



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

The Honorable Charles Grassley
Chairman, Senate Judiciary Committee
United States Senate

The Honorable Richard Durbin
Ranking Member, Senate Judiciary Committee
United States Senate

January 29, 2025

Re: Kash Patel Nomination to be FBI Director

Dear Chairman Grassley and Ranking Member Durbin:

My organization, Citizens for Responsibility and Ethics in Washington (CREW), is a nonpartisan nonprofit organization dedicated to preserving and strengthening our democracy. Among our other work, CREW aims to ensure the continued effective functioning of our government institutions, and to curb the abuse and weaponization of government power to violate civil liberties. I write today to urge the Senate to oppose Kash Patel's nomination to be Director of the Federal Bureau of Investigation (FBI) both because he is unqualified for the position and because of his stated desire to use the FBI to seek retribution against his perceived political rivals.

Mr. Patel lacks the experience necessary to serve as FBI director. He has never held a management position in the executive branch, let alone led an agency as integral to national security and public safety as the FBI.¹ His work for four years as a trial attorney in the Department of Justice (DOJ) is his only experience in federal law enforcement. His executive branch experience writ large is also slim, as he served less than two years as a staff member at the National Security Council and Office of the Director of National Intelligence and just three months as chief of staff to the acting Secretary of Defense at the end of the first Trump administration.² These past positions are inadequate preparation to lead an organization of

¹ U.S. Department of Defense, *Kashyap P. Patel, Esq.*,
<https://www.defense.gov/About/Biographies/Biography/Article/2418491/kashyap-p-patel>.

² Press Release, U.S. Department of Defense, DOD Statement on Personnel Changes at the Pentagon (Nov. 10, 2020),
<https://www.defense.gov/News/Releases/Release/Article/2411893/dod-statement-on-personnel-changes-at-the-pentagon>.

38,000 employees which has personnel in 55 field offices in the United States and legal attache offices in 62 foreign countries.³

This lack of experience stands in stark contrast to the credentials of past FBI directors. Christopher Wray, James Comey and Robert Mueller—the three most recent FBI directors— all served as high-ranking DOJ officials prior to their nominations. Wray was previously the head of DOJ’s criminal division, overseeing large-scale investigations.⁴ Comey served as a U.S. attorney and as deputy attorney general.⁵ Mueller held all three roles in an acting or permanent capacity prior to his nomination.⁶ This wealth of experience in high-ranking, managerial, Senate-confirmed DOJ positions shows that, despite any disagreements with substantive choices made during their tenure, they had the experience, skill and knowledge necessary to lead a large and hugely consequential federal agency.

Mr. Patel’s lack of qualifications for this position is underscored by the fierce opposition that several high-ranking government employees had to his employment in senior positions during President Trump’s first term. President Trump’s then-CIA director, Gina Haspel, threatened to resign if Mr. Patel was made her deputy. When President Trump considered appointing Mr. Patel to be FBI deputy director during his first term, then-Attorney General Bill Barr dismissed the idea, telling then-Chief of Staff Mark Meadows that it would only happen “over my dead body.”⁷

Further, Mr. Patel’s public remarks since the end of the first Trump administration make clear that he should not be trusted at the helm of the FBI’s massive surveillance and law enforcement apparatus. Mr. Patel’s promise to use civil and criminal legal means to “come after” perceived “conspirators not just in government, but in the media” was chilling when made as a mere civilian in 2023. Read now as a promise by the nominee to lead the FBI, it is disqualifyingly dangerous.⁸ The job of the FBI is to protect public safety, not to settle grievances. The use of the FBI in such a manner would be dangerous to a free society.

Mr. Patel has given ample reason to believe that he intends to make good on the promise to “come after” perceived political foes. Mr. Patel’s published list of approximately 60 former

³ Federal Bureau of Investigation, *Internal Operations*, <https://www.fbi.gov/about/leadership-and-structure/international-operations>.

⁴ Federal Bureau of Investigation, *Christopher Wray, August 2, 2017 - Present*, <https://www.fbi.gov/history/directors/christopher-wray>.

⁵ Federal Bureau of Investigation, *James B. Comey, September 4, 2013 - May 9, 2017*, <https://www.fbi.gov/history/directors/james-b-comey>.

⁶ Federal Bureau of Investigation, *Robert S. Mueller, III, September 4, 2001- September 4, 2013*, <https://www.fbi.gov/history/directors/robert-s-mueller-iii>.

⁷ Jonathan Swan, *Episode 5: The secret CIA plan*, Axios (Jan. 18, 2021), <https://www.axios.com/2021/01/18/off-the-rails-trump-cia-kash-patel>; Devlin Barrett and Maggie Haberman, *Trump Says He Will Nominate Kash Patel to Run F.B.I.*, N.Y. Times (Nov. 30, 2024), <https://www.nytimes.com/2024/11/30/us/politics/trump-replace-christopher-wray.html>.

