

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CITIZENS AGAINST dONALD TRUMP, )  
INC., )

Plaintiff, )

vs. )

Case No. 4:25-CV-311

DONALD J. TRUMP, *in his official* )  
*capacity as President of the United States of* )  
*America,* )

and )

ELON MUSK, *in his official capacity as* )  
*Agency Head<sup>1</sup> of the Department of* )  
*Government Efficiency, an advisory* )  
*committee subject to the Federal Advisory* )  
*Committee Act,* )

and )

THE DEPARTMENT OF GOVERNMENT )  
EFFICIENCY, *an advisory committee* )  
*subject to the Federal Advisory Committee* )  
*Act,* )

and )

RUSSELL VOUGHT, *in his official* )  
*capacity as Director of the Office of* )  
*Management and Budget,* )

and )

THE OFFICE OF MANAGEMENT AND )  
BUDGET, )

and )

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<sup>1</sup> As defined in Section 2(b) of Defendant Trump’s Executive Order No. 14210 “Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative”: ““Agency Head” means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director...”” See Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669).

DOUG COLLINS, *in his official* )  
*capacity as Acting Director of the United* )  
*States Office of Government Ethics,* )  
 )  
and )  
 )  
UNITED STATES OFFICE OF )  
GOVERNMENT ETHICS, )  
 )  
Defendants. )

**PLAINTIFF’S COMPLAINT**

**FOR INJUNCTIVE RELIEF, DECLARATORY JUDGMENT**  
**AND WRIT OF MANDAMUS**

COMES NOW Plaintiff Citizens Against donald Trump, Inc. (hereinafter “Plaintiff CAT”), by and through their attorneys, and for their Complaint against Defendant Donald J. Trump (“Defendant Trump”), in his official capacity as the President of the United States of America, Defendant Elon Musk (“Defendant Musk”), in his official capacity as Agency Head of the Department of Government Efficiency, Defendant Department of Government Efficiency (“Defendant DOGE”), Defendant Russell Vought (“Defendant Vought”), in his official capacity as the Director of the Office of Management and Budget, Defendant Office of Management and Budget (“Defendant OMB”), Defendant Doug Collins (“Defendant Collins”), in his official capacity as the Acting Director of the United States Office of Government Ethics and Defendant United States Office of Government Ethics (“Defendant OGE”) and respectfully states to this Honorable Court the following:

1. Plaintiff Citizens Against donald Trump, Inc. is a nonpartisan nonprofit corporation registered with the State of Missouri, where it resides and holds its principal place of business.

2. Plaintiff Citizens Against donald Trump, Inc.’s members consist of nonpartisan citizen members across the United States, including but not limited to, Constitutional legal scholars, Constitutional lawyers and nonlawyers.

3. Plaintiff Citizens Against donald Trump, Inc. is formed to protect our United States Constitution and laws of our country from unconstitutional or illegal acts by Defendant Trump, Defendant Trump’s Cabinet members, the Departments under Defendant Trump and Defendant Trump’s associate’s implementing or executing governmental action.

4. Plaintiff CAT, which represents a wide range of citizens of the United States of America, challenge the creation and operation of the so-called Department of Government Efficiency (“DOGE”) under the Federal Advisory Committee Act (“FACA”).

5. Plaintiff CAT also challenges the designation of Defendant Musk as a special Government employee of Defendant DOGE, as declared by Defendant Trump and the White House as Defendant Musk has worked and held himself out in public as the “Agency Head” (the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order) of Defendant DOGE as defined in Section 2(b) of Executive Order 14210 signed on February 11, 2025 and published on February 14, 2025 (*See* ¶ 27, *infra*), which contradicts the definition of a special Government employee under federal law as set forth in 18 U.S.C. § 202.

6. Plaintiff CAT also challenges Defendant Collins, as Acting Director of OGE, and the OGE for failing to establish the framework for the public financial disclosure systems for the executive branch employees of Defendant DOGE; primarily in permitting Defendant Musk to be declared as a special Government employee which allows Defendant Musk to avoid full financial disclosures as any other government employee and acts in conspiracy with Defendant Trump and

Defendant Musk in shielding Defendant Musk's financial disclosures from the general public, Plaintiff CAT and all other citizens of this United States.

7. Plaintiff CAT also challenges Defendant Vought, as Director of Defendant OMB, and Defendant OMB because Defendant Vought and Defendant OMB are a part of Defendant DOGE as ordered by Defendant Trump in his original Executive Order regarding DOGE, Executive Order No. 14158; Additionally, Defendant Vought and Defendant OMB's participation in Defendant DOGE's illegal actions as evidenced in Defendant Trump's successive 2nd and 3rd Executive Orders, No. 14210 signed on February 11, 2025 and No. 14219 signed on February 11, 2025. *See* Exec. Order No. 14158; 2025-02005 (90 Fed. Reg. 8441); Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669); Exec. Order No. 14219; 2025-03138 (90 Fed. Reg. 10583).

8. Plaintiff CAT and those they represent believe that the government should work for the American people and be transparent, efficient, and effective.

9. Like all Americans, Plaintiff CAT, and those they represent. count on the federal government for a wide range of services and programs, from, including but not limited to, protecting our national and domestic security, to responding to national emergencies and crises, to ensuring our roads and transportation are safe, to caring for our veterans, to supporting life-saving healthcare research and programs, to supporting our nation's schools and universities, to lending to small businesses and entrepreneurs, to ensuring safe workplaces, to protecting our individual rights and enforcing our laws; These services depend on an efficient, effective, and transparent federal government.

10. The Defendant, "Department" of Government Efficiency, is not a federal department; Elected representatives in Congress have not established nor have they funded such an enterprise; Defendant DOGE is, instead, a shadow operation led by unelected billionaires who

stand to reap huge financial rewards from this influence and access; Despite these conflicts of interest, Defendant DOGE is slated to dictate federal policy in ways that will affect millions of Americans, including those communities that Plaintiff CAT represents; It is doing so under a shroud of secrecy with none of the transparency, oversight, or opportunity for public participation the law requires.

11. Defendant DOGE’s unchecked secrecy, access, and private influence—bought by political loyalty—is anathema to efficient, effective government; Indeed, any federally endorsed, but fundamentally private, advisory effort to shape how our government serves the American people must comply with federal transparency laws, including FACA; Defendants have not done so.

12. Defendant Trump established Defendant DOGE to work with Defendant OMB through “embedded appointees” at various federal agencies to develop recommendations on how to “dismantle,” “slash,” and “restructure” those agencies’ programs<sup>2</sup>; Defendant DOGE recommendations have already and will “pave the way” for the Trump-Vance Administration to make drastic cuts to federal programs and services impacting our national security as well as the lives and livelihoods of millions of Americans.<sup>3</sup>

13. Defendant Trump previously tapped two private individuals and campaign donors, Defendant Musk and Vivek Ramaswamy (“Ramaswamy”), to lead Defendant DOGE’s work,<sup>4</sup> supported by an identified team of private individuals with ties to Defendant Musk and Ramaswamy or to Defendant Trump’s first Administration<sup>5</sup>; Defendant DOGE began operating as

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<sup>2</sup> See Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/113472884874740859> (last visited Mar. 5, 2025).

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

<sup>4</sup> *Id.*

<sup>5</sup> Ken Thomas et al., *Inside the Early Days of DOGE*, Wall St. J. (Jan. 17, 2025), <https://www.wsj.com/politics/policy/doge-federal-reform-musk-ramaswamy-118a3833> (last visited Mar. 7, 2025).

an advisory committee even before Defendant Trump took office by “sending representatives to agencies across the federal government... to begin preliminary interviews” with agency officials, including officials at “the Treasury Department, the Internal Revenue Service and the departments of Homeland Security, Veterans Affairs, and Health and Human Services.”<sup>6</sup>

14. The same day Defendant Trump took the office of the presidency on January 20, 2025, he issued Executive Order No. 14158: “Establishing and Implementing the President’s “Department of Government Efficiency”.<sup>7</sup>

15. Despite its ongoing operations, Defendants have taken none of the required steps necessary to properly establish Defendant DOGE as a federal advisory committee consistent with FACA.

16. Defendant DOGE is also ill-suited to lawfully carry out its sweeping mandate because it does not have a membership that is “fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” *See* 5 U.S.C. § 1004(b)(2); The experiences of Big Tech and pharmaceutical industry billionaires are not wholly representative of the experiences or interests of the American people; Defendant DOGE excludes the perspectives of people with the greatest stake in the services and programs it will recommend eliminating; Instead, its advice and recommendations will reflect only the perspectives of industry titans, who have made clear their desire to be free from the regulations they propose to slash.

17. These significant conflicts of interest are playing out in secret, contrary to FACA’s transparency requirements; Of particular note, Defendant DOGE’s members communicate using

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<sup>6</sup> Faiz Siddiqui et al., *DOGE is Dispatching Agents Across U.S. Government*, Wash. Post (Jan. 10, 2025), <https://www.washingtonpost.com/business/2025/01/10/musk-ramaswamy-doge-federal-agencies/> (last visited Mar. 7, 2025).

<sup>7</sup> *See* Exec. Order No. 14158; 2025-02005 (90 Fed. Reg. 8441).

the ephemeral messaging application Signal<sup>8</sup>; which is widely used for its auto-delete functionality<sup>9</sup>; Defendant DOGE's use of Signal threatens to irreparably deprive Plaintiff CAT and the American public of records to which they are entitled under FACA.

18. Plaintiff CAT therefore respectfully seeks relief from this Honorable Court in the form of an Immediate Temporary Order enjoining Defendant DOGE from continuing its work until it is brought in compliance with FACA, including its obligation to make its records available for inspection by the public, and barring Defendants from accepting or acting upon any advice or recommendations made by Defendant DOGE while it is acting outside the law.

### **JURISDICTION AND VENUE**

19. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331<sup>10</sup> because this action arises under FACA, 5 U.S.C. § 1001 et seq., and the Administrative Procedure Act ("APA"), 5 U.S.C. § 702.

20. The Court further has jurisdiction pursuant to 28 U.S.C. § 1361 as this statute specifically sets forth the following:

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

*See* 28 U.S.C. § 1361.

21. On October 5, 1962, Congress enacted 28 U.S.C. § 1361 giving the power to the people to stop government corruption and abuse; on this date, Public Law 87-748 was enacted and codified as follows:

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<sup>8</sup> Theodore Schleifer & Madeleine Ngo, *Inside Elon Musk's Plan for DOGE to Slash Government Costs*, N.Y. Times (Jan. 13, 2025), <https://www.nytimes.com/2025/01/12/us/politics/elon-musk-doge-government-trump.html> (last visited Mar. 6, 2025).

<sup>9</sup> *Set and Manage Disappearing Messages*, Signal Support, <https://support.signal.org/hc/en-us/articles/360007320771-Set-and-manage-disappearing-messages> (last visited Mar. 6, 2025).

<sup>10</sup> "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

“AN ACT

To amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the United States district courts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled*, That chapter 85 of title 28 of the United States Code is amended—

(a) By adding at the end thereof the following new section:

**“§ 1361. Action to compel an officer of the United States to perform his duty**

“The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.””

