

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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PROTECT DEMOCRACY PROJECT,  
2020 Pennsylvania Ave., NW, Ste. 163  
Washington, DC 20005

*Plaintiff,*

v.

Case No. 25-cv-4101

U.S. DEPARTMENT OF THE TREASURY,  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

U.S. DEPARTMENT OF STATE,  
2201 C Street NW  
Washington, DC 20520

U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
245 Murray Lane SW  
Washington, DC 20528

*and*

FINANCIAL CRIMES ENFORCEMENT  
NETWORK,  
2070 Chain Bridge Rd.  
Vienna, VA 22182

*Defendants.*

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**COMPLAINT**

1. The Trump Administration issued sweeping executive actions purportedly to combat “Antifa,” but has instead weaponized these orders against civil society organizations, apparently in yet another unprecedented attempt to punish perceived political enemies.

2. On September 22, 2025, President Trump issued an executive order claiming to designate Antifa as a domestic terrorist threat.<sup>1</sup>

3. He followed this with a presidential memorandum on September 25, 2025, that blamed a supposed increase in political violence on the “culmination of sophisticated, organized campaigns of targeted intimidation,” requiring “[a] new law enforcement strategy that investigates all participants in these criminal and terroristic conspiracies — including the organized structures, networks, entities, organizations, funding sources, and predicate actions behind them.”<sup>2</sup>

4. The memorandum broadly alleged that “[c]ommon threads animating this violent conduct include anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.”<sup>3</sup>

5. The memorandum directed the National Joint Terrorism Task Force and its local offices to investigate, *inter alia*, “institutional and individual funders, and officers and employees of organizations, that are responsible for, sponsor, or otherwise aid and abet the principal actors engaging in” the alleged “political violence and intimidation.”<sup>4</sup>

6. Antifa is not a formal organization.

7. Antifa does not have a single leader, manifesto, or objective.

8. “Antifa” is a term that, at its most basic, refers to opposition to fascism.

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<sup>1</sup> Executive Order, “Designating Antifa as a Domestic Terrorist Organization,” 90 Fed. Reg. 46317 (Sept. 22, 2025), <https://www.federalregister.gov/documents/2025/09/25/2025-18709/designating-antifa-as-a-domestic-terrorist-organization>.

<sup>2</sup> National Security Presidential Memorandum 7, “Countering Domestic Terrorism and Organized Political Violence,” 90 Fed. Reg. 47225 (Sept. 25, 2025), <https://www.federalregister.gov/documents/2025/09/30/2025-19141/countering-domestic-terrorism-and-organized-political-violence>.

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

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

9. Today, many who are ideologically opposed to fascist and authoritarian governments consider themselves anti-fascist.

10. During the first Trump Administration, then-FBI Director Christopher Wray testified to Congress that antifa is not a group but rather an ideology.<sup>5</sup>

11. The White House hosted a roundtable in October 2025 about Antifa, which was attended by President Trump, Attorney General Pamela Bondi, FBI Director Kash Patel, Treasury Secretary Scott Bessent, Homeland Security Secretary Kristi Noem, and other Trump Administration officials, along with a group of journalists and online commentators.<sup>6</sup>

12. At the roundtable, Trump, referring to alleged members of Antifa, said that “we’re going to be very threatening to them, far more threatening to them than they ever were with us,” including “the people that fund them.” Patel similarly said that Bessent “is allowing us to map out these networks through their financial criminal activities, which has been going on for decades.”<sup>7</sup>

13. Shortly after these orders issued, Justice Department officials instructed multiple U.S. Attorneys’ offices to develop plans to investigate and potentially prosecute the Open Society Foundations, a grant network founded by George Soros, whom Trump has demanded be jailed.<sup>8</sup>

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<sup>5</sup> Ryan Lucas, *As Trump Talks of Designating Antifa a Foreign Terrorist Group, Experts See Danger*, NPR (Oct. 28, 2025, 5AM), <https://www.npr.org/2025/10/28/nx-s1-5587726/trump-antifa-terrorist-group>.

<sup>6</sup> Betsy Klein & Donald Judd, *Trump Takes Aim at Antifa – and the Press – in White House Roundtable*, CNN (Oct. 8, 2025), <https://www.cnn.com/2025/10/08/politics/antifa-white-house-roundtable>.

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

<sup>8</sup> Devlin Barrett, *Justice Dept. Official Pushes Prosecutors to Investigate George Soros’s Foundation*, N.Y. Times (Sept. 25, 2025), <https://www.nytimes.com/2025/09/25/us/politics/justice-trump-george-soros-foundation.html>; Rebecca Beitsch, *DOJ Official Pushes US Attorneys to Probe Soros Foundation*, The Hill (Sept. 25, 2025, 4:15 PM), <https://thehill.com/homenews/administration/5522284-doj-investigates-soros-foundations/>.

14. These instructions included a list of specific potential charges, such as arson and material support of terrorism.<sup>9</sup>

15. More than 3,700 nonprofit, nonpartisan organizations from across the ideological spectrum signed an open letter condemning these orders as an attempt to “unjustly and illegally target[]” organizations by “using unchecked power to silence opposition and voices [the president] disagrees with,” and to warn that “[n]o president—Democrat or Republican—should have the power to punish nonprofit organizations simply because he disagrees with them.”<sup>10</sup>

16. The CEO of the influential conservative philanthropic organization DonorsTrust cautioned the Trump Administration not to investigate and target perceived liberal or “leftist” organizations without evidence of wrongdoing because to do so “has the potential to weaponize philanthropy in a way that is antithetical to philanthropic freedom.”<sup>11</sup>

17. Despite these widespread warnings against weaponizing the federal government against opposition voices, the White House has specifically named as targets to be investigated Soros’s Open Societies Foundations, ActBlue, Indivisible, the Coalition for Humane Immigrant Rights, Jewish Voice for Peace, IfNotNow, and others.<sup>12</sup>

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<sup>9</sup> *See id.*

<sup>10</sup> An Open Letter Rejecting Presidential Attacks on Nonprofit Organizations, *available at* [https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5\\_3e1090cfa2254e6abb9d7c3ad2e09ee9.pdf](https://fb1cd5ab-5a51-475c-87d1-10904a61146d.usrfiles.com/ugd/fb1cd5_3e1090cfa2254e6abb9d7c3ad2e09ee9.pdf); *see also* Andrew Stanton, *What Is NSPM-7? Over 3,000 Nonprofits Sound Alarm on New Trump Directive*, NewsWeek (Sept. 30, 2025, 7:33 PM), <https://www.newsweek.com/what-is-nspm-7-over-3000-nonprofits-sound-alarm-on-new-trump-directive-10807321>; Rachel Leingang, et al., *US Non-profits ‘Lock Arms’ amid Trump’s Menacing of George Soros: ‘We Will Not Be Intimidated’*, Guardian (Oct. 17, 2025), <https://www.theguardian.com/us-news/2025/oct/17/george-soros-trump-non-profits>.

<sup>11</sup> Gabe Kaminsky, *Conservative Philanthropy CEO to Trump: Don’t Attack Liberal Nonprofits*, The Free Press (Sept. 29, 2025), <https://www.thefp.com/p/conservative-philanthropy-ceo-to>.

<sup>12</sup> Nandita Bose et al., *Trump’s War On the Left: Inside the Plan to Investigate Liberal Groups*, Reuters (Oct. 9, 2025 4:43PM), <https://www.reuters.com/legal/government/trumps-war-left-inside-plan-investigate-liberal-groups-2025-10-09/>.

18. On information and belief, the Treasury Department has begun compiling a list of organizations that allegedly support domestic terrorism.<sup>13</sup>

19. The White House has not provided any public evidence that any named organization has been involved in criminal activity.

20. On October 22, 2025, Protect Democracy Project (“Protect Democracy”) sent Freedom of Information Act (“FOIA”) requests to the Department of the Treasury (“Treasury”), Department of Homeland Security (“DHS”), Department of State (“State”), and Financial Crimes Enforcement Network (“FinCEN”) (collectively, “Defendants”), seeking records with the potential to shed light on whether and how these executive actions are being used to target perceived political enemies of the Trump Administration.

