UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

v.

No. 3:25-cv-4737

DONALD J. TRUMP, et al.,

Defendants.

DECLARATION OF MICHAEL MCDONALD

I, Michael McDonald, hereby declare under penalty of perjury:

1. I am the Acting Chairman of the National Endowment for the Humanities ("NEH").

2. President Trump appointed me to the Acting Chairman position on March 10, 2025.

3. I have worked at NEH since May 2003 in a variety of positions including Deputy General Counsel, General Counsel, Assistant Chairman for Programs, and Acting Deputy Chairman.

4. Congress created NEH in 1965 within the executive branch of the federal government to support research, education, preservation, and public programs in the humanities.

5. In the statute creating NEH, Congress authorized the NEH Chairperson – and only the NEH Chairperson – to enter contracts, grants, loans and other forms of assistance to carry out the agency's humanities functions.

6. President Trump issued Executive Order 14151, *Ending Radical And Wasteful Government DEI Programs and Preferencing* on January 20, 2025; Executive Order 14173,

Ending Illegal Discrimination and Restoring Merit-Based Opportunity issued on January 21, 2025; and Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* on January 20, 2025, when Shelly C. Lowe was still Chair of NEH.

7. Between January 20 and February 7, 2025, Chair Lowe directed NEH program staff to review open grants in light of the new Executive Orders.

8. At the direction of then-Chair Lowe, on February 7, 2025, NEH's Chief Information Officer ("CIO") Brett Bobley emailed NEH program directors asking them to identify projects funded under the Biden Administration that might be implicated by President Trump's Executive Orders.

9. Between February 7 and March 16, 2025, CIO Bobley created a system for staff to mark Biden-era projects on spreadsheets as either "High, Medium, Low, or No Connection" in terms of the Executive Orders and communicated this to NEH program directors.

10. During this same time frame, NEH program directors worked on filling in the spreadsheets with their individualized assessment of each grant's connection to the President's Executive Orders.

11. On March 10, 2025, President Trump terminated NEH Chair Lowe and appointed me to be Acting Chairman of NEH.

12. On or about March 12, 2025, representatives from the Department of Government Efficiency ("DOGE"), Justin Fox and Nate Cavanaugh, contacted NEH to discuss and advise me on implementing the President's priorities as stated in the Executive Orders, including terminating grants that a reasonable person could deem to violate the Executive Orders.

13. On March 17 – 18, 2025, I worked with NEH Assistant Chairman for Programs Adam Wolfson to conduct a further individualized review of the spreadsheets of open grants created by program staff.

14. On March 19, 2025, NEH CIO Bobley sent NEH Assistant Chair for Planning and Operations Pranita Raghavan a final spreadsheet containing only those projects that I and Mr. Wolfson deemed to conflict with President Trump's Executive Orders.

15. On March 20, 2025, Ms. Raghavan transmitted this list to the Office of Management and Budget ("OMB") as directed by the Presidential Executive Orders.

16. On March 26, 2025, Mr. Wolfson and I reviewed additional spreadsheets of grants that included those the program directors had initially listed as having no connection to the President's Executive Orders.

17. On March 31, 2025, I sent NEH's DOGE contacts, Mr. Fox and Mr. Cavanaugh, the final results of NEH's review in which we identified grants that did not appear to us to be in conflict with the Trump Administration's priorities.

18. On or about April 1 – 2, 2025, I terminated a number of, but not all, open NEH grants in compliance with Presidential Executive Order 14222 and in consultation with DOGE.

19. The April termination emails were carried out pursuant to Executive Order 14222, *Implementing the President's "Department of Government Efficiency" Cost Efficiency Initiative* issued on February 26, 2025. The grant termination emails mistakenly referenced Executive Order 14217, *Commencing the Reduction of the Federal Bureaucracy*, issued on March 14, 2025, and should have referenced Executive Order 14222.

20. As noted above, the policy for selecting grants for termination at NEH focused first on first on identifying open grants that focused on or promoted (in whole or in part)

"environmental justice," "diversity, equity, and inclusion" or "diversity, equity, inclusion and accessibility," and "gender ideology."

21. Subsequently, and in consultation with DOGE, I more broadly chose grants for termination that did not contribute to the public's confidence in how NEH expended its taxpayer funds as required by NEH's authorizing statute. *See* 20 U.S.C. § 951(5).

22. NEH's authorizing statute does not set forth any prohibition or limitation on the sole discretion of the NEH Chairperson to terminate or rescind grant awards. I am not aware of any such limitation in any law or regulation.

23. NEH's authorizing statute does not set forth any requirement that NEH maintain or award a particular number of grants, make grants to particular recipients, or expend a particular amount of grant funds in a given time frame. I am not aware of any such requirement in any law or regulation.

