



February 3, 2026

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Re: Freedom of Information Act Request—Thomas Homan: DOJ Communications

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 records related to any investigation or investigations or the potential prosecution by the Department of Justice of Thomas “Tom” Douglas Homan’s in connection with alleged bribery or violation of any federal law created, collected, stored, and/or reviewed by any current or former employee of the Department of Justice, from January 1, 2024 through the date the search is conducted. This includes but is not limited to the following categories:
 - a) All criminal or civil case files, reports, or summaries, including any Electronic Communications (EC) that outline the findings, progress, and outcomes of any investigation or investigations by the Department of Justice.

- b) All records of interview reports, such as any FD-302, any statements, interviews, and/or interrogations of any investigation or investigations by the Department of Justice.
- c) All records held within any case file, including internal correspondence, attorney assignments, assessments of the strength of prosecution, recommendations for prosecution, and prosecution declination reports (or any similar such documents).
- d) Any written communications between Assistant United States Attorneys (AUSAs) and other staff in the Criminal Division of the United States Attorney's Office for the Western District of Texas and the Federal Bureau of Investigation regarding Homan, Julian "Jace" Calderas, Mark Hall, Charles Sowell, any potential "border wall," Border911, SE&M Solutions, or Industrial Tent Systems.¹
- e) Any application for the use of an undercover agent, and EC or other communications or summary of communications concerning the approval of an undercover agent.
- f) Any application for the use of funds for bribe payments (i.e. bribe authority), and any EC or other communications or summary of communications concerning the use of funds for bribe payments.
- g) Any records to or from supervisory AUSAs in the Criminal Division of the U.S. Attorney's Office for the Western District of Texas, supervisory attorneys in the Public Integrity Section (PIN) of the DOJ Criminal Division, Jennifer A.H. Hodge, Pamela Bondi, Todd Blanche, or Emil Bove referencing Julian "Jace" Calderas.

2. Any communications, including any email, Teams chat, or instant message² sent or received by Pamela Bondi, Todd Blanche, Emil Bove or any Department of Justice employee serving on the Department of Justice's agency presidential transition team, or their immediate staff on their behalf, with any member, including any volunteer, of the president's transition team between Nov. 1, 2024 and January 30, 2025, concerning Thomas "Tom" Douglas Homan.
3. Any communications, including any email, Teams chat, or instant message sent or received by Pamela Bondi, Todd Blanche, Emil Bove, or their immediate staff on their

¹ According to ProPublica, after President Trump "made clear his intentions to tap Homan as border czar, Sowell reached out to government contracting experts, saying he was working with Homan's Border911 Foundation to help streamline procurement for the incoming administration's mass deportation policy." See Avi Asher-Schapiro, Jeff Ernsthausen, and Mica Rosenberg, *Trading on Tom Homan: Inside the Push to Cash in on the Trump Administration's Deportation Campaign*, PROPUBLICA (Oct. 1, 2025), <https://www.propublica.org/article/tom-homan-border-czar-trump-mark-hall-charles-sowell>. SE&M Solutions is Sowell's consulting firm which Homan was affiliated with in 2023, and Sowell served as chair of Homan's foundation, Border911. Industrial Tent Systems is an SE&M client seeking federal contracts relating to border security. Hall is a senior adviser to Homan. Julian "Jace" Calderas is a former U.S. immigration official who has long-standing ties to Homan and who is alleged to have been involved in the alleged "pay to play" bribery scheme; See Carol Leonnig & Ken Dilanian, *How Tom Homan wound up ensnared in an FBI contracts-for-cash sting*, MS NOW (Sept. 29, 2025), <https://www.ms.now/news/ex-ice-officer-tom-homan-fbi-sting-rcna234467>.

² As used herein, the term "Instant Message" includes any SMS text, MMS, RCS, Slack, iMessage, Signal, WhatsApp, Telegram, or direct messages on X.com, Truth Social, or similar social media app.

behalf, to or from any officer or employee of the White House Office, including Karoline Leavitt and her staff, concerning Thomas “Tom” Douglas Homan.

