

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DEMOCRACY FORWARD FOUNDATION,  
P.O. Box 34553  
Washington, D.C. 20043,

*Plaintiff,*

vs.

Case No. 26-cv-

FEDERAL BUREAU OF INVESTIGATION  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001,

U.S. DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

*Defendants.*

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**COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendants Federal Bureau of Investigation (“FBI”) and U.S. Department of Justice (“DOJ”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper under 28 U.S.C. § 1391(e), as Defendants’ headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

### Parties

3. Plaintiff Democracy Forward Foundation (“DFF”) is a not-for-profit organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant Federal Bureau of Investigation (“FBI”) is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. FBI has possession, custody, and control of records to which Plaintiff seeks access.

5. Defendant U.S. Department of Justice (“DOJ”) is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. The Office of the Inspector General (“OIG”) is a component of DOJ. DOJ has possession, custody, and control of records to which Plaintiff seeks access.

### Facts

6. In April 2026, *The Atlantic* published a report stating that FBI Director Kash Patel’s tenure had been marked by “excessive drinking,” “unexplained absences,” and rescheduled meetings that allegedly jeopardized his ability to perform his duties as Director, including through his security team’s need to employ breaching equipment to reach him.<sup>1</sup> Director Patel promptly sued *The Atlantic* for \$250 million asserting that the report was “replete with false and obviously fabricated allegations” and was published with actual malice.<sup>2</sup>

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<sup>1</sup> Sarah Fitzpatrick, *The FBI Director Is MIA*, THE ATLANTIC (Apr. 17, 2026), <https://perma.cc/84QN-8MEU>.

<sup>2</sup> Jana Winter, *FBI Director Kash Patel sues the Atlantic claiming false reporting about drinking, absences*, REUTERS (Apr. 20, 2026), <https://perma.cc/E3GR-NXYW>.

7. The reporting followed a series of earlier news reports concerning Director Patel's use of FBI aircraft, travel, public appearances, and security resources. Public reporting questioned whether Director Patel used FBI aircraft for personal purposes, whether his travel delayed operational responses, and whether FBI resources, including personnel assigned to his security detail, were being used in connection with personal or non-official activities.<sup>3</sup> Public reporting and commentary also raised questions regarding Director Patel's management of the FBI, his use of taxpayer-funded resources, and whether agency personnel had raised ethics, whistleblower, or operational concerns internally.<sup>4</sup>

8. DFF submitted multiple FOIA requests seeking records to shed light both on Director Patel's actions in his role as FBI Director, and the extent to which the reporting Director Patel has asserted is "obviously fabricated" is supported by information contained in agency records. The public interest in these records is great, both because they may directly shed light on potentially concerning conduct of a high-ranking law enforcement official and because they may

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<sup>3</sup> See e.g., Ellie Quinlan Houghtaling, *Kash Patel Loses It Over Reporting He Used FBI Jet to Go on a Date*, NEW REPUBLIC (Nov. 3, 2025), <https://perma.cc/FZZ2-V745>; Ellie Quinlan Houghtaling, *It Sure Looks Like Kash Patel Used the FBI's Jet to Go on a Date*, NEW REPUBLIC (Oct. 29, 2025), <https://perma.cc/SV9V-9C4C>; 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://perma.cc/AU45-48GJ>; Eric Tucker, *FBI Director Invites Fresh Scrutiny By Drinking Beer With U.S. Hockey Team at Olympics*, LOS ANGELES TIMES (Feb. 24, 2026), <https://perma.cc/3ZNC-VBCY>; Elizabeth Williamson, *Kash Patel's Girlfriend Seeks Fame and Fortune, Escorted by an F.B.I. SWAT Team*, N.Y. TIMES (Feb. 28, 2026), <https://perma.cc/NC8B-648H>.

<sup>4</sup> See e.g., Campaign Legal Center, *FBI Director Kash Patel Faces Inquiry from Campaign Legal Center for Multiple Personal Trips on Government Aircraft*, Press Release (Mar. 5, 2026), <https://perma.cc/Q9Q6-9MB7>; Sen. Richard J. Durbin, *Durbin Reveals New Whistleblower Information for Investigation into Kash Patel "Joyriding" to the Olympics*, Press Release (Feb. 24, 2026), <https://perma.cc/FQ9U-WBDF>; Shrai Popat & Robert Mackey, *Kash Patel dismisses excessive drinking claims as 'total farce' in Senate Hearing*, THE GUARDIAN (May 12, 2026), <https://perma.cc/FRX3-ZLGE>.

inform the public about whether that official took aggressive legal action against the press even though there was a strong factual basis for its reporting.

*OIG Complaints Request (26-OIG-184)*

9. On March 3, 2026, DFF sent a FOIA request to OIG seeking the following:

Any memoranda for the record, ethics complaints, whistleblower complaints, or dissent memoranda filed with your agency's Office of Inspector General regarding Federal Bureau of Investigations Director Kash Patel.

DFF does not object to the redaction of the submitters' names or other personally identifying information such as dates of birth or Social Security numbers.

10. This request sought records from February 1, 2025, through the date of the search.

11. On March 11, 2026, OIG acknowledged this request and assigned it tracking number 26-OIG-184.

12. DFF has not received any further communication from OIG regarding this request.

*FBI Scheduler Communications Request (1725173-000)*

13. On March 3, 2026, DFF sent a FOIA request to FBI seeking the following:

All email communications sent by (a) all schedulers and advance team personnel for Director Kash Patel, or other personnel with such scheduling and advance responsibilities, and (b) any external entities or individuals (those with email addresses ending in .com, .co, .us, .net, .org, .mail, .edu, .law, .legal, .me, or .group).

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.

14. This request sought records from February 1, 2025, through the date of the search.

15. On March 9, 2026, FBI acknowledged this request with a letter dated March 6, 2026, and assigned it tracking number 1725173-000.

16. On March 17, 2026, FBI closed the request in a letter dated March 16, 2026, claiming it is too vague and lacks specificity. A copy of FBI's response is attached as Ex. 1.

17. On May 12, 2026, DFF appealed this denial, arguing that the request identified the custodians, communications, recipients, and timeframe. A copy of DFF's appeal is attached as Ex. 2.

18. On May 12, 2026, DFF received an acknowledgement of the appeal, and it was assigned tracking number A-2026-01399. DFF has not received a determination responsive to this appeal.

*Calendars and Security Communications Request (1734651-000 & 1733967-000)*

19. On April 21, 2026, DFF sent a FOIA request to FBI seeking the following:

- (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.

- (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>5</sup> [FN in original]

- (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.

20. Part 1 of this request sought records from February 21, 2025, through April 21, 2025. Parts 2 and 3 of this request sought records from February 21, 2025, through the date of the search.

21. On April 28, 2026, FBI acknowledged this request with a letter dated April 27, 2026, and assigned it tracking number 1733967-000. On May 5, 2026, FBI sent DFF two formal acknowledgment letters regarding this request, assigning it tracking numbers 1734651-000 and 1733967-000.

22. DFF has not received a determination or any responsive records in response to this request.

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<sup>5</sup> See, e.g., *Patel v. The Atlantic Monthly Group LLC*, No. 1:26-cv-1329, 2026 WL 1084024 (D.D.C. Apr. 20, 2026), *id.*

*Key Terms Communications Request (1733958-000)*

23. On April 21, 2026, DFF sent a FOIA request to FBI seeking the following:

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 containing (b) any of the key terms listed below:

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
- XII. "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>6</sup> [FN in original] As such, a search for responsive records must include both official and personal devices and applications such as Signal, iMessage, and WhatsApp.

24. This request sought records from February 21, 2025, through the date of the search.

25. On May 5, 2026, FBI sent DFF a formal acknowledgment letter regarding this request and assigned it tracking number 1733958-000.

26. DFF has not received a determination or any responsive records in response to this request.

*Breaching Equipment Request (1733981-000)*

27. On April 21, 2026, DFF sent a FOIA request to FBI seeking the following:

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>7</sup>  
[FN in original]

28. This request sought records from January 1, 2025, through April 20, 2026.

29. On April 27, 2026, FBI acknowledged this request with a letter dated April 27, 2026, and assigned it tracking number 1733981-000. On May 5, 2026, FBI sent DFF a formal acknowledgment letter regarding this request with the same tracking number.

30. DFF has not received a determination or any responsive records in response to this request.

*Request for Expedited Processing*

31. On May 6, 2026, DFF sent a letter to the FBI requesting expedited processing of requests 1734651-000, 1733967-000, 1733958-000, and 1733981-000 concerning records related

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<sup>6</sup> See, e.g., Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, The Atlantic (Mar. 24, 2025), <https://perma.cc/CS86-2XJU>; Steve Witkoff (@SteveWitkoff), X (Mar. 26, 2025, 9:20 AM), <https://perma.cc/ZY3L-YZDU>.

<sup>7</sup> See, e.g., Fitzpatrick, *supra* n.1.

to Director Kash Patel's alleged drinking habits, unexplained absences, and related conduct, under 28 C.F.R. § 16.5(e)(1)(iv) and 5 U.S.C. § 552(a)(6)(E)(v)(II) ("prongs ii and iv"), citing exceptional media interest, government integrity concerns, and an urgent need to inform the public. A copy of this letter is attached as Ex. 3.

32. On May 15, 2026, FBI denied DFF's request for expedited processing as to requests 1733967-000 and 1734651-000 on both prongs ii and iv, claiming DFF had not provided enough information concerning the "statutory" requirements for expedition.

33. On May 19, 2026, FBI denied DFF's request for expedited processing as to requests 1733958-000 and 1733981-000 on both prongs ii and iv, claiming DFF had not provided enough information concerning the "statutory" requirements for expedition.

34. On May 22, 2026, DFF appealed the FBI's denial of DFF's request for expedited processing of requests 1734651-000, 1733967-000, 1733958-000, and 1733981-000. A copy of this appeal is attached as Ex. 4.

35. On May 22, 2026, DFF received an acknowledgement of the appeals, and they were assigned tracking number A-2026-01496 for request 1734651-000, A-2026-01497 for request 1733967-000, A-2026-01498 for request 1733958-000, and A-2026-01499 for 1733981-000.

36. On May 28, 2026, DOJ's Office of Information Policy denied each of these appeals, stating that DFF had not demonstrated an urgency to inform the public, that DFF was "primarily engaged" in disseminating information, or that the request involved widespread and exceptional media interest raising questions about government integrity.

*Exhaustion of Administrative Remedies*

37. As of the date of the Complaint, Defendants have failed to notify DFF of determinations regarding DFF's requests and appeals. Through Defendants' failure to respond

within the time limits required by law, DFF has constructively exhausted administrative remedies. Through the denial of DFF's expedited processing requests and appeals, DFF has also exhausted administrative remedies.

**CLAIM FOR RELIEF**

**Count 1 (Violation of FOIA, 5 U.S.C. § 552)**

38. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

39. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records within the statutorily mandated time period, Defendant has violated its duties under 5 U.S.C. § 552, including but not limited to, its duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold responsive records.

**Count 2 (Violation of FOIA, Failure to Grant Expedited Processing, 5 U.S.C. § 552, 28 C.F.R. § 16.5(e)(1)(iv)), 28 C.F.R. § 16.5(e)(1)(ii)**

40. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein

41. By failing to grant expedited processing under 28 C.F.R. § 16.5(e)(1)(iv), Defendant FBI has violated the FOIA and its regulations for this matter involving exceptional and widespread media interest concerning questions of governmental integrity that affect public confidence.

42. By failing to grant expedited processing under 28 C.F.R. § 16.5(e)(1)(ii) and 5 U.S.C. § 552(a)(6)(E)(v)(II), Defendant FBI has violated the FOIA and its regulation for this

matter involving actual or alleged Federal Government activity about which there is an urgent need to inform the public, made by an entity which is primarily engaged in disseminating information.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendants to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendant FBI to expedite processing of Plaintiff's requests and produce non-exempt portions of all responsive records as soon as is practicable;
3. Order Defendants to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
4. Enjoin Defendants from continuing to withhold any and all non-exempt responsive records;
5. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action;  
and
6. Grant any other relief this Court deems appropriate.

Dated: June 11, 2026

Respectfully submitted,

/s/ Anisha Hindocha

Anisha N. Hindocha  
(Bar No. 1725159)  
Daniel A. McGrath  
(Bar No. 1531723)  
Ronald A. Fein  
(Bar No. 90026641)  
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# **Exhibit 1**

**Federal Bureau of Investigation**

Washington, D.C. 20535

March 16, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
POST OFFICE BOX 34553  
WASHINGTON, DC 20043

FOIPA Request No.: 1725173-000  
Subject: All Communications sent by Schedulers for  
Director Patel  
(On or After February 1, 2025)

Dear Ms. Perryman:

This is in response to your Freedom of Information/Privacy Acts (FOIPA) request. Below you will find informational paragraphs relevant to your request. Please read each item carefully.

The FOIPA requires agencies to provide access to reasonably described, nonexempt records [Title 5, United States Code, Section 552(a)(3)(A)]. The information requested in the referenced letter is not considered a FOIPA request because it does not comply with the FOIPA and its regulations. Therefore, your request is being administratively closed for one or more of the following reasons:

- The FOIPA does not require federal agencies to answer inquiries, create records, conduct research, or draw conclusions concerning queried data.
- Your request is too vague as it does not comply with the requirements of 28 CFR § 16.3(b). Your request lacks specificity; and therefore, the FBI cannot reasonably locate records with a "reasonable amount of effort."
- Your request is overly broad as it contains an overly long, indefinite, no date range or specific identifiers, and/or uses unexplained or unidentified terms and acronyms. Your request does not provide sufficient details to enable FBI personnel to locate potentially responsive records with a "reasonable amount of effort;" and therefore, we were unable to conduct a search of the Central Records System as your request does not comply with the requirements of 28 CFR § 16.3(b).
- Your request seeks information that does not fall under the purview of the FOIPA. The information requested in the referenced letter is not considered a FOIPA request because it does not comply with the requirements of 28 CFR § 16.3(b).

Examples of specific information which could assist in locating potentially responsive records within a reasonable amount of effort are as follows:

- Individuals
  - Complete name
  - Birth date
  - Place of birth
  - Place of death
  - Date of death
  - Date and location of incident
- Organizations or Events
  - Date of event
  - Time frame
  - Location

For questions on how to reasonably describe your request, please email us at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request. Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia).

If you are not satisfied with the FBI's determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Sincerely,



Amie M. Napier  
Section Chief  
Record/Information Dissemination Section  
Information Management Division

## **Exhibit 2**



May 12, 2026

**VIA Email**

Director, Office of Information Policy (OIP)  
United States Department of Justice  
441 G Street, NW, 6th Floor  
Washington, D.C. 20530  
Via online portal

**Re: Appeal of Freedom of Information Act Request #1725173-000**

Dear FOIA Officer:

We write to appeal Democracy Forward Foundation's (DFF) attached FOIA request, dated March 3, 2026, which requested emails sent by Federal Bureau of Investigation ("FBI") Director Kash Patel's schedulers and advance team members to external email addresses from February 1, 2025, through the date of the search.

All email communications sent by (a) all schedulers and advance team personnel for Director Kash Patel, or other personnel with such scheduling and advance responsibilities, and (b) any external entities or individuals (those with email addresses ending in .com, .co, .us, .net, .org, .mail, .edu, .law, .legal, .me, or .group).

The request further clarified:

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.

The FBI responded on March 16, 2026 stating that DFF's request was "too vague as it does not comply with the requirements of 28 CFR § 16.3(b). They went on to say that the "request lacks specificity; and therefore, the FBI cannot reasonably locate records with a "reasonable amount of effort."

*See attached response.*

The FBI must reverse this purported final determination on appeal because DFF's request is proper under the FOIA, and the FBI's basis for denial is contrary to law.

DFF's request "reasonably describes" the records sought under 5 U.S.C. § 552(a)(3)(A). "The linchpin inquiry" in this regard "is whether the agency is able to determine 'precisely what records [are] being requested.'" *Yeager v. Drug Enf't Admin.*, 678 F.2d 315, 326 (D.C. Cir. 1982).

DFF's request easily satisfies that standard. The request identifies:

- the relevant custodians (Director Kash Patel's schedulers and advance personnel, or others performing those functions);
- the relevant communications (emails sent by those custodians);
- the relevant recipients (external email addresses using non-governmental domains); and
- the relevant timeframe (February 1, 2025 through the date of the search).

There is no genuine ambiguity about the records sought, nor has the FBI identified any aspect of the request that prevents it from conducting a reasonable search.

