrimination) or, even if not illegal, nevertheless target a person or entire community’s race, religion, or other aspect of their identity. The guidance recognized the unique harms caused by all forms of hate, especially in a diverse and pluralistic country like ours, and the importance of raising awareness to report and respond to hate when it happens.

- a. Do you agree that the number of hate crimes against Asian Americans and Pacific Islanders reported to the FBI in 2021 more than doubled between 2020 and 2021?

RESPONSE: While I am not expressly familiar with the data you cite, crimes motivated by bigotry or prejudice cannot be tolerated. I am committed to ensuring that all Americans receive legal protections. I welcome the opportunity to meet with appropriate FBI officials to determine steps that the Department can take to increase awareness of hate crimes.

- b. If the answer to part a of this question is anything other than “Yes,” please explain your reason for disagreeing with the data available from the FBI’s crime data explorer, which draws from the FBI’s uniform crime reporting program.

RESPONSE: See 11a. I do not disagree, though I am not expressly familiar.

- c. During a May 21, 2021, appearance on the Greg Gutfeld Show on Fox News, you referred to “the Asian hate crime hoax.” Please explain what you meant by these words. (Note, you submitted the full transcript of your appearance to the Judiciary Committee. It appears at pages 158 to 176 of your initial attachments submitted in response to question 12e of your Senate Judiciary Questionnaire. You should review this entire transcript if you feel additional context is necessary and provide that context in your response to this question. Any response that the statement speaks for itself or is understandable based on its context will be treated as a statement that you believe the increase in hate crimes against Asian Americans in 2021 to have been a “hoax.”)

RESPONSE: Hate crimes and illegal discrimination will be investigated to protect all Americans from intimidation and violence. If confirmed, the Bureau will investigate crimes motivated by hate, bigotry, or prejudice. The FBI will use its resources to protect all Americans from violence and intimidation efforts. The FBI will enforce federal hate crime statutes and will utilize resources to ensure that victims feel safe in reporting hate crimes.

- d. Please explain your response to part c of this question in light of the data referenced in part b of this question.

RESPONSE: Please see my response to Question 11.c. above.

- e. Do you agree with a definition of hate that encompasses both hate crimes and hate incidents? Why or why not?

RESPONSE: Please see my response to Question 11.c. above.

- f. Do you think the FBI’s current efforts to collect data on hate crimes are sufficient? If not, what steps would you take to improve them?

RESPONSE: Accurate data collection helps the FBI understand the nature and scope of crimes committed against Americans. If confirmed, I welcome the opportunity to study these methods as well as areas to improve.

g. What steps should the FBI take to increase awareness of hate crimes and illegal discrimination and improve reporting of these acts, especially for communities facing cultural or language barriers to reporting?

RESPONSE: Please see my response to Question 11.f. above.

h. Should the FBI work to improve the reporting of hate crimes and illegal discrimination among communities that are especially vulnerable to hate, such as communities of color and immigrant communities? If so, how should it do so? If not, why not?

RESPONSE: If confirmed, I welcome the opportunity to discuss the matter further with FBI officials.

12. If confirmed as FBI Director, will you do anything to address increased hate incidents, in addition to hate crimes? If so, what? If not, why not?

RESPONSE: Please see my responses to Question 11.c. above.

13. Some states have a record of failing to submit sufficient hate crime data to the federal government. If confirmed as FBI Director, will you do anything to encourage these states to submit timely and complete data in order to better address these crimes? If so, what will you do? If not, why not?

RESPONSE: Please see my responses to Question 11.f. above.

14. If confirmed as FBI Director, will you take any steps to support and promote community-oriented policing? If so, what steps will you take? If not, why not?

RESPONSE: If confirmed, I will take any steps necessary, and within the bounds of the law, ethical obligations, and DOJ policy, to protect Americans and to support our men and women of law enforcement around the country. I look forward to working with DOJ and FBI officials to promote public safety, including working with the Department of Justice's Community Oriented Policing Services (COPS) program to assist local law enforcement.

15. If confirmed as FBI Director and facing a conflict between your duties to the Constitution and a request from the President, the Attorney General, the Deputy Attorney General, or any other federal official, how will you resolve that conflict?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any

investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

16. How would you respond to an instruction, suggestion, or hint from the White House to open an assessment, preliminary investigation, or full investigation against any specific individual, or to conduct surveillance on any individual?

RESPONSE: Please see my response to Question 15.

17. How would you respond to information that the White House had instructed or suggested that the FBI open an assessment, preliminary investigation, or full investigation against any specific individual?

RESPONSE: Please see my response to Question 15.

18. Have you discussed with President Trump or anyone in his transition or campaign staff the possibility of using the FBI to investigate President Biden, members of his family, members of his administration, members of Congress, or any journalist?

RESPONSE: To the best of my recollection, no.

19. Should a politician be investigated by the FBI solely for taking policy positions contrary to President Trump's agenda?

RESPONSE: No.

20. Should a politician be investigated by the FBI for expressing their opinion on President Trump's fitness for office?

RESPONSE: No.

21. Should a Member of Congress be investigated by the FBI for conducting oversight in their official capacity?

RESPONSE: No, provided they did nothing illegal in the course of their oversight activities.

22. Under what circumstances is it appropriate for the FBI to seek reporters' communications during leak investigations?

RESPONSE: I am generally aware that the Department of Justice has procedures in place addressing this issue, but I am not particularly familiar with them. If confirmed, I would review the applicable Department rules and ensure FBI compliance with them.

23. In an appearance on Steve Bannon's *War Room* podcast you said, "We're going to come after the people in the media who lied about American citizens, who helped Joe Biden rig presidential elections." You then said, "Whether it's criminally or civilly, we'll figure that out." The full episode is available at <https://rumble.com/v3zrlia-patel-were-gonna-use-the->

[constitution-to-prosecute-those-destroying-the-rep.html](#), should you need to place that portion of your statement in context. Any answer to the below questions that refers to missing context without providing that context will be taken as an admission that you are unable to come up with an explanation for your remarks of which you can be proud.

a. What did you mean when you said “we’re going to come after the people in the media” in the statement referenced above?

RESPONSE: I made those comments in a television interview. I did not make them in a court of law or before the Committee. As I stated in my hearing, while I believe private citizens have the right to pursue defamation cases against the media, there is no role for the FBI to pursue defamation cases on behalf of such individuals.

b. If your answer to part a focuses on civil litigation, why did you use the word “criminally”?

RESPONSE: Please see my response to Question 23.a.

c. Do you have any concrete evidence that points to criminal wrongdoing by journalists or media organizations in regards to the 2020 election? If yes, please detail this evidence.

RESPONSE: Please see my response to Question 23.a.

d. Do you plan to use FBI resources to investigate members of the news media in regards to the 2020 election? Any answer that refers to looking forward rather than looking back will be taken as a refusal to answer the question asked.

RESPONSE: As the nominee to the FBI Director, I believe it is appropriate for me to withhold judgment about whether any particular circumstance warrants an FBI investigation until I have been confirmed and evaluated the FBI’s full documentation of the relevant facts and the law. If confirmed, I will follow my oath to support and defend the Constitution, including the First Amendment. Under my direction, the FBI will not initiate investigations for protected First Amendment activities.

24. In 2022, the DOJ established new procedures for seeking records from journalists, and the Inspector General report advised the DOJ to “ensure full and exacting compliance with its new policy in the future.”

a. If you are confirmed as FBI Director, will you commit to ensuring compliance with the revised news media policy?

RESPONSE: Yes.

b. Given your stated concerns about abuses of the FBI’s surveillance and investigative authorities, would you advocate for strengthening the existing news media policy if confirmed as FBI Director?

RESPONSE: If confirmed, I would consult with personnel within the FBI regarding the existing news media policy to determine whether changes need to be made to further protect against abuse.

25. If confirmed as FBI Director, do you commit to ensuring that the FBI does not target individuals for investigation to any degree based on protected characteristics, including race, ethnicity, national origin and nationality, religious beliefs, gender, sexual orientation, and disability?

RESPONSE: As I stated in my testimony, if I am confirmed as FBI Director, any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

26. If confirmed as FBI Director, do you commit to ensuring that the FBI does not target individuals for investigation to any degree based on First Amendment-protected speech or political activity, such as expressing opposition to a particular government or political leader?

RESPONSE: Please see my response to Question 25 above.

27. During the first Trump Administration, the Department of Justice initiated the China Initiative. DOJ, with extensive support from the FBI, engaged in racial profiling and wrongfully prosecuted hundreds of Chinese American scholars and scientists. Under the China Initiative, there were widespread concerns regarding the profiling and targeting of Asian Americans as DOJ and other agencies including the National Institutes of Health also participated in surveillance tactics and investigations. The widespread fear created a chilling effect on the scientific community that is still stifling American innovation and economic growth, and the wrongful prosecution of Chinese and Chinese American scholars cost people their jobs and livelihoods. If confirmed as FBI Director, will you ensure that the FBI's national security initiatives do not target people based on their race, ethnicity, familial ties, or national origin?

RESPONSE: As I stated during my testimony, if confirmed, any FBI investigation launched under my watch will be in response to an articulable factual and legal basis. The day after my testimony, we were all reminded of the threat of espionage by agents of the Chinese Communist Party, when FBI agents arrested and charged an ex-Federal Reserve advisor for selling trade secrets to China.

28. If confirmed as FBI Director, you will be responsible for administering the National Instant Criminal Background Check System (NICS). This system is used to determine if a person is prohibited from purchasing or possessing firearms.

a. What rules apply to the use of the National Crime Information Center?

RESPONSE: As I understand, the National Crime Information Center is an information system that contains records contributed by and accessible to criminal justice agencies nationwide. The NCIC serves to enhance officer and public safety. The NCIC serves

over 100,000 criminal justice and law enforcement partners. It is used during routine traffic stops, to find missing children, to identify terrorists and convicted sex offenders, and for numerous other purposes. An array of federal, state, and local rules, regulations, and policies apply to the use of the NCIC. As an example, NCIC policy requires that all information is encrypted to prevent unauthorized access, that each partner agency be authenticated to ensure proper access, that each partner agency regularly validate its records, and that agencies have periodic audits to ensure data quality and security. Partner agencies often adopt rules, standards, or guidelines relating to the use of the NCIC. To take one example, the Army limits the use of the NCIC to “authorized criminal justice purposes such as, stolen vehicle checks or wants and warrants.” 32 C.F.R. § 635.23.

b. What rules apply to the use of the Interstate Identification Index?

RESPONSE: As I understand, the Interstate Identification Index (“III”) is a computerized index system that ties criminal history record files of the FBI and files maintained by participating states into a national system. The III serves as a vehicle for data sharing relating to criminal records and the fingerprints of indexed federal and state offenders. As with the NCIC, use of the III is governed by various rules, policies, standards, and guidelines, including the National Crime Prevention and Privacy Compact, an agreement between the FBI and several participating states. *See* 34 U.S.C. § 40316.

c. What rules apply to the NICS Index?

RESPONSE: As I understand, NICS is a national system that checks available records in the NCIC, the III, and the NICS Index to determine if a prospective transferee is disqualified from receiving a firearm. The NICS Index contains information provided by local, state, tribal, and federal agencies of persons prohibited from receiving firearms under federal or state law. Generally, entities contributing information to the NICS Index are responsible for the accuracy and validity of the information they provide. An array of rules, regulations, policies, and guidelines apply to the NICS Index. *See, e.g.,* 28 C.F.R. § 25. As an example, the FBI takes extensive measures to ensure the security and integrity of the system information and agency use. Information about an inquiry resulting in a firearms receipt or transfer is destroyed in accordance with NICS regulations. The Index cannot be used to establish or maintain a federal firearm registry.

d. How does the FBI collect and access the information NICS uses?

RESPONSE: As I understand, local, state, tribal, and federal agencies provide the information that comprises the NICS Index. Contributing agencies may provide information using the NCIC interface or through secure data transfers through the Law Enforcement Enterprise Portal. Contributing agencies are generally responsible for the accuracy and validity of NICS Index information. Federal Firearm Licensees (“FFLs”) may ask the FBI to perform background checks on prospective firearm transferees. The FBI uses NICS to check available records and determine if prospective transferees are disqualified from receiving firearms by state or federal law.

e. How important is it for NICS to have access to complete information?

RESPONSE: NICS contains information provided by local, state, tribal, and federal agencies of persons prohibited from receiving firearms under federal or state law. In general, the accuracy of background checks performed using NICS information depends on the completeness and accuracy of that information. Complete and accurate information from contributing agencies is important to ensure that no prospective transferee who is constitutionally entitled to keep and bear a firearm is unlawfully denied his or her rights.

f. Why is it important for NICS to have access to complete information?

RESPONSE: Please see my response to subsection (e) above.

g. How will you ensure the full implementation of the 2022 Bipartisan Safer Communities Act?

RESPONSE: If I am confirmed, I will fully and fairly implement the Act and all relevant federal laws, consistent with the protections of the Second Amendment.

29. On March 12, 2018, the Trump White House announced that “President Trump supports legislation and reforms to strengthen background checks and law enforcement operations.”

a. If confirmed as FBI Director, will you work to ensure that the records in the National Instant Criminal Background Check System (NICS) are as complete, accurate, and up-to-date as possible? If not, why not?

RESPONSE: The NICS Index contains information provided by local, state, tribal, and federal agencies. If I am confirmed, I will ensure that the FBI works with these partner agencies to maintain NICS information consistent with all applicable federal laws and regulations, and consistent with the protections of the Second Amendment.

b. If confirmed as FBI Director, will you ensure that the number of FBI NICS Section personnel do not fall below current levels? If not, why not?

RESPONSE: While I have not studied NICS budget and personnel information in detail, if I am confirmed I will work to ensure that NICS staff continue to diligently conduct background checks in the states in which the FBI provides background check services.

30. In August of 2024, you spoke at the Gun Owners of America Conference in Knoxville, Tennessee. In December 2024, Gun Owners of America issued a press release applauding your nomination to be FBI Director. Gun Owners of America believes all background checks are unconstitutional and that machine guns are protected from regulation under the constitution. (Note, the questions before are about *your* beliefs and so are not dependent on any knowledge of the Gun Owners of America or its positions.)

a. Do you believe that background checks are unconstitutional?

RESPONSE: In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1, 38 n.9 (2022), the Supreme Court suggested that background checks preceding firearms purchases are presumptively constitutional. Bruen did not foreclose challenges to licensing requirements, including background checks, that “can be put toward abusive ends.” Id. As I stated during my hearing, the Constitution, as interpreted by the Supreme Court, is the law of the land.

b. Do you believe that civilian ownership of machine guns is protected by the Second Amendment?

RESPONSE: I believe that whatever the Supreme Court holds with respect to the scope of the Second Amendment is what is protected by the Second Amendment.

c. Do you believe bump stocks pose a threat to public safety?

RESPONSE: As the Supreme Court noted in *Garland v. Cargill*, 602 U.S. 406, 421 (2024), with respect to trigger function, “[n]othing changes when a semiautomatic rifle is equipped with a bump stock,” which “merely reduces the amount of time that elapses between separate ‘functions’ of the trigger.” Thus, a shooter committed to unlawfully firing multiple shots must engage the trigger of his firearm multiple times, regardless of whether the firearm is equipped with a bump stock.

31. You hosted a program called *Kash’s Corner* through the publication *The Epoch Times*. The CFO of *The Epoch Times* has recently been implicated in a large-scale money laundering operation—allegedly securing \$67 million by way of a cryptocurrency scam. **If confirmed as FBI Director, will you recuse yourself from any ongoing or future investigations relating to *The Epoch Times* or its senior officials?**

RESPONSE: If confirmed, I intend to consult the appropriate ethics officials at the Department of Justice about any investigation that could potentially implicate any conflicts of interests or other ethics concerns, as necessary, and to take all necessary steps to resolve any such conflicts that may arise including, if necessary, recusal.

32. Have you, or any entity under your control or in which you have a controlling interest (including your foundation), given any financial assistance to Enrique Tarrio, who is affiliated with the Proud Boys and recently endorsed your nomination? (Note, the financial records you submitted to the Committee do not include information about everyone to whom you or entities under your control or in which you have a controlling interest have given money. Nor do public filings. This question is to you directly, and any attempt to evade answering it by reference to public filings or documents you have submitted will be treated as a refusal to answer the question.)

RESPONSE: To the best of my knowledge, no.

33. Have you, or any entity under your control or in which you have a controlling interest (including your foundation), given any financial assistance to Stewart Rhodes, who

is affiliated with the Oath Keepers and recently endorsed your nomination? (Note, the financial records you submitted to the Committee do not include information about everyone to whom you or entities under your control or in which you have a controlling interest have given money. Nor do public filings. This question is to you directly, and any attempt to evade answering it by reference to public filings or documents you have submitted will be treated as a refusal to answer the question.)

