

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON
1331 F Street N.W., Suite 900
Washington, D.C. 20004,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION,
400 Maryland Ave. SW
Washington, D.C. 20202,

MIGUEL CARDONA,
in his official capacity as Secretary of the
Department of Education,
400 Maryland Ave. S.W.
Washington, D.C. 20202,

THE PRESIDENT'S ADVISORY 1776
COMMISSION,
400 Maryland Ave. S.W.
Washington, D.C. 20202,

ADAM HONEYSETT,
in his official capacity as the Designated
Federal Officer for the 1776 Commission,
400 Maryland Ave S.W.
Washington, D.C. 20202,

Defendants.

Civil Action No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this suit against Defendants United States Department of Education, Secretary Miguel Cardona, the President’s Advisory 1776 Commission (“1776 Commission” or the “Commission”), and Adam Honeysett, pursuant to the Federal Advisory Committee Act (“FACA”), 5 U.S.C. App. 2, and the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706, for their failure to publicly disclose all the records prepared by, or made available to, the 1776 Commission as requested by CREW on January 20, 2021.
2. The 1776 Commission was an advisory committee established by former President Trump, and therefore subject to the obligations enumerated in the FACA. 5 U.S.C. App. 2. As the agency, agency head and the Designated Federal Official to which the 1776 Commission reported, the Defendants’ failure to disclose the “records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by” the Commission is a violation of § 10(b) of the FACA. *See* 5 U.S.C. App. 2, § 10(b). CREW is seeking declaratory and injunctive relief, asking this court to order the Defendants to make all studies, documents, records, working papers, and transcripts available to CREW for public inspection.

PARTIES

3. CREW is a nonprofit, non-partisan organization, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be informed about the activities of government officials and to ensuring the integrity of government officials. To advance its mission, CREW uses a combination of research,

litigation, advocacy, and public education to disseminate information to the public about public officials and their actions. As part of its research, CREW uses government records and information made available to it under various federal disclosure statutes, including the FACA and the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”).

4. Access to the records of an important Presidential Advisory Commission is essential to CREW’s mission of informing citizens about the activities of government officials.
5. Defendant United States Department of Education is a federal agency. Executive Order 13,958 created the Commission within the Department of Education. Exec. Order No. 13,958. 85 Fed. Reg. 70,951 (Nov. 2, 2020).
6. Defendant Miguel Cardona is named in this suit in his official capacity as the Secretary of the Department of Education. The Commission’s Charter made the Secretary of Education “responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act and . . . for ensuring the reporting requirements of 6(b) of the Act are appropriately fulfilled.” (*See Exhibit A*).
7. Defendant 1776 Commission was a federal advisory committee established by Executive Order 13,958 on November 2, 2020. *Id.*
8. Defendant Adam Honeysett is named in this suit in his official capacity as the Designated Federal Officer for the Commission. Each advisory committee must have a Designated Federal Officer (“DFO”) designated by the agency head. 41 C.F.R. § 102-3.120. A committee’s DFO is responsible for calling meetings of the committee, approving the agenda for all committee meetings, attending meetings, adjourning any meeting when they determine it to be “in the public interest,” and chairing the meeting when directed by the agency head. *Id.*

JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over this action pursuant to 5 U.S.C. § 704, and 28 U.S.C. § 1331 because this action arises under federal law.
10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1391(e) because: Defendants are United States agencies or officers sued in their official capacities, the Department of Education is a defendant in this suit and is located in Washington, D.C., and a substantial part of the events or omissions giving rise to the claim occurred in the District of Columbia.

STATUTORY FRAMEWORK

I. The Federal Advisory Committee Act

11. Congress passed the FACA in 1972, and the Act sets forth certain requirements and obligations that advisory committees must follow. The FACA defines advisory committees as “any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup . . . which is (A) established by statute or reorganization plan, or (B) established or utilized by the President, or (C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government.” 5 U.S.C. App. 2, § 3(2).
12. In addition to setting forth requirements that govern the creation and make-up of advisory committees, the FACA explicitly requires that the public have access to “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other

documents which were made available to or prepared for or by each advisory committee.” 5 U.S.C. App. 2, § 10(b). The records must be made available for public review at the office of the advisory committee or “at the agency to which the advisory committee reports.” 5 U.S.C. App. 2, § 10(b).

II. The Administrative Procedure Act

13. The APA permits judicial review when a person is suffering a “legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute.” 5 U.S.C. § 702.
14. The APA requires the reviewing court to “compel agency action unlawfully withheld or unreasonably delayed,” and to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. §§ 706(1), 706(2)(A).

STATEMENT OF FACTS

I. President Trump Establishes the 1776 Commission Pursuant to the FACA.

15. On November 2, 2020, President Trump signed Executive Order 13,958 establishing the 1776 Commission. The stated purpose of the Commission was to “enable a rising generation to understand the history and principles of the founding of the United States in 1776 and to strive to form a more perfect Union.” Executive Order 13,958 mentions several functions of the Commission, but its chief purpose was to create a report that “summarize[d] the principles of the American founding and how those principles have shaped our country.”
16. President Trump signed the Executive Order establishing the 1776 Commission on the day before the 2020 presidential election. President Trump framed the creation of the

Commission as a response to the 1619 Project, a *New York Times* article turned podcast that aimed to “reframe the country’s history by placing the consequences of slavery and the contributions of Black Americans at the very center of the United States’ national narrative.”¹

17. In a 2020 speech at the White House Conference on American History, President Trump stated “[t]he left has warped, distorted, and defiled the American story with deceptions, falsehoods, and lies. There is no better example than the New York Times’ totally discredited 1619 Project. This project rewrites American history to teach our children that we were founded on the principle of oppression, not freedom.”² In this same speech, President Trump announced that he would sign an Executive Order to create the 1776 Commission, stating that it will “promote patriotic education” and “will encourage our educators to teach our children about the miracle of American history.”³

18. The Commission was established as a presidential advisory committee subject to FACA. It filed a charter with the Administrator of the General Services Administration on December 14, 2020, pursuant to § 9(c) of the FACA. The “Description of Duties” section of the charter includes “producing a report for the President, within 1 year of the date of Executive Order 13,958, which shall be publicly disseminated, regarding the core principles of the American founding and how these principles may be understood to further enjoyment of ‘the blessings of liberty’ and to promote our striving ‘to form a more perfect Union.’”

¹ Jake Silverstein, *Why We Published The 1619 Project*, THE NEW YORK TIMES MAGAZINE (Dec. 20, 2019), <https://www.nytimes.com/interactive/2019/12/20/magazine/1619-intro.html>.

² Remarks by President Trump at the White House Conference on American History, 2020 Daily Comp. Pres. Docs., DCPD 00691 (Sept. 17, 2020).

³ *Id.*

19. The charter charged the Department of Education with the responsibility for making filings, satisfying other applicable statutory requirements of FACA and for ensuring compliance with the reporting requirements of § 6(b) of the Act.
20. President Trump appointed Larry Arnn, president of Hillsdale College, to serve as chair of the Commission, and Carol Swain, a former law professor at Vanderbilt University, as Vice-Chair. The Commission had two public meetings, one on January 5, 2021, and another on January 15, 2021. Pursuant to the FACA, transcripts of both meetings and the minutes were posted on the Department of Education's website.
21. The Commission publicly released its report on January 18, 2021, two days before the end of President Trump's term.⁴
22. The American Historical Association condemned the 1776 Commission's report, noting it was "[w]ritten hastily in one month after two desultory and tendentious 'hearings,'" without "any consultation with professional historians of the United States."⁵ Forty-seven organizations, including the American Library Association, Organization of American Historians, and the National Coalition for History, signed onto the statement.
23. A significant portion of the Commission's report appears to have been "copied nearly verbatim from an opinion piece published in 2008 by one of the commission's members, Thomas Lindsay."⁶

⁴ Final Report to the President, PRESIDENT'S ADVISORY 1776 COMMISSION (Jan. 18, 2021), <https://www2.ed.gov/about/bdscomm/list/1776/final-report.pdf>.

⁵ *AHA Condemns Report of Advisory 1776 Commission*, AMERICAN HISTORICAL ASSOCIATION (Jan. 20, 2021), <https://www.historians.org/Documents/Statements%20and%20Standards%20of%20the%20Profession/Report%20of%201776%20Commission%20Statement.pdf>.

