February 12, 2025

VIA ONLINE PORTAL

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

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, 28 C.F.R. Part 16, American Oversight makes the following request for records.

On February 11, 2025, Senator Dick Durbin, Ranking Member of the Senate Judiciary Committee, sent a letter to the Department of Justice (DOJ) Inspector General citing "highly credible information from multiple sources" alleging that Kash Patel—President Trump's nominee to serve as Director of the Federal Bureau of Investigation (FBI)—directed Acting Deputy Attorney General Emil Bove to fire career civil servants at the FBI and, in turn, "may have" committed perjury at his confirmation hearing.[1] American Oversight seeks records with the potential to shed light on this matter.

Requested Records

American Oversight seeks expedited review of this request for the reasons identified below and requests that DOJ produce the following records as soon as practicable, and at least within twenty business days:

1. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, all handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) any member of the FBI

[1] *See* Charlie Savage, *Senator Accuses F.B.I. Nominee of Covertly Directing Dismissals*, N.Y. Times (Feb. 11, 2025, 4:58 PM), https://www.nytimes.com/2025/02/11/us/politics/kash-patel-fbi-durbin.html; *see also* Letter from Sen. Durbin to Inspector General, U.S. Dep't of Justice, Feb. 11, 2025, https://static01.nyt.com/newsgraphics/documenttools/8c3f97f48409daa8/51efc0bb-full.pdf.

Director's Advisory Team, and/or anyone communicating on their behalf, such as a chief of staff, assistant, or secretary, and (b) Kash Patel.

2. All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Signal, Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, all handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) (a) sent or received by any member of the FBI Director's Advisory Team, and/or anyone communicating on their behalf, such as a chief of staff, assistant, or secretary, and (b) containing any of the key terms listed below.

   Key Terms:
   i. Kash
   ii. Patel
   iii. KP
   iv. Trishul
   v. Kashyap

Please provide all responsive records from January 20, 2025, through the date this request is received.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government."[2] The public has a significant interest in the allegations raised against Patel, Bove, and the FBI Director's Advisory Team, especially amidst Patel's pending nomination to lead the FBI, the nation's top law enforcement agency.[3] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the federal government, including whether and to what extent DOJ and FBI officials improperly communicated with Patel, or whether they communicated about his alleged actions. American Oversight is committed to transparency and makes the responses agencies provide to FOIA requests publicly available, and the public's understanding of

[2] 5 U.S.C. § 552(a)(4)(A)(iii).
[3] *See* Savage, *supra* note 1; Letter from Sen. Durbin to Inspector General, *supra* note 1.

the government's activities would be enhanced through American Oversight's analysis and publication of these records.

This request "is not primarily in the commercial interest of the requester."[4] In fact, as a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[5]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.[6] Examples reflecting this commitment include the posting of records related to the first Trump Administration's contacts with Ukraine and analyses of those contacts;[7] posting records and editorial content about the federal government's response to the Coronavirus pandemic;[8] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the first Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[9] the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department's process for issuing such waivers;[10]

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[4] 5 U.S.C. § 552(a)(4)(A)(iii).

[5] American Oversight currently has approximately 16,000 followers on Facebook and 95,800 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 10, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 10, 2025).

[6] *See generally News*, American Oversight, https://www.americanoversight.org/blog.

[7] *Trump Administration's Contacts with Ukraine*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-contacts-with-ukraine.

[8] *See generally The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *see, e.g., 'We've All Given Up Getting a Straight Answer From You Guys: Frustrated Emails Between Illinois Governor's Office and White House*, https://www.americanoversight.org/weve-all-given-up-getting-a-straight-answer-from-you-guys-frustrated-emails-between-illinois-governors-office-and-white-house.

[9] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g., Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.

[10] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-

and posting records and analysis of federal officials' use of taxpayer dollars to charter private aircraft or use government planes for unofficial business.[11]

Accordingly, American Oversight qualifies for a fee waiver.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 28 C.F.R. Part 16, American Oversight requests that your agency expedite the processing of this request.

