



February 25, 2025

David Warrington
White House Counsel
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Warrington:

On February 21, 2025, the Project On Government Oversight filed a civil complaint against President Donald J. Trump, the Department of Government Efficiency (DOGE) under its many names, and the unnamed DOGE Administrator.¹ The complaint seeks declaratory and injunctive relief challenging the claim that DOGE and U.S. DOGE Service records are covered by the Presidential Records Act (PRA), which would conceal them from the public.

Both DOGE and the U.S. DOGE Service are operating as federal agencies pursuant to 5 U.S.C. § 551(1).² The duties and authorities assigned to those agencies in executive orders signed in January and February subject them to the Federal Records Act, which governs when and how federal agency records must be collected, retained, preserved, or destroyed.³ Additionally, the Federal Records Act ensures public access to federal records pursuant to the Freedom of Information Act, allowing the media and the public to access records showing what, exactly, DOGE is doing across our federal government.⁴

Due to this pending lawsuit, we ask that you reply within one week providing your assurances that all DOGE and U.S. DOGE Service records will be collected, retained, and preserved as required under the Federal Records Act as of January 20, 2025 upon the issuance of Executive Order 14158.

Sincerely,

Danielle Brian
Executive Director

Anne L. Weismann
Attorney for POGO

Cc: James Burnham, General Counsel, Department of Government Efficiency

¹ Project On Government Oversight v. Trump, No. 1:25-cv-00527at 1 (D.D.C. 2025), <https://www.documentcloud.org/documents/25541293-fra-doge-complaint-filed-22125/>.

² 5 U.S.C. § 551(1) (2025), <https://www.law.cornell.edu/uscode/text/5/551>.

³ Executive Order No. 14158, 90 Federal Register 8,441 (January 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02005.pdf>; Executive Order No. 14210, 90 Federal Register 9,669 (February 14, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-02-14/pdf/2025-02762.pdf>; 44 U.S.C. §§ 2101-18, 2902-09, 3101-07, and 3301-24 (2025), <https://www.law.cornell.edu/uscode/text/44>.

⁴ 5 U.S.C. § 552 (2025), <https://www.law.cornell.edu/uscode/text/5/552>.