21. Defendants failed to respond to these requests.

22. In light of the need to inform the public about this critical matter, Plaintiff Protect Democracy now brings this action under FOIA, 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA and the release of records responsive to Protect Democracy’s FOIA requests.

### **JURISDICTION AND VENUE**

23. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

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<sup>13</sup> Charlie Kirk Show, *Sec. Bessent Reveals How They Are Going to Crush Left Wing Extremism*, YouTube, at 17:25 (Oct. 14, 2025), <https://www.youtube.com/watch?v=4dAQKWGaOnI&t=941s> (Bessent stating: “we have started to compile lists, put together networks . . .”).

24. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

25. Because defendants have failed to comply with the applicable time-limit provisions of FOIA, Protect Democracy is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining Defendants from continuing to withhold department or agency records and ordering the production of department or agency records improperly withheld.

### **PARTIES**

26. Plaintiff Protect Democracy is a nonpartisan, non-profit section 501(c)(3) organization whose mission is to prevent American democracy from declining into a more authoritarian form of government. Protect Democracy engages in public education about threats to democratic norms and institutions and how the American people can best confront them. It advances its mission through research, analysis, technology, and litigation to stand up for free and fair elections, the rule of law, fact-based debate, and a better democracy for future generations. As part of this mission, Plaintiff seeks to inform public understanding of operations and activities of the government by gathering and disseminating information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Plaintiff regularly requests such information pursuant to FOIA. The organization is incorporated under the laws of the District of Columbia.

27. Defendant Treasury is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). Treasury has possession, custody, and control of records that Protect Democracy seeks.

28. Defendant State is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). State has possession, custody, and control of records that Protect Democracy seeks.

29. Defendant DHS is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). DHS has possession, custody, and control of records that Protect Democracy seeks.

30. Defendant FinCEN, headquartered in Vienna, VA, is a component of Treasury, and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1). FinCEN has possession, custody, and control of records that Protect Democracy seeks.

### **STATEMENT OF FACTS**

#### *Protect Democracy's FOIA Requests*

31. On October 22, 2025, Protect Democracy sent substantively similar FOIA requests to all four Defendants in this matter.

32. Each request contained a request for expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).

33. Protect Democracy's FOIA request to each Defendant seeks, for the time period from September 22, 2025, through the date the search is conducted, *inter alia*, (a) agency guidance, directives, and communications regarding implementation of the Antifa executive order and/or the National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7"); (b) directives, memoranda, lists, or communications instructing agency officials to investigate specific nonprofits; (c) directives, memoranda, or communications

directing agency staff to investigate nonprofits on certain grounds; (d) lists, memoranda, or communications identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism; (e) communications between agency officials and private parties providing names or information about purported members or funders of “Antifa”; and (f) communications between agency officials and any bank or financial institution regarding suspected terrorist activity or other alleged crimes by philanthropic or nonprofit organizations.

Treasury Request

34. A true and correct copy of the FOIA request to Treasury is attached as Exhibit A.

35. On November 6, 2025, Treasury acknowledged receipt of this request, assigning it agency tracking number 2026-FOIA-00078. Exhibit B.

36. As of the date of this Complaint, Protect Democracy has received no further communications from Treasury regarding this FOIA request.

State Request

37. A true and correct copy of the FOIA request to State is attached as Exhibit C.

38. As of the date of this Complaint, State has neither acknowledged receipt of this request nor otherwise communicated with Protect Democracy about it.

DHS Request

39. A true and correct copy of the FOIA request to DHS is attached as Exhibit D.

40. As of the date of this Complaint, DHS has not acknowledged receipt of this request nor otherwise communicated with Protect Democracy about it.

FinCEN Request

41. A true and correct copy of the FOIA request to DHS is attached as Exhibit E.



42. Protect Democracy received an automated response from FinCEN on October 22, 2025, stating: “The government is currently shutdown [sic] and FinCEN will not be available to provide you with a response to your Freedom of Information Act (FOIA) request of October 22, 2025, within the statutory timeframe. Please note that during the shutdown, no response or expedited processing can or should be expected.” Exhibit F.

43. As of the date of this Complaint, Protect Democracy has received no further communications from FinCEN regarding this FOIA request.

*Request for Expedited Processing*

44. Because of the “urgency to inform the public concerning actual or alleged Federal Government activity,” 5 U.S.C. § 552(a)(6)(E), Protect Democracy requested expedited processing of all four FOIA requests at issue in this lawsuit and included the certification required by 5 U.S.C. § 552(a)(6)(E)(vi). *See* Exs. A, C, D, E.

45. As Protect Democracy certified in its FOIA requests, the requested records are urgently needed to inform the public about this matter of widespread media interest. *See id.*

46. As Protect Democracy further certified in its FOIA requests, *see id.*, and as courts have repeatedly held, Plaintiff is an organization primarily engaged in disseminating information. *See, e.g., Protect Democracy Project v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *Protect Democracy Project v. U.S. Dep’t of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020).

47. More than ten days have passed since Protect Democracy submitted its FOIA requests, and Defendants have failed to comply with 5 U.S.C. § 552(a)(6)(E)(ii).

*Exhaustion of Administrative Remedies*

48. Defendants failed to respond to Protect Democracy’s request to expedite processing of the FOIA requests at issue in this lawsuit within ten (10) calendar days, and Protect Democracy

is not required to exhaust its administrative remedies with respect to its request to expedite processing.

49. Further, as of the date of this Complaint, Defendants have failed to either: (a) notify Protect Democracy of a final determination regarding Protect Democracy's FOIA requests, including the scope of responsive records Defendants intend to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

50. More than 20 working days have passed since all FOIA requests at issue in this lawsuit were filed.

51. Through Defendants' failure to respond to Protect Democracy's FOIA requests within the time period required by law, Protect Democracy has constructively exhausted its administrative remedies and seeks immediate judicial review.

**COUNT I**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Failure to Conduct Adequate Searches for Responsive Records**

52. Protect Democracy repeats the allegations in each of the foregoing paragraphs and incorporates them as though fully set forth herein.

53. Protect Democracy properly requested records within Defendants' possession, custody, and control.

54. Defendants are agencies subject to and within the meaning of FOIA, and they must therefore make reasonable efforts to search for requested records.

55. Defendants have failed to promptly and adequately search for agency records that are responsive to Protect Democracy's FOIA requests.

56. The failure of Defendants to conduct adequate searches for responsive records violates FOIA.

57. Plaintiff Protect Democracy is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to Protect Democracy's FOIA requests.

**COUNT II**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Withholding of Non-Exempt Responsive Records**

58. Protect Democracy repeats the allegations in each of the foregoing paragraphs and incorporates them as though fully set forth herein.

59. Protect Democracy properly requested records within Defendants' possession, custody, and control.

60. Defendants are agencies subject to FOIA and must therefore release in response to FOIA requests any non-exempt records and provide lawful reasons for withholding any materials.

61. Defendants are wrongfully withholding non-exempt agency records requested by Protect Democracy by failing to produce non-exempt records responsive to its FOIA requests.

62. Defendants are wrongfully withholding non-exempt agency records requested by Protect Democracy by failing to segregate exempt information in otherwise non-exempt records responsive to Protect Democracy's FOIA requests.

63. Defendants' failure to provide all non-exempt responsive records violates FOIA and applicable regulations.

64. Plaintiff Protect Democracy is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to its FOIA requests

and provide indexes justifying the withholding of any responsive records withheld under claim of exemption.

**COUNT III**

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

65. Protect Democracy repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

66. Protect Democracy properly requested records within Defendants' possession, custody, and control on an expedited basis.

67. Defendants failed to issue a determination on the requests for expedited processing within the timeframe set by statute.

68. Defendants are departments or agencies subject to FOIA and must process FOIA requests on an expedited basis pursuant to the requirements of FOIA and agency regulations.

