

Via <https://eeoc.arkcase.com/foia/> and email

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Assistant Legal Counsel
Office of Legal Counsel, FOIA Programs
U.S. Equal Employment Opportunity Commission
131 M Street N.E.
Suite 5NW02E
Washington, D.C. 20507

April 15, 2025

Re: Freedom of Information Act Request

Dear FOIA Officer:

This letter constitutes a request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., submitted by the National Women’s Law Center (“NWLC”).

NWLC seeks documents related to several reported changes in structure and operations at the U.S. Equal Employment Opportunity Commission (“EEOC”), which threaten to undermine enforcement of federal equal employment opportunity laws.

First, on January 29, 2025, President Trump fired EEOC Commissioners Charlotte Burrows and Jocelyn Samuels, an unprecedented action that undermines the EEOC’s independence and risks politicizing the agency’s fundamental mission.

Second, in February, the Department of Government Efficiency (“DOGE”) identified at least eight EEOC field offices whose leases have been or will be terminated.¹ It is not clear when each of the lease terminations will take effect or what will happen to the field offices whose leases are being terminated.² EEOC field offices often serve as the first point of contact for workers bringing discrimination charges, and in fiscal year 2024, the EEOC received 248,255 inquiries in field offices, a 6.2% increase from the previous fiscal year.³ Field staff are also responsible for conducting investigations and play a key role in identifying patterns of discrimination. EEOC reported that in FY 2023, “the EEOC field offices resolved over 377 systemic investigations and obtained over \$29.7

¹ *Savings*, DEPARTMENT OF GOVERNMENT EFFICIENCY, <https://doge.gov/savings> (last visited Apr. 14, 2025).

² See, e.g., Ryan J. Foley et al., *DOGE’s frenetic rush to cancel government leases will hit dozens of federal offices by June and hundreds more over coming months: ‘It’s like a blitzkrieg’*, FORTUNE (Mar. 14, 2025), <https://fortune.com/2025/03/14/doge-cancel-government-leases-dozens-federal-offices-june/> (noting errors and missing information in the list of lease terminations on the DOGE website, and explaining that lease terminations do not mean all locations listed will close); *Which Government Offices Could be Closed This Year and When*, AP News (last updated Mar. 14, 2025), <https://apnews.com/article/doge-lease-cancellations-list-2b19594b17bb66cfc3122dd82c5663b8> (reporting that the lease cancellations for the El Paso and Phoenix EEOC field offices are expected August 31, 2025).

³ U.S. EQUAL EMP. OPPORTUNITY COMM’N, ANNUAL PERFORMANCE REPORT FISCAL YEAR 2024 at 37 (Jan. 17, 2025), https://www.eeoc.gov/sites/default/files/2025-01/24-126_EEOC_2024_APR_508_1.16.25_508.pdf.

million in remedies...as well as targeted equitable relief...”⁴ The EEOC also conducts outreach events through these offices to educate people about their rights in the workplace: in FY 2023, EEOC offices conducted 3,318 outreach events reaching over 314,199 individuals, and they conducted 684 events for vulnerable and underserved workers, reaching 74, 769 individuals.⁵ Closing these offices would have a significant impact on the EEOC’s ability to serve workers across the country. NWLC is concerned about how the decision to terminate these leases was made⁶ and the basis for the decision.

Third, NWLC is concerned about how the EEOC is handling charges alleging discrimination based on sexual orientation and gender identity. Shortly after being appointed Acting Chair in January 2025, Andrea Lucas identified one of her priorities for compliance and enforcement as “defend[ing] the biological and binary reality of sex” pursuant to Executive Order 14166.⁷ Media outlets reported that the EEOC has ordered staff to pause the processing of charges alleging discrimination based on sexual orientation and gender identity, and that these charges are being “elevated for review” at EEOC headquarters.⁸ The U.S. Supreme Court has made clear that discrimination based on sexual orientation and gender identity constitutes unlawful sex-based discrimination under Title VII.⁹ Failing to process charges alleging unlawful discrimination or creating delays that interfere with workers’ ability to enforce their rights would be an abdication of EEOC’s legal obligations.

Finally, on March 17, Acting Chair Lucas sent public letters to twenty law firms, which purported without legal basis to carry the authority of the EEOC, and requested detailed information about the firms’ policies, programs, and practices related to diversity, equity, and inclusion.¹⁰ On April 11, President Trump announced a deal with four of these law firms, in which the firms committed to providing hundreds of millions of dollars in pro bono work to causes Trump supports, and the EEOC

⁴ U.S. EQUAL EMP. OPPORTUNITY COMM’N, FISCAL YEAR 2025 CONGRESSIONAL BUDGET JUSTIFICATION (Mar. 11, 2024), <https://www.eeoc.gov/fiscal-year-2025-congressional-budget-justification>.

