

# United States Senate

WASHINGTON, DC 20510

March 3, 2026

Don R. Berthiaume  
Acting Inspector General  
U.S. Department of Justice  
Office of the Inspector General  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

Dear Mr. Berthiaume:

We write to request that the Justice Department's Office of the Inspector General open an investigation into the FBI's seizure of election records in Fulton County, Georgia, on January 28, 2026. Much merits scrutiny.

First, the manner in which the search warrant was obtained and the search conducted violated customary protocol in multiple ways that left unnecessary openings for a criminal defendant to investigate and challenge the prosecution. Was that sloppiness, or worse? Let's review the procedure utilized.

The search warrant for election records in Fulton County, Georgia, originated from a U.S. Attorney in Missouri. Customarily, even in an investigation across districts, the local U.S. Attorney would issue the warrant for a search within their jurisdiction.<sup>1</sup> In this case, the U.S. Attorney for the relevant jurisdiction was cut out.<sup>2</sup> Further, the FBI special agent in charge of the Atlanta field office was reportedly forced out days before the search after he refused to participate.<sup>3</sup>

Additionally, the affidavit underlying the search warrant revealed that the criminal investigation originated from a referral by White House lawyer Kurt Olsen. Courts sanctioned Olsen for making false claims about elections in Arizona, and the Arizona State Bar disciplined him for

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<sup>1</sup> Anna Bower et al., *We Have Questions About the FBI's Fulton County Search*, LAWFARE (Jan. 30, 2026), <https://www.lawfaremedia.org/article/we-have-questions-about-the-fbi-s-fulton-county-search> (“[T]here’s no clear jurisdictional hook in the Eastern District of Missouri that would explain why its U.S. attorney, Thomas Albus, is on the warrant for the Fulton County search rather than the U.S. attorney for the Northern District of Georgia, where Fulton County is located.”). If the Department centralized a national investigation in the Eastern District of Missouri, that still does not explain why protocol with respect to out-of-district warrants was not followed.

<sup>2</sup> Sarah Fitzpatrick & Yvonne Wingett Sanchez, *It's a Five-Alarm Fire*, ATLANTIC (Jan. 30, 2026), <https://www.theatlantic.com/politics/2026/01/trumps-doj-2020-election-search-warrant-fulton-county/685817/> (“Multiple people familiar with the matter said the U.S. Attorney’s Office for the Northern District of Georgia had no substantive role in the Fulton search or in the investigation from which it stemmed. Albus, they said, contacted the local office earlier this month, but did not share the affidavit or other substantive information about the scope or target of the investigation at the time.”)

<sup>3</sup> Ken Dilanian & Ebony Davis, *Atlanta FBI boss ousted after balking at 2020 election probe*, MS NOW (Jan. 30, 2026), <https://www.ms.now/news/atlanta-fbi-boss-ousted-after-balking-at-2020-election-probe>.

that misconduct.<sup>4</sup> According to recent reporting, the Missouri U.S. Attorney who issued the warrant, Thomas Albus, met last fall with Department of Justice official Ed Martin and Olsen about “election integrity.”<sup>5</sup> Both Martin and Olsen worked on Trump’s behalf to overturn the 2020 election results.<sup>6</sup> Martin until recently led the “Weaponization Working Group” at the Department of Justice and previously unsuccessfully tried to obtain election records from Fulton County.<sup>7</sup> None of that background was in the affidavit.

The Director of National Intelligence Tulsi Gabbard and FBI co-Deputy Director Andrew Bailey attended the search, creating unnecessary vulnerabilities for a prosecution. As far as we are aware, no Director of National Intelligence has ever been present at this kind of domestic law enforcement search. We are also not aware of such a senior FBI official showing up at such a search. Anyone present at a search is a witness to the conduct of the search, and a future defendant alleging an unlawful search could call DNI Gabbard or FBI co-Deputy Director Bailey as a witness and question why they were there, what they saw, and what they were told, among other things.<sup>8</sup> This is why, as both U.S. Attorneys and state Attorneys General, we did not attend searches. The so-called Weaponization Working Group, supposedly stood up by DNI Gabbard,<sup>9</sup> operates secretly across multiple federal agencies.<sup>10</sup> Putting DNI Gabbard at the scene would open up avenues of discovery by a defendant into the machinations of that secretive working group — unless it were never intended that there be a defendant. See more below.

