



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

September 30, 2025

Daniel Wagner
FOIA Contact, Room 1111 RFK
Justice Management Division
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Michael G. Seidel, Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Department of Justice
200 Constitution Drive
Winchester, VA 22602

Re: Freedom of Information Act Expedited Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records to the Federal Bureau of Investigation ("FBI") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Department of Justice ("DOJ") regulations.

Specifically, CREW seeks the following records related to DOJ's now-closed investigation¹ of Thomas Douglas Homan that are not covered by grand jury secrecy pursuant to Rule 6(e) of the Federal Rules of Criminal Procedure:

1. All records regarding the development, collection, and disposition of evidence, investigative summaries, original audio or video recordings, and other case and/or investigative files created, maintained, or possessed by the FBI in connection with the investigation of Mr. Homan;
2. All records related to DOJ's decisions to close its investigation into Mr. Homan and to decline to pursue criminal charges against him;
3. All communications between the FBI and other federal agencies or units within DOJ regarding the investigation of Mr. Homan;

¹ 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-homancash-contracts-trump-doj-investigation-rcna232568>.

4. All records regarding how the FBI or any other government entity should or must communicate with the public or members of Congress regarding the investigation of Mr. Homan, the closure of the investigation into his conduct, or his guilt or innocence.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). 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. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

According to recent reporting, DOJ has shut down its investigation into Mr. Homan for allegedly accepting at least \$50,000 in cash payments from what he believed to be persons seeking government contracts but were actually undercover FBI agents.² An FBI investigation of Mr. Homan reportedly began in the summer of 2024, when a subject in a separate federal investigation alleged Mr. Homan was soliciting payments in exchange for awarding border enforcement contracts if President Donald Trump were to win the 2024

² *Id.*

presidential election.³ At the time, Mr. Homan publicly claimed he would play a prominent role in carrying out President Trump's promised mass deportations.⁴

Multiple news outlets have reported that DOJ possesses an audiotape recording of Mr. Homan apparently accepting a \$50,000 cash payment after indicating he would help the agents, who he believed to be business executives, win government contracts in President Trump's second administration.⁵ DOJ's investigation was stalled soon after President Trump assumed office in January 2025.⁶ In a statement provided to MSNBC, FBI Director Kash Patel and Deputy Attorney General Todd Blanche said:

This matter originated under the previous administration and was subjected to a full review by FBI agents and Justice Department prosecutors. They found no credible evidence of any criminal wrongdoing. The Department's resources must remain focused on real threats to the American people, not baseless investigations. As a result, the investigation has been closed.⁷

In response to questions about the investigation of Mr. Homan after it was closed, White House Press Secretary Karoline Leavitt said:

[T]his was another example of the weaponization of the Biden Department of Justice against one of President Trump's strongest and most vocal supporters. In the midst of a presidential campaign, you had FBI agents going undercover to try and entrap one of the President's top allies and supporters, someone who they knew very well would be taking a government position months later. Mr. Homan did absolutely nothing wrong. And even the President's Department of Justice, even Kash Patel's FBI, looked into this just to make sure. They had a number of different prosecutors and FBI agents who looked into this. They found zero evidence of illegal activity or criminal wrongdoing. And the White House and the President stand by Tom Homan 100% because he did absolutely nothing wrong and he is a brave public servant.⁸

The records CREW seeks would help explain why the investigation of Mr. Homan—the current White House Executive Associate Director of Enforcement and Removal Operations, referred to as its “Border Czar,” and former Acting Director of the U.S. Immigration and Customs Enforcement (ICE)—was closed and he was not charged with a crime despite public

³ *Id.*.

⁴ Leonnig and Dilanian, *supra* note 1.

⁵ Sarah N. Lynch, *Trump aide Homan accepted \$50,000 in bribery sting operation, sources say*, Reuters (Sept. 22, 2025), <https://www.reuters.com/world/us/trump-aide-homan-accepted-50000-bribery-sting-operation-sources-say-2025-09-21/>.

