

Exclusive

# FBI probing leaks to journalist who wrote explosive article on Kash Patel, sources say

MS NOW has learned that agents are investigating the Atlantic reporter who wrote a detailed story of Patel's alleged heavy drinking and erratic behavior.



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 By Ken Dilanian and Carol Leonnig

The FBI has launched a criminal leak investigation focusing on an Atlantic magazine journalist who wrote a deeply unflattering account last month of Director Kash Patel's work habits, two people familiar with the matter told MS NOW.

The sources said the so-called insider threat investigation is highly unusual because it did not stem from a disclosure of classified information and because it is focused on leaks to a reporter. The agents involved are part of an insider threats unit based in Huntsville, Alabama, the sources added.

Typically, leak investigations look into government officials who may have disclosed state secrets or classified documents. Journalists who receive and publish such information have typically only been involved as potential witnesses.

The journalist, Sarah Fitzpatrick, cited two dozen anonymous sources in a [detailed story](#) reporting that Patel's alcohol consumption and erratic behavior had caused deep concern among FBI officials. Patel was known to drink to the point of intoxication, she reported, adding that on occasion his security detail had trouble waking him in the morning.

Patel immediately [sued The Atlantic](#), saying the story contained falsehoods and claiming he had been defamed. The magazine and Fitzpatrick stood by her reporting, saying they had received additional corroboration after it was published.

An investigation could be used by FBI agents to obtain her phone records, run her name and information through FBI databases and examine her social media contacts. It was not known what investigative steps agents have taken in the case.

There is deep concern about this approach among some of the FBI agents assigned to the matter, said the sources, who were granted anonymity in order to speak freely about a sensitive matter.

"They know they are not supposed to do this," one source said. "But if they don't go forward, they could lose their jobs. You're damned if you do and damned if you don't."

FBI spokesperson Ben Williamson denied the investigation to MS NOW, saying, "This is completely false. No such investigation like this exists and the reporter you mention is not being investigated at all.

"Every time there's a publication of false claims by anonymous sources that gets called out, the media plays the victim via investigations that do not exist," he added.

In a statement to MS NOW, The Atlantic's editor-in-chief, Jeffrey Goldberg, said, "We will have further comment when we learn more. If true, this would be an outrageous, illegal, and dangerous attack on the free press and the First Amendment. We will defend Sarah and all of our reporters who are subjected to government harassment simply for pursuing the truth."

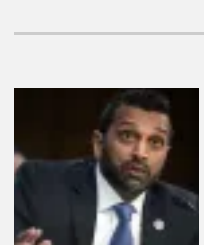
The Justice Department has had a very high bar to subpoena reporters or seek to obtain their phone records in criminal investigations, and historically has sought to get such testimony or records only when there is leak of classified information and investigators have already exhausted all other means to find the person or people who illegally released such sensitive material.

During the George W. Bush and Obama administrations, the FBI infrequently obtained reporters' phone records as part of investigations into government officials suspected of disclosing classified information, in violation of the Espionage Act.

During President Joe Biden's administration, Attorney General Merrick Garland went further to protect journalists' sources. His actions came in the wake of the early 2021 discovery that the Justice Department in the first Trump presidency had secretly obtained records of journalists at The Washington Post, CNN and The New York Times when probing who had disclosed government secrets related to the investigation of Russian interference in the 2016 election and other national security matters.

In July 2021, Garland issued a directive that [prohibited federal prosecutors](#) from seizing journalists' records when they were engaged in normal newsgathering, other than in extraordinary circumstances. That included when reporters were suspected of working for agents of a foreign power or terrorist organizations or in situations that posed imminent risk to human life.

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That July, Garland ordered a full review of the department's use of subpoenas and compulsory orders to telephone and internet providers seeking reporters' testimony and records. Ultimately this resulted in him adopting a new and broader media policy in October 2022. That policy codified the restrictions and required that prosecutors obtain the approval of the attorney general when seeking to execute a search warrant of a reporter's home or office — as well as the approval of the deputy attorney general in order to subpoena reporters' testimony.

The policy required that the department only subpoena or seek records of reporters engaged in normal newsgathering when a member of the news media is the subject or target of an investigation and is suspected of committing an offense.

"These regulations recognize the crucial role that a free and independent press plays in our democracy," Garland said in an October 2022 statement announcing his new policy.

"Because freedom of the press requires that members of the news media have the freedom to investigate and report the news, the new regulations are intended to provide enhanced protection to members of the news media from certain law enforcement tools and actions that might unreasonably impair newsgathering."

Trump's attorney general, Pam Bondi, repealed the Garland policy in April 2025, within three months of taking office, and dramatically lowered the standards for prosecutors in seeking such records. Bondi's revisions, however, recognized that demanding reporters' testimony and records through subpoenas and search warrants was a technique "to be deployed as a last resort."

It is unclear whether the FBI has already exhausted other methods to find leakers, such as interviewing a pool of government employees with access to the kind of information published in The Atlantic magazine article.

Last month, [The New York Times reported](#) that the FBI began investigating one of its reporters for violating stalking laws after she wrote a story about an FBI security detail assigned to Patel's girlfriend. The FBI told the paper that while it found the reporter's process "aggressive," it was not pursuing a case.

In January, the FBI conducted a court-authorized — and unprecedented — search of the home of [Washington Post reporter Hannah Natanson](#), seizing two computers, a recorder, a Garmin watch, a phone and a portable hard drive.

Natanson was not under investigation, however; the probe focuses on a systems administrator with a top secret security clearance who has been charged with unlawfully obtaining and sharing classified materials.

Two federal judges [have so far forbidden](#) the government from examining Natanson's devices. On Monday she was awarded the Pulitzer Prize for public service for her reporting on mass firings by DOGE as Trump overhauled the federal government.

The FBI also launched an internal inquiry after former NBC News contributor Frank Figliuzzi made comments about Patel's alleged socializing and work habits last year on "Morning Joe," two sources familiar with the matter told MS NOW. Patel's lawsuit against Figliuzzi has been [thrown out by a judge](#) who ruled his comments amounted to hyperbole. 🇺🇸

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