RESPONSE: To the best of my knowledge, no.

34. Have you, or any entity under your control or in which you have a controlling interest (including your foundation), received any money from Warrior Essentials, LLC or any affiliated entities? (Note, the financial records you submitted to the Committee do not include any reference to Warrior Essentials, LLC. Any reference to those materials in this answer without directly providing a “Yes” or “No” will be taken as a statement under the penalty of perjury that you have not received any such money.)

RESPONSE: As part of my confirmation process, I have worked with officials from the Department of Justice and the Office of Government Ethics to prevent any conflicts of interests and items that might give rise to the appearance of a conflict of interest during my tenure, should I be confirmed. As part of that process, I provided itemized lists of assets and sources of income in my OGE Form 278e. I respectfully incorporate that form here by reference and refer to in answer to this question.

35. In your book, you identify 60 members of what you call the “Executive Branch Deep State.”

a. What was your basis for considering them a “dangerous threat to our democracy”?

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions. My book is well researched based on government documents; the appendix referenced is a result of that research. This is a commentary on inappropriate actions while in government service.

b. Are you alleging that any of them have committed a crime? If so, please identify the individual(s) and the alleged offense(s).

RESPONSE: No, this is a commentary on inappropriate actions while in government service.

c. Are you claiming that any of them should be investigated by the FBI? If so, please identify the individual(s) and the basis of any investigation(s).

RESPONSE: No.

d. Which people or categories of people were you referring to with the statement “other corrupt actors of the first order”?

RESPONSE: Please see my response to Question 35.a.

36. If confirmed as FBI director, you will lead the agency responsible for investigating domestic terrorism.

a. **Have you ever managed a domestic terrorism investigation?**

RESPONSE: I have served as the Senior Director of Counterterrorism at the National Security Council, deputy Director of National Intelligence, and Chief of Staff to the Acting Secretary of Defense. I also served in the Obama Justice Department as a terrorism prosecutor in the National Security Division. I received the 2017 Assistant Attorney General’s Award from Loretta Lynch for my work in helping the Ugandans bring members of Al-Shabaab to justice for murdering 74 innocent people, including an American.

b. **How do investigations into domestic terrorism differ operationally from investigations into international terrorism?**

RESPONSE: All investigations require independent fact-finders to follow the evidence and facts, wherever they may lead, rather than relying on biases and political views.

37. You contributed \$2,000 to Representative Max Miller’s campaign in 2022. Your donation followed reports that former Trump Press Secretary Grisham accused Miller of abuse in 2021. Your donation also followed reports that Miller had embellished his resume and failed to disclose multiple criminal offenses. **Were you aware of Grisham’s accusations against Miller when you donated to his campaign?**

RESPONSE: To the extent I provided contributions to Representative Max Miller’s 2022 campaign, my contributions at the time were based on his policy positions and commitment to national security and law enforcement priorities. I do not condone any form of abuse or criminal misconduct and, in accordance with constitutional due process rights and otherwise, I expect all elected officials to be held accountable for their conduct.

38. **Do you agree that America is a country built by immigrants?**

RESPONSE: Our nation’s strength comes from all who lawfully contribute to its prosperity, and law-abiding American citizen have played a pivotal role—including lawful immigrants like my parents. Throughout our history, lawful immigrants have contributed to our economy, national security, and culture while upholding the principles of law and order that define the American system.

39. **Do you believe women are discriminated against in the United States?**

RESPONSE: As with other Americans, women can be subject to discrimination.

40. **What is your view of the “Me Too” movement?**

RESPONSE: No one should be subjected to predatory sexual behavior or unwanted sexual advances. Every individual has the right to be treated with dignity and respect, and allegations of misconduct should be taken seriously, investigated thoroughly, and adjudicated fairly through due process. As I have stated throughout my career, the rule of law must be applied equally to all, and justice should not be politicized.

41. Can Donald Trump serve a third term as President of the United States?

RESPONSE: The 22nd Amendment to the United States Constitution limits a president to two terms in office.

42. Did you recommend to President Trump that he revoke any individuals' security clearances?

RESPONSE: No, not that I recall.

43. For what reasons can a President dismiss an FBI Director?

RESPONSE: There are no Constitutional or statutory conditions on the President's authority to remove an FBI Director.

44. If President Trump tells you to do something illegal, will you resign as FBI Director?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

45. The FBI is the primary federal agency responsible for investigating possible violations of federal civil rights statutes. These laws are designed to protect the civil rights of every person within the United States—citizens and non-citizens alike. If you are confirmed as FBI Director, do you commit to investigating violations of the civil rights of all persons in the United States, regardless of the victim's citizenship status?

RESPONSE: Congress sets the scope of protections provided by federal civil rights laws. I commit to enforcing any currently existing law as appropriate and in accordance with the relevant facts and law. If confirmed, I look forward to discussing the matter further with FBI officials.

46. What is Operation Not Forgotten? If you are confirmed as FBI Director, will you continue the work of Operation Not Forgotten?

RESPONSE: In my testimony, I committed to continue the important work of Operation Not Forgotten—a program that addresses tribal issues and tribal crimes plaguing communities. My commitment stands.

**Nomination of Kashyap Pramod Patel
to be Director of the Federal Bureau of Investigation
Questions for the Record
Submitted January 31, 2025
QUESTIONS FROM SENATOR CORY A. BOOKER**

1. Do you believe that involvement in the federal criminal investigations and prosecutions of President Trump alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of FBI personnel?

RESPONSE: Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

a. If you are confirmed as FBI Director, will you reverse the demotion, reassignment, or termination of any FBI personnel made under such circumstances since President Trump's inauguration?

RESPONSE: I cannot commit to reversing any personnel decision without the opportunity to review decisions on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

2. Do you believe that involvement in investigations or prosecutions of individuals related to the January 6 Capitol riot alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of FBI personnel?

RESPONSE: Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

a. If you are confirmed as FBI Director, will you reverse the demotion, reassignment, or termination of any FBI personnel made under such circumstances since President Trump's inauguration?

RESPONSE: I cannot commit to reversing any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

3. Do you believe that political affiliation alone, without other evidence of wrongdoing, misconduct, or unsatisfactory job performance, is grounds for the demotion, reassignment, or termination of FBI personnel?

RESPONSE: Political affiliation alone is not grounds for the demotions, reassignment, or termination of FBI personnel. Such decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard.

a. If you are confirmed as FBI Director, will you reverse the demotion, reassignment, or termination of any FBI personnel made under such circumstances since President Trump's inauguration?

RESPONSE: I cannot commit to reversing any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

4. Do you believe that FBI personnel who participated in the federal criminal investigations of President Trump are part of the "Deep State"?

RESPONSE: FBI Agents are assigned cases. Fulfilling a mission as assigned does not make an FBI Agent part of the "Deep State."

5. Shortly after your hearing, FBI officials across headquarters and its 55 field offices were ordered to resign or retire or be fired.¹

a. In light of the firings and forced resignations of these officials, assuming standard processes, including review by the FBI Inspection Division did not occur in these circumstances, will you abide by your commitment to uphold those processes and reverse those firings and forced resignations until and unless those processes are properly followed?

RESPONSE: I cannot commit to reversing any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard and I will ensure that the appropriate processes are always followed.

b. Who was involved in the decision to remove these officials? Provide the names of the individuals involved.

RESPONSE: I was not involved in these decisions. As such, I cannot provide names of any individuals involved beyond the public reporting. I cannot verify the accuracy of the public reporting as I was not involved.

¹ See Ken Dilanian et al., *Several top FBI officials are told to resign or be fired as Trump continues federal purge*, NBC (Jan. 31, 2025), <https://www.nbcnews.com/politics/justice-department/several-top-fbi-officials-are-told-resign-face-demotion-trump-continue-rcna190095>; Evan Perez and Zachary Cohen, *Senior FBI leaders ordered to retire, resign or be fired by Monday*, CNN (Jan. 30, 2025), <https://www.cnn.com/2025/01/30/politics/senior-fbi-leaders-demoted-wray/index.html>.

c. Has anyone within the FBI ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes?

RESPONSE: Not that I recall.

d. Has anyone on the presidential transition team ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes?

RESPONSE: I have discussed these matters with the transition team for the purposes of providing answers to these questions for the record.

e. Has anyone in the White House ever spoken to you about, or mentioned, these terminations, forced resignations, or other adverse personnel changes?

RESPONSE: Not that I recall.

f. At your hearing you promised “All FBI employees will be protected against political retribution.” Are these actions a violation of that promise? Why or why not?

RESPONSE: As I have not been confirmed as FBI Director, I have not had the opportunity to fulfill that promise. Without the opportunity to review on a case-by-case basis, I cannot address the reasons for particular personnel decisions. If confirmed, I will ensure that all FBI employees are protected against political retribution.

6. Have you ever discussed FBI personnel or staffing with Elon Musk?

RESPONSE: I have discussed, as a general matter, with Elon Musk the need for reforms and effective use of the FBI’s greatest asset, its personnel.

7. Since your nomination in November 2024, have you met with any FBI Agents Association officials?

RESPONSE: Yes

If yes:

a. When and with whom?

RESPONSE: On January 14, 2025, I met with Natalie Bara, President of FBIAA and Jen Murrow, Vice President of FBIAA.

b. Describe what you discussed with these officials.

RESPONSE: While these were private conversations, I can answer generally that we discussed the great work that FBIAA does in advocating for FBI agents, ensuring an open

line of communication with leadership, and their charitable work in support of FBI agents.

c. Did these officials raise concerns about potential demotion, reassignment, or termination, or other retributive actions against personnel involved in the Trump cases or January 6 cases? Did they raise other concerns? Please provide a description of the concerns raised during this meeting.

RESPONSE: While it would be inappropriate to reveal the details of private conversations, I can say that we fully agreed that every FBI employee should be held to the absolute same standard, and should not be terminated for case assignments, as I said on the record in the hearing. We also shared the perspective that FBI leadership should understand the risks and dangers that FBI agents face to protect the American public.

8. During the hearing on your nomination, I asked you, "Have you had conversations with anyone on the transition team about pursuing any investigations or targets?" You responded, "Only following the Constitution."

a. Please specify the members of the transition team with whom you discussed pursuing investigations or targets.

RESPONSE: I do not recall having conversations with the transition team about pursuing any particular investigations or targets.

b. Please specify individuals or targets that you discussed for potential investigations or targeting with members of the transition team.

RESPONSE: I do not recall having conversations with the transition team about pursuing any particular investigations or targets.

c. Please specify the constitutional grounds you discussed for pursuing investigations or targets.

RESPONSE: I do not recall having conversations with the transition team about pursuing any particular investigations or targets.

9. Have you had access to, or reviewed, FBI investigation materials, information, or other potential evidence about specific individuals or investigations? If so, since when have you had access? Have you discussed any of this information with current or former FBI personnel or anyone outside of the FBI?

RESPONSE: When I was a public defender in the Southern District of Florida, a terrorism prosecutor in the Justice Department's National Security Division, a staffer on the House Permanent Select Committee on Intelligence, a senior director for counterterrorism on the National Security Council, and as the Deputy Director of National Intelligence, I regularly reviewed FBI materials and discussed them with appropriate personnel in and out of the FBI.

10. Your book, *Government Gangsters* includes a list of individuals who you identify as “Members of the Executive Branch Deep State”. You state that this list is “not exhaustive” and that it omits “other corrupt actors of the first order.”² Please provide the names of the “other corrupt actors” this refers to.

RESPONSE: This language is taken out of context and does not accurately or fully represent my prior statements or positions. My book is well researched based on government documents; the appendix referenced is a result of that research. The language referenced in this question is merely to indicate that the list is not exhaustive and does not indicate a reference to any specific individuals.

11. During the hearing on your nomination, you were asked whether you agreed with President Trump's pardons of individuals involved in the January 6 Capitol riot. You responded that you did not agree with commuting “any sentence of any individual who committed violence against law enforcement.”

a. Do you support President Trump’s pardons of individuals who did not commit violence against law enforcement officers but were otherwise involved in and convicted for crimes related to the January 6 Capitol attack?

RESPONSE: As I stated at my hearing, the pardon power belongs to the President, but I have always rejected violence against law enforcement. I do not agree with the commutation of any sentence of any individual who committed violence against law enforcement, including violence against law enforcement that occurred on January 6.

12. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to Enrique Tarrio of the Proud Boys or Stewart Rhodes of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

RESPONSE: To the best of my knowledge, I have not—either personally or through any of my affiliated companies or organizations, agents, or employees—provided financial support or other resources to these two individuals.

13. Have you ever spoken with any of the following individuals about the January 6 Capitol attack or the 2020 Presidential election? If yes, provide the dates these discussions occurred and a summary of each discussion.

- a. Enrique Tarrio
- b. Stewart Rhodes
- c. Julian Khater
- d. James McGrew
- e. Jorden Mink
- f. Ryan Nichols
- g. Ronald Sandlin

² KASH PATEL, *GOVERNMENT GANGSTERS* Appendix (2023).

h. Barton Shively

RESPONSE: To the best of my knowledge, no.

14. In your book, *Government Gangsters*, you discuss a counterterrorism case in Houston, Texas that you were assigned to as an attorney at DOJ. You describe an incident in which the federal judge overseeing that case reprimanded you for not wearing a suit and tie, which your colleagues in the U.S. Attorney's Office had forgotten to bring to court for you.

a. Did you ever request for those colleagues in the U.S. Attorney's Office to be fired?

RESPONSE: The language in this question does not accurately represent my prior statements or positions regarding this event as described in *Government Gangsters*—no colleagues in the U.S. Attorney's Office forgot to bring a suit or tie to court in Houston for me—but in all events, I never requested any colleagues of mine in the U.S. Attorney's Office be fired.

15. In your book you express disgust for individuals who “lie, leak, cover up, or twist the truth to accomplish their mission.”³ Please confirm the following:

a. Did you, as a staffer for the House Intelligence Committee, leak a story to a *Fox News* reporter?

RESPONSE: To the best of my recollection, as a staffer for the House Intelligence Committee I did not engage in any unauthorized disclosure of information to a Fox News reporter.

b. Did you, as a staffer for the House Intelligence Committee, leak Committee emails between former Deputy Attorney General Rod Rosenstein, and the Committee?

RESPONSE: To the best of my recollection, as a staffer for the House Intelligence Committee I did not engage in any unauthorized disclosure of Committee emails between Mr. Rosenstein and the Committee.

16. If you are confirmed as Director of the FBI, would you discipline personnel, including political appointees, for leaking information or documents?

RESPONSE: If confirmed, I will ensure that FBI personnel follow the appropriate guidelines and procedures in handling FBI material.

17. Describe the disciplinary actions the FBI would impose for leaking information or documents.

³ KASH PATEL, *GOVERNMENT GANGSTERS* 8 (2023).

RESPONSE: If confirmed, I will consult with counsel to ensure that the FBI follows all procedures to implement the appropriate disciplinary action for any inappropriate handling of FBI material.

18. Have you ever circumvented the chain of command or protocol for in a military, rescue, or intelligence operation? If so, please detail the circumstances.

RESPONSE: To the best of my knowledge, I have appropriately complied with the protocols regarding the chain of command in military, rescue, and intelligence operations.

19. Have you ever circumvented the chain of command or protocol as relates to any investigatory or prosecutorial efforts you've been involved in? If so, please detail the circumstances.

RESPONSE: No

20. In a letter dated December 9, 2024, from Chairman Grassley to then-Director Christopher Wray, Chairman Grassley wrote, "Contrary to the assurances you made to gain confirmation to your position, the FBI has shown outright disdain for congressional oversight during your tenure. By doing so, it has hindered Congress in the exercise of its constitutional duty to oversee the actions of executive branch agencies and officials." During your hearing, you also acknowledged that transparency by the FBI's is essential to Congress' oversight responsibilities on several occasions.

a. Do you commit to be responsive in a timely manner to Congressional requests? Describe the processes and practices that you will implement to ensure timely responses to Congressional requests.

RESPONSE: As I stated at my hearing, if confirmed, the FBI will be committed to full transparency. If confirmed, I will consult with officials in the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs to ensure timely and appropriate responses to oversight inquiries.

b. Do you commit to open and frequent communication between the FBI and Congress members regarding oversight requests? Describe the processes and practices that you will implement to ensure open and frequent communication between the FBI and Congress members regarding oversight requests.

RESPONSE: Please see my response to Question 20.a. above.

