

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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

*Plaintiff,*

vs.

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

and

FEDERAL BUREAU OF INVESTIGATION,  
935 Pennsylvania Ave NW,  
Washington, DC 20535

*Defendants.*

Case No. 25-cv-3559

**COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiff Democracy Forward Foundation brings this action against Defendants U.S. Department of Justice (“DOJ”) and its component agency Federal Bureau of Investigation (“FBI”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”) and the production of the recording of now-White House Border Czar Tom Homan’s acceptance of a \$50,000 cash payment from undercover FBI agents in September 2024. 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. DFF is primarily engaged in disseminating information to the public, as public records it has obtained have been used in numerous media reports, and it disseminates information concerning government activities through blogs and investigations it makes publicly-available.<sup>1</sup> DFF intends to continue to post public records it receives and to disseminate information about those records through its own analysis and products, and through media outlets.

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

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<sup>1</sup> See, e.g., Democracy Forward Foundation, *Investigation*, <https://democracyforward.org/work-category/investigation/>; Democracy Forward Foundation, *Policy & Education*, <https://democracyforward.org/work-category/research/>.

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

#### **Now-White House Border Czar Homan's Acceptance of Cash Payment**

6. In September 2025, numerous media outlets reported that, in September 2024, now-White House senior official and "Border Czar" Tom Homan was recorded accepting a \$50,000 cash payment from undercover FBI agents posing as businesspeople seeking assistance in securing government contracts.<sup>2</sup>

7. Before receiving the payment, Mr. Homan had publicly stated that he would return to the federal government if President Trump was reelected in the 2024 election.<sup>3</sup>

8. Mr. Homan's acceptance of the payment led to his being investigated for potential bribery and criminal violations.<sup>4</sup>

#### **The Trump-Vance Administration's Closure of the Homan Investigation**

9. Political appointees of the Trump-Vance Administration have been involved in the investigation of Mr. Homan since at least February 2025, with former Deputy Attorney General Emil Bove having expressed skepticism about the investigation in the Administration's early weeks.<sup>5</sup>

10. On September 20, 2025, Deputy Attorney General Todd Blanche and FBI Director Kash Patel issued a joint statement regarding the investigation of Mr. Homan stating that DOJ prosecutors and FBI agents conducted a "full review" and "found no credible evidence of any

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<sup>2</sup> Devlin Barrett et al., *Trump Justice Dept. Closed Investigation Into Tom Homan for Accepting Bag of Cash*, N.Y. Times (Updated Sept. 22, 2025), <https://www.nytimes.com/2025/09/20/us/politics/tom-homan-fbi-trump.html>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

criminal wrongdoing.” Deputy Attorney General Blanche and Director Patel further stated “the investigation has been closed.”<sup>6</sup>

11. A White House spokesperson responded to extensive media coverage of Mr. Homan’s acceptance of this payment by calling the case a “blatantly political investigation.”<sup>7</sup>

12. Mr. Homan did not directly answer a question about whether he had accepted the cash payment, instead stating “I did nothing illegal.”<sup>8</sup>

13. Numerous members of the U.S. House of Representatives and the U.S. Senate have asked for the production of the recording of Mr. Homan’s acceptance of this cash payment and further investigation of the ethical concerns raised by and the Administration’s closure of the consequent investigation.<sup>9</sup>

#### **DFF’s FOIA Request for the Recording of Homan’s Cash Payment**

14. To shed light on the actions of a senior White House official shortly before he entered government and the context of the Trump-Vance Administration’s decision to close a criminal matter involving that official, DFF submitted a FOIA request to DOJ’s Office of

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Michael Gold, *Democrats Open Inquiries Into Handling of Homan Investigation*, N.Y. Times (Sep. 23, 2025), <https://www.nytimes.com/2025/09/23/us/politics/tom-homan-democrats-investigation.html>; Mike Lillis & Rebecca Beitsch, *Dems Launch Probes Into Trump’s Border Czar Amid Bribe Allegations*, The Hill (Sep. 24, 2025), <https://thehill.com/homenews/5518431-house-democrats-tom-homan-investigation/>; Jose Pagliery, *Judiciary Dems Demand That the FBI Turn Over Tapes From Quashed Tom Homan Bribery Investigation*, NOTUS (Sep. 23, 2025), <https://www.notus.org/congress/judiciary-democrats-letter-tom-homan-investigation/>; David Smith, *Democrats Urge Trump Border Czar Investigation Over Bribery Allegation*, The Guardian (Sep. 22, 2025), <https://www.theguardian.com/us-news/2025/sep/22/democrats-tom-homan-report>; Tara Suter, *Democrats Demand Answers on Homan Bribery Investigation*, The Hill (Sep. 22, 2025), <https://thehill.com/homenews/senate/5515952-trump-border-czar-probe-outrage/>; WLIW-FM, *House Dems call on Rep. Garbarino to Force Tom Homan to Testify*, (Sep. 23, 2025), <https://www.wliw.org/radio/captivate-podcast/house-dems-call-on-rep-garbarino-to-force-tom-homan-to-testify/>.

Information Policy (“OIP”), Criminal Division (“CRM”), and Executive Office for United States Attorneys (“EOUSA”) on September 22, 2025, seeking the following:

Any recording (either video or audio) of the meeting on or around September 20, 2024, in Texas between undercover FBI agents and Tom Homan.

15. On September 25, 2025, DFF submitted a request for expedited processing to DOJ and the FBI, including directly to OIP, explaining that this was a matter of exceptional media interest involving potential questions of government integrity that affect public confidence.

16. The request for expedited processing noted three questions of government integrity raised by the extensive reporting on the alleged recording of Homan receiving \$50,000 in cash from undercover agents and the subsequent closure of the investigation of Homan. *See* Exhibit 1.

17. The expedited processing request also detailed the multiple congressional requests for the recording and related information, which served to further demonstrate the impact on public confidence of these questions concerning governmental integrity. *See id.*

18. EOUSA acknowledged DFF’s request on September 23, 2025, and assigned the request tracking number EOUSA-2025-005973.

19. The FBI acknowledged DFF’s request for expedited processing on September 25, 2025. On September 30, 2025, FBI sent an acknowledgment letter and assigned the request tracking number 1684286-000.

20. OIP issued a letter responding to DFF’s request on September 26, 2025, that assigned the request OIP number FOIA-2025-06967 and advised “you may want to direct your request to the FBI as the federal entity most likely to maintain the records you are seeking,” but also acknowledged “[w]e note you have already done so.”

21. As of the date of this complaint, DFF has received no further communications from Defendants regarding this request.

*Exhaustion of Administrative Remedies*

22. As of the date of the Complaint, Defendants have failed to notify DFF of determinations regarding DFF's request for expedited processing of its FOIA request and have failed to grant expedited processing. Through Defendants' failure to grant expedited processing, DFF has constructively exhausted administrative remedies and those failures are subject to judicial review.

**CLAIM FOR RELIEF**

**Count 1 (Violation of FOIA, 5 U.S.C. § 552, Failure to Grant Expedited Processing)**

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

24. By failing to grant Plaintiff's request for expedited processing of Plaintiff's FOIA request, Defendants have violated FOIA. 5 U.S.C. § 552(a)(6)(E)(iii).

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendants to grant Plaintiff's requests for expedited processing and to process Plaintiff's request on an expedited basis by providing Plaintiff, as soon as practicable, with a determination and non-exempt portions of the requested records;
2. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
3. Grant any other relief this Court deems appropriate.

