



Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Patel,

On Monday May 26, 2025, Deputy Director of the Federal Bureau of Investigation (FBI) Dan Bongino announced the FBI would be escalating three investigations involving “potential public corruption.” One of the investigations involves the obtaining and publishing of a draft Supreme Court opinion in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022) by *Politico*. Reportedly, the investigation is focused on finding the source who gave the unpublished opinion to *Politico*. As organizations that defend press freedom, free expression, and civil liberties, we are deeply concerned by the potentially chilling nature of this investigation on First Amendment-protected newsgathering. We are writing to you to clarify the nature and scope of this investigation.

FBI investigations are generally limited to three purposes: violations of federal statutes, threats to national security, and/or collection of foreign intelligence. While there are federal statutes governing national defense information,¹ classified information,² tax information³, or certain government records whose release could cause unwarranted invasions of privacy,⁴ none of these statutes on their face criminalize sharing an unpublished court opinion with a journalist. And while the U.S. has statutes to safeguard against public corruption that are well within the FBI’s jurisdiction, none of these statutes plausibly have any connection with sharing or publishing a draft court opinion.

As a result, absent clarifying information, the *Dobbs*-related enquiry could give the appearance of an impermissible investigation into First Amendment-protected activities – which in turn could instill a wide-reaching chilling effect on First Amendment-protected newsgathering.

¹ E.g. 18 U.S.C. 793; 18 U.S.C. 794

² E.g. 50 U.S. Code § 783; 18 U.S. Code § 798; 18 U.S.C. § 1924

³ E.g. 26 U.S. Code § 7213 (a)

⁴ E.g. 5 U.S. Code § 552a (I)

We request your clarification on two points about the investigation and its renewed priority:

- Is the FBI's investigation into the publication of the *Dobbs* draft decision predicated on a federal statute, and if so, what statute is it predicated on?
- What is the impetus for the decision to give renewed focus into a three-year-old incident with no apparent criminal violation? Is there new evidence of violations of federal statutes?

We look forward to your answer to these requests for clarification.

Sincerely,

Defending Rights & Dissent

The Authors Guild

Fight for the Future

First Amendment Coalition

First Amendment Foundation

Freedom of the Press Foundation

Government Information Watch

National Press Photographers Association

PEN America

Radio Television Digital News Association

Reporters Without Borders (RSF)

Whistleblower & Source Protection Program (WHISPeR) at ExposeFacts

CC: Deputy Director Dan Bongino, Federal Bureau of Investigation