

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

February 4, 2025

The Honorable Chuck Grassley  
Chairman  
Senate Judiciary Committee  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Grassley:

To ensure the Senate Judiciary Committee can fulfill its constitutional duty to provide advice and consent on the nomination of Kashyap Patel to be Director of the Federal Bureau of Investigation (FBI), Mr. Patel must clarify apparent falsehoods in his testimony, under oath, during his confirmation hearing. It also is critical that Mr. Patel address a material item that has come to the Committee's attention since his hearing concluded—the recent removals and reassignments of FBI career civil servants. Finally, consistent with Mr. Patel's stated commitment to transparency with Congress,<sup>1</sup> it is imperative that the Committee assess his testimony before the grand jury in connection with the federal investigation of President Trump's retention of classified documents (the "Mar-a-Lago case").

Given the gravity of these matters, which bear directly on Mr. Patel's integrity, his suitability to lead the nation's premier law enforcement agency, and his regard for safeguarding classified information, we ask that the Chairman schedule an additional hearing for Mr. Patel to explain these matters in person.

Consistent with a recent request submitted by the Democratic Members of this Committee to the Department of Justice (DOJ), we also ask that the Committee request on a bipartisan basis that DOJ provide all sections of Volume Two of the "Final Report of the Special Counsel's Investigations and Prosecutions," submitted last month by Special Counsel Jack Smith to Attorney General Garland, that refer or pertain to Mr. Patel's testimony or actions. Now that the government has moved to drop the prosecution of President Trump's co-defendants in the case, no bar stands in the way of disclosing Volume Two of the report.

During his nomination hearing last week, Mr. Patel confirmed that he was subpoenaed to appear before the grand jury examining whether President Trump wrongfully retained national security secrets in the Mar-a-Lago case, asserted his Fifth Amendment right to not incriminate himself, was granted limited immunity to testify before the grand jury, and ultimately was compelled to testify under court order. DOJ reportedly sought Mr. Patel's testimony in response to, among potentially other matters, Mr. Patel's

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<sup>1</sup> During the hearing on his nomination, Mr. Patel testified, "I would love for my grand jury testimony to be released," and further advised, "Get my grand jury testimony. I want it made public. I asked the Department of Justice to make it public, and they refused to do so."

unsubstantiated public assertion that President Trump declassified documents prior to departing office at the end of his first term.<sup>2</sup>

Although there is no legal prohibition<sup>3</sup> barring Mr. Patel from discussing the testimony he provided to the grand jury, Mr. Patel was wholly unwilling to answer questions posed by members of the Committee relating to his grand jury testimony and the circumstances that led him to assert his Fifth Amendment right against self-incrimination.

During his confirmation hearing, Mr. Patel also made false statements on two separate topics. One issue pertains to the so-called “J6 choir,” made up of January 6 insurrectionists imprisoned in the D.C. jail.<sup>4</sup> When Ranking Member Durbin noted that “the performers on this J6 choir were the rioters who were in prison,” Mr. Patel responded, while under oath: “I’m not aware of that, sir. I didn’t have anything to do with the recording.”<sup>5</sup> This statement directly contradicts Mr. Patel’s numerous prior public statements regarding the recording, as he has acknowledged previously that he was well aware the choir was made up of imprisoned January 6 insurrectionists and has taken credit for the record’s production. For example, on March 10, 2023, Mr. Patel appeared on Steve Bannon’s *War Room* podcast and stated:

The Jan 6 prisoners sing the national anthem every night, for 700 straight plus nights from the jails themselves. So what we thought would be cool is if 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.<sup>6</sup>

The same day, Mr. Patel wrote on Truth Social that the “J6 Prison Choir consists of individuals who have been incarcerated as a result of their involvement in the January 6, 2021, protest for election integrity.”<sup>7</sup> The next day, Mr. Patel appeared on *Breitbart News Saturday* and suggested that he was familiar with the individuals in the choir. When asked to identify the choir members and share their stories, Mr. Patel responded, “we’re not going to get into names, um, to protect them. But basically these are folks who we

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<sup>2</sup> Carol D. Leonnig, Devlin Barrett, and Josh Dawsey, *Trump loyalist Kash Patel questioned before Mar-a-Lago grand jury*, WASH. POST (Nov. 4, 2022), <https://www.washingtonpost.com/national-security/2022/11/03/kash-patel-grand-jury-trump/>.

<sup>3</sup> See, e.g., *In re Grand Jury*, 490 F.3d 978, 989 (D.C. Cir. 2007) (“[G]rand jury witnesses are under no legal obligation of secrecy. A grand jury witness is legally free to tell, for example, his or her attorney, family, friends, associates, reporters, or bloggers what happened in the grand jury. For that matter, the witness can stand on the courthouse steps and tell the public everything the witness was asked and answered.” (citing Fed. R. Crim. P. 6(e)(2)(A)-(B))).

<sup>4</sup> Isaac Arnsdorf et al., *Behind Trump’s musical tribute to some of the most violent Jan. 6 rioters*, WASH. POST (May 4, 2023), <https://www.washingtonpost.com/investigations/interactive/2023/trump-j6-prison-choir/>.

<sup>5</sup> Associated Press, *LIVE: Kash Patel’s confirmation hearing for FBI director*, YouTube (Jan. 30, 2025), <https://youtu.be/0YPoHEUIFNw?t=7159>.

<sup>6</sup> Bannon’s War Room, “Justice For All” Music Video Released | Performed By The J6 Choir And President Donald J. Trump, Rumble (Mar. 10, 2023), [https://rumble.com/v2cioyy-justice-for-all-music-video-released-performed-by-the-j6-choir-and-presiden.html?e9s=src\\_v1\\_ucp](https://rumble.com/v2cioyy-justice-for-all-music-video-released-performed-by-the-j6-choir-and-presiden.html?e9s=src_v1_ucp).

<sup>7</sup> Kash Patel (@Kash), Truth Social (Mar 10, 2023, 3:11 PM), <https://truthsocial.com/@Kash/110000807494895180>.

believe were overcharged and are suffering from the violation of due process the Constitution affords them.”<sup>8</sup>

Mr. Patel also again personally took credit for producing the record. He stated:

We got this idea to record the January 6 prisoners who recite the national anthem every night from the D.C. prison for the last 750 consecutive nights. Then we took that to studio, and we called Donald Trump and we said, you know, and of course he was so generous to lend his voice and time. We said, sir, we know you love the Jan 6 families, let’s put a song together, and let’s take all the net proceeds, and donate it back to Jan 6 families. So we mastered and digitized that, and we called it the Jan 6 Prison Choir and Donald J. Trump, and it’s named ‘Justice for All.’<sup>9</sup>

Furthermore, Mr. Patel claimed, “We literally recorded them on a phone because they wouldn’t let us in the prison, and we mastered and digitized them. It’s their voices on the phone, nobody else. Them and Donald J. Trump.”<sup>10</sup> Later in the interview, Mr. Patel stated:

Special shout out to Ed Henry and Pyramid Records and some of the folks at Real America’s Voice that helped get us this project, the J6 Prison Choir project, off the ground and to fruition. It was a monumental lift where people just expensed money and time and didn’t ask for anything in return. So we’re just super proud that—I’m super thrilled to have been a small part of it (emphasis added).<sup>11</sup>

On March 16, 2023, Mr. Patel participated in another interview with *Breitbart*; the resulting article states that, “Patel, who served as a national security official during the Trump administration, played an integral role in producing ‘Justice for All.’”<sup>12</sup>

On March 18, 2023, he wrote on Truth Social: “45 on a 45, limited edition collectors [sic] item- get your ‘Justice for All’ Vinyl record... yes we did that” (emphasis added).<sup>13</sup> A few days later, on March 21, 2023, Mr. Patel wrote the following message on Truth Social: “Buh Bye Miley, Taylor, Rihanna, and all the rest who spent Millions trying for the coveted Number 1 spot. Hello new Music Mogul @realDonaldTrump. We just took a flame thrower to the music industry” (emphasis added).<sup>14</sup> On May 4, 2023, the *Washington Post* identified Mr. Patel as one of two Trump allies who had “produced” the

<sup>8</sup> “Kash Patel,” *Breitbart News* Saturday (Mar. 11, 2023), [https://w.soundcloud.com/player/?visual=true&url=https%3A%2F%2Fapi.soundcloud.com%2Ftracks%2F1466748889&show\\_artwork=true&maxheight=960&maxwidth=640](https://w.soundcloud.com/player/?visual=true&url=https%3A%2F%2Fapi.soundcloud.com%2Ftracks%2F1466748889&show_artwork=true&maxheight=960&maxwidth=640).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Jordan Dixon-Hamilton, *Exclusive—Apple Removes Donald Trump’s Song with J6 Prison Choir from iTunes*, *BREITBART* (Mar. 16, 2023), <https://www.breitbart.com/politics/2023/03/16/exclusive-apple-removes-donald-trumps-song-with-j6-prison-choir-from-itunes/>.

