



April 3, 2025

VIA WEBSITE ONLY

Dept. of Treasury
FOIA/PA Request
FOIA and Transparency
Department of the Treasury
Washington, D.C. 20220

RE: Records of Treasury's implementation of DOGE's reduction in force and pertaining to efforts to "resist" or "oppose" President Trump and DOGE operations

Dear FOIA Officer:

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")¹ on behalf of its members and the public.

To summarize, this Request seeks records on the U.S. Department of the Treasury's implementation of the DOGE reduction in force operation. It further seeks records pertaining to efforts to "resist" or "oppose" President Trump and to hamper DOGE's mission and operations.

BACKGROUND

Pursuant to TREAS FOIA regulation 31 C.F.R. §11.2, this Background addresses the date, title or name, author, recipient, subject matter of the records requested, to the extent known.

Throughout 2024, Donald Trump made several campaign promises to improve efficiency and eliminate corruption in the federal government. PolitiFact reported such promises as

¹ 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.

investigating the “deep state,” creating a “government efficiency commission,” and revoking federal initiatives on DEI.²

CNN further reported that Trump planned to “reclassify tens of thousands of civil service workers—who typically remain on the job as presidents and their administrations change—as at-will employees,” which he described as “remov[ing] rogue bureaucrats” and “clean[ing] out all of the corrupt actors in our National Security and Intelligence apparatus.”³ Promised locations of President Trump’s cost-cutting measures include the Departments of Homeland Security, Education, Veterans Affairs, Health and Human Services, State, Justice, Interior, as well as the EPA and the IRS.⁴

This was reminiscent of his “drain the swamp” slogan during his first campaign.⁵ Among those promises were the creation of the Department of Government Efficiency, or “DOGE,” to be headed by Elon Musk.⁶

During President Trump’s first administration, various government agencies organized internal “resistance” movements dedicated to preventing the implementation of his policies within their divisions. Multiple government agencies created “alt” or “resistance” social media accounts to anonymously declare their employees’ opposition to Trump.⁷ With the high retention rate of federal jobs and prohibitions on firing career bureaucrats, it is both probable and likely that many of these “resistance” figures remain employed by the federal government and have dedicated themselves to opposing DOGE’s efforts.

Specifically, the elimination of DEI and ESG goals, positions, and departments is expected to be met with some of the strongest opposition. The Associated Press reported that “Trump has

² Louis Jacobson & Ian McKinney, *Donald Trump’s 2024 Campaign Promises: Here’s His Vision for a Second Term*, POLITIFACT, (<https://www.politifact.com/article/2024/sep/30/donald-trumps-2024-campaign-promises-heres-his-vis/>) (last updated Oct. 29, 2024).

³ Kristen Holmes, *Trump’s Radical Second-Term Agenda Would Wield Executive Power in Unprecedented Ways*, CNN (Nov. 16, 2023), (<https://www.cnn.com/2023/11/16/politics/trump-agenda-second-term/index.html>).

⁴ Eric Katz and Sean Michael Newhouse, *An agency-by-agency look at Trump’s plan to overhaul government*, GOVERNMENT EXECUTIVE (Nov. 6, 2024), <https://www.govexec.com/management/2024/11/agency-agency-look-trumps-plan-overhaul-government/400885/>.

⁵ Chris Sanchez, *Donald Trump is Calling for Ethics Reform to Drain they Swamp in Washington DC*, BUS. INSIDER (Oct. 17, 2028), <https://www.businessinsider.com/donald-trump-ethics-reform-washington-dc-2016-10>; Eric Garcia, *A History of Draining the Swamp*, ROLL CALL (Oct. 18, 2016), <https://rollcall.com/2016/10/18/a-history-of-draining-the-swamp/>.

⁶ Alayna Treene et al., *Trump says Elon Musk has agreed to lead proposed government efficiency commission as executive unveils new economic plans*, CNN POLITICS (Sept. 5, 2024, 6:43 PM), <https://www.cnn.com/2024/09/05/politics/trump-economic-plans-musk-government-commission/index.html>; Michel Martin, *President-elect Trump promises a massive overhaul of the federal government*, NPR (Nov. 19, 2024, 7:15 AM), <https://www.npr.org/2024/11/19/nx-s1-5195379/president-elect-trump-promises-a-massive-overhaul-of-the-federal-government>.

⁷ David Morgan, *Government Science Goes Rogue on Twitter*, CBS (Jan. 26, 2017), <https://www.cbsnews.com/news/government-science-goes-rogue-on-twitter-resist/>; Lisa Krieger, *You Can Take our Official Twitter, But You’ll Never Take our Free Time!*, SILICONVALLEY.COM (Jan. 26, 2017), <https://www.siliconvalley.com/2017/01/26/silenced-scientists-turn-to-twitter-not-trump/>.

called for ending diversity, equity and inclusion programs in government institutions, using federal funding as leverage.”⁸

The American Federation of Government Employees has already organized several protests of President Trump’s actions and filed multiple lawsuits to block DOGE’s efforts, including denying DOGE “access to the Treasury Department’s payment system.”⁹

Public protests are popping up, led by individuals who also identified themselves as “The Resistance” under the first Trump administration, according to The New Republic and Vox.¹⁰ These are merely the public-facing actions. “Resistance” movements launched as early as 2017 have indicated that many more such efforts are being pursued in private.¹¹ There is reason to believe these movements have continued.¹²

Establishing and Implementing the President’s “Department of Government Efficiency”

On January 20, 2025, President Donald Trump signed an executive order establishing the Department of Government Efficiency (“DOGE”). This order renamed the United States Digital Service to the United States DOGE service (USDS).

Further, the order established that the DOGE service would be a temporary organization that will terminate on July 4, 2026. During this time period, agency heads are required to establish a DOGE team of at least four employees to implement the President’s DOGE agenda.

A key part of this order is the requirement that the USDS Administrator must commence a Software Modernization Initiative. This initiative is designed to “improve the quality and efficiency of government-wide software, network, infrastructure and information technology (IT) systems.” To comply with this order, agency heads must coordinate with the USDS by ensuring the USDS has access to all unclassified agency records, software systems and IT systems.¹³

⁸ Bill Barrow, *Donald Trump has sweeping plans for a second administration. Here’s what he’s proposed*, THE ASSOCIATED PRESS (Nov. 7, 2024), <https://apnews.com/article/donald-trump-wins-second-term-policies-de3dcf0f173b42602b258042fd7aaafb>.

⁹ Sean Michael NewHouse, *Federal Employee Union Celebrates Early Wins Against Trump But Preparing for the Long Haul*, GOVERNMENT EXECUTIVE (Feb. 11, 2025), <https://www.govexec.com/workforce/2025/02/federal-employee-union-celebrates-early-wins-against-trump-prepares-long-haul/402908/?oref=ge-skybox-post>.

¹⁰ Melissa Gira Grant, *The # Resistance Lives. It Just Looks Different This Time.*, THE NEW REPUBLIC (Feb. 6, 2025), <https://newrepublic.com/article/191209/protests-musk-doge-treasury-trump>; Christian Paz, *The anti-Trump opposition might finally be waking up*, VOX (Feb. 6, 2025, 6:30 AM), <https://www.vox.com/trump-administration/398459/trump-resistance-musk-democratic-opposition-democrats>.

¹¹ Peter Overby, *In Trump’s First 100 Days, A Resistance Network Digs In*, NPR (Apr. 25, 2017), <https://www.npr.org/2017/04/25/524393127/in-trumps-first-100-days-a-resistance-network-digs-in>; *Take Action, Join our Fight for Rights and Freedom*, ACLU, <https://act.aclu.org/a/join-our-volunteer-team> (last visited Feb. 13, 2025).

¹² Alexandra Marquez, *A reformed anti-Trump resistance movement seeks to move forward under his second administration*, NBC NEWS (Nov. 9, 2024, 6:00 AM), <https://www.nbcnews.com/politics/2024-election/reformed-anti-trump-resistance-movement-seeks-move-forward-second-admi-rcna179115>.

¹³ Establishing and Implementing the President’s Department of Government Efficiency, 90 Fed. Reg. 8441 (Jan. 20, 2025). <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative

On February 11, 2025, President Trump signed a second executive order relating to DOGE. This order requires that each agency hire “no more than one employee for every four employees that depart” with exceptions for public safety, immigration enforcement, and law enforcement.

Any new career appointments hires must consult with the DOGE team (mentioned in the January 20th Executive order about DOGE) to ensure that these hires are in the highest-need areas. If the DOGE team determines that a vacancy should not be filled, then the agency may not fill the vacancy for the career appointment. To ensure compliance, the DOGE team must provide the USDS Administrator a monthly hiring report from each agency.

Agencies are currently under a 90-day hiring freeze, with the exception of the Internal Revenue Service, which is under an indefinite freeze. Additionally, the order requires agency heads to make a plan to initiate large-scale reductions in force (RIFs).¹⁴

Offices that “perform functions not mandated by statute or other law” are to be prioritized by the RIFs. Specifically targeted by the RIFs are all agency initiatives involving diversity, equity, and inclusion (“DEI”). Within 30 days of the order, agency heads must submit a report that “identifies any statutes that establish the agency, or subcomponents of the agency, as statutorily required entities” to the Director of the Office of Management and Budget. The report must address whether the agency or any of its subcomponents should be eliminated or consolidated. The only exceptions to this order are military personnel and any position deemed necessary for national security, homeland security, or public safety responsibilities.¹⁵

DOGE has been subject to multiple legal challenges concerning the DOGE teams’ access to the Treasury Department’s data.¹⁶

On February 13, a federal judge allowed the Trump Administration to continue with the buyout offer for federal employees to resign. The buyout plan is a key part of the Trump Administration’s goal of downsizing the federal government. According to recent reports, as many as 77,000 federal employees have accepted the buyout offer.¹⁷

¹⁴ Hiring Freeze (January 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

¹⁵ Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative (Feb. 11, 2025), <https://www.whitehouse.gov/presidential-actions/2025/02/implementing-the-presidents-department-of-government-efficiency-workforce-optimization-initiative/>.

¹⁶ Larry Neumeister, *Judge leaves intact a ban on DOGE access to Treasury records pending a hearing Friday*, MSN, <https://www.msn.com/en-us/politics/government/judge-leaves-intact-a-ban-on-doge-access-to-treasury-records-pending-a-hearing-friday/ar-AA1yQgBj> (last visited Feb. 1, 2025).

¹⁷ Paula Reid et al., *Federal judge lets Trump’s ‘buyout’ plan for federal employees proceed*, MSN, <https://www.msn.com/en-us/news/us/federal-judge-lets-trump-s-buyout-plan-for-federal-employees-proceed/ar-AA1yW6Ff> (last visited Feb. 13, 2025).

This FOIA Request seeks records specifically concerning Treasury’s implementation of the DOGE reduction in force mission. It further seeks records pertaining to efforts to “resist” or “oppose” President Trump and to hamper DOGE operations.

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 timeframe of records requested herein is **November 5, 2024, through the date of receipt of this Request unless otherwise noted.**

Pursuant to FOIA, 5 U.S.C. § 552, the ACLJ hereby requests the production of the following records:

- 1) The record expressing means and procedures to achieve a reduction in force.
- 2) All records in the custody of the Chief Diversity Officer (however presently titled) which were sent to or from a “gmail” email account or any other off-channel or private communication platform.
- 3) Records of any communication or information exchanged among the “Senior Executive Service” (as defined by the Office of Personnel Management) personnel containing the words: “DOGE,” “fascism,” “Nazi,” “white supremacy,” “Christian nationalism,” “diversity program,” “Elon,” “Musk,” “USDS,” “Department of Government Efficiency,” or “resistance,” *excluding news clippings or any other such routine communication distributed agency-wide.*
- 4) Records of or about any communication between Treasury headquarters “Senior Executive Service” personnel and any member of the media or press, including any social media, podcaster, or any intermediary of any such person used for conveying information.

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 inner workings of the Treasury Department in light of new administration policy on matters of great public concern and which are the subject of extensive media reporting. Thank you for your consideration of this request.

CONCLUSION

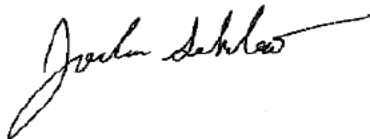
If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

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

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



Respectfully submitted,

A handwritten signature in blue ink that reads "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in blue ink that reads "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel