



January 18, 2024

**VIA WEBSITE ONLY**

Michael G. Seidel, Section Chief  
Record/Information Dissemination Section  
Records Management Division  
Federal Bureau of Investigation  
Department of Justice  
200 Constitution Drive  
Winchester, VA 22602  
<https://efoia.fbi.gov>

**RE: FOIA Request about the FBI's flagging of financial transactions for using terms like "MAGA," "Trump," and "Bible."**

Dear Mr. Seidel:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice ("ACLJ")<sup>1</sup> on behalf of its supporters.

To summarize, this Request seeks records pertaining to the FBI's flagging of financial transactions for using terms like "MAGA," "Trump," and "Bible."

**BACKGROUND**

Pursuant to DOJ FOIA regulation 28 C.F.R. §16.3(b), this Background addresses "the date, title or name, author, recipient, subject matter of the record[s]" requested, to the extent known.

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<sup>1</sup> The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

According to a January 17, 2024 letter to the FBI from the House of Representatives Judiciary Committee:

The Committee and Select Subcommittee have received testimony indicating that in 2021, the Bank of America (BoA) provided the FBI—voluntarily and without any legal process—with a list of individuals who made transactions in the Washington, D.C., metropolitan area using a BoA credit or debit card between January 5 and January 7, 2021.<sup>1</sup> When that list was later brought to the attention of Steve Jensen, the FBI’s then-Section Chief of the Domestic Terrorism Operations Section, he acted to “pull” the BoA information from FBI systems because “the leads lacked allegations of federal criminal conduct.” Documents obtained by the Committee and Select Subcommittee also show that FBI personnel, including Mr. Sullivan, made contact with and provided BoA with specific search query terms, indicating that it was “interested in all financial relationships” of BoA customers transacting in Washington D.C. and the FBI asked the Treasury Department to flag or ask financial institutions to flag customers who had made “ANY historical purchase” of a firearm, or who had purchased a hotel, Airbnb, or airline travel within a given date range.<sup>2</sup>

(Citations omitted). Additionally, the letter says:

In addition, the Committee and Select Subcommittee have obtained documents indicating that FBI personnel in the Office of Private Sector prepared an official report that broadly characterized certain political beliefs as indicative of domestic violent extremism. This report titled, “Domestic Violent Extremists Likely Emboldened in Aftermath of Capitol Breach,” was shared with financial institutions for the purpose of “alert[ing] private sector partners that the 6 January 2021 violent breach by suspected domestic violent extremists into the U.S. Capitol Building may serve as a driver for a diverse set of DVEs.” Among other things, the report identified as reasons that could “mobiliz[e] criminal actors and DVEs to violence” to include “increased socio-political pressures” surrounding “firearm legislation, the easing of immigration restrictions” as well as “discontent with renewed measures to mitigate the spread of COVID-19. . . .” Such a sweeping characterization of political beliefs and constitutionally protected speech as indicators of domestic violent extremism is reminiscent of how the FBI similarly characterized traditional Catholics as potential terrorists.<sup>3</sup>

The letter sought testimony in order “to inform the Committee and Select Subcommittee about the FBI’s mass accumulation and use of Americans’ private information without legal process; the FBI’s protocols, if any, to safeguard Americans’ privacy and constitutional rights in the receipt and use of such information; and the FBI’s general engagement with the private sector on law-enforcement matters.”<sup>4</sup>

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<sup>2</sup>Letter from Rep. Jim Jordan, Chairman, H. R. Judiciary Comm. to Dir. Christopher Wray, FBI (January 17, 2024)

<sup>3</sup> Id.

<sup>4</sup> Id.

This FOIA seeks further information on the FBI's actions mentioned above.

### **RECORDS REQUESTED**

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “domestic terrorism” or “domestic terrorist” or any of their acronyms used herein has the definition as given in 18 U.S.C. § 2331(5) or any definition or application utilized by the FBI.

For purposes of this Request, the term “headquarters” and “Field Office” or any other **acronym** used herein has the definition as used in Federal Bureau of Investigation & Department of Homeland Security’s STRATEGIC INTELLIGENCE ASSESSMENT AND DATA ON DOMESTIC TERRORISM manual (hereinafter the SIADDT).

For purposes of this Request, all terms otherwise used herein have the definitions given by FOIA, 5 U.S.C. § 552 *et seq.*

**For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 6, 2020, to the date this request is processed.**

The ACLJ hereby requests the FBI to produce the following records.

1. The record referenced above named “Domestic Violent Extremists Likely Emboldened in Aftermath of Capitol Breach.”
2. The records of communications by the Charlotte FBI Field offices to Bank of America (BoA) concerning the information provided by BoA to the FBI.
3. The transcribed interviews of Mr. George Hill, Mr. Steve Jensen and Mr. Joseph Bonavolonta, all formerly of the FBI, made to the House of Representatives Judiciary Committee.

5. All records between Mr. Peter Sullivan, Senior Private Sector Partner for Outreach in the Strategic Partner Engagement Section of the FBI, or his administrative assistants, of communications with Facebook (including Meta) and Twitter (now X) about domestic terrorism.
6. All records related to the “Lone Actor/Homegrown Violent Extremism Indicators” shared with financial institutions.
7. All emails concerning the “Domestic Violent Extremists Emboldened in the Aftermath of the Capitol Breach” report at FBI Headquarters.
8. All records related to the FBI’s plans to make use of their mass accumulation of Americans’ personal information without legal process for Americans traveling to and making purchases in Washington, DC, from January 5-7, 2020.
9. All records related to the FBI’s protocols to safeguard Americans’ privacy and constitutional rights when performing mass surveillance via private financial records.
10. All records concerning the FBI’s communications with all banking institutions, including but not limited to Bank of America, on law-enforcement matters specifically related to the search queries of Americans financial records from January 5-7, 2020. This should also include specific correspondence where the FBI and/or FinCEN requested banks to share private customer data with law enforcement.
11. All emails concerning the FBI use of the financial transactions related to the “purchase of books (including religious texts)” at FBI Headquarters.
12. All emails containing the search terms “TRUMP,” “conservative,” “MAGA,” “Bible,” and “prior FinCEN analysis” relating to the “Lone Actor/Homegrown Violent Extremism Indicators.”

### **REQUEST FOR WAIVER OF FEES**

The ACLJ requests a waiver of all fees for this request. Disclosure of the requested information to us 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 our commercial interest. The documents requested are to provide transparency on the perceived politicization of the FBI. Thank you for your consideration of this request.

### **CONCLUSION**

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director  
Benjamin P. Sisney, Senior Litigation Counsel  
John A. Monaghan, Senior Litigation Counsel  
American Center for Law and Justice



Respectfully submitted,

A handwritten signature in blue ink, reading "Jordan Sekulow".

Jordan Sekulow  
Executive Director

A handwritten signature in blue ink, reading "John A. Monaghan".

John A Monaghan  
Senior Litigation Counsel