Dated: October 6, 2025

Respectfully submitted,

/s/ Daniel A. McGrath

Daniel A. McGrath (D.C. Bar No.  
1531723)

Amy Vickery (*pro hac vice* forthcoming)

Robin F. Thurston (Bar No. 7268942)

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

(202) 448-9090

dmcgrath@democracyforward.org

avickery@democracyforward.org

rthurston@democracyforward.org

# Exhibit 1





September 25, 2025

**VIA Electronic Delivery**

Department of Justice  
Criminal Division  
950 Constitution Ave NW  
Washington, DC 20530-0001  
[crm.foia@usdoj.gov](mailto:crm.foia@usdoj.gov)

Department of Justice  
Office of Information Policy  
Andrew Fiorillo, Acting Chief  
441 G St, NW, 6th Floor  
Washington, DC 20530  
[DOJ.OIP.FOIA@usdoj.gov](mailto:DOJ.OIP.FOIA@usdoj.gov)

Department of Justice  
Executive Office for United States  
Attorneys  
Arla Witte-Simpson, FOIA Public Liaison  
175 N Street, NE, Suite 5.400  
Washington, DC 20530  
[USAEO.FOIA.Requests@usdoj.gov](mailto:USAEO.FOIA.Requests@usdoj.gov)

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”) and Federal Bureau of Investigation (“FBI”) expedite the processing of the FOIA requests submitted on September 22, 2025 and attached herein in Appendix A. These requests seek any recording created during the meeting on or around September 20, 2024 in Texas between undercover FBI agents and Tom Homan.

DFF’s requests merit expedited processing because: 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).

**I. 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—the widely discussed investigation records that relate to the Tom Homan matter—has garnered extraordinary attention from the American public, Congress, and the press since it came to light only a few days ago.<sup>1</sup>

The DOJ and the FBI have recently officially acknowledged that it closed an investigation into “Border Czar” Tom Homan. After MSNBC, on September 20, 2025, reported that the FBI during an “undercover operation last year, ... recorded Tom Homan, now the White House border czar, accepting \$50,000 in cash after indicating he could help the agents – who were

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<sup>1</sup> Relevant articles are provided in this footnote and additionally throughout this request. *See, e.g.*, Rebecca Beitsch, *Homan Sidesteps Question on Alleged \$50,000 Payment Saying, ‘I Did Nothing Criminal,’* The Hill (Sep. 23, 2025), <https://thehill.com/homenews/administration/5517204-tom-homan-border-czar-50k-payment/>; Isabelle D’Antonio, *Reports: Justice Department Closed Probe Into Trump’s Border Czar, Tom Homan, for Accepting Bag of Cash*, CNN (Sep. 22, 2025), <https://www.cnn.com/2025/09/20/politics/tom-homan-investigation-closed-nyt/>; Alanna Durkin Richer and Eric Tucker, *White House Backs ‘Border Czar’ Tom Homan After Reports He Accepted Cash During an Undercover FBI Probe Last Year*, PBS News (Sep. 22, 2025), <https://www.pbs.org/newshour/amp/politics/white-house-backs-border-czar-tom-homan-after-reports-he-accepted-cash-during-an-undercover-fbi-probe-last-year/>; Ben Johansen, *Border czar Tom Homan was investigated by DOJ for potential bribery*, MSNBC reports, Politico (Sep. 20, 2025), <https://www.politico.com/news/2025/09/20/tom-homan-department-of-justice-investigation-00574379/>; Rhian Lubin and Katie Hawkinson, *Trump’s DOJ Shut Down Investigation Into Tom Homan After He Allegedly Accepted \$50,000 From Undercover FBI Agents, Reports Claims*, The Independent (Sep. 20, 2025), <https://www.the-independent.com/news/world/americas/us-politics/tom-homan-border-czar-bribery-investigation-b2830605.html>; Sarah Lynch, *Trump Aide Homan Accepted \$50,000 in Bribery Sting Operation, Sources Say*, Reuters (Sep. 22, 2025), <https://www.reuters.com/world/us/trump-aide-homan-accepted-50000-bribery-sting-operation-sources-say-2025-09-21/>; Mark Moran, *DOJ Closes Investigation Into Alleged Tom Homan Bribe*, UPI (Sep. 21, 2025), [https://www.upi.com/Top\\_News/US/2025/09/21/homan-said-to-receive-5000-bribe/3561758479879/](https://www.upi.com/Top_News/US/2025/09/21/homan-said-to-receive-5000-bribe/3561758479879/); Chris Nesi, *Justice Department Ends ‘Baseless’ Probe Into Trump Border Czar Tom Homan Over Alleged \$50K Bribe in Cava Restaurant Bag*, New York Post (Sep. 22, 2025), <https://nypost.com/2025/09/22/us-news/feds-end-probe-into-tom-homan-over-alleged-bribe-in-cava-bag/>; Cameron Peters, *Did Trump’s Deportation Czar Accept \$50K In Cash?* VOX (Sep. 22, 2025), <https://www.vox.com/the-logoff-newsletter-trump/462336/tom-homan-border-czar-doj-fbi-investigation-bribery-cash>; Reuters, *Homan Has Trump’s Full Support, White House Says, After Bribery Allegations*, (Sep. 22, 2025), <https://www.reuters.com/world/us/white-house-says-border-czar-homan-never-took-50000-bribe-2025-09-22/>; Diana Stancy and Brooke Singman, *White House Denies Homan Took Cash in FBI Sting, Slams Probe as ‘Political,’* Fox News (Sep. 22, 2025), <https://www.foxnews.com/politics/white-house-denies-homan-took-cash-fbi-sting-slams-probe-political>; Perry Stein and Aaron Davis, *Trump officials Shut Down Bribery Probe of Border Czar Tom Homan*, The Washington Post (Sep. 21, 2025), <https://www.washingtonpost.com/national-security/2025/09/21/trump-administration-bribery-probe-homan/>; The Economist, *The President’s Border Czar Was Caught in a Sting Operation*, (Sep. 25, 2025), <https://www.economist.com/united-states/2025/09/25/the-presidents-border-czar-was-caught-in-a-sting-operation>.