The FBI should not require any further information to process this request. While the Department of Justice's FOIA regulations (to which FBI is subject) advise that "*to the extent possible, requesters should include specific information that may assist a component in identifying the requested records,*" as the permissive language of the regulations makes clear, these are merely suggestions, not required elements. 6 C.F.R. Part 5 Subpart A, § 5.3(b) (emphasis added); *see also Am. Oversight v. United States Env't Prot. Agency*, 386 F. Supp. 3d 1, 9 n.4 (D.D.C. 2019) ("The Court sees no reason, and the EPA provides none, why a request for emails or other communications records *necessarily* must include a key word or subject matter for an agency to determine 'precisely what records are being requested.'"). Courts have regularly required agencies to process requests like this one.

The relevant inquiry is whether "a professional employee of the agency who was familiar with the subject area of the request [could] locate the record with a reasonable amount of effort." *Truitt v. Dep't of State*, 897 F.2d 540, 544 n.36 (D.C. Cir. 1990). Any FBI employee familiar with the Office of the Director should readily be able to identify the relevant custodians and conduct an appropriate search without unreasonable effort.

To the extent that the agency is relying on a perception of this request's purported burdensomeness to assert that the request is not reasonably described, that is also incorrect. This request seeks the *sent* email communications of a handful of officials only with non-governmental entities and individuals. This is unlikely to result in a very large volume of records, as most of these few custodians' sent communications are very likely to be with

governmental email addresses. And FBI has provided this response without conducting a search of any kind, much less one limited to these custodians' email outboxes, so asserting that this facially reasonable request is overly burdensome would be very premature. These records will shed light on important matters regarding the non-governmental entities that receive priority in the Director's time and shed light on serious matters of governmental integrity concerning the Director's use of time and resources for apparently non-governmental activity. FBI must conduct a search for records responsive to this reasonably described request.

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

**Federal Bureau of Investigation**

Washington, D.C. 20535

March 16, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
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- The FOIPA does not require federal agencies to answer inquiries, create records, conduct research, or draw conclusions concerning queried data.
- Your request is too vague as it does not comply with the requirements of 28 CFR § 16.3(b). Your request lacks specificity; and therefore, the FBI cannot reasonably locate records with a "reasonable amount of effort."
- Your request is overly broad as it contains an overly long, indefinite, no date range or specific identifiers, and/or uses unexplained or unidentified terms and acronyms. Your request does not provide sufficient details to enable FBI personnel to locate potentially responsive records with a "reasonable amount of effort;" and therefore, we were unable to conduct a search of the Central Records System as your request does not comply with the requirements of 28 CFR § 16.3(b).
- Your request seeks information that does not fall under the purview of the FOIPA. The information requested in the referenced letter is not considered a FOIPA request because it does not comply with the requirements of 28 CFR § 16.3(b).

Examples of specific information which could assist in locating potentially responsive records within a reasonable amount of effort are as follows:

- Individuals
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  - Place of birth
  - Place of death
  - Date of death
  - Date and location of incident
- Organizations or Events
  - Date of event
  - Time frame
  - Location

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If you are not satisfied with the FBI's determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Sincerely,



Amie M. Napier  
Section Chief  
Record/Information Dissemination Section  
Information Management Division



March 3, 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.

***Records Requested***

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

All email communications sent by (a) all schedulers and advance team personnel for Director Kash Patel, or other personnel with such scheduling and advance responsibilities, and (b) any external entities or individuals (those with email addresses ending in .com, .co, .us, .net, .org, .mail, .edu, .law, .legal, .me, or .group).

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.

This request seeks records from February 1, 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 how the agency is handling official engagements and travel. 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>1</sup>

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<sup>1</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-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),

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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<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>.

## **Exhibit 3**



May 6, 2026

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602  
[foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

**RE: Request for Expedited Processing for Recently Submitted Requests**

To FOIA Officials:

Democracy Forward Foundation (“DFF”) is writing to request the Department of Justice (“DOJ”) Federal Bureau of Investigation (“FBI”) expedite the processing of three FOIA requests submitted on April 21, 2026 and attached herein in Appendix 1. These requests seek records of communications and calendars reflecting Director Kash Patel’s drinking behavior and unexplained absences during his current tenure as the Director of the FBI.

**April 21, 2026 request (1734651-000 and 1733967-000; DFF-DOJ-FBI-26-0499)**

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>1</sup>

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<sup>1</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.

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.

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

**April 21, 2026 request (1733958-000; DFF-DOJ-FBI-26-0500)**

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 containing (b) any of the key terms listed below:

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>2</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.

**April 21, 2026 request (1733981-000; DFF-DOJ-FBI-26-0501)**

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>3</sup>

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

***Request for Expedited Processing***

DFF’s requests merit expedited processing because: (1) the requests concern a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” see 28 C.F.R. § 16.5(e)(1)(iv); and (2) there is an urgency to inform the public concerning actual or alleged Federal Government activity, see 5 U.S.C. § 552(a)(6)(E)(v)(II).

- 1. DFF’s requests concern a matter attracting exceptional media interest in which there exist possible government integrity questions that affect public confidence.**

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<sup>2</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>.

<sup>3</sup> See, e.g., Fitzpatrick, *id.*

To qualify for expedited processing under 28 C.F.R. § 16.5(e)(1)(iv), the Department of Justice has interpreted subsection (iv) to require that “the same matter that draws widespread and exceptional media interest must be the matter in which there exists possible questions about the government’s integrity that affect public confidence.” *Am. Oversight v. U.S. Dep’t of Just.*, 292 F. Supp. 3d 501, 506 (D.D.C. 2018). DFF’s instant FOIA requests satisfy both criteria.

**A. DFF’s requests concern a matter attracting widespread and exceptional media interest.**

The focus of DFF’s FOIA requests—records reflecting Kash Patel’s drinking habits and their potential influence on his leadership over the FBI—has garnered immense attention from the American public, Congress, and the press. Initially sprung forth from *The Atlantic*<sup>4</sup> publishing an investigative story informed by two dozen people familiar with Patel’s behavior, the issue has now generated serious questions of government integrity, including Patel’s fitness to serve as the FBI Director where his reportedly irresponsible behavior may impact national security and public safety.

On April 17, 2026, *The Atlantic* published an article, “The FBI Director is MIA,” with accounts of Patel’s drinking habits and unexplained absences during his current tenure as the director of the FBI. These accounts came from more than two dozen individuals—including FBI officials, hospitality-industry workers, former advisers, and more—detailing multiple instances of Patel drinking in excess to the point of “obvious intoxication.” Reportedly, late “alcohol-fueled nights” have resulted in Patel rescheduling his morning meetings and security detail requesting “breaching equipment” because Patel was unreachable behind locked doors. In response, Patel filed a \$250 million defamation lawsuit against *The Atlantic* on April 20, 2026 asserting that this reporting was false. Major news outlets have reported extensively on the contents of the initial Atlantic article and the subsequent lawsuit.<sup>5</sup>

<sup>4</sup> 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>5</sup> Katie Robertson, *F.B.I. Director Sues The Atlantic Over Article Claiming Excessive Drinking*, *The New York Times* (Apr. 20, 2026), <https://www.nytimes.com/2026/04/20/us/politics/kash-patel-atlantic-article-alcohol-drinking-fbi-lawsuit.html>; Jana Winter, *FBI Director Kash Patel sues the Atlantic claiming false reporting about drinking, absences*, *Reuters* (Apr. 20, 2026), <https://www.reuters.com/world/fbi-director-kash-patel-sues-atlantic-court-records-show-2026-04-20/>; Ryan J. Reilly and Rebecca Shabad, *Kash Patel sues The Atlantic over report alleging excessive drinking and absences*, *NBC News* (Apr. 20, 2026), <https://www.nbcnews.com/politics/trump-administration/kash-patel-lawsuit-atlantic-allegations-drinking-absences-cna341001>; David Bauder, *FBI Director Kash Patel sues The Atlantic for article that alleged excessive drinking*, *PBS News* (Apr. 20, 2026), <https://www.pbs.org/newshour/politics/fbi-director-kash-patel-sues-the-atlantic-for-article-that-alleged-excessive-drinking>; Isabella Simonetti, *FBI Director Kash Patel Sues the Atlantic for Defamation*, *The Wall Street Journal* (Apr. 20, 2026), <https://www.wsj.com/business/media/fbi-director-kash-patel-sues-the-atlantic-for-defamation-d0c255fa>; Rebecca Schneid, *What to Know About Allegations of Excessive Drinking by FBI Director Kash Patel*, *TIME* (Apr. 18, 2026), <https://time.com/article/2026/04/18/what-to-know-about-allegations-of-drinking-by-f-b-i-director-kash-patel/>;

Media interest over this issue also expanded to social media platforms. On [X.com](#) alone, there were at least fourteen posts about the *Atlantic* article, Patel's lawsuit, or Patel's past intoxication history that were viewed over one million times as of April 30, 2026.<sup>6</sup> Sarah Fitzpatrick's [X.com](#) post of her own *Atlantic* article alone has accumulated 2.7 million views since April 17, 2026. Short-form videos on FOIA requests that DFF submitted on this subject have amassed a total of 4.9 million views across Instagram, TikTok, and Facebook.<sup>7</sup> Revelations of Patel's drinking

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William Vaillancourt, *Keystone Kash's Endless Wild Booze Binges Spilled by Top Officials*, Daily Beast (Apr. 17, 2026), <https://www.thedailybeast.com/keystone-kash-patels-endless-wild-booze-binges-spilled-by-top-officials/>; TMZ Staff, *Kash Patel to The Atlantic I Don't Have Drinking Problems ... See You in Court!*, TMZ (Apr. 18, 2026), <https://www.t TMZ.com/2026/04/18/kash-patel-threatens-legal-action-over-drinking-problem-reporting/>; Anna Commander and Peter Aitken, *Kash Patel Issues Defiant Response to New 'Erratic' Behavior Allegations*, Newsweek (Apr. 17, 2026), <https://www.newsweek.com/kash-patel-issues-defiant-response-erratic-behavior-allegations-11848200>; Jacob Rosen and Sarah Lynch, *FBI Director Kash Patel sues The Atlantic for \$250 million over story on alleged drinking, absences*, CBS News (Apr. 20, 2026), <https://www.cbsnews.com/news/kash-patel-lawsuit-the-atlantic-250-million/>; Brian Stelter, *FBI director Kash Patel files \$250M defamation lawsuit against The Atlantic*, CNN (Apr. 20, 2026), <https://www.cnn.com/2026/04/20/media/kash-patel-fbi-atlantic-lawsuit-sarah-fitzpatrick>; Todd Spangler, *FBI Director Kash Patel Files \$250 Million Defamation Lawsuit Against the Atlantic, Which Calls Suit 'Meritless'*, Variety (Apr. 20, 2026), <https://variety.com/2026/digital/news/fbi-director-kash-patel-sues-the-atlantic-1236725986/>; Dan Mangan, *Kash Patel sues The Atlantic for \$250 million over alcohol abuse claims*, CNBC (Apr. 20, 2026), <https://www.cnbc.com/2026/04/20/kash-patel-atlantic-lawsuit-alcohol-fbi.html>; Rebecca Beitsch, *Patel sues Atlantic over report on job performance, alcohol use*, The Hill (Apr. 20, 2026), <https://thehill.com/regulation/court-battles/5839363-kash-patel-the-atlantic-lawsuit/>.

<sup>6</sup> Sarah Fitzpatrick, [X.com](#) (Apr. 17, 2026), [https://x.com/S\\_Fitzpatrick/status/2045268110119141548?s=20](https://x.com/S_Fitzpatrick/status/2045268110119141548?s=20) (2.7 million views); The Atlantic, [X.com](#) (Apr. 17, 2026), <https://x.com/TheAtlantic/status/2045270947259723902?s=20> (1.4 million views); Republicans Against Trump, [X.com](#) (Apr. 20, 2026), <https://x.com/RpsAgainstTrump/status/2046249054179295514?s=20> (1 million views); Trevor Aaronson, [X.com](#) (Apr. 24, 2026), <https://x.com/trevoraaronson/status/2047711257772347595?s=20> (1 million views); CBS News, [X.com](#) (Apr. 20, 2026), <https://x.com/CBSNews/status/2046235393947815947?s=20> (2.3 million views); TMZ, [X.com](#) (Apr. 24, 2026), <https://x.com/TMZ/status/2047771329449914793?s=20> (2.6 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710047116263536?s=20> (1.9 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710260728000735?s=20> (2.8 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046711372608663609?s=20> (3.4 million views); Scott MacFarlane, [X.com](#) (Apr. 20, 2026), <https://x.com/MacFarlaneNews/status/2046229683306459163?s=20> (1.6 million views); Aaron Rupar, [X.com](#) (Apr. 19, 2026), <https://x.com/atrupar/status/2045873750579486860?s=20> (1.6 million views).

<sup>7</sup> Aaron Parnas, Instagram (Apr. 29, 2026), [https://www.instagram.com/p/DXvCxFhMEiW/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXvCxFhMEiW/?utm_source=ig_web_copy_link); Aaron Parnas, TikTok (Apr. 29, 2026), [https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is_from_webapp=1&web_id=7546701254183241246); JollyGoodGinger, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXea9EODIj7/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXea9EODIj7/?utm_source=ig_web_copy_link); JollyGoodGinger, Facebook (Apr. 23, 2026), <https://www.facebook.com/reel/1482936723336439>; Harry Sisson, Instagram (Apr. 22, 2026), [https://www.instagram.com/p/DXc8r0oDv0T/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXc8r0oDv0T/?utm_source=ig_web_copy_link); Harry Sisson, TikTok (Apr. 22, 2026), [https://www.tiktok.com/@harryjssison/video/7631728381813460254?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@harryjssison/video/7631728381813460254?is_from_webapp=1&web_id=7546701254183241246); Harry Sisson, Facebook (Apr. 22, 2026), <https://www.facebook.com/reel/1655987462117284>; AmandasMildTakes, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXfJ93Ljc37/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXfJ93Ljc37/?utm_source=ig_web_copy_link); AmandasMildTakes, TikTok (Apr. 23, 2026), [https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is_from_webapp=1&web_id=7546701254183241246); Chris Mowrey, Instagram (Apr. 22, 2026), [https://www.instagram.com/p/DXcxUrpkTzH/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXcxUrpkTzH/?utm_source=ig_web_copy_link); Chris Mowrey, TikTok (Apr. 22,

habits have also become the topic of videos on the YouTube channels of news networks, other television shows, and podcasters, amassing millions of more views.<sup>8</sup>

Members of Congress have initiated investigations into these allegations and taken to the press and social media to express their concerns. The House Judiciary Committee's Ranking Member sent oversight letters to Patel requesting a submission of an alcohol abuse screening questionnaire and to Chairman Jim Jordan seeking bipartisan cooperation on the investigation over concerns of national security.<sup>9</sup> Other members of Congress have called for Patel's resignation and questioned his fitness to serve as the FBI Director via news conferences, press encounters, and social media.<sup>10</sup>

2026),

[https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is_from_webapp=1&web_id=7546701254183241246).

<sup>8</sup> Jimmy Kimmel Live, *Trump Insists War is Over, Kash Patel Gets Hammered & Right-Wingers Blame Mamdani for Mets Losing*, YouTube (Apr. 22, 2026), [https://youtu.be/a\\_ZsCMSNOuw?si=nj3uYPAuB5FEwJJB](https://youtu.be/a_ZsCMSNOuw?si=nj3uYPAuB5FEwJJB) (3.3 million views); The Late Show with Stephen Colbert, *Get High With The Pope | Trump's Deranged Social Media Blitz | Kash Patel's Drinking Problems*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=HOLJ4B7X8PY> (2.4 million views); The Daily Show, *Kash Patel Denies Excessive Drinking & Labor Sec.'s Family Plays HR Violation Bingo | The Daily Show*, YouTube (Apr. 21, 2026), <https://youtu.be/kGvOFata8ZI?si=CX6pfzJlrYnS13Pf> (2.4 million views); MS NOW, *Paranoid freak-out, excessive drinking: Report describes erratic Kash Patel leading FBI*, YouTube (Apr. 17, 2026), <https://youtu.be/QpOD12q81cY?si=S40eHgKEjhy7-ewV> (1.8 million views); The Daily Show, *Jon on Trump's "Art of the Deal" in Iran & Kosta on Kash Patel's Partying Problem | The Daily Show*, YouTube (Apr. 25, 2026), <https://youtu.be/OiPqXDNBrjo?si=q1rN-gMrDEpyYa8T> (1 million views); Late Night with Seth Meyers, *Trump's Approval Hits All-Time Low, Kash Patel's "Freakouts," Labor Secretary Resigns: A Closer Look*, YouTube (Apr. 22, 2026), [https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA\\_2](https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA_2) (1 million views); LegaEagle, *Binge Drinking FBI Director Sues Journalists for Reporting Binge Drinking*, YouTube (Apr. 23, 2026), <https://www.youtube.com/watch?v=aXI3Je4JjiM>; The Bulwark, *Get Kash Patel Out of the FBI—NOW!*, YouTube (Apr. 17, 2026), <https://www.youtube.com/watch?v=bzpUJb6CfKtM> (558,000 views); DeFranco News Clips, *FBI Director Patel Sues Atlantic for \$250M Over Drinking Claims*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=VjD-S4ROjBE> (718,000 views); MeidasTouch, *Kash Patel PANICS as Entire CAREER Could END FAST*, YouTube (Apr. 27, 2026), <https://www.youtube.com/watch?v=vHcB-LaHbCE> (326,000 views).

