



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

March 5, 2025

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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 U.S. Department of Commerce regulations.

Specifically, from January 20, 2025 to the date this request is processed, CREW requests:

1. All records¹ concerning, reflecting, or referring to Elon Musk's meeting with Indian Prime Minister Narendra Modi on February 13, 2025 in Washington, DC, including but not limited to communications sent, received by or copying:
 - A. Howard Lutnick, Secretary of Commerce;
 - B. Jeremy Pelter, Deputy Assistant Secretary for Administration of the Department of Commerce;
 - C. John K. Guenther, Acting General Counsel of the Department of Commerce;
 - D. Robert Burkett, Chief of Staff performing the non-exclusive functions and duties of the Under Secretary for Industry and Security;
 - E. Trevor Kellogg, Chief of Staff performing the non-exclusive duties of the Under Secretary for International Trade;
 - F. Karin O'Leary, Deputy Assistant Secretary for Operations performing the non-exclusive functions and duties of the Assistant Secretary for Communications and Information and NTIA Administrator;
 - G. Vice Admiral Nancy Hann, Deputy Under Secretary for Operations, performing the duties of Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator;
 - H. Craig Burkhardt, Acting Under Secretary for Standards and Technology and Acting Director of the National Institute of Standards and Technology;
 - I. Elon Musk;
 - J. Michael Grimes;
 - K. Staff of the United States DOGE Service ("DOGE"),² any of its components, or "DOGE Team"³ members at any agency, including at the Department of Commerce; or
 - L. Any representative of the Republic of India, including staff of the Embassy of India in Washington, DC.
2. All records mentioning Elon Musk related to (1) meetings of the President of the United States with foreign delegations or heads of state, or (2) visits by foreign delegations or heads of state to the United States, including but not limited to communications sent, received by or copying any individuals identified in sub-parts "1.A" through "1.L" above.

¹ Unless otherwise indicated, all "records" sought in this FOIA request and its subparts include communications with the listed entities sent or received by your agency or any of its components regarding the subject matter described in that subpart, as well as meeting notes, read outs or other documents summarizing the meeting after the fact. *Cf. U.S. Dep't of Just. v. Tax Analysts*, 492 U.S. 136, 144-145 (1989) (defining "agency record" under FOIA).

² The United States Digital Service was renamed and reorganized as the United States DOGE Service by executive order on January 20, 2025. *See Establishing and Implementing the President's "Department of Government Efficiency,"* Exec. Order 14,158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

³ Exec. Order 14,158 requires the establishment of "DOGE Teams" within each agency "in consultation with the USDS Administrator." 90 Fed. Reg. at 8441.

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 February 13, 2025, Elon Musk met with Indian Prime Minister Narendra Modi in Washington, DC.⁴ Prime Minister Modi described the meeting on his account on Mr. Musk's social media platform, X, stating that they discussed "various issues, including those [Mr. Musk] is passionate about such as space, mobility, technology and innovation."⁵ India's foreign ministry reported Prime Minister Modi and Mr. Musk "discussed strengthening collaboration between Indian and U.S. entities in innovation, space exploration, artificial intelligence and sustainable development," as well as on "entrepreneurship and good

⁴ *India's Modi talks space and 'good governance' with Musk in Washington*, Reuters (Feb. 13, 2025), <https://www.reuters.com/world/indias-modi-holds-meeting-with-billionaire-tesla-ceo-musk-2025-02-13/>.

⁵ Narendra Modi (@narendramodi), X (Feb. 13, 2025, 1:06 PM), <https://x.com/narendramodi/status/1890100201496748210>.

governance.”⁶ In its statement, India’s foreign ministry described Mr. Musk as the “Head of the U.S. Department of Government Efficiency (DOGE) and CEO of Tesla.”⁷ Prime Minister Modi met with President Trump the same day.⁸ Mr. Musk is the CEO and founder of SpaceX, and SpaceX subsidiary Starlink has reportedly sought to do business in India.⁹ At the time of Mr. Musk’s meeting with Prime Minister Modi, Starlink reportedly had a license application under review by the Indian government for “spectrum for satellite services.”¹⁰

President Trump announced Elon Musk would lead the Department of Government Efficiency in December 2024, and public reporting indicates he has since “routinely referred to Musk [as] its leader.”¹¹ Joshua Fischer, the Director of the White House Office of Administration, described Musk as a “‘non career special government employee’ who serves as a senior advisor to the president.”¹² In his personal capacity, Mr. Musk reportedly “often serves as a key link between heads of state and SpaceX.”¹³ The public has a strong interest in understanding whether Mr. Musk met with Prime Minister Modi in his official capacity or whether they discussed government business during the meeting, and to what extent Mr. Musk has had similar meetings with other heads of state and foreign governments.

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 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

⁶ *Head of the U.S. Department of Government Efficiency (DOGE) and CEO of Tesla, Mr. Elon Musk called on Prime Minister (February 13, 2025)*, Ministry of External Affairs Government of India (Feb. 13, 2025), [https://apnews.com/article/india-us-modi-musk-187301d9afe2c6d0edb0542466c2a589](https://www.mea.gov.in/press-releases.htm?dtl/39065/Head%20of%20the%20US%20Department%20of%20Government%20Efficiency%20DOGE%20and%20CEO%20of%20Tesla%20Mr%20Elon%20Musk%20called%20on%20Prime%20Minister%20February%2013%202025#:~:text=Prime%20Minister%20and%20Mr.%20Musk,technologies%2C%20entrepreneurship%20and%20good%20governance; Sheikh Saaliq, Elon Musk met with Modi during the Indian prime minister’s US visit. What does he want from India?, Associated Press (Feb. 14, 2025), <a href=).

⁷ *Head of the U.S. Department of Government Efficiency (DOGE) and CEO of Tesla, Mr. Elon Musk called on Prime Minister (February 13, 2025)*, *supra* note 6.

⁸ *New tariffs announced and Trump and Modi meet*, Associated Press (Feb. 13, 2025), <https://apnews.com/live/trump-presidency-updates-2-13-2025>.

⁹ *India’s Modi talks space and ‘good governance’ with Musk in Washington*, *supra* note 4.

¹⁰ *Id.*

¹¹ Peter Charalambous, *Contradictory statements about Musk make it unclear who runs DOGE*, ABC News (Feb. 17, 2025), <https://abcnews.go.com/US/white-house-claims-elon-musk-doesnt-run-doge/story?id=118913206>.

¹² *Id.*

¹³ *India’s Modi talks space and ‘good governance’ with Musk in Washington*, *supra* note 4.

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“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 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 foia@citizensforethics.org or by mail to Donald Sherman, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink, appearing to read 'DSH', with a long horizontal flourish extending to the right.

Donald Sherman
Citizens for Responsibility and Ethics in
Washington