I certify to be true and correct to the best of my knowledge and belief that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity.[12] In his January 30, 2025, confirmation hearing in front of the Senate Judiciary Committee, Kash Patel—President Trump's nominee to serve as Director of the FBI—testified under oath that he was not aware of plans or discussions to punish or terminate FBI agents or personnel who were associated with previous agency investigations into President Trump.[13] On February 4, 2025, a coalition of 20 state Attorneys General sent a letter to the Senate Judiciary Committee urging the committee to require further questioning of Patel about politically motivated firings at the FBI, as well as the FBI's reported development of a list of all agents and staff assigned to investigations and prosecutions related to the January 6 Capitol insurrection—as many as 6,000 FBI employees.[14]

On February 11, 2025, Senator Dick Durbin, Ranking Member of the Senate Judiciary Committee, sent a letter to the DOJ Inspector General citing "highly credible information from multiple sources" alleging that Patel personally directed the firings of career civil servants at the FBI and, in turn, "may have perjured himself" when denying his awareness of plans or discussions about such firings at his confirmation hearing.[15] Senator Durbin alleged in his letter and also in a speech on the Senate floor that Patel received information from within the newly established FBI Director's Advisory Team

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francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

[11] *See generally Swamp Airlines: Chartered Jets at Taxpayer Expense*, American Oversight, https://www.americanoversight.org/investigation/swamp-airlines-private-jets-taxpayer-expense; *see, e.g., New Information on Pompeo's 2017 Trips to His Home State*, American Oversight, https://www.americanoversight.org/new-information-on-pompeos-2017-trips-to-his-home-state.

[12] 28 C.F.R. Part 16.5(e)(1)(ii).

[13] *See, e.g.*, Marshall Cohen, *Takeaways from FBI Director Nominee Kash Patel's Combative Confirmation Hearing*, CNN (updated Jan. 30, 2025, 10:48 PM), https://www.cnn.com/2025/01/30/politics/takeaways-kash-patel-fbi-confirmation-hearing/index.html.

[14] *See* Letter from 20 State Attorneys General to Senate Committee on the Judiciary, Feb. 4, 2025, https://nj.gov/oag/newsreleases25/Arizona-AG-Letter-to-Senate-Judiciary-Committee-Re-FBI-and-Kash-Patel.pdf.

[15] *See* Letter from Sen. Durbin to Inspector General, *supra* note 1.

and subsequently provided direction to White House Deputy Chief of Staff Stephen Miller, who in turn pressured Acting Deputy Attorney General Emil Bove to speed up the removal of targeted FBI employees.[16] Senator Durbin asserted that, if the his sources are correct, two days before Patel's confirmation hearing, Stephen Miller, at Patel's direction, "ordered DOJ leadership not just to terminate a specific list of officials, but to speed up those terminations."[17]

Given Patel's pending nomination to lead the FBI, the nation's top law enforcement agency, the American public is entitled to swift release of records responsive to American Oversight's requests centered on Patel's connections to the FBI's firings of officials involved in previous agency investigations into President Trump. The American public has a substantial and urgent interest in understanding the recent alleged actions of members of the Trump Administration—including Miller, Bove, and one or more members of the FBI Director's Advisory Team — especially amidst reporting on allegations of perjury levied against Patel.[18]

Moreover, I certify to be true and correct to the best of my knowledge and belief that there is an urgent need to inform the public about DOJ and FBI actions relevant to Patel's January 30, 2025 testimony before the Senate Judiciary Committee.[19] Members of the public require the requested information urgently to both inform themselves about Patel's fitness to serve as Director of the FBI and engage with their senators who are likely to soon face a confirmation vote for Patel and may be able to investigate the matter.[20]

I also certify to be true and correct to the best of my knowledge and belief that there is widespread and exceptional media interest in the information requested and there exist possible questions concerning the government's integrity, which affect public confidence. In light of the Trump Administration's multiple actions taken to fire officials involved in previous agency investigations into President Trump, media interest in these firings has been widespread and exceptional.[21] Since Senator Durbin's letter to

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[16] *See id.*; *Durbin: Kash Patel Has Been Personally Directing The Ongoing Purge of FBI Officials*, U.S. Senator Dick Durbin, Feb. 11, 2025, https://www.durbin.senate.gov/newsroom/press-releases/durbin-kash-patel-has-been-personally-directing-the-ongoing-purge-of-fbi-officials.

