



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 21, 2025

Defense Counterintelligence and Security Agency Office of FOIA and Privacy, Department of Defense
1155 Defense Pentagon
Washington, D.C. 20301-1155

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 Department of Defense ("DOD") regulations.

Specifically, CREW requests the following information from January 1, 2023 to the date this request is processed:

1. Any and all communications between employees of the DOD Undersecretary of Defense for Intelligence and Security and all other employees of the DOD containing the words "SpaceX," "Musk," "Tesla," or "Starlink";
2. Records pertaining to any investigation by the DOD Office of the Undersecretary of Defense for Intelligence and Security containing the words "SpaceX," "Musk," "Tesla," or "Starlink."

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 agencywide 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).

On December 17, 2024, *The New York Times* reported that Elon Musk and his company SpaceX had “repeatedly failed to comply with federal reporting protocols aimed at protecting state secrets,” according to people with knowledge of the situation.¹ These concerns reportedly prompted at least three federal reviews into the matter: the Department of Defense Office of Inspector General began a review of these reporting practices in 2024, and both the Air Force and Pentagon’s Office of the Under Secretary of Defense for Intelligence and Security initiated their own reviews.² In addition, *The Wall Street Journal* reported in October 2024 that Mr. Musk had regular contact with Russian officials since late 2022, including President Vladimir Putin.³ This prompted Senators Jeanne Shaheen and Jack Reed to write to DOD Inspector General Robert Storch and U.S. Attorney General Merrick Garland in November 2024, calling for the Departments of Justice and Defense to investigate if Musk’s behavior should force a review of his involvement in SpaceX’s contracts with the DOD and Intelligence Community.⁴ However, President Trump

¹ Grind, Kirsten, Eric Lipton, and Sheera Frenkel. “Elon Musk and SpaceX Face Federal Reviews After Violations of Security Reporting Rules.” *The New York Times*, December 17, 2024.

<https://www.nytimes.com/2024/12/17/technology/elon-musk-spacex-national-security-reporting.html>.

² *Id.*

³ Grove, Thomas, Warren Strobel, Aruna Viswanatha, Gordon Lubold, and Sam Schechner. “Elon Musk’s Secret Conversations with Vladimir Putin.” *The Wall Street Journal*, October 25, 2024.

<https://www.wsj.com/world/russia/musk-putin-secret-conversations-37e1c187>.

⁴ “Shaheen, Reed Urge U.S. Departments of Defense and Justice to Investigate Musk’s Involvement in U.S. Government Contracts with SpaceX, Raise Concerns with U.S. Space Force’s Reliance on SpaceX for National Security Concerns.” Jack Reed, United States Senator for Rhode Island, November 15, 2024.

<https://www.reed.senate.gov/news/releases/shaheen-reed-urge-us-departments-of-defense-and-justice-to-investigate-musks-involvement-in-us-government-contracts-with-spacex-raise-concerns-with-us-space-forces-reliance-on-spacex-for-national-security-activities?ref=live.verity.news>.

fired Storch on January 24, 2025. It is unclear if this firing effectively shuttered the Inspector General's investigation into Musk.⁵

At the beginning of President Trump's second term, he created the Department of Government Efficiency, or DOGE, by executive order, to "implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity."⁶ While the White House asserted in a court filing that Mr. Musk's role in the White House gave him no authority over DOGE, President Trump himself said that he "put a man named Elon Musk" in charge of DOGE.⁷ Mr. Musk and his team have gained access to information and data at a myriad of agencies, including the Social Security Agency and sought to give DOGE members access to Internal Revenue Service data, among other actions.⁸

Mr. Musk's own companies have billions of dollars of contracts with the federal government. SpaceX alone holds over \$15 billion in contracts with the Department of Defense and NASA, among other agencies.⁹ Given that Mr. Musk is now heading an organization tasked with overseeing all federal agencies, and the fact that neither Mr. Garland nor Mr. Storch are currently serving at the DOJ or DOD, it is important that the public have access to information on Mr. Musk's potential conflicts of interest and any reviews into Mr. Musk and SpaceX's compliance with reporting requirements.

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. The release of information obtained through this request is not in CREW's financial interest.

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

⁵ Sargent, Greg. "Did Trump Quietly Kill a Sensitive Pentagon Probe Into Elon Musk?" The New Republic, February 8, 2025. <https://newrepublic.com/article/191330/trump-quietly-kill-sensitive-pentagon-probe-elon-musk>.

⁶ "Establishing and Implementing the President's 'Department of Government Efficiency.'" Executive Office of the President, January 20, 2025.

<https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁷ Shalal, Andrea, and Nandita Bose. "Trump Appears to Contradict White House, Says Elon Musk in Charge of Doge." Reuters, February 20, 2025.

<https://www.reuters.com/world/us/trump-appears-contradict-white-house-says-elon-musk-charge-doge-2025-02-20/>.

⁸ Duehren, Andrew, and Cecilia Kang. "Struggle Over Americans' Personal Data Plays Out Across The Government." The New York Times, February 19, 2025.

<https://www.nytimes.com/2025/02/19/us/politics/elon-musk-doge-personal-data.html>.

⁹ Grind, Kirsten, Eric Lipton, and Sheera Frenkel. "Elon Musk and SpaceX Face Federal Reviews After Violations of Security Reporting Rules." The New York Times, December 17, 2024.

<https://www.nytimes.com/2024/12/17/technology/elon-musk-spacex-national-security-reporting.html>.

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 over 150,000 page views every month. The website includes blogposts 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 and 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 and foia@citizensforethics.org or by mail to Gabriella Cantor, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

Gabriella Cantor
Senior Policy Associate, Citizens for
Responsibility and Ethics in Washington