After the search, Trump called DNI Gabbard to praise and thank the agents for seizing the election records.<sup>11</sup> This action was not only a gross violation of normal prosecutorial protocols, but also likely discoverable by a defendant seeking to show vindictive or selective prosecution, or to otherwise discredit the government for bad faith.<sup>12</sup>

All these violations of prosecutorial protocols and norms are concerns a defendant would predictably want to investigate to make a case for vindictive, bad-faith or selective prosecution. Veering from normal standards opens up unnecessary risks to the prosecution, so why did those orchestrating the search not simply follow normal procedures?

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<sup>4</sup> Doug Bock Clark & Jeremy Kohler, *What Meetings Among Trump Lawyers Reveal About the FBI’s Seizure of Election Records in Georgia*, PROPUBLICA (Feb. 13, 2026), <https://www.propublica.org/article/thomas-albus-fulton-county-georgia-election-records>; *See In the Matter of Kurt Olsen*, No. PDJ 2024-9004 (Decision and Order of Presiding Disciplinary Judge Oct. 17, 2024)

<sup>5</sup> Clark & Kohler, *What Meetings Among Trump Lawyers Reveal About the FBI’s Seizure of Election Records in Georgia*, *supra* note 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Anna Bower et al., *We Have Questions About the FBI’s Fulton County Search*, *supra* note 1.

<sup>9</sup> Ja’han Jones, *Trump admin has created an interagency group to address ‘weaponization’ of government*, MS NOW (Oct. 23, 2025), <https://www.ms.now/top-stories/latest/trump-weaponization-group-gabbard-bondi-patel-rca239247>.

<sup>10</sup> Jonathan Landay et al., *Exclusive: Wide-ranging group of US officials pursues Trump’s fight against ‘Deep State’*, REUTERS (Oct. 20, 2025), <https://www.reuters.com/world/us/wide-ranging-group-us-officials-pursues-trumps-fight-against-deep-state-2025-10-20/>.

<sup>11</sup> William K. Rashbaum et al., *Trump Had Unusual Call With F.B.I. Agents After Election Center Search*, N.Y. TIMES (Feb. 2, 2026), <https://www.nytimes.com/2026/02/02/us/politics/trump-fbi-phone-call-georgia-gabbard.html>.

<sup>12</sup> *Id.*

The two most logical conclusions are (1) spectacular incompetence, or (2) that no one cared because no one expected there ever to be a criminal defendant. If the latter, that would be because the true purpose was to seize the documents, not to pursue any criminal investigation. If the seizure of election records was the true purpose, the search warrant falsely claimed it was for purposes of a criminal investigation — a pretext. DOJ officials had tried multiple times unsuccessfully to gain access to the election documents.<sup>13</sup> Clearly those who orchestrated the search wanted those documents; a sham criminal investigation may have been their last resort. Mr. Martin has pursued sham criminal investigations in an effort to obtain seizures in at least one other case. See more on that below.

Second, the affidavit underlying the search warrant is peculiar, failing to fully disclose the links among multiple witnesses and their connections to a failed election denial network. In addition to the criminal investigation originating from discredited election denier Kurt Olsen, most of the witnesses who supplied the supposed facts to establish probable cause have been identified as known election deniers and skeptics whose claims about irregularities in the 2020 election have been debunked.<sup>14</sup>

- Witness 1 has been identified as Joe Rossi, who filed a debunked complaint using incorrect calculations with the Georgia secretary of state about the 2020 election.<sup>15</sup>
- Witness 2 has been identified as Janice Johnston, a member of Georgia’s State Election Board who questioned the results of the 2020 election and advocated for another state investigation into the 2020 election.<sup>16</sup>

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<sup>13</sup> See, e.g., Press Release, *Justice Department Sues Four Additional States and One Locality for Failure to Comply with Federal Elections Laws* (Dec. 12, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-four-additional-states-and-one-locality-failure-comply-federal>; Caleb Groves, *DOJ asked for 2020 election records. Fulton County responded: By ignoring it.*, ATLANTA J.-CONST. (Nov. 11, 2025),

<https://www.ajc.com/politics/2025/11/trumps-doj-is-fixated-on-the-2020-election-fulton-officials-wont-budge>; Letter from Edward R. Martin, Jr., Assoc. Deputy Att’y Gen., Dep’t of Just., to Robert C.I. McBurney, J., Superior Ct. of Fulton Cnty. (Aug. 25, 2025), <https://x.com/CletaMitchell/status/1983657891224809778/photo/1>.

