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NCLA Asks D.C. Court to Order FOIA Disclosure of FBI Payments to Social Media Platforms

New Civil Liberties Alliance v. Federal Bureau of Investigation and Department of Justice

Washington, DC (April 2, 2025) – The New Civil Liberties Alliance filed a [Complaint](#) today urging the U.S. District Court for the District of Columbia to compel the Federal Bureau of Investigation to disclose records concerning payments it has reportedly made to social media companies, media organizations, and other non-government entities. NCLA submitted a Freedom of Information Act (FOIA) request for these records in January 2023. NCLA would like to determine whether FBI paid X (formerly Twitter) and other platforms to modify their content moderation policies or algorithms—potentially aligning them with the government’s policy positions and views on topics like “misinformation” or “disinformation.” Rather than comply with NCLA’s request, FBI rejected it outright, informing NCLA that the agency had not conducted a search for a single requested document and refused to confirm or deny whether any of the records exist at all. Such payments, however, have been mentioned in the publicly released “Twitter Files,” internal company documents released by X CEO Elon Musk.

FBI’s refusal is not only legally insufficient—it also defies FOIA’s core purpose of transparency. To evade NCLA’s records request, FBI simply claimed it could “neither confirm nor deny the existence” of any records NCLA requested under 5 U.S.C. § 552(b)(7)(E), which exempts records “compiled for law enforcement purposes” that “would disclose techniques or procedures for law enforcement investigations or prosecutions.” No further explanation was given. FBI has in no way shown that *any* of the requested materials fall under Exemption 7(E), nor has it shown how disclosure would pose a legitimate risk to law enforcement operations. FBI’s blanket refusal to search for—let alone produce—a single document leaves many key questions unanswered: Were the FBI reimbursements in question limited to payments for routine processing of subpoenas and targeted legal requests? Or did FBI fund social media companies to modify their platforms to align with preferred government narratives?

The denial of NCLA’s request violates FOIA. The law requires a detailed justification for withholding requested materials that specifically identifies the reasons why a particular FOIA exemption covers any portion of a document an agency seeks to redact or withhold. Even if portions of requested records contain some information that an agency may lawfully withhold, court precedent demands that the agency release the parts that are not exempt. FBI has failed to take these necessary steps. The court should order FBI to comply with NCLA’s request so the public may understand the full scope of the agency’s financial dealings with social media companies and other platforms that play key roles in circulating news, matters of debate and cultural interest, and other speech.

NCLA released the following statements:

“If the Bureau is using taxpayer dollars to influence online speech, Americans have a right to know. The FBI is treating our FOIA request like Schrodinger’s cat, maintaining that the documents may or may not exist but refusing to peek inside the box. FOIA requires transparency, not metaphysical thought experiments.”

— **Casey Norman, Litigation Counsel, NCLA**

“Federal agencies routinely flout FOIA’s purpose with flimsy or even frivolous charades. Like so many other efforts to hold agencies accountable, the process of fighting the agency becomes a punishment. The FBI’s claim that acknowledging the existence of payments would disclose investigation techniques when they also claim that the payments are justified because they are mandated by statute is absurd. It is logical to conclude that there is something going on here much different than the FBI paying for costs of complying with routine subpoenas.”

— **Zhonette Brown, General Counsel and Senior Litigation Counsel, NCLA**

For more information visit the case page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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