69. Each of Protect Democracy's FOIA requests justifies expedited processing under FOIA and agency regulations.

70. Protect Democracy is entitled to declaratory and injunctive relief requiring Defendants to grant expedited processing of the FOIA requests at issue in this lawsuit.

**REQUESTED RELIEF**

WHEREFORE, Protect Democracy respectfully requests the Court to:

- (1) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to Protect Democracy's FOIA requests;
- (2) Order Defendants to produce, within 20 days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Protect Democracy's FOIA requests with indexes justifying the withholding of any responsive records withheld under claim of exemption;

- (3) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Protect Democracy's FOIA requests;
- (4) Order Defendants to process Protect Democracy's FOIA requests on an expedited basis;
- (5) Award Protect Democracy the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (6) Grant Protect Democracy such other relief as the Court deems just and proper.

Dated: November 24, 2025

Respectfully submitted,

/s/ David Kronig  
David Kronig  
D.C. Bar No. 1030649  
Daniel Martinez  
D.C. Bar No. 90025922  
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*Counsel for Plaintiff*

# EXHIBIT A



VIA E-MAIL

Mark Bittner, Director, FOIA & Transparency  
Department of the Treasury  
1500 Pennsylvania Ave., N.W.  
Washington, D.C. 20220  
[foiapl@treasury.gov](mailto:foiapl@treasury.gov)

October 22, 2025

Re: Freedom of Information Act Request for Department of the Treasury Materials Related to the Investigation of Philanthropic and Nonprofit Organizations

Dear Mr. Bittner,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Protect Democracy Project hereby requests that your office produce the following records within 20 business days:

1. From September 22, 2025, through the date on which searches are conducted for records responsive to this request:
  - a. **All agency guidance, directives, memoranda, documents, or communications issued to or by the Department of the Treasury regarding the implementation of President Trump's September 22, 2025 Executive Order, "Designating Antifa as a Domestic Terrorist Organization" and/or National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7").** This includes, but is not limited to, any documents or communications identifying any philanthropic or nonprofit organization for designation as a "domestic terrorist organization[.]"<sup>1</sup>
  - b. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of the Treasury officials or staff to investigate or to draft or develop plans to investigate:**
    - i. The Open Society Foundations and any of its grantees, including but not limited to the directive referenced in the September 25, 2025 article in the *New York Times* entitled "Justice Dept. Official Pushes Prosecutors to

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<sup>1</sup> See Executive Order, "Designating Antifa as a Domestic Terrorist Organization," (Sept. 22, 2025) ("September 22, 2025 Executive Order"), <https://tinyurl.com/3vp9mc4m>, Section 2 ("Designation as a Domestic Terrorist Organization"); National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence," (Sept. 25, 2025) ("NSPM-7"), <https://tinyurl.com/5n6vbwy8>, Section 2 ("Investigating Domestic Terrorist Organizations"), Section 3 ("Department of Justice Designation").



Investigate George Soros's Foundation,"<sup>2</sup> and any and all other directives, memoranda, or communications in any way related to that directive;

- ii. Tides Foundation and any of its grantees;<sup>3</sup> and
  - iii. Arabella Advisors and any of its grantees.<sup>4</sup>
- c. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of the Treasury officials or staff to investigate or to draft or develop plans to investigate or audit philanthropic or nonprofit organizations:**
- i. Pursuant to any directive implementing President Trump's September 22, 2025 Executive Order and/or NSPM-7;
  - ii. In connection with alleged ties to, or support for, any of the following:
    - 1. "Antifa,"<sup>5</sup>
    - 2. "[A]nti-fascism,"<sup>6</sup>
    - 3. "[D]omestic terrorist organizations,"<sup>7</sup>
    - 4. "[O]rganized campaigns" of "political violence" and "targeted intimidation, radicalization, threats, and violence,"<sup>8</sup> and/or

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<sup>2</sup> Devlin Barrett, *Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation*, The New York Times (Sep. 25, 2025), <https://tinyurl.com/bdfdca4h> ("A senior Justice Department official has instructed more than a half dozen U.S. attorney's offices to draft plans to investigate a group funded by George Soros, the billionaire Democratic donor whom President Trump has demanded be thrown in jail. **The official's directive, a copy of which was viewed by The New York Times**, goes as far as to list possible charges prosecutors could file, ranging from arson to material support of terrorism.") (emphasis added).

<sup>3</sup> President Trump Participates in a Roundtable on Antifa, Whitehouse.gov (October 8, 2025) <https://tinyurl.com/ypdmwd4a> at 53:08 (participant suggesting investigations into "the Arabella Funding Network, the Tides Funding Network, Neville Roy Singham and his network").

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

<sup>5</sup> September 22, 2025 Executive Order ("Individuals associated with and acting on behalf of Antifa further coordinate with other organizations and entities for the purpose of spreading, fomenting, and advancing political violence and suppressing lawful political speech. This organized effort designed to achieve policy objectives by coercion and intimidation is domestic terrorism.").

<sup>6</sup> NSPM-7 ("There are common recurrent motivations and indicia uniting this pattern of violent and terroristic activities under the umbrella of self-described 'anti-fascism.'").

<sup>7</sup> September 22, 2025 Executive Order ("designat[ing] Antifa as a 'domestic terrorist organization.'").

<sup>8</sup> NSPM-7 ("This political violence is not a series of isolated incidents and does not emerge organically. Instead, it is a culmination of sophisticated, organized campaigns of targeted intimidation, radicalization, threats, and violence designed to silence opposing speech, limit political activity, change or direct policy outcomes, and prevent the functioning of a democratic society.").





5. "[N]etworks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society[;]"<sup>9</sup> or
- iii. "[A]nimat[ed]" by any of the following:
  1. "[A]nti-Americanism," "anti-capitalism," or "anti-Christianity,"
  2. "[S]upport for the overthrow of the United States Government,"
  3. "[E]xtremism on migration, race, and gender," and/or
  4. "[H]ostility towards those who hold traditional American views on family, religion, and morality[.]"<sup>10</sup>
- d. **All lists, memoranda, or communications, and any accompanying justification or analysis, prepared or received by the Department of the Treasury identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism.** This request includes, but is not limited to:
  - i. The "lists" identifying investigation priorities and targets by the Treasury Department referenced by Treasury Secretary Scott Bessent on October 14, 2025 on The Charlie Kirk Show,<sup>11</sup> and any related documents and communications; and
  - ii. Any lists or analyses created by or provided to the Department of the Treasury identifying "nine liberal groups, donors or fundraising organizations" alleged to have financed or planned protests as reported in the October 9, 2025 article in *Reuters* entitled "Trump's war on the left: Inside the plan to investigate liberal groups," and any related documents and communications.<sup>12</sup>
- e. **All documents and communications between, sent to, or received by the Department of the Treasury or any government official, and any related calendar entries or call logs, to or from private parties or members of the public providing names or information about purported members of "Antifa" or "Antifa" "funders," as well as any documents and communications created in response to**

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Sec. Bessent Reveals How They Are Going to Crush Left Wing Extremism*, Youtube (Oct. 14, 2025) <https://tinyurl.com/44ncawe9> at 15:41 (regarding "organizations working within our borders," "we [Treasury] have started to compile lists[.]").

<sup>12</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, *Reuters* (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.



**any such received documents or communications.** This includes, but is not limited to:

- i. All documents and communications to, from, with, or about non-governmental parties who participated in President Trump's October 8, 2025 "roundtable on Antifa,"<sup>13</sup> and
  - ii. All documents and communications received in response to President Trump's request at the October 8, 2025 "roundtable on Antifa" that members of the public provide "the names of any of the funders" of "Antifa."<sup>14</sup>
- f. **All documents and communications sent by the Department of the Treasury to any bank or other financial institution, or received by the Department of the Treasury from any bank or other financial institution, and any related calendar entries or call logs, regarding suspected domestic terrorist activity, or any other alleged crimes by philanthropic or nonprofit organizations, as well as any documents and communications created in response to any such documents or communications.** This includes, but is not limited to, all documents and communications related to the "encourag[ement]" to "report 'suspected domestic terrorist activity'" referenced in the October 15, 2025 article in the *Free Press* entitled "Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity,'"<sup>15</sup> and any and all other directives, memoranda, documents, or communications in any way related to that "encourag[ement]."
2. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

<sup>13</sup> *President Trump Participates in a Roundtable on Antifa*, [Whitehouse.gov](https://www.whitehouse.gov) (October 8, 2025) <https://tinyurl.com/ypdmwd4a>.

