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April 28, 2026

**VIA ELECTRONIC MAIL**

Honorable Jim Jordan  
Chairman, Committee on the Judiciary  
U.S. House of Representatives

Honorable James Comer  
Chairman, Committee on Oversight and Government Reform  
U.S. House of Representatives

Honorable Bryan Steil  
Chairman, Committee on House Administration  
U.S. House of Representatives

Re: Investigation of ActBlue

Dear Chairmen Jordan, Comer, and Steil:

On behalf of ActBlue LLC (“ActBlue”), we write in response to the Committees’ letter dated April 14, 2026. At the outset it is important to emphasize that ActBlue has cooperated and plans to continue to cooperate with the Committees’ lawful oversight requests. With respect to your April 14 letter, even though not legally required, we will provide a privilege log for the production ActBlue made pursuant to the July 22, 2025 subpoenas. Furthermore, we will furnish additional non-privileged documents responsive to the Committees’ two new requests.

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As pointed out in our April 23, 2026 letter, the Committees’ correspondence from April 14, 2026, contained a number of inaccuracies and mischaracterizations, some of which we have previously corrected and do so again here.

First, the Committees claim that recent reporting in the *New York Times* “makes clear that ActBlue withheld materials responsive to the Committees’ subpoenas,” referencing two specific documents: an internal letter authored by ActBlue’s former legal counsel, Aaron Ting, and an internal message authored by another former ActBlue legal counsel, Zain Ahmad. But the Committees’ conclusion that “ActBlue may have deliberately withheld this responsive material to impede [their] investigation” is baseless. Both documents—which consisted of communications from in-house counsel providing and/or reflecting upon legal advice—are privileged and, as ActBlue stated in its September 19, 2025 production letter, it was only “producing *non-privileged* documents responsive to the July 22 subpoenas.” (emphasis added). That is what

the law contemplates. Indeed, the Supreme Court has recognized that “recipients of legislative subpoenas ... have long been understood to retain common law and constitutional privileges with respect to certain materials, such as attorney-client communications.” *Trump v. Mazars USA, LLP*, 591 U.S. 848, 863 (2020) (citations and internal alterations omitted); *see also Watkins v. United States*, 354 U.S. 178, 188 (1957) (providing “that the constitutional rights of witnesses will be respected by the Congress as they are” in courts and “[t]he Bill of Rights is applicable to investigations as to all forms of governmental action”).

To the extent the Committees claim that they “have no basis to assess the validity of ... an assertion [of privilege] because ActBlue ... failed to comply with the subpoena’s requirement that it produce a privilege log,” that claim ignores ActBlue’s October 27, 2025 letter to the Committees. In that letter, ActBlue explained that a privilege log was not required—but nonetheless, in the spirit of cooperation, identified “categories of privileged materials withheld from [its] September 19, 2025 production.” Those categories included “[c]ommunications or work product exchanged with in-house counsel providing, requesting, or reflecting legal advice”—precisely the types of communications the Committees now accuse ActBlue of concealing. ActBlue never received a response to this letter or a further request to detail documents withheld for privilege. The Committees’ April 14, 2026 letter is the first time ActBlue has heard from the Committees since fall 2025. Accusations of concealment—after extensive document production, disclosure of document categories withheld for privilege, and six months of silence from the Committees—are neither fair nor consistent with this record, and raise fundamental questions about the Committees’ motivations.

As referenced above, ActBlue maintains that a privilege log is not required. However, in the continuing spirit of cooperation, ActBlue will supplement its October 27, 2025 disclosure with a log of the privileged documents that it did not produce in response to the Committees’ July 22, 2025 subpoenas.

Second, the Committees assert that the “[r]ecent reporting by the *New York Times* confirms [their] initial findings and strongly suggests that ActBlue deliberately obstructed the Committees’ investigation, including through misleading statements.” This is false. The relevant statements at issue are from a 2023 letter from ActBlue to the Committees and relate to “how the organization vetted donations to ensure that they were not illegally coming from foreign citizens.” Significantly, far from confirming that these statements were misleading, the same *New York Times* article described an external law firm’s assessment that “when read in context, ***the statements are accurate.***” (emphasis added).<sup>1</sup>

Third, the Committees’ letter claims that ActBlue “suspended its voluntary cooperation with the Committees’ oversight.” That never happened. In April 2025, the Committees requested documents concerning internal personnel matters at ActBlue. ActBlue began voluntarily producing non-privileged responsive materials the following month.

Then, on April 24, 2025, President Trump directed the Attorney General to “use all lawful authority, as necessary, to investigate allegations regarding the unlawful use of online fundraising platforms to make ‘straw’ or ‘dummy’ contributions or foreign contributions to political candidates and committees, and to take all appropriate actions to enforce the law.” President Trump cited the Committees’ investigation of ActBlue to justify his directive. And less than two weeks later, on May 7, 2025, the three Chairmen jointly sent a letter to Attorney General Bondi that detailed the Committees’ “ongoing investigation into ActBlue” while pledging to “work collaboratively with DOJ.”

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<sup>1</sup> ActBlue continues to assert privilege over those documents and maintains that they were unlawfully disclosed. Nothing in this letter’s references to the published *New York Times* article is intended to waive, nor can it be construed as a waiver, of any applicable privilege or work product protection.

In June 2025, ActBlue raised a straightforward concern: the Committees had publicly announced an intention to use their ongoing work to advance a purported Department of Justice investigation of ActBlue ordered by the President. This arrangement compromised the legitimacy of the Committees’ legislative oversight, as the separation of powers does not permit Congress to conduct criminal investigations.<sup>2</sup> ActBlue’s June 2025 letter therefore asked the Committees to “clarify [their] relationship with any Department of Justice investigation” and invited a “meet[ing] with the Committees to discuss these matters.” The Committees did not accept the invitation and instead issued subpoenas in July 2025. Despite its concerns, ActBlue avoided unnecessary confrontation and produced additional non-privileged documents in response to those subpoenas in September 2025. And when the Committees’ staff raised follow-up requests just weeks later, ActBlue promptly furnished additional information in a letter dated October 27, 2025, including the information provided above about its legitimate attorney-client privilege claims.

The Committees then went silent for six months—reengaging only two weeks ago, and only, it appears, in response to recent media reporting. An entity that voluntarily produces documents, complies with subpoenas, and responds to follow-up requests has not disengaged from the process or suspended cooperation.

In any event, ActBlue acknowledges the Committees’ two new requests set forth in the April 14, 2026, letter based on what they describe as news reporting that “indicate[s] that ActBlue knowingly failed to prevent donations from foreign nationals.” For the reasons described below and in its prior correspondence, ActBlue disputes these allegations entirely. And its concerns about the partisan nature of the Committees’ investigation—including unresolved questions about its interaction with the Department of Justice—remain. Nonetheless, ActBlue has begun to collect and review documents responsive to these requests. ActBlue stands ready to produce those documents on a rolling basis in order to avoid any continued mischaracterization of the facts.

Finally, the Committees’ letter asserts that they “found that ActBlue weakened its fraud-prevention standards ahead of the 2024 election.” ActBlue disputes that finding. This assertion rests on the Committees’ Interim Report, which misrepresented the factual record with cherry-picked selections of out-of-context communications among the thousands of pages ActBlue produced to the Committees. As explained in its June 9, 2025 letter, ActBlue has built a robust platform with anti-fraud technology. This has included implementing an industry-leading fraud prevention tool that uses behavioral modeling technology with more than 140 signals to assess credit card transactions automatically for potential fraud; prompting donors to enter their U.S. passport number when any country other than the United States is selected on a contribution form while checking out with their credit card or debit card on the ActBlue website; and reviewing certain contributions for the possibility that a donor provided a foreign address even if the donor selected the United States as their country. In addition, ActBlue now blocks all political contributions with a foreign mailing address, a foreign IP address, or a foreign BIN number, even though this prevents millions of American citizens living, traveling, or serving abroad from making fully lawful contributions.

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Our client has shown its commitment to working in good faith and answering your questions. But in light of the foregoing, ActBlue respectfully renews its request that the Committees engage directly with ActBlue and afford it the opportunity to discuss the substantive issues before sending accusatory

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<sup>2</sup> See, e.g., *Watkins v. United States*, 354 U.S. 178, 187 (1957).

correspondence or making the kind of factually distorted allegations reflected in the Committees' public communications and reports. Fundamental fairness demands no less.

Sincerely,

*/s/ Vincent Cohen*

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