*See* Pub. L. 87–748, § 1(a), Oct. 5, 1962, 76 Stat. 744.

22. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1)(C), which provides in pertinent part:

“A civil action in which a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, or the United States, may, except as otherwise provided by law, be brought in any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) *the plaintiff resides if no real property is involved in the action.*” (*emphasis added*).

*See* 28 U.S.C. § 1391(e)(1)(C)<sup>11</sup>.

23. Also on October 5, 1962, Congress amended the venue section of Title 28, 28 U.S.C. § 1391, in enacting Public Law 87-748 by adding the section Plaintiff relies on above,

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<sup>11</sup> This venue statute is written in the disjunctive as to the requirements of the civil action and as to which judicial district the civil action may be brought: (1) “a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or” (2) “a defendant is an agency of the United States, or the United States”; further stating in the disjunctive that such a civil action “may...be brought in any judicial district in which” (A) “a defendant in the action resides” (B) “a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated” or (C) “the plaintiff resides if no real property is involved in the action”. (*emphasis added*). In this civil action, a defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority [*Russell Vought*] and a defendant is an agency of the United States [*Office of Management and Budget*] and the plaintiff resides in this Eastern District of Missouri and no real property is involved in the action [*Plaintiff CAT resides in the State of Missouri, City of St. Louis, in the federal jurisdiction of the United States District Court of the Eastern District of Missouri and no real property is involved in this action*].



making venue appropriate where the plaintiff resides and if no real property is involved in the action:

**“AN ACT**

To amend chapter 85 of title 28 of the United States Code relating to the jurisdiction of the United States district courts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That chapter 85 of title 28 of the United States Code is amended—*

...

Sec. 2. Section 1391 of title 28 of the United States Code is amended by adding at the end thereof the following new subsection:

“(e) A civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity or under color of legal authority, or an agency of the United States, may, except as otherwise provided by law, be brought in any judicial district in which: (1) a defendant in the action resides, or (2) the cause of action arose, or (3) any real property involved in the action is situated, or (4) *the plaintiff resides if no real property is involved in the action.*” (*emphasis added*).

*See Pub. L. 87-748, § 2, Oct. 5, 1962, 76 Stat. 744.*

24. Congress’ modifications made in Public Law 87-748 on October 5, 1962 could clearly be defined as the “accountability” modifications.

25. Although 62 years ago Congress could not have possibly predicted the unconstitutional and illegal actions of Defendant Trump and the other Defendants named in this action, Congress’ modifications made in Public Law 87-748 on October 5, 1962 were made for this situation of the acts of Defendants more fully described herein.

**PARTIES**

26. Plaintiff Citizens Against Donald Trump, Inc. (“CAT”) is a nonpartisan nonprofit corporation registered with the State of Missouri and resides in St. Louis, Missouri in this Eastern District of Missouri.

27. Plaintiff CAT is a tax-exempt corporation 26 U.S.C. § 501(c)(3) (application pending final approval) with a set Board of Directors and non-voting members.

28. Plaintiff CAT's corporate purpose is: To create a non-partisan membership of citizens of the United States of America who believe in the United States Constitution, the Amendments to the United States Constitution, the ideals and intentions of the Framers of our United States Constitution and/or who fear the United States Constitution is threatened by President Trump; To enforce the ideals and intentions of the Framers of our United States Constitution, who realized that a bicameral legislature at the national level would foster a more representative central government given the shortcomings of the government created by the Articles of Confederation; To enforce the ideals and intentions of the Framers of our United States Constitution who had hoped to create a system in which power is shared and in which there are checks and balances of power to prevent corruption or tyranny by designing a two-chamber United States Congress ("[Then] president-elect [Trump] has demanded Senate Republicans allow his picks to skirt the confirmation process should they face resistance in the Senate — an extraordinary blow to the country's system of checks and balances should his party members oblige him." *See* "A running list of all the people Trump has picked to serve in his administration", [https://www.yahoo.com/news/running-list-people-trump-picked-225003460.html?fr=sycsrp\\_catchall](https://www.yahoo.com/news/running-list-people-trump-picked-225003460.html?fr=sycsrp_catchall), November 30, 2024); To enforce the goal of the Framers of our United States Constitution to design a form of government that would keep one person or group of people from having too much power, or unchecked power; To protect the citizens of the United States of America from future Executive Orders by President Trump that violate the United States Constitution, any Amendments to the United States Constitution or Federal Law by pursuing litigation (including any appeals up to and including the Supreme Court of the United States) in any State, with respect to any such Executive Order; To protect the citizens of the United States of America from future Actions by President Trump that violate the United States

Constitution, any Amendments to the United States Constitution or Federal Law by pursuing litigation (including any appeals up to and including the Supreme Court of the United States) in any State, and are not subject to official immunity as defined by the Supreme Court of the United States in *Trump v. United States*, 603 U.S. 593, 144 S. Ct. 2312, 219 L. Ed. 2d 991 (2024) and in *Nixon v. Fitzgerald*, 457 U.S. 731, 102 S. Ct. 2690, 73 L. Ed. 2d 349 (1982); To protect the citizens of the United States of America from President Trump committing Treason, Bribery, other high crimes, misdemeanors (offenses against the government, grave abuses of power, violations of the public trust, or other political crimes, even if not indictable criminal offenses) or violating the United States Constitution, any Amendments to the United States Constitution or Federal Law during his presidency, who was certified as President-elect on January 6, 2025, and inaugurated on January 20, 2025, and the House of Representatives of the 119th United States Congress, holding a Republican majority with 220 seats while the Democrat party holds 214 seats, with California's 13th U.S. House District yet to finish counting votes and declare the winner of the November 5, 2024 election at the time of the filing of these Articles of Incorporation, fail to institute impeachment proceedings against President Trump by pursuing litigation (including any appeals up to and including the Supreme Court of the United States) in any State, as President Trump stated he would not be a dictator "except for Day 1" and publicly wrote: "Do you throw the Presidential Election Results of 2020 OUT and declare the RIGHTFUL WINNER, or do you have a NEW ELECTION? A Massive Fraud of this type and magnitude allows for the termination of all rules, regulations, and articles, even those found in the Constitution" in that the Framers did not anticipate a citizen (President Trump) stating he would be a dictator for a day or articles of the Constitution should be terminated and that citizen (President Trump) becoming President and the House of Representatives (controlled by the same party as President Trump) fail to impeach

President Trump (Article One, Section 2, Clause 5 of the United States Constitution) and uphold their oath when taking office:

“I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God”;

and To protect the citizens of the United States of America from future Actions by President Trump’s Cabinet members and other appointees, including, but not limited to, the Vice President, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Education, the Secretary of Energy, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Secretary of Housing and Urban Development, the Secretary of Interior, the Secretary of Labor, the Secretary of State, the Secretary of Transportation, the Secretary of Treasury, the Secretary of Veterans Affairs, the Attorney General, the White House Chief of Staff, the U.S. Ambassador to the United Nations, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, the U.S. Trade Representative, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Chairperson of the Council of Economic Advisers, the Director of the Office of Science and Technology Policy, the Administrator of the Small Business Administration, the Administrator of the Centers for Medicare & Medicaid Services, and the Head of the newly created “Department of Government Efficiency”, created by President Trump, that violate the United States Constitution, any Amendments to the United States Constitution or Federal Law by pursuing litigation (including any appeals up to and including the Supreme Court of the United States) in any State.

29. Because of the secrecy of Defendant Musk’s position with Defendant DOGE as Defendant Trump and The White House has declared Defendant Musk a special Government

employee, Defendant Musk is being sued in his official capacity as Agency Head of Defendant DOGE.

30. Defendant Collins is being sued in his official capacity as Acting Defendant OGE.

31. Defendant OGE an “independent agency” within the executive branch of the U.S. Federal Government is responsible for directing executive branch policies relating to the prevention of conflicts of interest on the part of Federal executive branch officers and employees.

32. Although Defendant OGE is considered an “independent agency” it is within the executive branch and the Director is appointed by the President.

- (a) On November 19, 2024, the Senate confirmed David Huitema as Director of the U.S. Office of Government Ethics (OGE); Mr. Huitema was nominated by President Biden over a year before he was confirmed<sup>12</sup>;
- (b) On February 10, 2025, Defendant Trump removed David Huitema as Director of the U.S. Office of Government Ethics (OGE)<sup>13</sup>;
- (c) On the same evening of the day Defendant Trump removed David Huitema as Director of the U.S. Office of Government Ethics (OGE), Defendant Trump signed a document making Defendant Collins, a Republican former member of Congress and then current Department of Veterans Affairs secretary, the Acting Director of OGE.<sup>14</sup>

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<sup>12</sup> *Senate Confirms Director of Office of Government Ethics*, Fed Manager (November 19, 2024) <https://www.fedmanager.com/news/senate-confirms-director-of-office-of-government-ethics> (last visited Mar. 7, 2025).

<sup>13</sup> Myah Ward, *Trump removes Government Ethics Office director*, Politico (February 10, 2025) <https://www.politico.com/news/2025/02/10/trump-removes-government-ethics-office-director-00203418> (last visited Mar. 7, 2025).

<sup>14</sup> Kathryn Watson, *Trump ousts director of Office of Government Ethics*, CBS News (February 10, 2025) <https://www.cbsnews.com/news/trump-office-of-government-ethics-director/> (last visited Mar. 7, 2025).

33. Defendant OMB is a federal agency within the meaning of FACA, 5 U.S.C. § 1001(3), and the APA, 5 U.S.C. § 551(1), that is headquartered in the District of Columbia; As the federal agency Defendant Trump assigned to work with Defendant DOGE, Defendant OMB has a nondiscretionary duty to ensure that Defendant DOGE complies with FACA.

34. Defendant Vought is being sued in his official capacity as Director of OMB; As the Director of OMB, the Director has a nondiscretionary duty to ensure that Defendant DOGE complies with FACA.

35. Defendant DOGE is a de facto advisory committee within the meaning of FACA, 5 U.S.C. § 1001(2)(A), that is headquartered in the District of Columbia.

36. Defendant DOGE was formed by Executive Order No. 14158, entitled, **“Establishing and Implementing the President’s “Department of Government Efficiency”**, signed on January 20, 2025 and published on January 29, 2025, which stated in pertinent part:

“Section 1. Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President’s DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.

Sec. 2. Definitions. As used in this order:

(a) “Agency” has the meaning given to it in section 551 of title 5, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) “Agency Head” means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

...

Sec. 4. Modernizing Federal Technology and Software to Maximize Efficiency and Productivity.

...

(b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

(c) This Executive Order displaces all prior executive orders and regulations, insofar as they are subject to direct presidential amendment, that might serve as a

barrier to providing USDS access to agency records and systems as described above.”

*See* Exec. Order No. 14158; 2025-02005 (90 Fed. Reg. 8441). (*See also* Plaintiff’s Exhibit 1 *attached hereto*).

