



April 3, 2025

Via Web Portal Only

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
USAID Annex, M/MS/IRD, Room 2.4.0A
Washington, DC 20523

RE: Records of USAID’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.

To summarize, this Request seeks records on the U.S. Agency for International Development’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 USAID Department FOIA regulation 22 C.F.R. § 212.32, this Background contains a “reasonably specific description of the particular record sought so that a USAID officer who is familiar with the subject matter of the request may be able to locate the record with a reasonable amount of effort. A description that includes as much information as possible, such as the subject matter, format, approximate date and, where pertinent, the name of the country or person involved, will facilitate the search for the requested record.” 22 C.F.R. § 212.32

¹The 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.

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

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 ex-president 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/>.

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 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)

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>.

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

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

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/>.

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).

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

This FOIA Request seeks records specifically concerning USAID'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.").

All requests seek records which include, but are not limited to, any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, USAID electronic mail or message accounts, non-USAID electronic mail or message accounts, personal electronic mail or message accounts, USAID servers, non-USAID servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

For purposes of this Request, the term "briefing" includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person(s).

For purposes of this Request, the term "USAID official" includes, but is not limited to, any person who is (1) employed by or on behalf of the USAID, any Mission of the United States, or any Delegation of the United States, in any capacity; (2) contracted for services by or on behalf of the USAID, any Mission of the United States, or any Delegation of the United States, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the USAID, any Mission of the United States, or any Delegation of the United States; or

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).

(4) any such person's staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein. Further, any individual or entity's name includes any alias or pseudonym.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is November 1, 2023, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that USAID produce the following:

- 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 USAID 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.

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:

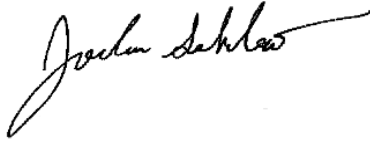
Jordan Sekulow, Executive Director
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice

[REDACTED]

[REDACTED]

I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jordan Sekulow". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jordan Sekulow
Executive Director

A handwritten signature in blue ink, appearing to read "John A. Monaghan". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

John A Monaghan
Senior Litigation Counsel