<sup>14</sup> *Id.* at 7:36 ("Under the Trump administration, we're going after Antifa criminals and all who fund and support their campaigns are in serious trouble, and we have a lot of records already, a lot of surprises, a lot of bad surprises. It's people that you would never think.") and at 55:48 ("**Do you know the name of any of the funders? Do you know the names? Because if you do, I'd like you to give them to Kash or Pam... or Kristi**") (emphasis added).

<sup>15</sup> Gabe Kaminsky, *Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity'*, The Free Press (Oct. 15, 2025), <https://tinyurl.com/yn3z9cpg> ("**An office in the Treasury Department that helps thwart terrorist financing is encouraging banks to report 'suspected domestic terrorist activity,'**" according to two people familiar with the matter who were not authorized to speak publicly.") (emphasis added).



### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the targeting and investigation of nonprofit organizations over unsubstantiated allegations of supporting political violence<sup>16</sup> — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). The reported targeting and investigation of nonprofit organizations for political purposes raises serious concerns about potential retaliation and could have a broad chilling effect on nonprofit activity nationwide. This is a matter of great public interest, particularly for those who depend on nonprofits for essential services, education, and advocacy. Following the issuance of National Security Presidential Memorandum 7 (NSPM-7), numerous nonprofit organizations publicly expressed fears and concerns that the administration could invoke this authority and designation to improperly target or punish entities perceived as opposing the President.<sup>17</sup>

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government's reported efforts to identify, investigate, and potentially penalize nonprofit organizations based on their perceived political affiliations or activities. "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the

<sup>16</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, Reuters (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.

<sup>17</sup> *A Coalition of more than 3,700 nonprofit groups condemns Trump Administration's Attacks on Civil Society*, [Democracy Defenders Fund](#) (Oct. 1, 2025).



plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

### **FEE WAIVER**

FOIA provides that any fees associated with a request are waived 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)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); see *Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.<sup>18</sup> The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." See *Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

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<sup>18</sup> See, e.g., *Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).



Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the [protectdemocracy.org](https://bsky.app/profile/protectdemocracy.org) Bluesky feed (<https://bsky.app/profile/protectdemocracy.org>), which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

### **RESPONSIVE RECORDS**

We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Matthew Peney

Matthew Peney

Impact Associate

Protect Democracy Project

2020 Pennsylvania Ave. NW, Suite #163

Washington, DC 20006

[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) | (202) 579-4582

# EXHIBIT B



Matt Peney &lt;matt.peney@protectdemocracy.org&gt;

**Fwd: Your FOIA Request to Treasury 2026-FOIA-00078**

1 message

**Matt Peney** <matt.peney@protectdemocracy.org>  
 To: Matt Peney <matt.peney@protectdemocracy.org>

Thu, Nov 6, 2025 at 6:40 PM

----- Forwarded message -----

From: [FOIA@treasury.gov](mailto:FOIA@treasury.gov) <[FOIA@treasury.gov](mailto:FOIA@treasury.gov)>  
 Date: Thursday, October 23, 2025 at 8:30:52 AM UTC-5  
 Subject: Your FOIA Request to Treasury 2026-FOIA-00078  
 To: [foia@protectdemocracy.org](mailto:foia@protectdemocracy.org) <[foia@protectdemocracy.org](mailto:foia@protectdemocracy.org)>

RE: Your FOIA Request to Treasury, Case Number 2026-FOIA-00078

Dear Mr. Peney:

This email acknowledges the receipt of your FOIA request dated 10/22/2025 seeking copies of the following records:

Re: Freedom of Information Act Request for Department of the Treasury Materials Related to the Investigation of Philanthropic and Nonprofit Organizations Dear Mr. Bittner, Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Protect Democracy Project hereby requests that your office produce the following records within 20 business days: 1. From September 22, 2025, through the date on which searches are conducted for records responsive to this request: a. All agency guidance, directives, memoranda, documents, or communications issued to or by the Department of the Treasury regarding the implementation of President Trump's September 22, 2025 Executive Order, "Designating Antifa as a Domestic Terrorist Organization" and/or National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7"). This includes, but is not limited to, any documents or communications identifying any philanthropic or nonprofit organization for designation as a "domestic terrorist organization[.]"<sup>1</sup> b. All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of the Treasury officials or staff to investigate or to draft or develop plans to investigate: i. The Open Society Foundations and any of its grantees, including but not limited to the directive referenced in the September 25, 2025 article in the New York Times entitled "Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation,"<sup>2</sup> and any and all other directives, memoranda, or communications in any way related to that directive; ii. Tides Foundation and any of its grantees;<sup>3</sup> and iii. Arabella Advisors and any of its grantees c. All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of the Treasury officials or staff to investigate or to draft or develop plans to investigate or audit philanthropic or nonprofit organizations: i. Pursuant to any directive implementing President Trump's September 22, 2025 Executive Order and/or NSPM-7; ii. In connection with alleged ties to, or support for, any of the following: 1. "Antifa,"<sup>5</sup> 2. "[A]nti-fascism,"<sup>6</sup> 3. "[D]omestic terrorist organizations,"<sup>7</sup> 4. "[O]rganized campaigns" of "political violence" and "targeted intimidation, radicalization, threats, and violence,"<sup>8</sup> and/or 5. "[N]etworks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society[.]"<sup>9</sup> or iii. "[A]nimat[ed]" by any of the following: 1. "[A]nti-Americanism," "anti-capitalism," or "anti-Christianity," 2. "[S]upport for the overthrow of the United States Government," 3. "[E]xtremism on migration, race, and gender," and/or 4. "[H]ostility towards those who hold traditional American views on family, religion, and morality[.]"<sup>10</sup> d. All lists, memoranda, or



communications, and any accompanying justification or analysis, prepared or received by the Department of the Treasury identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism. This request includes, but is not limited to: i. The “lists” identifying investigation priorities and targets by the Treasury Department referenced by Treasury Secretary Scott Bessent on October 14, 2025 on The Charlie Kirk Show,<sup>11</sup> and any related documents and communications; and ii. Any lists or analyses created by or provided to the Department of the Treas

This request has been issued tracking number 2026-FOIA-00078. Please reference this number in all future correspondence with this office when communicating regarding this request. Please see the attached letter for more information.

Sincerely,

Cawana Pearson

Case Manager, FOIA and Transparency

Office of Privacy, Transparency, and Records



**FOIA Acknowledgement Fee Expedited.pdf**

93K



# EXHIBIT C



VIA E-MAIL

Office of Information Programs and Services, U.S. Department of State  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000  
[foiarequest@state.gov](mailto:foiarequest@state.gov)

October 22, 2025

Re: Freedom of Information Act Request for Department of State Materials Related to the Investigation of Philanthropic and Nonprofit Organizations

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Protect Democracy Project hereby requests that your office produce the following records within 20 business days:

1. From September 22, 2025, through the date on which searches are conducted for records responsive to this request:
  - a. **All agency guidance, directives, memoranda, documents, or communications issued to or by the Department of State regarding the implementation of President Trump's September 22, 2025 Executive Order, "Designating Antifa as a Domestic Terrorist Organization" and/or National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7").** This includes, but is not limited to, any documents or communications identifying any philanthropic or nonprofit organization for designation as a "domestic terrorist organization[.]"<sup>1</sup>
  - b. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of State officials or staff to investigate or to draft or develop plans to investigate:**
    - i. The Open Society Foundations and any of its grantees, including but not limited to the directive referenced in the September 25, 2025 article in the *New York Times* entitled "Justice Dept. Official Pushes Prosecutors to

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<sup>1</sup> See Executive Order, "Designating Antifa as a Domestic Terrorist Organization," (Sept. 22, 2025) ("September 22, 2025 Executive Order"), <https://tinyurl.com/3vp9mc4m>, Section 2 ("Designation as a Domestic Terrorist Organization"); National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence," (Sept. 25, 2025) ("NSPM-7"), <https://tinyurl.com/5n6vbw8>, Section 2 ("Investigating Domestic Terrorist Organizations"), Section 3 ("Department of Justice Designation").



Investigate George Soros's Foundation,"<sup>2</sup> and any and all other directives, memoranda, or communications in any way related to that directive;

- ii. Tides Foundation and any of its grantees;<sup>3</sup> and
  - iii. Arabella Advisors and any of its grantees.<sup>4</sup>
- c. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing Department of State officials or staff to investigate or to draft or develop plans to investigate or audit philanthropic or nonprofit organizations:**
- i. Pursuant to any directive implementing President Trump's September 22, 2025 Executive Order and/or NSPM-7;
  - ii. In connection with alleged ties to, or support for, any of the following:
    - 1. "Antifa,"<sup>5</sup>
    - 2. "[A]nti-fascism,"<sup>6</sup>
    - 3. "[D]omestic terrorist organizations,"<sup>7</sup>
    - 4. "[O]rganized campaigns" of "political violence" and "targeted intimidation, radicalization, threats, and violence,"<sup>8</sup> and/or

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<sup>2</sup> Devlin Barrett, *Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation*, The New York Times (Sep. 25, 2025), <https://tinyurl.com/bdfdca4h> ("A senior Justice Department official has instructed more than a half dozen U.S. attorney's offices to draft plans to investigate a group funded by George Soros, the billionaire Democratic donor whom President Trump has demanded be thrown in jail. **The official's directive, a copy of which was viewed by The New York Times**, goes as far as to list possible charges prosecutors could file, ranging from arson to material support of terrorism.") (emphasis added).

<sup>3</sup> President Trump Participates in a Roundtable on Antifa, Whitehouse.gov (October 8, 2025) <https://tinyurl.com/ypdmwd4a> at 53:08 (participant suggesting investigations into "the Arabella Funding Network, the Tides Funding Network, Neville Roy Singham and his network").

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

<sup>5</sup> September 22, 2025 Executive Order ("Individuals associated with and acting on behalf of Antifa further coordinate with other organizations and entities for the purpose of spreading, fomenting, and advancing political violence and suppressing lawful political speech. This organized effort designed to achieve policy objectives by coercion and intimidation is domestic terrorism.").

<sup>6</sup> NSPM-7 ("There are common recurrent motivations and indicia uniting this pattern of violent and terroristic activities under the umbrella of self-described 'anti-fascism.'").

<sup>7</sup> September 22, 2025 Executive Order ("designat[ing] Antifa as a 'domestic terrorist organization.'").

<sup>8</sup> NSPM-7 ("This political violence is not a series of isolated incidents and does not emerge organically. Instead, it is a culmination of sophisticated, organized campaigns of targeted intimidation, radicalization, threats, and violence designed to silence opposing speech, limit political activity, change or direct policy outcomes, and prevent the functioning of a democratic society.").



5. "[N]etworks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society[;]"<sup>9</sup> or
- iii. "[A]nimat[ed]" by any of the following:
    1. "[A]nti-Americanism," "anti-capitalism," or "anti-Christianity,"
    2. "[S]upport for the overthrow of the United States Government,"
    3. "[E]xtremism on migration, race, and gender," and/or
    4. "[H]ostility towards those who hold traditional American views on family, religion, and morality[.]"<sup>10</sup>
- d. **All lists, memoranda, or communications, and any accompanying justification or analysis, prepared or received by the Department of State identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism.** This request includes, but is not limited to:
    - i. The "lists" identifying investigation priorities and targets by the Treasury Department referenced by Treasury Secretary Scott Bessent on October 14, 2025 on The Charlie Kirk Show,<sup>11</sup> and any related documents and communications; and
    - ii. Any lists or analyses created by or provided to the Department of State identifying "nine liberal groups, donors or fundraising organizations" alleged to have financed or planned protests as reported in the October 9, 2025 article in *Reuters* entitled "Trump's war on the left: Inside the plan to investigate liberal groups," and any related documents and communications.<sup>12</sup>
- e. **All documents and communications between, sent to, or received by the Department of State or any government official, and any related calendar entries or call logs, to or from private parties or members of the public providing names or information about purported members of "Antifa" or "Antifa" "funders," as well as any documents and communications created in response to any such received documents or communications.** This includes, but is not limited to:

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Sec. Bessent Reveals How They Are Going to Crush Left Wing Extremism*, Youtube (Oct. 14, 2025) <https://tinyurl.com/44ncawe9> at 15:41 (regarding "organizations working within our borders," "we [Treasury] have started to compile lists[.]").

<sup>12</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, *Reuters* (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.



- i. All documents and communications to, from, with, or about non-governmental parties who participated in President Trump's October 8, 2025 "roundtable on Antifa,"<sup>13</sup> and
  - ii. All documents and communications received in response to President Trump's request at the October 8, 2025 "roundtable on Antifa" that members of the public provide "the names of any of the funders" of "Antifa."<sup>14</sup>
- f. **All documents and communications sent by the Department of State to any bank or other financial institution, or received by the Department of State from any bank or other financial institution, and any related calendar entries or call logs, regarding suspected domestic terrorist activity, or any other alleged crimes by philanthropic or nonprofit organizations, as well as any documents and communications created in response to any such documents or communications.** This includes, but is not limited to, all documents and communications related to the "encourag[ement]" to "report 'suspected domestic terrorist activity'" referenced in the October 15, 2025 article in the *Free Press* entitled "Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity,'"<sup>15</sup> and any and all other directives, memoranda, documents, or communications in any way related to that "encourag[ement]."
2. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E). FOIA provides for expedited processing where a requestor

<sup>13</sup> *President Trump Participates in a Roundtable on Antifa*, [Whitehouse.gov](https://whitehouse.gov) (October 8, 2025) <https://tinyurl.com/ypdmwd4a>.

<sup>14</sup> *Id.* at 7:36 ("Under the Trump administration, we're going after Antifa criminals and all who fund and support their campaigns are in serious trouble, and we have a lot of records already, a lot of surprises, a lot of bad surprises. It's people that you would never think.") and at 55:48 ("**Do you know the name of any of the funders? Do you know the names? Because if you do, I'd like you to give them to Kash or Pam... or Kristi**") (emphasis added).

<sup>15</sup> Gabe Kaminsky, *Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity'*, The Free Press (Oct. 15, 2025), <https://tinyurl.com/yn3z9cpg> ("**An office in the Treasury Department that helps thwart terrorist financing is encouraging banks to report 'suspected domestic terrorist activity,'**" according to two people familiar with the matter who were not authorized to speak publicly.") (emphasis added).



"demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the targeting and investigation of nonprofit organizations over unsubstantiated allegations of supporting political violence<sup>16</sup> — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). The reported targeting and investigation of nonprofit organizations for political purposes raises serious concerns about potential retaliation and could have a broad chilling effect on nonprofit activity nationwide. This is a matter of great public interest, particularly for those who depend on nonprofits for essential services, education, and advocacy. Following the issuance of National Security Presidential Memorandum 7 (NSPM-7), numerous nonprofit organizations publicly expressed fears and concerns that the administration could invoke this authority and designation to improperly target or punish entities perceived as opposing the President.<sup>17</sup>

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government's reported efforts to identify, investigate, and potentially penalize nonprofit organizations based on their perceived political affiliations or activities. "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

<sup>16</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, Reuters (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.

<sup>17</sup> *A Coalition of more than 3,700 nonprofit groups condemns Trump Administration's Attacks on Civil Society, Democracy Defenders Fund* (Oct. 1, 2025).



Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

### **FEE WAIVER**

FOIA provides that any fees associated with a request are waived 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)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.<sup>18</sup> The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminat[ed] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this

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<sup>18</sup> *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).





request—and any information obtained in response— through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the [protectdemocracy.org](https://protectdemocracy.org) Bluesky feed (<https://bsky.app/profile/protectdemocracy.org>), which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a “representative of the news media” for fee waiver purposes. See 5 U.S.C. § 552(a)(4)(A)(ii)(II).

### **RESPONSIVE RECORDS**

We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Matthew Peney

Matthew Peney

Impact Associate

Protect Democracy Project

2020 Pennsylvania Ave. NW, Suite #163

Washington, DC 20006

[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) | (202) 579-4582



# EXHIBIT D



VIA E-MAIL

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. AVE SE  
Washington, DC 20528-065  
[foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

October 22, 2025

Re: Freedom of Information Act Request for the Department of Homeland Security's Materials  
Related to the Investigation of Philanthropic and Nonprofit Organizations

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Protect Democracy Project hereby requests that your office produce the following records within 20 business days:

1. From September 22, 2025, through the date on which searches are conducted for records responsive to this request:
  - a. **All agency guidance, directives, memoranda, documents, or communications issued to or by the Department of Homeland Security ("DHS") regarding the implementation of President Trump's September 22, 2025 Executive Order, "Designating Antifa as a Domestic Terrorist Organization" and/or National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7").** This includes, but is not limited to, any documents or communications identifying any philanthropic or nonprofit organization for designation as a "domestic terrorist organization[.]"<sup>1</sup>
  - b. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing DHS officials or staff to investigate or to draft or develop plans to investigate:**
    - i. The Open Society Foundations and any of its grantees, including but not limited to the directive referenced in the September 25, 2025 article in the *New York Times* entitled "Justice Dept. Official Pushes Prosecutors to

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<sup>1</sup> See Executive Order, "Designating Antifa as a Domestic Terrorist Organization," (Sept. 22, 2025) ("September 22, 2025 Executive Order"), <https://tinyurl.com/3vp9mc4m>, Section 2 ("Designation as a Domestic Terrorist Organization"); National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence," (Sept. 25, 2025) ("NSPM-7"), <https://tinyurl.com/5n6vbwy8>, Section 2 ("Investigating Domestic Terrorist Organizations"), Section 3 ("Department of Justice Designation").



Investigate George Soros's Foundation,"<sup>2</sup> and any and all other directives, memoranda, or communications in any way related to that directive;

ii. Tides Foundation and any of its grantees;<sup>3</sup> and

iii. Arabella Advisors and any of its grantees.<sup>4</sup>

c. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing DHS officials or staff to investigate or to draft or develop plans to investigate or audit philanthropic or nonprofit organizations:**

i. Pursuant to any directive implementing President Trump's September 22, 2025 Executive Order and/or NSPM-7;

ii. In connection with alleged ties to, or support for, any of the following:

1. "Antifa,"<sup>5</sup>
2. "[A]nti-fascism,"<sup>6</sup>
3. "[D]omestic terrorist organizations,"<sup>7</sup>
4. "[O]rganized campaigns" of "political violence" and "targeted intimidation, radicalization, threats, and violence,"<sup>8</sup> and/or

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<sup>2</sup> Devlin Barrett, *Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation*, The New York Times (Sep. 25, 2025), <https://tinyurl.com/bdfdca4h> ("A senior Justice Department official has instructed more than a half dozen U.S. attorney's offices to draft plans to investigate a group funded by George Soros, the billionaire Democratic donor whom President Trump has demanded be thrown in jail. **The official's directive, a copy of which was viewed by The New York Times**, goes as far as to list possible charges prosecutors could file, ranging from arson to material support of terrorism.") (emphasis added).

<sup>3</sup> President Trump Participates in a Roundtable on Antifa, Whitehouse.gov (October 8, 2025) <https://tinyurl.com/ypdmwd4a> at 53:08 (participant suggesting investigations into "the Arabella Funding Network, the Tides Funding Network, Neville Roy Singham and his network").

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

<sup>5</sup> September 22, 2025 Executive Order ("Individuals associated with and acting on behalf of Antifa further coordinate with other organizations and entities for the purpose of spreading, fomenting, and advancing political violence and suppressing lawful political speech. This organized effort designed to achieve policy objectives by coercion and intimidation is domestic terrorism.").

<sup>6</sup> NSPM-7 ("There are common recurrent motivations and indicia uniting this pattern of violent and terroristic activities under the umbrella of self-described 'anti-fascism.'").

<sup>7</sup> September 22, 2025 Executive Order ("designat[ing] Antifa as a 'domestic terrorist organization.'").

<sup>8</sup> NSPM-7 ("This political violence is not a series of isolated incidents and does not emerge organically. Instead, it is a culmination of sophisticated, organized campaigns of targeted intimidation, radicalization, threats, and violence designed to silence opposing speech, limit political activity, change or direct policy outcomes, and prevent the functioning of a democratic society.").



5. "[N]etworks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society[;]"<sup>9</sup> or
- iii. "[A]nimat[ed]" by any of the following:
  1. "[A]nti-Americanism," "anti-capitalism," or "anti-Christianity,"
  2. "[S]upport for the overthrow of the United States Government,"
  3. "[E]xtremism on migration, race, and gender," and/or
  4. "[H]ostility towards those who hold traditional American views on family, religion, and morality[.]"<sup>10</sup>
- d. **All lists, memoranda, or communications, and any accompanying justification or analysis, prepared or received by DHS identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism.** This request includes, but is not limited to:
  - i. The "lists" identifying investigation priorities and targets by the Treasury Department referenced by Treasury Secretary Scott Bessent on October 14, 2025 on The Charlie Kirk Show,<sup>11</sup> and any related documents and communications; and
  - ii. Any lists or analyses created by or provided to DHS identifying "nine liberal groups, donors or fundraising organizations" alleged to have financed or planned protests as reported in the October 9, 2025 article in *Reuters* entitled "Trump's war on the left: Inside the plan to investigate liberal groups," and any related documents and communications.<sup>12</sup>
- e. **All documents and communications between, sent to, or received by DHS or any government official, and any related calendar entries or call logs, to or from private parties or members of the public providing names or information about purported members of "Antifa" or "Antifa" "funders," as well as any documents and communications created in response to any such received documents or communications.** This includes, but is not limited to:

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Sec. Bessent Reveals How They Are Going to Crush Left Wing Extremism*, Youtube (Oct. 14, 2025) <https://tinyurl.com/44ncawe9> at 15:41 (regarding "organizations working within our borders," "we [Treasury] have started to compile lists[.]").

<sup>12</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, *Reuters* (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.



- i. All documents and communications to, from, with, or about non-governmental parties who participated in President Trump's October 8, 2025 "roundtable on Antifa,"<sup>13</sup> and
  - ii. All documents and communications received in response to President Trump's request at the October 8, 2025 "roundtable on Antifa" that members of the public provide "the names of any of the funders" of "Antifa."<sup>14</sup>
- f. **All documents and communications sent by DHS to any bank or other financial institution, or received by DHS from any bank or other financial institution, and any related calendar entries or call logs, regarding suspected domestic terrorist activity, or any other alleged crimes by philanthropic or nonprofit organizations, as well as any documents and communications created in response to any such documents or communications.** This includes, but is not limited to, all documents and communications related to the "encourag[ement]" to "report 'suspected domestic terrorist activity'" referenced in the October 15, 2025 article in the *Free Press* entitled "Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity,'"<sup>15</sup> and any and all other directives, memoranda, documents, or communications in any way related to that "encourag[ement]."
2. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

### **EXPEDITED PROCESSING**

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E). FOIA provides for expedited processing where a requestor

<sup>13</sup> *President Trump Participates in a Roundtable on Antifa*, [Whitehouse.gov](https://www.whitehouse.gov) (October 8, 2025) <https://tinyurl.com/ypdmwd4a>.