37. Defendant Trump then issued Executive Order No. 14210, a *second* executive order regarding Defendant DOGE entitled, **“Implementing the President’s “Department of Government Efficiency” Workforce Optimization Initiative”**, signed on February 11, 2025 and published on February 14, 2025, which stated:

“Section 1. Purpose. To restore accountability to the American public, this order commences a critical transformation of the Federal bureaucracy. By eliminating waste, bloat, and insularity, my Administration will empower American families, workers, taxpayers, and our system of Government itself.

Sec. 2. Definitions. (a) “Agency” has the meaning given to it in section 3502 of title 44, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) “Agency Head” means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

(c) “DOGE Team Lead” means the leader of the Department of Government Efficiency (DOGE) Team at each agency, as defined in Executive Order 14158 of January 20, 2025 (Establishing and Implementing the President’s “Department of Government Efficiency”).

(d) “Employee” has the meaning given to it by section 2105 of title 5, United States Code, and includes individuals who serve in the executive branch and who qualify as employees under that section for any purpose.

...

Sec. 3. Reforming the Federal Workforce to Maximize Efficiency and Productivity. (a) Hiring Ratio. Pursuant to the Presidential Memorandum of January 20, 2025 (Hiring Freeze), the Director of the Office of Management and Budget shall submit a plan to reduce the size of the Federal Government’s workforce through efficiency improvements and attrition (Plan). The Plan shall require that each agency hire no more than one employee for every four employees that depart, consistent with the plan and any applicable exemptions and details provided for in the Plan. This order does not affect the standing freeze on hiring as applied to the Internal Revenue Service. This ratio shall not apply to functions related to public safety, immigration enforcement, or law enforcement. Agency Heads shall also adhere to the Federal Hiring Plan that will be promulgated pursuant

to Executive Order 14170 of January 20, 2025 (Reforming the Federal Hiring Process and Restoring Merit to Government Service).

...

(c) Reductions in Force. Agency Heads shall promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with applicable law, and to separate from Federal service temporary employees and reemployed annuitants working in areas that will likely be subject to the RIFs. All offices that perform functions not mandated by statute or other law shall be prioritized in the RIFs, including all agency diversity, equity, and inclusion initiatives; all agency initiatives, components, or operations that my Administration suspends or closes; and all components and employees performing functions not mandated by statute or other law who are not typically designated as essential during a lapse in appropriations as provided in the Agency Contingency Plans on the Office of Management and Budget website. This subsection shall not apply to functions related to public safety, immigration enforcement, or law enforcement.”

*See* Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669). (*See also* Plaintiff’s Exhibit 2 *attached hereto*).

38. Defendant Trump then issued Executive Order No. 14219, a *third* executive order regarding Defendant DOGE entitled, “**Ensuring Lawful Governance and Implementing the President's “Department of Government Efficiency” Deregulatory Initiative**”, signed on February 19, 2025 and published on February 25, 2025, which stated:

“Section 1 . Purpose. It is the policy of my Administration to focus the executive branch's limited enforcement resources on regulations squarely authorized by constitutional Federal statutes, and to commence the deconstruction of the overbearing and burdensome administrative state. Ending Federal overreach and restoring the constitutional separation of powers is a priority of my Administration.

Sec. 2 . Rescinding Unlawful Regulations and Regulations That Undermine the National Interest.

...

Sec. 3 . Enforcement Discretion to Ensure Lawful Governance.

...

(b) Agency heads shall determine whether ongoing enforcement of any regulations identified in their regulatory review is compliant with law and Administration policy. To preserve resources and ensure lawful enforcement, agency heads, in consultation with the Director of the Office of Management and Budget, shall, on a case-by-case basis and as appropriate and consistent with applicable law, then direct the termination of all such enforcement proceedings that do not comply with the Constitution, laws, or Administration policy.



...

Sec. 5 . Implementation. The Director of the Office of Management and Budget shall issue implementation guidance, as appropriate.

Sec. 6 . Definitions. (a) “Agency” has the meaning given to it in 44 U.S.C. 3502, except it does not include the Executive Office of the President or its components.

(b) “Agency head” shall mean the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director.

(c) “DOGE Team Lead” shall mean the leader of the DOGE Team at each agency as described in Executive Order 14158 of January 20, 2025 (Establishing and Implementing the President's “Department of Government Efficiency”).

(d) “Enforcement action” means all attempts, civil or criminal, by any agency to deprive a private party of life, liberty, or property, or in any way affect a private party's rights or obligations, regardless of the label the agency has historically placed on the action.

(e) “Regulation” shall have the meaning given to “regulatory action” in section 3(e) of Executive Order 12866, and also includes any “guidance document” as defined in Executive Order 13422 of January 18, 2007 (Further Amendment to Executive Order 12866 on Regulatory Planning and Review).

(f) “Senior appointee” means an individual appointed by the President, or performing the functions and duties of an office that requires appointment by the President, or a non-career member of the Senior Executive Service (or equivalent agency system).

...”

*See* Exec. Order No. 14219; 2025-03138 (90 Fed. Reg. 10583). (*See also* Plaintiff’s Exhibit 3 *attached hereto*).

## **LEGAL BACKGROUND**

### **I. The Federal Advisory Committee Act**

39. Congress enacted FACA in 1972 as a “sunshine law” to curb the Executive Branch’s reliance on superfluous and secretive “advisory committees”: ad hoc, non-federal bodies that counsel governmental decisionmakers on federal policy; Congress was particularly concerned that advisory committees “were often dominated by representatives of industry and other special interests seeking to advance their own agendas.” *Cummock v. Gore*, 180 F.3d 282, 284 (D.C. Cir. 1999) (citing H.R. Rep. No. 92-1017 (1972), reprinted in 1972 U.S.C.C.A.N. 3491, 3496).

40. To address those concerns, FACA establishes strict requirements for the creation and conduct of such committees that are designed to “promote transparency, accountability, and open public participation in executive branch decisions and prevent informal advisory committees from exerting improper or one-sided influence.” *VoteVets Action Fund v. U.S. Dep’t of Veterans Affs.*, 992 F.3d 1097, 1101 (D.C. Cir. 2021).

41. FACA defines an “advisory committee” as a “committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof . . . that is established or utilized to obtain advice or recommendations for the President or one or more agencies or officers of the Federal Government[.]” *See* 5 U.S.C. § 1001(2)(A).

42. An advisory committee subject to FACA can be “(i) established by statute or reorganization plan; (ii) established or utilized by the President; or (iii) established or utilized by one or more agencies.” *Id.*

43. An advisory committee is established if it is “created by the federal government” and it is utilized if it is “subject to the federal government’s ‘actual management or control,’ even if it is not created by the government.” *VoteVets Action Fund*, 992 F.3d at 1103–04 (quoting *Wash. Legal Found. v. U.S. Sentencing Comm’n*, 17 F.3d 1446, 1450 (D.C. Cir. 1994)).

44. Consistent with FACA’s goal of limiting the number of advisory committees “to the minimum necessary”, a new advisory committee may be established only if: (1) it is “specifically authorized by statute or by the President”; or (2) the head of an agency “determine[s] as a matter of formal record,” after consulting with the Administrator of the General Services Administration (“GSA”) and publishing “timely notice . . . in the Federal Register,” that its creation

is “in the public interest in connection with the performance of duties imposed on that agency by law,” *See* 5 U.S.C. § 1002(b)(2) and 5 U.S.C. § 1008(a).

45. Relatedly, FACA further requires that, before establishing a new advisory committee, “the President, agency heads, or other Federal officials determine...whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence...by enlarging the mandate of an existing advisory committee” or through some “other means such as a public hearing or other methods of public engagement,” *See* 5 U.S.C. §§ 1004(b)-(c) and 41 C.F.R. § 102-3.60(b)(2).

46. Any advisory committee must also have, among other requirements, (i) “a clearly defined purpose”; (ii) a membership that is “fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee”; and (iii) “appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee’s independent judgment.” *See* 5 U.S.C. §§ 1004(b)(1)-(3).

47. The agency must also create a Membership Balance Plan (“MBP”), which must describe “the agency’s plan to attain fairly balanced membership,” as well as “the agency’s conclusions regarding the points of view that would promote fairly balanced committee membership.” *See* 41 C.F.R. § 102-3.60(b)(3).

48. FACA’s implementing regulations specifically provide that, in thinking about the range of viewpoints that ought to be represented, agencies must “fully consider and understand the potential implications or anticipated impacts of the advisory committee’s potential recommendations.”; That will necessarily require “consideration of the groups and entities potentially affected or interested in such recommendations...so that the agency can make informed

decisions on the areas of expertise or perspectives (including relevant lived experience) that would advance the work of the advisory committee.” *See* 41 C.F.R. § 102-3.60(b)(3)(i).

49. Agencies must then “conduct broad outreach, using a variety of means and methods, to ensure that the call for nominees reaches the interested parties and stakeholder groups likely to possess those points of view.” *See* 41 C.F.R. § 102-3.60(b)(3)(ii).

50. Once these predicate findings are made, the advisory committee is still prohibited from “meet[ing] or tak[ing] any action until an advisory committee charter has been filed” with the GSA Administrator, if the committee will advise the President, or “the head of the agency to whom the advisory committee reports” and the relevant Senate and House committees, if the committee will advise an agency. *See* 5 U.S.C. § 1008(c).

51. The charter must contain the following information:

- (a) the committee’s official designation;
- (b) the committee’s objectives and the scope of its activity;
- (c) the period of time necessary for the committee to carry out its purposes;
- (d) the agency or official to whom the committee reports;
- (e) the agency responsible for providing the necessary support for the committee;
- (f) a description of the duties for which the committee is responsible, and, if the duties are not solely advisory, a specification of the authority for the duties;
- (g) the estimated annual operating costs for the committee in dollars and person-years;
- (h) the estimated number and frequency of committee meetings;

- (i) the committee's termination date, if less than 2 years from the date of the committee's establishment; and
- (j) the date the charter is filed.

*See* 5 U.S.C. § 1008(c)(2).

52. Once in operation, advisory committees must facilitate public comment and participation by keeping their meetings “open to the public” and providing “timely notice of each meeting” through the Federal Register, which GSA has interpreted to mean “at least 15 calendar days” notice, unless less notice is justified by documented and “exceptional circumstances,” *See* 5 U.S.C. §§ 1009(a)(1)-(2) and 41 C.F.R. § 102-3.150.

53. Within reason, interested members of the public must “be permitted to attend, appear before, or file statements with any advisory committee.” *See* 5 U.S.C. § 1009(a)(3).

54. In addition, FACA requires disclosure of “the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, [and] other documents . . . made available to or prepared for” the committee, subject to the exemptions of FOIA; To meet this obligation, affirmative publication of committee records is required. (“[A]gencies may not require members of the public or other interested parties to file requests for non-exempt advisory committee records.”). *See* 5 U.S.C. § 1009(b) and 41 C.F.R. § 102-3.170.

