



March 12, 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: FOIA Request Regarding Email to USAID employees to destroy documents.**

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”)<sup>1</sup> on behalf of its members.

To summarize, this Request seeks records pertaining to an email sent by an official at USAID instructing USAID personnel to destroy documents.

**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

*Politico* reported on March 11, 2025, that:

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<sup>1</sup>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.

A senior official at USAID instructed a number of the agency's remaining staff to convene at the agency's now-former headquarters in Washington on Tuesday for an "all day" group effort to destroy documents stored there, many of which contain sensitive information.

The materials earmarked for destruction include contents of the agency's "classified safes and personnel documents" at the Ronald Reagan Building, said an email sent by USAID's acting executive director, Erica Carr, and obtained by POLITICO.

"Shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break," the email said. Carr instructed staff to label the burn bags with the words "SECRET" and "USAID/B/IO/" (agency shorthand for "bureau or independent office") in dark Sharpie.<sup>2</sup>

The relevant documents are old and still exist on the "classified computer systems."<sup>3</sup> Many of them are from other agencies.<sup>4</sup> A former USAID staffer has confirmed the truth of the email.<sup>5</sup>

This Request seeks information on the origins of the directive to destroy documents and the causes and reasons for USAID to do so.

### **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

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<sup>2</sup> Phelim Kine and Nahal Toosi, *USAID official tells staffers: Shred and burn your documents*, POLITICO, (March 11, 2025), <https://www.politico.com/news/2025/03/11/usaaid-official-tells-remaining-staffers-shred-and-burn-all-your-documents-00224404>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

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

For the 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.

**For purposes of this Request, 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 January 20, 2025, 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 described above, purportedly an email sent by acting director Erica Carr on or around March 11, 2025, instructing USAID personnel to destroy documents.**
- 2. Any replies, forwards, responses, or other records discussing in any manner the record requested in question one.**
- 3. Any record regarding any instruction from inside or outside USAID to Erica Carr in any way involving the destruction or retention of records or other documents.**
- 4. Any records containing the words: “Shred as many documents first, and reserve the burn bags for when the shredder becomes unavailable or needs a break” or phrases substantially similar thereto.**

5. Any other records sent or received during the period in question pertaining to shredding, burning, or destruction of documents within USAID.
6. The USAID records outlining the policies for the retention and destruction of records.

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  
Benjamin P. Sisney, Senior Litigation Counsel  
John A. Monaghan, Senior Litigation Counsel  
American Center for Law and Justice



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

Respectfully submitted,

Handwritten signature of Jordan Sekulow in black ink.

Jordan Sekulow  
Executive Director

Handwritten signature of Benjamin P. Sisney in black ink.

Benjamin P. Sisney  
Senior Litigation Counsel

Handwritten signature of John A. Monaghan in blue ink.

John A Monaghan  
Senior Litigation Counsel