21. During the hearing on your nomination, you testified that you knew some or all of the following individuals. For each, please describe the nature of your relationship with that individual, the length of time you have known that individual, and provide the date for and a description of the last written or oral communication you had with that individual:

a. Erica Knight

RESPONSE: Erica is my publicist in my work as a private citizen. I've known her for approximately 4 years. I communicate with Erica daily regarding my public relations.

b. Tom Ferguson

RESPONSE: As best I can recall, I believe I met him when he was a staffer for the House Judiciary Committee within the last couple of years. In December or January, as best I can recall, amidst other ordinary and friendly messages, he informed me that he may return or already had returned to his prior career in government service at the FBI.

c. Greg Mentzner

RESPONSE: As best I can recall, I first connected with Greg Mentzner in the last few months. In December or January, as best I can recall, he congratulated me on my nomination and informed me that he may return or already had returned to his prior career in government service at the FBI.

d. Carlos Fernandez

RESPONSE: As best I can recall, I met Carlos Fernandez around 2016, when he was working at the FBI and I was working at the Justice Department. In December or January, as best I can recall, he congratulated me on my nomination and informed me that he may return or already had returned to his prior career in government service at the FBI.

e. Steve Rees

RESPONSE: As best I can recall, I first connected with Steve Rees in the last few months. In December or January, as best I can recall, he congratulated me on my nomination and informed me that he may return or already had returned to his prior career in government service at the FBI.

22. When did you become aware of the placement of Erica Knight, Tom Ferguson, Greg Mentzer, Carlos Fernandez, and Steve Rees at the FBI? Please provide a date and how you became aware of each placement at the FBI.

RESPONSE: It is not my understanding that Erica Knight will join government service at the FBI. In December 2024 or January 2025, I learned from Tom Ferguson, Greg Mentzer, Carlos Fernandez, and Steve Rees that they intended to, or already have, rejoined government service at the FBI.

23. Under Rule 6(e) of the Federal Rules of Criminal Procedure, you may share any and all information related to the testimony you provided before the grand jury in President Trump's prosecution for the retention of classified documents. Will you provide that information to members of the Senate Judiciary Committee?

RESPONSE: My understanding is that testimony is subject to a seal order, and litigation is ongoing over the release of Jack Smith's report regarding classified documents. I do not believe I have unilateral authority to authorize release of or share any underlying testimony.

24. If you are confirmed as FBI Director, will you investigate journalists who write or report information that you disagree with, dislike, or criticizes your or President Trump??

RESPONSE: If confirmed, I will follow my oath to support and defend the Constitution, including the First Amendment. Under my direction, the FBI will not initiate investigations for protected First Amendment activities.

25. Please detail your last conversations with members of the FBI, particularly its leadership. Please specify who you spoke to and what you discussed.

RESPONSE: The last conversation I had with members of the FBI involved conversations with my security detail regarding logistics.

26. During the hearing on your nomination, you pledged to drastically lower incidents of crime in the country.⁴ Please articulate your strategy for doing so.

RESPONSE: I believe that reordering the FBI's priorities to more intently focus on violent crime, as opposed to focusing on, for example, traditional Catholics, concerned parents at school board meetings, and disfavored political groups, will help the Bureau lower violent crime.

27. Will you allow employee affinity groups to exist at the FBI? Under what circumstances would you prohibit affinity groups? Which ones, specifically?

RESPONSE: As I am not currently at the Bureau, I am not familiar with the details of employee affinity groups at the FBI. If confirmed, I will familiarize myself with the Bureau's policies in these areas, consult with the appropriate officials, and make a determination as to the best course forward.

28. You have claimed that "DEI and white rage" have replaced intelligence and law enforcement activities as the chief priorities of the FBI and other agencies.⁵

⁴ See Steven Nelson and Ryan King, *FBI director hopeful Kash Patel tells senators US drug deaths, homicides and rapes should be cut in half*, N.Y. POST (Jan. 30, 2025), <https://nypost.com/2025/01/30/us-news/kash-patel-tells-senators-us-drug-deaths-homicides-and-rapes-should-be-cut-in-half-if-youre-not-ticking-off-some-people-you-arent-doing-your-job-right/> (noting your pledge to "make sure we don't have 100,000 rapes in this country next year, make sure we don't have 100,000 drug overdoses from Chinese fentanyl and Mexican heroin, and make sure we don't have 17,000 homicides...[and stating that] those numbers need to be cut in half immediately, and the public will regain trust in the FBI and law enforcement.").

⁵ Shawn Ryan Show, #128 Kash Patel - FBI Spying on Americans, Russiagate and Biden's Classified Documents, YOUTUBE, at 1:23:46 (Sept. 2, 2024), <https://www.youtube.com/watch?v=pjWCnh42Sc4>.

a. The FBI workforce is comprised of 45.9% women, 27.5% racial or ethnic minorities, and 1.7% LGBTQIA+. ⁶ How will you ensure that the FBI is a place where your employees can be protected from discrimination, be welcome, and be able to safely and effectively serve the country without discrimination?

RESPONSE: Discrimination is illegal and morally wrong. If confirmed, I will faithfully apply and uphold the Constitution and laws of the United States, including those that prohibit discrimination.

b. Do you have any evidence supporting your claim that DEI efforts have taken away from the FBI's law enforcement priorities?

RESPONSE: As I stated at my hearing, if confirmed, the priority of the FBI will be to ensure that our communities are protected and safeguarded. Any resources that are directed to other efforts necessarily take away from achieving the FBI's law enforcement priorities.

29. At your hearing, you stated that the FBI would "focus on investigating interstate crime."

a. Do you agree that firearms trafficking can be, and often is, an interstate crime?

RESPONSE: Yes, firearms trafficking can be an interstate crime. I have not closely studied statistics relating to the frequency of interstate firearms trafficking.

b. If so, please describe the steps the FBI will take under your leadership, if confirmed, to address firearms trafficking, and how the FBI will support ongoing federal, state and local law enforcement efforts to do the same.

RESPONSE: If I am confirmed, I will work to ensure that the FBI enforces federal law relating to firearms trafficking, consistent with the protections of the Second Amendment.

c. If not, please explain why not.

RESPONSE: Please see my response to Question 29.b. above.

30. On your Senate Judiciary Questionnaire you stated that you are a member of the "Poodle Room," a private member's club situated in the 67-story hotel tower of the Fontainebleau in Las Vegas.

a. When did you become a member and under what circumstances?

RESPONSE: As indicated on my Senate Judiciary Questionnaire, my membership at the Poodle Room started in 2024 and was facilitated through the normal membership process.

⁶ See FEDERAL BUREAU OF INVESTIGATION, FBI DIVERSITY REPORT 1 (2024), https://fbijobs.gov/sites/default/files/2022-05/Report_Diversity.pdf.

b. How much is the membership, and did you pay for it yourself or did someone else pay for your membership? If so, who?

RESPONSE: I paid the Poodle Room membership fee myself, which to the best of my knowledge, was approximately \$10,000.

c. What was the last date you visited the Poodle Room and with whom?

RESPONSE: I last visited the Poodle Room in January 2025 where I had dinner with a few personal friends.

d. Who did you speak with during that visit and what was the nature of the conversation?

RESPONSE: I had dinner with a few personal friends discussing personal matters.

31. On your Senate Judiciary Questionnaire, you claim that between November 2022 and November 2024, you served as a surrogate for President Trump's campaign for reelection. Please describe the nature of your duties during your tenure.

RESPONSE: During this time as a surrogate, I made public and media appearances to campaign on behalf of President Trump's reelection by promoting and speaking about his political positions and policies.

32. How many times have you spoken with Elon Musk since your nomination in November 2024? What was the nature of those conversations? At any point, did you discuss the FBI or matters related to the FBI, including personnel matters. Did you ever discuss demotions, reassignments, or terminations of personnel, whether specific individuals or generally? Did you ever discuss potential personnel to be hired or appointed in any capacity at the Bureau, or potential consultants?

RESPONSE: To the best of my knowledge, since my nomination in November 2024, I have spoken with Mr. Musk twice, during which he generally offered congratulations and encouragement in my focus on, if confirmed, supporting the exemplary law enforcement officers in our communities as well as supporting aggressive constitutional oversight from Congress. During these two conversations, we did not speak about other matters related to the FBI, including personnel matters.

33. Please provide the name of the company or individual responsible for the graphic designs for the merchandise sold by the K\$H Foundation.

RESPONSE: To the best of my knowledge, I understand that Based Apparel LLC procures graphic designs for the merchandise sold by the Kash Foundation, including by contracts with third-party vendors.

**Questions for the Record from Senator Alex Padilla
Senate Judiciary Committee
“Nomination of Kash Patel to be Director of the Federal Bureau of Investigation”
January 30, 2025**

Questions for Mr. Kash Patel:

1. In your book *Government Gangsters*, you list individuals you claim are part of the Deep State, including current and former FBI officials. You have publicly called for retribution against political opponents, including members of the media, and stated your intent to shut down the FBI Hoover Building.

a. How will you ensure the FBI remains independent from political influence under your leadership?

RESPONSE: As I stated at my hearing, the FBI must be independent. If confirmed, I would report to the Deputy Attorney General in the Department of Justice. I would prevent politically motivated investigations by ensuring investigations are only brought where there is a proper basis under the facts and the law.

b. Your so-called “enemies list” includes current FBI officials. How will you assure both the public and Bureau employees that you can lead without bias or personal vendettas?

RESPONSE: I do not have an “enemies list.” The media has frequently referenced the appendix of my book as an enemies list. I have never called it that. I will assure the public and Bureau employees by holding the FBI to the highest standard of nonpoliticized law enforcement.

c. Do you plan to investigate or take action against individuals on your published list?

RESPONSE: As the nominee to be the Director of the FBI, it would be inappropriate for me to commit to the Senate to investigate, or not to investigate, any particular individual. I have no particular intentions of investigating any individual, whether such individuals are on a list I published or not. If I’m confirmed, all FBI investigations will be opened only if there is an articulable legal and factual basis.

d. What do you mean by the “Deep State” within the U.S. government and the FBI? Can you provide specific evidence supporting this claim?

RESPONSE: Many different people have used the term “Deep State” to mean different things, some much different than my understanding. I have used it to refer to government officials who have abused their positions to subvert our democratic republic. This could involve putting their own policy and partisan preferences above their constitutional obligation to follow lawful instructions from the elected President and his appointees. It

could involve improperly using their positions to target their political opponents. And it could involve lying to courts, thwarting Congressional oversight, and improperly leaking government information to the media to target political opponents. My carefully researched book "Government Gangsters" contains substantial evidence of these activities.

e. Have you discussed investigating, removing, or terminating any FBI personnel with President Trump or members of his team?

RESPONSE: Not that I recall. If I'm confirmed, all FBI investigations will be opened only if there is an articulable legal and factual basis.

f. Are you aware of any plans to remove FBI agents involved in investigations of President Trump?

RESPONSE: No

g. Do you believe FBI agents should collaborate with DOJ prosecutors, regardless of the case?

RESPONSE: It's important that FBI agents have good collaborative working relationships with DOJ colleagues generally and when working on specific cases. The FBI should communicate with the DOJ early and often on any matter while leaving prosecutorial decisions to the DOJ.

h. Will you terminate FBI agents who worked with Special Counsel Jack Smith's prosecutors? If so, on what basis?

RESPONSE: Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments. As I said in my hearing, if I'm confirmed, all FBI employees will be protected from political retribution.

i. Have you discussed using the FBI to investigate President Biden, his administration, members of Congress, or journalists?

RESPONSE: Not that I recall. If I'm confirmed, all FBI investigations will be opened only if there is an articulable legal and factual basis.

j. If President Trump directly or indirectly orders you to investigate political opponents, will you commit to notifying this Committee promptly?

RESPONSE: This is a hypothetical question. President Trump would not order me, directly or indirectly, to investigate his political opponents. In the event it were necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

- k. You have suggested that political opponents should be investigated or punished. How can you assure this Committee that you will not misuse the FBI's authority for political retribution?**

RESPONSE: I respectfully disagree with the premise of your question. As I testified in my hearing, I believe the FBI has been improperly politicized in recent years, and if confirmed, I am committed to ending the politicization of the Bureau and refocusing it to fighting violent crime, terrorism, and drugs without consideration of politics.

2. There is significant concern about the politicization of the FBI and DOJ, especially after the hiring freeze led to the revocation of many job offers and internship positions that were extended before President Trump took office.

- a. What will you do to ensure that hiring is fair and nonpartisan within the FBI?**

RESPONSE: If I'm confirmed as FBI Director, I will ensure that hiring is based on merit and conducted without political bias.

- b. If you were brought a factual and legal basis to conduct an investigation, but the White House asked you not to proceed, what would you do?**

RESPONSE: Please see my answer to Question 1.j.

- c. If the White House pressures you to engage in illegal, unethical, or unconstitutional acts, will you refuse and/or resign?**

RESPONSE: Please see my answer to Question 1.j.

- d. If presented with a factual and legal basis to investigate President Trump or members of his administration, would you pursue the investigation impartially?**

RESPONSE: If confirmed, I will pursue all investigations impartially.

- i. How would you respond if President Trump asked you to halt, interfere with, or conceal aspects of the investigation?**

RESPONSE: This is a hypothetical question. President Trump would not ask me to do any of that. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

- ii. If the investigation uncovered evidence of a crime, would you ensure appropriate legal action was taken, regardless of political considerations?**

RESPONSE: Please see my response to Question 2.d.i.

iii. If President Trump asked you to destroy evidence, how would you respond?

RESPONSE: Please see my response to Question 2.d.i

e. Who does the Director of the FBI work for?

RESPONSE: The Director of the FBI directly reports to the Deputy Attorney General of the Justice Department.

f. Would you pledge under oath that you will not use the FBI to pursue personal or political grievances on behalf of President Trump?

RESPONSE: Please see my response to Question 2.d.i

3. On January 30, while you were testifying before this Committee, at least six senior FBI employees were reportedly ordered to resign or be terminated by Monday. During your testimony, you were asked whether you were aware of any plans to remove FBI agents or personnel based on their case assignments or their association with Trump-related investigations. You stated that you were not aware of such plans.

a. Did you approve or have any role in the decision to terminate these senior FBI employees?

RESPONSE: No.

b. Prior to or following your testimony, did you discuss the removal of these employees with anyone in the administration, transition team, or outside advisors? If so, please provide details of those communications.

RESPONSE: I have discussed these matters with the transition team for the purposes of providing answers to these questions for the record.

c. Do you support the firing of these individuals? Please explain your reasoning

RESPONSE: Without the opportunity to review on a case-by-case basis, I cannot comment on whether I support the termination of any FBI employees.

d. Will you commit to appearing before this Committee again to provide a full accounting of any further removals of career law enforcement officers or FBI staff under your leadership?

RESPONSE: If confirmed, I would be happy to commit to testify before this committee. Though, it would be inappropriate to commit to discussing hypothetical personnel

decisions, I will certainly answer questions before the Committee on all matters where the Committee directs its oversight.

4. You have previously described the media as a “dangerous enemy” of President Trump. The Supreme Court has long held that the First Amendment protects press freedom, particularly in reporting on matters of public concern, and imposes a high bar for defamation suits brought by public officials or public figures.

a. Do you acknowledge and commit to upholding Supreme Court precedent protecting press freedom under the First Amendment?

RESPONSE: Yes.

b. Do you support the Protect Reporters from Exploitative State Spying Act (PRESS Act), which was introduced as S. 2074 in the last Congress?

RESPONSE: I believe it would be inappropriate to commit at this time with respect to any proposed federal legislation. If confirmed and called upon to provide my position, I would do so after careful consideration and consultation with relevant FBI officials.

5. You helped create and promote a song portraying January 6 rioters as victims, despite reports that at least six members of the choir pleaded guilty to assaulting law enforcement officers with a dangerous weapon.

a. How do you respond to concerns that your promotion of the “J6 Prison Choir” undermines law enforcement and damages morale?

RESPONSE: I did not participate in any way with the recording. I have always respected law enforcement and have repeatedly stated since January 6, 2021, both publicly and privately, that there cannot be tolerance for violence against law enforcement. I am proud to have received the endorsement of law enforcement groups representing 310,000 officers, including the National Association of Police Organizations, National Police Association, United Federation of Police Officers, Police Benevolent Association, United Coalition for Public Safety, and the National Sheriff’s Association, to be the next Director of the FBI.

b. You have dedicated time and effort to raising money on behalf of individuals convicted of attacking the U.S. Capitol, including those who assaulted police officers. Have you made any similar efforts or taken the time to support law enforcement officers who were injured on January 6 or their families?

RESPONSE: The Kash Foundation’s mission is to support educational and legal efforts needed to facilitate government transparency between the U.S. federal government and American citizens. It has focused on supporting veterans, active-duty military, and law enforcement financial assistance. The Foundation has raised \$1.3 million to support families in need across the country, including active-duty service members, police officers putting their children through school, and individuals in disaster relief areas. I do

not know if any of the law enforcement officers who served on January 6 or their families applied for grants through the foundation.

c. Do you believe those who committed violence against law enforcement on January 6 should be held fully accountable? If so, what consequences do you think are appropriate?

RESPONSE: I condemn all violence against law enforcement. I believe that those who committed violence against law enforcement on January 6 should have been prosecuted swiftly and fairly for the crimes they committed. The President has the sole authority under the Constitution to issue pardons and commutations, and the FBI Director does not play a role in issuing pardons and commutations.

d. You claimed that proceeds from the song benefited the families of January 6 defendants. Can you provide details on how these funds were distributed and whether any went to families of individuals who assaulted police officers?

RESPONSE: All the proceeds from the song were distributed through a 501(c)(3) to the non-violent offenders' families and other groups in need.

e. Many January 6 participants were affiliated with extremist groups like the Proud Boys and Oath Keepers. How should the FBI investigate domestic terrorism when perpetrators justify their actions through political motivations?

RESPONSE: There is no place in this country for political violence, against either political party. If I am fortunate enough to be confirmed, the FBI will protect American citizens and uphold the Constitution. The only thing that will matter if I am confirmed is a de-weaponized, de-politicized system of law enforcement completely devoted to rigorous obedience to the Constitution and a singular standard of justice. I am committed to that goal and will direct resources as needed to ensure that happens every day.

f. Did you vet members of the "J6 Prison Choir" before producing and promoting the song? Why or why not?

RESPONSE: I did not record the song. I do not know which individuals sang on the recording.

g. Did you personally receive any financial benefit from the "J6 Prison Choir" song? If not, will you provide documentation of how the proceeds were distributed?

RESPONSE: No, I received no financial benefit. All the proceeds from the song were distributed through a 501(c)(3) to the non-violent offenders' families and other groups in need.

h. How will you restore trust among FBI agents and law enforcement officers who question your judgment after your involvement in this project?

RESPONSE: I am proud to have received the endorsement of current FBI agents and to have heard directly from many who are hopeful for the direction of the FBI if I am fortunate enough to be confirmed. The men and women of the FBI do the most courageous work on this earth, and in my 16 years of public service, I have worked to have their back. If confirmed, I will empower FBI agents to do the good work they have been tasked with to keep our nation safe and help restore the trust of the American people in the FBI's mission and officers.

i. Do you believe the attack on the Capitol on January 6, 2021, was an insurrection?

RESPONSE: Based on what I saw as the Chief of Staff at the Department of Defense on that day, President Trump sent the order to prepare all necessary steps for the presidential transition months before the election certification. Prior to January 6, President Trump authorized National Guard troops to defend the Capitol, and we deployed them as quickly as possible once the legal request came in. However, in the lead up to January 6, we reached out to relay the President's authorization of national guard and seek whether the Mayor of Washington D.C. and the Capitol Police would make the legal request- they both refused until on January 6 itself. While January 6 was a national tragedy, the actions by the Trump administration were consistent with efforts to ensure a peaceful presidential transition.

j. Do you consider the certification of the 2020 election results on January 6 a peaceful transfer of power?

RESPONSE: Please see my response to Question 5.i. above.

6. President Trump pardoned over 1,500 individuals charged or convicted in connection with the events of January 6, 2021, including hundreds who assaulted police officers.

a. Do you believe that pardoning these individuals undermines accountability for violence against police?

RESPONSE: I am not familiar with the details of each of the 1,500 cases. As I stated at my hearing, I have always advocated for imprisoning those who cause harm to our law enforcement and civilian communities.

b. What steps would you take to prevent further erosion of public trust in the justice system's handling of domestic terrorism cases?

RESPONSE: If I am fortunate enough to be confirmed, I am committed to a de-weaponized, de-politicized system of law enforcement completely devoted to rigorous obedience to the Constitution and a singular standard of justice. I will ensure that everyone working at the FBI is focused on the FBI's core mission: that is, to investigate fully wherever there is a constitutional factual basis to do so and to never make a prosecutorial decision. Investigating terror threats, whether foreign or domestic, will continue to be an essential function of the FBI.

c. Some of the individuals pardoned have reportedly threatened retaliation against those involved in their prosecution or incarceration. How would you propose law enforcement address the risks posed by pardoned individuals who continue to espouse violent rhetoric?

RESPONSE: I have always advocated accountability for those who cause harm to our law enforcement. If confirmed, we will fully investigate wherever there is a constitutional factual basis to do so. The FBI's investigative power requires ensuring that constitutional rights, especially to free speech, are protected, while taking the necessary, lawful steps to investigate threats that could lead to violence.

d. In light of these pardons, what steps would you take to prevent further erosion of public trust in the justice system's handling of domestic terrorism cases?

RESPONSE: Please see my response to Question 6.b. above.

e. Do you believe that pardoning those who violently attacked the Capitol on January 6, 2021, to overturn the results of the 2020 election constitutes one tier of justice?

RESPONSE: As I stated at my hearing, the pardon power belongs to the President. If confirmed, my role will be to investigate fully wherever there is a constitutional factual basis to do so, based on a singular standard of justice, and to never make a prosecutorial decision.

f. Would you investigate or discipline FBI agents who refuse to pursue cases of legitimate election crimes due to political pressure?

RESPONSE: If, I'm confirmed, where FBI agents violate the standards of the FBI, appropriate disciplinary action will be taken. FBI agents should open cases, not based on political pressure or bias, but on the basis of the law and the facts.

7. You've been a vocal critic of the Foreign Intelligence Surveillance Act, arguing that it "has been turned into a political weapon" and that "corrupt bureaucrats" have "weaponized the national security apparatus to spy on Americans."

a. The authorization for FISA Section 702 is set to expire in April 2026. What specific reforms do you believe are necessary to address the issues you have highlighted?

RESPONSE: As I mentioned during the hearing, the issue is not with FISA and 702. I have used FISA and 702 as a national security prosecutor, a civilian at JSOC, as an intelligence official, and as the Deputy Director of National Intelligence. The issue has been its abuse by those in government service. The FBI must work with Congress to provide protections necessary for American citizens dealing with these matters, including hostage rescue operations. I am open to working together with Congress to appropriately

protect national security, but to make sure that the system cannot be abused by people who are willing to cross a line they should not cross. As I alluded to in my testimony, the FISA court put out a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. This is unacceptable. Coordination with Congress will ensure that Americans have trust again in surveillance measures that we utilize to protect our country. As I stated in my testimony, I understand that there have been several positive legislative reforms to 702 in the past several years. I am committed to working with Congress to ensure that 702 is not abused.

b. You have repeatedly claimed that the FBI has “weaponized” FISA for political purposes. If confirmed, how would you address these concerns while ensuring that FBI agents retain the necessary tools to investigate legitimate national security threats?

RESPONSE: Please see my response to Question 7.a. above.

c. You have accused the FBI of improperly using FISA surveillance authorities to spy on Americans. What specific safeguards would you put in place to prevent alleged abuses while maintaining the FBI’s ability to track foreign threats?

RESPONSE: Please see my response to Question 7.a. above.

d. Would you support enhanced congressional or judicial oversight of the FBI’s use of FISA warrants? If so, what specific oversight mechanisms would you recommend or support?

RESPONSE: Please see my response to Question 7.a. above.

e. The FBI is responsible for counterintelligence efforts against foreign influence operations, including those from adversarial nations like Russia and China. Given your past statements downplaying Russian election interference, how will you ensure that counterintelligence investigations are pursued rigorously and without political interference?

RESPONSE: As I stated at my hearing, if I am confirmed at the FBI, any law enforcement investigation will be launched on the following qualification: a factual, articulable, legal basis to do so. Independent behavior will be the only guiding light of my work.

8. The FBI faces significant challenges in morale, with accusations of politicization and bias eroding trust within the agency.

a. What specific experiences do you have that qualify you to lead the FBI, given your limited background in law enforcement operations?

RESPONSE: I have 16 years of relevant government experience. For eight years I was a public defender, first for Miami-Dade County and later for the Southern District of

Florida. I later served in the Obama Justice Department as a terrorism prosecutor in the National Security Division. I received an Assistant Attorney General's Award for my work in that position. I also worked on the House Permanent Select Committee on Intelligence, conducting extensive oversight of the FBI. I was also on the National Security Council as the Senior Director for Counterterrorism, and served as the Deputy Director of National Intelligence, among other positions.

b. Given your past statements referring to FBI leadership as 'corrupt' and 'gangsters,' how would you expect rank-and-file agents to trust your leadership?

RESPONSE: Rank-and-file agents, who bravely take on the nation's most dangerous criminals, deserve leadership that holds the FBI to the highest standard of nonpoliticized law enforcement, which I intend to provide, if confirmed.

i. Mr. Patel, who in FBI leadership—past or present—do you believe is corrupt? If so, can you say specifically who?

RESPONSE: While it's no indication that I believe there was or was not criminal activity or a basis for an investigation, and it is also no indication of my intention to pursue any action, some previous directors have acted improperly and provided poor leadership that has greatly damaged the nation and the institution of the FBI. J. Edgar Hoover abused surveillance authority, particularly against Civil Rights leaders like Dr. Martin Luther King, Jr., losing the trust of many Americans. James Comey improperly usurped Department of Justice prosecutorial authority, blurring the important distinction between investigatory and prosecutorial authority. Under Christopher Wray, the FBI improperly handled the Hunter Biden laptop, declaring it Russian disinformation and pressuring social media companies to censor news stories regarding the laptop. Each of these actions caused members of the public to lose confidence in the FBI. If confirmed, I will be vigilant to ensure that the FBI earns the trust of the American people.

c. Do you currently have plans to investigate particular individuals if you are confirmed?

RESPONSE: As the nominee to the FBI Director, I believe it is appropriate for me to withhold judgment about whether any particular circumstance warrants an FBI investigation until I have been confirmed and evaluated the FBI's full documentation of the relevant facts and the law.

d. What steps will you take to ensure that internal decision-making is transparent and that FBI leadership, including yourself, remains accountable for its actions?

Response: If confirmed, I will appropriately respond to every oversight request from this committee, including to letters and in hearing testimony.

9. As Senior Director for Counterterrorism at the National Security Council, you were involved in a SEAL Team rescue mission to recover a 27-year-old American hostage in Nigeria.

According to former Secretary of Defense Mark Esper, you falsely informed senior leadership that the U.S. had secured permission to fly over other nations' airspace en route to Nigeria.

a. Can you explain your decision to falsely claim airspace permissions had been secured for the mission? What steps, if any, did you take to mitigate the risks created by this misinformation?

RESPONSE: I respectfully reject the premise of your question. As I noted in my testimony, both the National Security Advisor and Undersecretary of Defense at the time of this mission have stated that I acted appropriately, relayed information provided to me, and never jeopardized the safety of the hostages.

b. Do you believe that former Secretary Esper was lying when he said that you falsely informed senior leadership about securing permission to fly over other nations' airspace?

RESPONSE: I do not know Secretary Esper's subjective intent, but his statement is mistaken. Please see USDP Tony Tata's statement submitted for the record.

10. As FBI Director, you would oversee critical responsibilities related to firearm regulation, including administering the National Instant Criminal Background Check System and regulating the distribution of machine guns to prevent them from falling into the wrong hands.

a. Do you commit to enforcing existing federal gun laws, including background checks and the regulation of machine guns?

RESPONSE: If I am confirmed, I will work to ensure that the FBI enforces applicable federal firearms laws, consistent with the protections of the Second Amendment.

b. Do you believe that background checks for firearm purchases are unconstitutional?

RESPONSE: In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1, 38 n.9 (2022), the Supreme Court suggested that background checks preceding firearms purchases are presumptively constitutional. Bruen did not foreclose challenges to licensing requirements, including background checks, that "can be put toward abusive ends." Id. As I stated in response to your questions during the hearing, the Constitution, as interpreted by the Supreme Court, is the law of the land.

c. Do you believe that civilian ownership of machine guns is protected by the Second Amendment?

RESPONSE: As I stated in response to your question during the hearing, I believe that whatever the Supreme Court holds with respect to the scope of the Second Amendment is what is protected by the Second Amendment.

d. Do you commit to making FBI gun violence data more accessible to policymakers and the public?

RESPONSE: If I am confirmed, I commit to working with Congress to provide you with relevant FBI data as appropriate.

e. Do you support the use of red flag laws to temporarily remove firearms from individuals who pose a threat?

RESPONSE: I have not sufficiently reviewed the use of existing red flag laws to have an opinion about whether they effectively reduce threats to public safety. I am committed enforcing federal laws and applicable regulations, consistent with the Second Amendment.

f. Would you support any expansion in background checks for firearms or ammunition purchases? If so, in which instances?

RESPONSE: I have not studied legislative or regulatory proposals relating to expanding background checks for firearms or ammunitions purchases. Should Congress introduce such legislation, I commit to working with you and providing you with input on any such proposals.

g. Would you support repealing all federal gun laws and leaving firearm regulation entirely to the states?

RESPONSE: I am not aware of any legislative proposal that seeks to repeal all federal gun laws and leave firearm regulation entirely to the states. Should Congress introduce such legislation, I commit to working with you and providing you with input on any such proposals.

h. President Trump has suggested instituting “concealed carry reciprocity.” Under your leadership, would you and the FBI advocate for such a policy?

RESPONSE: Under my leadership, the FBI would work to fully enforce any applicable federal law or Executive Order by President Trump relating to concealed carry reciprocity.

i. Would you support any regulation or limitation in “ghost gun” production or possession?

RESPONSE: I have not studied legislative or regulatory proposals relating to “ghost guns.” Should Congress introduce such legislation, I commit to working with you and providing you with input on any such proposals.

j. Gun violence increased after the federal assault weapons ban expired. Do you support reinstating a federal assault weapons ban?

RESPONSE: I am committed to fully and fairly enforcing the federal laws within the FBI's jurisdiction, including federal firearms laws. Should Congress introduce legislation relating to a federal weapons ban, I commit to working with you and providing you with input on any such proposal.

11. The FBI is required to perform a background check on each individual who purchases a gun, yet from 2020 to 2021, 734,604 background checks were never completed because the background check process surpassed the 88-day period required of the FBI to complete the check.

a. What resources or procedural changes would you implement to ensure the FBI completes a higher percentage of background checks within the required timeframe?

RESPONSE: While I have not studied the NICS background check process in detail, if I am confirmed I will work to ensure that NICS staff continue to diligently conduct background checks in the states in which the FBI provides background check services.

12. During the first Trump administration, you played a key role in declassification efforts and were reportedly involved in reviewing sensitive materials related to classified investigations.

a. Can you provide specific examples of how you ensured the secure handling of classified information in your previous roles?

RESPONSE: During many of my 16 years of government service, I have been entrusted by the government with high level security clearances. When the government granted me these clearances, I was briefed on the proper handling and storage requirements for the different levels of classified information. I complied with those requirements.

b. What improvements would you recommend to the FBI's protocols for safeguarding classified materials?

RESPONSE: If confirmed, I will consult with personnel within the FBI regarding its protocols for safeguarding classified materials to determine whether changes are appropriate.

c. How would you handle politically sensitive declassification requests as FBI Director?

RESPONSE: If confirmed, I will consult with relevant FBI personnel regarding declassification requests and determine the appropriate course of action.

d. What steps would you take to enhance the FBI's training, oversight, and compliance programs for managing classified information?

RESPONSE: If confirmed, I will consult with personnel within the FBI regarding the FBI's training, oversight, and compliance programs for managing classified information to determine whether changes are appropriate.

13. You have defended the first Trump administration's decision to unlawfully withhold military aid to Ukraine. Phone records and testimony indicate that you communicated with Rudy Giuliani, then-President Trump's personal attorney, weeks before U.S. military aid to Ukraine was withheld.

a. Can you explain the nature of your conversations with Rudy Giuliani during this time and how they align with your statements denying involvement in Ukraine-related matters?

RESPONSE: Although I have spoken to Mr. Giuliani a number of times over the years, to the best of my recollection, none of the conversations were about this issue.

b. Do you support maintaining the United States' commitment to providing necessary assistance to help Ukraine defend its sovereignty and secure its future?

RESPONSE: As the nominee for Director of the FBI, it would be inappropriate for me to comment on this matter. If confirmed, I will have no role in determining foreign aid.

c. Do you believe that Russia interfered with the 2020 election and continues to attempt to interfere in our democratic processes?

RESPONSE: If confirmed, I will review these matters to ensure that the FBI remains vigilant in ensuring our elections remain free from interference.

14. Testimony from Fiona Hill and Lt. Colonel Alexander Vindman during the 2019 impeachment inquiry alleged that you misrepresented your role on the National Security Council, falsely portraying yourself as a Ukraine expert, and bypassed official channels to deliver Ukraine-related materials directly to President Trump.

a. Do you stand by your past representations regarding your role in Ukraine-related matters?