55. These materials must be released well before the relevant advisory committee meeting, so that the public can “follow the substance of the [committee's] discussions.” *Food Chem. News v. Dep't of Health & Hum. Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992); *see also* 41 C.F.R. § 102-3.170 (requiring “contemporaneous availability of advisory committee records”).

56. FACA requires that “[d]etailed minutes of each meeting,” containing specified information, “of each meeting of each advisory committee shall be kept.” *See* 5 U.S.C. § 1009(c).

57. Finally, FACA’s transparency obligations extend to a subcommittee or working group of an advisory committee, which must also open its meetings and provide all records to the public if it “makes recommendations directly to a Federal officer or agency, or if its recommendations will be adopted by the parent advisory committee without further deliberations by the parent advisory committee.” *See* 41 C.F.R. § 102-3.145.

## **II. The Administrative Procedure Act**

58. The APA permits judicial review by persons “suffering legal wrong because of agency action, or adversely aggrieved by agency action”; Under the APA, a “reviewing court...shall compel agency action unlawfully withheld or unreasonably delayed” and “hold unlawful and set aside agency action, findings, and conclusions found to be...arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” *See* 5 U.S.C. §§ 702, 703-704, 706(1) and 706(2).

## **III. Mandamus - 28 U.S.C. § 1361**

59. Where a plaintiff can “demonstrate (1) a clear and indisputable right to relief, (2) that the government agency or official is violating a clear duty to act, and (3) that no adequate alternative remedy exists...[t]he district courts shall have original jurisdiction” to compel performance of the duty by issuing a writ of mandamus, 28 U.S.C. § 1361. *See Am. Hosp. Ass’n v. Burwell*, 812 F.3d 183, 189 (D.C. Cir. 2016) *see also* 28 U.S.C. § 1361.

## **IV. Special Government Employee - 18 U.S.C. § 202**

60. Defendant Trump has declared that he has hired Defendant Musk, Head of Defendant DOGE, as a special Government employee (SGE).

61. The hiring process and requirement of completing a confidential financial disclosure form or the filing of public financial disclosure forms are significant different requirements between a SGE and regular federal employees.

62. Defendant Trump designating Defendant Musk a SGE will prevent the American people from seeing Defendant Musk's financial disclosure forms, which will conceal any and all potential conflicts of Defendant Musk and his activities with Defendant DOGE.

### FACTS

**A. Defendant Trump established Defendant DOGE and its membership to work with Defendant OMB and develop recommendations and advice for Defendant OMB and other federal agencies.**

63. On November 12, 2024, Defendant Trump announced the creation of Defendant DOGE and stated “that the Great Elon Musk, working in conjunction with American Patriot Vivek Ramaswamy,” would lead the effort.<sup>15</sup>

64. In establishing Defendant DOGE, Defendant Trump made clear that it would not be a formal part of the government, despite its governmental-sounding name; Instead, Defendant DOGE was created to “provide advice and guidance from outside of Government” to “the White House and Office of Management & Budget,” recommendations that Defendant Trump said he expects will “pave the way” for the Trump-Vance Administration to “dismantle,” “slash,” and “restructure” federal programs and services.<sup>16</sup>

65. Defendant DOGE is operating publicly as a government affiliated entity, holding itself out on X as a “government or multilateral organization.”<sup>17</sup>

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<sup>15</sup> See Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/113472884874740859> (last visited Mar. 6, 2025).

<sup>16</sup> *Id.*

<sup>17</sup> See Department of Government Efficiency (@DOGE), X, <https://x.com/doge?lang=en> (last visited Mar. 4, 2025); see also *About Grey Checkmark*, X, <https://help.x.com/en/using-x/grey-checkmark> (“The grey checkmark is for governments and multilateral organizations.”) (last visited Mar. 6, 2025).

66. Defendant Trump appointed Defendant Musk and Vivek Ramaswamy, two private citizens and billionaire campaign donors, to lead DOGE's work.<sup>18</sup>

67. Defendant Musk is among the wealthiest people in the world with an estimated current net worth of \$358 Billion<sup>19</sup> and holds key roles and financial interests in, among other ventures, Founder, CEO, and chief engineer of *SpaceX*, Founder of *the Boring Company*, Founder of *X Corp.*, Founder of *xAI*, CEO and product architect of *Tesla*, Owner, CTO and executive chairman of *X* (f/k/a *Twitter*), Co-founder of *Neuralink*, Co-founder of *OpenAI*, Co-founder of *Zip2*, and Co-founder of *X.com* (part of *PayPal*).<sup>20</sup>

68. Ramaswamy made his fortune in the pharmaceutical industry and, more recently, founded an investment firm with interests in oil and gas investments and cryptocurrency.<sup>21</sup>

69. Defendant Trump subsequently assigned William (Bill) McGinley, a lawyer and lobbyist aligned with the Republican Party who was originally slated to serve as his White House Counsel, "to serve as Counsel to [DOGE]."<sup>22</sup>

70. Defendant Trump also appointed Katie Miller ("Miller") to Defendant DOGE. Miller served as a spokesperson for the Trump-Vance transition team and, previously, held multiple senior communications positions during Defendant Trump's first term.

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<sup>18</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/113472884874740859>.

<sup>19</sup> Celebrity Net Worth, *Elon Musk Net Worth \$358 Billion* (Last updated: February 26, 2025), <https://www.celebritynetworth.com/richest-businessmen/ceos/elon-musk-net-worth/> (last visited Mar. 6, 2025).

<sup>20</sup> Wikipedia, *Elon Musk* (Last edited March 6, 2025 at 17:14 (UTC)) [https://en.wikipedia.org/wiki/Elon\\_Musk](https://en.wikipedia.org/wiki/Elon_Musk) (last visited Mar. 6, 2025).

<sup>21</sup> Jessica Piper, *How Vivek Ramaswamy Made a Fortune Before Pivoting to Politics*, Politico (May 14, 2023), <https://www.politico.com/news/2023/05/14/how-vivek-ramaswamy-made-money-00096046> (last visited Mar. 6, 2025).

<sup>22</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Dec. 4, 2024, 12:50 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/113595819146944245>.



71. In addition to Mr. McGinley and Miller, Defendant Musk and Ramaswamy were to lead a team that includes Steve Davis and Brad Smith,<sup>23</sup> who will help coordinate the work of various Defendant DOGE volunteers.<sup>24</sup>

72. Steve Davis, for more than 20 years has helped Defendant Musk cut costs at the businesses owned by Defendant Musk and Steve Davis also serves as the President at the company owned by Defendant Musk, *the Boring Company*.<sup>25</sup> Steve Davis is also known to be leading “[t]he day-to-day operations of DOGE.”<sup>26</sup>

73. Brad Smith, a healthcare executive who served in Defendant Trump’s first administration, has acted as a chief of staff to Defendant DOGE.<sup>27</sup>

74. Defendant Musk and Ramaswamy, consistent with their assignment at the time from Defendant Trump, stated that they intended for Defendant DOGE to provide advice and recommendations on “three major kinds of reform: regulatory rescissions, administrative reductions and cost savings.”<sup>28</sup>

75. Defendant Musk and Ramaswamy also confirmed that Defendant DOGE will work with “embedded appointees” at various federal agencies to develop its recommendations for “reform”<sup>29</sup>; The “reform” they had in mind would carry a hefty price tag for the American people,

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<sup>23</sup> Theodore Schleifer & Noah Weiland, *Musk Cost-Cutting Effort Is Being Guided by Health Entrepreneur*, N.Y. Times (Dec. 6, 2024), <https://www.nytimes.com/2024/12/06/us/politics/elon-musk-doge-brad-smith-trump.html> (last visited Mar. 4, 2025).

<sup>24</sup> Cat Zakrzewski & Jacqueline Alemany, *Elon Musk Isn’t the Only Tech Leader Helping Shape the Trump Administration*, Wash. Post (Jan. 13, 2025), <https://www.washingtonpost.com/politics/2025/01/13/andreessen-tech-industry-trump-administration-doge/> (last visited Mar. 4, 2025) (describing Marc Andreessen’s involvement with DOGE as an “unpaid volunteer”).

<sup>25</sup> Sarah McBride, *Who is Steve Davis? Elon Musk’s go-to cost-cutter is working for DOGE*, Los Angeles Times (December 27, 2024) <https://www.latimes.com/business/story/2024-12-27/who-is-steve-davis-elon-musks-go-to-cost-cutter-is-working-for-doge> (last visited Mar. 6, 2025).

<sup>26</sup> *Thomas, et al.*, n. 4, *supra*.

<sup>27</sup> *Id.*

<sup>28</sup> See Elon Musk & Vivek Ramaswamy, *The DOGE Plan to Reform Government*, Wall. St. J. (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> (last visited Mar. 4, 2025).

<sup>29</sup> *Id.*

as Defendant Musk and Ramaswamy had set a goal of slashing between \$500 billion and \$2 trillion in federal spending.

76. Defendant DOGE had already begun its operations before Defendant Trump took office of the presidency on January 20, 2025 and entered his first Executive Order regarding Defendant DOGE, as multiple news organizations reported, by “sending representatives to agencies across the federal government...to begin preliminary interviews” with agency officials, including officials at “the Treasury Department, the Internal Revenue Service and the departments of Homeland Security, Veterans Affairs, and Health and Human Services.”<sup>30</sup>

77. On information and belief, Defendant DOGE expected to receive classified information from the Trump-Vance Administration (and on information and belief, this is true) and has sought out office space in Washington, DC “where [Mr.] Musk and DOGE staffers could review” such sensitive government material.<sup>31</sup>

78. On information and belief, Defendant DOGE was to be assigned office space for its use on the White House campus at the Eisenhower Executive Office Building and at Defendant OMB<sup>32</sup>.

79. On information and belief, Defendant OMB exercises management and control over Defendant DOGE’s operations.

80. On January 20, 2025, on the day Defendant Trump was sworn is President, Ramaswamy abruptly quit working with Defendant Musk and Defendant DOGE.<sup>33</sup>

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<sup>30</sup> *Siddiqui, et al.*, n. 5, *supra*.

<sup>31</sup> *Thomas, et al.*, n. 4, *supra*.

<sup>32</sup> *Id.*; *Schleifer & Ngo*, n. 6, *supra*.

<sup>33</sup> Paul Steinhauser, *Ramaswamy done at DOGE; source says Ohio gubernatorial campaign launch expected early next week*, Fox News (Jan. 20, 2025, <https://www.foxnews.com/politics/ramaswamy-done-doge-ohio-gubernatorial-campaign-launch-expected-early-next-week-sources>) (last visited Mar. 5, 2025).