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*.³ 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.’”⁴ 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 and the Department’s response to those allegations. Mr. Homan is currently the Trump Administration’s “Border Czar,” a senior White House position for which he receives a salary of nearly \$200,000.⁵ It has been widely reported that Homan accepted \$50,000 from undercover Federal Bureau of Investigation (FBI) Agents posing as prospective government contractors on September 20, 2024.⁶ These payments were purportedly for the purpose of securing future contracts with the government if President Trump won re-election.⁷ 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.⁸ DOJ also appears to have created a summary of the tapes and

³ 484 F.2d 820 (D.C. Cir. 1973).

⁴ *Cause of Action v. FTC*, 799 F.3d 1108, 1115 (D.C. Cir. 2015).

⁵ 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](#).

⁶ Carol Leonnig & Ken Dilanian, *Tom Homan was investigated for accepting \$50,000 from undercover FBI agents. Trump's DOJ shut it down*, MS NOW (Sept. 20, 2025),

<https://www.msnbc.com/msnbc/news/tom-homan-cash-contracts-trump-doj-investigation-rcna232568>.

⁷ *Id.*

⁸ *Id.*

their conclusions about the strength of the evidence. It also appears that Emil Bove was aware that Homan was being investigated by the FBI during the presidential transition.⁹ It appears that after Emil Bove became aware of the information the President waived the requirement that Homan complete a background investigation.¹⁰ The requested records are directly related to the DOJ's now-closed investigation and any waiver of the background investigation of Homan, which clearly is a core "operation" or "activit[y]" of the Department.

Second, disclosure of the information will significantly aid the public's understanding of 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.¹¹ Political appointees, including the Director of the FBI and Department of Justice officials, however reportedly terminated the investigation.¹² In a statement provided to MS NOW (MSNBC at the time) 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."¹³ Given the competing narratives, release of the documents requested is necessary to aid the public in its understanding of the Department's handling of the investigation and whether there was credible evidence of a potential violation or not. In addition, it was recently reported that the White House transition team was aware of the bribery allegations and that the White House waived the requirement for Homan to receive a background investigation.¹⁴ These are serious issues that warrant further investigation and public transparency. 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.¹⁵ DDF maintains a

⁹ *Id.*

¹⁰ Carol Leonnig & Ken Dilanian, *Border Czar Tom Homan Didn't Receive Normal Background Check During Bribery Probe*, MS NOW (Dec. 30, 2025), <https://www.ms.now/news/border-czar-tom-homan-didnt-receive-normal-background-check-during-bribery-probe>. Background investigations of White House officials are generally required under longstanding policies and procedures. President Trump waived the requirement for an investigation prior to issuance of security clearance for a select number of undisclosed individuals serving in the Executive Office of the President on January 20, 2025. *See Memorandum to Resolve the Backlog of Security Clearances for Executive Office of the President Personnel*, 90 Fed. Reg. 8477 (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/memorandum-to-resolve-the-backlog-of-security-clearances-for-executive-office-of-the-president-personnel/>.

¹¹ Carol Leonnig & Ken Dilanian, *supra* nt. 6.

¹² *Id.*

¹³ *Id.*

¹⁴ *See, e.g.*, John Bowden, *Trump Officials Shielded Border Czar Tom Homan from Normal Vetting Despite Bribery Probe, Report Claims*, THE INDEPENDENT (Dec. 30, 2025), <https://www.independent.co.uk/news/world/americas/us-politics/trump-tom-homan-bribery-background-b2892299.html>; Isaac Schorr, *DOJ Told Trump Transition Team That Tom Homan Was Being Investigated for Bribery*, MEDIAITE (Dec. 30, 2025), <https://www.mediaite.com/media/news/doj-told-trump-transition-team-that-tom-homan-was-being-investigated-for-bribery/>; Sharon Kyle, *The Tom Homan Case and the Collapse of Public-Corruption Accountability*, THE LA PROGRESSIVE (Jan. 20, 2026), <https://www.laprogressive.com/democracy/tom-homan-corruption-accountability>.