⁵ U.S. EQUAL EMP. OPPORTUNITY COMM’N, FISCAL YEAR 2025 CONGRESSIONAL BUDGET JUSTIFICATION (Mar. 11, 2024), <https://www.eeoc.gov/fiscal-year-2025-congressional-budget-justification>.

⁶ EEOC procedures require Commission approval for any “changes to jurisdictional boundaries.” U.S. Equal Employment Opportunity Commission, EEOC Order No. 120.001 (Jan. 18, 2006). The EEOC does not currently have a quorum to approve such changes.

⁷ *President Appoints Andrea R. Lucas EEOC Acting Chair*, U.S. EQUAL EMP. OPPORTUNITY COMM’N (Jan. 21, 2025), https://www.eeoc.gov/newsroom/president-appoints-andrea-r-lucas-eeoc-acting-chair?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; *Removing Gender Ideology and Restoring the EEOC’s Role of Protecting Women in the Workplace*, U.S. EQUAL EMP. OPPORTUNITY COMM’N (Jan. 28, 2025), <https://www.eeoc.gov/newsroom/removing-gender-ideology-and-restoring-eeocs-role-protecting-women-workplace>.

⁸ See, e.g., Rebecca Klar, *Transgender Bias Charges Under Review at EEOC After Trump Order*, BLOOMBERG LAW (Jan. 31, 2025), <https://news.bloomberglaw.com/daily-labor-report/transgender-bias-charges-under-review-at-eeoc-after-trump-order>; Ryan Golden and Kate Tornone, *EEOC tells its workers to halt LGBTQ+ discrimination claim processing*, HR DIVE (Jan. 30, 2025), <https://www.hrdive.com/news/eeoc-tells-employees-halt-lgbtq-discrimination-cases/738853/>.

⁹ *Bostock v. Clayton County*, 140 S.Ct. 1731 (2020).

¹⁰ *EEOC Acting Chair Andrea Lucas Sends Letters to 20 Law Firms Requesting Information About DEI-Related Employment Practices*, U.S. EQUAL EMP. OPPORTUNITY COMM’N (Mar. 17, 2025), <https://www.eeoc.gov/newsroom/eeoc-acting-chair-andrea-lucas-sends-letters-20-law-firms-requesting-information-about-dei>.

agreed to withdraw the letters.¹¹ Later that day, the EEOC announced it had reached a “settlement agreement” with the four law firms to resolve the matters.¹² NWLC is concerned about the Acting Chair’s misrepresentation of EEOC authority in this matter to threaten and coerce targets as well as the involvement of the White House in potentially directing the actions of this independent agency.

Requested Records

NWLC requests that EEOC produce the following within twenty business days, no later than May 13, 2025:

1. Any records of the EEOC Office of General Counsel, the Office of Acting Chair Andrea Lucas, or the Office of Commissioner Andrea Lucas that discuss, describe, mention, or otherwise reference the firing of any EEOC Commissioners and/or the firing of Charlotte Burrows and Jocelyn Samuels specifically, from November 5, 2024 to the date the search is conducted, including but not limited to:
 - a. Any written records, audio or video recordings, or other records such as correspondence, notes and meeting records, calendar entries, and memoranda of communications; and
 - b. Any records of communications between Andrea Lucas or her employees, representatives, or agents, and any officials, employees, representatives, or agents of President Trump’s transition team, the White House Office, or the Executive Office of the President.
2. All correspondence, notes and meeting records, calendar entries, and memoranda of communications between Andrea Lucas or her employees, representatives, or agents, any employees, representatives, or agents of the EEOC Office of General Counsel, and any officials, employees, representatives, or agents of DOGE that discuss, describe, mention, or otherwise reference the termination of leases for EEOC field offices, closure or relocation of EEOC field offices, or changes to EEOC staffing levels, from November 5, 2024 to the date the search is conducted.
3. All records of the EEOC Office of General Counsel, the Office of Acting Chair Andrea Lucas, or the Office of Commissioner Andrea Lucas that relate in whole or in part to the EEOC’s processing of charges alleging discrimination based on sexual orientation or gender identity, including but not limited to:
 - a. Any documents and communications, including any and all written, audio, or video transcripts of meetings, that discuss, describe, mention, or otherwise reference the EEOC’s policies or procedures for processing charges alleging discrimination based on sexual orientation or gender identity, including any information regarding these charges being “elevated for review” at EEOC headquarters and any information

¹¹ See, e.g., *Trump says five more law firms agree to pro bono work to avoid punitive executive orders*, THE GUARDIAN (Apr. 11, 2025), <https://www.theguardian.com/us-news/2025/apr/11/trump-law-firms-pro-bono-deal>.