June 17, 2025

Michael P.
McDonald

Digitally signed by
Michael P. McDonald
Date: 2025.06.17
12:00:39 -04'00'

MICHAEL MCDONALD
Acting Chairman
National Endowment for the Humanities

From:	McDonald, Michael
To:	McDonald, Michael
Date:	Monday, June 16, 2025 1:32:39 PM
Attachments:	image001.png

From: Bobley, Brett <bbobley@neh.gov>
Sent: Friday, February 7, 2025 5:39 PM
To: !Division Directors <!DivisionDirectors@neh.gov>
Cc: !SeniorManagement <SeniorManagement@neh.gov>; Brundage, Richard <RBrundage@neh.gov>
Subject: NEH EO Award Review Spreadsheet

Dear Program Directors,

Here are the review criteria for reviewing all the awards from 2021 to the present:

As per OMB's January 27, 2025 memo (M-25-13), please identify any funded projects that "advance Marxist equity, transgenderism, or green new deal social engineering policies." More specifically, following the descriptions provided in the Administration's recent Executive Orders, you should identify grants that focus on or promote (in whole or in part): (i) "environmental justice"; (ii) "diversity, equity, and inclusion " or "diversity, equity, inclusion, and accessibility" (even if these exact terms are not used); and (iii) "gender ideology," which, according to the Executive Order, replaces sex with "an internal, fluid, and subjective sense of self unmoored from biological facts" or with "an ever-shifting concept of self-assessed gender identity."

Here is the shared spreadsheet that contains all the awards to review:

NEH-Awards-2025 Data Call.xlsx

Important notes about the spreadsheet and the review process:

- We are working to make the spreadsheet a little prettier looking formatting-wise. But you are welcome to start using it now. Please forward this email to your deputy/assistant director if they will be working with you.
- Each division has their awards on their own tab. Feel free to re-sort or change the layout/wrapping to whatever works best for you.
- It includes all recommended and above application statuses (e.g. recommended, approved, offered, awarded, closed out, etc).
-

Order of work:
- ○ Please start by tackling the open awards coming from the November 2024 council.
- ○ Then work on the ones for March council.
- ○ Then all the remaining ones.
- ○ You can sort on the council date column to do them in this order.

- The Agency-Wide tab contains all the ARP awards, so don't forget about doing those too. You'll want to sort on the application number to see all of yours as a group. As a reminder:
  - ○ ZDH = ODH
  - ○ ZED = Education
  - ○ ZPA = P&A
  - ○ ZPP = Public
  - ○ ZRE = Research
  - ○ ZIN and ZOR = Challenge

- **The last four columns are the key thing you will be filling in**:
  - ○ Column Q "Proposal Needs Further Discussion" you can only enter Yes or No. That way, we can sort it later to find the ones that need discussion. *When completed there should be a Yes or No for every award*.
  - ○ Columns R, S, T directly map to the three criteria at the beginning of this email. You can put any notes in these columns to inform future discussions.

From: McDonald, Michael <mmcdonald@neh.gov>
Sent: Thursday, March 13, 2025 3:20 PM
To: Voyatzis, Lisette <evoyatzis@neh.gov>
Subject: FW: historical review of grants

From: Wolfson, Adam <awolfson@neh.gov>
Sent: Thursday, March 13, 2025 3:17 PM
To: nate.cavanaugh@gsa.gov; justin.fox@gsa.gov
Cc: McDonald, Michael <mmcdonald@neh.gov>
Subject: historical review of grants

Hi Nate, hi Justin,

Great meeting you yesterday and catching up today. As discussed, I've copied below the link for the award spreadsheet created by Brett that the program directors used for their historical review of NEH's grants since January 2021.

It's broken down by program office, each one having its own tab. The directors reviewed the grants made through their office and entered comments for the three relevant categories (i.e., DEI/DEIA; gender ideology; and environmental justice) and rated them based on level of involvement with any of the categories (high, medium, low, N/A).

There's also a tab for agency-wide grants (which applies mainly to ARP awards and Chair's awards). A few of the directors still need to review awards made through their office for this tab and enter their comments.

Mike and I will appreciate having your thoughts and suggestions. We've set aside a block of time Monday morning to finalize the list for OMB.

Thanks.

Adam

📊 NEH-Awards-2025 Data Call.xlsx

From: McDonald, Michael <mmcdonald@neh.gov>
Sent: Tuesday, April 1, 2025 12:52 PM
To: Voyatzis, Lisette <evoyatzis@neh.gov>
Subject: FW: NEH Active Awards / Grants

From: Justin Fox - A <justin.fox@gsa.gov>
Sent: Monday, March 31, 2025 11:53 PM
To: bstewert@nea.gov; Bobley, Brett <bbobley@neh.gov>
Cc: McDonald, Michael <mmcdonald@neh.gov>; Nate Cavanaugh - Q2 <nate.cavanaugh@gsa.gov>
Subject: NEH Active Awards / Grants

Brett, Beth,

Hope you've been doing well! Could you please send us an eGMS pull containing the below columns tomorrow on active grants? Appreciate the help, let us know where you have any questions:

- Award #
- award_id_fain (matches with USA Spending, if available)
- Status
- Division (i.e. State / Federal Partnership, etc.)
- Program
- Award Start Date
- Award End Date
- Award $
- $ Outlayed to date
- $ Remaining
- Award Description
- Awardee Name
- Awardee email address (Primary POC)

My understanding is this would be somewhere around 1,440 active grants and 62 sub-awards per USA spending but would like to have a source of truth from you all as we're reviewing.

Thank you,
Justin

_____

Justin Fox

General Services Administration

justin.fox@gsa.gov

M: (771) 210-9025