

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

March 4, 2024

Mr. Tim Cadogan
Chief Executive Officer
GoFundMe
855 Jefferson Avenue P.O. Box 1329
Redwood City, CA 94063

Dear Mr. Cadogan:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of financial surveillance of American citizens, including the tracking and monitoring of private financial records in coordination with federal law enforcement. Based upon documents obtained by the Committee and the Select Subcommittee, we believe that GoFundMe may possess information necessary for our oversight and we therefore request your assistance with our oversight.

The Committee and Select Subcommittee have obtained documents showing that following the events at the U.S. Capitol on January 6, 2021, the Financial Crimes Enforcement Network (FinCEN) distributed materials to financial institutions that, among other things, outlined the “typologies” of various persons of interest and provided financial institutions with suggested search terms and Merchant Category Codes (MCCs) for identifying transactions on behalf of federal law enforcement, ostensibly to aid in investigations.¹ These materials included a document recommending that financial institutions “search Zelle payment messages” using generic terms like “TRUMP,” “MAGA,” “America First,” “PELOSI,” “PENCE,” “SCHUMER,” as well as a document reflecting a “prior FinCEN analysis” of “Lone Actor/Homegrown Violent Extremism Indicators.”² According to this analysis, FinCEN warned financial institutions of “extremism” indicators that include “transportation charges, such as bus tickets, rental cars, or plane tickets, for travel to areas with no apparent purpose,” or “the purchase of books (including religious texts) and subscriptions to other media containing extremist views.”³ In other words, the federal government, through FinCEN, urged large financial institutions to comb through their

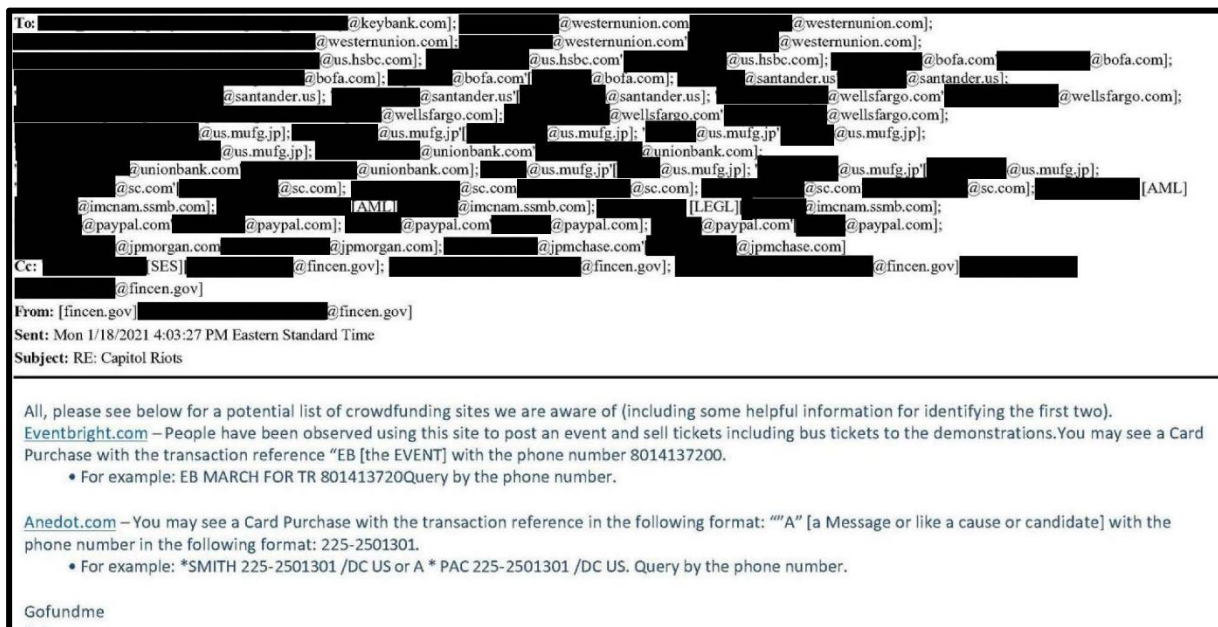
¹ Email from FinCEN, to KeyBank, Standard Chartered, Western Union, Wells Fargo, PayPal, Citibank, Bank of America, Santander, HSBC, JPMorgan Chase, and MUFG (Jan. 15, 2021) (HJC118_00000005 on file with the Committee).

² HJC118_00000006.

³ HJC118_00000007.

customers' private transactions and report charges on the basis of protected political and religious expression.

In addition, the Committee and Select Subcommittee have obtained documents showing that on January 18, 2021, FinCEN emailed financial institutions a list of “crowdfunding sites” that included GoFundMe, Eventbrite, and AneDot, among others, and explained how financial institutions could use a “transaction reference” to identify customers making certain transactions on crowdfunding sites.⁴ For example, in the email, FinCEN alerted financial institutions to customers' use of Eventbrite, noting that “people have been observed using this site to post an event and sell tickets including bus tickets to the demonstrations.”⁵ FinCEN noted how “Card Purchase[s]” to events are findable using “the transaction reference ‘EB [the EVENT] with the phone number” and detailed how individuals who purchased tickets to events in support of President Trump could be identified using the transaction reference, “EB MARCH FOR TR 801413720.”⁶ FinCEN also provided a second method for identifying individuals using transaction references, writing: “[y]ou may see a Card Purchase with the transaction reference in the following format . . . [a Message or like a cause or candidate] with the phone number in the following format”⁷



Despite these transactions having no apparent nexus to criminal activity—and, in fact, relate to Americans exercising their First Amendment rights—FinCEN seems to have adopted a characterization of these Americans as potential threat actors. This kind of pervasive financial surveillance, carried out in coordination with federal law enforcement, without legal process,

⁴ Email from FinCEN, to KeyBank, Standard Chartered, Western Union, Wells Fargo, PayPal, Citibank, Bank of America, Union Bank, Santander, HSBC, JPMorgan Chase, and MUFG (Jan. 18, 2021) (BofA_HJUD_00000199 on file with the Committee).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

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into Americans' private transactions is alarming and raises serious concerns about the federal government's potential abuses of Americans' fundamental civil liberties.

Congress has an important interest in protecting Americans' privacy and First Amendment activity. The documents obtained by the Committee and Select Subcommittee raise the prospect that GoFundMe was in communication with FinCEN or other federal law-enforcement agencies about activity on GoFundMe's platform. As we continue our oversight, we ask that you please provide the following documents and information from January 1, 2021, to the present:

1. All documents and communications referring or relating to the use of typologies, or other keywords, search terms, and techniques, including documents and communications from FinCEN or any other federal agency, that may be used to identify, query, monitor, flag, target, or remove certain kinds of fundraisers or transactions;
2. All documents and communications referring or relating to the use of artificial intelligence or other machine learning processes used to identify, query, monitor, flag, target, or remove certain kinds of fundraisers or transactions;
3. All documents and communications between or among GoFundMe and any federal agency referring or relating to domestic extremism, homegrown violent extremism, or lone wolf actors;
4. All documents and communications, including internal manuals, organizational structures, policies, procedures, or training materials, that are responsible for, or refer or relate to, the flagging, reporting, or sharing of transaction or fundraiser data, customer information, or other suspicious activity with federal law enforcement;
5. All documents and communications between or among GoFundMe and the FBI's Office of the Private Sector or Strategic Partner Engagement Section; and
6. All documents and communications between or among GoFundMe and the Office of Stakeholder Integration and Engagement of FinCEN.

Please produce all documents and information as soon as possible but no later than 5:00 p.m. on March 18, 2024.

This letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official

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and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

The Committee on the Judiciary is authorized to conduct oversight of matters involving civil liberties and criminal law to inform potential legislative reforms.⁸ In addition, H. Res. 12 authorized the Judiciary Committee's Select Subcommittee on the Weaponization of the Federal Government to investigate "issues related to the violation of the civil liberties of citizens of the United States."⁹ H. Res. 12 also authorized the Select Subcommittee to investigate "how executive branch agencies work with, obtain information from, and provide information to the private sector, non-profit entities, or other government agencies to facilitate action against American citizens."¹⁰

If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁸ Rules of the U.S. House of Representatives, R. X (2023).

⁹ H. Res. 12 § 1(b)(1).

¹⁰ *Id.*