RESPONSE: This question provides context of another person's representation of my role in Ukraine-related matters, but not my representation. Without that context, I cannot comment on the particular representations to which this question refers. I can confirm that I have not portrayed myself as a Ukraine expert. And, while at NSC, I followed all appropriate procedures. My supervisor at the NSC, Robert O'Brien wrote to the Wall Street Journal that, "Mr. Patel handled some of the nation's most sensitive issues with care and discretion."

b. What specific steps would you take as FBI Director to ensure strict adherence to proper channels in handling sensitive information?

RESPONSE: If confirmed, I will consult with current FBI and DOJ employees to ensure that the FBI follows all procedures to implement the appropriate accountability for any inappropriate handling of FBI material.

15. The Department of Justice established the Election Threats Task Force to combat threats and violence against election workers, ensuring they can perform their duties free from intimidation. The FBI plays a key role in this effort by investigating threats, increasing visibility, and reassuring election workers of their safety.

a. Will you commit to maintaining the FBI's engagement with the Election Threats Task Force and ensuring threats against election workers are properly investigated?

RESPONSE: Yes. If confirmed, I will fully and fairly investigate all violations of election-related laws so that all Americans can have faith in the results of our elections. As I stated at the hearing, the only thing that matters at the FBI is that the law is followed. This includes our election laws, where it is vitally important that any investigations are de-politicized and conducted without favoritism.

b. Do you consider threats against election officials a national security concern, and what steps will you take to prevent politically motivated investigations or retaliation?

RESPONSE: Please see my response to Question 15(a) above.

c. Will you ensure that FBI resources are not used to advance baseless claims of election fraud or target officials solely for certifying the 2020 election?

RESPONSE: Please see my response to Question 15(a) above.

d. How would you respond to efforts—whether from the White House or elsewhere—to use the FBI to interfere with election processes or undermine free and fair elections?

RESPONSE: Please see my response to Question 2.d.i.

e. Would you discipline agents who refuse to pursue legitimate election crime cases due to political pressure?

RESPONSE: Yes.

16. Under President Trump, the FBI has been directed to reallocate resources toward mass deportations, including the use of Joint Terrorism Task Forces, which are traditionally focused on counterterrorism efforts. Meanwhile, the U.S. faces a growing domestic terrorism threat, particularly from extremist groups targeting immigrant communities.

a. Do you believe FBI resources should be prioritized for mass deportation efforts over investigating terrorism and violent extremism?

RESPONSE: The issue of illegal immigration is intertwined with terrorism and violent extremism, as exemplified by the government's own data regarding the numbers of special interest aliens and terrorist watchlist individuals who have illegally entered the country in the last four years, as well as by the President's recent designation of certain drug cartels, which utilize illegal immigration, as foreign terrorist organizations.

b. How will you ensure that the FBI remains focused on combating domestic terrorism, particularly threats against immigrant communities, while balancing other national security priorities?

RESPONSE: If confirmed, I will consult with personnel within the FBI about how the FBI utilizes its resources to address competing priorities and will determine what changes are necessary to best ensure the safety of the American public.

c. Will you ensure that FBI policies protect the civil liberties of all individuals in the U.S., regardless of immigration status?

RESPONSE: If confirmed, I will ensure that the FBI policies follow the Constitution and all applicable laws regarding the civil liberties of individuals within the U.S.

d. Do you agree with the intelligence community's assessment that domestic violent extremism, particularly from far-right groups, poses a significant national security threat? If so, what actions will you take to address it?

RESPONSE: To properly evaluate any intelligence assessment, I would first need to familiarize myself with the relevant classified and unclassified information on which it was based. If confirmed, I will ensure the FBI is addressing violent extremism, both domestic and foreign.

17. As FBI Director, you would oversee a wide range of high-profile investigations while managing internal oversight mechanisms to ensure accountability.

a. What specific internal oversight mechanisms would you strengthen or implement to ensure that high-profile investigations are conducted with integrity and remain free from political interference?

RESPONSE: If confirmed, I will consult with appropriate personnel in the FBI and Justice Department to evaluate the current internal oversight mechanisms and will determine if changes are warranted to ensure investigations are conducted free from political interference.

b. If confirmed, how would you ensure accountability for investigative errors, ethical violations, or bias within the Bureau while maintaining the trust of its agents and the public?

RESPONSE: If confirmed, I will consult with appropriate personnel in the FBI and Justice Department to evaluate the current accountability practices and will determine if changes are warranted to ensure accountability while maintaining the trust of agents and the public.

c. In the Supreme Court case *Seila Law v. Consumer Financial Protection Bureau*, 591 U.S. 197 (2020), the Court held that Congress has the power to restrain the executive's removal of inferior officers with limited duties and no policymaking portfolio. What do you understand the holding of *Seila Law* to be with respect to inferior officers in the executive branch?

RESPONSE: In *Seila Law v. Consumer Financial Protection Bureau*, 591 U.S. 197 (2020), the Court did not revisit its prior decision in *Morrison v. Olson*, 487 U.S. 654 (1988), allowing certain limitations on the President's removal power regarding inferior officers.

i. Do you believe the Civil Service Reform Act of 1978 places any restrictions upon the FBI director's ability to take adverse action against employees at the FBI? If yes, what restrictions do you believe this law imposes upon the FBI director when it comes to removing or seeking reprisals against staff?

RESPONSE: Yes, any adverse action against employees must go through a specific process as outlined in the Civil Service Reform Act of 1978, which includes particular steps and opportunities for the employee to present their case. If confirmed, I will seek the advice of counsel to ensure that the FBI complies with all applicable laws.

ii. Do you think *Seila Law* places any restrictions on the ability of the FBI director to remove career employees at the FBI?

RESPONSE: *Seila Law*, addresses whether to extend limitations on the President's power to fire employees to the single director of an independent agency, which the Court declined to do. *Morrison v. Olson*, 487 U.S. 654 (1988), upholds limitations on firing inferior officers who do not have a policymaking or administrative role. If confirmed, I will respect the law and limitations regarding hiring and firing.

iii. Do you think that the FBI director may lawfully fire or take adverse action against FBI employees due to the political beliefs of employees?

RESPONSE: No

iv. Do you think that FBI employees have the right to unionize? As FBI Director, how would you respond to any efforts to unionize?

RESPONSE: While I am not an expert in labor and employment law, I understand that there are certain restrictions on unionizing for federal employees engaged in national security and intelligence work. It would be inappropriate for me to answer hypothetical questions, however, I can commit that I will consult with counsel to ensure that the FBI and its employees act in accordance with the law.

v. What action will you take if you learn that senior staff at the FBI are taking or have taken adverse action against career employees on account of the employees' political beliefs?

RESPONSE: As I said in the hearing before this committee, every FBI employee will be held to the absolute same standard. No FBI employee should face adverse action based on partisan politics. I will ensure that appropriate disciplinary action is taken anytime employees violate the standards of the FBI

d. Would you support or oppose legislative efforts to strengthen whistleblower protections for FBI personnel who report misconduct?

RESPONSE: Whistleblowers play an important role within the Federal Bureau of Investigation, the federal government, and the public. By coming forward with evidence of waste, fraud, abuse, and misconduct, whistleblowers improve government operations and strengthen the public's trust in our institutions. While I cannot commit at this time to support any particular piece of legislation, if confirmed and called upon to provide my position, I will do so after careful consultation with appropriate officials at the FBI.

18. The Department of Justice's Office of the Inspector General (OIG) plays a crucial role in investigating misconduct, waste, fraud, and abuse within DOJ agencies, including the FBI. Inspectors general are intended to operate independently, free from political influence. However, last week, President Trump dismissed inspectors general from over a dozen federal agencies without prior congressional notification, which is required by law to protect their independence.

a. Do you believe President Trump violated the law by dismissing these inspectors general without congressional notification?

RESPONSE: In my 16 years of government service, I have not previously considered the issue of the constitutionality of the reporting requirements involved in dismissing inspectors general. Moreover, as the nominee to be the Director of the FBI, it would be inappropriate for me to speculate on whether any individual has violated that law. As I understand it, the Department of Justice's Inspector General, Michael Horowitz, remains in place.

b. How will you ensure that the FBI remains accountable and that the Inspector General can conduct oversight free from political interference?

RESPONSE: If confirmed, I will ensure the FBI is accountable by appropriately cooperating with Congressional oversight and with the Inspector General, as well as by

being more transparent with the public when it can. I would also ensure that the Bureau investigates, when justified by the facts and the law, violations of public corruption laws.

c. As FBI Director, what specific steps would you take to protect the independence of inspectors general and prevent political interference in their work?

RESPONSE: Please see my response to Question 18.b.

19. The FBI is an important source of information for crime statistics nationwide. Many of these statistics come from various data collections that the FBI maintains and provides to the public. These data collections include, but are not limited to, The Uniform Crime Reporting Program, the National Incident-Based Reporting System, the Hate Crime Statistics Data Collection, the Law Enforcement Officers Killed and Assaulted Data Collection, the National Use-of-Force Data Collection, and the Law Enforcement Suicide Data Collection. Further, some of these data are displayed through the FBI's Crime Data Explorer.

a. Do you commit to preserving the integrity, transparency, and public availability of all FBI data collections, including crime statistics, hate crime reporting, and use-of-force data?

RESPONSE: As I am not currently at the Bureau, I am not familiar with the details of data collections at the FBI. If confirmed, I will familiarize myself with the Bureau's policies in these areas, consult with the appropriate officials, and make a determination as to the best course forward.

b. Do you have any plans, or have you discussed with anyone, changes to the FBI's methodology for collecting, analyzing, or reporting crime data? If so, what are those changes?

RESPONSE: Please see my response to Question 19(a) above.

c. Do you commit to notifying this Committee within 30 days of any changes the FBI makes to its data collection, analysis, or reporting methods?

RESPONSE: Please see my response to Question 19(a) above.

20. The FBI's credibility and effectiveness rely on strict adherence to ethical standards and robust accountability mechanisms. As Director, your ability to maintain these principles would be central to the Bureau's success and public trust.

a. What specific steps would you take to ensure ethical standards are upheld at all levels of the FBI and to address instances of misconduct among agents or senior leadership?

RESPONSE: I would welcome the opportunity to meet with the appropriate officials within the FBI to discuss what specific steps could be taken, over and above those currently being taken, to address instances of misconduct so the FBI can focus on its important mission. As I stated at my hearing, wherever there has been corruption, I have

been the first to call it out, and if confirmed, I will continue to call out corruption in government service.

b. Given your close association with Donald Trump and your prior involvement in politically sensitive matters, how would you handle potential conflicts of interest in investigations involving political figures, campaigns, or issues?

RESPONSE: I would consult the appropriate ethics officials and make a decision regarding my recusal from any matter based on the particular facts and applicable law and rules.

c. Would you recuse yourself from any investigation related to President Trump or his associates? If not, why?

RESPONSE: Please see my response to Question 20.b above.

d. Would you propose any changes to the FBI's existing internal accountability structures, such as the Office of Professional Responsibility, to enhance impartiality, transparency, and effectiveness?

RESPONSE: As I am not currently at the FBI, I have not had the opportunity to review the details of its internal accountability structures. If confirmed, I welcome the opportunity to consult with the appropriate FBI officials regarding any needed reforms.

e. What measures would you take to ensure that agents and staff feel empowered to report ethical violations or misconduct without fear of retaliation?

RESPONSE: Please see my response to Question 20.d above.

f. What role should the FBI play in investigating state and local law enforcement agencies accused of systemic civil rights violations?

RESPONSE: If confirmed, I will ensure the FBI investigates violations of civil rights laws where justified by the facts and the law.

g. Would you support continuing federal oversight of police departments found to engage in unconstitutional practices?

RESPONSE: Please see my answer to 20. f. above.

21. You have proposed significant changes to the FBI's structure and operations, including relocating the FBI's headquarters out of the Capitol area decentralizing the agency's operations to emphasize field offices, and restructuring leadership to address what you describe as "institutional capture."

a. How would relocating the FBI's headquarters out of the Washington, D.C. area, and decentralizing its operations enhance the Bureau's effectiveness in combating national security threats?

RESPONSE: The FBI headquarters should not be moved out of the DC area. On a podcast, I used hyperbole about opening a museum in the Hoover building to make a broader point, which is that too many FBI resources are centralized in the National Capitol Region while crime is dispersed across the country in states from Maine to Hawaii, Florida to Alaska, and everywhere between. If I'm confirmed, I will ensure that more FBI agents are in the field addressing crime.

b. What cost and logistical challenges would such a move present, and how would you ensure these changes do not harm morale or disrupt ongoing investigations?

RESPONSE: Please see my response to Question 21.a. above.

c. You've suggested "purging" FBI leadership to address perceived political bias. How would you define the criteria for such actions?

RESPONSE: While I don't have the context to address the specific claims of this question, if confirmed, I will ensure that all FBI employees, including leadership, operate without political bias. Decisions will be made based on the facts and the law.

i. How would you ensure these steps are conducted fairly and do not undermine the Bureau's independence and nonpartisan mission?

RESPONSE: While I don't have the context to address the specific claims of this question, if confirmed, I will ensure that all FBI employees, including leadership, operate without political bias. Decisions will be made based on the facts and the law.

ii. Have you sought input from current or former FBI personnel on these proposals?

RESPONSE: I don't have the context of the specific proposals to provide an answer. Since my nomination, however, many FBI agents I've worked with as a prosecutor have reached out to share their view that the Director should ensure the FBI is non-political and that FBI agents are instead focused on stopping violent crime and narco-trafficking, which is a perspective that I share.

iii. How would you ensure transparency and engagement with key stakeholders during their implementation?

RESPONSE: I don't have the context of the specific proposals to provide an answer. However, I will respond to all oversight requests from this Committee and Congress generally.

22. You participated in the American Bar Association's Judicial Intern Opportunity Program, a diversity initiative, while a law student at Pace University. The program states that it "provides opportunities to students who are members of groups that are traditionally underrepresented in the profession, including students from minority racial and ethnic groups, students with disabilities, veterans, students who are economically disadvantaged, students who identify as LGBTQ+, women and others."

a. Please describe your experience in this program. Would you consider establishing a similar initiative within the Bureau if confirmed as Director?

RESPONSE: As part of this program, I enjoyed interning for a Federal Judge in Chicago, where I learned about federal pleadings and procedure. I believe that there are brave people of every race, color, and background in this country who are qualified to meet the high standards of the FBI and will be excited to take on the mission of the FBI. And, we will need people of every race and background in communities throughout the country to tackle the violent crime and drug epidemics facing the American people.

23. As FBI Director, you would oversee the Bureau's public communications, a critical responsibility for maintaining trust in its work.

a. How would you balance responding to misinformation and disinformation campaigns while avoiding political partisanship in your public communications?

RESPONSE: If confirmed, I am committed to restoring the rule of law at the FBI without regard to partisan affiliation or politics. That commitment extends to the Bureau's public communications.

b. How would you ensure that FBI communications remain transparent without compromising the integrity of ongoing investigations or releasing misleading information?

RESPONSE: If confirmed, I will consult with appropriate FBI personnel about FBI's communications policies to determine whether changes are necessary to balance transparency with investigative integrity. Under my watch, the FBI will be held to the highest standards regarding the accuracy of information it releases.

c. Both Director Comey and Special Counsel Hur have been criticized for tendering sensitive or negative characterizations about individuals whom they are choosing not to prosecute. Would you ever take similar actions to disparage an individual whom the Bureau has decided is not criminally liable or is not the subject of an ongoing investigation?

RESPONSE: In my 16 years of government service as a public defender, prosecutor, and national security official, I have been guided by only the facts and the law. As I stated at my hearing, if confirmed, my focus will be on the FBI's core mission, that is, to

investigate fully wherever there is a constitutional factual basis to do so and to never make a prosecutorial decision.

d. You recently “Re-Truthed” a video depicting you using a chainsaw on representations of your political opponents. During the hearing, you claimed your statements were taken out of context. In what context do you believe this video is appropriate for a nominee for FBI Director to post?

RESPONSE: I re-truthed that 2022 meme in question as a private citizen. It was clearly intended as humor. A chainsaw as a symbol of government reform is not unusual; Argentine President Javier Milei famously used one for this purpose as well. The video also shows a depiction of me chain sawing an “ultra maga” graphic, the logo for Truth Social where I serve on the board of the parent company TMTG, and a graphic with the “K\$H” logo representing brands associated with me. While I acknowledge a diverse range of perspectives in political discourse, reposting an individual’s perspective on a specific issue does not constitute my endorsement of how their views or other positions may be interpreted.

24. You have publicly asserted that President Trump was permitted to take classified records under the Presidential Records Act, a claim that the Justice Department has dismissed as meritless. However, when testifying before a grand jury under an immunity deal, you reportedly failed to substantiate this claim.

a. Do you stand by your claim that President Trump had a standing order to declassify all materials he took with him, including those later seized at Mar-a-Lago? If so, can you provide any evidence that such an order existed?