<sup>14</sup> *Id.* at 7:36 ("Under the Trump administration, we're going after Antifa criminals and all who fund and support their campaigns are in serious trouble, and we have a lot of records already, a lot of surprises, a lot of bad surprises. It's people that you would never think.") and at 55:48 ("**Do you know the name of any of the funders? Do you know the names? Because if you do, I'd like you to give them to Kash or Pam... or Kristi**") (emphasis added).

<sup>15</sup> Gabe Kaminsky, *Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity'*, The Free Press (Oct. 15, 2025), <https://tinyurl.com/yn3z9cpg> ("**An office in the Treasury Department that helps thwart terrorist financing is encouraging banks to report 'suspected domestic terrorist activity,'**" according to two people familiar with the matter who were not authorized to speak publicly.") (emphasis added).



"demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v).

This request meets the criteria for expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity"—namely the targeting and investigation of nonprofit organizations over unsubstantiated allegations of supporting political violence<sup>16</sup> — and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). The reported targeting and investigation of nonprofit organizations for political purposes raises serious concerns about potential retaliation and could have a broad chilling effect on nonprofit activity nationwide. This is a matter of great public interest, particularly for those who depend on nonprofits for essential services, education, and advocacy. Following the issuance of National Security Presidential Memorandum 7 (NSPM-7), numerous nonprofit organizations publicly expressed fears and concerns that the administration could invoke this authority and designation to improperly target or punish entities perceived as opposing the President.<sup>17</sup>

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government's reported efforts to identify, investigate, and potentially penalize nonprofit organizations based on their perceived political affiliations or activities. "[S]uch media coverage is strong evidence of an 'urgency to inform' the public." *Protect Democracy Project, Inc. v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep't of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) ("Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff's FOIA request does not receive expedited

<sup>16</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, Reuters (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.

<sup>17</sup> *A Coalition of more than 3,700 nonprofit groups condemns Trump Administration's Attacks on Civil Society*, [Democracy Defenders Fund](#) (Oct. 1, 2025).



treatment."); *Protect Democracy Project, Inc. v. United States Dep't of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

### **FEE WAIVER**

FOIA provides that any fees associated with a request are waived 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)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.<sup>18</sup> The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc.*

<sup>18</sup> *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).





*v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminat[ed] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the [protectdemocracy.org](https://protectdemocracy.org) Bluesky feed (<https://bsky.app/profile/protectdemocracy.org>), which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. See 5 U.S.C. § 552(a)(4)(A)(ii)(II).

### **RESPONSIVE RECORDS**

We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Ella Barzel

Ella Barzel

Impact Associate and Paralegal

Protect Democracy Project

2020 Pennsylvania Ave. NW, Suite #163

Washington, DC 20006

[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) | (202) 579-4582



# EXHIBIT E



VIA E-MAIL

Terri Robertson, Disclosure (FOIA) Office  
Financial Crimes Enforcement Network  
P.O. Box 39  
Vienna, VA 22183  
[FinCENFOIA@fincen.gov](mailto:FinCENFOIA@fincen.gov)

October 22, 2025

Re: Freedom of Information Act Request for Financial Crimes Enforcement Network Materials  
Related to the Investigation of Philanthropic and Nonprofit Organizations

Dear Ms. Robertson,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Protect Democracy Project hereby requests that your office produce the following records within 20 business days:

1. From September 22, 2025, through the date on which searches are conducted for records responsive to this request:
  - a. **All agency guidance, directives, memoranda, documents, or communications issued to or by Financial Crimes Enforcement Network ("FinCEN") regarding the implementation of President Trump's September 22, 2025 Executive Order, "Designating Antifa as a Domestic Terrorist Organization" and/or National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence" ("NSPM-7").** This includes, but is not limited to, any documents or communications identifying any philanthropic or nonprofit organization for designation as a "domestic terrorist organization[.]"<sup>1</sup> This also includes, but is not limited to, any directives or memoranda discussing enforcement priorities for FinCEN that reference philanthropic or nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism.
  - b. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing FinCen officials or staff to investigate or to draft or develop plans to investigate:**
    - i. The Open Society Foundations and any of its grantees, including but not limited to the directive referenced in the September 25, 2025 article in the

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<sup>1</sup> See Executive Order, "Designating Antifa as a Domestic Terrorist Organization," (Sept. 22, 2025) ("September 22, 2025 Executive Order"), <https://tinyurl.com/3vp9mc4m>, Section 2 ("Designation as a Domestic Terrorist Organization"); National Security Presidential Memorandum 7, "Countering Domestic Terrorism and Organized Political Violence," (Sept. 25, 2025) ("NSPM-7"), <https://tinyurl.com/5n6vbwy8>, Section 2 ("Investigating Domestic Terrorist Organizations"), Section 3 ("Department of Justice Designation").



*New York Times* entitled "Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation,"<sup>2</sup> and any and all other directives, memoranda, or communications in any way related to that directive;

- ii. Tides Foundation and any of its grantees;<sup>3</sup> and
  - iii. Arabella Advisors and any of its grantees.<sup>4</sup>
- c. **All directives, memoranda, lists, documents, or communications, and any related calendar entries or call logs, instructing FinCEN officials or staff to investigate or to draft or develop plans to investigate or audit philanthropic or nonprofit organizations:**
- i. Pursuant to any directive implementing President Trump's September 22, 2025 Executive Order and/or NSPM-7;
  - ii. In connection with alleged ties to, or support for, any of the following:
    - 1. "Antifa,"<sup>5</sup>
    - 2. "[A]nti-fascism,"<sup>6</sup>
    - 3. "[D]omestic terrorist organizations,"<sup>7</sup>
    - 4. "[O]rganized campaigns" of "political violence" and "targeted intimidation, radicalization, threats, and violence,"<sup>8</sup> and/or

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<sup>2</sup> Devlin Barrett, *Justice Dept. Official Pushes Prosecutors to Investigate George Soros's Foundation*, The New York Times (Sep. 25, 2025), <https://tinyurl.com/bdfdca4h> ("A senior Justice Department official has instructed more than a half dozen U.S. attorney's offices to draft plans to investigate a group funded by George Soros, the billionaire Democratic donor whom President Trump has demanded be thrown in jail. **The official's directive, a copy of which was viewed by The New York Times**, goes as far as to list possible charges prosecutors could file, ranging from arson to material support of terrorism.") (emphasis added).

<sup>3</sup> President Trump Participates in a Roundtable on Antifa, Whitehouse.gov (October 8, 2025) <https://tinyurl.com/ypdmwd4a> at 53:08 (participant suggesting investigations into "the Arabella Funding Network, the Tides Funding Network, Neville Roy Singham and his network").

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

<sup>5</sup> September 22, 2025 Executive Order ("Individuals associated with and acting on behalf of Antifa further coordinate with other organizations and entities for the purpose of spreading, fomenting, and advancing political violence and suppressing lawful political speech. This organized effort designed to achieve policy objectives by coercion and intimidation is domestic terrorism.").

<sup>6</sup> NSPM-7 ("There are common recurrent motivations and indicia uniting this pattern of violent and terroristic activities under the umbrella of self-described 'anti-fascism.'").

<sup>7</sup> September 22, 2025 Executive Order ("designat[ing] Antifa as a 'domestic terrorist organization.'").

<sup>8</sup> NSPM-7 ("This political violence is not a series of isolated incidents and does not emerge organically. Instead, it is a culmination of sophisticated, organized campaigns of targeted intimidation, radicalization, threats, and violence designed to silence opposing speech, limit political activity, change or direct policy outcomes, and prevent the functioning of a democratic society.").