⁶ Tina Nguyen, *A Big Chunk Of Trump's 1776 Report Appears Lifted From An Author's Prior Work*, POLITICO (Jan. 19, 2021, 4:47 PM), <https://www.politico.com/news/2021/01/19/trump-1776-report-plagiarism-460464>.

24. On January 20, 2021, on his first day in office, President Biden signed Executive Order 13,985 that dissolved the Commission. Nonetheless, legislation to reestablish the 1776 Commission, titled The Preserve American History Act, was introduced in the House of Representatives on January 28 as H.R. 514, by Rep. Ted Budd (R-NC).
25. Since its dissolution as a Presidential Advisory Commission, the 1776 Commission has continued in a non-governmental form at Hillsdale College. According to the website of Hillsdale College, “President Joe Biden might have cancelled the 1776 Commission on his first day in office, but America’s founding principles cannot be cancelled—the work to defend American history will go on, especially at Hillsdale College.”⁷ The 1776 Commission at Hillsdale College has since met once on May 24, 2021, and released the “1776 Curriculum” for grades K-12.⁸ The Commission’s work continues to have educational and political significance.

II. CREW Requests Documents Pursuant to FACA.

26. On January 20, 2021, CREW requested, pursuant to § 10(b) of the FACA, “all ‘records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda[s] or other documents which were made available to or prepared for or by’ the 1776 Commission—including by any of its members, ex-officio members, or contributors—in connection with the Commission’s January 5 and 15, 2021 meetings and its January 18, 2021 report.” (Exhibit B).

⁷ *1776 Report Calls for a Return to America’s Founding Principles in Our Schools*, HILLSDALE COLLEGE (Feb. 5, 2021), <https://dc.hillsdale.edu/News/Latest-News/1776-Report-Calls-for-a-Return-to-America%E2%80%99s-Foundi/>.

⁸ *See Meeting of The 1776 Commission Takes Place at Hillsdale College in D.C.*, HILLSDALE COLLEGE (June 24, 2021), <https://dc.hillsdale.edu/News/Latest-News/Meeting-of-The-1776-Commission-Takes-Place-at-Hill/>; *see also Hillsdale College Releases 1776 Curriculum*, Hillsdale College (July 29, 2021), <https://dc.hillsdale.edu/News/Latest-News/Hillsdale-College-Releases-1776-Curriculum/>.

27. On January 22, 2021, CREW received an acknowledgment letter via email from the Department of Education stating that the Department had received the request. The letter made clear that the Department was processing CREW's FACA request as a FOIA request. (*See Exhibit C*). CREW has not received any responsive records from Defendants.
28. Six months later, CREW sent a follow-up email to the Department of Education's FOIA liaison and the Government Information Specialist inquiring into the status of its FACA request. The Department responded, stating that the Department was still processing the request.
29. On September 13, 2021, counsel for CREW emailed the Department regarding the status of its FACA request. The FOIA liaison for the Department of Education responded and stated that he would check on the status of the request. CREW has not heard anything further. Counsel for CREW then called the FOIA liaison on September 27, 2021, and September 28, 2021, to check on the status of the request, but received no response.
30. To date, the Defendants have not made available the requested records, reports, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Commission and therefore have not complied with § 10(b) of the FACA.

COUNT I
(Violation of the Federal Advisory Committee Act)

31. Plaintiff hereby incorporates Paragraphs 1 through 30 above as if they were fully set forth herein.
32. The Commission was an advisory committee within the meaning of the FACA. It was a commission established by the President "in the interest of obtaining advice or

recommendations for the President or one or more agencies or officers of the Federal Government.” 5 U.S.C. App. 2 § 3(2).

33. By failing to make available the requested “records reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by” the Commission, Defendants have failed to comply with the FACA.