<sup>9</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-reports-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening>; Rebecca Shabad et al., *Democrats want FBI Director Kash Patel to fill out alcohol use screening test*, NBC News (Apr. 22, 2026), <https://www.nbcnews.com/politics/justice-department/democrats-want-fbi-director-kash-patel-fill-alcohol-use-screening-test-rcna341343>; Drew Pittock, *Dems demand FBI Director Kash Patel take alcohol use screening test*, USA TODAY (Apr. 22, 2026), <https://www.usatoday.com/story/news/politics/2026/04/22/fbi-director-kash-patel-alcohol-screening/89740708007/>.

<sup>10</sup> Alexander Bolton, *Schumer: Patel 'grave risk' to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; C-SPAN, *Rep. Ted Lieu Calls on FBI Director Kash Patel to Resign After Allegations of Excessive Drinking*, (Apr. 21, 2026), <https://www.c-span.org/clip/news-conference/rep-ted-lieu-calls-on-fbi-director-kash-patel-to-resign-after-allegations-of-excessive-drinking/5199353>; Senator Dick Durbin, *X.com* (Apr. 18, 2026), <https://x.com/SenatorDurbin/status/2045580922771132751?s=20>; Senator Sheldon Whitehouse, *Bluesky* (Apr. 17, 2026), <https://bsky.app/profile/whitehouse.senate.gov/post/3mjgqexplzc2g>; Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views)

Though certainly not an exhaustive recitation of all coverage on Patel's reportedly concerning drinking habits and unexplained absences, the above sampling of media reports clearly demonstrates that this matter has attracted widespread and exceptional media interest, highlighting the pressing need for expedited processing of this request.

**B. There exist in these media reports questions about the government's integrity that affect public confidence.**

Moreover, the widespread media reporting on the above matters leaves open questions regarding the government's integrity that affects public confidence in the competency of the government's principal law enforcement agency:

1. Are the allegations of Director Patel's excessive drinking habits, as reported in the *Atlantic* article, true?<sup>11</sup>
  - a. Excessive drinking for any FBI employee alone is "immediately grounds for disciplinary action and possibly firing, per the [agency's] own materials."<sup>12</sup> Such habits certainly have graver consequences for anyone serving in the role of the director of the FBI. Considering that the article had been informed by dozens of individuals and how serious the ramifications would be if the FBI Director was indeed routinely experiencing excessive intoxication, shedding light on whether these allegations are true is a critical question of government integrity.
  - b. However, rather than provide clarity, Patel and the FBI have sunk the issue in deeper confusion through releasing conflicting information to the public. First,

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<sup>11</sup> Holmes Lybrand, *With acting AG at his side, FBI Director Patel publicly addresses allegations about his conduct*, CNN (Apr. 22, 2026), <https://www.cnn.com/2026/04/21/politics/kash-patel-excessive-drinking-public-comments>; Josh Gerstein, *Patel lashes out at press over story painting him as drunk and AWOL*, Politico (Apr. 21, 2026), <https://www.politico.com/news/2026/04/21/patel-press-fbi-00885963>; Alexander Mallin, *Patel responds to Atlantic report, says he's 'never been intoxicated on the job'*, ABC News (Apr. 21, 2026), <https://abcnews.com/Politics/patel-responds-atlantic-report-intoxicated-job/story?id=132254781>; Joseph Konig, *Kash Patel Denies Accusations of Excessive Drinking in New Report, Including a Time His Security Allegedly Needed SWAT Gear to Reach Him*, People (Apr. 20, 2026), <https://people.com/kash-patel-denies-excessive-drinking-allegations-11953932>; Rebecca Beitsch, *Patel gets in shouting match with reporter as he defends job performance*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/administration/5842202-patel-denies-intoxication-fbi/>; TMZ Staff, *Kash Patel To 'Fake News Mafia' I Work Hard, I Don't Work Drunk!!!*, TMZ (Apr. 21, 2026), <https://www.tMZ.com/2026/04/21/kash-patel-lashes-out-after-excessive-drinking-claims/>; Lindsey Granger, *Kash Patel alleged to have drinking problem in bombshell Atlantic exposé*, The Hill (Apr. 20, 2026), <https://thehill.com/opinion/lindseys-lens/5839706-allegations-fbi-director-behavior/>.

<sup>12</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-reports-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening>; Leila Fadel, *FBI staffers raise concerns about Director Kash Patel's behavior, report says*, NPR (Apr. 20, 2026), <https://www.npr.org/2026/04/20/nx-s1-5790445/fbi-staffers-raise-concerns-about-director-kash-patels-behavior-report-says>.

Patel filed a lawsuit that alleged the reporting was false. Then, in a press conference, a reporter asked Patel, “Your lawsuit contends you were not able to log into the system... Did you communicate with anyone you thought you were fired?” Patel responded, “I was never locked out of my systems. Anyone who says the opposite is lying.” This statement appears to be in direct contradiction with his own lawsuit that states, “On April 10, 2026, Director Patel had a routine technical problem logging into a government system.”<sup>13</sup>

2. Do Director Patel’s unexplained absences and drinking habits pose a threat to national security and impede FBI operations and investigations?<sup>14</sup>
  - a. Allegations that Patel’s excessive drinking habits may be interfering with his role as the FBI Director are particularly alarming “when we are at war with a country [Iran] that has established sophisticated hacking capabilities and a history of

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<sup>13</sup> Anthony Orrico, *Kash Patel Seems To Blatantly Contradict His Own Atlantic Lawsuit Claim*, HuffPost (Apr. 21, 2026), [https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction\\_n\\_69e804a3e4b0ff46b4123d66](https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction_n_69e804a3e4b0ff46b4123d66); Holly Patrick, *Kash Patel contradicts his own \$250m libel suit during heated exchange with reporter*, Independent TV (Apr. 22, 2026), <https://www.the-independent.com/tv/news/kash-patel-fbi-computer-reporter-b2962748.html>; Edith Olmsted, *Kash Patel Snaps When He’s Fact-Checked About Own Lawsuit to His Face*, The New Republic (Apr. 22, 2026), <https://newrepublic.com/post/209384/kash-patel-fact-check-lawsuit-locked-out>; Erkki Forster, *Keystone Kash Desperately Tries to Clean Up Lawsuit Bombshell*, The Daily Beast (Apr. 22, 2026), <https://www.thedailybeast.com/keystone-kash-patel-desperately-tries-to-clean-up-lawsuit-bombshell/>.

<sup>14</sup> Alexander Bolton, *Schumer: Patel ‘grave risk’ to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; Fabio Bertoni, *Kash Patel’s Implausible Lawsuit Against The Atlantic*, The New Yorker (Apr. 27, 2026), <https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>; Benedict Smith, *FBI director Kash Patel denies he is threat to national security*, The Telegraph (Apr. 18, 2026), <https://www.telegraph.co.uk/world-news/2026/04/18/fbi-director-kash-patel-denies-being-security-threat/>; Sara Levine, *Damning New Report Calls Kash Patel’s Leadership Into Question*, Katie Couric Media (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>; Eric Tucker and Alanna Durkin Richer, *Resignations and firings have depleted the FBI and Justice Department. They’re scrambling to rebuild*, Los Angeles Times (Apr. 19, 2026), <https://www.latimes.com/world-nation/story/2026-04-19/resignations-firings-have-depleted-fbi-justice-department-t heyre-scrambling-to-rebuild>; Alyssa Ray, *AOC, Other Democratic Leaders Slam Kash Patel’s Behavior as a ‘National Security Threat’ | Video*, THEWRAP (Apr. 20, 2026), <https://www.thewrap.com/media-platforms/journalism/aoc-democrats-congress-react-kash-patel-the-atlantic-report/>; Sarah Davis, *Raskin: Kash Patel ‘on the run now’*, The Hill (Apr. 22, 2026), <https://thehill.com/homenews/house/5842905-fbi-director-raskin-patel/>; Connor Greene, *After Missteps, Kash Patel Faces Questions Over His Leadership of Charlie Kirk Investigation*, TIME (Sep. 22, 2025), <https://time.com/7319464/charlie-kirk-investigation-kash-patel/>; Eric Berger, *FBI’s Kash Patel denies excess drinking amid officials’ US security concerns*, The Guardian (Apr. 18, 2026), <https://www.theguardian.com/us-news/2026/apr/18/fbi-kash-patel-excess-drinking>; Molly Sprayregen, *Lawmakers were asked if Kash Patel’s drinking is a national security threat. Republicans said no*, LGBTQ Nation (Apr. 21, 2026), <https://www.lgbtqnation.com/2026/04/quick-hit-lawmakers-were-asked-if-kash-patels-drinking-is-a-national-security-threat-republicans-said-no/>; Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views).

sponsoring international terrorism.”<sup>15</sup> An FBI official questioned whether the nation would be more vulnerable to terrorist attacks due to Patel’s behavior, as other officials added Patel is “often away or unreachable, delaying time-sensitive decisions.”<sup>16</sup>

- b. Several elected leaders have also raised questions regarding Patel’s competence and ability to lead the principal law enforcement agency. Such questions have been substantiated by news commentary retrospectively speculating the possibility that alcohol may have affected Patel’s mishandling of the Charlie Kirk and Brown University shooting investigations, where he prematurely announced inaccurate information.<sup>17</sup>
3. Given the FBI's subsequent use of its law enforcement resources to target the journalist who reported on Director Patel's conduct, has the Director or the FBI sought to improperly retaliate against a journalist for reporting factually on a matter of great public interest?<sup>18</sup>
    - a. On May 6, 2026, MS NOW reported that it received information from two sources that the FBI “launched a criminal leak investigation” regarding the *Atlantic* journalist Sarah Fitzpatrick’s original reporting of Kash Patel’s drinking behavior.<sup>19</sup> Leak investigations often revolve around disclosure of classified information and not leaks to reporters. Thus, the unusual nature of this reported

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<sup>15</sup> Fabio Bertoni, *Kash Patel’s Implausible Lawsuit Against The Atlantic*, *The New Yorker* (Apr. 27, 2026), <https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>

<sup>16</sup> 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>17</sup> 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/>; Sara Levine, *Damning New Report Calls Kash Patel’s Leadership Into Question*, *Katie Couric Media* (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>.

<sup>18</sup> Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, *MS NOW* (May 6, 2026), <https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources>; Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>; David A. Graham, *A Dangerous New Attack on Press Freedom*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/ideas/2026/05/kash-patel-fitzpatrick-fbi-investigation/687077/>; Edith Olmsted, *FBI Launches Probe Into Reporter Who Covered Kash Patel’s Drinking*, *The New Republic* (May 6, 2026), <https://newrepublic.com/post/210013/fbi-investigation-atlantic-reporter-kash-patel-drinking>; Corbin Bolies, *FBI Opens Criminal Leak Investigation Over Atlantic Story About Kash Patel | Report*, *TheWrap* (May 6, 2026), <https://www.thewrap.com/media-platforms/journalism/fbi-investigating-atlantic-journalist-kash-patel-report/>; Sarah Rumpf, *FBI Launches Criminal Investigation Into Leaks to Reporter Who Wrote Article About Kash Patel’s Drinking*, *Mediaite* (May 6, 2026), <https://www.mediaite.com/media/fbi-launches-criminal-investigation-into-leaks-to-reporter-who-wrote-article-about-kash-patels-drinking/>; TMZ Staff, *Kash Patel’s FBI Investigating Journalist For Alcohol Exposé... Bureau Denies Report*, *TMZ* (May 6, 2026), <https://www.tMZ.com/2026/05/06/fbi-investigating-journalist-over-kash-patel-drinking-report/>;

<sup>19</sup> Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, *MS NOW* (May 6, 2026), <https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources>

investigation raises concerns about attacks on and intimidation of free press, and politically motivated retaliation.<sup>20</sup> Ben Williamson, the Assistant Director of the FBI Office of Public Affairs, has denied the existence of such an investigation to MS NOW. The disclosure of these records would shed light on whether the allegations of Patel’s behavior were truthful, which affects the public’s assessment of whether and how the FBI investigation may be retaliatory.

## **2. There is an urgency to inform the public concerning actual or alleged Federal Government activity.**

As an initial point, DFF—as a not-for-profit organization that works to promote transparency and accountability in government—is primarily engaged in disseminating information to the public. DFF is an organization primarily engaged in “disseminating information to the public,”<sup>21</sup> as evidenced by the previous use of public records obtained by DFF in numerous news reports.<sup>22</sup> In

<sup>20</sup> Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>

<sup>21</sup> 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

<sup>22</sup> See, e.g., Matias Civita, *Emails Show U.S. Marshals Bypassed Training Rules to Deputize Musk’s DOGE Security Detail: Report*, *International Business Times* (Apr. 6, 2026), <https://www.ibtimes.com/emails-show-us-marshals-bypassed-training-rules-deputize-musks-doge-security-detail-report-3800930>; Io Dodds, *Elon Musk’s Bodyguards Made Federal Agent Despite Lack of Training*, *Independent* (Apr. 8, 2026), <https://www.independent.co.uk/bulletin/news/elon-musk-doge-bodyguards-deputized-b2952758.html>; Tega Egwabor, *How Elon Musk’s Bodyguards Got Federal Agent Status*, *Rolling Out* (Apr. 6, 2026), <https://rollingout.com/2026/04/06/how-elon-musks-bodyguards-federal-agent/>; 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>; Ja’han Jones, *Amid Musk’s Paranoia, U.S. Marshals Deputized His Unqualified Security Staff*, *MS Now* (Apr. 6, 2026), <https://www.ms.now/opinion/amid-musks-paranoia-u-s-marshals-deputized-his-unqualified-security-staff>; Lisa Needham, *Musk’s DOGE Security Bros Promoted From Mall Cops to Federal Agents*, *Daily Kos* (Apr. 6, 2026), <https://www.dailykos.com/stories/2026/4/6/2376599/-Musk-s-DOGE-security-bros-promoted-from-mall-cops-to-federal-agents>; Kasandra Rattle, *Marshals Waived Training Rules to Deputize Musk’s Bodyguards*, *Hoodline* (Apr. 7, 2026), <https://hoodline.com/2026/04/feds-bent-badge-rules-to-arm-musk-s-security-detail/>; Maribel Velázquez, *Musk logró que guardaespaldas sin perfil fueran agentes federales*, *La Opinión* (Apr. 7, 2026), <https://laopinion.com/2026/04/07/musk-logro-que-guardaesपालdas-sin-perfil-fueran-agentes-federales/>; Bethany McLean, *The Man Behind Trump’s Attack on the Fed*, *The Free Press* (Jan. 20, 2026), <https://www.thefp.com/p/the-man-behind-trumps-fed-attack>; Chris Prentice & Marisa Taylor, *Exclusive: Trump appointee inspired by conservative media outlet to push for probe of Democratic congressman*, *Reuters* (Dec. 22, 2025), <https://www.reuters.com/business/finance/trump-appointee-inspired-by-conservative-media-outlet-push-probe-democratic-2025-12-20/>; 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>;

addition, DFF uses information gathered through FOIA to educate the public via numerous other means—including press releases, reports, blog posts, and social media.<sup>23</sup> DFF’s social media platforms reach hundreds of thousands<sup>24</sup> of people—and its website in 2025 garnered 3.5 million views.

There is an urgency to inform the public about the veracity of the allegations of Director Patel’s drinking habits and unexplained absences pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II), as there is

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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>.

