

April 21, 2026

**VIA Electronic Delivery**

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602  
Via online portal

**Re: Freedom of Information Action Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, Democracy Forward Foundation submits this request for records.

Earlier this month, *The Atlantic* published an article indicating that Federal Bureau of Investigation (“FBI”) Director Kash Patel’s behavior, including excessive drinking and unexplained absences, was jeopardizing his role as Director.<sup>1</sup> Director Patel threatened legal action against the newspaper and reporter prior to the release of the article and subsequently filed a lawsuit after publication.<sup>2</sup> Democracy Forward Foundation seeks records that would help the public understand the issues raised in the *Atlantic* article as it relates to previous reporting on potential concerns surrounding Director Patel’s ability to run a key law enforcement agency and his use of taxpayer dollars.<sup>3</sup>

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<sup>1</sup> See, e.g., Sarah Fitzpatrick, *The FBI Director is MIA*, *The Atlantic* (Apr. 17, 2026),

<https://www.theatlantic.com/politics/2026/04/kash-patel-fbi-director-drinking-absences/686839/>.

<sup>2</sup> See, e.g., *Kashyap P. Patel v. The Atlantic Monthly Group LLC, and Sarah Fitzpatrick*, 1:26-cv-1329 (D.D.C. 2026), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.291527/gov.uscourts.dcd.291527.1.0.pdf>.

<sup>3</sup> See e.g., Ellie Quinlan Houghtaling, *Kash Patel Loses It Over Report He Used FBI Jet to Go on a Date*, *The New Republic*

(Nov. 3, 2025), <https://newrepublic.com/post/202599/kash-patel-snaps-reports-girlfriend-fbi-jet>; Ellie Quinlan Houghtaling, *It Sure Looks Like Kash Patel Used the FBI’s Jet to Go on a Date*, *The New Republic* (Oct. 29, 2025), <https://newrepublic.com/post/202430/kash-patel-fbi-private-jet-wrestling-date>; Carol Leonnig *et al.*, *Kash Patel’s Use of Jet Delayed FBI Team’s Mass Shooting Response, Whistleblower Tells Top Senator*, *MSNow* (Feb. 24, 2026), <https://www.ms.now/news/senator-slams-kash-patel-for-use-of-fbi-jet-asks-for-investigation>; Eric Tucker, *FBI Director Invites Fresh Scrutiny By Drinking Beer With U.S. Hockey Team at Olympics*, *Los Angeles Times* (Feb. 24, 2026),

<https://www.latimes.com/world-nation/story/2026-02-24/fbi-director-invites-fresh-scrutiny-over-travels-with-appear-ance-at-u-s-mens-hockey-team-celebration>; Elizabeth Williamson, *Kash Patel’s Girlfriend Seeks Fame and Fortune, Escorted by an F.B.I. SWAT Team*, *The New York Times* (Feb. 28, 2026), <https://www.nytimes.com/2026/02/28/us/politics/kash-patel-girlfriend.html>.

## ***Records Requested***

Democracy Forward Foundation (“DFF”) requests that the Federal Bureau of Investigation (“FBI”) produce the following within twenty (20) business days:

1. All calendars or calendar entries (including calendar invitations, calendar invitation attachments) for Director Kash Patel, including any calendars maintained by Director Patel himself or on behalf of Director Patel by any administrative assistant or scheduler reflecting the rescheduling of meetings before 12:00 pm in a given day.

DFF requests that calendars be produced in a format that includes all invitees, notes, and attachments. Please do not limit your search to Outlook calendars or the calendars attached to Director Patel’s official FBI email address; we request the production of any calendar—paper or electronic, on government or personal devices—used to track how Director Patel allocates time on agency business.

This request seeks records from February 21, 2025 until August 21, 2025.

2. Records reflecting Director Kash Patel’s personal-day (or vacation day) usage.

Director Patel has recently discussed these numbers within court documents, such disclosure should negate any need to redact citing Exemption 6.<sup>4</sup>

This request seeks records from February 21, 2025 until the date of the search.

3. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Signal, WhatsApp, Slack and Microsoft Teams, and direct messages on social media platforms such as X and Truth Social) sent (a) by any FBI officials serving on Director Kash Patel’s security detail concerning (b) being unable to reach or wake Director Kash Patel.

In an effort to accommodate the FBI and reduce the number of potentially responsive records to be processed and produced, we have limited this request to communications sent by the relevant officials. To be clear, however, DFF still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both the relevant official’s response to an email and the initial received message are responsive to this request and should be produced.

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<sup>4</sup> See, e.g., *Kashyap P. Patel v. The Atlantic Monthly Group LLC, and Sarah Fitzpatrick*, *id.*

This request seeks records from February 21, 2025 until the date of the search.

