

Judge clears path to pull USAID personnel off the job

BY [ELLA LEE](#) AND [TAYLOR GIORNO](#) – *The Hill*, 02/21/25 4:07 PM ET

A Trump-appointed judge on Friday greenlit the administration's plans to place thousands of U.S. Agency for International Development (USAID) employees on administrative leave and recall many from field offices around the world.

U.S. District Judge Carl Nichols dissolved his order temporarily staving off the purge and declined to provide further relief, contending that the plaintiffs' initial assertions of harm were "overstated."

"Weighing plaintiffs' assertions on these questions against the government's is like comparing apples to oranges," Nichols [wrote in a 26-page order](#). "Where one side claims that USAID's operations are essential to human flourishing and the other side claims they are presently at odds with it, it simply is not possible for the Court to conclude, as a matter of law or equity, that the public interest favors or disfavors an injunction."

He said that unions representing government employees that sued the Trump administration failed to prove irreparable harm, that their claims are likely to succeed on the merits or public interest strongly favors an injunction.

Unions representing government employees had sued the Trump administration to stop the shutdown of USAID's operations at the hands of the Department of Government Efficiency (DOGE) and restart the flow of foreign aid.

Nichols previously blocked the Trump administration's plan to purge USAID employees while weighing a longer pause as litigation continues, an order set to expire Friday.

During a hearing over the preliminary injunction last week, he signaled skepticism that workers should not just seek legal remedies against the government as their employer after they've been affected by the proposed changes.

Justice Department lawyer Eric Hamilton contended that placing USAID workers on leave during the administration's 90-day freeze amounted to a "personnel dispute," pointing to Trump's emphasis on major foreign policy shifts during his campaign and arguing that the president must be allowed to execute his agenda.

"In the end, plaintiffs want a federal court to put USAID back to where it was under a previous president's foreign policy," Hamilton said.

But the unions warned that directing employees to take individual legal action could be all for naught if the agency shuts before those matters are resolved.

"Once the agency is dissolved, it cannot be put back together again," said lawyer Karla Gilbride.

Gilbride called the administration's assault on USAID an "unprecedented usurpation of power," noting it's an independent agency established by Congress.

Throughout the arguments last week, Nichols repeatedly returned to whether USAID employees abroad would be put at particular risk if placed on leave — a point to which he seemed particularly sympathetic.

However, on Friday, he suggested that the plaintiffs “overstated” the harm those employees stood to face.

“The record now reflects that no USAID employee stationed abroad has been or imminently will be required to return to the United States within thirty days,” Nichols wrote. “Rather, as matters presently stand, USAID employees stationed abroad have been given a choice.”

Trump tapped Musk to lead his quasi-governmental cost-cutting crusade, which launched into action with a speed and ruthlessness that caught many by surprise.

The government also started slashing USAID contracts, disclosing in court documents that it had cut cancelled [more than 200 contracts](#) in just two days.

A different federal judge ordered the government to temporarily cease efforts to terminate foreign aid contracts and grants in place prior to Trump’s inauguration.

The contractors or nonprofits who sued then claimed the administration was violating that order. The judge determined it did but declined to hold officials in civil contempt over the transgression.

Other judges are weighing challenges to Trump’s aid freeze order and checks on Musk’s power without a Senate confirmation.

Republican lawmakers have lined up behind the administration’s push to dismantle USAID, including the chairs of the House Foreign Affairs Committee and the Senate Foreign Relations Committee.

Democrats have decried Musk’s efforts to shutter the 60-year-old independent agency as an encroachment on the legislative power of the purse. But in the minority in Congress, there’s little they can do.

While the foreign aid agency was Musk’s first target, he’s now got the Department of Education, Consumer Financial Protection Bureau and others in his sight.