<sup>14</sup> See, e.g., Charles Minshew et al., *Read the annotated FBI affidavit used to seize Fulton ballots*, ATLANTA J.-CONST., <https://www.ajc.com/sp/annotated-the-fbis-affidavit-in-support-of-fulton-county-search/>; Stephen Fowler, *The FBI seizure of Georgia 2020 election ballots relies on debunked claims*, NPR (Feb. 11, 2026), <https://www.npr.org/2026/02/10/nx-s1-5710649/fulton-county-2020-election-affidavit-fbi>; Ashley Cleaves & Matt Cohen, *FBI’s Fulton County raid was based on reams of debunked 2020 fraud claims from election deniers, records show*, DEMOCRACY DOCKET (Feb. 10, 2026), <https://www.democracymonitors.com/news-alerts/https-www-democracymonitors-com-news-alerts-fbis-fulton-county-raid-was-based-on-reams-of-debunked-2020-fraud-claims-from-election-deniers-records-show>; Doug Bock Clark, *The Conservative Researcher Being Linked to the FBI’s Seizure of Election Records in Georgia*, PROPUBLICA (Feb. 9, 2026), <https://www.propublica.org/article/kevin-moncla-election-researcher-fulton-county-georgia>.

<sup>15</sup> Charles Minshew et al., *Read the annotated FBI affidavit used to seize Fulton ballots*, *supra* note 14; Stephen Fowler, *The FBI seizure of Georgia 2020 election ballots relies on debunked claims*, *supra* note 14; Aaron Blake, *Trump lawyers’ doozy of a filing on voter fraud*, WASH. POST (Jan. 3, 2024), <https://www.washingtonpost.com/politics/2024/01/03/trump-lawyers-doozy-filing-voter-fraud>.

<sup>16</sup> Alan Feuer et al., *How an F.B.I. Affidavit to Seize Ballots Relied on Debunked Election Claims*, N.Y. TIMES (Feb. 11, 2026), <https://www.nytimes.com/interactive/2026/02/11/us/election-ballots-fulton-county-fbi-affadavit.html>; Erin Mansfield & Aysha Bagchi, *Trump says GA Election Board members are ‘pit bulls’ for ‘victory,’ but is that their job?*, USA TODAY (Aug. 6, 2024), <https://www.usatoday.com/story/news/politics/elections/2024/08/05/trump-praises-georgia-election-board/74674946007>.

- Witness 3 has been identified as Janelle King, another member of Georgia’s State Election Board who questioned the results of the 2020 election and proposed re-opening a state investigation into the 2020 election.<sup>17</sup>
- Witness 5 has been identified as Phillip Davis, a right-wing technology expert who asserted that Fulton County erroneously scanned and counted certain ballots.<sup>18</sup> Although an independent consultant hired by the Georgia secretary of state rebutted his claims, those claims were cited in a report by election skeptic Kevin Moncla (Witness 7).<sup>19</sup>
- Witness 7 has been identified as right-wing researcher Kevin Moncla, who wrote a report alleging that fraud tainted Fulton County’s 2020 election results.<sup>20</sup> Many of his claims have been discredited or debunked, and Moncla acknowledged that his report is a compilation of complaints he and the other contributors have filed to Georgia’s State Election Board over the past five years.<sup>21</sup>
- Witness 11 has been identified as Bridget Thorne, a former poll worker and current Fulton County Commissioner who has for years expressed skepticism over the 2020 election.<sup>22</sup> Thorne ran a secret Telegram channel propagating debunked claims about the 2020 elections.<sup>23</sup>

The extent of these witnesses’ participation in the failed effort to overturn the 2020 election in Georgia, and their interactions with each other in that scheme, and the failure of their common scheme, were not fully disclosed in the affidavit. These disclosure failures raise unnecessary issues for a defendant to challenge, once again raising the question whether this was done so sloppily because no defendant was ever expected, since the criminal investigation was a mere pretext for seizure of election records.

It appears the affiant was at least somewhat aware of the weakness of his factual assertions, leaving himself what appears to be escape-hatch language in the warrant.<sup>24</sup> These maybe-

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<sup>17</sup> *Id.*

<sup>18</sup> Charles Minshew et al., *Read the annotated FBI affidavit used to seize Fulton ballots*, *supra* note 14.

<sup>19</sup> Michael Handelman, *Georgia taxpayers foot the bill for chasing down debunked election conspiracies*, ATLANTA J.-CONST. (Feb. 17, 2026), <https://www.ajc.com/opinion/2026/02/georgia-taxpayers-foot-the-bill-for-chasing-down-debunked-election-conspiracies/>; Election Oversight Group, *Fulton County: Report of Investigation of the 2020 General Election* (Jan. 6, 2026), <https://www.scribd.com/document/989542479/Report-of-Investigation-Fulton-2020>.

<sup>20</sup> Clark & Kohler, *What Meetings Among Trump Lawyers Reveal About the FBI’s Seizure of Election Records in Georgia*, *supra* note 4.

<sup>21</sup> Doug Bock Clark, *The Conservative Researcher Being Linked to the FBI’s Seizure of Election Records in Georgia*, *supra* note 14.

<sup>22</sup> Charles Minshew et al., *Read the annotated FBI affidavit used to seize Fulton ballots*, *supra* note 14.

<sup>23</sup> George Chidi, *Exclusive: Georgia lawmaker runs secret election-conspiracy Telegram channel*, GUARDIAN (Apr. 18, 2024), <https://www.theguardian.com/us-news/2024/apr/18/fulton-county-telegram-election-conspiracy-bridget-thorne>.

<sup>24</sup> Affidavit of Hugh Raymond Evans, *In the Matter of the Search of: The premises located at The Office of the Clerk of Court, 5600 Campbellton Fairburn Road, Fairburn, Georgia 30213*, Case 1:26-mi-00012-JPB (N.D. Georgia Feb. 10, 2026), ¶ 10 (“If these deficiencies were the result of intentional action, it would be a violation of federal law[.]”); ¶ 85 (“If these deficiencies were the result of intentional action, the election records . . . are evidence of violations[.]”).

there's-nothing-here hypotheticals are not customary in such affidavits, and were presumably designed to protect the affiant from liability in the event of an inquiry or challenge. If the purpose of the exercise was to seize election documents for election-manipulation purposes, not to pursue a criminal investigation, the failure to disclose fully to the magistrate judge all the election-denial links among multiple cited witnesses makes matters worse. The escape-hatch language could also signal that there was no expectation there would ever be a criminal case.

Third, this is not the first time this Department of Justice has confected a fake prosecution to try to accomplish a seizure the Department had failed to accomplish legitimately.<sup>25</sup> Last year, the Department targeted the Greenhouse Gas Reduction Fund, a multi-billion-dollar grant program aimed at reducing climate change dangers, based on meritless (indeed likely false) allegations of fraud.<sup>26</sup>

The Justice Department reportedly began investigating the program after EPA Administrator Lee Zeldin announced on social media his desire to claw back the funding. Shortly thereafter, as then-Interim U.S. Attorney for the District of Columbia, Ed Martin asked his office not just to seek an order freezing the fund, but to open a criminal investigation so he could assert that an ongoing investigation justified freezing the funds.<sup>27</sup>

Although Martin could not point to a crime, he directed the then-Chief of the Criminal Division, Denise Cheung, to issue a letter ordering the bank not to release any funds pursuant to a criminal investigation.<sup>28</sup> Cheung refused because “the quantum of evidence did not support that action” and because she “believed that [she] lacked the legal authority to issue such a letter.”<sup>29</sup>

After forcing Cheung’s resignation, Martin then personally submitted a seizure warrant application to freeze the funding, without the participation of career prosecutors. A D.C. magistrate judge rejected the warrant for lack of probable cause.<sup>30</sup> As Inspector General, you will be aware how rare it is for a United States Attorney to pursue a warrant without any career staff, and how unusual it is for a federal warrant application to fail.

The then-Acting Deputy Attorney General, Emil Bove, then shopped the same investigation and warrant application to other U.S. Attorney’s offices, apparently unsuccessfully searching for an office that would pursue the warrant.<sup>31</sup> The bank chose to pause disbursement of the funds while this fake investigation played out.

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<sup>25</sup> Spencer S. Hsu et al., *FBI takes up EPA probe amid pushback from judge, prosecutors*, WASH. POST (Feb. 27, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/27/trump-fbi-epa-grant-investigation>; Sen. Sheldon Whitehouse, *What It Looks Like When a Justice System Gets “Weaponized,”* CONTRARIAN (Mar. 28, 2025), <https://contrarian.substack.com/p/what-it-looks-like-when-a-justice>.

<sup>26</sup> Spencer S. Hsu et al., *FBI takes up EPA probe amid pushback from judge, prosecutors*, *supra* note 25.

<sup>27</sup> Eileen Sullivan et al., *Prosecutor in U.S. Attorney’s Office in Washington Abruptly Resigns*, N.Y. TIMES (Feb. 18, 2025), <https://www.nytimes.com/2025/02/18/us/politics/denise-cheung-federal-prosecutor-quits.html>; Kyle Cheney et al., *Senior prosecutor in Washington quits, citing pressure to probe Biden-era climate funds*, POLITICO (Feb. 18, 2025), <https://www.politico.com/news/2025/02/18/denise-cheung-us-attorneys-office-washington-020363>.

<sup>28</sup> *Id.*

<sup>29</sup> Washington Post, *Read the resignation letter by Denise Cheung, a veteran D.C. federal prosecutor*, WASH. POST (Mar. 6, 2025), <https://www.washingtonpost.com/dc-md-va/2025/02/18/read-resignation-letter-denise-cheung/>.

<sup>30</sup> Spencer Hsu et al., *FBI takes up EPA probe amid pushback from judge, prosecutors*, *supra* note 25.

<sup>31</sup> *Id.*

A year later, the funds remain frozen, even though investigations by the FBI and EPA’s inspector general have not produced evidence of fraud.<sup>32</sup> In a parallel civil case filed by grant recipients seeking access to their funds, a D.C. federal judge underscored that the Justice Department was “unable to proffer me any information with regard to any kind of investigation or malfeasance.”<sup>33</sup> Mr. Martin’s role in both schemes is plausible evidence of practice, motive, and willingness to pursue pretextual criminal investigations.

Given this history of confected prosecutions and the significance of Fulton County’s now-broken chain of custody over 2020 election records, a proper inquiry needs to be made immediately into what became of the seized documents. Where are they? Who has been given access to them? Are they being altered or manipulated? Are they being digitized? When will they be returned to their lawful custodians? Who will be allowed access to copies kept? Will the return aver that they have not been altered, manipulated, or made available to potential election interference plotters? These answers could be illuminating as to whether the purpose of the criminal search warrant exercise was to seize election documents to facilitate election interference in Georgia in coming elections.

A seemingly botched search warrant application and execution process; a misleading and incomplete warrant affidavit with unusual escape hatches for the affiant; a history of this administration using a fake criminal investigation to accomplish a desired but unaccomplished seizure; and the prospect that election manipulators are at work on the documents at this time — all of that makes a combination of factors worthy of your prompt inquiries. It goes without saying that a sham criminal investigation shopped to a federal judge for a seizure warrant as pretext for seizing documents for election manipulation purposes would be a gross abuse of the Department’s authorities. We would recommend making sure no internal documents or communications are destroyed.

Sincerely,



Sheldon Whitehouse  
United States Senator  
Ranking Member,  
Subcommittee on Federal  
Courts, Oversight, Agency  
Action, and Federal Rights



Richard Blumenthal  
United States Senator

<sup>32</sup> Claire Brown, *Billions in Climate Grants, Frozen for a Year, Are Back in Court*, N.Y. TIMES (Feb. 24, 2026), <https://www.nytimes.com/2026/02/24/climate/billions-in-climate-grants-frozen-for-a-year-are-back-in-court.html>.

<sup>33</sup> Alex Guillén, *Judge hammers EPA over lack of proof of wrongdoing in terminating \$20B in climate grants*, POLITICO (Apr. 2, 2025), <https://www.politico.com/news/2025/04/02/judge-hammers-epas-terminating-20b-climate-grants-00267004>.