posing as business executives – win government contracts in a second Trump administration.”<sup>2</sup> The investigation had come out of a larger counterintelligence investigation that had not specifically targeted Homan.<sup>3</sup> The government did not charge him at the time in order to see if he would grant the contracts once he was in office. However, the investigation stalled and was officially closed shortly after the new administration began this year. Reporting has indicated that then Acting Deputy Attorney General Emil Bove, was briefed on the matter and had told DOJ officials that he did not support the investigation.<sup>4</sup> Ultimately, according to a statement put out by Director Patel and Deputy Director Blanche, “a full review by FBI agents and Justice Department prosecutors” took place.<sup>5</sup> Reporting also noted that then Deputy Attorney General Emil Bove had been briefed on the subject

The above sampling of media reports clearly demonstrates that this issue has attracted widespread and exceptional media interest, highlighting the pressing need for expedited processing of DFF’s related FOIA requests.

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

Moreover, the widespread media reporting on the government’s handling of the Homan matter implicates multiple questions about the government’s integrity, including whether:

- 1) The Trump administration is being truthful as to the reason the case was dropped given there is reporting on evidence that would contradict its stance on the matter and would tend to incriminate a senior White House official empowered to direct the nation’s immigration policy.<sup>6</sup>

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<sup>2</sup>Carol Leonnig and Ken Dilanian, *Tom Homan Was Investigated for Accepting \$50,000 From Undercover FBI Agents. Trump’s DOJ Shut It Down*, MSNBC (Sep. 20, 2025), <https://www.msnbc.com/msnbc/news/tom-homan-cash-contracts-trump-doj-investigation-rcna232568>.