⁸ Lalee Ibssa and Soo Rin Kim, *Kash Patel tells members of media, government: 'We're going to come after you' in Trump's 2nd term*, ABC News (Dec. 6, 2023), <https://abcnews.go.com/US/kash-patel-tells-members-media-government-after-trumps/story?id=105432592>.

“members of the executive branch deep state”—which includes both former Biden administration officials and officials from the first Trump administration who resisted President Trump’s authoritarian impulses—suggests potential conduct that is particularly threatening if wielded by an FBI director.⁹ His persistent mischaracterizations of the January 6, 2021 attack on the Capitol, including asserting that the FBI planned the attack,¹⁰ suggest that he is willing to pursue courses of action, even if not supported by fact, in order to achieve his aims. And the alignment of his threats both with President Trump’s myriad promises of retribution during the 2024 presidential campaign and Trump’s moves during his first week back in office to remove his perceived enemies from government employment suggests that Mr. Patel’s bid to lead the FBI could well usher in an era of retribution.¹¹

History illustrates the dangers of a weaponized FBI. From 1956-71, the Bureau maintained COINTELPRO, a secretive series of operations aimed at surveilling, infiltrating and disrupting a wide range of social and political advocacy groups in excess of its legal authority.¹² Targets of the program were determined insularly by Bureau leadership.¹³ Under the auspices of COINTELPRO, the FBI used its vast powers to limit First Amendment freedoms, harass civil rights activists (including Dr. Martin Luther King) and endanger law-abiding citizens.¹⁴ Ignoring statutory restrictions and utilizing the “techniques of wartime,” for fifteen years the FBI conducted a renegade, extralegal campaign of persecuting American civilians “because of their political views” and to “serve[] the political and personal objectives of presidents,” all while escaping accountability from Congress, courts and the public.¹⁵ If the Senate confirms Mr. Patel, it invites the risk that he will abuse the enormous powers of the FBI in a similar fashion to harass and threaten his and President Trump’s perceived opponents in service of President Trump rather than the Constitution.

Focusing the FBI on a crusade of retribution is terrifying in its own right. But it is also important to realize that implementing Mr. Patel’s desired campaign would require diverting FBI resources from crucial programs that keep Americans safe, including efforts to investigate, disrupt and prevent terrorism, cybercrime, transnational organized crime and

⁹ Sonam Sheth, *Full List of Kash Patel's 'Government Gangsters' Who Could Be Targeted*, Newsweek (Dec. 2, 2024), <https://www.newsweek.com/kash-patel-list-officials-targeted-fbi-doj-trump-1994417>.

¹⁰ Charlie Savage, Adam Goldman and Alan Feuer, *F.B.I. Pick Pushed False and Misleading Claims About Trump Investigations*, N.Y. Times (Jan. 23, 2025), <https://www.nytimes.com/2025/01/23/us/politics/kash-patel-trump-fbi-inquiries.html>.

¹¹ Tom Dreisbach, *Trump has made more than 100 threats to prosecute or punish perceived enemies*, NPR (Oct. 22, 2024), <https://www.npr.org/2024/10/21/nx-s1-5134924/trump-election-2024-kamala-harris-elizabeth-cheney-threat-ci-vil-liberties>; Jeremy Herb, Hannah Rabinowitz and Evan Perez, *Trump touts political firings and retribution as he begins a government overhaul in his image*, CNN (Jan. 21, 2025), <https://www.cnn.com/2025/01/21/politics/trump-touts-political-firings-and-retribution-and-installs-loyalists-at-key-posts/index.html>.

¹² S. Rep. No. 94-755, Book III, at 3, 10 (1976), https://www.intelligence.senate.gov/sites/default/files/94755_III.pdf.

¹³ *Id.* at 11.

¹⁴ *Id.* at 5, 27, 46, 81.

¹⁵ *Id.* at 7; S. Rep. No. 94-755, Book II, at 5 (1976), https://www.intelligence.senate.gov/sites/default/files/94755_II.pdf.

other forms of violent crime. Diverting resources from these programs will make your constituents less safe and will increase the chance that malicious actors can harm Americans at home and abroad. It should be uncontroversial to say that the American people will be safer if the FBI focuses on preventing terrorism and violent crime rather than if it uses its precious resources to implement an agenda of retribution.

Mr. Patel is unqualified to lead the Bureau, and his past remarks raise the distinct possibility that under his leadership the FBI will abuse its massive surveillance and law enforcement infrastructure in a fashion that harkens back to the Bureau's darkest days. The FBI is too powerful and too important an institution to be used as a political pawn. It should not be placed into the hands of someone who has not demonstrated the skills, knowledge or temperament to lead it. We urge the Senate to reject Kash Patel's nomination for FBI director.

Sincerely,

A handwritten signature in blue ink, appearing to read "Noah Bookbinder". The signature is stylized and fluid, with a prominent "N" and "B".

Noah Bookbinder
President and Chief Executive Officer
Citizens for Responsibility and Ethics in
Washington (CREW)

Cc: Members of the Senate Judiciary Committee