

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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October 27, 2025

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Director Patel:

The Committee on the Judiciary is continuing to conduct oversight of the Biden-Harris Federal Bureau of Investigation's (FBI) Security Division's (SecD) misuse of the security clearance investigative process against whistleblowers.¹ In particular, Special Agent Valentine Fertitta has faced retaliation from the FBI after blowing the whistle about the misuse of law-enforcement authorities. According to documents available to the Committee, the FBI during the Biden-Harris Administration even tried to compel Mr. Fertitta's wife, former Special Agent Emily Fertitta, to testify about her husband without the opportunity to accept advice from an attorney. Therefore, the Committee requests further information related to SecD's investigation into both Mr. and Mrs. Fertitta.

Since May 2021, Mr. Fertitta has been subjected to retaliation by the FBI after he blew the whistle about the FBI's misuse of certain national security authorities. Since then, SecD has needlessly prolonged the security clearance investigative process against Mr. Fertitta and even compelled Mrs. Fertitta to sit for a two-day interview with SecD investigators to gather information about her husband.²

Documents available to the Committee show that SecD investigators denied Mrs. Fertitta the right to receive advice from an attorney during her interview and the opportunity to review FBI guidelines regarding the interview process beforehand. On May 17, 2024, a SecD investigator emailed Mrs. Fertitta to confirm her interview with investigators on May 22 and

¹ See *Hearing on the Weaponization of the Federal Government: Hearing Before the Select Subcomm. on the Weaponization of the Fed. Gov't of the H. Comm. on the Judiciary*, 118th Cong. (Sept. 25, 2024).

² Email from SecD Investigators, Fed. Bureau of Investigation, to Mrs. Emily Fertitta, Special Agent, Fed. Bureau of Investigation (May 17, 2024 at 8:52 AM) (on file with the Comm.).

May 23, 2024.³ Later that day, Mrs. Fertitta responded, requesting more information about the interview, including the “[n]ame of pertinent policy guides and manuals that will be referenced” and “who may accompany me as my representative or support.”⁴ Three days later, on May 20, a different SecD investigator responded to Mrs. Fertitta, stating that such “policy guides, manuals, and an agenda or outline concerning the interview will not be provided” and that while an attorney may be present during her interview, “an attorney may not be able to give you advice during the interview, nor ask any questions or prevent you from answering your questions during the interview. Essentially, he/she will just sit there silently.”⁵

To determine an individual’s eligibility for holding a security clearance, the FBI adheres to the security clearance adjudicative standards in the Security Executive Agent Directive (SEAD 4) Adjudicative Guidelines, issued by the Office of the Director of National Intelligence.⁶ During the security clearance adjudication process, the SEAD 4 Guidelines do not justify the denial of spousal privilege or empower the FBI to deny employees’ rights guaranteed under the Constitution. However, with the evidence available to the Committee, it appears that the Biden-Harris Administration did not follow the SEAD 4 Guidelines, therefore denying Mr. and Mrs. Fertittas’ constitutional rights.⁷ Accordingly, to advance our oversight, we request that you produce the following materials:

1. All documents and communications referring or relating to the FBI Security Division’s security clearance investigation of Special Agent Valentine Fertitta; and
2. All documents and communications referring or relating to the FBI Security Division’s investigation of former Special Agent Emily Fertitta.

Please provide this information as soon as possible but no later than November 10, 2025.

We appreciate your leadership in refocusing the FBI on its public-safety mission and improving its transparency and accountability. Pursuant to the Rules of the House of Representatives, the Judiciary Committee is authorized to conduct oversight of the FBI.⁸

³ Email from SecD Investigators, Fed. Bureau of Investigation, to Mrs. Emily Fertitta, Special Agent, Fed. Bureau of Investigation (May 17, 2024 at 8:52 AM) (on file with the Comm.).

⁴ Email from Mrs. Emily Fertitta, Special Agent, Fed. Bureau of Investigation, to SecD Investigators, Fed. Bureau of Investigation (May 17, 2024 at 2:18 PM) (on file with the Comm.).

⁵ Email from SecD Investigators, Fed. Bureau of Investigation, to Mrs. Emily Fertitta, Special Agent, Fed. Bureau of Investigation (May 20, 2024 at 11:29 AM) (on file with the Comm.).

⁶ Security Exec. Agent Directive 4, National Security Adjudicative Guidelines, (O.D.N.I. 2017) www.dni.gov/index.php/ncsc-how-we-work/ncsc-security-executive-agent/ncsc-policy (last visited on Oct. 14, 2025).

⁷ *Id.*

⁸ Rules of the U.S. House of Representatives, R. X (2025).

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We look forward to continuing to work with you to support the men and women of the FBI in their important public-safety mission. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Chairman

A handwritten signature in blue ink that reads "Jen A. Kiggans". The signature is stylized with a large, looping "J" and a cursive "Kiggans".

Jen A. Kiggans
Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member