



March 6, 2026

VIA WEBSITE ONLY

Michael G. Seidel, Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
200 Constitution Drive
Winchester, VA 22602
<https://efoia.fbi.gov>

RE: FOIA Request Seeking Records of the FBI's Surveillance of Kash Patel and Susie Wiles in 2022 and 2023

Dear Mr. Seidel:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations. The Request is made by the American Center for Law and Justice (“ACLJ”)¹ on behalf of its supporters. To summarize, this Request seeks records pertaining to the FBI’s surveillance of Kash Patel and Susie Wiles in 2022 and 2023.

BACKGROUND

Pursuant to DOJ FOIA regulation 28 C.F.R. §16.3(b), this Background addresses “the date, title or name, author, recipient, subject matter of the record[s]” requested, to the extent known.

According to a February 25, 2026, article from Reuters *Exclusive: FBI obtained Kash Patel and Susie Wiles phone records during Biden administration*:

¹ The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

Kash Patel told Reuters that the FBI subpoenaed records of phone calls made by himself and Susie Wiles, now the FBI director and White House Chief of Staff, when they were both private citizens in 2022 and 2023 during the federal probe of Donald Trump. The FBI's actions took place during the Biden administration, largely when Special Counsel Jack Smith was investigating whether Trump had interfered with the 2020 election and had hidden classified documents at Mar-a-Lago, according to Patel.

Patel said investigators used subpoenas to obtain what are known as “toll records,” which detailed the timing and recipients of calls he and Wiles made, but not what was said on the calls. The government may lawfully obtain these records via subpoena without a judge’s approval. The FBI discovered the phone records in files categorized as “Prohibited,” which makes them difficult to discover on the bureau’s computer systems. Patel said he did not know the FBI’s purpose in seizing the phone records of him and Wiles. Patel said the collection of phone records extended into Wiles’ time as Trump’s co-campaign manager; he did not say when exactly the record collection began or ended. ²

Additionally:

In 2023, the FBI recorded a phone call between Wiles and her attorney, according to two FBI officials. Wiles’ attorney was aware that the call was being recorded, and consented to it, but Susie Wiles was not. ³

Reports indicate that Wiles and her unnamed attorney dispute that the attorney was aware the call was being recorded. FBI Director Kash Patel recently told Reuters:

It is outrageous and deeply alarming that the previous FBI leadership secretly subpoenaed my own phone records — along with those of now White House chief of staff Susie Wiles — using flimsy pretexts and burying the entire process in prohibited case files designed to evade all oversight. ⁴

At least 10 current FBI employees have been dismissed as a result of the revelations about the targeting of Patel, Wiles and others connected to the Mar-a-Lago classified documents case. ⁵

This FOIA seeks further information on the FBI’s actions mentioned above.

² Jana Winter, *Exclusive: FBI Obtained Kash Patel and Susie Wiles Phone Records During Biden Administration*, REUTERS, <https://www.reuters.com/world/us/fbi-obtained-kash-patel-susie-wiles-phone-records-during-biden-administration-2026-02-25/> (last updated February 26, 2026).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

RECORDS REQUESTED

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “headquarters” and “Field Office” or any other **acronym** used herein has the definition as used in Federal Bureau of Investigation & Department of Homeland Security’s STRATEGIC INTELLIGENCE ASSESSMENT AND DATA ON DOMESTIC TERRORISM manual (hereinafter the SIADDT).

For purposes of this Request, all terms otherwise used herein have the definitions given by FOIA, 5 U.S.C. § 552 *et seq.*

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 6, 2020, to the date this request is processed.

The ACLJ hereby requests the FBI to produce the following records:

1. All records containing any discussion of seeking, authorizing, acquiring, or analyzing the toll records of Kash Patel (excluding the actual toll records).
2. All records containing any discussion of seeking, authorizing, acquiring, or analyzing the toll records of Susie Wiles (excluding the actual toll records).
3. All records containing any discussion of seeking, authorizing, and actually acquiring the recording of Susie Wiles’ phone call with her attorney, as referenced in the background section above (excluding the actual recording).
4. Any record containing discussion of Kash Patel and Susie Wiles that the FBI provided to or received from Jack Smith or his team.

REQUEST FOR WAIVER OF FEES

The ACLJ requests a waiver of all fees for this request. Disclosure of the requested information to us 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 our commercial interest. The documents requested are to provide transparency on the perceived politicization of the FBI. Thank you for your consideration of this request.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



Respectfully submitted,

Handwritten signature of Jordan Sekulow in blue ink.

Jordan Sekulow
Executive Director

Handwritten signature of Benjamin P. Sisney in blue ink.

Benjamin P. Sisney
Senior Litigation Counsel

Handwritten signature of John A. Monaghan in blue ink.

John A Monaghan
Senior Litigation Counsel