



September 23, 2025

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Section Chief  
Record/Information Dissemination Section  
Federal Bureau of Investigation  
200 Constitution Drive  
Winchester, VA 22602

Andrew Fiorillo,  
Acting Chief, Initial Request Staff  
Office of Public Affairs  
Department of Justice  
6th Floor, 441 G St, NW  
Washington, DC 20530-0001

Re: Freedom of Information Act Request—Thomas Homan: FBI Tapes & Investigative Documents

Dear FOIA Officer,

Democracy Defenders Fund (“DDF”) respectfully submits the following request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* and Department of Justice (“DOJ”) regulations, 28 C.F.R. part 16:

1. All original and unedited audio recordings, video footage, and/or photographs taken, collected, stored, and/or reviewed by any current or former employee of the Federal Bureau of Investigation, whether on government-issued or privately-owned devices used for official purposes, of or in connection with Thomas “Tom” Douglas Homan’s communications with any current or former FBI agent, including any such records related to discussions with undercover agents concerning government contracts, from September 1, 2024 to September 30, 2024.
2. All records—related to any investigation or investigations by the FBI in connection with Thomas “Tom” Douglas Homan’s alleged bribery or violation of any federal law related to any promises Homan made to certain unidentified third parties in exchange for cash—created, collected, stored, and/or reviewed by any current or former employee of the FBI, from June 1, 2024 to September 21, 2025. This includes but is not limited to the following categories:
  - a. All records of investigative summaries, such as reports that outline the findings, progress, and outcomes of any investigation or investigations by the FBI.

b. All records of interview reports, such as statements, interviews, and/or interrogations of any investigation or investigations by the FBI.

c. All records of case file reports, such as incident reports, evidence logs, and/or event summaries of any investigation or investigations by the FBI.

Please search for responsive records regardless of format, medium, or physical characteristics. If it is your position any portion of the requested records is exempt from disclosure, DDF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*.<sup>1</sup> If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. Please be advised that DDF intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

### **Fee Waiver Request**

Pursuant to 5 U.S.C. 552(a)(4)(A) and 28 C.F.R. 16.10(k), DDF requests a waiver of fees associated with processing this request. Department regulations provide for a waiver of fees when it involves the “disclosure of the requested 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.” Courts have found that a fee waiver is appropriate when the disclosure will “(1) shed light on ‘the operations or activities of the government’; (2) be ‘likely to contribute significantly to public understanding’ of those operations or activities; and (3) not be ‘primarily in the commercial interest of the requester.’”<sup>2</sup> DDF’s request meets all elements.

First, the disclosure will shed light on the Department of Justice's now closed investigation into whether Tom Homan sought and received payments to secure government contracts. Mr. Homan is currently the Trump Administration’s “Border Czar,” a senior White House position for which he receives a salary of nearly \$200,000.<sup>3</sup> Recently it was reported that Homan accepted \$50,000 from undercover FBI Agents posing as prospective government contractors on September 20, 2024.<sup>4</sup> These payments were purportedly for the purpose of securing future contracts with the

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<sup>1</sup> 484 F.2d 820 (D.C. Cir. 1973).

<sup>2</sup> *Cause of Action v. FTC*, 799 F.3d 1108, 1115 (D.C. Cir. 2015).

<sup>3</sup> EXECUTIVE OFFICE OF THE PRESIDENT, ANNUAL REPORT TO CONGRESS ON WHITE HOUSE OFFICE PERSONNEL (July 1, 2025), [2025-Annual-Report-to-Congress-on-White-House-Staff.pdf](#).

<sup>4</sup> Carol Leonnig & Ken Dilanian, *Tom Homan was investigated for accepting \$50,000 from undercover FBI agents. Trump's DOJ shut it down*, MSNBC (Sept. 20, 2025), <https://www.msnbc.com/msnbc/news/tom-homan-cash-contracts-trump-doj-investigation-rcna232568>.

government if President Trump won re-election.<sup>5</sup> Apparently, the FBI taped the conversations held with Mr. Homan in which he allegedly accepted the \$50,000 in return for influencing government contract decisions.<sup>6</sup> The FBI also appears to have created summaries of the tapes and their conclusions about the strength of the evidence. The requested records are directly related to the FBI's now-closed investigation, which clearly is a core "operation" or "activit[y]" of the FBI.