COUNT II
(Violation of the Administrative Procedure Act)

34. Plaintiff hereby incorporates Paragraphs 1 through 30 above as if they were fully set forth herein.
35. Defendants have failed to comply with the FACA’s requirement that “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by” the Commission be disclosed to the public.
36. By failing to comply with the FACA, Defendants have unlawfully withheld or unreasonably delayed agency action and have acted contrary to law in violation of the APA. *See* 5 U.S.C. §§ 706(1), 706(2)(A).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Citizens for Responsibility and Ethics in Washington seeks the following relief:

- a. A declaration that the Commission is and was subject to the FACA and all of its requirements;
- b. A declaration that Defendants violated the FACA and the APA by not producing records of the Commission that are responsive to CREW’s request;

- c. An injunction requiring Defendants to produce to CREW all records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the Commission.
- d. An award of Plaintiff's costs and reasonable attorneys' fees in this action.
- e. Other relief that the Court deems just and proper.

DATED: October 8, 2021

Respectfully Submitted,



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Nikhel S. Sus

(D.C. Bar No. 1017937)

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1331 F Street NW, Suite 900

Washington, DC 20004

Telephone: (202) 408-5565

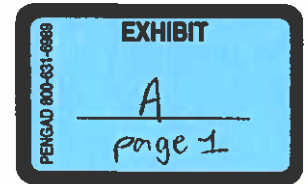
Fax: (202) 588-5020

nsus@citizensforethics.org

Attorneys for Plaintiff Citizens for Responsibility
and Ethics in Washington



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202



CHARTER

The President's Advisory 1776 Commission

AUTHORITY

The President's Advisory 1776 Commission ("The 1776 Commission") is established by Executive Order 13958 (November 2, 2020). The 1776 Commission is also governed by the provisions of the Federal Advisory Committee Act (FACA) (P.L. 92-463, as amended; 5 U.S.C. App.), which sets forth standards for the formation and use of advisory committees.

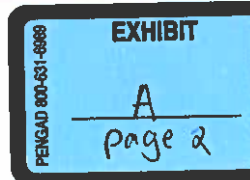
OBJECTIVES AND SCOPE OF ACTIVITIES

The purpose of The 1776 Commission is to advise the President regarding how to better enable a rising generation to understand the history and principles of the founding of the United States in 1776 and to strive to form a more perfect Union.

DESCRIPTION OF DUTIES

The functions of The 1776 Commission shall be to:

- (i) produce a report for the President, within 1 year of the date of Executive Order 13958, which shall be publicly disseminated, regarding the core principles of the American founding and how these principles may be understood to further enjoyment of "the blessings of liberty" and to promote our striving "to form a more perfect Union." The 1776 Commission may solicit statements and contributions from intellectual and cultural figures in addition to the views of The 1776 Commission members;
- (ii) advise and offer recommendations to the President and the United States Semiquincentennial Commission regarding the Federal Government's plans to celebrate the 250th anniversary of American Independence and coordinate with relevant external stakeholders on their plans;
- (iii) facilitate the development and implementation of a "Presidential 1776 Award" to recognize student knowledge of the American founding, including knowledge about the Founders, the Declaration of Independence, the Constitutional Convention, and the great soldiers and battles of the American Revolutionary War;
- (iv) advise executive departments and agencies (agencies) with regard to their efforts to ensure patriotic education — meaning the presentation of the history of the American founding and foundational principles, the examination of how the United States has grown closer to those principles throughout its



history, and the explanation of why commitment to America’s aspirations is beneficial and justified — is provided to the public at national parks, battlefields, monuments, museums, installations, landmarks, cemeteries, and other places important to the American Revolution and the American founding, as appropriate and consistent with applicable law;

- (v) advise agencies on prioritizing the American founding in Federal grants and initiatives, including those described in section 4 of Executive Order 13958, and as appropriate and consistent with applicable law; and
- (vi) facilitate, advise upon, and promote other activities to support public knowledge and patriotic education on the American Revolution and the American founding, as appropriate and consistent with applicable law.

AGENCY OR OFFICIAL TO WHOM THE COMMISSION REPORTS

The 1776 Commission reports to the President.

The Secretary of the Department of Education (“the Secretary”) shall be responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act and is responsible for ensuring the reporting requirements of 6(b) of the Act are appropriately fulfilled.

SUPPORT

The Department of Education shall provide funding and administrative support for The 1776 Commission, to the extent permitted by law and subject to the availability of appropriations.

ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS

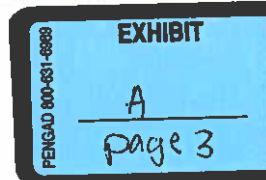
The estimated annual cost of operating The 1776 Commission, including travel, per diem, and other operating expenses for members, is \$90,000. The estimated annual person-years of staff support are 1.25 full-time equivalent (FTE).

Members of The 1776 Commission shall serve without compensation but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

DESIGNATED FEDERAL OFFICIAL

The Secretary shall designate a full-time or permanent part-time Department employee to serve as the Designated Federal Official (DFO) for the Commission. The DFO shall:

- approve or call all 1776 Commission and subcommittee meetings;
- approve all meeting agendas;
- attend all 1776 Commission and subcommittee meetings;



- adjourn any meeting when he/she determines it to be in the public interest;
- chair meetings when so directed by the Secretary;
- maintain required records on costs and membership;
- ensure efficient operations;
- provide training for new members;
- maintain records for availability to the public; and
- provide copies of any reports to the appropriate Congressional and Library of Congress officials.

An Executive Director, designated by the Secretary of Education in consultation with the Assistant to the President for Domestic Policy, shall coordinate the work of The 1776 Commission.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The 1776 Commission shall meet approximately 4 times per year. Meetings are open to the public except as may be determined otherwise by the General Counsel of the Department in accordance with §10(d) of the FACA.

DURATION

The duration of The 1776 Commission is continuing, subject to the Termination section below.

TERMINATION

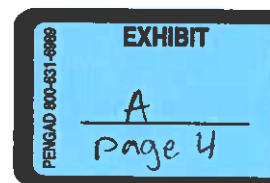
The 1776 Commission shall terminate two years after the date of Executive Order 13958, unless extended by the President.

MEMBERSHIP AND DESIGNATION

The 1776 Commission shall be composed of not more than 20 non-federal members, who shall be appointed by the President to serve as Special Government Employees (SGEs). SGE members will be chosen for their individual expertise, integrity, impartiality, and experience. They will provide advice and make recommendations based on their independent judgment. The members will not be speaking for or representing the views of any non-governmental organization or any other recognizable group of persons having an interest in matters before The 1776 Commission.

The 1776 Commission shall also include the following federal ex-officio members or such senior officials as those members may designate who will serve as Regular Government Employees:

- (i) the Secretary of State;
- (ii) the Secretary of Defense;
- (iii) the Secretary of the Interior;



- (iv) the Secretary of Housing and Urban Development;
- (v) the Secretary of Education;
- (vi) the Assistant to the President for Domestic Policy; and
- (vii) the Assistant to the President for Intergovernmental Affairs.

Members shall serve for a term of 2 years and shall not be removed except for inefficiency, neglect of duty, or malfeasance.

The 1776 Commission shall have a Chair and Vice Chair, designated by the President from among its members. The Chair and Vice Chair shall work with the Executive Director to convene regular meetings of The 1776 Commission, determine its agenda, and direct its work, consistent with this order.

Consistent with Section 5(b)(2) of FACA and 41 CFR § 102-3.30(c), membership of The 1776 Commission should be balanced.

SUBCOMMITTEES

The 1776 Commission may establish, subject to the Department's approval, such subcommittees that it deems necessary to carry out the duties of The 1776 Commission. The DFO will inform the Department's Committee Management Officer of the subcommittee structure, including membership, functions, and estimated frequency of meetings. Each subcommittee will report to the full 1776 Commission any preliminary findings and/or recommendations for deliberation and action by the full 1776 Commission. Subcommittees may not provide advice or work products directly to a federal officer or agency.

RECORDKEEPING

The records of The 1776 Commission shall be handled in accordance with the General Records Schedule 6.2. The records shall be made available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.

FILING DATE

The 1776 Commission charter was filed on December 14, 2020, in accordance with Section 9 of FACA.

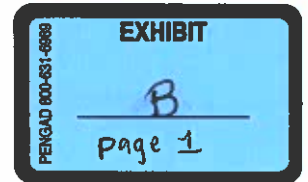
/Betsy DeVos/
Secretary

12/14/2020
Date

Original Establishment Date: December 14, 2020



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON



January 20, 2021

Adam Honeysett
Designated Federal Official
Office of Communications and Outreach
U.S. Department of Education
400 Maryland Avenue SW, Room 7W220
Washington, DC 20202

Re: FACA Request for Records of 1776 Commission

Dear Mr. Honeysett:

This is a request for records of the President's Advisory 1776 Commission ("1776 Commission") pursuant to the Federal Advisory Committee Act ("FACA").

