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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

Dear Senators:

I write to decline your request for a second hearing and for other delays regarding Kashyap Patel's nomination to serve as Director of the Federal Bureau of Investigation.

Long before his hearing, Committee Democrats made clear that they stridently opposed Mr. Patel's nomination. The American people saw this unfounded opposition play out in his hearing, which devolved into unfair mischaracterizations of his record and attacks on his integrity.

Mr. Patel has provided ample opportunity for this Committee to scrutinize his record. Before his hearing, he produced more than a thousand pages of records, disclosed over a thousand interviews, underwent an FBI background investigation, produced a financial disclosure, and worked with ethics officials at the Justice Department to identify and resolve potential conflicts of interest. At his hearing, he answered questions for almost six hours and provided 147 pages of responses to written questions. The Committee has had a full and fair opportunity to consider his record and qualifications.

Your request for an additional hearing and for additional records is an obvious and unwarranted attempt to delay Mr. Patel's consideration. In addition to this request for a second hearing, Committee Democrats have sent at least nine other letters to Mr. Patel, government officials, and third parties demanding various responses and records relating to Mr. Patel on a host of unrelated issues.<sup>1</sup> Attorney General Bondi, the only other nominee to come before the Committee this

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<sup>1</sup> See, e.g., Letter from Senator Durbin, Ranking Member, to The Honorable Lloyd J. Austin III, Secretary of Defense (Jan. 15, 2025) (on file with the committee);

Letter from Senator Durbin, Ranking Member, to the Honorable Merrick Garland, Attorney General (Jan. 15, 2025) (on file with the committee);

Letter from Senator Durbin, Ranking Member, to the Honorable Avril Haines, Director of National Intelligence (Jan. 15, 2025) (on file with the committee);

Letter from Senator Blumenthal to Kashyap Patel (Jan. 16, 2025) (on file with the committee);

Letter from Senator Durbin, Ranking Member, to Brian Driscoll, Acting Director of the FBI et. al. (Jan. 27, 2025) (on file with the committee);

Letter from Senate Judiciary Committee Democrats to Kashyap Patel (Feb. 3, 2025) (on file with the committee);

Letter from Senate Judiciary Committee Democrats to the Honorable Pamela Bondi (Feb. 3, 2025) (on file with the committee);

Letter from Senate Judiciary Committee Democrats to Todd Blanche (Feb. 3, 2025) (on file with the committee);

Letter from Senate Judiciary Committee Democrats to James McHenry, Acting Attorney General and Brian Driscoll, Acting Director of the FBI (Feb. 3, 2025) (on file with the committee).

Congress, received similar treatment.<sup>2</sup> This is becoming a pattern, and I will not facilitate a campaign to undermine the results of the election by delaying the consideration of nominees who promise to execute the policies that President Trump ran on and for which the American people elected him.

Moreover, none of the issues raised in your letter justify delay.

You ask for records relating to Mr. Patel's testimony regarding Jack Smith's political persecution of President Trump. While I welcome an investigation into the decisions underlying Jack Smith's overtly political cases that have been rightfully dismissed,<sup>3</sup> I decline to use this nomination as an opportunity to sensationalize the matter against the nominee.

Committee Democrats had ample time to investigate during the last Congress while in the majority. Indeed, with respect to this Jack Smith lawfare case, it involved an unprecedented FBI raid on President Trump's house, including agents who searched the former First Lady's clothing drawers. Hillary Clinton and Joe Biden certainly didn't receive the same treatment regarding their blatant mishandling of highly classified records. As my investigative work exposed years ago, the Obama/Biden administration's FBI treated Clinton with more than kid-gloves. For example, the FBI agreed to limit the scope of review and destroy laptops and records associated with Clinton's staff, knowing that the records were relevant to ongoing congressional investigations.<sup>4</sup> Committee Democrats by and large have remained silent on these very troubling matters of rampant political bias within our law enforcement agencies.

Moreover, with respect to the other Jack Smith lawfare case, as I revealed at Mr. Patel's hearing and again this week, FBI emails prove the genesis of Jack Smith's federal election case against President Trump was drafted, opened, and advanced by a prolific anti-Trump agent who violated FBI rules in opening the matter.<sup>5</sup> Since making that information public, which substantiates this country's concern about political infection within our law enforcement agencies, I've heard no voice of concern from Committee Democrats.

You ask for an additional hearing to address alleged false statements in Committee. Mr. Patel was questioned directly about these statements both in his hearing and in written questions, and he provided answers. Further questioning would serve no purpose but spectacle.

You ask for an additional hearing to question Mr. Patel about recent personnel actions at the FBI. It is manifestly unreasonable to suggest that a nominee, as a private citizen, must answer for government decisions made *prior to* his time at an agency. I would further note that FBI

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<sup>2</sup> See, e.g., Letter from Senator Durbin, Ranking Member, to Evan Turgeon, FARA Unit, Department of Justice National Security Division (Jan. 10, 2025) (on file with the committee); Letter from Senator Durbin, Ranking Member, to Colleen J. Shogan, Archivist of the United States (Jan. 10, 2025) (on file with the committee).

<sup>3</sup> Order Dismissing Appeal, *United States v. Donald Trump, et al.*, ECF 81-2, 24-12311 (11<sup>th</sup> Cir. Nov. 26, 2024).

<sup>4</sup> Letter from Chairman Grassley et al. to the Honorable Loretta Lynch, Attorney General (Oct. 5, 2016).

<sup>5</sup> Press Release: *Grassley, Johnson Make Public Whistleblower Records Revealing DOJ and FBI Plot to Pin Trump in Jack Smith Elector Case*, UNITED STATES SENATE COMMITTEE ON THE JUDICIARY (Jan. 30, 2025).

whistleblowers have approached me and made clear some of those who have been fired retaliated against them. So, in support of whistleblowers, I find it acceptable that they were terminated.

My decision not to hold a second hearing is consistent with the recent Committee practice under Democratic leadership. In 2022, when Committee Republicans asked for a second hearing on the judicial nomination of Nusrat Choudhury to resolve contradictory statements she made before the Committee, our request was summarily denied. Resolving unanswered questions and contradictory statements were not grounds for a second hearing when Democrats were in the majority. And to quote the letter from Chair Durbin responding to our request in 2022, “there cannot be one set of rules for Republicans on this Committee and another set of rules for Democrats.”<sup>6</sup>

There will not be a second hearing, and I plan to hold the vote on Mr. Patel’s nomination as soon as next week.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
Chairman  
Committee on the Judiciary

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<sup>6</sup> Letter from Chair Durbin to Senate Judiciary Committee Republicans (May 23, 2022) (on file with the committee).