

**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.