¹² *In EEOC Settlement, Four ‘BigLaw’ Firms Disavow DEI and Affirm Their Commitment to Merit-Based Employment Practices*, U.S. EQUAL EMP. OPPORTUNITY COMM’N (Apr. 11, 2025), <https://content.govdelivery.com/accounts/USEEOC/bulletins/3db9087>.

- regarding issuance of right to sue letters to charging parties, from November 5, 2024 to the date the search is conducted;
- b. Any documents and communications, including any and all written, audio, or video transcripts of meetings, that discuss, describe, mention, or otherwise reference the EEOC's policies or procedures regarding requests for hearings by federal employees or applicants alleging discrimination based on sexual orientation or gender identity, and any changes or alterations to those policies or procedures, from November 5, 2024 to the date the search is conducted;
 - c. All correspondence, notes and meeting records, calendar entries, and memoranda of communications between Andrea Lucas or her employees, representatives, or agents, any employees or representatives of the EEOC Office of General Counsel, and any officials, employees, representatives, or agents of President Trump's transition team, the White House Office, or the Executive Office of the President, related to policies or procedures for processing charges or complaints alleging discrimination based on sexual orientation or gender identity, and any changes or alterations to those policies or procedures, from November 5, 2024 to the date the search is conducted; and
 - d. All correspondence, notes and meeting records, calendar entries, and memoranda of communications between Acting Chair Andrea Lucas or her employees, representatives, or agents, any employees or representatives of the EEOC Office of General Counsel, and EEOC Administrative Judges related to EEOC's policies or procedures regarding requests for hearings by federal employees or applicants in cases alleging discrimination based on sexual orientation or gender identity, from January 20, 2025 to the date the search is conducted.
4. Any records of the EEOC Office of General Counsel or the Office of Acting Chair Andrea Lucas that discuss, describe, mention, interpret or otherwise reference Andrea Lucas' issuance of public letters to twenty law firms seeking information about the firms' diversity, equity, and inclusion policies, practices, and programs, and/or the withdrawal of the letters to resolve the investigation into these firms, from January 20, 2025 to the date the search is conducted, including:
- a. Any and all final and executed agreements related to these letters entered into by or on behalf of EEOC, the Acting Chair, and/or the Acting General Counsel with Kirkland & Ellis LLP, Latham & Watkins LLP, Simpson Thacher & Bartlett LLP, A&O Shearman Sterling, LLC, and any other law firms that have reached a "settlement agreement" with EEOC related to the March 17 letters sent by Acting Chair Lucas.
 - b. Any documents and communications, including any and all written, audio, or video transcripts of meetings.
 - c. All calendar entries, notes and meeting records, memoranda of communications, and other correspondence between Acting Chair Andrea Lucas or her employees, representatives, or agents, any employees or representatives of the EEOC Office of General Counsel, and any officials, employees, representatives, or agents of the White House Office or the Executive Office of the President.

- d. All calendar entries, notes and meeting records, memoranda of communications, and other correspondence between Acting Chair Andrea Lucas or her employees, representatives, or agents, any employees or representatives of the EEOC Office of General Counsel, and representatives of the law firms Kirkland & Ellis LLP, Latham & Watkins LLP, Simpson Thacher & Bartlett LLP, and/or A&O Shearman Sterling, LLC.

In addition to the records requested above, NWLC also requests records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched and any tracking sheets used to track the processing of this request. If EEOC uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

NWLC seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record” and “document” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voicemail messages and transcripts, notes or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

Please search all records regarding agency business. You may *not* exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or records stored on personal devices. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA.¹³ It is *not* adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; NWLC has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.¹⁴

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonable segregable non-exempt portions of the requested records. 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

¹³ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); cf. *Judicial Watch, Inc. v. Kerry*, 844 F.3d 952, 955-56 (D.C. Cir. 2016).