RESPONSE: My understanding is that my grand jury testimony regarding the classified documents prosecution is subject to a seal order, and litigation is ongoing over the release of Jack Smith’s report regarding classified documents. I do not believe I have unilateral authority to authorize release of or disclose any underlying testimony.

b. When you testified before a federal grand jury under an immunity deal, did you provide any evidence or documentation to support your public claims about a declassification order?

RESPONSE: Please see my response to Question 24.a. above.

c. You initially invoked the Fifth Amendment when questioned about Trump’s handling of classified documents. Why did you believe answering could incriminate you?

RESPONSE: I utilized my constitutional rights during that process with the advice and consent of counsel and appeared before that grand jury.

d. How would you reassure the public and FBI personnel that your communications as Director would be accurate, impartial, and free from political bias?

RESPONSE: If I am fortunate enough to be confirmed, the FBI will protect American citizens and uphold the Constitution. The only thing that will matter if I am confirmed is a de-weaponized, de-politicized system of law enforcement completely devoted to rigorous obedience to the Constitution and a singular standard of justice. I am committed to that goal and will redirect resources as needed to ensure that happens every day.

25. The FBI Director must maintain a productive and transparent relationship with Congress to enable effective oversight, ensure proper resource allocation, and address pressing national security concerns. Your appointment comes at a time of heightened congressional scrutiny of the FBI, making your approach to collaboration with lawmakers a critical aspect of your potential leadership.

a. Do you commit to regular and transparent communication with Congressional oversight committees, including providing timely and accurate information on FBI operations and investigations?

RESPONSE: As I stated at my hearing, if confirmed, the FBI will be committed to full transparency. If confirmed, I will consult with officials in the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs to ensure timely and appropriate responses to oversight inquiries.

b. How would you respond to Congressional subpoenas or information requests, particularly those involving politically sensitive or classified matters?

RESPONSE: Please see my response to Question 25.a. above.

c. How would you ensure a constructive and cooperative working relationship with members of Congress from both parties?

RESPONSE: Please see my response to Question 25.a. above.

d. How would you work with Congress to secure the necessary resources to address critical national security and law enforcement challenges?

RESPONSE: As I stated at my hearing, the FBI represents the front line of defense for national security and crime. If confirmed, I look forward to working with officials in the FBI's Office of Congressional Affairs and the Department of Justice's Office of Legislative Affairs as well as you and all the members of the Judiciary Committee to discuss how we can best move forward.

e. Would you comply with all lawful congressional subpoenas, even if they involve politically sensitive information?

RESPONSE: Please see my response to Question 25.a. above.

f. If President Trump directed you to withhold information from Congress, would you comply or push back?

RESPONSE: I would not have accepted the nomination to serve as FBI Director if I believed President Trump would ask me to do this.

26. Law enforcement agencies across the country are grappling with a shortage of police officers. According to a DOJ report, there is a “historic crisis in recruiting and retaining” police officers. The FBI frequently works in partnership with state and local law enforcement agencies to coordinate their investigations and share information.

a. What steps will you take to strengthen partnerships between the FBI and local law enforcement agencies struggling with staffing shortages?

RESPONSE: As I stated at my hearing, I am committed to supporting local level law enforcement—they are critical partners in keeping our communities safe. If confirmed, I look forward to working with local law enforcement to explore how the FBI’s resources can be aligned to fully support them in protecting the public.

b. Do you believe the FBI has a role in supporting recruitment and retention efforts in state and local law enforcement? If so, what specific measures would you take?

RESPONSE: Please see my response to Question 26.a.

27. In September, the FBI revealed that there were 11,862 incidents of hate crimes in the United States. Hate crimes rooted in race, ethnicity, or ancestry were the most common. There were 5,900 reported incidents in 2023.

a. What steps will you take to reduce hate crimes, particularly those that are motivated by race, ethnicity, or ancestry?

RESPONSE: I commit to protecting Americans’ lives and liberties. All Americans deserve full legal protection as they exercise constitutionally protected activities, including freedom of speech and free exercise of religion. I will work with appropriate FBI officials to determine how the FBI is currently addressing hate crimes, and what efforts may be necessary to further combat hate crimes.

b. Hate crime rates sometimes spike rapidly, as they did against various religious and ethnic communities in 2023. How will you prepare the FBI to stop sudden, sharp increases in hate crimes?

RESPONSE: Please see my response to Question 27.a. above.

c. The FBI's Uniform Crime Reporting program compiles data collected from state and local law enforcement agencies to create national hate crime statistics. Do you commit to continue this program?

RESPONSE: While I have limited knowledge of the methods by which hate crimes are reported to the FBI from state and local law enforcement agencies, I will seek the guidance of FBI professionals who understand the efficacy of this program as well as ways that it can be improved.

d. White supremacist propaganda incidents are also rising. What steps will you take to address the proliferation of white supremacist propaganda and hate speech?

RESPONSE: If confirmed, I will discuss this matter with appropriate officials at the FBI to determine how any potential threats can be identified and curtailed by the FBI.

e. How will you prevent and combat the spread of hate speech against immigrants?

RESPONSE: Please see my response to Question 27.d. above.

f. How will you prevent and combat the spread of hate speech against the LGBTQ+ community?

RESPONSE: Please see my response to Question 27.d. above.

28. According to the Federal Trade Commission, consumers reported losing \$9 billion to fraud in 2022 – up from \$2.45 billion in reported fraud losses in 2019. The elderly is one of the most vulnerable groups to internet scams and fraudulent schemes, and scams targeting them are on the rise.

a. What resources and specialized units will you deploy to investigate elder fraud and scams?

RESPONSE: If confirmed, I will consult with the relevant FBI personnel to determine whether FBI resources are properly allocated to protect the elderly.

29. You have stated that you want to remove 11,000 FBI personnel.

a. On what grounds would you seek termination?

RESPONSE: I do not have enough context to answer this question. I do not want to remove 11,000 FBI personnel. Any suggestion otherwise must be a misunderstanding.

b. Do you commit to not terminating individuals based on their political belief or loyalty to President Trump?

RESPONSE: Yes.

c. Do you think reducing the number of people working for the FBI will make our country safer?

RESPONSE: If confirmed, I will review the allocation of personnel and resources to ensure that FBI personnel and resources are efficiently, effectively, and maximally able to address violent crime, terrorism, narco-trafficking, and other threats facing this nation.

d. Do you believe that the FBI's workforce should reflect the diversity of our nation?

RESPONSE: I have long been a champion of merit and high standards. I believe that there are brave people of every race, color, and background in this country who are qualified to meet those high standards and will be excited to take on the mission of the FBI. And, we will need people of every race and background in communities throughout the country to tackle the violent crime and drug epidemics facing the American people.

e. As someone who has faced racist attacks and discrimination in the past, what will you do to ensure that the FBI's hiring practices are fair and equitable?

RESPONSE: If confirmed, I will hold the FBI to the highest standards of fair hiring that is based on merit and fairness. There are brave people of every race, color, and background in this country who are qualified to meet those high standards and will be excited to take on the mission of the FBI. I will review current practices, and seek the advice of counsel, to ensure that all hiring practices are fair and comply with the law.

30. You have spoken about ending the weaponization of the FBI and ensuring a single tier of justice. The FBI is responsible for protecting all Americans, regardless of race, gender, class, political affiliation, or beliefs.

a. How do you define "one tier of justice," and how will you ensure it applies equally to all individuals, including critics of the President?

RESPONSE: "One tier of justice" means that all Americans have equality before the law. No one should be targeted for investigation or prosecution—or subjected to excessive sentences—based on their race, gender, class, political affiliation, or beliefs. Similarly, equality before the law requires that no one who would otherwise properly be targeted for investigation or prosecution is excused from it based on their race, gender, class, political affiliation, or beliefs. If confirmed, I would be committed to ensuring that the FBI only opens investigations where properly predicated on the facts and the law.

b. Do you commit to investigating and pursuing cases strictly based on legal and factual merit, regardless of the identity or political affiliation of those involved?

RESPONSE: Yes.

c. What steps will you take to reinforce the FBI's independence and prevent politically motivated investigations?

RESPONSE: As I stated at my hearing, the FBI must be independent. If confirmed, I would report to the Deputy Attorney General in the Department of Justice. I would prevent politically motivated investigations by ensuring investigations are only brought where there is a proper basis under the facts and the law.

31. President Trump has commuted the sentences of leaders of the Oathkeepers and the Proud Boys, both of which were convicted of planning violent attacks to keep President Trump in power unlawfully. Recently, Stuart Rhodes, the leader of the Oathkeepers, was given VIP seating behind President Trump at a rally in Las Vegas.

a. Do you commit to never working with, either explicitly or implicitly, members of militias, including but not limited to the Oathkeepers, the Proud Boys, the American Patriot Three Percenter (also known as the Three Percenters), and the Patriot Front?

RESPONSE: The FBI has a long history of utilizing confidential human sources in a wide variety of organizations as part of its law enforcement efforts. I do not believe it would be appropriate for me to commit to the FBI not having any working relationships with members of the organizations you mentioned prior to being confirmed and reviewing the relevant FBI files to understand the nature of the FBI's current relationships, if any, with the organizations you listed.

b. Do you commit to enforce the law against members of these and all militia and/or paramilitary organizations?

RESPONSE: Yes, I commit to impartially pursuing all investigations and enforcing the law.

32. Historically, the FBI Director has been the only political appointee at the Bureau. However, there are concerns that the Trump administration may attempt to fill the FBI ranks with politically aligned individuals.

a. Do you support expanding the number of political appointees within the FBI beyond the Director?

RESPONSE: No, but I will review this and work with Congress if any changes are appropriate.

b. Have you discussed potential FBI roles with Kyle Seraphin, Steven Friend, or Garret O'Boyle? If so, what positions were discussed?

RESPONSE: To the best of my knowledge, I have never discussed potential roles at the FBI for Kyle Seraphin, Steven Friend, or Garret O'Boyle.

c. Have you provided or facilitated financial assistance to any of these individuals? If so, how much and for what purpose?

RESPONSE: To the best of my knowledge, I have never personally provided financial assistance to these whistleblowers, but I understand that they received financial assistance through a nonprofit organization in which all relevant transactions have been reported as required by governing law.

d. Are you aware of allegations against Steven Friend, including violations of FBI gun safety policies, the use of derogatory language, or unauthorized release of government information? If so, do you believe these allegations disqualify him from employment at the Bureau?

RESPONSE: I have no personal knowledge regarding these allegations.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Kashyap Patel
Hearing on “The Nomination of Kashyap Patel to be Director of the Federal Bureau of
Investigation”
Thursday, January 30, 2025

On May 4, 2022, you gave an interview with Breitbart News. The purpose of the interview was to respond to a public disclosure by the National Archives and Records Administration that President Trump had classified documents from his presidency at his Mar-a-Lago residence. In that interview, you stated, “It’s yet another way to attack Trump and say he took classified documents when he did not.” You added, “The President has unilateral authority to declassify documents—anything in government. He exercised it here in full.”

1. Did you personally witness President Trump declassify the classified documents found at his Mar-a-Lago residence?

RESPONSE: My understanding is that grand jury testimony regarding the classified documents prosecution is subject to a seal order, and litigation is ongoing over the release of Jack Smith’s report regarding classified documents. I do not believe I have unilateral authority to authorize release of or disclose any underlying testimony.

a. If so, when did this occur.

RESPONSE: Please see my response to Question 1 above.

2. Did President Trump ever tell you he declassified the classified documents found at his Mar-a-Lago residence?

RESPONSE: Please see my response to Question 1 above.

a. If so, when did this occur.

RESPONSE: Please see my response to Question 1 above.

3. Did anyone ever tell you they personally witnessed President Trump declassify the classified documents found at his Mar-a-Lago residence?

RESPONSE: Please see my response to Question 1 above.

a. If so, when did this occur and who told you.

RESPONSE: Please see my response to Question 1 above.

4. Did anyone ever tell you they heard President Trump say he declassified the classified documents found at his Mar-a-Lago residence?

RESPONSE: Please see my response to Question 1 above.

- a. If so, when did this occur and who told you.

RESPONSE: Please see my response to Question 1 above.

Afterwards, federal prosecutors began an investigation into the recovery of classified documents at Mar-a-Lago. As part of that investigation, you were subpoenaed to testify before a federal grand jury. During your appearance, you invoked your Fifth Amendment right against self-incrimination. In order to invoke that right, you must have a reasonable belief that answering questions the government asks of you will place you in criminal liability.

5. Why did you invoke your Fifth Amendment right against self-incrimination?

RESPONSE: I utilized my constitutional rights during that process with the advice and consent of counsel and appeared before that grand jury.

6. What criminal liability did you have a reasonable belief you could face?

RESPONSE: Please see my response to Question 5 above.

- a. Please list each criminal statute you believe you may have violated.

RESPONSE: Please see my response to Question 5 above.

After invoking your privilege, you appeared ex parte with counsel to make a proffer before Chief Judge Beryl Howell regarding your invocation. Chief Judge Howell agreed you had a reasonable basis to fear criminal liability. Federal prosecutors then provided you with immunity under 18 U.S.C. § 6002 and you were compelled by the Court to testify before the federal grand jury, which you subsequently did. As a reminder, pursuant to Federal Rule of Criminal Procedure 6(e), witnesses are not bound by Grand Jury secrecy rules.

7. What did you testify to before the grand jury?

RESPONSE: Please see my response to Question 1 above.

I remain deeply concerned about President Trump's repeated comments regarding the prosecution of individuals he disagrees with.

8. Have you made any commitments to President Trump, or members of his administration or transition team, about investigations you will undertake if confirmed as the Director of the FBI?

RESPONSE: To the best of my recollection, no.

- a. If so, what investigations have you committed to undertaking?

RESPONSE: See response to 8.

9. Have you had any conversations with President Trump, or members of his administration or transition team, about pursuing any specific individuals if confirmed as the Director of the FBI?

RESPONSE: To the best of my recollection, no.

a. If so, what individuals have you committed to pursuing?

RESPONSE: As the nominee to the FBI Director, I believe it is appropriate for me to withhold judgment about whether any particular circumstance warrants an FBI investigation until I have been confirmed and evaluated the FBI's full documentation of the relevant facts and the law.

10. What will you do if President Trump gives you an illegal or unconstitutional order?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

In a May 2024 *War Room* article entitled, "The Constitutional Guillotine: The End of the Deep State," you heavily implied that Special Counsel Jack Smith and his staff are criminals.

11. Will you open an investigation into Special Counsel Jack Smith?

RESPONSE: As the nominee to be the Director of the FBI, it would be inappropriate for me to commit to the Senate to investigate, or not to investigate, any particular individual.

12. Will you open an investigation into any member of Special Counsel Jack Smith's staff?

RESPONSE: Please see my response to question 11.

In September 2023, you authored an op-ed in Human Events, entitled "The FBI Raid on Mar-a-Lago Makes Watergate Look Like the Teacup Ride at Disney World." In it, you asked, "Where's the prosecution of [James] Comey?"

13. Will you open an investigation into former FBI Director James Comey?

RESPONSE: Please see my response to question 11.

On August 21, 2023, you were interviewed on Benny Johnson's podcast The Benny Show. During the interview, you stated, "And when we find out, like we are right now, that government gangsters like Wray and Garland have broken the law, we need to prosecute them."

14. Will you open an investigation into former FBI Director Christopher Wray?

RESPONSE: Please see my response to question 11.

15. Will you open an investigation into former Attorney General Merrick Garland?

RESPONSE: Please see my response to question 11.

Shortly after you finished testifying, it was reported that several senior FBI leaders were told to either resign or retire by Monday, February 3, 2025, or they would be fired.

16. Did you know of these potential firings prior to testifying before our committee?

RESPONSE: Not that I recall.

17. Were you consulted about these potential firings in any way?

RESPONSE: Not that I recall.

18. Do you support these potential firings?

RESPONSE: I cannot commit to supporting any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard.

The following day, it was publicly reported scores of FBI agents are being presented with forced resignations or termination, including agents that investigated cases related to the January 6th insurrection.

19. Did you know of these potential firings prior to testifying before our committee?

RESPONSE: Not that I recall, and my response is not an indication of whether or not I believe the above referenced public reporting is accurate.

20. Were you consulted about these potential firings in any way?

RESPONSE: Not that I recall, and my response is not an indication of whether or not I believe the above referenced public reporting is accurate.

21. Do you support these potential firings?

RESPONSE: I cannot commit to supporting any personnel decision without the opportunity to review on a case-by-case basis. Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard. My response is not an indication of whether or not I believe the above referenced public reporting is accurate.

In *Government Gangsters*, you wrote that social media companies "had demonstrably rigged the 2020 election by throttling the Hunter Biden laptop scandal."

22. Were the results of the 2020 Presidential election legitimate?

RESPONSE: As I explained at the hearing, millions of Americans have expressed concerns, going back to multiple elections, over election integrity. I have expressed my personal concerns in public appearances based upon what I saw. If confirmed as Director of the FBI, I will work to restore Americans' confidence in our electoral processes.

23. On what basis did you claim social media companies "demonstrably rigged the 2020 election?"

RESPONSE: In my book, I explained that during the 2020 election, the Department of Justice was investigating Hunter Biden's foreign deals in Ukraine and China that enriched him and might implicate other members of the Biden family, including President Biden, but that the DOJ hid the existence of the investigation until after the election. I likewise described how the FBI leveraged relationships with social media companies to stop the Hunter Biden laptop reporting from coming out or being shared. I also flagged how fifty-one members of the intelligence community issued a public letter declaring that the laptop story had all the hallmarks of a Russian information operation, even while the DOJ used the laptop as key evidence in ongoing investigations and prosecutions of Hunter Biden. Taken together, I argued that the Deep State, in coordination with social media companies, coordinated to prevent the American public from accessing truthful information that may have impacted their votes.

24. Do you believe the FBI is responsible for rigging the 2020 election?

RESPONSE: Please see my response to Question 23 above.

In a December 2023 interview with Steve Bannon on his *War Room* podcast, you stated, "We're going to come after the people in the media who lied about American citizens who helped Joe Biden rig presidential elections. We're going to come after you, whether it's criminally or civilly. We'll figure that out. But yeah, we're putting you all on notice."

25. Was Joe Biden a legitimate President?

RESPONSE: President Biden was the President of the United States.

26. Who in the media lied about the 2020 presidential election?

RESPONSE: Please see my response to Question 23 above.

27. Please list all federal statutes you believe the media violated in relation to the above quote.

RESPONSE: Please see my response to Question 23 above. If confirmed, my role as FBI Director will not include making any prosecutorial decision. That is solely the province of the Department of Justice and the Attorney General.

In a November 4, 2022, opinion article for Fox News, you stated that “the FBI brazenly rigged the 2020 election.”

28. Who won the 2020 election?

RESPONSE: President Biden was certified and served as the President of the United States.

29. In what way did the FBI “brazenly rig[]” the election?

RESPONSE: Please see my response to Question 23 above.

During the 2024 campaign, President Trump stated on Truth Social, “I believe it is time to end needless arrests and incarcerations of adults for small amounts of marijuana for personal use. We must also implement smart regulations, while providing access for adults, to safe, tested product.” In April 2024, the Biden Administration commenced a rescheduling process after the Department of Health and Human Services and Food and Drug Administration determined marijuana has “currently accepted medical uses.” It has proposed moving marijuana to Schedule III of the Controlled Substances Act.

30. Do you support placing marijuana on Schedule III?

RESPONSE: In my 16 years of government service, I have not previously considered the scientific and medical information regarding marijuana use that would be the basis of any rescheduling decision under the Controlled Substances Act. Moreover, as the nominee to be the Director of the FBI, it would be inappropriate for me to comment on the DEA’s ongoing regulatory process on this matter.

Section 702 of the Foreign Intelligence Surveillance Act (FISA) permits the government to collect communication of foreign persons located outside the United States. Agencies within the Intelligence Community can then query the collected communications. Communications of persons located in the United States, including U.S. citizens, are routinely incidentally collected as part of this process and queried by the Intelligence Community.

31. Do you support reauthorization of Section 702 of FISA as currently structured?

RESPONSE: I have used FISA and 702 as a national security prosecutor, a civilian at JSOC, as an intelligence official, and as the Deputy Director of National Intelligence. The issue has been

its abuse by those in government service. The FBI must work with Congress to provide protections necessary for American citizens dealing with these matters, including hostage rescue operations. I am open to working together with Congress to appropriately protect national security, but to make sure that the system cannot be abused by people who are willing to cross a line they should not cross. As I alluded to in my testimony, the FISA court put out a report in 2022 or 2023, where 255,000 illegal, improper queries of American citizens had occurred. This is unacceptable. Coordination with Congress will ensure that Americans have trust again in surveillance measures that we utilize to protect our country. I welcome the opportunity to discuss the matter further with appropriate officials at the FBI.

In your book *Government Gangsters*, you wrote about several reforms to the FISA process. These reforms include requiring FBI agents to work with Department of Justice prosecutors to submit a FISA warrant application, providing training and long-term appointments for FISA Court judges, placing a public defender at the FISA Court to advocate for the accused, and requiring a court reporter to transcribe every FISA Court hearing.

32. Do you still support requiring FBI agents work with DOJ prosecutors to submit FISA warrant applications?

RESPONSE: Please see my response to Question 32 above. I welcome the opportunity to discuss the matter further with appropriate officials at the FBI, as well as working with Congress to protect national security and provide protections necessary for American citizens.

33. Do you still support providing training and long-term appointments for FISA Court judges?

RESPONSE: Please see my response to Question 32 above.

34. Do you still support placing a public defender to represent the accused before the FISA Court?

RESPONSE: Please see my response to Question 32 above.

35. Do you still support requiring a court reporter transcribe every FISA Court hearing?

RESPONSE: Please see my response to Question 32 above.

On January 27, 2025, Acting Attorney General James McHenry fired about a dozen career Department of Justice employees who worked for Special Counsel Jack Smith.

36. Did anyone consult you regarding these terminations?

RESPONSE: Not that I recall.

a. If so, please provide the names of each individual and when they contacted you.

RESPONSE: Please see my response to Question 36 above.

37. Have you interacted with any of the terminated prosecutors in any capacity?

RESPONSE: Based on publicly available reporting, which is the only knowledge I have of the referenced terminated prosecutors, I'm unable to determine an accurate list of which prosecutors were terminated (or resigned). As such, I am unable to definitively determine whether I have interacted with any prosecutors who have been terminated. Though, as this Committee knows, as a witness in cases pursued by Jack Smith and his team, I may have interacted with members of his team.

a. If so, please describe your interaction.

RESPONSE: Please see my response to Question 37 above.

You spoke at the 2024 conference for Gun Owners of America. During that speech, you stated you oppose any federal regulation of bump stocks.

38. Do you believe that bump stocks pose a threat to public safety?

RESPONSE: As the Supreme Court noted in *Garland v. Cargill*, 602 U.S. 406, 421 (2024), with respect to trigger function, "[n]othing changes when a semiautomatic rifle is equipped with a bump stock," which "merely reduces the amount of time that elapses between separate 'functions' of the trigger." Thus, a shooter committed to unlawfully firing multiple shots must engage the trigger of his firearm multiple times, regardless of whether the firearm is equipped with a bump stock.

39. Do you oppose congressional efforts to ban bump stocks?

RESPONSE: In *Cargill*, the Supreme Court held that bump stocks are not unlawful "machineguns" as that term is defined by 26 U.S.C. § 5845. I am not aware of any subsequent congressional efforts to ban bump stocks. If Congress introduces legislation to that effect, I commit to working with you and providing you with input on any such proposal.

Gun Owners of America believes that all background checks are unconstitutional and that the federal government cannot constitutionally regulate machine guns.

40. Do you agree that background checks for gun purchases are unconstitutional?

RESPONSE: In *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1, 38 n.9 (2022), the Supreme Court suggested that background checks preceding firearms purchases are presumptively constitutional. Bruen did not foreclose challenges to licensing requirements, including background checks, that "can be put toward abusive ends." Id. As I stated during my hearing, the Constitution, as interpreted by the Supreme Court, is the law of the land.

41. Do you agree that federal regulations regarding machine guns are unconstitutional?

RESPONSE: I believe that whatever the Supreme Court holds with respect to the scope of the Second Amendment is what is protected by the Second Amendment.

42. Do you know Mr. Guan in a personal or professional capacity?

RESPONSE: As indicated in my OGE Form 278, I was as a Contributor for The Epoch Times, but I neither had a relationship nor interacted with Mr. Guan outside of this capacity.

a. If so, please describe your relationship with Mr. Guan.

RESPONSE: Please see my response to Question 42 above.

43. If confirmed, do you agree to recuse yourself any potential investigations concerning The Epoch Times and from Mr. Guan's case?

RESPONSE: If confirmed, I intend to consult the appropriate ethics officials at the Department of Justice about any investigation that could potentially implicate any conflicts of interests or other ethics concerns, as necessary, and to take all necessary steps to resolve any such conflicts that may arise including, if necessary, recusal.

In a 2022 interview, you stated, "I agree with a lot of what that movement says." The movement you were referring to is the QAnon movement.

44. Please describe what parts of the QAnon movement you agree with.

RESPONSE: This language is taken out of context and does not accurately represent my prior statements or positions regarding QAnon, including that it omits that I am not familiar with the reported tenets of QAnon, I have repeatedly disagreed with much of what QAnon reportedly advocates for, and I do not support or promote QAnon.

45. Please describe your relationship with Laura Loomer.

RESPONSE: I understand that Ms. Loomer attended one of my book events, at which time I took a photo with her.

Questions for the Record

Sen. Adam Schiff (CA)

1. As permitted under Rule 6(e) of the Federal Rules of Criminal Procedure, please explain in writing in specific detail the substance of what you testified to before the grand jury investigating President Trump's retention of classified documents after leaving office.

RESPONSE: That testimony is subject to a seal order, and litigation is ongoing over the release of Jack Smith's report regarding classified documents. I do not believe I have unilateral authority to authorize release of or share any underlying testimony.

2. During your confirmation hearing on January 30, 2025, in response to questions from Senator Booker, you responded: "Get my grand jury testimony." You also testified that you asked the Department of Justice to make your testimony public.

a. Please confirm in writing that you have submitted a formal request to the Department of Justice (DOJ) that it take all necessary steps to release your grand jury testimony in full and without redactions to Members of the Senate Judiciary Committee *prior* to the Senate Judiciary Committee's vote on your nomination, so that the Committee can review your testimony *prior* to the vote.

RESPONSE: Please see my response to Question 1 above.

3. Please confirm that you have submitted a formal request to the Department of Justice that it release any and all portions of Volume Two of the "Final Report of the Special Counsel's Investigations and Prosecutions," submitted by Special Counsel Jack Smith to the Attorney General on January 7, 2025, that refer or pertain to you or your actions to the Senate Judiciary Committee *prior* to the Committee's vote on your nomination, so that the Committee can review this information *prior* to the vote.

RESPONSE: Please see my response to Question 1 above.

4. The position of Director of the Federal Bureau of Investigation is designed by law to be nonpartisan and apolitical. Prior FBI Directors have publicly committed in confirmation testimony before the Senate Judiciary Committee to always act free of political or partisan motive and resist requests or pressure from the President or others. Yet, in your book, "Government Gangsters," you have written that "when the president asks you do something, you accept."

a. Before or since the inauguration, has President Trump or any another official at the White House ever asked, suggested, or implied that you, the FBI, or DOJ should open or undertake a review or an investigation of anyone?

RESPONSE: No, not that I recall. President Trump would not do that.

b. Before or since the inauguration, has President Trump or any another official at the White House ever asked, suggested, or implied that you should open or undertake a review or an investigation of anyone on your list, titled “Members of the Executive Branch Deep State,” in your book “Government Gangsters”?

RESPONSE: No, not that I recall. President Trump would not do that.

c. Have you ever had a conversation with anyone at DOJ or the FBI about investigations involving or related to President Trump or his associates?

RESPONSE: As this committee is aware, I was a witness in a case involving President Trump.

d. Have you ever had a conversation with anyone at DOJ or the FBI about investigations involving or related to Special Counsel Smith’s investigation?

RESPONSE: Please see my answer to 4.c.

e. Are you aware of anyone at the White House having conversations with current DOJ officials, including in U.S. Attorneys Offices, about investigations involving or related to President Trump?

RESPONSE: I am not.

f. Are you aware of anyone at the White House having conversations with current DOJ officials, including in U.S. Attorneys Offices, about investigations involving or related to Special Counsel Smith’s investigation?

RESPONSE: I am not.

g. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should initiate or undertake a review of activities by current or former U.S. government officials or other private citizens?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

h. Do you agree it would be improper for the President or the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should initiate or undertake an investigation of current or former U.S. government officials or other private citizens?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

i. Do you agree it would be improper for the White House to direct, task, or otherwise provide input on whether the FBI or DOJ should pursue criminal charges against current or former U.S. government officials or other private citizens?

RESPONSE: Please see my response to question 4.h.

j. Please guarantee in writing to this Committee that any and all investigative decisions taken by the FBI during your tenure as FBI Director, if confirmed by the Senate, will be free from any political, partisan, financial, or personal motive, including your own?

RESPONSE: If confirmed, I will uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

k. Please guarantee in writing to this Committee that any and all investigative decisions taken by the FBI during your tenure as FBI Director, if confirmed by the Senate, will not be informed in any way by the desires or direction of President Trump, the White House, or any associates of President Trump.

RESPONSE: Please see my answer to question 4.j.

l. Would you resign as FBI Director if asked or directed by the Department of Justice, the White House, or the President to take any actions that are unlawful or unconstitutional?

RESPONSE: This is a hypothetical question, and one I have no reason to believe would actually occur. In the event it was necessary to consider the situation posed in this hypothetical, I would uphold the oath every FBI Director takes to support and defend the Constitution. Any investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

m. Will you recuse yourself from any reviews or investigations involving or related to President Trump, his family, or business activity tied to President Trump or his family?

RESPONSE: If confirmed, I will consult the appropriate ethics officials and make decisions regarding my recusal from any matter based on the particular facts and applicable law and rules.

n. Will you consult with and follow the advice of career DOJ or FBI ethics officials regarding whether to recuse yourself from any FBI activities or investigations, including any involving or relating to President Trump or his family?

RESPONSE: Please see my response to Question 4.m. above.

o. Please confirm in writing that you will inform the Senate Judiciary Committee of any and all recusal decisions you make.

RESPONSE: I cannot make any commitments regarding the disclosure of hypothetical recusal decisions until I have had the opportunity to review the FBI's policies and practices regarding the issue. If confirmed, I will act as appropriate and in accordance with the relevant policies and practices.

5. On July 21, 2021, Attorney General Garland issued a memorandum on the "Department of Justice Communications with the White House," more commonly referred to as the White House Contacts policy. Will you abide by the restrictions in this memorandum?

RESPONSE: If confirmed, I will abide by the restrictions in the Attorney General memo currently in force governing communications with the White House.

6. You worked as a Trial Attorney at the DOJ National Security Division's Counter Terrorism Section from 2014 to 2017. You understand the important role the Department plays in countering terrorism and protecting Americans. However, in your public statements, you have repeatedly accused the FBI of "artificially inflat[ing] data about domestic terrorism to make the problem seem much worse than it is." The number of domestic terrorist attacks and plots against government targets motivated by extreme political beliefs in the past five years is nearly triple the number of such incidents in the previous 25 years combined, according to analysis by the Center for Strategic and International Studies.

a. If confirmed as FBI Director, what steps will you take to reduce or end investigations of domestic terrorism, including actions by racially-motivated extremists?

RESPONSE: If confirmed, I will ensure that investigative activity started or ended by the FBI would only occur if properly justified by the facts and the law.

b. Would you comply by a direction by President Trump or his administration to reduce or end investigations involving domestic terrorism?

RESPONSE: Please see my response to Question 4.j.

7. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government, including at the FBI.

a. If confirmed, do you commit to protecting and in no way adversely affecting the employment of FBI employees who report internal waste, fraud and abuse of authority,

including any activity that may involve you, through the proper channels to FBI management, to the DOJ Inspector General, and to Congress?

RESPONSE: Yes, if confirmed I will work to ensure the FBI protects lawful whistleblowers.

b. If confirmed, do you commit to not retaliating in any way against whistleblowers across the federal government if they disclose wrongdoing by the Trump Administration, including President Trump or you, as is required by law?

RESPONSE: Please see my response to question 7.a.

c. Will you cooperate with efforts at the Justice Department and in Congress to improve laws and policies regarding FBI whistleblowers to make sure they have stronger legal protections?

RESPONSE: Whistleblowers play an important role within the Federal Bureau of Investigation, the federal government, and the public. By coming forward with evidence of waste, fraud, abuse, and misconduct, whistleblowers improve government operations and strengthen the public's trust in our institutions. While I cannot commit at this time to support any particular piece of legislation, if confirmed and called upon to provide my position, I will do so after careful consultation with appropriate officials at the FBI.

8. You have called for "get[ting] the FBI the hell out of Washington," "dramatically limit[ing] and refocus[ing] the scope of the FBI's authority," and the Bureau that you have been nominated to lead "utterly corrupt." Stewart Rhodes, the recently pardoned founder of the far-right militia group, the Oath Keepers, who was sentenced to 18 years in prison for seditious conspiracy has called for you to "get in there and clean house."

a. Are you currently, or have you ever been, in contact with Stewart Rhodes? If so, what have you discussed?

