

Congress of the United States
Washington, DC 20515

July 22, 2025

Ms. Regina Wallace-Jones
Chief Executive Officer
ActBlue
c/o Vincent Cohen
Dechert LLP
1900 K Street NW
Washington, DC 20006

Dear Ms. Wallace-Jones:

The Committee on House Administration, the Committee on the Judiciary, and the Committee on Oversight and Government Reform are charged with upholding fundamental American civil liberties and protecting the integrity of American elections. In light of allegations that online fundraising platforms that serve as conduits for political donations have accepted fraudulent donations from domestic and foreign sources,¹ the Committees are conducting oversight to inform potential legislative reforms.² To further our oversight and legislative reform efforts, on April 2, 2025, the Committees requested documents and communications related to internal misconduct and whistleblower retaliation at ActBlue.³ Although ActBlue initially provided documents voluntarily, it has since suspended its cooperation with the Committees.⁴ Therefore, the Judiciary Committee must resort to compulsory process to obtain the requested materials.

¹ See Miranda Devine, *Potential ActBlue criminal charges over possible fraud donations once again reveal the Dems' fraud campaign*, N.Y. POST (Sept. 19, 2024); Josh Christenson, *Treasury finds hundreds of transactions linked to fundraising platform ActBlue flagged by banks: GOP memo*, N.Y. POST (Oct. 29, 2024); Breanne Deppisch, *Democrat platform ActBlue subpoenaed by House committee amid concerns foreign donors exploited security flaws*, FOX NEWS (Oct. 31, 2024).

² See Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., to Ms. Regina Wallace-Jones, Chief Executive Officer, ActBlue (Oct. 28, 2024); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Ms. Regina Wallace-Jones, Chief Executive Officer, ActBlue (Dec. 9, 2024); Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, to Ms. Regina Wallace-Jones, Chief Executive Officer, ActBlue (Apr. 2, 2025).

³ Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, to Ms. Regina Wallace-Jones, Chief Executive Officer, ActBlue (Apr. 2, 2025).

⁴ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, and Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025).

Following the Committees' April 2 request, ActBlue's counsel informed Committee staff that ActBlue intended to make voluntary productions of documents responsive to the Committees' requests.⁵ As an accommodation to ActBlue, the Committees agreed to accept productions on a rolling basis.⁶ On May 5, the Committees received an initial production of documents. At the time, counsel for ActBlue noted that "ActBlue continues to review materials and [] anticipate[s] making additional rolling productions."⁷ However, on June 9, ActBlue abruptly changed course, informing the Committees that it would not make further voluntary productions until the Committees provided "more information" about our oversight.⁸ ActBlue did not provide a legitimate legal basis for refusing future cooperation with the Committees, and instead made baseless and untrue allegations about the Committees' motives.⁹

I. ActBlue's stated reasons for noncompliance with our oversight are unpersuasive and have no basis in law.

ActBlue has offered no plausible legal basis for suspending its cooperation with the Committees' oversight. Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling the Congress to remedy them."¹⁰

First, ActBlue alleges that the Committees are pursuing oversight for an improper purpose of fact-finding for a Department of Justice investigation.¹¹ This assertion is inaccurate. As we have explained, the Committees have a legislative interest in protecting the integrity of federal elections and upholding fundamental civil liberties by ensuring that online fundraising platforms are not vulnerable to bad actors, including foreign actors.¹² The Committees' legislative purpose is explained in more detail below.

In support of its allegation that the Committees are improperly coordinating with the Justice Department, ActBlue claimed that the Committees have "pledg[ed] to 'work collaboratively with DOJ'" on matters involving ActBlue.¹³ This claim is untrue and reliant on a

⁵ Call with Counsel and Committee Staff (Apr. 11, 2025).

⁶ *Id.*

⁷ Letter from Mr. Jonathan Streeter, Counsel for ActBlue, to Committee Staff, H. Comm. on the Judiciary (May 5, 2025).

⁸ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, and Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025).

⁹ *See id.*

¹⁰ *Trump v. Mazars LLP*, 591 U.S. 848, 862 (2020) (internal citations and quotation marks omitted).

¹¹ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, and Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025).

¹² *See* correspondence cited *supra* note 2.