5. "[N]etworks, entities, and organizations that promote organized violence, violent intimidation, conspiracies against rights, and other efforts to disrupt the functioning of a democratic society[;]"<sup>9</sup> or
- iii. "[A]nimat[ed]" by any of the following:
  1. "[A]nti-Americanism," "anti-capitalism," or "anti-Christianity,"
  2. "[S]upport for the overthrow of the United States Government,"
  3. "[E]xtremism on migration, race, and gender," and/or
  4. "[H]ostility towards those who hold traditional American views on family, religion, and morality[.]"<sup>10</sup>
- d. **All lists, memoranda, or communications, and any accompanying justification or analysis, prepared or received by FinCEN identifying nonprofit organizations alleged to be involved in funding or organizing political violence or domestic terrorism.** This request includes, but is not limited to:
  - i. The "lists" identifying investigation priorities and targets by the Treasury Department referenced by Treasury Secretary Scott Bessent on October 14, 2025 on The Charlie Kirk Show,<sup>11</sup> and any related documents and communications; and
  - ii. Any lists or analyses created by or provided to FinCEN identifying "nine liberal groups, donors or fundraising organizations" alleged to have financed or planned protests as reported in the October 9, 2025 article in *Reuters* entitled "Trump's war on the left: Inside the plan to investigate liberal groups," and any related documents and communications.<sup>12</sup>
- e. **All documents and communications between, sent to, or received by FinCEN or any government official, and any related calendar entries or call logs, to or from private parties or members of the public providing names or information about purported members of "Antifa" or "Antifa" "funders," as well as any documents and communications created in response to any such received documents or communications.** This includes, but is not limited to:

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Sec. Bessent Reveals How They Are Going to Crush Left Wing Extremism*, Youtube (Oct. 14, 2025) <https://tinyurl.com/44ncawe9> at 15:41 (regarding "organizations working within our borders," "we [Treasury] have started to compile lists[.]").

<sup>12</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump's war on the left: Inside the plan to investigate liberal groups*, *Reuters* (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.



- i. All documents and communications to, from, with, or about non-governmental parties who participated in President Trump's October 8, 2025 "roundtable on Antifa,"<sup>13</sup> and
  - ii. All documents and communications received in response to President Trump's request at the October 8, 2025 "roundtable on Antifa" that members of the public provide "the names of any of the funders" of "Antifa."<sup>14</sup>
- f. **All documents and communications sent by FinCEN to any bank or other financial institution, or received by FinCEN from any bank or other financial institution, and any related calendar entries or call logs, regarding suspected domestic terrorist activity, or any other alleged crimes by philanthropic or nonprofit organizations, as well as any documents and communications created in response to any such documents or communications.** This includes, but is not limited to, all documents and communications related to the "encourag[ement]" to "report 'suspected domestic terrorist activity'" referenced in the October 15, 2025 article in the *Free Press* entitled "Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity,'"<sup>15</sup> and any and all other directives, memoranda, documents, or communications in any way related to that "encourag[ement].]"
2. In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

### **EXPEDITED PROCESSING**

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i). It defines "compelling need" to

<sup>13</sup> *President Trump Participates in a Roundtable on Antifa*, [Whitehouse.gov](https://whitehouse.gov) (October 8, 2025) <https://tinyurl.com/ypdmwd4a>.

<sup>14</sup> *Id.* at 7:36 ("Under the Trump administration, we're going after Antifa criminals and all who fund and support their campaigns are in serious trouble, and we have a lot of records already, a lot of surprises, a lot of bad surprises. It's people that you would never think.") and at 55:48 ("**Do you know the name of any of the funders? Do you know the names? Because if you do, I'd like you to give them to Kash or Pam... or Kristi**") (emphasis added).

<sup>15</sup> Gabe Kaminsky, *Exclusive: Trump Admin Tells Banks to Report 'Domestic Terrorist Activity'*, The Free Press (Oct. 15, 2025), <https://tinyurl.com/yn3z9cpk> ("**An office in the Treasury Department that helps thwart terrorist financing is encouraging banks to report 'suspected domestic terrorist activity,'**" according to two people familiar with the matter who were not authorized to speak publicly.") (emphasis added).



include situations where a “request [is] made by a person primarily engaged in disseminating information” and there exists an “urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v).

This request meets the criteria for expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity”—namely the targeting and investigation of nonprofit organizations over unsubstantiated allegations of supporting political violence<sup>16</sup> — and because Protect Democracy Project is “primarily engaged in disseminating information.”

Courts have found that Protect Democracy “easily” satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep’t of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E). The reported targeting and investigation of nonprofit organizations for political purposes raises serious concerns about potential retaliation and could have a broad chilling effect on nonprofit activity nationwide. This is a matter of great public interest, particularly for those who depend on nonprofits for essential services, education, and advocacy. Following the issuance of National Security Presidential Memorandum 7 (NSPM-7), numerous nonprofit organizations publicly expressed fears and concerns that the administration could invoke this authority and designation to improperly target or punish entities perceived as opposing the President.<sup>17</sup>

This matter is urgent, and therefore merits expedited processing, because the public must be informed of the government’s reported efforts to identify, investigate, and potentially penalize nonprofit organizations based on their perceived political affiliations or activities. “[S]uch media coverage is strong evidence of an ‘urgency to inform’ the public.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 299 (D.D.C. 2017); *see also Washington Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.”); *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d 132, 140 (D.D.C. 2020) (finding urgency in similar circumstances).

<sup>16</sup> Nandita Bose, Jana Winter, Jeff Mason, Tim Reid and Ted Hesson, *Trump’s war on the left: Inside the plan to investigate liberal groups*, Reuters (Oct. 10, 2025), <https://tinyurl.com/e4ebu98d>.

<sup>17</sup> *A Coalition of more than 3,700 nonprofit groups condemns Trump Administration’s Attacks on Civil Society*, [Democracy Defenders Fund](https://democracydefendersfund.org/) (Oct. 1, 2025).



Pursuant to 5 U.S.C. § 552(a)(6)(E)(vi), I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. And pursuant to 5 U.S.C. § 552(a)(6)(E)(ii), I seek your decision to grant or deny expedited processing within 10 calendar days of your receipt of this request.

### **FEE WAIVER**

FOIA provides that any fees associated with a request are waived 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)(iii). One of the core missions of Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding of the operations and activities of the government. This request is submitted in furtherance of the organization's mission to gather and disseminate information that is likely to contribute significantly to the public understanding of executive branch operations and activities. Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). Protect Democracy Project has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision.<sup>18</sup> The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about its FOIA requests to a wide audience.'"). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website

<sup>18</sup> *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep't of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a "representative of the news media" for purposes of the FOIA); *Nat'l Sec. Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989); *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a "public interest law firm," to be a news media requester).





protectdemocracy.org; the protectdemocracy.org Bluesky feed (<https://bsky.app/profile/protectdemocracy.org>), which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a "representative of the news media" for fee waiver purposes. See 5 U.S.C. § 552(a)(4)(A)(ii)(II).

### **RESPONSIVE RECORDS**

We ask that you search all systems of record, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact me at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation, and look forward to hearing from you very soon.

Sincerely,

/s/ Matthew Peney

Matthew Peney

Impact Associate

Protect Democracy Project

2020 Pennsylvania Ave. NW, Suite #163

Washington, DC 20006

[FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) | (202) 579-4582



# EXHIBIT F



6 of 1688



## RE: Protect Democracy Project FOIA Request to FinCEN

4 views

Subscribe ☐**FinCEN FOIA** <FinCENFOIA@fincen.gov>

Oct 22, 2025, 1:29:14 PM



to Matt Peney, FinCEN FOIA

Good afternoon, Matthew Peney,

The government is currently shutdown and FinCEN will not be available to provide you with a response to your Freedom of Information Act (FOIA) request of October 22, 2025, within the statutory timeframe. Please note that during the shutdown, no response or expedited processing can or should be expected.

FinCEN will respond to your request once the government is re-opened.

Regards,

FinCEN FOIA Office

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**From:** Matt Peney <[foia@protectdemocracy.org](mailto:foia@protectdemocracy.org)>

**Sent:** Wednesday, October 22, 2025 12:34 PM

**To:** FinCEN FOIA <[FinCENFOIA@fincen.gov](mailto:FinCENFOIA@fincen.gov)>

**Subject:** Protect Democracy Project FOIA Request to FinCEN

You don't often get email from [foia@protectdemocracy.org](mailto:foia@protectdemocracy.org). [Learn why this is important](#)