**B. Defendant DOGE has been providing advice and recommendations on dismantling, slashing, and restructuring federal programs and services and has been terminating government employees on its own.**

81. Defendant Trump established Defendant DOGE to develop recommendations on how to “dismantle,” “slash,” and “restructure” those agencies’ programs<sup>34</sup>; It is now working with Defendant OMB toward that end and, together with Defendant OMB, will “mak[e] recommendations to Congress and Defendant Trump’s administration on ways to bring down spending and cut regulations.”<sup>35</sup>

82. When considering Defendant Trump’s nomination of Defendant Vought for Defendant OMB Director, U.S. Senator Rand Paul, Chairman of the Senate Homeland Security and Governmental Affairs Committee, observed that one of the Defendant OMB Director’s primary responsibilities will be to “collaborate with” Defendant DOGE.<sup>36</sup>

83. Defendant Musk and Ramaswamy were to have said that Defendant DOGE “will focus particularly on driving change through executive action” that the Trump-Vance Administration can take unilaterally at their urging<sup>37</sup>; That includes, in their view, recommendations for defunding federal programs and services through the impoundment of lawfully appropriated federal funds.<sup>38</sup>

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<sup>34</sup> Donald J. Trump (@realDonaldTrump), Truth Social (Nov. 12, 2024, 7:46 PM ET), <https://truthsocial.com/@realDonaldTrump/posts/113472884874740859> (last visited Mar. 4, 2025).

<sup>35</sup> *Thomas*, et al., n. 4, *supra*.

<sup>36</sup> Press Release, U.S. Senate Comm. on Homeland Sec. & Governmental Affs., Dr. Paul Delivers Opening Remarks at Hearing on Nomination of Russell Vought to be Director of the Office of Management and Budget (Jan. 15, 2025), <https://www.hsgac.senate.gov/media/refs/dr-paul-delivers-opening-remarks-at-hearing-on-nomination-of-russell-vought-to-be-director-of-the-office-of-management-and-budget/> (last visited Mar. 4, 2025).

<sup>37</sup> *Musk & Ramaswamy*, n. 18, *supra*.

<sup>38</sup> *Id.*

84. A primary focus for Defendant DOGE’s defunding recommendations will be the estimated “1,200+ programs that are no longer authorized but still receive appropriations” totaling more than \$516 billion.<sup>39</sup>

85. Such programs, to which Congress allocates money regularly, implicitly authorizing them, provide health care for veterans, the largest such program; funding for drug research and development; opioid addiction treatment; and resources for education, the National Aeronautics and Space Administration, the Federal Aviation Administration; HIV/AIDS; and tuberculosis and malaria treatment and research, among other things.<sup>40</sup>

86. Defendant DOGE has already begun the work of identifying programs, services, and regulations it will recommend cutting.<sup>41</sup>

87. Through its social media account on X, Defendant DOGE stated it “is undergoing a serious analysis of wasteful and burdensome regulations” and called for public feedback, including “the CFR provision, the relevant text of the regulation, and the adverse consequences of said regulation.”<sup>42</sup>

88. Working from a report published by a conservative advocacy organization, the Wisconsin Institute for Law and Liberty, the members of Defendant DOGE are scrutinizing

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<sup>39</sup> Vivek Ramaswamy (@VivekGRamaswamy), X (Nov. 13, 2024, 1:19 PM ET), <https://x.com/VivekGRamaswamy/status/1856763732363546813> (last visited Mar. 4, 2025).

<sup>40</sup> See Jacob Bogage, *10 Programs That Could Be on the ‘Government Efficiency’ Chopping Block*, Wash. Post (Nov. 16, 2024), <https://www.washingtonpost.com/business/2024/11/16/trump-musk-ramaswamy-doge-program/> (last visited Mar. 4, 2025).

<sup>41</sup> See Thomas, et al., *supra* n. 4 (“Some of DOGE’s early work has involved reviewing past audits of federal agencies, to help guide the work and identify potential cuts and inefficiencies.”).

<sup>42</sup> See Department of Government Efficiency (@DOGE), X (Dec. 1, 2024, 1:00 AM ET), <https://x.com/DOGE/status/1867087144424182178> (last visited Mar. 4, 2025).

programs viewed as promoting diversity, equity, and inclusion (“DEI”)<sup>43</sup>; The programs being examined provide support for small businesses, farmers, veterans, and more.<sup>44</sup>

89. DOGE has made clear that eliminating federal initiatives aimed at addressing racism will be a constant in its work and it has already called out scientific studies funded by the National Institutes of Health (“NIH”) as examples of the programs it will target.<sup>45</sup>

90. Defendant DOGE’s leader, Defendant Musk, has also identified the Consumer Financial Protection Bureau as an area of federal government to “delete,”<sup>46</sup> despite the fact that it has saved American consumers billions of dollars. Ramaswamy likewise stated that the incoming administration should nullify a CFPB rule limiting overdraft fees and limit the power of the agency across the board.<sup>47</sup>

91. Defendant DOGE’s members are not only speaking to each other about these ideas and recommendations, they have also begun meeting with “staffers at more than a dozen federal agencies,” including “the Treasury Department, the Internal Revenue Service and the departments of Homeland Security, Veterans Affairs, and Health and Human Services.”<sup>48</sup>

**C. Defendant DOGE lacks a fair balance of relevant viewpoints among its members, who have substantial personal financial conflicts of interest.**

92. Despite Defendant DOGE’s sweeping mandate, which implicates a wide range of issue areas, programs, and services in which Plaintiffs have a direct interest, Defendant DOGE’s

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<sup>43</sup> See Jacob Bogage & Faiz Siddiqui, *Musk’s DOGE Weighs Recommendations to Cut Federal Diversity Programs*, Wash. Post (Jan. 16, 2025), <https://www.washingtonpost.com/business/2025/01/16/musk-ramaswamy-diversity-doge-dei/> (last visited Mar. 5, 2025).

<sup>44</sup> *Id.*

<sup>45</sup> See Department of Government Efficiency (@DOGE), X (Nov. 30, 2024, 10:42 AM ET), <https://x.com/DOGE/status/1862884929954017308> (last visited Mar. 5, 2025).

<sup>46</sup> Elon Musk (@elonmusk), X (Nov. 27, 2024, 12:35 AM ET), <https://x.com/elonmusk/status/1861644897490751865> (last visited Mar. 5, 2025).

<sup>47</sup> Ayelet Sheffey, *DOGE Doubles Down on Eliminating the Government Agency That’s Cracking Down on Overdraft Fees*, Bus. Insider (Dec. 26, 2024), <https://www.businessinsider.com/doge-delete-cfpb-elon-musk-vivek-ramaswamy-overdraft-fees-trump-2024-12> (last visited Mar. 5, 2025).

<sup>48</sup> Siddiqui, et al., n. 5, *supra*.

membership does not include anyone who brings the perspective of the people and communities that will be most directly affected by the drastic cuts to the federal programs and services that Defendant DOGE will recommend.

93. For instance, although Ramaswamy previously declared “[h]ealthcare [to be] a critical frontier for Defendant DOGE,”<sup>49</sup> and Defendant DOGE has already begun scrutinizing NIH research funding decisions viewed as supporting DEI,<sup>50</sup> it does not have any members with a background or focus on public health or patient safety; Those with a background in healthcare, like Brad Smith, bring a business perspective on healthcare and health systems; That focus on profitability may, in some cases, complement public health goals, though not always.

94. Ramaswamy also saw reducing federal support for and oversight of public education to be the “key solution to our federal deficit problem”<sup>51</sup> and Defendant Musk has argued that efforts to promote diversity, equity, and inclusion in public education—concerns he derides as “the woke mind virus”—is to blame for flagging test scores<sup>52</sup>; Yet, as publicly reported, Defendant DOGE does not include any educators or advocates for students, such as members of Plaintiff CAT.

95. The quantity of federal spending Defendant DOGE hopes to eliminate also implicates the interests of veterans because the proposed cuts will be impossible to implement without adversely affecting the quality of healthcare offered to veterans. Similarly, recommending eliminating 75 percent of the federal workforce, as Defendant DOGE has promised to do, will have

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<sup>49</sup> Vivek Ramaswamy (VivekGRamaswamy), X.com (Nov. 23, 2024, 3:44 PM), <https://x.com/VivekGRamaswamy/status/1860469404603154707> (last visited Mar. 5, 2025).

<sup>50</sup> See Department of Government Efficiency (@DOGE), X.com (Nov. 30, 2024, 7:42 AM), <https://x.com/DOGE/status/1862884929954017308> (last visited Mar. 5, 2025).

<sup>51</sup> Bianca Quilantan, *DOGE vs. the Education Department*, Politico (Jan. 6, 2025), <https://www.politico.com/newsletters/weekly-education/2025/01/06/doge-vs-the-education-department-00196523> (last visited Mar. 5, 2025).

<sup>52</sup> *Id.*

a staggering effect on employment rates for veterans, which constitute nearly 30 percent of the federal workforce;<sup>53</sup> Yet, Defendant DOGE does not include a single veteran's group, like members of Plaintiff CAT.

96. Likewise, the drastic cuts Defendant DOGE has forecasted will greatly diminish the federal government's ability to provide proper oversight of the automotive industry and diligently investigate, document, and address issues that threaten the safety of drivers, passengers, and pedestrians; Federal automotive regulators, like DOT and NHTSA, are struggling to carry out their full mission under current funding levels and their work will only get harder as they adapt to sweeping technological changes in the industry, such as autonomous vehicles. Substantial cuts to their funding or legal authority will deal a crushing blow to their ability to function with the end result being greater risk to those on the road.

97. Despite these pressing challenges, Defendant DOGE does not include anyone who brings a consumer and safety-oriented perspective to automotive safety, as Plaintiff CAT does, to balance the perspective of Defendant Musk, whose car company, *Tesla*, is currently being investigated by NHTSA to determine if its self-driving software has safety issues.<sup>54</sup>

98. Nor does Defendant DOGE include representative voices from civil society, like CREW, who have long shared Defendant DOGE's stated mission of promoting government efficiency and shining a light on genuine waste, fraud, and abuse; Defendant DOGE's proposed cuts will undermine those goals; They will exacerbate the already-substantial delays FOIA requesters experience in obtaining federal records, thwarting a critical mechanism for government

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<sup>53</sup> Press Release, *Nat'l Fed'n of Fed. Emps., So-called Department of Government Efficiency Would be Responsible for Nearly 500,000 Veteran Layoffs if Musk and Ramaswamy Execute Stated Plans* (Nov. 20, 2024), <https://nffe.org/press-release/so-called-department-of-government-efficiency-would-be-responsible-for-nearly-500000-veteran-layoffs-if-musk-and-ramaswamy-execute-stated-plans/> (last visited Mar. 5, 2025).

<sup>54</sup> Max Hauptman, *Full Self-Driving Software in 2.4 Million Tesla Vehicles Faces Probe by Federal Agency*, USA Today (Oct. 18, 2024), <https://www.usatoday.com/story/money/cars/2024/10/18/tesla-full-self-driving-software-nhtsa-investigation/75730547007/> (last visited Mar. 5, 2025).

transparency and accountability; There already exists serious conflicts of interests concerns posed by Defendant DOGE business owners wielding outsized influence over and unfettered access to the agencies that regulate them; There also already exists serious conflicts of interests concerns regarding Defendant Musk and Defendant DOGE and his many business ownerships and Government assistance received by those businesses (*See* ¶ 94, *infra*) – Defendant Musk addressed his own potential conflicts of interests in a statement given from the Oval Office on February 11, 2025, more fully discussed, *infra*.

99. These glaring omissions in the viewpoints represented by Defendant DOGE’s current membership are hardly surprising, given that Defendants undertook no outreach to ensure that Defendant DOGE would have the benefit of a membership with a fairly balanced set of viewpoints.

100. Indeed, the extent of Defendant DOGE’s apparent outreach to interested participants has been its calls for “super high-IQ small-government revolutionaries willing to work 80+ hours per week on unglorious cost-cutting,” and individuals with “exceptional ability” in software and informational security engineering, to apply for employment with Defendant DOGE by sending a direct message to its X account.<sup>55</sup>

101. On information and belief, there have been no publicly announced opportunities for those interested in serving as a *member* of Defendant DOGE to apply; The only members are Defendant Trump’s allies and donors that he has announced or that have been reported.

102. Nevertheless, members of Plaintiff CAT have taken proactive steps to indicate their willingness to participate in Defendant DOGE’s work and to provide their perspectives on government efficiency, which are currently unrepresented.

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<sup>55</sup> *See* Department of Government Efficiency (@DOGE), X (Nov. 14, 2024, 10:03 AM).



103. Others, like the Citizens for Responsibility and Ethics in Washington (CREW),<sup>56</sup> in a letter dated January 14, 2025, CREW urged Defendant DOGE to include groups representing the broad array of stakeholders, like Plaintiff CAT, who will be directly affected by Defendant DOGE's work and Defendant DOGE failed to respond<sup>57</sup>.

104. Likewise, VoteVets Action Fund (VoteVets)<sup>58</sup> attempted to contact Defendant DOGE by sending a direct message to its official X account to request an opportunity for VoteVets Senior Advisor Major General (ret.) Paul Eaton to participate as a member of Defendant DOGE in order to represent the interests and provide the perspective of America's veterans. Defendant DOGE failed to respond.

105. These efforts were likely taken in vain, unfortunately. In response to similar requests to participate in Defendant DOGE's work made by non-partisan, non-profit organizations, Mrs. Miller, a spokesperson for the Trump-Vance transition and Defendant DOGE member, indicated that participation in Defendant DOGE is closed, at least to anyone who might express disagreement with Defendant DOGE's premise or the Trump-Vance Administration's policy preferences.<sup>59</sup>

106. Plaintiff CAT has not "shouted" their willingness to participate as a member of Defendant DOGE into the void also have an interest in their viewpoints being represented, even if that representation comes through another individual or organization.

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<sup>56</sup> A Washington, D.C. non-partisan, non-profit government watchdog organization committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring ethics, transparency, and integrity in government.

<sup>57</sup> To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of its research, CREW routinely uses government records made available to it under FACA, the Freedom of Information Act ("FOIA"), and other federal laws, and widely disseminates those records to the public.

<sup>58</sup> A Washington, D.C. non-partisan, non-profit organization incorporated under the laws of the District of Columbia.

<sup>59</sup> See David A. Fahrenthold, *Two Watchdogs Were Rebuffed From Joining Trump's Cost-Cutting Effort*, N.Y. Times (Jan. 16, 2025), <https://www.nytimes.com/2025/01/16/us/doge-trump-watchdogs.html> ("President Trump's Truth made clear we have no room in our administration for Democrats.") (last visited Mar. 5, 2025).

107. Defendants have also failed to provide assurances that Defendant DOGE’s advice and recommendations will be the product of the independent judgment of its members, as opposed to undue influence from Defendant Trump and Defendant Musk or the members’ respective special interests.

108. For instance, on information and belief, Defendants have taken no steps to insulate Defendant DOGE’s recommendations from the personal financial conflicts of its members, including the staggering conflicts of Defendant Musk, whose “companies were promised \$3 billion across nearly 100 different contracts last year with 17 federal agencies.”<sup>60</sup>

**D. Defendant DOGE lacks a fair balance of relevant viewpoints among its members, who have substantial personal financial conflicts of interest.**

109. While Defendant DOGE is already operational, Defendants have taken no action to comply with FACA, including by making a formal determination that Defendant DOGE’s creation serves the public interest, nor have they filed a charter identifying the scope of Defendant DOGE’s work.

110. Public reporting indicates that Defendant DOGE’s members are communicating about Defendant DOGE’s work using the ephemeral messaging application Signal,<sup>61</sup> which is widely used for its auto-delete functionality.<sup>62</sup>

111. Defendant Musk has, in his personal capacity, previously used the auto-delete functionality of Signal, even in settings where he appears to have had a legal obligation to preserve those messages.<sup>63</sup>

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<sup>60</sup> See Eric Lipton, et al., *U.S. Agencies Fund and Fight With Elon Musk. A Trump Presidency Could Give Him Power Over Them*, N.Y. Times (Oct. 21, 2024), <https://www.nytimes.com/2024/10/20/us/politics/elon-musk-federal-agencies-contracts.html> (last visited Mar. 5, 2025).

<sup>61</sup> *Schleifer & Ngo*, n. 6, *supra*.

<sup>62</sup> *Set and Manage Disappearing Messages*, n. 7, *supra*.

<sup>63</sup> See Kevin T. Dugan, *Elon Musk Got Caught Deleting Messages—and 3 Other Takeaways From His Latest Court Hearing*, *Intelligencer* (Sept. 29, 2022), <https://nymag.com/intelligencer/2022/09/elon-musk-caught-deleting-messages-about-the-twitter-deal.html> (last visited Mar. 5, 2025).

112. Defendant DOGE’s records, including those existing on Signal, provide the public with critical information about who is influencing Defendant DOGE’s recommendations to Defendant Trump’s administration, what viewpoints and communities are being excluded, and why the “advisory committee performs a necessary function not already being performed.” *See* 5 U.S.C. § 1004(a).

113. There have been no public assurances that Defendant DOGE’s records, including those existing on Signal, will be made available to the public.

114. In fact, Plaintiff CAT sent a Freedom of Information Act (FOIA) request to Defendant OMB<sup>64</sup> by U.S. PRIORITY FLAT RATE MAIL with tracking number 9114 9023 0722 4272 4440 61 requesting the following:

- (a) Documents Relating to the President's Executive Order of January 20, 2025 Implementing “the President's DOGE agenda” (*a copy is enclosed for your convenience*);
- (b) All documents referring to or relating to the “President's 18-month DOGE agenda” as mentioned in and referred to in Section 3 of the Executive Order of January 20, 2025 Implementing “the President's DOGE agenda”;
- (c) All documents referring to or relating to the proposed budget for implementing and effectuating the “President's 18-month DOGE agenda” as mentioned in and referred to in Section 3 of the Executive Order of January 20, 2025 Implementing the President’s DOGE agenda”;

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<sup>64</sup> Although Defendant DOGE had been created and operating by February 3, 2025, Defendant DOGE had no public address at all, much less a public address for sending in FOIA requests to. Regardless, Defendant OMB should be in possession of the documents requested in Plaintiff CAT’s FOIA requests.

- (d) All documents referring to or relating to the proposed salary and/or monetary payments to Elon Musk, as Agency Head of the Department of Government Efficiency; and
- (e) A documented list of powers, duties, directives and any limitations placed on Elon Musk, as Agency Head of the Department of Government Efficiency.

(See Plaintiff's Exhibit 4 *attached hereto*).

115. In tracking the United States Postal Service number 9114 9023 0722 4272 4440 61 containing the aforementioned FOIA request letter sent to Defendant OMB it was confirmed that Plaintiff CAT's FOIA request letter sent to Defendant OMB was received by the Defendant OMB on February 13, 2025; as of the date of this filing, Plaintiff CAT has not received a response to Plaintiff CAT's FOIA request letter from Defendant OMB<sup>65</sup>. (See Plaintiff's Exhibit 5 *attached hereto*).

116. For each of their distinct areas of focus, Plaintiff CAT has a clear interest in understanding which issues and sources of information Defendant DOGE is considering and what recommendations this influential advisory body will make to the Trump-Vance Administration.

117. Defendant DOGE's continued use of the ephemeral messaging application Signal to communicate exacerbates Plaintiff CAT's injuries by irreparably depriving them of government

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<sup>65</sup> In accordance with 5 U.S.C. § 552(a)(6)(A)(i)-(iii), Defendant OMB has "20 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request (March 13, 2025) whether to comply with such request and shall immediately notify the person making such request (Plaintiff CAT) of such determination and the reasons therefor; the right of such person (Plaintiff CAT) to seek assistance from the FOIA Public Liaison of the agency; and in the case of an adverse determination— the right of such person (Plaintiff CAT) to appeal to the head of the agency, within a period determined by the head of the agency that is not less than 90 days after the date of such adverse determination; and the right of such person (Plaintiff CAT) to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services; and make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal..."

records to which they are entitled under FACA, which impedes their ability to carry out its respective missions as citizens of the United States.

118. Defendant DOGE’s unnecessary and unjustified creation, lack of transparency, lack of viewpoint diversity, and failure to prevent inappropriate influence by special interests, as well as Defendants’ failure to file a charter before Defendant DOGE began its work, are violations that strike the heart of FACA.

119. While skirting FACA’s requirements, Defendant DOGE is moving quickly to deliver recommendations to the Trump-Vance Administration and also firing government employees at will and without cause for termination.

120. Defendant Trump has instructed Defendant DOGE to conclude its work by July 4, 2026 but Defendant DOGE will provide recommendations well before then; According to Ramaswamy, Defendant DOGE would be advising federal agencies and providing recommendations “on a real time basis,”<sup>66</sup> “starting in Jan[uary].”<sup>67</sup>

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<sup>66</sup> Vivek Ramaswamy (@VivekGRamaswamy), X (Nov. 17, 2024, 11:11 AM ET), <https://x.com/VivekGRamaswamy/status/1858181075421303134> (last visited Mar. 5, 2025).

<sup>67</sup> See Vivek Ramaswamy (@VivekGRamaswamy), X (Dec. 2, 2024, 8:59 PM ET), <https://x.com/VivekGRamaswamy/status/1863764934514938118> (last visited Mar. 5, 2025).

- E. Defendant Trump announced that he hired Defendant Musk to work with Defendant DOGE as a special Government employee; however, Defendant is actually, in fact, and holding out to the public, as the “Agency Head” (the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order) of Defendant DOGE as defined in Section 2(b) of Executive Order 14210 signed on February 11, 2025 and published on February 14, 2025<sup>68</sup> (See ¶ 26, *supra*) and Defendant Musk should lose the designation of special Government employee as declared by Defendant Trump, release Defendant Musk’s financial disclosures to the public that Defendant Trump had previously ordered that Defendant Musk’s financial disclosures would be confidential and withheld from the public and Defendant Musk must go through the same process as any other government employee and complete the same financial disclosure forms with Defendant ordered to go through the hiring process as any other government employee, and complete and submit the same financial disclosure forms to Defendant OGE as any other government employ.**

121. Defendant Trump and the White House announced, declared and made Defendant Musk, Head of Defendant DOGE, a SGE<sup>69</sup>.

122. A special Government employee is defined in 18 U.S.C. § 202(a):

“For the purpose of sections 203, 205, 207, 208, and 209 of this title the term “special Government employee” shall mean an officer or employee of the executive or legislative branch of the United States Government, of any independent agency of the United States or of the District of Columbia, who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed one hundred and thirty days during any period of three hundred and sixty-five consecutive days, temporary duties either on a full-time or intermittent basis, a part-time United States commissioner, a part-time United States magistrate judge, or, regardless of the number of days of appointment, an independent counsel appointed under chapter 40 of title 28 and any person appointed by that independent counsel under section 594(c) of title 28. Notwithstanding the next preceding sentence, every person serving as a part-time local representative of a Member of Congress in the Member’s home district or State shall be classified as a special Government employee. Notwithstanding section 29(c) and (d) of the Act of August 10, 1956 (70A Stat. 632; 5 U.S.C. 30r(c) and (d)), a Reserve officer of the Armed Forces, or an officer of the National Guard of the United States, unless otherwise an officer or employee of the United States, shall be classified as a special Government

<sup>68</sup> See Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669).

<sup>69</sup> Katherine Doyle, *White House says Elon Musk is serving as a ‘special government employee’*, NBC News (Mar. 3, 2025, 3:48 PM CST) <https://www.nbcnews.com/politics/donald-trump/white-house-says-elon-musk-serving-special-government-employee-rcna190520> (last visited Mar. 11, 2025); Francesca Chambers, *Trump makes DOGE head Elon Musk a ‘special government employee’ amid accusations of a takeover*, USA Today (Mar. 3, 2025, 1:34 p.m. ET); Joe Hernandez, *Trump hired Musk as a ‘special government employee.’ Here’s what that means*, npr (Feb. 13, 2025, 3:00 AM MST).

employee while on active duty solely for training. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is voluntarily serving a period of extended active duty in excess of one hundred and thirty days shall be classified as an officer of the United States within the meaning of section 203 and sections 205 through 209 and 218. A Reserve officer of the Armed Forces or an officer of the National Guard of the United States who is serving involuntarily shall be classified as a special Government employee. The terms “officer or employee” and “special Government employee” as used in sections 203, 205, 207 through 209, and 218, shall not include enlisted members of the Armed Forces.”

See 18 U.S.C. § 202(a).

123. Defendant Musk’s educational background consists of the following<sup>70</sup>:

Level	Institution	Years	Degree
High School	Pretoria Boys High School	Until 1989	N/A
University (Initial)	Queen’s University, Ontario	1989-1992	Physics & Economics <sup>71</sup>
University (Complete)	University of Pennsylvania	1992-1997	B.S. in Physics, B.A. in Economics <sup>72</sup>
Graduate	Stanford University	1995	Ph.D. in Applied Physics <sup>73</sup>

124. Defendant Musk does not have a degree or any specialized training in Accounting:

- (a) Defendant Musk does not have a degree or any specialized training in Accounting Information Systems (AIS);

<sup>70</sup> Garfield Connor, *What College Degree Does Elon Musk Have?*, Coursmos (November 12, 2024) <https://www.coursmos.com/elon-musk-college-degree/> (last visited Mar. 10, 2025).

<sup>71</sup> *Id.* (Defendant Musk attended Queen’s University in Canada for 2 years, majoring in Physics & Economics, not earning any degrees before transferring to the University of Pennsylvania).

<sup>72</sup> *Id.* (Defendant Musk received a B.S. in Physics and a B.A. in Economics in 1997 from the University of Pennsylvania).

<sup>73</sup> *Id.* (Two days after starting the Stanford University Ph.D. program, Defendant Musk dropped out to join the internet revolution, although his application to Netscape went unanswered).

- (b) Defendant Musk does not have a degree or any specialized training in Forensic Accounting;
- (c) Defendant Musk does not have a degree or any specialized training in Managerial Accounting;
- (d) Defendant Musk does not have a degree or any specialized training in Managerial Accounting;
- (e) Defendant Musk does not have a degree or any specialized training in Business Administration in Accounting.

125. Defendant Musk also does not have a degree or any specialized training in Statistics:

- (a) Defendant Musk does not have a degree or any specialized training in Applied Statistics;
- (b) Defendant Musk does not have a degree or any specialized training in Biostatistics;
- (c) Defendant Musk does not have a degree or any specialized training in Business Statistics;
- (d) Defendant Musk does not have a degree or any specialized training in Actuarial Science;
- (e) Defendant Musk does not have a degree or any specialized training in Data Science.

126. Lastly, Defendant Musk does not have a degree or any specialized training in Mathematics.



127. Defendant Musk's clear lack of education in the areas of Accounting, Statistics and Mathematics show that Defendant Musk is simply not qualified to manage budget cuts of our hundreds of agencies and departments of our Federal Government and to assure that agencies and departments, subject to any cuts, will still be able to operate effectively and efficiently.

128. Defendant Musk has and is more likely to harm the members of Plaintiff CAT and citizens across the United States.

129. Defendant Trump declared Defendant Musk as the Head of Defendant DOGE, then declared Defendant Musk a "special Government employee."

130. There is serious doubt as to whether Defendant Trump could read the statute, 18 U.S.C. § 202(a), defining the meaning of special Government employee, much less, understand it.

131. A head of any Federal department or agency does not work a limited number of hours and is not a special Government employee.

**February 11, 2025 - Defendant Musk and Defendant Trump's  
Speech/Conference in the Oval Office of the White House**

132. On February 11, 2025, in the Oval Office of the White House, Defendant Trump and Defendant Musk held an impromptu speech/conference regarding Defendant Musk and Defendant DOGE's alleged work in the weeks leading up to the conference on February 11, 2025, followed by several questions from reporter; The Conference and reporter questions were audio-visually recorded. (*See Plaintiff's Exhibit 6 attached hereto in MP4 electronic format*).

133. On February 12, 2025, The Singju Post released a full (*unofficial*) transcript of the Defendant Musk and Defendant Trump speech/conference regarding Defendant Musk and Defendant DOGE's alleged work in the weeks leading up to the conference on February 11, 2025. (*See Plaintiff's Exhibit 6a attached hereto*).

134. Finally, a screenshot of the speech/conference shows Defendant Musk standing, wearing a black coat, baseball cap and not wearing a tie or suit (Brian Glenn, Defendant Trump's personal media friend was present at this speech/conference, but did not ask Defendant Musk, ""Why don't you wear a suit? You're in the highest level of this country's office, and you refuse to wear a suit?") while Defendant Trump is sitting at the Oval Office desk. (*See Plaintiff's Exhibit 6b attached hereto*).

**February 20, 2025 - Defendant Musk Presented With a Large Chainsaw on Stage at Annual Conservative Political Action Conference (CPAC)**

135. On February 20, 2025, the annual Conservative Political Action Conference (CPAC) was held at the Gaylord National Resort & Convention Center at National Harbor in Oxon Hill, Maryland, just outside of Washington, D.C.

136. Defendant Musk was invited to and did come on stage at the CPAC on February 20, 2025.

137. The Host of the CPAC called for Defendant Musk to come out on the stage.

138. Defendant Musk came onto the stage in his usual attire consisting of his black coat and baseball cap; however, Defendant Musk added a thick gold chain around his neck and dark sunglasses doing a terrible impersonation of Run, D.M.C. or Jam Master Jay.

139. After Defendant Musk came to the front of the stage with the host, the following exchange and events occurred:

"HOST: We've got one more surprise, it case this wasn't enough. I'm gonna let Elon do it... Who else is here?

ELON MUSK: Uh, well President Milei has a gift for me.

HOST: Javier Milei from Argentina; you guys know who that is, right?

*Host and Elon Musk look around the stage...*

HOST: Why don't we bring him out?

*President Milei comes on the stage from the back to the front carrying a large red chainsaw and hands it to Elon Musk...*

ELON MUSK: Thank you.

*Elon Musk holds the chainsaw up in the air and screams... Elon Musk, then holding the chainsaw, says...*

ELON MUSK: This is the chainsaw for bureaucracy!

*Elon Musk holds the chainsaw up above his head and shakes it.”*

Defendant Musk’s appearance at the CPAC was audio-visually recorded.

(See Plaintiff’s Exhibit 7 attached hereto in MP4 electronic format).

140. A screenshot was taken of Defendant Musk picturing Defendant Musk holding the chainsaw up in the air over his head. (See Plaintiff’s Exhibit 7b attached hereto).

**F. Defendant Musk and Defendant DOGE are admittedly canceling Government contracts, leases and grants<sup>74</sup>; Defendant Trump has been offering buyouts to full-time federal employees that would cover 8 months of the employee’s salary<sup>75</sup>; Defendant DOGE is planning to cut VA (Veterans Affairs)**

141. NBC News reviewed documents identifying 200 of the contracts scheduled for cancellation, some of the contracts are VA contracts that may harm veterans’ care.<sup>76</sup>

142. Employees state that Defendant DOGE’s plan to cut VA (Veterans Affairs) would harm Veterans’ care.<sup>77</sup>

143. Defendant Musk, Defendant DOGE and Defendant Trump, in canceling Government contracts, leases and grants and offering buyouts to full-time federal employees that would over 8 months of the employee’s salary violates the Separation of Powers of the United States Constitution.

144. Defendant Musk, Defendant DOGE and Defendant Trump are part of the executive branch of our Government.

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<sup>74</sup> Department of Government Efficiency, Savings, <https://doge.gov/savings> (last visited Mar. 11, 2025).

<sup>75</sup> Bryan Witte, *What to know about Trump’s buyout proposal for federal employees*, Associated Press (January 29, 2025, Updated 1:22 PM CDT) <https://apnews.com/article/trump-buyout-offer-federal-workers-doge-bdb6cd89e383ff1120eeb262904b4060> (last visited Mar. 11, 2025).

<sup>76</sup> Gretchen Morgenson and Laura Strickler, *DOGE plans to cut VA contracts may harm veterans’ care, employees say*, NBC News (March 6, 2025 6:08 AM CST, Updated March 6, 2025 9:42 PM CST) <https://www.nbcnews.com/politics/doge/doge-plans-cut-va-contracts-may-harm-veterans-care-employees-say-rcna191448> (last visited Mar. 11, 2025).

<sup>77</sup> *Id.*

145. The “power of the purse” in the federal government of the United States is vested in the Congress as set forth in the Constitution of the United States, Article I, Section 9, Clause 7 and Article I, Section 8, Clause 1.

146. Article I, Section 9, Clause 7 of the United States Constitution states:

“No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.”

U.S. CONST. art. I, § 9, cl. 7.

147. Article I, Section 8, Clause 1 of the United States Constitution states:

“The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;”

U.S. CONST. art. I, § 8, cl. 1.