Second, disclosure of the information will significantly aid the public's understanding of the FBI and the Department's handling of the investigation into Tom Homan. Reporting suggests that FBI agents who were familiar with the case felt that there was credible evidence of a corruption campaign and wanted to continue to investigate the matter.<sup>7</sup> Political appointees, including the Director of the FBI and Department of Justice officials, however reportedly terminated the investigation.<sup>8</sup> In a statement provided to MSNBC for example, FBI Director Kash Patel and Deputy Attorney General Todd Blanche stated that the FBI agents "found no credible evidence of any criminal wrongdoing."<sup>9</sup> Given the competing narratives, release of the documents requested is necessary to aid the public in its understanding of the FBI & the Department's handling of the investigation and whether there was credible evidence of a potential violation or not.

Third, the purpose of the disclosures is not "primarily in the commercial interest of" DDF. DDF is a nonprofit organization established under section 501(c)(3) of the Internal Revenue Code. DDF's core mission is to defend the rule of law, fight corruption, and protect elections using a variety of tools including publication of information concerning ongoing activities of the government. DDF regularly speaks on issues related to government activities through traditional broadcast media, podcasts, and issuance of op-eds.<sup>10</sup> DDF maintains a dedicated website where it provides information related to its activities which can be accessed by the public.<sup>11</sup> The purpose of the disclosure is to inform the public about the activities of the government.

In addition, DDF requests waiver of fees related to processing this request as a "representative of the news media" pursuant to 5 U.S.C. 552(a)(4)(A)(ii)(II). DDF routinely collects information of "potential interest to a segment of the public" and "uses its editorial skills to turn the raw materials into a distinct work and distributes that work to an audience."<sup>12</sup> As noted above, DDF maintains a dedicated webpage for informing the public about activities related to government activity through a variety of media including press releases, public reports, and op-eds. DDF experts routinely engage with the public and with other members of the news media to publicize

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

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

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

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

<sup>9</sup> Leonnig & Dilanian, *supra* nt. 4.

<sup>10</sup> See, e.g., Norman Eisen, Virginia Canter, and Richard W. Painter, *A Plane from Qatar? C'Mon, Man*, THE N.Y. TIMES (May 14, 2025), <https://www.nytimes.com/2025/05/14/opinion/trump-plane-qatar-crypto.html>; Jennifer Rubin, Richard Painter, and Virginia Canter, *Trump's Crypto Conflicts of Interest*, THE CONTRARIAN (Apr. 25, 2025), <https://contrarian.substack.com/p/ginny-canter-and-richard-painter>; MSNBC, *The Weekend* (July 6, 2025), <https://www.msnbc.com/the-weekend/watch/-it-s-a-stench-of-corruption-norm-eisen-warns-of-an-ethics-crisis-with-trump-s-second-term-242759237701>.

<sup>11</sup> See Democracy Defenders Fund, *News and Resources* (last visited, Sept. 22, 2025), <https://www.democracydefendersfund.org/news-resources>.

<sup>12</sup> *Nat'l Sec. Archive v. Dept. of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

important information, including information related to government activities and information related to information sought under the FOIA.<sup>13</sup> Pursuant to existing case law, DDF clearly meets the criteria for a fee waiver under section 552(a)(4)(A)(ii)(II).<sup>14</sup>

In the event my fees are not waived, we agree to pay reasonable duplication fees in an amount not to exceed \$100, but we request to be notified before processing incurs expenses in excess of that amount.