¹³ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, and Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025) (quoting Letter from Rep. Bryan Steil, Chairman, Comm. on

selective quotation that distorts the nature of the Committees' work with the Justice Department. In full, the Committees pledged to "work collaboratively with DOJ *to improve and strengthen the integrity of America's electoral system.*"¹⁴ That shared policy outcome is not evidence of improper motivation, as ActBlue implies, in the Committees' oversight inquiry.

In addition, ActBlue has relied on cherry-picked statements from Chairman Bryan Steil without their surrounding context.¹⁵ ActBlue conveniently omitted the remainder of Chairman Steil's statement, in which he stated that a goal of the Committees' oversight is to "put[] in place rules and laws that prevent any abuse in the future."¹⁶ Furthermore, Chairman Steil directly acknowledged the differences between the Committee's oversight and the Department's reported investigative activity, explaining that the prosecutorial function is squarely "the domain of the United States Department of Justice."¹⁷ Contrary to ActBlue's claims, the Committees have no "agreement to coordinate the Committees' activities with the Executive Branch," are not conducting this investigation in support of any criminal inquiry, and have not furnished any non-public information to the Department.¹⁸

ActBlue also asserted that the Committees' release of an interim staff report "suggests that the investigation has become something other than a legislative fact-gathering effort."¹⁹ This assertion also lacks merit. Congressional staff reports are a common mechanism by which committees present information to inform legislative reforms. Indeed, the Committees' staff report specifically notes that we will "continue investigating to inform potential legislative

H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, to Hon. Pamela J. Bondi, Att'y Gen., U.S. Dep't of Justice (May 7, 2025)).

¹⁴ Letter from Rep. Bryan Steil, Chairman, Comm. on H. Admin., Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, & Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, to Hon. Pamela J. Bondi, Att'y Gen., U.S. Dep't of Justice (May 7, 2025) (emphasis added).

¹⁵ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, & Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025). Separately, individual committee members' motives cannot vitiate a legitimate legislative purpose for an investigation. *Cf. Watkins v. United States*, 354 U.S. 178, 200 (1957) ("[M]otives alone would not vitiate an investigation which had been instituted by a House of Congress if that assembly's legislative purpose is being served.").

¹⁶ *Vicki McKenna Show with Guest Host Matt Kittle – California Ballot Debacle*, THE VICKI MCKENNA SHOW (May 7, 2025), <https://podcasts.apple.com/us/podcast/vicki-mckenna-show-with-guest-host-matt-kittle/id1601657419?i=1000706717908> at 1:25:30 – 1:25:35; *see also id.* at 1:24:45 – 1:24:57 (Chairman Steil reaffirmed that the Committees' objective is to "put in place new laws and policies that prevent the type of abuse we're concerned is occurring.").

¹⁷ *See id.* at 1:25:02 – 1:25:06.

¹⁸ *See* Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, & Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025). ActBlue has no legal basis to demand "more information" about the Committees' investigation before cooperating with our requests, and may not condition its cooperation with the Committee's investigation. *See, e.g., Eisler v. United States*, 170 F. 2d 273, 280 (D.C. Cir. 1948). Nonetheless, as an additional accommodation, we trust this information alleviates the concerns that ActBlue has articulated.

¹⁹ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov't Reform, & Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025).

reforms to improve and strengthen our democracy.”²⁰

To the extent that ActBlue implies that the Committees’ investigation cannot proceed simultaneous to any Executive Branch law-enforcement inquiry, this assertion is also unfounded. The Supreme Court has recognized that Congress’s oversight authority is not restricted by ongoing civil and criminal investigations. In *Sinclair v. United States*, the Court noted that the pendency of litigation does not stop Congress’s ability to investigate.²¹ In that case, the Court held that Congress’s authority “directly or through its committees, to require pertinent disclosures in aid of its own constitutional power is not abridged because the information sought to be elicited may also be of use in” civil or criminal suits.²² Similarly, in *Hutcheson v. United States*, the Court explained that “a congressional committee . . . engaged in a legitimate legislative investigation need not grind to a halt whenever responses to its inquiries might potentially be harmful to a witness in some distinct proceeding . . . or when crime or wrongdoing is exposed.”²³ The historical record bears this point out—many congressional investigations have occurred in parallel to Executive Branch investigations of the same or related matters.²⁴

Finally, we are unpersuaded by ActBlue’s claim that the Committees’ requests violate the Constitution’s First Amendment and Equal Protection Clause by allegedly “selective[ly] focus[ing]” on ActBlue.²⁵ As a foundational matter, Congress is free to choose how to conduct

²⁰ STAFF OF COMM. ON H. ADMIN., H. COMM. ON THE JUDICIARY, & H. COMM. ON OVERSIGHT & GOV’T REFORM, FRAUD ON ACTBLUE: HOW THE DEMOCRATS’ TOP FUNDRAISING PLATFORM OPENS THE DOOR FOR ILLEGAL ELECTION CONTRIBUTIONS (Apr. 2, 2025) at 3. In addition, ActBlue’s claims that the Committees “mischaracterized the contents of the documents” or “distorted a selection of out-of-context communications” are inaccurate. The Committees’ report includes full versions of every document cited in the report in a 458-page appendix. At the request of ActBlue’s former counsel, the Committees redacted certain portions of these documents to protect the identities of ActBlue staff and potentially sensitive information. See Letter from Brian D. Smith, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Dec. 23, 2024).

²¹ *Sinclair v. United States*, 279 U.S. 263 (1929).

²² *Id.* at 295.

²³ *Hutcheson v. United States*, 369 U.S. 599, 618 (1962).

²⁴ See, e.g., FINAL REPORT OF THE S. SELECT COMM. ON PRESIDENTIAL CAMPAIGN ACTIVITIES, 93rd. Cong (June 1974); Anthony Ripley, *Archibald Cox Appointed Prosecutor for Watergate*, N.Y. TIMES (May 19, 1973); STAFF OF S. SELECT COMM. ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION & H. SELECT COMM. TO INVESTIGATE COVERT ARMS TRANSACTIONS WITH IRAN, REPORT OF THE CONGRESSIONAL COMMITTEES INVESTIGATING THE IRAN-CONTRA AFFAIR, 100th. Cong (Nov. 13, 1987); George Lardner, Jr., *Special Counsel Walsh Names 12 Top Assistants for Probe*, WASH. POST (Jan. 7, 1987); FINAL REPORT OF THE S. SPECIAL COMM. TO INVESTIGATE WHITEWATER DEVELOPMENT CORP. AND RELATED MATTERS, 104th. Cong. (June 17, 1996); Stephen Labaton, *Judges Appoint New Prosecutor for Whitewater*, N.Y. TIMES (Aug. 6, 1994); STAFF OF JOINT COMM. ON TAXATION, REPORT OF INVESTIGATION OF ENRON CORPORATION AND RELATED ENTITIES REGARDING FEDERAL TAX AND COMPENSATION ISSUES, AND POLICY RECOMMENDATIONS, 108th. Cong (Feb. 2003); Rebecca Smith, *Justice Confirms Probe Into Enron; Creditors Seek to Delay Sale of Unit*, WALL ST. J. (Jan. 10, 2002); STAFF OF S. PERMANENT SUBCOMM. ON INVESTIGATIONS, WALL STREET AND THE FINANCIAL CRISIS: ANATOMY OF A FINANCIAL COLLAPSE, 112th. Cong (Apr. 13, 2011); *FTC says that it is investigating Countrywide*, NBC NEWS (Aug. 11, 2008).

²⁵ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov’t Reform, & Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025). In addition, ActBlue’s complaint about “selective focus” is fundamentally false. As we have explained, the Committees are conducting oversight of ActBlue due to specific allegations, stemming from both congressional testimony and public reports, about ActBlue’s ability to prevent

oversight, including which entities to examine and in what manner.²⁶ More specifically, a Congressional committee’s decision to examine one entity and not another does not violate the Equal Protection Clause, and ActBlue has offered no evidence—because there is none—that the Committees have initiated their oversight on the basis of any “suspect classification.”²⁷ Similarly, with respect to ActBlue’s First Amendment argument, the Supreme Court has been clear that the First Amendment does not give witnesses an absolute right to refuse to respond to a Congressional inquiry.²⁸ Where, as here, a Congressional committee has a valid legislative purpose and the appropriate delegation from the legislative body to investigate, the First Amendment does not insulate a witness from cooperating.²⁹

II. The Committees’ inquiry has a valid and important legislative purpose.

The Committees’ investigation has a clear—and vital—legislative purpose. Congress has a specific interest in ensuring that bad actors, including foreign actors, cannot make fraudulent or illegal political donations through online fundraising platforms. Our oversight to date indicates that current law may be insufficient to stop these illicit donations.³⁰ The Committees are considering a wide array of potential legislative reforms to address these concerns. These may include a requirement that card verification values be collected for online political donations,³¹ restrictions on political donations made using gift cards, prepaid cards, or foreign credit cards, and enhanced reporting requirements for online fundraising conduits. Some or all these requirements could be enforced with criminal penalties.

This legislation is squarely within the power of Congress and within the jurisdiction of the Committees. Article I of the Constitution states that “Congress may at any time by Law make or alter . . . Regulations” pertaining to federal elections.³² Under the rules of the House of

straw, foreign, and fraudulent donations. *See American Confidence in Elections: Prohibiting Foreign Interference: Hearing Before the Comm. on H. Admin.*, 118th Cong. (Dec. 18, 2024); Hollie McKay, *Exclusive: Data shows that half of 2019 donations to ActBlue came from untraceable ‘unemployed’ donors*, FOX NEWS (Sept. 12, 2020); Phill Kline, *Commentary: ActBlue Raises Millions in Suspicious Gift Card Donations*, REALCLEARPOLITICS (Sept. 16, 2020); Steven Kovac, *The Most Expensive Judicial Race in US History Is Raising Questions*, THE EPOCH TIMES (Oct. 21, 2023). ActBlue’s claim that the Committees should investigate another online fundraising entity because it also faces “public reports about irregularities” is without merit.

²⁶ *See* U.S. CONST. art. I, § 1.

²⁷ *San Antonio Indep. School Dist. v. Rodriguez*, 411 U.S. 1, 18 (1973); *see also United States v. Carolene Products, Co.*, 304 U.S. 144, n. 4 (1938) (stating that a heightened standard of judicial review may be necessary for government actions targeting “discrete and insular minorities”); *United States v. Skrametti*, 605 U.S. ___ (2025) (slip op. at 8) (listing “race, alienage, [] national origin,” or sex as classifications warranting heightened review); *United States v. Skrametti*, 605 U.S. ___ (2025) (Barrett, J., concurring) (slip op. at 2) (noting that “[b]eyond these categories, the set has remained virtually closed . . . this Court has not recognized any new constitutionally protected classes in over four decades, and instead has repeatedly declined to do so.” (quotation marks and citation omitted)). Needless to say, ActBlue does not fall into any of these categories.

²⁸ *See, e.g., Barenblatt v. United States*, 360 U.S. 109 (1959).

²⁹ *Id.*

³⁰ *See* STAFF OF COMM. ON H. ADMIN., H. COMM. ON THE JUDICIARY, & H. COMM. ON OVERSIGHT & GOV’T REFORM, *FRAUD ON ACTBLUE: HOW THE DEMOCRATS’ TOP FUNDRAISING PLATFORM OPENS THE DOOR FOR ILLEGAL ELECTION CONTRIBUTIONS* (Apr. 2, 2025).

³¹ *See, e.g., H.R. 9488, Secure Handling of Internet Electronic Donations (SHIELD) Act*, 118th. Cong. (2024).

³² U.S. CONST. art. I, § 4, cl. 1.

Representatives, the Committee on House Administration has jurisdiction over “Federal elections.”³³ The Committee on the Judiciary has jurisdiction over “criminal law enforcement” and “civil liberties,” including political speech.³⁴ The Committee on Oversight and Government Reform has jurisdiction to conduct oversight over “any matter” at “any time” to inform legislative reforms by any congressional committee.³⁵

The requested documents are critical to the Committees’ oversight. Far from an attempt to “inquire into private affairs[,]”³⁶ the Committees’ requests are an important effort to obtain information about credible allegations of internal misconduct that appear to be related to ActBlue’s fraud-prevention processes and procedures.³⁷ Specifically, the Committees have requested documents related to resignations of or internal retaliation against ActBlue officials identified in internal documents as key players in ActBlue’s fraud-prevention processes.³⁸ Information about misconduct by ActBlue fraud-prevention staff is directly relevant to the Committees’ legislative purpose: to assess the need for and develop targeted and effective legislative reforms, the Committees must first understand ActBlue’s past failures to prevent fraudulent donations. Public reporting indicates that the resignations and alleged retaliation about which the Committees have requested information may be related to ActBlue’s fraud-prevention efforts.³⁹

* * *

Now, more than 100 days after the Committees’ April 2 request, and despite the Committees’ best efforts to obtain its voluntary compliance, ActBlue has suspended its

³³ Rules of the House of Representatives R. X, cl. 1(k) Committee on House Administration (2025).

³⁴ Rules of the House of Representatives R. X, cl. 1(l) Committee on the Judiciary (2025); see *Citizens United v. Federal Election Comm’n*, 558 U.S. 310 (2010).

³⁵ Rules of the House of Representatives R. X, cl 4(c)(2).

³⁶ Letter from Mr. Vincent Cohen & Mr. Jonathan Streeter, Counsel for ActBlue, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. James Comer, Chairman, H. Comm. on Oversight and Gov’t Reform, & Rep. Bryan Steil, Chairman, Comm. on H. Admin. (June 9, 2025).

³⁷ See Reid J. Epstein & Shane Goldmacher, *ActBlue, the Democratic Fund-Raising Powerhouse, Faces Internal Chaos*, N.Y. TIMES (Mar. 5, 2025).

³⁸ See, e.g., STAFF OF COMM. ON H. ADMIN., H. COMM. ON THE JUDICIARY, & H. COMM. ON OVERSIGHT & GOV’T REFORM, FRAUD ON ACTBLUE: HOW THE DEMOCRATS’ TOP FUNDRAISING PLATFORM OPENS THE DOOR FOR ILLEGAL ELECTION CONTRIBUTIONS (Apr. 2, 2025) at App’x Ex. 28 (indicating that “Legal” had the opportunity to make “[a]djustments” to ActBlue’s fraud-prevention policies); ActBlue meeting agenda at AB-HJC-000501 (on file with the Comms.) (indicating that fraud-prevention staff regularly met with “legal”); ActBlue internal memorandum, *Fraud Prevention Stakeholders Writeup [2023]* at AB-HJC-000504 (on file with the Comms.) (listing former General Counsel Darrin Hurwitz as a fraud-prevention “stakeholder”); ActBlue memorandum, *Model Governance Committee/Trust & Safety Team Proposal* at AB-HJC-000724 (on file with the Comms.) (listing another member of the Legal team as a “stakeholder[.]” in fraud prevention); ActBlue slide deck, *The Value of Fraud Review at ActBlue* at AB-HJC-509 (on file with the Comms.) (listing former Vice President of Customer Service Alyssa Twomey as a staff member who “works on preventing [f]raud”).

³⁹ Reid J. Epstein & Shane Goldmacher, *ActBlue, the Democratic Fund-Raising Powerhouse, Faces Internal Chaos*, N.Y. TIMES (Mar. 5, 2025) (“The letter from the ActBlue unions expressed particular worry about the departures of staff members who are experts on legal and compliance issues. ‘Those of us who work with our legal team in our day-to-day do not have clear direction on how to proceed with our work in their absence,’ [ActBlue employee unions] wrote to the ActBlue board.”).

Ms. Regina Wallace-Jones

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cooperation with the Committees. Accordingly, the Judiciary Committee is utilizing the compulsory process to obtain the documents and materials it needs to fulfill its oversight and legislative responsibilities. Please find attached a subpoena compelling production of the requested documents by August 12, 2025.

Sincerely,



Bryan Steil
Chairman
Committee on House Administration



Jim Jordan
Chairman
Committee on the Judiciary



James Comer
Chairman
Committee on Oversight and Government Reform

cc: The Honorable Jamie Raskin, Ranking Member, Committee on the Judiciary

The Honorable Joseph D. Morelle, Ranking Member, Committee on House Administration

The Honorable Robert Garcia, Ranking Member, Committee on Oversight and Government Reform

Enclosure