### ***Scope of Search***

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

### ***Request for Fee Waiver***

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees when "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a “demonstrated . . . ability to disseminate the requested information,” *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to “a reasonably broad audience of persons interested in the subject” of its work. *Carney v. U.S. Dep’t of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require “pointless specificity”; all that is necessary is for a requester to adequately demonstrate its “ability to publicize disclosed information.” *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, see *id.*, or whether the requester has a history of “contacts with any major news[] companies” that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

DFF has a demonstrated ability to disseminate information of public interest requested through FOIA, and intends to publicize records DFF receives that contribute significantly to the public’s understanding of if a key official of this administration is putting the work of a crucial government agency at risk. When DFF obtains materials through FOIA requests that are of significant public interest, DFF’s communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest. Indeed, records received by DFF have previously formed the basis of news reports.<sup>5</sup>

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<sup>5</sup> See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, “Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), [https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut\\_us\\_5c115061e4b084b082ff8dba](https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba); Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), [https://m.huffpost.com/us/entry/us\\_5bd9ff6ee4b01abe6a1ad4a9](https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9); Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over>

Democracy Forward Foundation is not filing this request to further any commercial interest, and any information obtained by Democracy Forward Foundation as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

### **Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at [foia@democracyforward.org](mailto:foia@democracyforward.org).

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

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[bump-stocks/1432137002/](https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833); Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>; David Ingram et al., *U.S. Marshals Waived Training Rules for Musk's Armed DOGE Security, Emails Show*, NBC News (Apr. 6, 2026), <https://www.nbcnews.com/tech/elon-musk/elon-musk-trump-government-doge-security-rcna266088>; Anna Kramer, *How the Trump Administration Diverted Resources to Support Mass Deportations*, NOTUS (Apr. 15, 2026), <https://www.notus.org/immigration/trump-administration-diverted-resources-mass-deportations-prison>.

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<https://www.latimes.com/world-nation/story/2026-02-24/fbi-director-invites-fresh-scrutiny-over-travels-with-appear-ance-at-u-s-mens-hockey-team-celebration>; Elizabeth Williamson, *Kash Patel’s Girlfriend Seeks Fame and Fortune, Escorted by an F.B.I. SWAT Team*, *The New York Times* (Feb. 28, 2026), <https://www.nytimes.com/2026/02/28/us/politics/kash-patel-girlfriend.html>.

## ***Records Requested***

Democracy Forward Foundation (“DFF”) requests that the Federal Bureau of Investigation (“FBI”) produce the following within twenty (20) business days:

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### Key Terms:

- I. Alcohol
- II. Asleep
- III. Drunk
- IV. Drinking
- V. Hungover
- VI. Inebriated
- VII. Intoxicated
- VIII. Merchandise
- IX. Sleeping
- X. “Won’t wake”
- XI. “Wake him”
- XII. Unresponsive
- XIII. “Passed out”

In an effort to accommodate the FBI and reduce the number of potentially responsive records to be processed and produced, we have limited this request to communications sent by the relevant officials. To be clear, however, DFF still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both the relevant official’s response to an email and the initial received message are responsive to this request and should be produced.

Recent reporting has indicated that government officials may be using personal devices to conduct government business, and that they are also using non-government messaging

applications such as Signal.<sup>4</sup> As such, a search for responsive records must include both official and personal devices and applications such as Signal, iMessage, and WhatsApp.

This request seeks records from February 21, 2025 until the date of the search.

### ***Scope of Search***

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

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<sup>4</sup> *See, e.g.*, Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, Atlantic (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>; Steve Witkoff (@SteveWitkoff), X (Mar. 26, 2025, 9:20 AM), <https://x.com/SteveWitkoff/status/1904886084879720683>.

## ***Request for Fee Waiver***

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### **Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at [foia@democracyforward.org](mailto:foia@democracyforward.org).

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We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

April 21, 2026

**VIA Electronic Delivery**

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602  
Via online portal

**Re: Freedom of Information Action Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, Democracy Forward Foundation submits this request for records.

Earlier this month, *The Atlantic* published an article indicating that Federal Bureau of Investigation (“FBI”) Director Kash Patel’s behavior, including excessive drinking and unexplained absences, was jeopardizing his role as Director.<sup>1</sup> Director Patel threatened legal action against the newspaper and reporter prior to the release of the article and subsequently filed a lawsuit after publication.<sup>2</sup> Democracy Forward Foundation seeks records that would help the public understand the issues raised in the *Atlantic* article as it relates to previous reporting on potential concerns surrounding Director Patel’s ability to run a key law enforcement agency and his use of taxpayer dollars.<sup>3</sup>

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<sup>1</sup> See, e.g., Sarah Fitzpatrick, *The FBI Director is MIA*, *The Atlantic* (Apr. 17, 2026),

<https://www.theatlantic.com/politics/2026/04/kash-patel-fbi-director-drinking-absences/686839/>.

<sup>2</sup> See, e.g., *Kashyap P. Patel v. The Atlantic Monthly Group LLC, and Sarah Fitzpatrick*, 1:26-cv-1329 (D.D.C. 2026), <https://storage.courtlistener.com/recap/gov.uscourts.dcd.291527/gov.uscourts.dcd.291527.1.0.pdf>.

<sup>3</sup> See e.g., Ellie Quinlan Houghtaling, *Kash Patel Loses It Over Report He Used FBI Jet to Go on a Date*, *The New Republic* (Nov. 3, 2025), <https://newrepublic.com/post/202599/kash-patel-snaps-reports-girlfriend-fbi-jet>; Ellie Quinlan Houghtaling, *It Sure Looks Like Kash Patel Used the FBI’s Jet to Go on a Date*, *The New Republic* (Oct. 29, 2025), <https://newrepublic.com/post/202430/kash-patel-fbi-private-jet-wrestling-date>; Carol Leonnig *et al.*, *Kash Patel’s Use of Jet Delayed FBI Team’s Mass Shooting Response, Whistleblower Tells Top Senator*, *MSNow* (Feb. 24, 2026), <https://www.ms.now/news/senator-slams-kash-patel-for-use-of-fbi-jet-asks-for-investigation>; Eric Tucker, *FBI Director Invites Fresh Scrutiny By Drinking Beer With U.S. Hockey Team at Olympics*, *Los Angeles Times* (Feb. 24, 2026), <https://www.latimes.com/world-nation/story/2026-02-24/fbi-director-invites-fresh-scrutiny-over-travels-with-appear-ance-at-u-s-mens-hockey-team-celebration>; Elizabeth Williamson, *Kash Patel’s Girlfriend Seeks Fame and Fortune, Escorted by an F.B.I. SWAT Team*, *The New York Times* (Feb. 28, 2026), <https://www.nytimes.com/2026/02/28/us/politics/kash-patel-girlfriend.html>.

### ***Records Requested***

Democracy Forward Foundation (“DFF”) requests that the Federal Bureau of Investigation (“FBI”) produce the following within twenty (20) business days:

All records reflecting a request for or use of “breaching equipment” that was made by or used by Director Kash Patel’s security detail.<sup>4</sup>

This request seeks records from January 1, 2025 until April 20, 2026.

### ***Scope of Search***

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep’t of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. §

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<sup>4</sup> *See, e.g., Fitzpatrick, id.*

552(a)(4)(A)(viii)(I).

***Request for Fee Waiver***

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees when "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a "demonstrated . . . ability to disseminate the requested information," *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to "a reasonably broad audience of persons interested in the subject" of its work. *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require "pointless specificity"; all that is necessary is for a requester to adequately demonstrate its "ability to publicize disclosed information." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, see *id.*, or whether the requester has a history of "contacts with any major news[] companies" that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

DFF has a demonstrated ability to disseminate information of public interest requested through FOIA, and intends to publicize records DFF receives that contribute significantly to the public's understanding of if a key official of this administration is putting the work of a crucial government agency at risk. When DFF obtains materials through FOIA requests that are of significant public interest, DFF's communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest. Indeed, records received by DFF have previously formed the basis of news reports.<sup>5</sup>

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<sup>5</sup> See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, "Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on>

Democracy Forward Foundation is not filing this request to further any commercial interest, and any information obtained by Democracy Forward Foundation as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

### **Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at [foia@democracyforward.org](mailto:foia@democracyforward.org).

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[policy](#); Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), [https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut\\_us\\_5c115061e4b084b082ff8dba](https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba); Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron,'* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), [https://m.huffpost.com/us/entry/us\\_5bd9ff6ee4b01abe6a1ad4a9](https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9); Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>; David Ingram et al., *U.S. Marshals Waived Training Rules for Musk's Armed DOGE Security, Emails Show*, NBC News (Apr. 6, 2026), <https://www.nbcnews.com/tech/elon-musk/elon-musk-trump-government-doge-security-rcna266088>; Anna Kramer, *How the Trump Administration Diverted Resources to Support Mass Deportations*, NOTUS (Apr. 15, 2026), <https://www.notus.org/immigration/trump-administration-diverted-resources-mass-deportations-prison>.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043