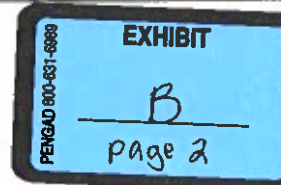
Section 10(b) of FACA provides that

the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the office of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.¹

The D.C. Circuit Court of Appeals has construed this provision as follows:

[U]nder section 10(b) of FACA an agency is generally obligated to make available for public inspection and copying all materials that were made available to or prepared for or by an advisory committee. Except with respect to those materials that the agency reasonably claims to be exempt from disclosure pursuant to FOIA, a member of the public need not request disclosure in order for FACA 10(b) materials to be made available. Thus, whenever practicable, all 10(b) materials must be available for public

¹ 5 U.S.C. app. § 10(b).



January 20, 2021
Page 2

inspection and copying before or on the date of the advisory committee meeting to which they apply.²

The 1776 Commission was established by Executive Order dated November 2, 2020, and held open meetings pursuant to FACA on January 5 and 15, 2021.³ Other than a report issued on January 18, 2021, it does not appear that the 1776 Commission has publicly released any of its records.

Pursuant to section 10(b) of FACA, we hereby request all “records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda[s] or other documents which were made available to or prepared for or by” the 1776 Commission—including by any of its members, ex-officio members, or contributors—in connection with the Commission’s January 5 and 15, 2021 meetings and its January 18, 2021 report. Please send the records to me at nsus@citizensforethics.org.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nikhel Sus'.

Nikhel Sus
Senior Counsel

² *Food Chem. News v. HHS*, 980 F.2d 1468, 1469 (D.C. Cir. 1992).

³ See 85 Fed. Reg. 84,323 (Dec. 28, 2020); 86 Fed. Reg. 2,402 (Jan. 12, 2021).

9/3/21, 12:29 PM

Citizens for Responsibility and Ethics in Washington Mail - Department of Education FOIA Acknowledgment Letter - 21-00773-F



Nikhel Sus <nsus@citizensforethics.org>

Department of Education FOIA Acknowledgment Letter - 21-00773-F

Williams, Tanisha <edfoiamanager@ed.gov>
To: nsus@citizensforethics.org

Fri, Jan 22, 2021 at 11:02 AM

Dear Nikhel Sus,

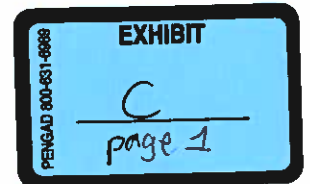
This is the Department's acknowledgment of your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Your request was forwarded to the primary responsible office(s) for action.

Any future correspondence or questions regarding your request, please contact the FOIA Public Liaison at 202-401-8365 or EDFOIAManager@ed.gov

Thank you.

ED FOIA Manager

FOIA Service Center
U.S. Department of Education



The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Citizens for Responsibility and Ethics in Washington

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Jeffrey S. Gutman, The George Washington University Law School Jacob Burns Community Legal Clinics, 2000 G St. NW Washington, DC 20052. (202)-994-5797

DEFENDANTS

United States Department of Education; Secretary Miguel Cardona; The President's Advisory 1776 Commission;

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 5 U.S.C. § 706, 5 U.S.C. App. 2. Brief description of cause: The defendants have violated the Administrative Procedure Act and the Federal Advisory Committee Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

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<i>Plaintiff(s)</i>)	
)	
v.)	Civil Action No.
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_____)	
<i>Defendant(s)</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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_____ on *(date)* _____; or

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*: _____.

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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Defendant(s)

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Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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designated by law to accept service of process on behalf of *(name of organization)* _____
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Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

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<i>Plaintiff(s)</i>)	
v.)	Civil Action No.
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_____)	
<i>Defendant(s)</i>)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff’s attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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Server's signature

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Server's address

Additional information regarding attempted service, etc: