



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

July 11, 2024

SUBMITTED VIA EMAIL TO: FOIA@opm.gov

U.S. Office of Personnel Management  
1900 E Street, N.W.  
OPIM/FOIA Room 5H35  
Washington, D.C. 20415-7900

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Office of Personnel Management (“OPM”) regulations.

Specifically, CREW requests:

1. All communications from February 1, 2020 to January 25, 2021 between former Office of Personnel Management Chief of Staff and White House Liaison Paul Dans and the following organizations:
  - a. The Heritage Foundation (@heritage.org),
  - b. Alabama Policy Institute (@alabamapolicy.org),
  - c. Alliance Defending Freedom (@adflegal.org)
  - d. American Compass (@americancompass.org),
  - e. The American Conservative (@theamericanconservative.com),
  - f. America First Legal Foundation (@aflegal.org),
  - g. American Accountability Foundation (american-af.org),
  - h. American Center for Law and Justice (@email.aclj.org),
  - i. American Cornerstone Institute (@americancornerstone.org),
  - j. American Council of Trustees and Alumni (@goacta.org),
  - k. American Legislative Exchange Council (@alec.org),
  - l. The American Main Street Initiative (@americanmainstreet.org),
  - m. American Moment (@americanmoment.org),
  - n. American Principles Project (@americanprinciplesproject.org)
  - o. Center for Equal Opportunity (@ceousa.org)
  - p. Center for Family and Human Rights (@c-fam.org)
  - q. Center for Immigration Studies (@cis.org)
  - r. Center for Renewing America(@americarenewing.org)

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- s. Claremont Institute (@claremont.org)
  - t. Coalition for a Prosperous America (@prosperousamerica.org)
  - u. Competitive Enterprise Institute (@cei.org)
  - v. Conservative Partnership Institute (@conservativepartnership.org)
  - w. Concerned Women for America (@cwfa.org)
  - x. Defense of Freedom Institute (@dfipolicy.org)
  - y. Ethics and Public Policy Center (@eppc.org)
  - z. Family Policy Alliance (@familypolicyalliance.com)
  - aa. Family Research Council (@washingtonstand.org)
  - bb. First Liberty Institute (@firstliberty.org)
  - cc. Forge Leadership Network (@forgeleadership.org)
  - dd. Foundation for Defense of Democracies (@fdd.org)
  - ee. Foundation for Government Accountability (@thefga.org)
  - ff. FreedomWorks (@freedomworks.org)
  - gg. Hillsdale College (@hillsdale.edu)
  - hh. Honest Elections Project (@honestelections.org)
  - ii. Independent Women's Forum (@iwf.org)
  - jj. Institute for the American Worker (@fbg.com)
  - kk. Institute for Energy Research (@ierdc.org)
  - ll. Institute for Women's Health (@theIWH.org)
  - mm. Intercollegiate Studies Institute (@isi.org)
  - nn. James Madison Institute (@jamesmadison.org)
  - oo. Keystone Policy Center (@keystone.org)
  - pp. The Leadership Institute (@leadershipinstitute.org)
  - qq. Liberty University (@liberty.edu)
  - rr. National Association of Scholars (@nas.org)
  - ss. National Center for Public Policy Research (@nationalcenter.org)
  - tt. Pacific Research Institute (@pacificresearch.org)
  - uu. Patrick Henry College (@phc.org)
  - vv. Personnel Policy Operations (@personnelpolicyops.org)
  - ww. Recovery for America Now Foundation (@recoveryforamerica.org)
  - xx. 1792 Exchange (@1792exchange.com)
  - yy. Susan B. Anthony Pro-Life America (@sbaprolife.org)
  - zz. Texas Public Policy Foundation (@TexasPolicy.com)
  - aaa. Teneo Network (@teneonetwork.com)
  - bbb. Young America's Foundation (@yaf.org)
2. All communications from February 1, 2020 to January 25, 2021 sent by or to Mr. Dans mentioning any of the following terms:
- a. Any of the terms listed above in item 1.
  - b. "Heritage Foundation"
  - c. "Project 2025"
  - d. "Schedule F"

- e. "2025 Presidential Transition Project"
- f. "Presidential Transition Project"
- g. "Mandate for Leadership"
- h. "Conservative agenda"

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agency wide preservation hold on all documents potentially responsive to this request.

#### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

By way of background, in April 2023 the New York Times published a report detailing the efforts of the conservative think tank, The Heritage Foundation, on the 2025 Presidential

Transition Project (“Project 2025”). This initiative, led by Paul Dans, former OPM chief of staff and White House liaison, along with other former Trump officials, aims to reinstate President Trump’s Schedule F executive order.<sup>1</sup> This order reclassified employees “in confidential, policy-determining, policy-making, or policy-advocating positions” to remove them from the competitive service, making it easier to remove employees who do not align with the president’s agenda.<sup>2</sup> The objective is to reshape the executive branch by installing individuals more loyal to the administration, effectively “flood[ing] the zone with conservatives.”<sup>3</sup> According to Trump’s staff, 50,000 federal employees could be reclassified and removed.<sup>4</sup>

As Chief of Staff and White House Liaison for OPM, Paul Dans could have had considerable influence over the implementation of Schedule F. While in public office, he may also have influenced the development of Project 2025. OPM was expected to review each office’s reclassification plan and OPM’s director was expressly directed to issue or amend regulation as needed.<sup>5</sup> Dans had significant influence over OPM’s director even before he became Chief of Staff; as White House Liaison, Dans reportedly declared that all decisions would have to go through him.<sup>6</sup>

Dans’s position at OPM gave him access to information that he may have leveraged to support The Heritage Foundation and Project 2025. The requested documents are of interest to the public because they may indicate whether Dans began working on Project 2025 in his official capacity at OPM. If he did, it raises questions about the potential abuse of his position and has implications for the public’s trust in government and ongoing efforts to reinstate Schedule F.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public’s right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW’s financial interest.

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<sup>1</sup> Jonathan Swan, Maggie Haberman, Heritage Foundation Makes Plans to Staff Next G.O.P. Administration, New York Times (Apr. 20, 2023),

<https://www.nytimes.com/2023/04/20/us/politics/republican-president-2024-heritage-foundation.html>.

<sup>2</sup> Creating Schedule F in the Excepted Service, 85 Fed. Reg. 67,631 (Oct. 21, 2020) (revoked in 2021).

<sup>3</sup> Jonathan Swan, Maggie Haberman, Heritage Foundation Makes Plans to Staff Next G.O.P. Administration, New York Times (Apr. 20, 2023),

<https://www.nytimes.com/2023/04/20/us/politics/republican-president-2024-heritage-foundation.html>.

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

<sup>5</sup> Creating Schedule F in the Excepted Service, 85 Fed. Reg. 67,631 (Oct. 21, 2020).

<sup>6</sup> Jonathan Swan, Scoop: Trump’s loyalty cop clashes with agency heads, Axios (Jun. 14, 2020), <https://www.axios.com/2020/06/14/john-mcentee-white-house-trump>.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a “representative of the news media” and broadly interpreting the term to include “any person or organization which regularly publishes or disseminates information to the public”).

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blog posts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

#### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [gcantor@citizensforethics.org](mailto:gcantor@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or call me at 202-408-5565. Also, if CREW’s request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [gcantor@citizensforethics.org](mailto:gcantor@citizensforethics.org) and [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or by mail to Gabriella Cantor Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Sincerely,

*Gabriella Cantor*

Gabriella Cantor  
Senior Policy Associate