[17] *Id.*

[18] *See, e.g.*, Sarah Lynch, *Senate Democrat Alleges FBI Chief Pick Patel Is Secretly Overseeing Firings*, Reuters (Feb. 11, 2025, 3:15 PM), https://www.reuters.com/world/us/senate-democrat-alleges-fbi-chief-pick-patel-is-secretly-overseeing-firings-2025-02-11/.

[19] *See* Cohen, *supra* note 13.

[20] *See, e.g.*, Hailey Fuchs, *Committee Punts on Kash Patel Vote as Democrats Keep Up the Pressure*, Politico (Feb. 6, 2025, 11:19 AM), https://www.politico.com/live-updates/2025/02/06/congress/kash-patel-fbi-confirmation-00202842.

[21] *See, e.g.*, Adam Goldman & Devin Barrett, *Trump Administration Shocks Senior F.B.I. Ranks by Moving to Replace Them*, N.Y. Times, Jan. 30, 2025, https://www.nytimes.com/2025/01/30/us/politics/trump-fbi-firing.html; Pat Milton et al., *FBI Executives Ousted and Personnel Under Review as Trump DOJ Fires Jan. 6 Capitol Riot Prosecutors*, CBS (updated Jan. 31, 2025, 9:26 PM),

the DOJ Inspector General, media interest in Patel's alleged role in the firings of FBI officials quickly intensified, becoming more widespread and exceptional.[22]

Moreover, I certify to be true and correct to the best of my knowledge and belief that there exist possible questions concerning the government's integrity regarding the firings of FBI officials involved in previous agency investigations into President Trump. Allegations that Patel received information from the FBI Director's Advisory Team and provided direction to White House Deputy Chief of Staff Stephen Miller, who subsequently provided direction to Acting Deputy Attorney General Emil Bove involve potential misconduct of DOJ and FBI officials.[23] In addition, there are open and

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https://www.cbsnews.com/news/fbi-agents-on-jan-6-capitol-riot-trump-investigations-to-be-fired-sources-say/; Evan Perez et al., *Trump DOJ Demands List of Thousands of FBI Agents, Others Who Worked on Jan. 6 and Trump Investigations for Possible Firing*, (updated Jan. 31, 2025, 10:24 PM), https://www.cnn.com/2025/01/31/politics/fbi-agents-who-investigated-january-6-fired/index.html.

[22] *See, e.g.*, Eric Tucker, *Senator Seeks Watchdog Inquiry into Kash Patel, Alleges Behind-the-Scenes Role in Purge at FBI*, Assoc. Press (Feb. 11, 2025, 3:13 PM), https://apnews.com/article/fbi-trump-kash-patel-durbin-0b68c346a75ee21a38896c1be4692916; Jeremy Roebuck & Perry Stein, *Sen. Durbin Accuses FBI Nominee Kash Patel of Directing Bureau Firings*, Wash. Post, Feb. 11, 2025, https://www.washingtonpost.com/national-security/2025/02/11/kash-patel-durbin-whistleblower-fbi-firings/; Alexander Bolton & Rebecca Beitsch, *Durbin Calls for Investigation into Patel's Role in FBI Firings*, The Hill (Feb. 11, 2025, 12:38 PM), https://thehill.com/homenews/senate/5138452-durbin-kash-patel-fbi/; Ken Dilanian et al., *Democrat Accuses Trump FBI Pick Kash Patel of Secretly Ordering Firings*, NBC News (Feb. 11, 2025, 7:41 PM ET), https://www.nbcnews.com/politics/justice-department/democrat-accuses-trump-fbi-pick-kash-patel-secretly-ordering-firings-rcna191743; Jacob Rosen, *Durbin Accuses Patel of Ordering FBI Firings Before His Confirmation as FBI Director and Lying About It*, CBS News (Feb. 11, 2025, 3:40 PM ET), https://www.cbsnews.com/news/durbin-patel-fbi-staff-prior-to-confirmation/; Bart Jansen, *Senate Democrat: Kash Patel 'May Have Committed Perjury' Denying Link to FBI Purge*, USA Today (Feb. 11, 2025, 3:30 PM ET), https://www.usatoday.com/story/news/politics/2025/02/11/kash-patel-fbi-nominee-dick-durbin-perjury-accusation/78423077007/; Alison Durkee, *What to Know About Kash Patel—As Senate Dem Alleges Trump's FBI Pick 'May Have Perjured Himself'*, Forbes (Feb. 11, 2025, 1:06 PM ET), https://www.forbes.com/sites/alisondurkee/2025/02/11/what-to-know-about-kash-patel-as-senate-dem-alleges-trumps-fbi-pick-may-have-perjured-himself/; Andrew Stanton, *Trump's FBI Pick Kash Patel Accused of Perjury: What We Know*, Newsweek (Feb. 11, 2025, 3:26 PM ET), https://www.newsweek.com/kash-patel-accused-perjury-senator-durbin-2029610; ET Online, *'Kash Patel Orchestrating…': Durbin Accuses Trump's FBI Pick of Covertly Directing Bureau Firings*, The Economic Times (Feb. 12, 2025, 4:02 AM IST), https://economictimes.indiatimes.com/news/international/world-news/kash-patel-orchestrating-durbin-accuses-trumps-fbi-pick-of-covertly-directing-bureau-firings/videoshow/118157377.cms?from=mdr.