<sup>13</sup> Kash Patel (@Kash), Truth Social (Mar 18, 2023, 10:45 AM), <https://truthsocial.com/@Kash/110044822678895270>.

record.<sup>15</sup> Mr. Patel either lied when he told the Committee that he “didn’t have anything to do with the recording” of the J6 choir, or he was lying when he repeatedly took credit for the recording.

During his hearing, Mr. Patel also testified that he was unfamiliar with Stewart Peters. After Senator Durbin asked if he was familiar with Mr. Peters, Mr. Patel responded, “I’m sorry, what?” After Senator Durbin posed the question again, Mr. Patel responded, “Not off the top of my head.”<sup>16</sup> Mr. Patel’s response is simply not credible. According to his Senate Judiciary Questionnaire, he has appeared on Mr. Peters’s podcast on eight separate occasions in recent years.<sup>17</sup> Mr. Peters also directly refuted Mr. Patel’s testimony in the days following his hearing, stating, “clearly, Kash Patel is lying.” He further claimed that Mr. Patel’s charity assisted him with a lawsuit and that he and Mr. Patel “exchanged contact information, and we directly text via personal cell phones constantly.”<sup>18</sup>

The information that has come to light about Mr. Patel’s relationship with Mr. Peters following his hearing suggests that Mr. Patel’s sworn testimony to the Committee was not truthful.

Following Mr. Patel’s hearing and the deadline for submissions of questions for the record, there have been a number of alarming developments at the FBI that Mr. Patel must address before this Committee can appropriately consider his nomination. On January 31, Acting Deputy Attorney General Emil Bove removed all six FBI Executive Assistant Directors (EADs), including the EADs who oversee the National Security Branch, the Intelligence Branch, and the Criminal, Cyber, Response, and Services Branch,<sup>19</sup> as well as the Assistant Directors<sup>20</sup> and Special Agents in Charge of at least four major field offices.<sup>21</sup> In the memo ordering these actions, Mr. Bove also directed

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<sup>14</sup> David Klepper, *Music to Trump’s ears: Whitewashing Jan. 6 riot with song*, A.P. (Apr. 21, 2023), <https://apnews.com/article/j6-choir-trump-national-anthem-capitol-riot-79618f1f2a689c308dfdc34d54d327ea>.

<sup>15</sup> Isaac Arnsdorf, Meg Kelly, Rachel Weiner and Tom Jackman, *Behind Trump’s Musical Tribute to Some of the Most Violent Jan. 6 Rioters*, WASH. POST (May 4, 2023).

<sup>16</sup> Associated Press, *LIVE: Kash Patel’s confirmation hearing for FBI director*, YouTube (Jan. 30, 2025), <https://youtu.be/0YPoHEUIFNw?t=7348>.

<sup>17</sup> SJQ Appendix 12(e) at 5, 8-10, 12-13, 18.

<sup>18</sup> Stew Peters Network, *US Senator Calls Stew Peters a “Neo-Nazi” on Capitol Hill, TPUSA “Influencer” RUNS Away LIVE On-Air!*, Rumble (Jan. 30, 2024), [https://rumble.com/v6f3ija-us-senator-calls-stew-peters-a-neo-nazi-on-capitol-hill-tpusa-influencer-ru.html?e9s=src\\_v1\\_ucp](https://rumble.com/v6f3ija-us-senator-calls-stew-peters-a-neo-nazi-on-capitol-hill-tpusa-influencer-ru.html?e9s=src_v1_ucp).

<sup>19</sup> Ken Dilanian, Tom Winter, & Zoë Richards, *Several top FBI officials are told to resign or be fired as Trump continues federal purge*, NBC NEWS (updated Jan. 31, 2025), <https://www.nbcnews.com/politics/justice-department/several-top-fbi-officials-are-told-resign-face-demotion-trump-continue-rcna190095>; Ken Dilanian, et al., *Trump administration forces out multiple senior FBI officials and January 6 prosecutors*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-forces-multiple-senior-fbi-officials-rcna190138>.

<sup>20</sup> Michael Kosnar, Ken Dilanian, & Ryan J. Reilly, *Head of FBI Washington Field Office is forced out*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/justice-department/head-fbi-washington-field-office-forced-trump-administration-purge-rcna190223>.