¹⁵ *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

dedicated website where it provides information related to its activities which can be accessed by the public.¹⁶ 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.”¹⁷ 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 important information, including information related to government activities and information related to information sought under the FOIA.¹⁸ Pursuant to existing case law, DDF clearly meets the criteria for a fee waiver under section 552(a)(4)(A)(ii)(II).¹⁹

In the event that 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

DDF is entitled to expedited processing of this request pursuant to 5 U.S.C. § 552 and departmental regulations at 28 C.F.R. § 16.5(e) because (1) there exists “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and DDF is “primarily engaged in disseminating information” and (2) this is a “[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)(ii), (iv).

- 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.”²⁰ There is a serious need for the public to

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>; MS NOW, 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>.

¹⁶ See Democracy Defenders Fund, Media Center (last visited Jan. 26, 2026), <https://www.democracydefendersfund.org/news>.

¹⁷ *Nat'l Sec. Archive v. Dept. of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

¹⁸ MS NOW, Weeknight (Aug. 11, 2025), 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.

¹⁹ See, e.g., *Cause of Action*, 799 F.3d at 1120; *Nati'l Sec. Archive v. DoD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

²⁰ 5 C.F.R. 16.5(e)(1)(ii).

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.”²¹ 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.²² In addition, reports that the White House and Department of Justice waived the requirement that Homan receive a background investigation are deeply troubling.²³ As the Government Accountability Office’s Director for Defense Capabilities and Management explained in written testimony for a hearing on personnel vetting held in September of last year: “Personnel vetting processes—including background investigation . . . are vital to determining the trustworthiness of the federal government’s workforce and minimizing risks to U.S. national security.”²⁴ 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.²⁵ Through a combination of investigative 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

²¹ 437 U.S. 214, 242 (1978).

²² Carol Leonnig & Ken Dilanian, *supra* n. 6.

²³ Carol Leonnig & Ken Dilanian, *supra* n.10.

²⁴ Personnel Vetting: Sustained Leadership is Critical to DOD’s New Approach to Its Background Investigation System, Hearing Before the Subcommittee on Government Operations, Committee on Oversight and Government Reform, House of Representatives, 119 Cong. 1st Sess. (Sept. 16, 2025) (statement of Alissa H. Czyz), <https://oversight.house.gov/wp-content/uploads/2025/09/Czyz-Written-Statement.pdf>.

²⁵ See e.g., Virginia Canter, et al., *Why we ‘Democracy Defenders’ are demanding information about DOGE*, MS NOW (Dec. 27, 2024),

<https://www.ms.now/opinion/msnbc-opinion/group-launched-inquiry-musk-ramaswamys-doge-rcna185248>; see also David A. Fahrenhold, *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/>.

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 Administrations' 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 and the Department's handling of the Homan investigation has generated exceptional widespread media interest. Since the original MS NOW 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.²⁶

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 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

²⁶ See, e.g., 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/>; 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>; Robert McCoy, *Tom Homan's Defense on \$50K Bribe Crumbles as Exact Timeline Revealed*, THE NEW REPUBLIC (Sept. 29, 2025), <https://newrepublic.com/post/201081/tom-homan-50k-bribe-defense-timeline>; Ashleigh Fields, *Homan Denies Alleged Bribery: "bull--"*, THE HILL (Sept. 20, 2025), <https://thehill.com/homenews/administration/5514153-fbi-clears-homan-contract-probe/>; John Bowden, *Trump Officials Shielded Border Czar Tom Homan from Normal Vetting Despite Bribery Probe, Report Claims*, THE INDEPENDENT (Dec. 30, 2025), <https://www.independent.co.uk/news/world/americas/us-politics/trump-tom-homan-bribery-background-b2892299.html>; Isaac Schorr, *DOJ Told Trump Transition Team That Tom Homan Was Being Investigated for Bribery*, MEDIAITE (Dec. 30, 2025), <https://www.mediaite.com/media/news/doj-told-trump-transition-team-that-tom-homan-was-being-investigated-for-bribery/>; Sharon Kyle, *The Tom Homan Case and the Collapse of Public-Corruption Accountability*, THE LA PROGRESSIVE (Jan. 20, 2026), <https://www.laprogressive.com/democracy/tom-homan-corruption-accountability>.

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 [REDACTED]. Please send the requested records to [REDACTED] 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/

Christopher 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.²⁷ 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.²⁸
- 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.

²⁷ 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).

²⁸ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016).