⁶ Leonnig and Dilanian, *supra* note 1. The *New York Times* also reported that Emil Bove III, a former senior Justice Department official and onetime personal attorney for President Trump who is now a federal appeals court judge, expressed skepticism about the case as early as February. Devlin Barrett et al., *Trump Justice Dept. Closed Investigation Into Tom Homan for Accepting Bag of Cash*, NY Times (Sept. 20, 2025), <https://www.nytimes.com/2025/09/20/us/politics/tom-homan-fbi-trump.html>

⁷ Leonnig and Dilanian, *supra* note 1.

⁸ The Independent, *White House claims Tom Homan 'did nothing wrong' over accusations of FBI \$50,000 bribe sting*, (YouTube, Sept. 22, 2025) <https://www.youtube.com/watch?v=X5FvuZUA838>.

reporting that law enforcement has powerful and direct evidence that he may have committed multiple federal crimes. The public has a vital interest in learning whether the decision not to prosecute Mr. Homan was motivated, even in part, by considerations apart from the sufficiency of the evidence against him.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Request for Expedition

CREW requests expedited processing of this request, pursuant to 5 U.S.C. § 552 and 28 C.F.R. § 16.5(e). CREW is entitled to expedited processing because (1) there is "[a]n urgency to inform the public about an actual or alleged Federal Government activity" and CREW is "primarily engaged in disseminating information," 28 C.F.R. § 16.5(e)(ii), and (2) these same facts raise possible questions, in "[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence." *Id.* § 16.5(e)(1)(iv).

- (1) First, there is a particularly urgent need to inform the public about DOJ's decision to end its investigation into Mr. Homan's alleged effort to solicit bribes in exchange for government contracts. In his current position, Mr. Homan is responsible, in part, for implementing the Trump Administration's immigration and detention policies, which have been a centerpiece of President Trump's administration. The "One Big Beautiful Bill Act," signed into

law in July 2025, allocates \$170 billion over four years for border and interior immigration enforcement.⁹ It specifically allocates \$75 billion to ICE over four years, \$45 billion of which will be used to build new immigration detention centers.¹⁰ Further, before serving in this role, Mr. Homan worked as a paid consultant for GEO Group, a major detention services provider and ICE contractor¹¹ that has, since President Trump was reinaugurated and Mr. Homan appointed to his position, received multiple new government contracts, worth over a billion dollars in taxpayer money, to expand ICE detention capacity.¹²

Given Mr. Homan's position and alleged conduct, the public has an urgent need to understand why DOJ decided to end its investigation of Mr. Homan and to not pursue charges against him. DOJ has a statutory obligation to act in the public interest and sole authority to bring criminal charges against federal officials who abuse the public trust. And yet, not only has DOJ closed the investigation into Mr. Homan in the face of public reports of potential criminal conduct, but the White House Press Secretary has dismissed DOJ's pursuit of its mandate as politically motivated and proclaimed Mr. Homan's innocence. At the same time, DOJ has fired Department officials perceived as unfriendly to President Trump, leading to the closures of cases involving his political allies,¹³ and President Trump has demanded that DOJ target his political rivals.¹⁴ Each of these actions, and the conduct of DOJ's work overall, have been the subject of extensive news coverage and "widespread media

⁹ *Id.*

¹⁰ *Id.*

¹¹ Letter from Jamie Raskin, Ranking Member, H. Comm. on the Judiciary, to Mr. Tom Homan, Border Czar, U.S. Dep't of Homeland Security (Aug. 25, 2025), https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/2025-08-25.raskin-jayapal-crockett-to-homan-dhs-re-geo-group_0.pdf.

¹² *Id.*

¹³ Jacob Rosen & Scott MacFarlane, *Justice Department purge continues; firings include Trump classified document case investigators and Jan. 6 prosecutors*, CBS News (Jul. 12, 2025), <https://www.cbsnews.com/news/justice-department-firings-include-trump-investigators-jan-6-prosecutors/>; Ryan J. Reilly, *DOJ dismisses case against a Trump donor after White House fired career prosecutor*, NBC News (Jul. 30, 2025), <https://www.nbcnews.com/politics/justice-department/doj-dismisses-case-fat-brands-andy-wiederhorn-fired-prosecutor-rcna221940> ("The Justice Department dropped a case against restaurant group Fat Brands and its chairman, Andy Wiederhorn, on Tuesday, months after the White House took the unusual step of directly firing a career federal prosecutor who was handling the case.").

¹⁴ Rebecca Beitsch & Brett Samuels, *Trump ignites pressure campaign on Pam Bondi to target rivals*, The Hill (Sept. 22, 2025), <https://thehill.com/homenews/administration/5516496-trump-calls-for-rival-prosecutions/>.

attention,” further demonstrating the public’s urgent need for information.¹⁵ The requested records will allow the public to understand how DOJ is exercising its core functions and authority, whether the White House’s allegation that it has conducted politically-motivated investigations is true, and the extent to which any consideration outside of the merits of the evidence of Mr. Homan’s conduct impacted either DOJ’s decision to investigate him in the first place or to close its investigation.

Further, as explained above, CREW is “primarily engaged in disseminating information” to the public. CREW’s primary purpose is to inform and educate the public about the activities of government officials and agencies. To that end, CREW uses statutes like the FOIA to gather information the public needs to hold public officials accountable and disseminates this information through social media and its website, www.citizensforethics.org, which receives tens of thousands of views every month.¹⁶

Finally, DOJ’s now-closed investigation concerns quintessential federal government activity.

- (2) The same alleged facts raise possible questions, in “[a] matter of widespread and exceptional media interest involving questions about the Government’s integrity which affect public confidence.” 28 C.F.R. § 16.5(e)(1)(iv). As described

¹⁵ Leonnig and Dilanian, *supra* note 1; Sarah N. Lunch, *supra* note 4; Devlin Barrett et al., *supra* note 6; Katherine Faulders et al., *DOJ ended probe of ‘border czar’ Tom Homan for allegedly accepting \$50K in FBI sting: Sources*, ABC News (Sept. 21, 2025), <https://abcnews.go.com/Politics/doj-ended-probe-border-czar-tom-homan-allegedly/story?id=125781386>; Sebastian Murdock, *Trump’s DOJ Shut Down Bribe Investigation Into Border Czar Tom Homan: Report*, HuffPost (Sept. 20, 2025), https://www.huffpost.com/entry/trumps-doj-shut-down-bribe-investigation-into-border-czar-tom-homan-report_n_68cf11b1e4b0d0f3ddb52146; Ben Johansen, *Border czar Tom Homan was investigated by DOJ for potential bribery*, MSNBC reports, Politico (Sept. 20, 2025), <https://www.politico.com/news/2025/09/20/tom-homan-department-of-justice-investigation-00574379>; Rhian Lubin, *Trump’s DOJ shut down investigation into Tom Homan after he allegedly accepted \$50,000 from undercover FBI agents, report claims*, The Independent (Sept. 20, 2025), <https://www.the-independent.com/news/world/americas/us-politics/tom-homan-border-czar-bribe-ry-investigation-b2830605.html>; Maya Yang & Robert Mackey, *Trump ‘border czar’ Tom Homan reportedly accepted \$50,000 in cash from undercover FBI agents*, The Guardian (Sept. 20, 2025), <https://www.theguardian.com/us-news/2025/sep/20/tom-homan-undercover-fbi-agents>; Alison 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-s-dropped-investigation-into-tom-homan-explained/>.

¹⁶ See, e.g., *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-big-oil> (referring to CREW as “Top US ethics watchdog”).

September 30, 2025

Page 7

above, it is unclear why the Department ended its investigation of Mr. Homan despite obtaining recordings of his alleged crime. The decision not to prosecute is contextualized by DOJ's decision to shut down investigations into other political allies of President Trump, its firing of officials who previously investigated the President, and its pardons of individuals considered to be politically sympathetic to the President. The lack of public information regarding DOJ's actions, which potentially compromise the Department's independence, raises significant possible questions of widespread and exceptional public interest regarding the integrity of the federal government.

For all these reasons, CREW satisfies the requirements for expedition. The undersigned certifies that the above statement is true and correct.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at ssuman@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to ssuman@citizensforethics.org and foia@citizensforethics.org or by mail to Samantha Suman, Citizens for Responsibility and Ethics in Washington, PO Box 14596, Washington, D.C. 20004.

Sincerely,

A handwritten signature in cursive script that reads "Samantha Suman".

Samantha Suman