

# Exhibit D



January 31, 2025

U.S. Department of Education  
Office of the Executive Secretariat  
FOIA Service Center  
400 Maryland Avenue, SW, LBJ 7W106A  
Washington, DC 20202-4536

Re: Expedited Processing Request for FOIA Request No. 25-01633-F

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") makes this request for expedited processing of FOIA request 25-01633-F, pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Department of Education ("ED") regulations.

On December 19, 2025, CREW requested, from November 5, 2024 to the date the request is processed:

- 1) Any and all communications between employees of ED and Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.
- 2) Any and all communications between employees of ED and any other individual purporting to represent, work for, or communicate on behalf of Elon Musk, Vivek Ramaswamy, Antonio Gracias, William (Bill) McGinley, or Steve Davis.
- 3) Any and all communications between employees of ED and any other individual purporting to have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").
- 4) Any and all communications between employees of ED and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of the Department of Government Efficiency ("DOGE").
- 5) Any and all communications between employees of ED and any other individual purporting to have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.
- 6) Any and all communications between employees of ED and Senator Joni Ernst, Congresswoman Marjorie Taylor Greene, or their offices between November 5, 2024 and the present regarding DOGE, ED's organizational structure, staffing, or expenditures or the efficiency of any of its programs, functions, or operations.
- 7) Any and all communications between employees of ED and any other individual purporting that they will in the future have an association with, represent, work for, or communicate on behalf of "Delivering Outstanding Government Efficiency Caucus," "DOGE Caucus," and related terms.

- 8) Any and all records within ED regarding “Department of Government Efficiency,” “DOGE,” “Government Efficiency Commission,” “Delivering Outstanding Government Efficiency Caucus,” or “DOGE Caucus.”

CREW did not submit a request for expedited processing. On December 20, 2024, ED acknowledged CREW’s request, assigned it number 25-01633-F, and requested additional information.

CREW now requests expedited processing of FOIA request 25-01633-F pursuant to FOIA, 5 U.S.C. § 552 and 5 C.F.R. 1303.40(e); *see also* 5 C.F.R. § 1303.40(e)(2) (“A request for expedited processing may be made at the time of the initial request or at any later time.”). CREW is entitled to expedited processing because (1) “[t]here is an urgency to inform the public about an actual or alleged Federal Government activity,” *id.* § 1303.40(e)(1)(ii) and CREW “is primarily engaged in disseminating information,” 28 C.F.R. § 16.5(e)(1)(ii);, and (2) “[t]here are possible questions, in a matter of widespread and exceptional public interest, about the Government’s integrity which affect public confidence,” *id.* § 1303.40(e)(1)(iv).

- (1) CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of 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. CREW is a credible requestor and disseminator of information often relied on by major media outlets.<sup>1</sup>

On November 13, 2024, then President-elect Trump the formation of DOGE.<sup>2</sup> The announcement stated that Elon Musk and Vivek Ramaswamy would lead DOGE and that its mission would be to “pave the way for [Trump’s] administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies.”<sup>3</sup> Musk and Ramaswamy explained their vision for DOGE in a piece that they published in the Wall Street Journal in which they said that DOGE will “work in the new administration closely with the White House Office of Management

<sup>1</sup> *See, e.g.,* *Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://www.nytimes.com/topic/citizens-for-responsibility-and-ethics-in-washington> (last visited Jan. 28, 2025) (list of numerous New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, *The Guardian* (May 15, 2024), <https://www.theguardian.com/us-news/article/2024/may/15/ethics-watchdog-investigating-trump-bi-g-oil> (referring to CREW as “Top US ethics watchdog”).

<sup>2</sup> @realDonaldTrump, X (Nov. 13, 2024), <https://x.com/realDonaldTrump/status/1856658569124262092>.

<sup>3</sup> *Id.*

and Budget.<sup>4</sup> Ramaswamy also publicly stated that agencies like the Department of Education “shouldn’t even exist and should be returned to the states.”<sup>5</sup> Their public statements, as well as social media accounts purporting to belong to DOGE, indicated that they began to undertake work on its behalf before President Trump took office.<sup>6</sup>

On January 20, 2025, President Trump issued three executive orders establishing and directing the activities of the United States DOGE Service (“DOGE Service”). The first executive order was entitled *Establishing and Implementing the President’s “Department of Government Efficiency”* (the “DOGE Order”).<sup>7</sup> It ordered the reorganization and renaming of the United States Department of Digital Service (“Digital Service”) that had been within OMB’s Office of E-Government and Information Technology to establish the (“DOGE Service”) within the Executive Office of the President, so that the DOGE could “implement the President’s DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity” and directs the DOGE Service administrator to “commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems” and to “work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.”<sup>8</sup>

The second executive order was entitled *Reforming the Federal Hiring Process and Restoring Merit to Government Service* and directed the administrator of the DOGE Service, along with the Director of OMB and the Director of the Office of Personnel Management (“OPM”), to consult with the Assistant to the President for Domestic Policy to develop “a Federal Hiring Plan that brings to the Federal workforce only highly skilled Americans dedicated to the furtherance of American ideals, values, and interests.”<sup>9</sup> The third executive order was entitled *Hiring Freeze* (this executive order and *Reforming the*

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<sup>4</sup> Elon Musk & Vivek Ramaswamy, *Elon Musk and Vivek Ramaswamy: The DOGE Plan to Reform Government*, WSJ (Nov. 20, 2024), [https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020?mod=hp\\_opin\\_pos\\_0](https://www.wsj.com/opinion/musk-and-ramaswamy-the-doge-plan-to-reform-government-supreme-court-guidance-end-executive-power-grab-fa51c020?mod=hp_opin_pos_0).

<sup>5</sup> Musk, Ramaswamy to begin cuts with executive action, lay groundwork for Congress to cut costs, FOX NEWS, at 9:10 (Nov. 17, 2024) <https://www.foxnews.com/video/6364828512112>.

<sup>6</sup> See generally Elizabeth Dwoskin, Jeff Stein, Jacob Bogage and Faiz Siddiqui, *Musk and Ramaswamy race to build a ‘DOGE’ team for war with Washington*, Wash. Post (Dec. 4, 2024), <https://www.washingtonpost.com/business/2024/11/24/musk-ramaswamy-doge-trump/>.

<sup>7</sup> Exec. Order, *Establishing and Implementing the President’s “Department of Government Efficiency”*, (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

<sup>8</sup> *Id.*

<sup>9</sup> Exec. Order, *Reforming the Federal Hiring Process and Restoring Merit to Government Service* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>.



*Federal Hiring Process and Restoring Merit to Government Service* are referred collectively below as the “Federal Hiring Orders”) that directed the Director of OMB to consult with the administrator of DOGE and Director of OPM to “submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition.”<sup>10</sup>

The Trump administration’s actions since he was inaugurated on January 20 indicate that the implementation of his “DOGE agenda” referenced in the DOGE Order is well underway, as it has already taken steps to freeze federal hiring,<sup>11</sup> eliminate civil service protections from large numbers of public employees,<sup>12</sup> eliminate protections from discrimination in the federal workforce,<sup>13</sup> create a plan to permanently reduce the federal workforce,<sup>14</sup> and ordered federal diversity, equity, and inclusion on leave.<sup>15</sup> At the same time, Mr. Musk, who President Trump announced would head DOGE before his inauguration, is reportedly working in the West Wing of the White House, with a White House email address address, without anyone having been named the administrator of the DOGE Service, while legacy Digital Service employees are being forced to interview for their current positions.<sup>16</sup>

At the same time, public reporting indicates that the DOGE Service may be acting beyond its legal authority. As described above, the DOGE Order created the DOGE Service to “moderniz[e] Federal technology and software to maximize governmental efficiency and productivity” and directs the DOGE Service administrator to “commence a Software Modernization Initiative to

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<sup>10</sup> Exec. Order, *Hiring Freeze* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/hiring-freeze/>.

<sup>11</sup> *Id.*

<sup>12</sup> Exec. Order, *Restoring Accountability to Policy-Influencing Positions Within the Federal Workforce* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-accountability-to-policy-influencing-positions-within-the-federal-workforce/>.

<sup>13</sup> Exec. Order, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/ending-illegal-discrimination-and-restoring-merit-based-opportunity/>.

<sup>14</sup> *Reforming Federal Hiring*, supra note 9.

<https://www.whitehouse.gov/presidential-actions/2025/01/reforming-the-federal-hiring-process-and-restoring-merit-to-government-service/>.

<sup>15</sup> Memorandum, Initial Guidance Regarding DEIA Executive Orders, United States Office of Personnel Management (Jan. 21, 2025), <https://chcoc.gov/sites/default/files/OPM%20Memo%20Initial%20Guidance%20Regarding%20DEIA%20Executive%20Orders.pdf>.

<sup>16</sup> Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025),

[https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article\\_inline](https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline); Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025),

<https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition*, (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>.

improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems” and to “work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.”<sup>17</sup> The DOGE Order further created the DOGE Service as a “temporary organization” pursuant to 5 U.S.C. § 3161, which limits the purpose of any such temporary organization to “the purpose of performing a specific study or other project.” 5 U.S.C. § 3161(a)(1). Public reporting indicates that the DOGE Service is nevertheless operating well outside this defined legal authority by, for example, exerting pressure on federal judges, through the United States Marshals Service, to speed up the release of pardoned criminals and criminal defendants who were convicted or arrested for their roles in the January 6, 2021 attack on the Capitol.<sup>18</sup>

Under these circumstances, “[t]here is an urgency to inform the public about an actual or alleged Federal Government activity” about which this request seeks information, namely the planned and current operations of the DOGE Service, its authority, its place in the Executive Office of the President, and the facts surrounding the reorganization of the Digital Service to establish the DOGE Service, all of which could urgently effect not only 3 million federal employees, but the untold number of American citizens who are impacted by their work. *See* 5 C.F.R. 1303.40(e)(1)(ii).

- (2) The same facts raise “possible questions, in a matter of widespread and exceptional public interest, about the Government’s integrity which affect public confidence,” *id.* § 1303.40(e)(1)(iv). As described above, President Trump has vowed “to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies”<sup>19</sup> through DOGE and has taken affirmative steps to do so,<sup>20</sup> but his administration has offered no meaningful information to the public about how the DOGE Service will

<sup>17</sup> *Establishing DOGE*, *supra* note 7.

<sup>18</sup> Ken Thomas and John McCormick, *Inside the Elon Musk, Vivek Ramaswamy DOGE Divorce*, WSJ (Jan. 23, 2025), [https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article\\_inline](https://www.wsj.com/politics/elections/inside-the-elon-musk-vivek-ramaswamy-doge-divorce-975a3d26?mod=article_inline); Amie Parnes, *Elon Musk already has a White House email address*, The Hill (Jan. 20, 2025), <https://thehill.com/homenews/administration/5096177-musk-white-house-email-address/>; Natalie Alms, *U.S. Digital Service employees are being re-interviewed under DOGE transition*, (Jan. 22, 2025), <https://www.nextgov.com/people/2025/01/us-digital-service-employees-are-being-re-interviewed-under-doge-transition/402423/>; Ruth Marcus, *Pardon me: What were the folks at DOGE thinking?*, Wash. Post (Jan. 23, 2025), <https://www.washingtonpost.com/opinions/2025/01/23/doge-jan-6-marshals-federal-judges/>; *see also* @DOGE, X (Jan. 28, 2025), <https://x.com/DOGE/status/1884245022041858392> (indicating the Department of Government Efficiency had worked with the Trump Administration and Department of Interior’s Bureau of Reclamation to pump water to Southern California); @DOGE, X (Jan. 3, 2025), <https://x.com/DOGE/status/1884396041786524032> (alleging the Department of Government Efficiency is saving the government money by “stopping the hiring of people into unnecessary positions, deletion of DEI and stopping improper payments to foreign organizations”).

<sup>19</sup> *Id.*

<sup>20</sup> *See supra* at 3-5.

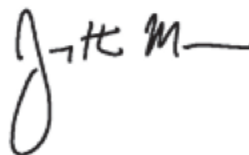
operate, its budget and resources, its staffing, whether those staffing it will be federal employees, how those federal employees might be classified, what the criteria for employment will be, or whether those associated with it will be required to make financial disclosures or abide by federal ethics rules for employees. The administration also has not explained what steps, if any, it is taking to account for the fact that companies owned by Mr. Musk, who President Trump has said would head DOGE and is reportedly working in the White House, have more than \$3 billion in federal contracts.<sup>21</sup> Nor has there been any explanation regarding why reorganizing the Digital Service into the DOGE Service, which is by its terms is tasked with “modernizing Federal technology and software to maximize governmental efficiency and productivity,” is an efficient or appropriate vehicle for decision making that could have a permanent effect on the structure of the executive branch. And, as noted above, public reporting indicates that the DOGE Service is exceeding its legal authority under both the DOGE Order and as a temporary organization under 5 U.S.C. § 3161(a)(1).<sup>22</sup> The lack of public information regarding the DOGE Service’s formation and operations and its apparent reach beyond its legal authority each, and in conjunction, raise significant possible questions of widespread and exceptional public interest regarding the integrity of the work of the DOGE Service.

The undersigned certifies that the representations in this expedited processing request are true and correct to the best of his knowledge and belief.

### Conclusion

If you have any questions about this request, please email [foia@citizensforethics.org](mailto:foia@citizensforethics.org) or call [REDACTED]. Also, if CREW’s request for expedited processing is denied, please contact our office immediately upon making such a determination.

Sincerely,



Jonathan Maier  
Senior Litigation Counsel  
Citizens for Responsibility and Ethics in  
Washington (CREW)

<sup>21</sup> Eric Lipton, David A. Fahrenthold, Aaron Krolik, and Kirsten Grind, *U.S. Agencies Fund, and Fight With, Elon Musk. A Trump Presidency Could Give Him Power Over Them.*, NY Times (Oct. 20, 2024), <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html>.

<sup>22</sup> See supra at 3-5.