<sup>21</sup> Ken Dilanian, Tom Winter & Zoë Richards, *Several top FBI officials are told to resign or be fired as Trump continues federal purge*, NBC NEWS (Jan. 30, 2025), <https://www.nbcnews.com/politics/justice->

Acting FBI Director Brian Driscoll to provide the names of all FBI personnel who worked on investigations related the January 6, 2021 insurrection at the U.S. Capitol and an unrelated terrorism case for termination, and warned that “additional personnel actions” could follow.<sup>22</sup>

These personnel actions contradict commitments made by Mr. Patel under oath before the Committee. Mr. Patel testified that “all FBI employees will be protected against political retribution,” “every FBI employee will be held to the absolute same standard, and no one will be terminated for case assignments,” “the FBI must be independent from individuals like Elon Musk making decisions about personnel,” and he “will honor the internal review process of the FBI.”<sup>23</sup> Mr. Patel must testify under oath regarding whether he was consulted about these personnel actions, and, if not, what he will do to reverse them if he is confirmed.

In order to discharge our constitutional duty, we must have a full and accurate understanding of Mr. Patel’s record. The Committee must fulfill its responsibility to the American people and the 38,000 employees of the FBI nationwide to ensure that a Director confirmed by the Senate possesses the requisite characteristics of truthfulness, trustworthiness, and regard for the protection of classified information befitting of the FBI.

That is why we urge you to work with us to make a bipartisan request to DOJ asking the Department to provide any and all sections of Volume Two of the “Final Report of the Special Counsel’s Investigations and Prosecutions” that refer or pertain to Mr. Patel’s testimony or actions; that you schedule an additional hearing for Mr. Patel to answer questions about the foregoing issues under oath, including his grand jury testimony in the Trump classified documents case, the recent removals and reassignments of FBI career civil servants, and Mr. Patel’s previous false testimony; and that you delay consideration of Mr. Patel’s nomination until he testifies before the Committee and the Committee has had sufficient time to review the requested materials on a bipartisan basis.

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department/several-top-fbi-officials-are-told-resign-face-demotion-trump-continue-rcna190095; Ken Dilanian, et al., *Trump administration forces out multiple senior FBI officials and January 6 prosecutors*, NBC NEWS (Jan. 31, 2025), <https://www.nbcnews.com/politics/national-security/trump-administration-forces-multiple-senior-fbi-officials-rcna190138>; Kerry Picket, *FBI purge: 20+ top officials ousted in sweeping shake-up*, WASH. TIMES (Jan. 31, 2025), <https://www.washingtontimes.com/news/2025/jan/31/top-fbi-officials-terminated-forced-quit/>.

<sup>22</sup> Dep’t of Justice, Memorandum from Acting Deputy Attorney General to Acting Director of the FBI, *Terminations* (Jan. 31, 2025) (on file with Committee); Jeremy Roebuck et al., *Justice Department orders FBI purge, review of staff who touched Jan. 6 cases*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/national-security/2025/01/31/fbi-considering-mass-purge-agents-involved-trump-investigations/>.

<sup>23</sup> *Nomination of Kashyap Patel to be Director of the Federal Bureau of Investigation*, S. Comm. on the Judiciary, 119th Cong. (Jan. 30, 2025).

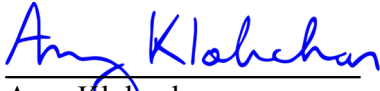
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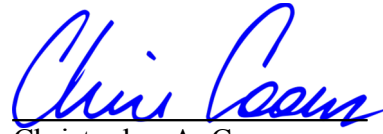
Richard J. Durbin  
United States Senator



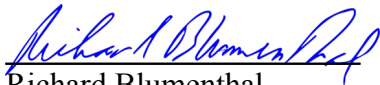
Sheldon Whitehouse  
United States Senator



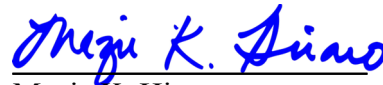
Amy Klobuchar  
United States Senator



Christopher A. Coons  
United States Senator



Richard Blumenthal  
United States Senator



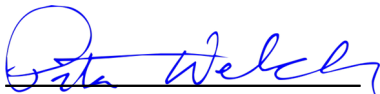
Mazie K. Hirono  
United States Senator



Cory A. Booker  
United States Senator



Alex Padilla  
United States Senator



Peter Welch  
United States Senator



Adam B. Schiff  
United States Senator