



October 17, 2025

VIA Electronic Delivery

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

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.

Records Requested

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

All direct messages concerning government business sent or received by Attorney General Pamela J. Bondi, and any responses to those messages, on the social media platform Truth Social.

Recent news reports have confirmed that, in at least one instance, President Trump intended to send a private, direct message concerning official government business to Attorney General Bondi.¹

Any messages received by Attorney General Bondi on the Truth Social platform concerning official government business are government records within the meaning 44 U.S.C § 3301, and must be preserved appropriately by the Department of Justice.

Recent reporting has also indicated that senior government officials may be using personal devices to conduct government business, and that they are also using non-government messaging

¹ Josh Dawsey et al., “*Inside the Justice Department Where the President Calls the Shots,*” Wall. St. J. (Oct 8, 2025), https://www.wsj.com/politics/policy/trump-doj-inside-political-enemies-17f13f72?st=h7dLCC&reflink=desktopwebsites_hare_permalink

applications.² As such, a search for responsive records must include both official and personal devices and applications.

Please provide all records from January 20, 2025, through the date the search is conducted.

Request for Expedited Processing

I certify to the best of my knowledge and belief that expedited processing of this request is required because there is a clear “urgency to inform the public about an actual or alleged federal government activity,” *see* 5 U.S.C. § 552(a)(6)(E)(v)(II). The Administration’s usage of Truth Social for detailed and confidential discussions on official government business may violate federal records law, and the content of these Truth Social messages strongly suggests that the Administration is politicizing the DOJ to seek retribution against political opponents.

As an initial point, DFF—as a not-for-profit organization that works to promote transparency and accountability in government—is primarily engaged in disseminating information to the public. That DFF is an organization primarily engaged in “disseminating information to the public”³ is evidenced by the previous use of public records obtained by DFF in numerous news reports.⁴

² See, e.g., Ellie Quinlan Houghtaling, *Trump’s Attorney General Has Bonkers Excuse for Using Signal*, The New Republic (Mar. 28, 2025), <https://newrepublic.com/post/193318/donald-trump-attorney-general-defense-signal-group-chat>; John Hudson, *Waltz and staff used Gmail for government communications, officials say*, Washington Post (Apr. 1, 2025), <https://www.washingtonpost.com/national-security/2025/04/01/waltz-national-security-council-signal-gmail/>; Jeffrey Goldberg, *The Trump Administration Accidentally Texted Me Its War Plans*, Atlantic (Mar. 24, 2025), <https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/>; Steve Witkoff (@SteveWitkoff), X (Mar. 26, 2025, 9:20 AM), <https://x.com/SteveWitkoff/status/1904886084879720683>

³ 5 U.S.C. § 552 (6)(E)(v)(II) (“Compelling need” for the purpose of expedited processing mean “with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.”).

⁴ 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; 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*

DFP makes records it receives via FOIA requests publicly available and disseminates information about those records requests through its own analysis and products as well as through media outlets.

I. Potential violation of records preservation law

The Federal Records Act requires that all communications relating to official government business must be preserved - including communications sent on personal devices on non-government applications. The president's usage of Truth Social – a non-government social media application – to send a direct message to the attorney general concerning pursuing legal action and appointing officials at the DOJ raises strong suspicions that such communications are not being preserved as required by law. The urgency of this issue is exacerbated at a time when the Administration has already faced public backlash upon the discovery of high-ranking officials using Signal, an auto-deleting communications application, to discuss confidential government matters, including detailed military plans.⁵ The disclosure of these records would contribute to the public's trust that its government is complying to records preservation laws.

II. Politicization of the DOJ

Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism, HuffPost (Oct. 31, 2018), 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>.

⁵ Jeffrey Goldberg, *"The Trump Administration Accidentally Texted Me Its War Plans,"* The Atlantic (Mar. 24, 2025), https://www.theatlantic.com/politics/archive/2025/03/trump-administration-accidentally-texted-me-its-war-plans/682151/?gift=kPTlqn0JiP9IBZcsdI5IVJpB2t9BYyxpzU4sooa69M&utm_source=copy-link&utm_medium=social&utm_campaign=share.

The president's direct message expresses frustration over the DOJ's delay in pursuing legal action against Comey, Schiff, and James, and his related "firing" of an agency official who refused to pursue said action. It is public knowledge that President Trump considers Letitia James and Adam Schiff to be his political adversaries. In 2023, James won a civil case against Trump regarding alleged overvaluation of his properties.⁶ And Schiff served as an impeachment manager during Trump's first impeachment trial and led an investigation into Trump's possible collusion with Russia during the 2016 election.⁷ President Trump has publicly identified James as a political target on whom he would seek revenge, stating she "should be arrested and punished" at a campaign rally.⁸ President Trump has, likewise, attacked Schiff since 2017 and called for Schiff's prosecution for his involvement in the January 6 investigation committee.⁹

The President's decision to fire the U.S. Attorney for the Eastern District of Virginia over his refusal to pursue legal action against his political opponents due to a lack of incriminating evidence¹⁰ strongly suggests an active politicization of the agency. Such abuse of the criminal justice system deeply erodes public trust in the integrity of the government, and the disclosure of the requested records can reveal more information about these alleged government activities.

In sum, the release of federal records related to this matter are of critical importance. The American public seeks and deserves to know if the Trump Administration is complying with federal records preservation laws and if it has abused the criminal justice system to seek retribution against perceived political adversaries. Given the compelling need for prompt disclosure of such information, Democracy Forward Foundation seeks expedited processing for these requests.

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

⁶ Madeline Halpert, "Trump administration seeks criminal prosecution of New York attorney general," BBC News (April 16, 2025), <https://www.bbc.com/news/articles/c7vn1rymz38o>.

⁷ Sadie Gurman and Corinne Ramey, "Justice Department Opens Probes Into Two Trump Enemies," Wall Street Journal (August 8, 2025), https://www.wsj.com/us-news/law/justice-department-opens-probes-into-two-trump-enemies-87b00800?st=mzi38x&reflink=desktopwebshare_permalink.

⁸ Anthony Coley, "Trump promised payback for Letitia James. He seems to have kept his word.," MSNBC (August 12, 2025), <https://www.msnbc.com/opinion/msnbc-opinion/donald-trump-letitia-james-subpoenas-rcna224310>.

⁹ Jeremy Herb, "Trump uses FBI and Justice Department to escalate his long-standing feud with Adam Schiff," CNN (August 18, 2025), <https://www.cnn.com/2025/08/18/politics/adam-schiff-donald-trump-justice-fbi>.

¹⁰ Katherine Faulders, "US attorney resigns amid pressure from Trump after sources say he refused to charge NY AG Letitia James," ABC News (Sep. 20, 2025), <https://abcnews.go.com/US/us-attorney-plans-resign-amid-pressure-trump-after/story?id=125750006>

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).

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 important government actions—including the usage of social media direct messages by Attorney General Pamela Bondi and President Donald Trump conduct official business and key agency priorities of the division primarily responsible for administrating justice and enforcing law.¹¹ Indeed, records received by Democracy Forward Foundation have previously formed the basis of news reports, *see footnote 4*.

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.

We appreciate your assistance and look forward to your prompt response.

¹¹ Josh Dawsey et al., “*Inside the Justice Department Where the President Calls the Shots*,” Wall. St. J. (Oct 8, 2025), https://www.wsj.com/politics/policy/trump-doj-inside-political-enemies-17f13f72?st=h7dLCc&reflink=desktopwebsites_hare_permalink

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043