### **Request for Expedited Processing**

In addition, DDF also provides the following amended supplemental information concerning its request for expedited processing:

DDF has requested expedition of this request because:

- 1. The request concerns an urgency to inform the public about an actual or alleged Federal Government activity, and DDF is primarily engaged in disseminating information concerning that activity.**

Department regulations provide for expedited processing of any request involving an “urgency to inform the public about an actual or alleged Federal government activity, if made by a person who primarily engaged in disseminating information.”<sup>15</sup> There is a serious need for the public to have access to the Homan tapes. Homan is a high-powered, high-level appointee in the White House. He currently serves as the Border Czar and has immense authority over how the administration implements federal immigration policy. Allegations that he accepted money in exchange for assistance in securing contracts raise serious concerns about whether he has made decisions while in government that may be tainted by his own personal financial interests. As the Supreme Court explained in *NLRB v. Robbins Tire & Rubber Co.*, “[t]he basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”<sup>16</sup> The allegation that Mr. Homan took thousands of dollars in cash in exchange for a promise to use his future position to steer contracts is the exact type of potential corruption that the FOIA was aimed at helping uncover.<sup>17</sup> It is necessary that the public be able to access the requested records so that they can make an independent judgment about the activities of Mr. Homan.

DDF’s public dissemination and media outreach are extensive, allowing it to connect with a vast and diverse audience across various platforms, making it uniquely positioned to effectively inform the public about the findings of this request.<sup>18</sup> Through a combination of investigative

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<sup>13</sup> MSNBC, Weeknight (Aug. 11, 2025), [https://www.youtube.com/watch?v=uH\\_MuwWUvJg&t=10s](https://www.youtube.com/watch?v=uH_MuwWUvJg&t=10s); PBS Frontline, Trump’s Power & the Rule of Law: Norman Eisen (July 23, 2025), [https://www.youtube.com/watch?v=h\\_J\\_tX\\_-9IM](https://www.youtube.com/watch?v=h_J_tX_-9IM).

<sup>14</sup> See, e.g., *Cause of Action v. FTC*, 799 F.3d 1108, 1120 (D.C. Cir. 2015); *Nati’l Sec. Archive v. DoD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

<sup>15</sup> 5 C.F.R. 16.5(e)(1)(ii).

<sup>16</sup> 437 U.S. 214, 242 (1978).

<sup>17</sup> Carol Leonnig & Ken Dilanian, *supra* nt. 2.

<sup>18</sup> See e.g., Virginia Canter, et al., *Why we 'Democracy Defenders' are demanding information about DOGE*, MSNBC (Dec. 27, 2024),

reports, in-depth analyses, press releases, and dynamic engagement on multiple digital and traditional media channels, DDF ensures that critical information reaches a wide spectrum of stakeholders, from policymakers and advocacy groups to individual citizens seeking accountability in government operations. This multifaceted approach amplifies the impact of the information obtained and facilitates informed public discourse on pressing issues.

DDF's communications infrastructure is robust and designed to maximize reach and engagements. With a significant presence across social media platforms, and targeted outreach initiatives, DDF has built a network capable of rapidly disseminating accurate and detailed information regarding government activities. By making these findings relatable and understandable, DDF not only informs but empowers the public to participate meaningfully in conversations about governance and accountability. The necessity of expediting the production of responsive records is underscored by DDF's proven capacity to reach a wide audience and spark meaningful public dialogue.

**2. The request involves a matter of widespread and exceptional media interest involving questions about the President's integrity which affect public confidence.**

DDF requests expedited processing as well under 28 C.F.R. 16.5(e)(1)(iv), which provides that the Department will process requests on an expedited basis if it involves "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence."

There is no question that the FBI & the Department's handling of the Homan investigation has generated exceptional widespread media interest. Since the original MSNBC report on Saturday, September 20, 2025, dozens of news and media outlets, including Forbes, CNN, the New York Times, and ABC News, have all released stories related to the investigation.<sup>19</sup>

The extensive media coverage serves as evidence of widespread concern. The requested documents are essential for ensuring the public remains informed. As noted, DDF has a proven

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<https://www.msnbc.com/opinion/msnbc-opinion/group-launched-inquiry-musk-ramaswamys-doge-rcna185248>; see also David A. Fahrenthold, *Two Watchdogs Were Rebuffed From Joining Trump's Cost-Cutting Effort*, THE N.Y. TIMES (Jan. 16, 2025), <https://www.nytimes.com/2025/01/16/us/doge-trump-watchdogs.html>; Stephen M. Lepore, *DOGE'S brutal response to former Obama and Clinton aides attempting to join Elon Musk's cost cutting machine*, DAILY MAIL (Jan. 17, 2025),

<https://www.dailymail.co.uk/news/article-14295275/DOGE-brutal-response-former-Obama-Clinton-aides-Elon-Musk.html>; Travis Gettys, *'Too many to enumerate': Watchdogs open probe into Musk's alleged 'conflicts of interest'*, RAWSTORY (Dec. 27, 2024), <https://www.rawstory.com/musk-doge-ethics/>.

<sup>19</sup> See, e.g., Alision Durkee, *Border Czar Bribery Allegations: The Controversy Around The DOJ's Dropped Investigation Into Tom Homan Explained*, FORBES (Sept. 22, 2025), <https://www.forbes.com/sites/alisondurkee/2025/09/22/border-czar-bribery-allegations-the-controversy-around-the-doj-dropped-investigation-into-tom-homan-explained/>; Katherine Faulders, et al., *DOJ ended probe of 'border czar' Tom Homan for allegedly accepting \$50K in FBI sting*, ABC NEWS (Sept. 21, 2025), <https://abcnews.go.com/Politics/doj-ended-probe-border-czar-tom-homan-allegedly/story?id=125781386>; Isabelle D'Antonio, *Reports: Justice Department closed probe into Trump's border czar, Tom Homan, for accepting bag of cash*, CNN (Sept. 20, 2025), <https://www.cnn.com/2025/09/20/politics/tom-homan-investigation-closed-nyt/>; Devlin Barrett, et al., *Trump Justice Dept. Closed Investigation Into Tom Homan for Accepting Bag of Cash*, THE N.Y. TIMES (Sept. 20, 2025), <https://www.nytimes.com/2025/09/20/us/politics/tom-homan-fbi-trump.html>.

ability to reach broad and diverse audiences, which positions this organization as a key disseminator of this missing information. These insights are especially critical given our extensive knowledge of government corruption and malfeasance.

Immediate compliance with this FOIA request is necessary not only to uphold legal obligations under FOIA but also to address the growing demand for transparency on an issue of national importance that has captured significant national attention. The government's credibility depends on its willingness to timely meet this demand and to allow the public to scrutinize its actions through the lens of complete and accurate information.

If you have any questions about this clarification or foresee any problems in fully releasing the requested records, please contact us at [FOIA@democracydefenders.org](mailto:FOIA@democracydefenders.org). Please send the requested records to [FOIA@democracydefenders.org](mailto:FOIA@democracydefenders.org) or Democracy Defenders Fund, 600 Pennsylvania Ave., S.E., Washington, D.C. 20003. Thank you for your assistance in this matter.

The undersigned hereby certify that these statements submitted supporting DDF's request for expedited processing are true and correct to the best of our knowledge and belief.

Sincerely,

/s/

Ambassador Norman Eisen (ret.)  
Executive Chair and Founder  
Democracy Defenders Fund

/s/

Virginia Canter  
Ethics and Anticorruption Chief Counsel and Director  
Democracy Defenders Fund

/s/

Chris Swartz  
Senior Ethics Counsel  
Democracy Defenders Fund

**Guidance Regarding the Search and Processing of Requested Records:**

- In connection with its request for records, DDF provides the following guidance regarding the scope of records sought and the search and processing of records:
- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.<sup>20</sup> It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; DDF has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.<sup>21</sup>
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.
- If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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<sup>20</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149–50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955–56 (D.C. Cir. 2016).

<sup>21</sup> See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).