RESPONSE: To the best of my knowledge, I have not been in contact with Stewart Rhodes.

b. Do you intend to "clean house," as Rhodes suggests?

RESPONSE: Regardless of Mr. Rhodes' statement, I am committed to reforming the FBI to ensure it is not politicized and returns its focus to fighting violent crime, terrorism, and drugs.

c. Will you recuse yourself from any investigations involving the Oath Keepers?

RESPONSE: I am unaware of any basis to recuse myself from investigations involving Oath Keepers, but as a general matter I will consult with FBI ethics officials as

appropriate to determine the circumstances under which my recusal would be appropriate.

d. Do you plan to limit and refocus the scope of the FBI's authority in any way? If so, how?

RESPONSE: The FBI's authority is established by law. It is Congress's place to change its scope, not the Director's.

9. It has been reported that you provided financial support to witnesses who testified before the Republican-led House Select Subcommittee on the Weaponization of the Federal Government. Garret O'Boyle and Stephen Friend, two former FBI officials, testified before the Committee that the Department of Justice was "corrupt" and being weaponized against President Trump, but offered little firsthand knowledge of any wrongdoing or illegal activity. Mr. O'Boyle and Mr. Friend also both testified under oath that they received financial support from you. Additionally, it's been reported that your nonprofit organization "Fight with Kash" provided "thousands of dollars" to both men.

a. Did you or your nonprofit organization make any payments to Garret O'Boyle?

RESPONSE: To the best of my knowledge, I have never personally provided financial assistance to these whistleblowers, but I understand that they received financial assistance through a nonprofit organization in which all relevant transactions have been reported as required by governing law.

b. Did you or your nonprofit organization make any payments to Stephen Friend?

RESPONSE: To the best of my knowledge, I have never personally provided financial assistance to these whistleblowers, but I understand that they received financial assistance through a nonprofit organization in which all relevant transactions have been reported as required by governing law.

c. If confirmed as FBI Director, will you make payments to witnesses in congressional investigations?

RESPONSE: No.

d. If confirmed as FBI Director, will you make payments to witnesses in federal criminal investigations?

RESPONSE: No.

10. As part of our role in assessing your qualifications to serve as FBI director, we need assurance that you can be trusted to handle classified information.

a. Did you regularly handle classified information when you were a member of the executive branch and a staffer on the House Intelligence Committee?

RESPONSE: Yes

b. During your time holding a security clearance, are you confident that you always handled classified information appropriately?

RESPONSE: Yes.

c. During your time holding a security clearance, did you ever take classified information home with you?

RESPONSE: During my time holding a security clearance, I handled classified information according to the applicable handling and storage requirements.

d. During your time as an official in the prior Trump administration, were you aware of any instances of executive branch officials disclosing information that was marked classified to the press or others not authorized to receive such information?

RESPONSE: During my time as an official in the prior Trump administration, I was not aware of instances of executive branch officials engaging in authorized disclosures of classified information.

i. Did you ever authorize an individual to disclose classified information to the press?

RESPONSE: No.

ii. Did you ever claim to have granted authority to another to disclose classified information while you were a Trump official?

RESPONSE: I do not recall making such a claim.

iii. Did you ever disclose to the press or public, or authorize another to disclose to the press or public, information which at any point had been deemed classified by the Director of National Intelligence (DNI), the FBI Director, or any other agency with original classification authority without first receiving authorization?

RESPONSE: I did not engage in or direct any unauthorized disclosure of classified information.

iv. Were you ever the subject of a criminal investigation involving the improper disclosure of classified information?

RESPONSE: To the best of my knowledge, I was never the subject of a criminal investigation involving the improper disclosure of classified information.

v. Were you ever a witness in a criminal investigation involving the improper disclosure of classified information?

RESPONSE: I appeared before the grand jury in the Mar-a-Lago documents case.

11. It has been reported that senior career officials across DOJ have been reassigned or fired since President Trump's inauguration. More than a dozen officials who worked on the special counsel team that investigated Donald Trump in two separate criminal cases were [fired](#) by acting attorney general James McHenry. Within the FBI, senior leaders were [ordered](#) to retire, resign or be fired by February 3, 2025.

a. Were you aware of these personnel moves before they occurred?

RESPONSE: Not that I recall.

b. Were you consulted by anyone at the White House, DOJ, or the FBI about any of these personnel decisions?

RESPONSE: Not that I recall.

c. Have you had any communications with the White House, DOJ, or the FBI about these or other personnel moves at the FBI?

RESPONSE: Not that I recall.

d. Are you aware of who made these personnel decisions involving DOJ officials?

RESPONSE: As the first part of this question states, the public reporting is that the decisions referenced in this question were made by Acting Attorney General James McHenry. I am aware only of what has been publicly reported on this matter.

e. In your view, is it appropriate to reassign career officials because they, or their teams, played some role in the matters related to Special Counsel Jack Smith's cases against President Trump?

RESPONSE: Personnel decisions should be based on performance and adherence to the law. If I'm confirmed, every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments.

f. Do you commit to protecting from political retribution any FBI official who was involved with the Smith cases?

RESPONSE: As I stated in the hearing before this Committee, if I'm confirmed, all FBI employees will be protected from political retribution.

g. Will you commit to allowing the current EADs to complete their rotations?

RESPONSE: It would be inappropriate for me to commit to any particular personnel decisions before having the opportunity to review the current needs of the Bureau as the Director, if confirmed.

h. It is likely that these moves are improper and inconsistent with the FBI policy and civil service protections. If confirmed, do you commit to investigate who directed these reassignments?

RESPONSE: If confirmed, I will review all personnel decisions to ensure that those decisions were appropriate and in compliance with the law.

i. Do you commit to disclose to this Committee information regarding who directed these personnel decisions and why?

RESPONSE: I commit to appropriately respond to all oversight requests from this Committee.

ii. Do you commit to hold accountable the individuals who directed and enabled these personnel decisions?

RESPONSE: If I'm confirmed, all FBI employees will be held to the same standards. Any FBI employee who acts inappropriately will be held accountable to those standards.

i. Will you commit to select a current senior career FBI official to serve as the Deputy Director?

RESPONSE: It would be inappropriate for me to commit to any particular personnel decisions before having the opportunity to review the current needs of the Bureau as the Director, if confirmed. I look forward to the opportunity to review current senior career FBI officials for this role.

12. Former Secretary of Defense Mark Esper has written in stark detail about how you misled senior Trump Administration officials during a critical rescue operation on October 30, 2020, while you were serving as Chief of Staff to Acting Secretary of Defense Christopher Miller. Special forces were positioned to rescue American Philip Walton in Niger in West Africa, after he was abducted near the border with Nigeria just days before. Secretary Esper writes:

"I received word from my Policy shop that 'the airspace issues are resolved; we have the clearances.' Kash Patel at the NSC reportedly told Tony Tata, the retired

Army general who was the acting principal deputy undersecretary for policy, that Pompeo ‘got the airspace cleared.’”

Secretary Esper continues:

“Apparently, what Patel reported to Tata was wrong. Pompeo had not secured the clearances. Rather, State was still working the phones to get the proper approval. By the time Mike and I spoke an hour later, he still didn’t have the okay from the remaining country. He also didn’t know where Patel received this information. Pompeo never spoke with him.”

At the last possible moment, the State Department was able to secure the overflight rights and Philip Walton was rescued successfully. I have also read your account of this event in your book, “Government Gangsters,” in which you largely claim credit for the success of the operation and say that any delay was simply because “Esper swooped in and sent word through his channels that the operation was a no-go.”

a. Did you convey to Mr. Tata on October 30, 2020, that Nigeria had granted airspace clearance to the U.S. military prior to the rescue mission?

RESPONSE: As I noted in my testimony, both the National Security Advisor O’Brien and Undersecretary of Defense Tata have stated that I acted appropriately, relayed information provided to me, and never jeopardized the safety of the hostages in this mission.

b. Had Nigeria, in fact, granted that airspace clearance to the State Department when you conveyed the approval to DOD?

RESPONSE: Please see my response to Question 12.a. above.

c. How do you explain the stark discrepancy between Secretary Esper’s account of the events of this mission and yours?

RESPONSE: Secretary Esper was mistaken.

13. Have you ever received shares or other financial gifts or compensation from Trump Media and Technology Group (DJT) or other companies tied to President Trump or his family members?

RESPONSE: As part of my confirmation process, I have worked with officials from the Department of Justice and the Office of Government Ethics to prevent any conflicts of interests and items that might give rise to the appearance of a conflict of interest during my tenure, should I be confirmed. As part of that process, I provided itemized lists of assets and sources of income in my OGE Form 278e. I respectfully incorporate that form here by reference and refer to in answer to this question. I also consented to an ethics agreement, agreed to resign from positions, and agreed to divest a number of assets where legally and ethically necessary or appropriate. I

have never received compensation for serving as a board member for Trump Media and Technology Group. On January 28, 2025, the TMTG board convened without my presence or participation and awarded all board members—including myself—compensation for past services provided, including a monetary award and shares. Even though this represented compensation for past services I had provided, out of an abundance of caution and to avoid any appearance of any conflict, I did not and will not accept that compensation.

- a. If so, how much were shares worth in U.S. dollars at the time of receipt, and how much are they worth upon completing this QFR?

RESPONSE: I have never accepted compensation for serving as a board member for Trump Media and Technology Group.

- b. When specifically did you receive the most recent shares or other financial gift or compensation from Trump Media and Technology Group (DJT) or other companies tied to President Trump or his family members?

RESPONSE: Please see my response to Question 13.a.

- c. Did you speak to President Trump, any other members of his family, or any persons associated with Trump Media and Technology Group (DJT) prior to receiving your most recent receipt of shares or other financial compensation from Trump Media and Technology Group (DJT) or other companies tied to President Trump or his family members?

RESPONSE: Please see my response to Question 13.a.

- d. Given the appearance of impropriety of receiving any financial gift or compensation, including in the form of shares, from a company associated with President Trump or his family, will you return these shares immediately prior to the Committee's vote on your confirmation?

RESPONSE: Please see my response to Question 13.a.

- e. Will you step down as from the Board of Directors of Trump Media and Technology Group if confirmed as FBI Director?

RESPONSE: Yes.

14. Machinegun conversion devices (MCDs) are—in general—illegal to use, own, and sell under 26 U.S.C. § 5845(b). In addition, to date, 23 states and Washington DC also have laws that prohibit or otherwise regulate MCDs, including Florida. Notwithstanding these prohibitions and regulations, law enforcement has, in recent years, recovered more and more MCDs than ever before. ATF recovered more than 5,450 MCDs between 2017 and 2021 compared to just 814 MCDs between 2012 and 2016—a 570% increase. In the last five years, ATF has recovered more than 31,000 MCDs.

- a. Please describe your familiarity and/or experience with MCDs.

RESPONSE: I am generally familiar with MCDs and so-called Glock switches.

- b. Do you agree that MCDs constitute a threat to public safety?

RESPONSE: Any unlawful use of a weapon directed at a person constitutes a threat to public safety.

- i. If so, please describe the steps the FBI will take under your leadership, if confirmed, to address this threat, and how the FBI will support ongoing federal, state and local law enforcement efforts to do the same.

RESPONSE: If I am confirmed, I will work to ensure that the FBI fully and fairly enforces federal firearms laws, consistent with the protections of the Second Amendment. I will also work to ensure that the FBI partners with state and local law enforcement to address public safety threats, again consistent with the protections of the Second Amendment.

- ii. If not, please explain why not.

RESPONSE: Please see my response to Question 14.b.i. above.

15. Between 2016 and 2023, Federal Firearms Licensees (FFLs) reported 72,776 lost firearms in 9,464 incidents. Over 20,000 of those firearms went missing in 2022 and 2023 alone. FFLs also reported 46,072 firearms stolen in 7,140 incidents between 2017 and 2023. Over 11,700 of those firearms were stolen in 2022 and 2023.

- a. Please state your familiarity and/or experience with FFL losses and thefts.

RESPONSE: I have not studied the issue of FFL losses and thefts.

- b. Do you agree that FFL losses and thefts constitute a risk to public safety?

RESPONSE: Yes.

- i. If so, please describe the steps the FBI will take under your leadership, if confirmed, to address this threat, and how the FBI will support ongoing federal, state, and local law enforcement efforts to do the same.

RESPONSE: If I am confirmed, I will work to ensure that the FBI fully and fairly enforces applicable federal laws and regulations relating to firearm theft. I will also work to ensure that the FBI partners with state and local law enforcement to address FFL losses and thefts, consistent with state and local laws and the protections of the Second Amendment.

269

ii. If not, please explain why not.

RESPONSE: Please see my response to Question 15.b.i. above.

A P P E N D I X

The following submissions are available at:

<https://www.govinfo.gov/content/pkg/CHRG-119shrg61322/pdf/CHRG-119shrg61322-add1.pdf>

Submitted by Chairman Grassley:

Alayoubi, Muhammed H., M.D., et al., Arab American and Muslim community leaders, January 15, 2025, letter	1
Alme, Hon. Kurt, et al., former State attorneys general, former U.S. attorneys, former U.S. Department of Justice officials, January 28, 2025, letter	1
Asian American Hotel Owners Association, letter	1
Bird, Hon. Brenna, et al., State attorneys general, letter	1
California Narcotic Officers' Association, January 28, 2025, letter	1
Colton, Emma, foxnews.com, article	1
Conservative Political Action Coalition, letter	11
Gooden, Hon. Lance, inforney.com, op-ed	11
Grassley, Hon. Charles E., letter to FBI Director Christopher Wray, December 9, 2024	11
Gray, Alexander B., realclearpolitics.com, article	11
Illinois Drug Enforcement Officers Association, January 27, 2025, letter	11
Independent Women, January 20, 2025, letter	11
Israeli-American Civic Action Network, statement	11
Miller, Christopher C., theblaze.com, op-ed	11
Mueller, C and M, letter	11
Nassau County Police Benevolent Association, January 28, 2025, letter	1
National Association of Police Organizations, January 29, 2025, letter	11
National Association of State Drug Enforcement Agencies, letter	11
National Narcotic Officers' Associations' Coalition, January 29, 2025, letter	11
National Police Association, December 6, 2024, press release	11
National Sheriffs' Association, January 6, 2025, letter	11
O'Brien, Robert C., The Wall Street Journal, op-ed	11
Public Safety Alliance of Nevada, December 10, 2024, memo	11
Republican Jewish Coalition, January 27, 2025, letter	11
Smiley, Tiffany, washingtonreporter.news, op-ed	11
Solomon, John, and Steven Richards, justthenews.com, article	11
Spivack, Michael, Daily Caller, op-ed	11
Stewart, Hon. Chris, deseret.com, op-ed	11
Stout, Richard, et al., former agents and analysts, January 27, 2025, letter ..	11
Suffolk County Law Enforcement Coalition, January 28, 2025, letter	11
Tata, Anthony J., Brigadier General, U.S. Army, retired, letter	11
United Coalition of Public Safety, January 27, 2025, letter	11
United Federation of Police Officers, December 11, 2024, letter	11

Submitted by Ranking Member Durbin:

Alliance for Justice, January 29, 2025, letter	11
American Civil Liberties Union, January 9, 2025, letter	11

Submitted by Ranking Member Durbin (continued):

Bhargava, Dita, et al., opioid addiction victim advocates, letter	11
Citizens for Responsibility and Ethics in Washington, January 29, 2025, letter	11
Dowd, John M., January 7, 2025, letter	11
GIFFORDS, January 30, 2025, press release	11
Global Project Against Hate and Extremism, January 27, 2025, letter	11
Jankowicz, Nina, January 30, 2025, letter	11
Lacovara, Philip Allen, et al., Republican former law enforcement officials, January 28, 2025, letter	11
Leadership Conference on Civil and Human Rights, The, memo	11
Legal Defense Fund, January 30, 2025, letter	11
People For the American Way, et al., civil and human rights organizations, January 29, 2025, letter	111
People For the American Way, January 29, 2025, letter	111
State Democracy Defenders Action, February 3, 2025, letter	111
Webster, Hon. William, letter	111
Webster, Hon. William, second letter	111

Submitted by Senator Graham:

McGahn, Donald F., II, letter and memo to Hon. Devin Nunes, February 2, 2018	111
--	-----

Submitted by Senator Cornyn:

“Improvements Made to Section 702,” poster displayed during hearing	111
---	-----

Submitted by Senator Moody:

Bird, Hon. Brenna, Attorney General of Iowa, et al., State attorneys general, letter	111
<i>State of Florida v. Merrick Garland, U.S. Attorney General</i> , lawsuit	111

Submitted by Senator Klobuchar:

A collection of online posts and submissions	111
--	-----

Submitted by Senator Blumenthal:

A collection of online posts	111
------------------------------------	-----

Submitted by Senator Padilla:

Goldman, Adam, The New York Times, article	111
--	-----