[23] *See supra* note 16.

outstanding questions regarding whether and to what extent Patel may have perjured himself while testifying about these actions in front of the Senate Judiciary Committee.[24] The information requested is necessary to provide an explanation to the public as to whether members of the DOJ and FBI have followed the law and upheld their ethical obligations in actions surrounding the firings of agency officials involved in previous investigations into President Trump. Furthermore, the information is essential for the public to fully assess whether the current nominee to head the FBI has engaged in unethical or unlawful conduct.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,[25] American Oversight "'gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.'"[26] American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[27] As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.[28]

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[24] *Id.*

[25] *See ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

[26] *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

[27] American Oversight currently has approximately 16,000 followers on Facebook and 95,800 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited Feb. 10, 2025); American Oversight (@weareoversight), X (formerly Twitter), https://x.com/weareoversight (last visited Feb. 10, 2025).

[28] *See generally News*, American Oversight, https://www.americanoversight.org/blog; *see, e.g.*, *Emails and Resume of Trump's Pick to Head Government Personnel Office*, American Oversight, https://www.americanoversight.org/emails-and-resume-of-trumps-pick-to-head-government-personnel-office; *CDC Calendars from 2018 and 2019: Pandemic-Related Briefings and Meetings*, American Oversight, https://www.americanoversight.org/cdc-calendars-from-2018-and-2019-pandemic-related-briefings-and-meetings; *State Department Releases Ukraine Documents to American Oversight*, American Oversight, https://www.americanoversight.org/state-department-releases-ukraine-documents-to-american-oversight; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia; *Sessions' Letter Shows DOJ Acted On Trump's*

Accordingly, American Oversight's request satisfies the criteria for expedition.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.

- In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.[29] It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; American Oversight has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.[30]

- Please use all tools available to your agency to conduct a complete and efficient search for potentially responsive records. Agencies are subject to government-

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Authoritarian Demand to Investigate Clinton, American Oversight, https://www.americanoversight.org/sessions-letter.

[29] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); *cf. Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

[30] *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).

wide requirements to manage agency information electronically,[31] and many agencies have adopted the National Archives and Records Administration (NARA) Capstone program, or similar policies. These systems provide options for searching emails and other electronic records in a manner that is reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency's archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

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[31] Presidential Memorandum—Managing Government Records, 76 Fed. Reg. 75,423 (Nov. 28, 2011), https://obamawhitehouse.archives.gov/the-press-office/2011/11/28/presidential-memorandum-managing-government-records; Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments & Independent Agencies, "Managing Government Records Directive," M-12-18 (Aug. 24, 2012), https://www.archives.gov/files/records-mgmt/m-12-18.pdf.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Ben Sparks at foia@americanoversight.org or (202) 873-1741. Also, if American Oversight's request for expedition is not granted or its request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Ben Sparks
Ben Sparks
on behalf of
American Oversight