¹⁴ See *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, No. 14-cv-765, slip op. at 8 (D.D.C. Dec. 12, 2016) (“The Government argues that because the agency had a policy requiring [the official] to forward all of his emails from his [personal] account to his business email, the [personal] account only contains duplicate agency records at best. Therefore, the Government claims that any hypothetical deletion of the [personal account] emails would still leave a copy of those records intact in [the official’s] work email. However, policies are rarely followed to perfection by anyone. At this stage of the case, the Court cannot assume that each and every work related email in the [personal] account was duplicated in [the official’s] work email account.” (citations omitted)).

portion of the document is non-exempt, and how the material is dispersed throughout the document.

If a request is denied in whole or in part, please provide a detailed justification for withholding the records, including citing each specific exemption that justifies the withholding of information.

You should institute a preservation hold on information responsive to this request. NWLC intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary.

Where possible, please provide responsive material in electronic format by email to ksandson@nwlc.org or in PDF format on a USB drive. Please send any responsive material being sent by mail to Katie Sandson, National Women's Law Center, 1350 I Street NW, Suite 700, Washington, DC 20005. If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

Fee Waiver Request

NWLC requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 29 CFR § 1610.15(k) because NWLC does not seek the records for a commercial purpose and disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.

Workplace discrimination remains widespread and is a matter of public concern. The EEOC is the primary federal agency charged with ensuring compliance with federal workplace antidiscrimination law, and workers who experience discrimination must file charges with the EEOC in order to pursue redress under federal law. The public therefore has an important interest in understanding EEOC's structure, operations, and processes for processing charges of discrimination.

NWLC will use the information gathered, and its analysis thereof, to educate the public through reports, press releases, or other media. NWLC will also make materials it gathers, or summaries or analyses thereof, available on its public website and promote their availability on social media platforms such as Facebook, Instagram, and Bluesky, on which NWLC has several thousand followers.

NWLC is a 501(c)(3) nonprofit organization and does not have a commercial purpose, and the release of the information requested is not in NWLC's financial interest. NWLC has worked for over fifty years to advance and protect gender justice and has long sought to remove barriers to equal treatment of women and LGBTQI+ individuals in the workplace.

Accordingly, NWLC qualifies for a fee waiver. If a waiver is not granted, then please advise us of the amount of any proposed search and reproduction charges before those activities are carried out.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees.

Application for Expedited Records

We request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and 29 CFR § 1610.9(f)(1)(ii).

We certify to be true and correct to the best of our knowledge and belief that expedited processing is warranted because there is an urgency to inform the public about decisions being made that may impact the EEOC's handling of discrimination charges, and because NWLC is primarily engaged in disseminating information.

NWLC has a supporter base of over 650,000 followers across our social media channels, including Instagram (over 65,000 followers) and Bluesky (over 27,000 followers), as well as over 770,000 subscribers to our email list. In February 2025, the NWLC website, www.nwlc.org, had over 275,000 page views, of which over 160,000 were unique visitors. Accordingly, NWLC is primarily engaged in disseminating information.

There is a particular urgency to inform the public about the EEOC's activities because there are strict time limits for workers to file charges of discrimination with the EEOC. It is important that the public understand how recent decisions—such as the closure of EEOC field offices and the reported decision to pause the processing of certain categories of charges—may impact EEOC's operations and any potential charges they may file. Numerous recently published articles have also reported on, and raised questions about, EEOC's processing of charges alleging discrimination based on sexual orientation or gender identity;¹⁵ the termination of Commissioners Burrows and Samuels;¹⁶ the termination of leases for EEOC field offices;¹⁷ and the EEOC's "settlement

¹⁵ See, e.g., Tom Spiggle, *EEOC Rolls Back LGBTQ+ Protections, Raising Concerns Over Civil Rights Enforcement*, FORBES (Jan. 31, 2025), <https://www.forbes.com/sites/tomspiggle/2025/01/31/eec-halts-lgbtq-discrimination-claims-processing-what-it-means-for-workers/>; Rebecca Klar, *Transgender Workers' Options Shrink With EEOC Shift*, BLOOMBERG LAW (last updated Mar. 5, 2025), <https://news.bloomberglaw.com/daily-labor-report/transgender-workers-see-legal-options-shrink-with-eec-shift>; Abby Vesoulis, *Government Commission Halts Investigations of LGBTQ+ Workplace Discrimination*, MOTHER JONES (Feb. 6, 2025), <https://www.motherjones.com/politics/2025/02/equal-opportunity-employment-commission-eec-halts-trans-sexual-orientation-lgbtq-discrimination-cases-donald-trump-andrea-lucas/>; Ryan Golden and Kate Tornone, *EEOC tells its workers to halt LGBTQ+ discrimination claim processing*, HR DIVE (Jan. 30, 2025), <https://www.hrdiver.com/news/eec-tells-employees-halt-lgbtq-discrimination-cases/738853/>.