<sup>23</sup> *Democracy Forward Obtains Records Regarding FHFA’s Politicized Investigations of Public Officials*, Democracy Forward (Oct. 30, 2025), <https://democracyforward.org/news/press-releases/pulte-lawsuit/>; *Using AI for Governance and Personnel Decisions*, Democracy Forward (updated February 13, 2026), <https://democracyforward.org/work/investigations/using-ai-for-governance-and-personnel-decisions-without-proper-guardrails/>; *Demanding Accountability: Democracy Forward’s Investigations in the First Year of the Trump-Vance Administration*, Democracy Forward (Mar. 13, 2026), <https://democracyforward.org/work/research/demanding-accountability/>; Democracy Forward (@democracyforward.org), *Thread regarding FOIAs about ICE facial recognition* (Feb. 13, 2026), <https://bsky.app/profile/democracyforward.org/post/3meqgefmoic2s>.

<sup>24</sup> Democracy Forward currently has approximately 105,500 followers on Bluesky (<https://bsky.app/profile/democracyforward.org>, last visited March 17, 2026), 106,000 followers on Instagram (<https://www.instagram.com/democracyforward/>, last visited March 17, 2026), and 17,300 followers on X (<https://x.com/DemocracyFwd>, last visited March 17, 2026).

both intense public interest surrounding the Administration's actions and potential threats to national security. The *Atlantic* article quotes current FBI officials who believe his excessive drinking habits will threaten public safety. As the United States is currently at war with Iran, a state sponsor of terrorism, experts assess the country is at risk of retaliatory attacks, with warnings of potential attacks coming from the federal government itself. FBI officials have expressed worries over the agency's ability to handle such issues under Patel's leadership marked by unreachable periods and delays in time-sensitive decisions. Further corroborating the potential threat to public safety, FBI officials have questioned whether alcohol played a role in the active law enforcement investigations Patel has already made missteps in, i.e., Brown University and Charlie Kirk.<sup>25</sup>

The reporting of Patel's personal behavior raises serious and time sensitive questions about his fitness to lead the government's principal law enforcement agency, and whether the government ought to implement personnel changes—including, but not limited to removing Patel from his role as the FBI Director—to safeguard national security. The requested records—communications of Patel's security detail and records reflecting rescheduled morning meetings—will shed light on whether the allegations of Patel's excessive drinking habits are true, and if they impede the FBI's ability to carry out its investigations and ensure public safety. The severe ramifications of these allegations and the current wartime environment create a current exigency for the public to receive the information requested.

I certify to the best of my knowledge and belief that the above is accurate and expedited processing is warranted in this matter.

Sincerely,  
/s/ Daniel A McGrath  
Senior Oversight Counsel  
*On behalf of*  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, D.C. 20043

Appendix 1. Submitted Requests

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<sup>25</sup> 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/>; Sara Levine, *Damning New Report Calls Kash Patel's Leadership Into Question*, *Katie Couric Media* (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>.

# **Appendix 1**

## **Submitted Requests**



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>.



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:

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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 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 containing (b) any of the key terms listed below:

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).

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).

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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***

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>

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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[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



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

## **Exhibit 4**



May 22, 2026

**VIA Electronic Delivery**

Director, Office of Information Policy (OIP)  
United States Department of Justice  
441 G Street, NW, 6th Floor  
Washington, D.C. 20530  
Via online portal

**Re: Appeal of Freedom of Information Act Request # 1734651-000 / 1733967-000 /  
1733958-000/ 1733981-000**

Dear FOIA Officer:

We write to appeal the Federal Bureau of Investigation's (FBI) response to Democracy Forward Foundation's (DFF) attached request for expedited processing for recently submitted requests, that were submitted on April 21, 2026 and attached herein in Appendix 1. The expedited processing request was submitted on May 6, 2026 and attached herein in Appendix 2, which requested expedited processing for records of communications and calendars reflecting Director Kash Patel's drinking behavior and unexplained absences during his current tenure as the Director of the FBI.

**April 21, 2026 request (1734651-000 and 1733967-000; DFF-DOJ-FBI-26-0499)**

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>1</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.

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

**April 21, 2026 request (1733958-000; DFF-DOJ-FBI-26-0500)**

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 containing (b) any of the key terms listed below:

Key Terms:

- I. Alcohol
- II. Asleep
- III. Drunk
- IV. Drinking
- V. Hungover
- VI. Inebriated
- VII. Intoxicated

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<sup>1</sup> See, e.g., *Kashyap P. Patel v. The Atlantic Monthly Group LLC, and Sarah Fitzpatrick, id.*

- 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>2</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.

**April 21, 2026 request (1733981-000; DFF-DOJ-FBI-26-0501)**

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>3</sup>

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

***Request for Expedited Processing***

DFF’s requests merit expedited processing because: (1) the requests concern a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” see 28 C.F.R. § 16.5(e)(1)(iv); and (2) there is an urgency to inform the public concerning actual or alleged Federal Government activity, see 5 U.S.C. § 552(a)(6)(E)(v)(II).

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<sup>2</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>.

<sup>3</sup> See, e.g., Fitzpatrick, *id.*

**1. DFF’s requests concern a matter attracting exceptional media interest in which there exist possible government integrity questions that affect public confidence.**

To qualify for expedited processing under 28 C.F.R. § 16.5(e)(1)(iv), the Department of Justice has interpreted subsection (iv) to require that “the same matter that draws widespread and exceptional media interest must be the matter in which there exists possible questions about the government’s integrity that affect public confidence.” *Am. Oversight v. U.S. Dep’t of Just.*, 292 F. Supp. 3d 501, 506 (D.D.C. 2018). DFF’s instant FOIA requests satisfy both criteria.

**A. DFF’s requests concern a matter attracting widespread and exceptional media interest.**

The focus of DFF’s FOIA requests—records reflecting Kash Patel’s drinking habits and their potential influence on his leadership over the FBI—has garnered immense attention from the American public, Congress, and the press. Initially sprung forth from *The Atlantic*<sup>4</sup> publishing an investigative story informed by two dozen people familiar with Patel’s behavior, the issue has now generated serious questions of government integrity, including Patel’s fitness to serve as the FBI Director where his reportedly irresponsible behavior may impact national security and public safety.

On April 17, 2026, *The Atlantic* published an article, “The FBI Director is MIA,” with accounts of Patel’s drinking habits and unexplained absences during his current tenure as the director of the FBI. These accounts came from more than two dozen individuals—including FBI officials, hospitality-industry workers, former advisers, and more—detailing multiple instances of Patel drinking in excess to the point of “obvious intoxication.” Reportedly, late “alcohol-fueled nights” have resulted in Patel rescheduling his morning meetings and security detail requesting “breaching equipment” because Patel was unreachable behind locked doors. In response, Patel filed a \$250 million defamation lawsuit against *The Atlantic* on April 20, 2026 asserting that this reporting was false. Major news outlets have reported extensively on the contents of the initial Atlantic article and the subsequent lawsuit.<sup>5</sup>

<sup>4</sup> 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>5</sup> Katie Robertson, *F.B.I. Director Sues The Atlantic Over Article Claiming Excessive Drinking*, *The New York Times* (Apr. 20, 2026), <https://www.nytimes.com/2026/04/20/us/politics/kash-patel-atlantic-article-alcohol-drinking-fbi-lawsuit.html>; Jana Winter, *FBI Director Kash Patel sues the Atlantic claiming false reporting about drinking, absences*, *Reuters* (Apr. 20, 2026), <https://www.reuters.com/world/fbi-director-kash-patel-sues-atlantic-court-records-show-2026-04-20/>; Ryan J. Reilly and Rebecca Shabad, *Kash Patel sues The Atlantic over report alleging excessive drinking and absences*, *NBC News* (Apr. 20, 2026), <https://www.nbcnews.com/politics/trump-administration/kash-patel-lawsuit-atlantic-allegations-drinking-absences-r>

Media interest over this issue also expanded to social media platforms. On [X.com](#) alone, there were at least fourteen posts about the *Atlantic* article, Patel's lawsuit, or Patel's past intoxication history that were viewed over one million times as of April 30, 2026.<sup>6</sup> Sarah Fitzpatrick's [X.com](#) post of her own *Atlantic* article alone has accumulated 2.7 million views since April 17, 2026. Short-form videos on FOIA requests that DFF submitted on this subject have amassed a total of 4.9 million views across Instagram, TikTok, and Facebook.<sup>7</sup> Revelations of Patel's drinking habits have also become the topic of videos on

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[cna341001](#); David Bauder, *FBI Director Kash Patel sues The Atlantic for article that alleged excessive drinking*, PBS News (Apr. 20, 2026), <https://www.pbs.org/newshour/politics/fbi-director-kash-patel-sues-the-atlantic-for-article-that-alleged-excessive-drinking>; Isabella Simonetti, *FBI Director Kash Patel Sues the Atlantic for Defamation*, The Wall Street Journal (Apr. 20, 2026), <https://www.wsj.com/business/media/fbi-director-kash-patel-sues-the-atlantic-for-defamation-d0c255fa>; Rebecca Schneid, *What to Know About Allegations of Excessive Drinking by FBI Director Kash Patel*, TIME (Apr. 18, 2026), <https://time.com/article/2026/04/18/what-to-know-about-allegations-of-drinking-by-f-b-i-director-kash-patel/>; William Vaillancourt, *Keystone Kash's Endless Wild Booze Binges Spilled by Top Officials*, Daily Beast (Apr. 17, 2026), <https://www.thedailybeast.com/keystone-kash-patels-endless-wild-booze-binges-spilled-by-top-officials/>; TMZ Staff, *Kash Patel to The Atlantic I Don't Have Drinking Problems ... See You in Court!*, TMZ (Apr. 18, 2026), <https://www.tMZ.com/2026/04/18/kash-patel-threatens-legal-action-over-drinking-problem-reporting/>; Anna Commander and Peter Aitken, *Kash Patel Issues Defiant Response to New 'Erratic' Behavior Allegations*, Newsweek (Apr. 17, 2026), <https://www.newsweek.com/kash-patel-issues-defiant-response-erratic-behavior-allegations-11848200>; Jacob Rosen and Sarah Lynch, *FBI Director Kash Patel sues The Atlantic for \$250 million over story on alleged drinking, absences*, CBS News (Apr. 20, 2026), <https://www.cbsnews.com/news/kash-patel-lawsuit-the-atlantic-250-million/>; Brian Stelter, *FBI director Kash Patel files \$250M defamation lawsuit against The Atlantic*, CNN (Apr. 20, 2026), <https://www.cnn.com/2026/04/20/media/kash-patel-fbi-atlantic-lawsuit-sarah-fitzpatrick>; Todd Spangler, *FBI Director Kash Patel Files \$250 Million Defamation Lawsuit Against the Atlantic, Which Calls Suit 'Meritless'*, Variety (Apr. 20, 2026), <https://variety.com/2026/digital/news/fbi-director-kash-patel-sues-the-atlantic-1236725986/>; Dan Mangan, *Kash Patel sues The Atlantic for \$250 million over alcohol abuse claims*, CNBC (Apr. 20, 2026), <https://www.cNBC.com/2026/04/20/kash-patel-atlantic-lawsuit-alcohol-fbi.html>; Rebecca Beitsch, *Patel sues Atlantic over report on job performance, alcohol use*, The Hill (Apr. 20, 2026), <https://thehill.com/regulation/court-battles/5839363-kash-patel-the-atlantic-lawsuit/>.

<sup>6</sup> Sarah Fitzpatrick, [X.com](#) (Apr. 17, 2026), [https://x.com/S\\_Fitzpatrick/status/2045268110119141548?s=20](https://x.com/S_Fitzpatrick/status/2045268110119141548?s=20) (2.7 million views); The Atlantic, [X.com](#) (Apr. 17, 2026), <https://x.com/TheAtlantic/status/2045270947259723902?s=20> (1.4 million views); Republicans Against Trump, [X.com](#) (Apr. 20, 2026), <https://x.com/RpsAgainstTrump/status/2046249054179295514?s=20> (1 million views); Trevor Aaronson, [X.com](#) (Apr. 24, 2026), <https://x.com/trevoraaronson/status/2047711257772347595?s=20> (1 million views); CBS News, [X.com](#) (Apr. 20, 2026), <https://x.com/CBSNews/status/2046235393947815947?s=20> (2.3 million views); TMZ, [X.com](#) (Apr. 24, 2026), <https://x.com/TMZ/status/2047771329449914793?s=20> (2.6 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710047116263536?s=20> (1.9 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710260728000735?s=20> (2.8 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046711372608663609?s=20> (3.4 million views); Scott MacFarlane, [X.com](#) (Apr. 20, 2026), <https://x.com/MacFarlaneNews/status/2046229683306459163?s=20> (1.6 million views); Aaron Rupar, [X.com](#) (Apr. 19, 2026), <https://x.com/atrupar/status/2045873750579486860?s=20> (1.6 million views).

<sup>7</sup> Aaron Parnas, Instagram (Apr. 29, 2026), [https://www.instagram.com/p/DXvCxFhMEiW/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXvCxFhMEiW/?utm_source=ig_web_copy_link); Aaron Parnas, TikTok (Apr. 29, 2026), [https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is_from_webapp=1&web_id=7546701254183241246); JollyGoodGinger, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXea9EODIJ7/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXea9EODIJ7/?utm_source=ig_web_copy_link); JollyGoodGinger, Facebook (Apr. 23, 2026), <https://www.facebook.com/reel/1482936723336439>; Harry Sisson, Instagram (Apr. 22, 2026),

the YouTube channels of news networks, other television shows, and podcasters, amassing millions of more views.<sup>8</sup>

Members of Congress have initiated investigations into these allegations and taken to the press and social media to express their concerns. The House Judiciary Committee's Ranking Member sent oversight letters to Patel requesting a submission of an alcohol abuse screening questionnaire and to Chairman Jim Jordan seeking bipartisan cooperation on the investigation over concerns of national security.<sup>9</sup> Other members of Congress have

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[https://www.instagram.com/p/DXc8r0oDv0T/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXc8r0oDv0T/?utm_source=ig_web_copy_link); Harry Sisson, TikTok (Apr. 22, 2026), [https://www.tiktok.com/@harryjssison/video/7631728381813460254?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@harryjssison/video/7631728381813460254?is_from_webapp=1&web_id=7546701254183241246); Harry Sisson, Facebook (Apr. 22, 2026), <https://www.facebook.com/reel/1655987462117284>; AmandasMildTakes, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXfJ93Ljc37/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXfJ93Ljc37/?utm_source=ig_web_copy_link); AmandasMildTakes, TikTok (Apr. 23, 2026), [https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is_from_webapp=1&web_id=7546701254183241246); Chris Mowrey, Instagram (Apr. 22, 2026), [https://www.instagram.com/p/DXcxUrpKtZH/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXcxUrpKtZH/?utm_source=ig_web_copy_link); Chris Mowrey, TikTok (Apr. 22, 2026), [https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is_from_webapp=1&web_id=7546701254183241246).

<sup>8</sup> Jimmy Kimmel Live, *Trump Insists War is Over, Kash Patel Gets Hammered & Right-Wingers Blame Mamdani for Mets Losing*, YouTube (Apr. 22, 2026), [https://youtu.be/a\\_ZsCMSNOuw?si=nj3uYPAuB5FEw.IJB](https://youtu.be/a_ZsCMSNOuw?si=nj3uYPAuB5FEw.IJB) (3.3 million views); The Late Show with Stephen Colbert, *Get High With The Pope | Trump's Deranged Social Media Blitz | Kash Patel's Drinking Problems*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=HOLJ4B7X8PY> (2.4 million views); The Daily Show, *Kash Patel Denies Excessive Drinking & Labor Sec.'s Family Plays HR Violation Bingo | The Daily Show*, YouTube (Apr. 21, 2026), <https://youtu.be/kGvQFata8ZI?si=CX6pfzJlrYnS13Pf> (2.4 million views); MS NOW, *Paranoid freak-out, excessive drinking: Report describes erratic Kash Patel leading FBI*, YouTube (Apr. 17, 2026), <https://youtu.be/OpOD12q81cY?si=S40eHgKEjhy7-ewV> (1.8 million views); The Daily Show, *Jon on Trump's "Art of the Deal" in Iran & Kosta on Kash Patel's Partying Problem | The Daily Show*, YouTube (Apr. 25, 2026), <https://youtu.be/OiPqXDNBrjo?si=q1rN-gMrDEpyYa8T> (1 million views); Late Night with Seth Meyers, *Trump's Approval Hits All-Time Low, Kash Patel's "Freakouts," Labor Secretary Resigns: A Closer Look*, YouTube (Apr. 22, 2026), [https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA\\_2](https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA_2) (1 million views); LegaEagle, *Binge Drinking FBI Director Sues Journalists for Reporting Binge Drinking*, YouTube (Apr. 23, 2026), <https://www.youtube.com/watch?v=aXI3Ie4JjjM>; The Bulwark, *Get Kash Patel Out of the FBI—NOW!*, YouTube (Apr. 17, 2026), <https://www.youtube.com/watch?v=bzpUb6CfKtM> (558,000 views); DeFranco News Clips, *FBI Director Patel Sues Atlantic for \$250M Over Drinking Claims*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=VjD-S4ROiBE> (718,000 views); MeidasTouch, *Kash Patel PANICS as Entire CAREER Could END FAST*, YouTube (Apr. 27, 2026), <https://www.youtube.com/watch?v=vHcB-LaHBcE> (326,000 views).

<sup>9</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-reports-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening>; Rebecca Shabad et al., *Democrats want FBI Director Kash Patel to fill out alcohol use screening test*, NBC News (Apr. 22, 2026), <https://www.nbcnews.com/politics/justice-department/democrats-want-fbi-director-kash-patel-fill-alcohol-use-screening-test-rcna341343>; Drew Pittcock, *Dems demand FBI Director Kash Patel take alcohol use screening test*, USA TODAY (Apr. 22, 2026), <https://www.usatoday.com/story/news/politics/2026/04/22/fbi-director-kash-patel-alcohol-screening/89740708007/>.

called for Patel's resignation and questioned his fitness to serve as the FBI Director via news conferences, press encounters, and social media.<sup>10</sup>

Though certainly not an exhaustive recitation of all coverage on Patel's reportedly concerning drinking habits and unexplained absences, the above sampling of media reports clearly demonstrates that this matter has attracted widespread and exceptional media interest, highlighting the pressing need for expedited processing of this request.

**B. There exist in these media reports questions about the government's integrity that affect public confidence.**

Moreover, the widespread media reporting on the above matters leaves open questions regarding the government's integrity that affects public confidence in the competency of the government's principal law enforcement agency:

1. Are the allegations of Director Patel's excessive drinking habits, as reported in the *Atlantic* article, true?<sup>11</sup>
  - a. Excessive drinking for any FBI employee alone is "immediately grounds for disciplinary action and possibly firing, per the [agency's] own materials."<sup>12</sup> Such habits certainly have graver consequences for anyone

<sup>10</sup> Alexander Bolton, *Schumer: Patel 'grave risk' to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; C-SPAN, *Rep. Ted Lieu Calls on FBI Director Kash Patel to Resign After Allegations of Excessive Drinking*, (Apr. 21, 2026), <https://www.c-span.org/clip/news-conference/rep-ted-lieu-calls-on-fbi-director-kash-patel-to-resign-after-allegations-of-excessive-drinking/5199353>; Senator Dick Durbin, *X.com* (Apr. 18, 2026), <https://x.com/SenatorDurbin/status/2045580922771132751?s=20>; Senator Sheldon Whitehouse, *Bluesky* (Apr. 17, 2026), <https://bsky.app/profile/whitehouse.senate.gov/post/3mjieqexplzc2g>; Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views)

<sup>11</sup> Holmes Lybrand, *With acting AG at his side, FBI Director Patel publicly addresses allegations about his conduct*, CNN (Apr. 22, 2026), <https://www.cnn.com/2026/04/21/politics/kash-patel-excessive-drinking-public-comments>; Josh Gerstein, *Patel lashes out at press over story painting him as drunk and AWOL*, Politico (Apr. 21, 2026), <https://www.politico.com/news/2026/04/21/patel-press-fbi-00885963>; Alexander Mallin, *Patel responds to Atlantic report, says he's 'never been intoxicated on the job'*, ABC News (Apr. 21, 2026), <https://abcnews.com/Politics/patel-responds-atlantic-report-intoxicated-job/story?id=132254781>; Joseph Konig, *Kash Patel Denies Accusations of Excessive Drinking in New Report, Including a Time His Security Allegedly Needed SWAT Gear to Reach Him*, People (Apr. 20, 2026), <https://people.com/kash-patel-denies-excessive-drinking-allegations-11953932>; Rebecca Beitsch, *Patel gets in shouting match with reporter as he defends job performance*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/administration/5842202-patel-denies-intoxication-fbi/>; TMZ Staff, *Kash Patel To 'Fake News Mafia' I Work Hard, I Don't Work Drunk!!!*, TMZ (Apr. 21, 2026), <https://www.tnz.com/2026/04/21/kash-patel-lashes-out-after-excessive-drinking-claims/>; Lindsey Granger, *Kash Patel alleged to have drinking problem in bombshell Atlantic exposé*, The Hill (Apr. 20, 2026), <https://thehill.com/opinion/lindseys-lens/5839706-allegations-fbi-director-behavior/>.

<sup>12</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-rep>

serving in the role of the director of the FBI. Considering that the article had been informed by dozens of individuals and how serious the ramifications would be if the FBI Director was indeed routinely experiencing excessive intoxication, shedding light on whether these allegations are true is a critical question of government integrity.

- b. However, rather than provide clarity, Patel and the FBI have sunk the issue in deeper confusion through releasing conflicting information to the public. First, Patel filed a lawsuit that alleged the reporting was false. Then, in a press conference, a reporter asked Patel, “Your lawsuit contends you were not able to log into the system... Did you communicate with anyone you thought you were fired?” Patel responded, “I was never locked out of my systems. Anyone who says the opposite is lying.” This statement appears to be in direct contradiction with his own lawsuit that states, “On April 10, 2026, Director Patel had a routine technical problem logging into a government system.”<sup>13</sup>

2. Do Director Patel’s unexplained absences and drinking habits pose a threat to national security and impede FBI operations and investigations?<sup>14</sup>

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[orts-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening](https://www.npr.org/2026/04/20/nx-s1-5790445/fbi-staffers-raise-concerns-about-director-kash-patels-behavior-report-says); Leila Fadel, *FBI staffers raise concerns about Director Kash Patel's behavior, report says*, NPR (Apr. 20, 2026), <https://www.npr.org/2026/04/20/nx-s1-5790445/fbi-staffers-raise-concerns-about-director-kash-patels-behavior-report-says>.

<sup>13</sup> Anthony Orrico, *Kash Patel Seems To Blatantly Contradict His Own Atlantic Lawsuit Claim*, HuffPost (Apr. 21, 2026), [https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction\\_n\\_69e804a3e4b0ff46b4123d66](https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction_n_69e804a3e4b0ff46b4123d66); Holly Patrick, *Kash Patel contradicts his own \$250m libel suit during heated exchange with reporter*, Independent TV (Apr. 22, 2026), <https://www.the-independent.com/tv/news/kash-patel-fbi-computer-reporter-b2962748.html>; Edith Olmsted, *Kash Patel Snaps When He's Fact-Checked About Own Lawsuit to His Face*, The New Republic (Apr. 22, 2026), <https://newrepublic.com/post/209384/kash-patel-fact-check-lawsuit-locked-out>; Erkki Forster, *Keystone Kash Desperately Tries to Clean Up Lawsuit Bombshell*, The Daily Beast (Apr. 22, 2026), <https://www.thedailybeast.com/keystone-kash-patel-desperately-tries-to-clean-up-lawsuit-bombshell/>.

<sup>14</sup> Alexander Bolton, *Schumer: Patel 'grave risk' to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; Fabio Bertoni, *Kash Patel's Implausible Lawsuit Against The Atlantic*, The New Yorker (Apr. 27, 2026), <https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>; Benedict Smith, *FBI director Kash Patel denies he is threat to national security*, The Telegraph (Apr. 18, 2026), <https://www.telegraph.co.uk/world-news/2026/04/18/fbi-director-kash-patel-denies-being-security-threat/>; Sara Levine, *Damning New Report Calls Kash Patel's Leadership Into Question*, Katie Couric Media (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>; Eric Tucker and Alanna Durkin Richer, *Resignations and firings have depleted the FBI and Justice Department. They're scrambling to rebuild*, Los Angeles Times (Apr. 19, 2026), <https://www.latimes.com/world-nation/story/2026-04-19/resignations-firings-have-depleted-fbi-justice-department-the-heyre-scrambling-to-rebuild>; Alyssa Ray, *AOC, Other Democratic Leaders Slam Kash Patel's Behavior as a 'National Security Threat' | Video*, THEWRAP (Apr. 20, 2026), <https://www.thewrap.com/media-platforms/journalism/aoc-democrats-congress-react-kash-patel-the-atlantic-report/>; Sarah Davis, *Raskin: Kash Patel 'on the run now'*, The Hill (Apr. 22, 2026), <https://thehill.com/homenews/house/5842905-fbi-director-raskin-patel/>;

- a. Allegations that Patel’s excessive drinking habits may be interfering with his role as the FBI Director are particularly alarming “when we are at war with a country [Iran] that has established sophisticated hacking capabilities and a history of sponsoring international terrorism.”<sup>15</sup> An FBI official questioned whether the nation would be more vulnerable to terrorist attacks due to Patel’s behavior, as other officials added Patel is “often away or unreachable, delaying time-sensitive decisions.”<sup>16</sup>
  - b. Several elected leaders have also raised questions regarding Patel’s competence and ability to lead the principal law enforcement agency. Such questions have been substantiated by news commentary retrospectively speculating the possibility that alcohol may have affected Patel’s mishandling of the Charlie Kirk and Brown University shooting investigations, where he prematurely announced inaccurate information.<sup>17</sup>
3. Given the FBI's subsequent use of its law enforcement resources to target the journalist who reported on Director Patel's conduct, has the Director or the FBI sought to improperly retaliate against a journalist for reporting factually on a matter of great public interest?<sup>18</sup>

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Connor Greene, *After Missteps, Kash Patel Faces Questions Over His Leadership of Charlie Kirk Investigation*, TIME (Sep. 22, 2025), <https://time.com/7319464/charlie-kirk-investigation-kash-patel/>; Eric Berger, *FBI's Kash Patel denies excess drinking amid officials' US security concerns*, The Guardian (Apr. 18, 2026), <https://www.theguardian.com/us-news/2026/apr/18/fbi-kash-patel-excess-drinking>; Molly Sprayregen, *Lawmakers were asked if Kash Patel's drinking is a national security threat. Republicans said no*, LGBTQ Nation (Apr. 21, 2026),

<https://www.lgbtqnation.com/2026/04/quick-hit-lawmakers-were-asked-if-kash-patels-drinking-is-a-national-security-threat-republicans-said-no/>; Acyn, [X.com](https://www.x.com/Acyn/status/2046370782134337642?s=20) (Apr. 20, 2026),

<https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, [X.com](https://www.x.com/Acyn/status/2046376004869132712?s=20) (Apr. 20, 2026),

<https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views).

<sup>15</sup> Fabio Bertoni, *Kash Patel's Implausible Lawsuit Against The Atlantic*, The New Yorker (Apr. 27, 2026),

<https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>

<sup>16</sup> 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>17</sup> 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/>; Sara Levine,

*Damning New Report Calls Kash Patel's Leadership Into Question*, Katie Couric Media (Apr. 19, 2026),

<https://katiecouric.com/news/kash-patel-atlantic-article/>.

<sup>18</sup> See, e.g., Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, MS NOW (May 6, 2026),

<https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources/>;

Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, The Atlantic (May 6, 2026),

<https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>; David A. Graham, *A*

*Dangerous New Attack on Press Freedom*, The Atlantic (May 6, 2026),

<https://www.theatlantic.com/ideas/2026/05/kash-patel-fitzpatrick-fbi-investigation/687077/>; Edith Olmsted, *FBI*

*Launches Probe Into Reporter Who Covered Kash Patel's Drinking*, The New Republic (May 6, 2026),

<https://newrepublic.com/post/210013/fbi-investigation-atlantic-reporter-kash-patel-drinking>; Corbin Bolies, *FBI*

*Opens Criminal Leak Investigation Over Atlantic Story About Kash Patel | Report*, TheWrap (May 6, 2026),

<https://www.thewrap.com/media-platforms/journalism/fbi-investigating-atlantic-journalist-kash-patel-report/>; Sarah

Rumpf, *FBI Launches Criminal Investigation Into Leaks to Reporter Who Wrote Article About Kash Patel's*

*Drinking*, Mediaite (May 6, 2026),

<https://www.mediaite.com/media/fbi-launches-criminal-investigation-into-leaks-to-reporter-who-wrote-article-about>

- a. On May 6, 2026, MS NOW reported that it received information from two sources that the FBI “launched a criminal leak investigation” regarding the *Atlantic* journalist Sarah Fitzpatrick’s original reporting of Kash Patel’s drinking behavior.<sup>19</sup> Leak investigations often revolve around disclosure of classified information and not leaks to reporters. Thus, the unusual nature of this reported investigation raises concerns about attacks on and intimidation of free press, and politically motivated retaliation.<sup>20</sup> Ben Williamson, the Assistant Director of the FBI Office of Public Affairs, has denied the existence of such an investigation to MS NOW. The disclosure of these records would shed light on whether the allegations of Patel’s behavior were truthful, which affects the public’s assessment of whether and how the FBI investigation may be retaliatory.

## 2. There is an urgency to inform the public concerning actual or alleged Federal Government activity.

As an initial point, DFF—as a not-for-profit organization that works to promote transparency and accountability in government—is primarily engaged in disseminating information to the public. DFF is an organization primarily engaged in “disseminating information to the public,”<sup>21</sup> as evidenced by the previous use of public records obtained by DFF in numerous news reports.<sup>22</sup> In addition, DFF uses information gathered through

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[-kash-patels-drinking/](#); TMZ Staff, *Kash Patel's FBI Investigating Journalist For Alcohol Exposé... Bureau Denies Report*, TMZ (May 6, 2026),

<https://www.tMZ.com/2026/05/06/fbi-investigating-journalist-over-kash-patel-drinking-report/>;

<sup>19</sup> See, e.g., Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, MS NOW (May 6, 2026),

<https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources>

<sup>20</sup> See, e.g., Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, The Atlantic (May 6, 2026), <https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>.

<sup>21</sup> 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

<sup>22</sup> See, e.g., Matias Civita, *Emails Show U.S. Marshals Bypassed Training Rules to Deputize Musk’s DOGE Security Detail: Report*, International Business Times (Apr. 6, 2026),

<https://www.ibtimes.com/emails-show-us-marshals-bypassed-training-rules-deputize-musks-doge-security-detail-report-3800930>;

Io Dodds, *Elon Musk’s Bodyguards Made Federal Agent Despite Lack of Training*, Independent (Apr. 8, 2026), <https://www.independent.co.uk/bulletin/news/elon-musk-doge-bodyguards-deputized-b2952758.html>;

Tega Egwabor, *How Elon Musk’s Bodyguards Got Federal Agent Status*, Rolling Out (Apr. 6, 2026),

<https://rollingout.com/2026/04/06/how-elon-musks-bodyguards-federal-agent/>;

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>;

Ja’han Jones, *Amid Musk’s Paranoia, U.S. Marshals Deputized His Unqualified Security Staff*, MS Now (Apr. 6, 2026),

<https://www.ms.now/opinion/amid-musks-paranoia-u-s-marshals-deputized-his-unqualified-security-staff>;

Lisa Needham, *Musk’s DOGE Security Bros Promoted From Mall Cops to Federal Agents*, Daily Kos (Apr. 6, 2026),

<https://www.dailykos.com/stories/2026/4/6/2376599/-Musk-s-DOGE-security-bros-promoted-from-mall-cops-to-federal-agents>;

Kassandra Rattle, *Marshals Waived Training Rules to Deputize Musk’s Bodyguards*, Hoodline (Apr. 7,

2026), <https://hoodline.com/2026/04/feds-bent-badge-rules-to-arm-musk-s-security-detail/>; Maribel Velázquez,

FOIA to educate the public via numerous other means—including press releases, reports,

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*Musk logró que guardaespaldas sin perfil fueran agentes federales*, La Opinion (Apr. 7, 2026), <https://laopinion.com/2026/04/07/musk-logro-que-guardaespalas-sin-perfil-fueran-agentes-federales/>; Bethany McLean, *The Man Behind Trump's Attack on the Fed*, The Free Press (Jan. 20, 2026), <https://www.thefp.com/p/the-man-behind-trumps-fed-attack>; Chris Prentice & Marisa Taylor, *Exclusive: Trump appointee inspired by conservative media outlet to push for probe of Democratic congressman*, Reuters (Dec. 22, 2025), <https://www.reuters.com/business/finance/trump-appointee-inspired-by-conservative-media-outlet-push-probe-democratic-2025-12-20/>; 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-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>.

blog posts, and social media.<sup>23</sup> DFF’s social media platforms reach hundreds of thousands<sup>24</sup> of people—and its website in 2025 garnered 3.5 million views.

There is an urgency to inform the public about the veracity of the allegations of Director Patel’s drinking habits and unexplained absences pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II), as there is both intense public interest surrounding the Administration’s actions and potential threats to national security. The *Atlantic* article quotes current FBI officials who believe his excessive drinking habits will threaten public safety. As the United States is currently at war with Iran, a state sponsor of terrorism, experts assess the country is at risk of retaliatory attacks, with warnings of potential attacks coming from the federal government itself. FBI officials have expressed worries over the agency’s ability to handle such issues under Patel’s leadership marked by unreachable periods and delays in time-sensitive decisions. Further corroborating the potential threat to public safety, FBI officials have questioned whether alcohol played a role in the active law enforcement investigations Patel has already made missteps in, i.e., Brown University and Charlie Kirk.<sup>25</sup>

The reporting of Patel’s personal behavior raises serious and time sensitive questions about his fitness to lead the government’s principal law enforcement agency, and whether the government ought to implement personnel changes—including, but not limited to removing Patel from his role as the FBI Director—to safeguard national security. The requested records—communications of Patel’s security detail and records reflecting rescheduled morning meetings—will shed light on whether the allegations of Patel’s excessive drinking habits are true, and if they impede the FBI’s ability to carry out its investigations and ensure public safety. The severe ramifications of these allegations and the current wartime environment create a current exigency for the public to receive the information requested.

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<sup>23</sup> See, e.g., *Democracy Forward Obtains Records Regarding FHFA’s Politicized Investigations of Public Officials*, Democracy Forward (Oct. 30, 2025), <https://democracyforward.org/news/press-releases/pulte-lawsuit/>; *Using AI for Governance and Personnel Decisions*, Democracy Forward (updated February 13, 2026), <https://democracyforward.org/work/investigations/using-ai-for-governance-and-personnel-decisions-without-proper-guardrails/>; *Demanding Accountability: Democracy Forward’s Investigations in the First Year of the Trump-Vance Administration*, Democracy Forward (Mar. 13, 2026), <https://democracyforward.org/work/research/demanding-accountability/>; Democracy Forward (@democracyforward.org), *Thread regarding FOIAs about ICE facial recognition* (Feb. 13, 2026), <https://bsky.app/profile/democracyforward.org/post/3meqqefmoic2s>.

<sup>24</sup> Democracy Forward currently has approximately 105,500 followers on Bluesky (<https://bsky.app/profile/democracyforward.org>, last visited March 17, 2026), 106,000 followers on Instagram (<https://www.instagram.com/democracyforward/>, last visited March 17, 2026), and 17,300 followers on X (<https://x.com/DemocracyFwd>, last visited March 17, 2026).

<sup>25</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/>; Sara Levine, *Damning New Report Calls Kash Patel’s Leadership Into Question*, *Katie Couric Media* (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>.

I certify to the best of my knowledge and belief that the above is accurate and expedited processing is warranted in this matter.

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The FBI responded on May 15, 2026 and May 19, 2026, stating that DFF's requests did "not provide[] enough information concerning the statutory requirements for expedition; therefore, [the] request is denied." These responses are attached herein in Appendix 3.

The FBI must reverse this purported final determination on appeal because DFF's request has provided a more than satisfactory amount of information concerning the statutory requirements to warrant expedition of our requests.

DFF's request provided thorough detail, including more than 90 links to articles and social media posts, into why the requests should be granted expedited processing under 28 C.F.R. §16.5 (e)(1)(ii) and 28 C.F.R. §16.5 (e)(1)(iv). Indeed, with respect to 28 C.F.R. §16.5 (e)(1)(iv), courts have found "widespread and exceptional media interest" where there is extensive coverage across a broad range of media outlets *See ACLU v. Dep't of Just.*, 321 F. Supp. 2d 24, 32 (D.D.C. 2004) ("*ACLU P*") (finding "only a handful of articles" in "a variety of publications" enough); *Am. Oversight v. U.S. Dep't of Just.*, 292 F. Supp. 3d 501, 505 (D.D.C. 2018) (noting DOJ's concession that five articles sufficed); *Brennan Ctr. for Just. at NYC Sch. of L. v. Dep't of Com.*, 498 F. Supp. 3d 87, 97 (D.D.C. 2020) (deeming "more than fifty recent articles from a variety of sources ... considerably more than ... suffic[ient]"); *Citizens for Ethics in Wash. v. U.S. DOGE Serv.*, 769 F. Supp. 3d 8, 27 (D.D.C. 2025) (same); *Democracy Forward Found.*, 2025 WL 3268245, at \*6 (being "hard pressed to think of stronger evidence" for "widespread and exceptional media interest" than "dozens of articles" in "a range of prominent newspapers ... and well-known broadcast outlets").

As noted in our expedited processing request on May 6, the focus of DFF's FOIA requests—records reflecting Kash Patel's drinking habits and their potential influence on his leadership over the FBI—have garnered immense attention from the American public, Congress, and the press.<sup>26</sup> Initially sprung forth from *The Atlantic* publishing an investigative story

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<sup>26</sup> *See, e.g.*, Clips to articles and posts since DFF submitted its expedited processing request on May 6, 2026. Devlin Barrett, *In Heated Exchanges, Kash Patel Denies Lying and Excessive Drinking*, *The New York Times* (May 12, 2026), <https://www.nytimes.com/2026/05/12/us/politics/kash-patel-hearing-fbi-drinking.html>; Rebecca Beitsch, *Patel Agrees to Take Alcohol Test After Heated Exchange with Van Hollen*, *The Hill* (May 12, 2026), <https://thehill.com/homenews/senate/5874784-fbi-director-drinking-test/>; David Graham, *Kash Patel's Performative Deflections*, *The Atlantic* (May 12, 2026), <https://www.theatlantic.com/newsletters/2026/05/kash-patel-hearing-deflection/687149/>; Carol Leonnig *et al.*, *Kash Patel Ordered Polygraphs of More Than Two Dozen Members of His Team, Sources Say*, *MS Now* (May 7, 2026), <https://www.ms.now/news/kash-patel-ordered-polygraphs-of-more-than-two-dozen-members-of-his-team-sources-tell-ms-now>; Jenna Monnin, *Chris Van Hollen Is Awaiting Kash Patel's Alcohol Abuse Test Results*, *NOTUS* (May 13, 2026), <https://www.notus.org/senate/chris-van-hollen-kash-patel-alcohol-abuse-test-results-audit>; Jeremy Roebuck,

informed by two dozen people familiar with Patel's behavior, the issue has now generated serious questions of government integrity, including Patel's fitness to serve as the FBI Director where his reportedly irresponsible behavior may impact national security and public safety.<sup>27</sup>

Even Director Patel and the FBI have noted that this is a matter of high importance. By threatening and subsequently filing a complaint against *The Atlantic*, Director Patel has made it clear that "[t]he [a]rticle was *widely disseminated on the internet*, through AMG's magazine and associated platforms, and was *foreseeably republished, summarized, and discussed throughout national and international media*" and, reaffirming later in the complaint, that "[t]he [a]rticle has been republished, summarized, and discussed in countless other media outlets" (emphasis added).<sup>28</sup> Such declarations leave no room for interpretation that Director Patel and his actions have been a matter of widespread and exceptional media interest since the article was published, pursuant to 28 C.F.R. § 16.5 (e)(1)(iv).

Additionally, given that the Director's complaint went into detail about the "numerous false and defamatory statements of fact," and the assertions made by the Bureau on this matter, there is an urgency to inform the public about the veracity of the allegations of Director Patel's drinking habits and unexplained absences, pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II).

Though certainly not an exhaustive recitation of all new coverage concerning the Director's reportedly troubling drinking habits and unexplained absences, the above sampling of recent media reports clearly demonstrates that this matter continues to attract widespread and exceptional media interest. Indeed, rather than diminishing, public scrutiny has only intensified as additional reporting continues to emerge regarding the Director's conduct.<sup>29</sup> Moreover, the

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*Kash Patel Lashes Out as Lawmakers Question 'Excessive Drinking,'* The Washington Post (May 12, 2026), <https://www.washingtonpost.com/national-security/2026/05/12/kash-patel-lashes-out-lawmakers-question-excessive-drinking/>; Erum Salam, *Patel Clashes With Lawmakers Over Excessive Drinking Allegations*, MS Now (May 12, 2026), <https://www.ms.now/news/fbi-director-kash-patel-senate-testimony-criticism/>; Tara Suter, *Van Hollen Says He's Unsure Patel Will Take Alcohol Use Test After Heated Hearing*, The Hill (May 17, 2026), <https://thehill.com/homenews/administration/5882288-fbi-director-alcohol-test/>; Eric Tucker, *FBI Director Kash Patel Denies Drinking Allegations in Heated Senate Exchange*, Associated Press (May 12, 2026), <https://apnews.com/article/kash-patel-fbi-atlantic-drinking-e7fcec03555aa5e463aae5bb502936b5>.

<sup>27</sup> See, e.g., Fitzpatrick, *Id.*

<sup>28</sup> See, e.g., *Kashyap P. Patel v. The Atlantic Monthly Group LLC, and Sarah Fitzpatrick, Id.*

<sup>29</sup> See, e.g., Katie Kindelan, *FBI Director Kash Patel Too VIP Snorkel Trip Around USS Arizona at Pearl Harbor*, Navy Says, ABC News (May 15, 2026), <https://abcnews.com/US/fbi-director-kash-patel-vip-snorkel-trip-uss/story?id=132998624>; Jim Mustian *et al.*, *Emails Show FBI Director Kash Patel's Hawaii Trip Included 'VIP snorkel' at a Pearl Harbor Memorial*, Associated Press (May 14, 2026), <https://apnews.com/article/fbi-kash-patel-snorkel-hawaii-pearl-harbor-192a81cde7a5879aab747bc0ba4b78b9>; Elizabeth Williamson *et al.*, *Snorkeling at Pearl Harbor: Kash Patel's Travels Add to Focus on Ethical Issues*, The New York Times (May 15, 2026), <https://www.nytimes.com/2026/05/15/us/politics/patel-fbi-travel-snorkeling-pearl-harbor.html>; Christopher Wiggins, *Kash Patel's Bizarre, Lavish Outings are Becoming a Serious Problem for the FBI*, The Advocate (May 16, 2026), <https://www.advocate.com/politics/national/kash-patel-controversies-mount>; Carol Leonnig *et al.*, *FBI Insiders:*

volume and persistence of this reporting leave unresolved questions concerning the integrity and operations of the government's principal law enforcement agency, thereby affecting public confidence in the agency's competency and accountability.

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

Appendix 1. Submitted Requests

Appendix 2. Submitted Expedited Processing Request

Appendix 3. FBI's Responses to DFF's Expedited Processing Request

# **Appendix 1**

## **Submitted Requests**



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),

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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:

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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***Records Requested***

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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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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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[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



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

**Appendix 2**  
**Submitted Expedited Processing Request**



May 6, 2026

Federal Bureau of Investigation  
Attn: Initial Processing Operations Unit  
Record/Information Dissemination Section  
200 Constitution Drive  
Winchester, VA 22602  
[foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov)

**RE: Request for Expedited Processing for Recently Submitted Requests**

To FOIA Officials:

Democracy Forward Foundation (“DFF”) is writing to request the Department of Justice (“DOJ”) Federal Bureau of Investigation (“FBI”) expedite the processing of three FOIA requests submitted on April 21, 2026 and attached herein in Appendix 1. These requests seek records of communications and calendars reflecting Director Kash Patel’s drinking behavior and unexplained absences during his current tenure as the Director of the FBI.

**April 21, 2026 request (1734651-000 and 1733967-000; DFF-DOJ-FBI-26-0499)**

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>1</sup>

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<sup>1</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.

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.

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

**April 21, 2026 request (1733958-000; DFF-DOJ-FBI-26-0500)**

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 containing (b) any of the key terms listed below:

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>2</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.

**April 21, 2026 request (1733981-000; DFF-DOJ-FBI-26-0501)**

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>3</sup>

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

***Request for Expedited Processing***

DFF’s requests merit expedited processing because: (1) the requests concern a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence,” see 28 C.F.R. § 16.5(e)(1)(iv); and (2) there is an urgency to inform the public concerning actual or alleged Federal Government activity, see 5 U.S.C. § 552(a)(6)(E)(v)(II).

- 1. DFF’s requests concern a matter attracting exceptional media interest in which there exist possible government integrity questions that affect public confidence.**

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<sup>2</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>.

<sup>3</sup> See, e.g., Fitzpatrick, *id.*

To qualify for expedited processing under 28 C.F.R. § 16.5(e)(1)(iv), the Department of Justice has interpreted subsection (iv) to require that “the same matter that draws widespread and exceptional media interest must be the matter in which there exists possible questions about the government’s integrity that affect public confidence.” *Am. Oversight v. U.S. Dep’t of Just.*, 292 F. Supp. 3d 501, 506 (D.D.C. 2018). DFF’s instant FOIA requests satisfy both criteria.

**A. DFF’s requests concern a matter attracting widespread and exceptional media interest.**

The focus of DFF’s FOIA requests—records reflecting Kash Patel’s drinking habits and their potential influence on his leadership over the FBI—has garnered immense attention from the American public, Congress, and the press. Initially sprung forth from *The Atlantic*<sup>4</sup> publishing an investigative story informed by two dozen people familiar with Patel’s behavior, the issue has now generated serious questions of government integrity, including Patel’s fitness to serve as the FBI Director where his reportedly irresponsible behavior may impact national security and public safety.

On April 17, 2026, *The Atlantic* published an article, “The FBI Director is MIA,” with accounts of Patel’s drinking habits and unexplained absences during his current tenure as the director of the FBI. These accounts came from more than two dozen individuals—including FBI officials, hospitality-industry workers, former advisers, and more—detailing multiple instances of Patel drinking in excess to the point of “obvious intoxication.” Reportedly, late “alcohol-fueled nights” have resulted in Patel rescheduling his morning meetings and security detail requesting “breaching equipment” because Patel was unreachable behind locked doors. In response, Patel filed a \$250 million defamation lawsuit against *The Atlantic* on April 20, 2026 asserting that this reporting was false. Major news outlets have reported extensively on the contents of the initial Atlantic article and the subsequent lawsuit.<sup>5</sup>

<sup>4</sup> 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>5</sup> Katie Robertson, *F.B.I. Director Sues The Atlantic Over Article Claiming Excessive Drinking*, *The New York Times* (Apr. 20, 2026),

<https://www.nytimes.com/2026/04/20/us/politics/kash-patel-atlantic-article-alcohol-drinking-fbi-lawsuit.html>; Jana Winter, *FBI Director Kash Patel sues the Atlantic claiming false reporting about drinking, absences*, *Reuters* (Apr. 20, 2026), <https://www.reuters.com/world/fbi-director-kash-patel-sues-atlantic-court-records-show-2026-04-20/>; Ryan J. Reilly and Rebecca Shabad, *Kash Patel sues The Atlantic over report alleging excessive drinking and absences*, *NBC News* (Apr. 20, 2026),

<https://www.nbcnews.com/politics/trump-administration/kash-patel-lawsuit-atlantic-allegations-drinking-absences-cna341001>; David Bauder, *FBI Director Kash Patel sues The Atlantic for article that alleged excessive drinking*, *PBS News* (Apr. 20, 2026),

<https://www.pbs.org/newshour/politics/fbi-director-kash-patel-sues-the-atlantic-for-article-that-alleged-excessive-drinking>; Isabella Simonetti, *FBI Director Kash Patel Sues the Atlantic for Defamation*, *The Wall Street Journal* (Apr. 20, 2026), <https://www.wsj.com/business/media/fbi-director-kash-patel-sues-the-atlantic-for-defamation-d0c255fa>; Rebecca Schneid, *What to Know About Allegations of Excessive Drinking by FBI Director Kash Patel*, *TIME* (Apr. 18, 2026),

<https://time.com/article/2026/04/18/what-to-know-about-allegations-of-drinking-by-f-b-i-director-kash-patel/>;

Media interest over this issue also expanded to social media platforms. On [X.com](#) alone, there were at least fourteen posts about the *Atlantic* article, Patel's lawsuit, or Patel's past intoxication history that were viewed over one million times as of April 30, 2026.<sup>6</sup> Sarah Fitzpatrick's [X.com](#) post of her own *Atlantic* article alone has accumulated 2.7 million views since April 17, 2026. Short-form videos on FOIA requests that DFF submitted on this subject have amassed a total of 4.9 million views across Instagram, TikTok, and Facebook.<sup>7</sup> Revelations of Patel's drinking

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William Vaillancourt, *Keystone Kash's Endless Wild Booze Binges Spilled by Top Officials*, Daily Beast (Apr. 17, 2026), <https://www.thedailybeast.com/keystone-kash-patels-endless-wild-booze-binges-spilled-by-top-officials/>; TMZ Staff, *Kash Patel to The Atlantic I Don't Have Drinking Problems ... See You in Court!*, TMZ (Apr. 18, 2026), <https://www.t TMZ.com/2026/04/18/kash-patel-threatens-legal-action-over-drinking-problem-reporting/>; Anna Commander and Peter Aitken, *Kash Patel Issues Defiant Response to New 'Erratic' Behavior Allegations*, Newsweek (Apr. 17, 2026), <https://www.newsweek.com/kash-patel-issues-defiant-response-erratic-behavior-allegations-11848200>; Jacob Rosen and Sarah Lynch, *FBI Director Kash Patel sues The Atlantic for \$250 million over story on alleged drinking, absences*, CBS News (Apr. 20, 2026), <https://www.cbsnews.com/news/kash-patel-lawsuit-the-atlantic-250-million/>; Brian Stelter, *FBI director Kash Patel files \$250M defamation lawsuit against The Atlantic*, CNN (Apr. 20, 2026), <https://www.cnn.com/2026/04/20/media/kash-patel-fbi-atlantic-lawsuit-sarah-fitzpatrick/>; Todd Spangler, *FBI Director Kash Patel Files \$250 Million Defamation Lawsuit Against the Atlantic, Which Calls Suit 'Meritless'*, Variety (Apr. 20, 2026), <https://variety.com/2026/digital/news/fbi-director-kash-patel-sues-the-atlantic-1236725986/>; Dan Mangan, *Kash Patel sues The Atlantic for \$250 million over alcohol abuse claims*, CNBC (Apr. 20, 2026), <https://www.cnbc.com/2026/04/20/kash-patel-atlantic-lawsuit-alcohol-fbi.html>; Rebecca Beitsch, *Patel sues Atlantic over report on job performance, alcohol use*, The Hill (Apr. 20, 2026), <https://thehill.com/regulation/court-battles/5839363-kash-patel-the-atlantic-lawsuit/>.

<sup>6</sup> Sarah Fitzpatrick, [X.com](#) (Apr. 17, 2026), [https://x.com/S\\_Fitzpatrick/status/2045268110119141548?s=20](https://x.com/S_Fitzpatrick/status/2045268110119141548?s=20) (2.7 million views); The Atlantic, [X.com](#) (Apr. 17, 2026), <https://x.com/TheAtlantic/status/2045270947259723902?s=20> (1.4 million views); Republicans Against Trump, [X.com](#) (Apr. 20, 2026), <https://x.com/RpsAgainstTrump/status/2046249054179295514?s=20> (1 million views); Trevor Aaronson, [X.com](#) (Apr. 24, 2026), <https://x.com/trevoraaronson/status/2047711257772347595?s=20> (1 million views); CBS News, [X.com](#) (Apr. 20, 2026), <https://x.com/CBSNews/status/2046235393947815947?s=20> (2.3 million views); TMZ, [X.com](#) (Apr. 24, 2026), <https://x.com/TMZ/status/2047771329449914793?s=20> (2.6 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710047116263536?s=20> (1.9 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046710260728000735?s=20> (2.8 million views); Aaron Rupar, [X.com](#) (Apr. 21, 2026), <https://x.com/atrupar/status/2046711372608663609?s=20> (3.4 million views); Scott MacFarlane, [X.com](#) (Apr. 20, 2026), <https://x.com/MacFarlaneNews/status/2046229683306459163?s=20> (1.6 million views); Aaron Rupar, [X.com](#) (Apr. 19, 2026), <https://x.com/atrupar/status/2045873750579486860?s=20> (1.6 million views).

<sup>7</sup> Aaron Parnas, Instagram (Apr. 29, 2026), [https://www.instagram.com/p/DXvCxFhMEiW/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXvCxFhMEiW/?utm_source=ig_web_copy_link); Aaron Parnas, TikTok (Apr. 29, 2026), [https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@aaronparnas1/video/7634336463089437966?is_from_webapp=1&web_id=7546701254183241246); JollyGoodGinger, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXea9EODIj7/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXea9EODIj7/?utm_source=ig_web_copy_link); JollyGoodGinger, Facebook (Apr. 23, 2026), <https://www.facebook.com/reel/1482936723336439>; Harry Sisson, Instagram (Apr. 22, 2026), [https://www.instagram.com/p/DXc8r0oDv0T/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXc8r0oDv0T/?utm_source=ig_web_copy_link); Harry Sisson, TikTok (Apr. 22, 2026), [https://www.tiktok.com/@harryjssison/video/7631728381813460254?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@harryjssison/video/7631728381813460254?is_from_webapp=1&web_id=7546701254183241246); Harry Sisson, Facebook (Apr. 22, 2026), <https://www.facebook.com/reel/1655987462117284>; AmandasMildTakes, Instagram (Apr. 23, 2026), [https://www.instagram.com/p/DXfJ93Ljc37/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXfJ93Ljc37/?utm_source=ig_web_copy_link); AmandasMildTakes, TikTok (Apr. 23, 2026), [https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@amandasmildtakes/video/7632046758931008799?is_from_webapp=1&web_id=7546701254183241246); Chris Mowrey, Instagram (Apr. 22, 2026), [https://www.instagram.com/p/DXcxUrpkTzH/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/DXcxUrpkTzH/?utm_source=ig_web_copy_link); Chris Mowrey, TikTok (Apr. 22,

habits have also become the topic of videos on the YouTube channels of news networks, other television shows, and podcasters, amassing millions of more views.<sup>8</sup>

Members of Congress have initiated investigations into these allegations and taken to the press and social media to express their concerns. The House Judiciary Committee's Ranking Member sent oversight letters to Patel requesting a submission of an alcohol abuse screening questionnaire and to Chairman Jim Jordan seeking bipartisan cooperation on the investigation over concerns of national security.<sup>9</sup> Other members of Congress have called for Patel's resignation and questioned his fitness to serve as the FBI Director via news conferences, press encounters, and social media.<sup>10</sup>

2026),

[https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is\\_from\\_webapp=1&web\\_id=7546701254183241246](https://www.tiktok.com/@chrismowrey/video/7631767348952845599?is_from_webapp=1&web_id=7546701254183241246).

<sup>8</sup> Jimmy Kimmel Live, *Trump Insists War is Over, Kash Patel Gets Hammered & Right-Wingers Blame Mamdani for Mets Losing*, YouTube (Apr. 22, 2026), [https://youtu.be/a\\_ZsCMSNOuw?si=nj3uYPAuB5FEwJJB](https://youtu.be/a_ZsCMSNOuw?si=nj3uYPAuB5FEwJJB) (3.3 million views); The Late Show with Stephen Colbert, *Get High With The Pope | Trump's Deranged Social Media Blitz | Kash Patel's Drinking Problems*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=HOLJ4B7X8PY> (2.4 million views); The Daily Show, *Kash Patel Denies Excessive Drinking & Labor Sec.'s Family Plays HR Violation Bingo | The Daily Show*, YouTube (Apr. 21, 2026), <https://youtu.be/kGvOFata8ZI?si=CX6pfzJlrYnS13Pf> (2.4 million views); MS NOW, *Paranoid freak-out, excessive drinking: Report describes erratic Kash Patel leading FBI*, YouTube (Apr. 17, 2026), <https://youtu.be/QpOD12q81cY?si=S40eHgKEjhy7-ewV> (1.8 million views); The Daily Show, *Jon on Trump's "Art of the Deal" in Iran & Kosta on Kash Patel's Partying Problem | The Daily Show*, YouTube (Apr. 25, 2026), <https://youtu.be/OiPqXDNBrjo?si=q1rN-gMrDEpyYa8T> (1 million views); Late Night with Seth Meyers, *Trump's Approval Hits All-Time Low, Kash Patel's "Freakouts," Labor Secretary Resigns: A Closer Look*, YouTube (Apr. 22, 2026), [https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA\\_2](https://youtu.be/IljF1cqE3AM?si=1cuGOpJ8irxKNA_2) (1 million views); LegaEagle, *Binge Drinking FBI Director Sues Journalists for Reporting Binge Drinking*, YouTube (Apr. 23, 2026), <https://www.youtube.com/watch?v=aXI3Je4JjiM>; The Bulwark, *Get Kash Patel Out of the FBI—NOW!*, YouTube (Apr. 17, 2026), <https://www.youtube.com/watch?v=bzpUJb6CfKtM> (558,000 views); DeFranco News Clips, *FBI Director Patel Sues Atlantic for \$250M Over Drinking Claims*, YouTube (Apr. 20, 2026), <https://www.youtube.com/watch?v=VjD-S4ROjBE> (718,000 views); MeidasTouch, *Kash Patel PANICS as Entire CAREER Could END FAST*, YouTube (Apr. 27, 2026), <https://www.youtube.com/watch?v=vHcB-LaHbCE> (326,000 views).

<sup>9</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-reports-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening>; Rebecca Shabad et al., *Democrats want FBI Director Kash Patel to fill out alcohol use screening test*, NBC News (Apr. 22, 2026), <https://www.nbcnews.com/politics/justice-department/democrats-want-fbi-director-kash-patel-fill-alcohol-use-screening-test-rcna341343>; Drew Pittcock, *Dems demand FBI Director Kash Patel take alcohol use screening test*, USA TODAY (Apr. 22, 2026), <https://www.usatoday.com/story/news/politics/2026/04/22/fbi-director-kash-patel-alcohol-screening/89740708007/>.

<sup>10</sup> Alexander Bolton, *Schumer: Patel 'grave risk' to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; C-SPAN, *Rep. Ted Lieu Calls on FBI Director Kash Patel to Resign After Allegations of Excessive Drinking*, (Apr. 21, 2026), <https://www.c-span.org/clip/news-conference/rep-ted-lieu-calls-on-fbi-director-kash-patel-to-resign-after-allegations-of-excessive-drinking/5199353>; Senator Dick Durbin, *X.com* (Apr. 18, 2026), <https://x.com/SenatorDurbin/status/2045580922771132751?s=20>; Senator Sheldon Whitehouse, *Bluesky* (Apr. 17, 2026), <https://bsky.app/profile/whitehouse.senate.gov/post/3mjgqexplzc2g>; Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views)

Though certainly not an exhaustive recitation of all coverage on Patel's reportedly concerning drinking habits and unexplained absences, the above sampling of media reports clearly demonstrates that this matter has attracted widespread and exceptional media interest, highlighting the pressing need for expedited processing of this request.

**B. There exist in these media reports questions about the government's integrity that affect public confidence.**

Moreover, the widespread media reporting on the above matters leaves open questions regarding the government's integrity that affects public confidence in the competency of the government's principal law enforcement agency:

1. Are the allegations of Director Patel's excessive drinking habits, as reported in the *Atlantic* article, true?<sup>11</sup>
  - a. Excessive drinking for any FBI employee alone is "immediately grounds for disciplinary action and possibly firing, per the [agency's] own materials."<sup>12</sup> Such habits certainly have graver consequences for anyone serving in the role of the director of the FBI. Considering that the article had been informed by dozens of individuals and how serious the ramifications would be if the FBI Director was indeed routinely experiencing excessive intoxication, shedding light on whether these allegations are true is a critical question of government integrity.
  - b. However, rather than provide clarity, Patel and the FBI have sunk the issue in deeper confusion through releasing conflicting information to the public. First,

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<sup>11</sup> Holmes Lybrand, *With acting AG at his side, FBI Director Patel publicly addresses allegations about his conduct*, CNN (Apr. 22, 2026), <https://www.cnn.com/2026/04/21/politics/kash-patel-excessive-drinking-public-comments>; Josh Gerstein, *Patel lashes out at press over story painting him as drunk and AWOL*, Politico (Apr. 21, 2026), <https://www.politico.com/news/2026/04/21/patel-press-fbi-00885963>; Alexander Mallin, *Patel responds to Atlantic report, says he's 'never been intoxicated on the job'*, ABC News (Apr. 21, 2026), <https://abcnews.com/Politics/patel-responds-atlantic-report-intoxicated-job/story?id=132254781>; Joseph Konig, *Kash Patel Denies Accusations of Excessive Drinking in New Report, Including a Time His Security Allegedly Needed SWAT Gear to Reach Him*, People (Apr. 20, 2026), <https://people.com/kash-patel-denies-excessive-drinking-allegations-11953932>; Rebecca Beitsch, *Patel gets in shouting match with reporter as he defends job performance*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/administration/5842202-patel-denies-intoxication-fbi/>; TMZ Staff, *Kash Patel To 'Fake News Mafia' I Work Hard, I Don't Work Drunk!!!*, TMZ (Apr. 21, 2026), <https://www.tMZ.com/2026/04/21/kash-patel-lashes-out-after-excessive-drinking-claims/>; Lindsey Granger, *Kash Patel alleged to have drinking problem in bombshell Atlantic exposé*, The Hill (Apr. 20, 2026), <https://thehill.com/opinion/lindseys-lens/5839706-allegations-fbi-director-behavior/>.

<sup>12</sup> Democratic House Committee on the Judiciary, *Judiciary Democrats Launch Investigation into Reports of FBI Director Kash Patel's Alcohol Abuse, Demand He Submit to Alcohol Abuse Screening*, (Apr. 22, 2026), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-launch-investigation-into-reports-of-fbi-director-kash-patel-s-alcohol-abuse-demand-he-submit-to-alcohol-abuse-screening>; Leila Fadel, *FBI staffers raise concerns about Director Kash Patel's behavior, report says*, NPR (Apr. 20, 2026), <https://www.npr.org/2026/04/20/nx-s1-5790445/fbi-staffers-raise-concerns-about-director-kash-patels-behavior-report-says>.

Patel filed a lawsuit that alleged the reporting was false. Then, in a press conference, a reporter asked Patel, “Your lawsuit contends you were not able to log into the system... Did you communicate with anyone you thought you were fired?” Patel responded, “I was never locked out of my systems. Anyone who says the opposite is lying.” This statement appears to be in direct contradiction with his own lawsuit that states, “On April 10, 2026, Director Patel had a routine technical problem logging into a government system.”<sup>13</sup>

2. Do Director Patel’s unexplained absences and drinking habits pose a threat to national security and impede FBI operations and investigations?<sup>14</sup>
  - a. Allegations that Patel’s excessive drinking habits may be interfering with his role as the FBI Director are particularly alarming “when we are at war with a country [Iran] that has established sophisticated hacking capabilities and a history of

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<sup>13</sup> Anthony Orrico, *Kash Patel Seems To Blatantly Contradict His Own Atlantic Lawsuit Claim*, HuffPost (Apr. 21, 2026), [https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction\\_n\\_69e804a3e4b0ff46b4123d66](https://www.huffpost.com/entry/kash-patel-atlantic-magazine-lawsuit-contradiction_n_69e804a3e4b0ff46b4123d66); Holly Patrick, *Kash Patel contradicts his own \$250m libel suit during heated exchange with reporter*, Independent TV (Apr. 22, 2026), <https://www.the-independent.com/tv/news/kash-patel-fbi-computer-reporter-b2962748.html>; Edith Olmsted, *Kash Patel Snaps When He’s Fact-Checked About Own Lawsuit to His Face*, The New Republic (Apr. 22, 2026), <https://newrepublic.com/post/209384/kash-patel-fact-check-lawsuit-locked-out>; Erkki Forster, *Keystone Kash Desperately Tries to Clean Up Lawsuit Bombshell*, The Daily Beast (Apr. 22, 2026), <https://www.thedailybeast.com/keystone-kash-patel-desperately-tries-to-clean-up-lawsuit-bombshell/>.