<sup>3</sup>Devlin Barrett, Glenn Thrush, Alan Feuer, Maggie Haberman, and Hamed Aleaziz, *Trump Justice Dept. Closed Investigation Into Tom Homan for Accepting Bag of Cash*, The New York Times (Sep. 20, 2025), <https://www.nytimes.com/2025/09/20/us/politics/tom-homan-fbi-trump.html>

<sup>4</sup> Leonnig and Dilanian, *Id.*

<sup>5</sup>Barrett, Thrush, Feuer, Haberman, and Aleaziz, *Id.*

<sup>6</sup>Devlin Barrett, *White House Denies Homan Took Bag of Cash in F.B.I Inquiry*, The New York Times (Sep. 22, 2025), <https://www.nytimes.com/2025/09/22/us/politics/homan-cash.html>; Steve Benen, *As the Tom Homan Controversy intensifies, Why Doesn’t the FBI Just Release the Tapes?* MSNBC (Sep. 23, 2025), <https://www.msnbc.com/rachel-maddow-show/maddowblog/tom-homan-controversy-intensifies-doesnt-fbi-just-release-tapes-rcna233144>;

Janna Brancolini, *Leavitt Busted Telling Untruths About Homan’s \$50K Sting*, The Daily Beast (Sep. 23, 2025), <https://www.thedailybeast.com/karoline-leavitt-busted-telling-untruths-about-tom-homans-50k-sting/>; Ray Brescia, *There are Two Different Rules of Law in Trump’s America*, MSNBC (Sep. 24, 2025), <https://www.msnbc.com/opinion/msnbc-opinion/tom-homan-investigation-trump-rule-of-law-rcna233270>; Heather Cox Richardson, *Letters from an American*, Substack (Sep. 22, 2025), <https://heathercoxrichardson.substack.com/p/september-22-2025>; Malcolm Ferguson, *Tom Homan Accidentally Makes Crucial Admission on That \$50K Cash Bribe*, The New Republic (Sep. 23, 2025), <https://newrepublic.com/post/200788/tom-homan-50k-cash-bribe>; Carol Leonnig, (@CarolLeonnig), X (Sep. 22,

- 2) The Trump administration's engagement in this matter presents conflicts of interest? There is concern that the administration is looking to shield an administration official from legal consequences as it actively goes after its own opponents, which raises concerns as to why the investigation was dropped.<sup>7</sup>
- 3) Most obviously, there are concerns in all reporting about a government official serving in such a senior position after potentially accepting money in exchange for using his potential future influence in government for private, rather than public, benefit.

The government's actions have plainly sparked concerns that affect the public's confidence in the government's handling of this matter because of questions above concerning the government's integrity have been posed in media reports mentioned in this expedition request. Members of Congress from both chambers have also raised concerns about the government's integrity on this matter.<sup>8</sup> Democrats on the House Judiciary Committee have sent a letter to the DOJ and the FBI

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2025), <https://x.com/CarolLeonnig/status/1970182940253466982>; Joel Mathis, *Is Trump's Justice Department Giving Up on Corruption*, The Week (Sep. 24, 2025), <https://theweek.com/politics/justice-department-corruption-trump-enemies>; Charlie Nash, *Tom Homan Says He 'Did Nothing Criminal' — But Doesn't Deny Taking \$50,000 in a Bag from an Undercover FBI Agent When Confronted On Fox*, MSN (Sep. 23, 2025), <https://www.msn.com/en-us/crime/general/tom-homan-says-he-did-nothing-criminal-but-doesn-t-deny-taking-50-000-in-a-bag-from-an-undercover-fbi-agent-when-confronted-on-fox/ar-AA1N5M30?ocid=BingNewsSerp>; The Associated Press, *White House Shifts Explanation on Tom Homan, U.S. Border Czar Accused of Taking \$50,000 In a Paper Bag*, Canadian Broadcasting Corporation (Sep. 23, 2025), <https://www.cbc.ca/news/world/us-homan-bribery-allegation-1.7640932>.

<sup>7</sup>Barrett, Thrush, Feuer, Haberman, and Aleaziz, *Id*; Steve Benen, *Team Trump's Handling of the Tom Homan Bribery Probe Part of an Indefensible Pattern*, MSNBC (Sep. 22, 2025), <https://www.msnbc.com/rachel-maddow-show/maddowblog/team-trumps-handling-tom-homan-bribery-probe-part-i-ndefensible-pattern-rcna232998>; Brescia, *Id*. Meg Kinnard, *Trump Pushes Bondi to Pursue Cases Against His Foes as He Ramps Up Retribution Campaign*, PBS News (Sep. 21, 2025), <https://www.pbs.org/newshour/politics/trump-pushes-bondi-to-pursue-cases-against-his-foes-as-he-ramps-up-retribution-campaign>; Leonnig and Dilanian, *Id*. Edith Olmsted, *Trump Plays Dumb About Bribery Accusations Against His Border Czar*, The New Republic (Sep. 22, 2025), <https://newrepublic.com/post/200739/donald-trump-plays-dumb-tom-homan-bribery>; Patricia Lopez, *Homan \$50,000 Bribe Allegation Deserves a Thorough Probe*, Bloomberg (Sep. 24, 2025), <https://www.bloomberg.com/opinion/articles/2025-09-24/homan-50-000-bribe-allegation-merits-a-full-congressional-inquiry>; The Associated Press, *Id*; Josephine Walker, *Trump Allies Expend Political Enemies Probe despite Pledges: "No Politicization,"* Axios (Aug. 22, 2025), <https://www.axios.com/2025/08/23/fbi-probes-trumps-political-enemies>; Myah Ward, *White House Defends Border Czar in Wake of Closed DOJ Probe: Homan Did 'Nothing Wrong,'* Politico (Sep. 22, 2025), <https://www.politico.com/news/2025/09/22/border-homan-white-house-defend-00575358>.

<sup>8</sup>Michael Gold, *Democrats Open Inquiry Into Handling of Homan Investigation*, The New York Times (Sep. 23, 2025), <https://www.nytimes.com/2025/09/23/us/politics/tom-homan-democrats-investigation.html>; Mike Lillis and Rebecca Beitsch, *Dems Launch Probes Into Trump's Border Czar Amid Bribe Allegations*, The Hill (Sep. 24, 2025), <https://thehill.com/homenews/5518431-house-democrats-tom-homan-investigation/>; Jose Pagliery, *Judiciary Dems Demand That the FBI Turn Over Tapes From Quashed Tom Homan Bribery Investigation*, NOTUS (Sep. 23, 2025), <https://www.notus.org/congress/judiciary-democrats-letter-tom-homan-investigation>; David Smith, *Democrats Urge Trump Border Czar Investigation Over Bribery Allegation*, The Guardian (Sep. 22, 2025), <https://www.theguardian.com/us-news/2025/sep/22/democrats-tom-homan-report>; Tara Suter, *Democrats Demand*

demanding Attorney General Bondi and Director Patel provide records, materials, and communications relating to the matter.<sup>9</sup> In the Senate, Democrats on the Judiciary Committee sent letters to Bondi, Patel, and Deputy Director Blanche seeking information on the matter. All of the above highlights the considerable concerns about government integrity and that further scrutiny is expected.

## II. Conclusion

In sum, the release of federal records related to this matter are of critical importance. The American public desires to know more about the matter and the Administration's actions regarding it. Especially if it has deliberately attempted to mislead the American public. Given the compelling need for disclosing such information, Democracy Forward Foundation seeks expedited processing for our requests submitted on September 23, 2025.

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/ Skye Perryman

President and CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

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*Answers on Homan Bribery Investigation*, The Hill (Sep. 22, 2025), <https://thehill.com/homenews/senate/5515952-trump-border-czar-probe-outrage/>; WLIW-FM, *House Dems call on Rep. Garbarino to Force Tom Homan to Testify*, (Sep. 23, 2025), <https://www.wliw.org/radio/captivate-podcast/house-dems-call-on-rep-garbarino-to-force-tom-homan-to-testify/>.

<sup>9</sup>House Committee on the Judiciary Democrats, *Judiciary Democrats Demand DOJ, FBI Release Recordings of Tom Homan Receiving \$50,000 Cash Bribe*, (Sep. 23, 2025), <https://democrats-judiciary.house.gov/media-center/press-releases/judiciary-democrats-demand-doj-fbi-release-recordings-of-tom-homan-receiving-50000-cash-bribe>.

# **Appendix 1**

## **Submitted Requests**



September 22, 2025

**VIA Electronic Delivery**

Department of Justice  
Criminal Division  
950 Constitution Ave NW  
Washington, DC 20530-0001  
Via online portal

Department of Justice  
Office of Information Policy  
Andrew Fiorillo, Acting Chief  
441 G St, NW, 6th Floor  
Washington, DC 20530  
Via online portal

Department of Justice  
Executive Office for United States  
Attorneys  
Arla Witte-Simpson, FOIA Public Liaison  
175 N Street, NE, Suite 5.400  
Washington, DC 20530  
Via online portal

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 Act 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.

The Department of Justice ("DOJ") and the Federal Bureau of Investigations ("FBI") has recently officially acknowledged that it closed an investigation into "Border Czar" Tom Homan, which was launched in the summer of 2024, that looked into allegations that Homan was soliciting payments in exchange for potential action in the future if President Trump won the 2024 election and appointed Homan to serve in his administration.<sup>1</sup> Democracy Forward Foundation seeks one specific record created during the investigation: a video recording of an exchange between FBI agents and Horman in 2024. The requested record is not exempt from production, as the administration has acknowledged the existence of the investigation itself and has noted that it is now closed.

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<sup>1</sup> Katherine Faulders, Mike Levine, Luke Barr, and Alexander Mallin, *DOJ Ended Probe of 'Border Czar' Tom Homan for Allegedly Accepting \$50K in FBI Sting: Sources*, ABC News (Sep. 21, 2025), <https://abcnews.go.com/Politics/doj-ended-probe-border-czar-tom-homan-allegedly/story?id=125781386>; Carol Leonnig and Ken Dilanian, *Tom Homan Was Investigated for Accepting \$50,000 From Undercover FBI Agents. Trump's DOJ Shut It Down*, MSNBC (Sep. 20, 2025), <https://www.msnbc.com/msnbc/news/tom-homan-cash-contracts-trump-doj-investigation-rcna232568>.



***Records Requested***

Democracy Forward Foundation (“DFF”) requests that the Department of Justice (“DOJ”) produce the following within twenty (20) business days:

Any recording (either video or audio) of the meeting on or around September 20, 2024 in Texas between undercover FBI agents and Tom Homan.<sup>2</sup>

Public reporting makes clear that there are investigation files related to the Homan matter, and these are appropriate locations to search for responsive records. Additionally, reporting indicates that Justice Department leadership, including former acting Deputy Attorney General Emil Bove, were briefed on the Homan investigation in the early days of this administration.

Democracy Forward Foundation expects this request for one readily identifiable record regarding a high-profile matter will be assigned to the Simple processing track and processed expeditiously.

The timeframe for the above search should be for records created from September 1, 2024 until the date of the search. However, despite this long time frame, the responsive records have likely been reviewed since January 20, 2025.

***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>2</sup> Leonnig and Dilanian, *Id*; Ben Johansen, *Border Czar Tom Homan Was Investigated By DOJ For Potential Bribery*, *MSNBC Reports*, Politico (Sep. 20, 2025), <https://www.politico.com/news/2025/09/20/tom-homan-department-of-justice-investigation-00574379>; Maya Yang and Robert Mackey, *Trump ‘Border Czar’ Tom Homan Reportedly Accepted \$50,000 in Cash From Undercover FBI Agents*, *The Guardian* (Sep. 20, 2025), <https://www.theguardian.com/us-news/2025/sep/20/tom-homan-undercover-fbi-agents>.



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, DFF 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 "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).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward Foundation has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public's understanding of the closed case against "Border Czar" Tom Homan and his acceptance of bribes relating to his potential role in the Trump administration pending the results of the election. The records sought will also show the extent of an agency official taking funds in order to potentially direct government contracts to specific groups. Indeed, records received by Democracy Forward Foundation have previously formed the basis of news reports.<sup>3</sup>

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<sup>3</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), <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>.

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 \$50. 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



September 22, 2025

**VIA Electronic Delivery**

Department of Justice  
Criminal Division  
950 Constitution Ave NW  
Washington, DC 20530-0001  
Via online portal

Department of Justice  
Office of Information Policy  
Andrew Fiorillo, Acting Chief  
441 G St, NW, 6th Floor  
Washington, DC 20530  
Via online portal

Department of Justice  
Executive Office for United States  
Attorneys  
Arla Witte-Simpson, FOIA Public Liaison  
175 N Street, NE, Suite 5.400  
Washington, DC 20530  
Via online portal

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 Act 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.

The Department of Justice ("DOJ") and the Federal Bureau of Investigations ("FBI") has recently officially acknowledged that it closed an investigation into "Border Czar" Tom Homan, which was launched in the summer of 2024, that looked into allegations that Homan was soliciting payments in exchange for potential action in the future if President Trump won the 2024 election and appointed Homan to serve in his administration.<sup>1</sup> Democracy Forward Foundation seeks one specific record created during the investigation: a video recording of an exchange between FBI agents and Horman in 2024. The requested record is not exempt from production, as the administration has acknowledged the existence of the investigation itself and has noted that it is now closed.

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<sup>1</sup> Katherine Faulders, Mike Levine, Luke Barr, and Alexander Mallin, *DOJ Ended Probe of 'Border Czar' Tom Homan for Allegedly Accepting \$50K in FBI Sting: Sources*, ABC News (Sep. 21, 2025), <https://abcnews.go.com/Politics/doj-ended-probe-border-czar-tom-homan-allegedly/story?id=125781386>; Carol Leonnig and Ken Dilanian, *Tom Homan Was Investigated for Accepting \$50,000 From Undercover FBI Agents. Trump's DOJ Shut It Down*, MSNBC (Sep. 20, 2025), <https://www.msnbc.com/msnbc/news/tom-homan-cash-contracts-trump-doj-investigation-rcna232568>.

***Records Requested***

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

Any recording (either video or audio) of the meeting on or around September 20, 2024 in Texas between undercover FBI agents and Tom Homan.<sup>2</sup>

Public reporting makes clear that there are investigation files related to the Homan matter, and these are appropriate locations to search for responsive records. Additionally, reporting indicates that Justice Department leadership, including former acting Deputy Attorney General Emil Bove, were briefed on the Homan investigation in the early days of this administration.

Democracy Forward Foundation expects this request for one readily identifiable record regarding a high-profile matter will be assigned to the Simple processing track and processed expeditiously.

The timeframe for the above search should be for records created from September 1, 2024 until the date of the search. However, despite this long time frame, the responsive records have likely been reviewed since January 20, 2025.

***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>2</sup> Leonnig and Dilanian, *Id*; Ben Johansen, *Border Czar Tom Homan Was Investigated By DOJ For Potential Bribery*, *MSNBC Reports*, Politico (Sep. 20, 2025), <https://www.politico.com/news/2025/09/20/tom-homan-department-of-justice-investigation-00574379>; Maya Yang and Robert Mackey, *Trump ‘Border Czar’ Tom Homan Reportedly Accepted \$50,000 in Cash From Undercover FBI Agents*, *The Guardian* (Sep. 20, 2025), <https://www.theguardian.com/us-news/2025/sep/20/tom-homan-undercover-fbi-agents>.

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, DFF 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 "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).

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The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward Foundation has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public's understanding of the closed case against "Border Czar" Tom Homan and his acceptance of bribes relating to his potential role in the Trump administration pending the results of the election. The records sought will also show the extent of an agency official taking funds in order to potentially direct government contracts to specific groups. Indeed, records received by Democracy Forward Foundation have previously formed the basis of news reports.<sup>3</sup>

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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 \$50. 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