¹⁶ See, e.g., Alexandra Olson and Claire Savage, *Trump fires two Democratic commissioners of agency that enforces civil rights laws in the workplace*, AP NEWS (Jan. 29, 2025), <https://apnews.com/article/trump-eeoc-commissioners-firings-crackdown-civil-rights-c48b973cb32bad97e9da9e354ba627db>; Matthew Goldstein and Emily Steele, *Trump Fired E.E.O.C. Commissioners in Late-Night Purge*, N.Y. TIMES (Jan. 28, 2025), <https://www.nytimes.com/2025/01/28/business/trump-eeoc-commissioners-fired.html>.

¹⁷ See, e.g., Madelyn Ricket et al., *DOGE cancels leases for four Greensboro federal offices*, WFMY NEWS 2 (last updated Mar. 5, 2025), <https://www.wfmynews2.com/article/news/local/doge-greensboro-federal-offices-canceled-leases/83-e47fa1d0-6106-4a16-89c8-c753d164ab9c>; Brendan Kirby, *DOGE takes aim at more federal leases in Mobile area*, FOX 10 (Mar. 4, 2025), <https://www.fox10tv.com/2025/03/05/doge-takes-aim-more-federal-leases-mobile-area/>; Amy Larson, *DOGE says it terminated leases of 3 Bay Area-based federal agencies*, KRON 4 (Mar. 4, 2025), <https://www.kron4.com/news/bay-area/doge-says-it-terminated-leases-of-3-bay-area-based-federal-agencies/>; Lauren Gersony, *Trump administration cancels leases for 24 federal offices in Arizona: Here's which ones*, AZ CENTRAL (Mar. 6, 2025), <https://www.azcentral.com/story/news/politics/arizona/2025/03/06/trump-administration-cancels-24-office-leases-in-arizona/81657574007/>; Heidi Schmidt, *Leases at 10 Kansas City locations to be terminated, DOGE says*, KCTV 5 (Mar. 6, 2025), <https://www.kctv5.com/2025/03/06/leases-10-kansas-city-metro-locations-be-terminated-doge-says/>; Emily Mikkelsen, *Which North Carolina federal facilities have been impacted by DOGE lease terminations?*, CBS 17 NEWS (Mar. 4, 2025), <https://www.cbs17.com/news/north->

agreement” with four law firms.¹⁸ These articles reflect the urgency of informing the public about these changes.¹⁹ Therefore, we request expedited processing of this request.

Conclusion

Thank you for your consideration of this request. If you do not understand any part of this request or have any questions, please contact Gaylynn Burroughs, Vice President for Education and Workplace Justice, at gburroughs@nwlc.org, and Katie Sandson, Senior Counsel for Education and Workplace Justice, at ksandson@nwlc.org.

Sincerely,

Gaylynn Burroughs
Vice President for Education and Workplace Justice
National Women’s Law Center

Katie Sandson
Senior Counsel for Education and Workplace Justice
National Women’s Law Center

[carolina-news/which-north-carolina-federal-facilities-have-been-impacted-by-doge-lease-terminations/](#); *DOGE terminates leases for federal offices in Carolinas, Georgia*, FOX CAROLINA NEWS (Mar. 6, 2025), <https://www.foxcarolina.com/2025/03/07/doge-terminates-leases-federal-offices-carolinas-georgia/>; Jack Gurley, *DOGE terminates 38 federal agency offices including several in East Texas*, KETK.COM (Mar. 10, 2025), <https://www.ketk.com/news/local-news/doge-terminates-38-federal-agency-offices-including-several-in-east-texas/>.

¹⁸ See, e.g., Matthew Goldstein, *Five More Big Law Firms Reach Deals With Trump*, N.Y. TIMES (Apr. 11, 2025), <https://www.nytimes.com/2025/04/11/business/trump-law-firms-kirkland-ellis-latham-watkins.html>.

¹⁹ 29 CFR § 1610.9(f)(3) (“the existence of numerous recently published articles on a given subject may be helpful in establishing the requirement that there be an ‘urgency to inform’ the public on the topic”).