<sup>14</sup> Alexander Bolton, *Schumer: Patel ‘grave risk’ to rule of law, national security*, The Hill (Apr. 21, 2026), <https://thehill.com/homenews/senate/5840900-chuck-schumer-kash-patel-atlantic/>; Fabio Bertoni, *Kash Patel’s Implausible Lawsuit Against The Atlantic*, The New Yorker (Apr. 27, 2026), <https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>; Benedict Smith, *FBI director Kash Patel denies he is threat to national security*, The Telegraph (Apr. 18, 2026), <https://www.telegraph.co.uk/world-news/2026/04/18/fbi-director-kash-patel-denies-being-security-threat/>; Sara Levine, *Damning New Report Calls Kash Patel’s Leadership Into Question*, Katie Couric Media (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>; Eric Tucker and Alanna Durkin Richer, *Resignations and firings have depleted the FBI and Justice Department. They’re scrambling to rebuild*, Los Angeles Times (Apr. 19, 2026), <https://www.latimes.com/world-nation/story/2026-04-19/resignations-firings-have-depleted-fbi-justice-department-t heyre-scrambling-to-rebuild>; Alyssa Ray, *AOC, Other Democratic Leaders Slam Kash Patel’s Behavior as a ‘National Security Threat’ | Video*, THEWRAP (Apr. 20, 2026), <https://www.thewrap.com/media-platforms/journalism/aoc-democrats-congress-react-kash-patel-the-atlantic-report/>; Sarah Davis, *Raskin: Kash Patel ‘on the run now’*, The Hill (Apr. 22, 2026), <https://thehill.com/homenews/house/5842905-fbi-director-raskin-patel/>; Connor Greene, *After Missteps, Kash Patel Faces Questions Over His Leadership of Charlie Kirk Investigation*, TIME (Sep. 22, 2025), <https://time.com/7319464/charlie-kirk-investigation-kash-patel/>; Eric Berger, *FBI’s Kash Patel denies excess drinking amid officials’ US security concerns*, The Guardian (Apr. 18, 2026), <https://www.theguardian.com/us-news/2026/apr/18/fbi-kash-patel-excess-drinking>; Molly Sprayregen, *Lawmakers were asked if Kash Patel’s drinking is a national security threat. Republicans said no*, LGBTQ Nation (Apr. 21, 2026), <https://www.lgbtqnation.com/2026/04/quick-hit-lawmakers-were-asked-if-kash-patels-drinking-is-a-national-security-t hreat-republicans-said-no/>; Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046370782134337642?s=20> (207,000 views); Acyn, *X.com* (Apr. 20, 2026), <https://x.com/Acyn/status/2046376004869132712?s=20> (398,000 views).

sponsoring international terrorism.”<sup>15</sup> An FBI official questioned whether the nation would be more vulnerable to terrorist attacks due to Patel’s behavior, as other officials added Patel is “often away or unreachable, delaying time-sensitive decisions.”<sup>16</sup>

- b. Several elected leaders have also raised questions regarding Patel’s competence and ability to lead the principal law enforcement agency. Such questions have been substantiated by news commentary retrospectively speculating the possibility that alcohol may have affected Patel’s mishandling of the Charlie Kirk and Brown University shooting investigations, where he prematurely announced inaccurate information.<sup>17</sup>
3. Given the FBI’s subsequent use of its law enforcement resources to target the journalist who reported on Director Patel’s conduct, has the Director or the FBI sought to improperly retaliate against a journalist for reporting factually on a matter of great public interest?<sup>18</sup>
    - a. On May 6, 2026, MS NOW reported that it received information from two sources that the FBI “launched a criminal leak investigation” regarding the *Atlantic* journalist Sarah Fitzpatrick’s original reporting of Kash Patel’s drinking behavior.<sup>19</sup> Leak investigations often revolve around disclosure of classified information and not leaks to reporters. Thus, the unusual nature of this reported

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<sup>15</sup> Fabio Bertoni, *Kash Patel’s Implausible Lawsuit Against The Atlantic*, *The New Yorker* (Apr. 27, 2026), <https://www.newyorker.com/news/the-lede/kash-patels-implausible-lawsuit-against-the-atlantic>

<sup>16</sup> 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>17</sup> 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/>; Sara Levine, *Damning New Report Calls Kash Patel’s Leadership Into Question*, *Katie Couric Media* (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>.

<sup>18</sup> Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, *MS NOW* (May 6, 2026), <https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources>; Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>; David A. Graham, *A Dangerous New Attack on Press Freedom*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/ideas/2026/05/kash-patel-fitzpatrick-fbi-investigation/687077/>; Edith Olmsted, *FBI Launches Probe Into Reporter Who Covered Kash Patel’s Drinking*, *The New Republic* (May 6, 2026), <https://newrepublic.com/post/210013/fbi-investigation-atlantic-reporter-kash-patel-drinking>; Corbin Bolies, *FBI Opens Criminal Leak Investigation Over Atlantic Story About Kash Patel | Report*, *TheWrap* (May 6, 2026), <https://www.thewrap.com/media-platforms/journalism/fbi-investigating-atlantic-journalist-kash-patel-report/>; Sarah Rumpf, *FBI Launches Criminal Investigation Into Leaks to Reporter Who Wrote Article About Kash Patel’s Drinking*, *Mediaite* (May 6, 2026), <https://www.mediaite.com/media/fbi-launches-criminal-investigation-into-leaks-to-reporter-who-wrote-article-about-kash-patels-drinking/>; TMZ Staff, *Kash Patel’s FBI Investigating Journalist For Alcohol Exposé... Bureau Denies Report*, *TMZ* (May 6, 2026), <https://www.tmz.com/2026/05/06/fbi-investigating-journalist-over-kash-patel-drinking-report/>;

<sup>19</sup> Ken Dilanian and Carol Leonnig, *FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say*, *MS NOW* (May 6, 2026), <https://www.ms.now/news/fbi-investigating-leaks-to-journalist-who-wrote-explosive-article-on-kash-patel-sources>

investigation raises concerns about attacks on and intimidation of free press, and politically motivated retaliation.<sup>20</sup> Ben Williamson, the Assistant Director of the FBI Office of Public Affairs, has denied the existence of such an investigation to MS NOW. The disclosure of these records would shed light on whether the allegations of Patel’s behavior were truthful, which affects the public’s assessment of whether and how the FBI investigation may be retaliatory.

## **2. There is an urgency to inform the public concerning actual or alleged Federal Government activity.**

As an initial point, DFF—as a not-for-profit organization that works to promote transparency and accountability in government—is primarily engaged in disseminating information to the public. DFF is an organization primarily engaged in “disseminating information to the public,”<sup>21</sup> as evidenced by the previous use of public records obtained by DFF in numerous news reports.<sup>22</sup> In

<sup>20</sup> Matt Viser, *The FBI Is Reportedly Investigating a Leak to an Atlantic Writer*, *The Atlantic* (May 6, 2026), <https://www.theatlantic.com/politics/2026/05/kash-patel-investigation-atlantic/687072/>

<sup>21</sup> 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

<sup>22</sup> See, e.g., Matias Civita, *Emails Show U.S. Marshals Bypassed Training Rules to Deputize Musk’s DOGE Security Detail: Report*, *International Business Times* (Apr. 6, 2026), <https://www.ibtimes.com/emails-show-us-marshals-bypassed-training-rules-deputize-musks-doge-security-detail-report-3800930>; Io Dodds, *Elon Musk’s Bodyguards Made Federal Agent Despite Lack of Training*, *Independent* (Apr. 8, 2026), <https://www.independent.co.uk/bulletin/news/elon-musk-doge-bodyguards-deputized-b2952758.html>; Tega Egwabor, *How Elon Musk’s Bodyguards Got Federal Agent Status*, *Rolling Out* (Apr. 6, 2026), <https://rollingout.com/2026/04/06/how-elon-musks-bodyguards-federal-agent/>; 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>; Ja’han Jones, *Amid Musk’s Paranoia, U.S. Marshals Deputized His Unqualified Security Staff*, *MS Now* (Apr. 6, 2026), <https://www.ms.now/opinion/amid-musks-paranoia-u-s-marshals-deputized-his-unqualified-security-staff>; Lisa Needham, *Musk’s DOGE Security Bros Promoted From Mall Cops to Federal Agents*, *Daily Kos* (Apr. 6, 2026), <https://www.dailykos.com/stories/2026/4/6/2376599/-Musk-s-DOGE-security-bros-promoted-from-mall-cops-to-federal-agents>; Kasandra Rattle, *Marshals Waived Training Rules to Deputize Musk’s Bodyguards*, *Hoodline* (Apr. 7, 2026), <https://hoodline.com/2026/04/feds-bent-badge-rules-to-arm-musk-s-security-detail/>; Maribel Velázquez, *Musk logró que guardaespaldas sin perfil fueran agentes federales*, *La Opinión* (Apr. 7, 2026), <https://laopinion.com/2026/04/07/musk-logro-que-guardaespalas-sin-perfil-fueran-agentes-federales/>; Bethany McLean, *The Man Behind Trump’s Attack on the Fed*, *The Free Press* (Jan. 20, 2026), <https://www.thefp.com/p/the-man-behind-trumps-fed-attack>; Chris Prentice & Marisa Taylor, *Exclusive: Trump appointee inspired by conservative media outlet to push for probe of Democratic congressman*, *Reuters* (Dec. 22, 2025), <https://www.reuters.com/business/finance/trump-appointee-inspired-by-conservative-media-outlet-push-probe-democratic-2025-12-20/>; 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>;

addition, DFF uses information gathered through FOIA to educate the public via numerous other means—including press releases, reports, blog posts, and social media.<sup>23</sup> DFF’s social media platforms reach hundreds of thousands<sup>24</sup> of people—and its website in 2025 garnered 3.5 million views.

There is an urgency to inform the public about the veracity of the allegations of Director Patel’s drinking habits and unexplained absences pursuant to 5 U.S.C. § 552(a)(6)(E)(v)(II), as there is

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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>.

<sup>23</sup> *Democracy Forward Obtains Records Regarding FHFA’s Politicized Investigations of Public Officials*, Democracy Forward (Oct. 30, 2025), <https://democracyforward.org/news/press-releases/pulte-lawsuit/>; *Using AI for Governance and Personnel Decisions*, Democracy Forward (updated February 13, 2026), <https://democracyforward.org/work/investigations/using-ai-for-governance-and-personnel-decisions-without-proper-guardrails/>; *Demanding Accountability: Democracy Forward’s Investigations in the First Year of the Trump-Vance Administration*, Democracy Forward (Mar. 13, 2026), <https://democracyforward.org/work/research/demanding-accountability/>; Democracy Forward (@democracyforward.org), *Thread regarding FOIAs about ICE facial recognition* (Feb. 13, 2026), <https://bsky.app/profile/democracyforward.org/post/3meqqefmoic2s>.

<sup>24</sup> Democracy Forward currently has approximately 105,500 followers on Bluesky (<https://bsky.app/profile/democracyforward.org>, last visited March 17, 2026), 106,000 followers on Instagram (<https://www.instagram.com/democracyforward/>, last visited March 17, 2026), and 17,300 followers on X (<https://x.com/DemocracyFwd>, last visited March 17, 2026).

both intense public interest surrounding the Administration's actions and potential threats to national security. The *Atlantic* article quotes current FBI officials who believe his excessive drinking habits will threaten public safety. As the United States is currently at war with Iran, a state sponsor of terrorism, experts assess the country is at risk of retaliatory attacks, with warnings of potential attacks coming from the federal government itself. FBI officials have expressed worries over the agency's ability to handle such issues under Patel's leadership marked by unreachable periods and delays in time-sensitive decisions. Further corroborating the potential threat to public safety, FBI officials have questioned whether alcohol played a role in the active law enforcement investigations Patel has already made missteps in, i.e., Brown University and Charlie Kirk.<sup>25</sup>

The reporting of Patel's personal behavior raises serious and time sensitive questions about his fitness to lead the government's principal law enforcement agency, and whether the government ought to implement personnel changes—including, but not limited to removing Patel from his role as the FBI Director—to safeguard national security. The requested records—communications of Patel's security detail and records reflecting rescheduled morning meetings—will shed light on whether the allegations of Patel's excessive drinking habits are true, and if they impede the FBI's ability to carry out its investigations and ensure public safety. The severe ramifications of these allegations and the current wartime environment create a current exigency for the public to receive the information requested.

I certify to the best of my knowledge and belief that the above is accurate and expedited processing is warranted in this matter.

Sincerely,

/s/ Daniel A McGrath

Senior Oversight Counsel

*On behalf of*

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

Appendix 1. Submitted Requests

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<sup>25</sup> 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/>; Sara Levine, *Damning New Report Calls Kash Patel's Leadership Into Question*, *Katie Couric Media* (Apr. 19, 2026), <https://katiecouric.com/news/kash-patel-atlantic-article/>.

**Appendix 3**  
**FBI's Responses to DFF's Expedited Processing**  
**Request**



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

May 15, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
POST OFFICE BOX 34553  
WASHINGTON, DC 20043

FOIPA Request No.: 1733967-000  
Subject: Calendar Entries for Director Patel Reflecting  
Rescheduling of Meetings Before 12PM  
(February 21, 2025 – August 21, 2025)

Dear Ms. Perryman:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process rights."
- 28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have not provided enough information concerning the statutory requirements for expedition; therefore, your request is denied.

Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia). Should you have questions regarding your request, please feel free to contact [fbi.foia@fbi.gov](mailto:fbi.foia@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the FBI's determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [fbi.foia@fbi.gov](mailto:fbi.foia@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Sincerely,

A handwritten signature in black ink that reads "Isabel Lara". The signature is written in a cursive style with a large initial 'I' and a long, sweeping tail on the 'a'.

Isabel Lara  
Section Chief  
Record/Information Dissemination Section  
Information Management Division



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

May 15, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
POST OFFICE BOX 34553  
WASHINGTON, DC 20043

FOIPA Request No.: 1734651-000  
Subject: Director Patel's Personal/Vacation Day  
Usage  
(On or After February 21, 2025)

Dear Ms. Perryman:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process rights."
- 28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have not provided enough information concerning the statutory requirements for expedition; therefore, your request is denied.

Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia). Should you have questions regarding your request, please feel free to contact [fbi.foia@fbi.gov](mailto:fbi.foia@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the FBI's determination in response to this request, you may proceed under any or all of the following options:

- You may seek dispute resolution services through the FBI directly by emailing our FOIA Public Liaison at [fbi.foia@fbi.gov](mailto:fbi.foia@fbi.gov). The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.
- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

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Sincerely,

A handwritten signature in black ink that reads "Isabel Lara". The signature is written in a cursive, flowing style.

Isabel Lara  
Section Chief  
Record/Information Dissemination Section  
Information Management Division



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

May 19, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
POST OFFICE BOX 34553  
WASHINGTON, DC 20043

FOIPA Request No.: 1733958-000  
Subject: Communications Sent by Director Patel's  
Security Detail Containing Specific Terms  
(On or After February 21, 2025)

Dear Ms. Perryman:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process rights."
- 28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

You have not provided enough information concerning the statutory requirements for expedition; therefore, your request is denied.

Additional information about the FOIPA can be found at [www.fbi.gov/foia](http://www.fbi.gov/foia). Should you have questions regarding your request, please feel free to contact [fbi.foia@fbi.gov](mailto:fbi.foia@fbi.gov). Please reference the FOIPA Request number listed above in all correspondence concerning your request.

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- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Sincerely,

A handwritten signature in black ink that reads "Isabel Lara". The signature is written in a cursive style with a large, sweeping initial "I".

Isabel Lara  
Acting Section Chief  
Record/Information Dissemination Section  
Information Management Division



U.S. Department of Justice

Federal Bureau of Investigation  
Washington, D.C. 20535

May 19, 2026

MS. SKYE PERRYMAN  
DEMOCRACY FORWARD FOUNDATION  
POST OFFICE BOX 34553  
WASHINGTON, DC 20043

FOIPA Request No.: 1733981-000  
Subject: PATEL, KASH  
(Use of Breaching Equipment  
January 1, 2025 - April 20, 2026)

Dear Ms. Perryman:

This is in reference to your letter to the FBI, in which you requested expedited processing for the above-referenced Freedom of Information/Privacy Acts (FOIPA) request. Under Department of Justice (DOJ) standards, expedited processing can only be granted in the following situations.

You have requested expedited processing according to:

- 28 C.F.R. §16.5 (e)(1)(i):** "Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual."
- 28 C.F.R. §16.5 (e)(1)(ii):** "An urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information."
- 28 C.F.R. §16.5 (e)(1)(iii):** "The loss of substantial due process rights."
- 28 C.F.R. §16.5 (e)(1)(iv):** "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

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- You may contact the Office of Government Information Services (OGIS), who serves as the federal FOIA Ombudsman. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.
- You may file an administrative appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. **Pursuant to 28 C.F.R. § 16.8(a), your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of this response to your request.** If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please reference the FOIPA Request Number listed above in your correspondence so it may be easily identified. If possible, please provide a copy of your original request and this response letter with your appeal.

Note: Utilizing the FBI's dispute resolution services or requesting mediation through OGIS does not toll the ninety (90) day limit to file a timely appeal with OIP.

Sincerely,

A handwritten signature in black ink that reads "Isabel Lara". The signature is written in a cursive style with a large initial 'I' and a long, sweeping tail on the 'a'.

Isabel Lara  
Section Chief  
Record/Information Dissemination Section  
Information Management Division