### **PRELIMINARY INJUNCTION**

148. To stop these violations of FACA that are now ongoing because of the illegally operating of Defendant DOGE providing recommendations on cutting important government programs and services affecting the people and communities and the members of Plaintiff CAT, Plaintiff CAT respectfully seeks the following relief from this Honorable Court:

- (a) an Order enjoining Defendant DOGE from continuing its work until it is brought in complete compliance with FACA;
- (b) an Order compelling Defendant DOGE to release all of Defendant DOGE’s records to the public, except those records that shall be redacted and withheld by law; an order compelling Defendant DOGE to cite the applicable law that applies to any record withheld; and

- (c) an Order barring Defendants from accepting or acting upon the advice and recommendations of Defendant DOGE, made based on work conducted while it is not in compliance with FACA.

### **COUNT ONE**

#### **Administrative Procedure Act, 5 U.S.C. § 706**

#### **Violation of Federal Advisory Committee Act: Unlawful Establishment and Utilization of a Federal Advisory Committee**

149. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

150. Defendant DOGE is an advisory committee within the meaning of FACA because it is “a committee, board, commission, council, conference, panel, task force, or other similar group” that has been “established or utilized to obtain advice or recommendations for the President or one or more agencies or officers of the Federal Government.” *See* 5 U.S.C. § 1001(2)(A).

151. FACA requires that certain findings and certifications are made and steps are taken before an agency may create an advisory committee; Defendants failed, in multiple respects, to comply with these requirements.

152. In particular, on information and belief, Defendants have failed to consult with the Administrator of GSA, explain why Defendant DOGE is “in the public interest in connection with the performance of duties imposed on that agency by law,”<sup>78</sup> or determine whether “the functions” of Defendant DOGE “could be performed by one or more agencies or by an advisory committee already in existence.” *See* 5 U.S.C. §§ 1004(b) and (c).

153. Defendants have also failed to ensure that Defendant DOGE has (i) “a clearly defined purpose”; (ii) a membership that is “fairly balanced in terms of the points of view

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<sup>78</sup> *See* 5 U.S.C. § 1008(a)(2).

represented and the functions to be performed by the advisory committee”; and (iii) “appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee’s independent judgment.” *See* 5 U.S.C. §§ 1004(b)(1)-(3)(c).

154. Defendant DOGE’s membership fails to include the perspectives of those connected to the people with the greatest stake in the services, programs, and regulatory protections it will recommend eliminating, like Plaintiff CAT. Those same members not only bring a far too narrow set of perspectives and experiences to Defendant DOGE’s work but also have significant financial conflicts and political ties, which call into question their ability to be objective and not inappropriately influenced Defendant Trump or their own special interests. Defendants have failed to take affirmative steps to prevent those conflicts from influencing Defendant DOGE’s advice and recommendations.

155. Accordingly, Defendants’ establishment and utilization of Defendant DOGE was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” and “without observance of procedure required by law.”<sup>79</sup>

156. Defendants’ failure to make public its prerequisite findings and determinations regarding Defendant DOGE, or to file a charter, also constitutes agency action that was “unlawfully withheld or unreasonably delayed”...“or otherwise not in accordance with law.” *See* 5 U.S.C. § 706(1) and (2).

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<sup>79</sup> *See* 5 U.S.C. §§ 706(2)(A) and 706(2)(D).

157. Defendants’ failure to comply with FACA in relation to Defendant DOGE is “final agency action for which there is no other adequate remedy in a court” and Plaintiff CAT is “entitled to judicial review” of those FACA violations under the APA. *See* 5 U.S.C. § 702 and § 704.

## **COUNT TWO**

### **Administrative Procedure Act, 5 U.S.C. § 706**

#### **Violation of Federal Advisory Committee Act: Failure to Make Defendant DOGE’s Records Publicly Available**

158. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

159. FACA requires 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 offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.” *See* 5 U.S.C. § 1009(b).

160. Defendant DOGE has failed to make any of its records publicly available.

161. FACA committees must preserve substantive records in accordance with the Federal Records Act and Presidential Records Act, as applicable.<sup>80</sup>

162. Public reporting indicates that DOGE’s members are communicating using the ephemeral messaging application Signal,<sup>81</sup> which is widely used for its auto-delete functionality.<sup>82</sup>

163. Defendant DOGE’s use of Signal threatens to irreparably deprive Plaintiff CAT and the American public of records to which they are entitled under FACA, including critical

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<sup>80</sup> *See General Records Schedule 6.2: Federal Advisory Committee Records*, Nat’l Archives (Aug. 2015), <https://www.archives.gov/files/records-mgmt/grs/grs06-2.pdf> (last visited Mar. 5, 2025).

<sup>81</sup> *Schleifer & Ngo*, n. 6, *supra*.

<sup>82</sup> *Set and Manage Disappearing Messages*, n. 7, *supra*.

information regarding Defendant DOGE's activities, areas of focus, and recommendations, and frustrate Plaintiff CAT to understand and educate the general public and their fellow constituents regarding federal policy developments in their areas of expertise.

164. Defendants' failure to disclose and maintain these records in violation of FACA is an agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *See* 5 U.S.C. § 706(2).

165. Plaintiff CAT has "no other adequate remedy at a court," *id.* § 704, and are therefore "entitled to judicial review" of this FACA violation under the APA, *id.* § 702.

### **COUNT THREE**

#### **Administrative Procedure Act, 5 U.S.C. § 706**

#### **Violation of Federal Advisory Committee Act: Violation of FACA: Failure to Make Defendant DOGE Fairly Balanced**

166. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

167. FACA requires that an advisory committee be "fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." *See* 5 U.S.C. § 1004(b)(2).

168. Defendant DOGE is not fairly balanced because it excludes the perspectives of many people, including Plaintiff CAT's members, who have a direct stake in the services and programs Defendant DOGE will recommend eliminating and a direct interest in Defendant DOGE's stated mission.

169. Defendant DOGE has provided the public with no formal opportunity to apply for membership, but Plaintiff CAT has nonetheless asked for representation on Defendant DOGE to no avail; The Trump-Vance Administration has conveyed that Defendant DOGE membership is



closed and will not include perspectives that do not align with those of the Trump-Vance Administration.

170. Plaintiff CAT is directly injured by their lack of representation on Defendant DOGE and their inability to influence its recommendations on equal terms with Defendant DOGE's members.

171. Defendants' establishment and utilization of Defendant DOGE without the fairly balanced membership required by FACA was "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law"<sup>83</sup> and "without observance of procedure required by law".<sup>84</sup> It is also "final agency action for which there is no other adequate remedy in a court"<sup>85</sup> and Plaintiff CAT is "entitled to judicial review" of those FACA violations under the APA.<sup>86</sup>

#### **COUNT FOUR**

##### **Writ of Mandamus, 28 U.S.C. § 1361<sup>87</sup>**

##### **Violation of Non-Discretionary Duties under FACA**

172. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

173. As alleged above in ¶¶ 25-26 and ¶¶ 28-44, *supra*, FACA imposes non-discretionary duties on Defendants with respect to the establishment, utilization, disclosure of records, and fair balance of federal advisory committees.

174. As alleged above in ¶¶ 43-98, *supra*, Defendants have violated each of these non-discretionary duties under FACA.

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<sup>83</sup> See 5 U.S.C. § 706(2)(A).

<sup>84</sup> *Id.*; 5 U.S.C. § 706(2)(D).

<sup>85</sup> *Id.*; 5 U.S.C. § 704.

<sup>86</sup> *Id.*; 5 U.S.C. § 702.

<sup>87</sup> "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361 - *Action to compel an officer of the United States to perform his duty*

## COUNT FIVE

### Writ of Mandamus, 28 U.S.C. § 1361<sup>88</sup>

#### **Conspiracy to Violate 18 U.S.C. § 202 by Defendant Trump, Defendant Musk, Defendant Vought and Defendant Collins by Falsely Claiming Defendant Musk is a Special Government Employee**

175. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

176. Defendant Trump, Defendant Musk, Defendant Vought and Defendant Collins all know that Defendant Musk is the Head of Defendant DOGE and Defendant Trump, Defendant Musk, Defendant Vought and Defendant Collins all know that Defendant Musk does not qualify as a SGE as defined in 18 U.S.C. § 202(a).

177. Defendant Musk has no educational background in Accounting, Statistics and Mathematics.

178. Defendant Musk is not a part time government employee.

179. Plaintiff CAT seeks a declaratory judgment that Defendant Musk is not a special Government employee or an order compelling all Defendants to produce all relevant documents of Defendant Musk's work and work relationship with Defendant Doge.

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<sup>88</sup> "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." 28 U.S.C. § 1361 - *Action to compel an officer of the United States to perform his duty.*

## COUNT SIX

### Writ of Mandamus, 28 U.S.C. § 1361<sup>89</sup>

#### **Conspiracy to Violate the Separation of Powers of the United States Constitution by Defendant Trump, Defendant Musk, Defendant Vought and Defendant Collins by Violating the Separation of Powers of the United States Constitution**

180. Plaintiff CAT repeats and incorporates by reference each and every foregoing allegation as if fully set forth herein.

181. The “power of the purse” is set forth in the United States Constitution in Article I, Section 9, Clause 7, which states as follows:

“No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.”

*See* U.S. CONST. art. I, § 9, cl. 7.

182. The Defendants are all part of the Executive Branch according to the United States Constitution, beginning with the President as set forth in Article II and Article II, Section 2 the United States Constitution. *See Id.* at art. II and art. II, § 2.

183. Defendant Trump, Defendant Musk, Defendant Vought and Defendant Collins conspired to and did violate the Separation of Powers of the United States Constitution by Defendant DOGE’s plan created to cut VA (Veterans Affairs) contracts that would harm Veterans’ care as it interferes with Congress’ budget and Defendant Musk, Defendant DOGE and Defendant Trump, in canceling Government contracts, leases and grants and offering buyouts to full-time federal employees that would cover 8 months of the employee’s salary also interferes with Congress’ budget.

184. Defendant Vought and Defendant Collins knew of these actions by Defendant Musk, Defendant DOGE and Defendant Trump, knew that these actions of Defendant Musk,

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<sup>89</sup> “The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” 28 U.S.C. § 1361 - *Action to compel an officer of the United States to perform his duty.*

Defendant DOGE and Defendant Trump violated the United States Constitution and in knowing this fact, Defendant Vought and Defendant Collins permitted Defendant Musk, Defendant DOGE and Defendant Trump to take such actions.

185. Plaintiff CAT seeks an order of mandamus returning the status quo of all contracts, leases, grants and buyouts.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff CAT prays that this Honorable Court:

1. issue an injunction and/or a writ of mandamus compelling Defendants to take affirmative steps to ensure that records of DOGE remain available for public access;
2. declare that Defendants' creation and administration of DOGE violates the APA, FACA, and FACA's implementing regulations, and that the establishment of DOGE is therefore unlawful;
3. set aside all decisions attendant to DOGE's creation, including the appointments of individual committee members and alternate members;
4. through the named Defendants, enjoin DOGE and any of its subdivisions from meeting, advising federal agencies, and otherwise conducting committee or subcommittee business until it becomes compliant with FACA;
5. order Defendants to immediately release all materials prepared for DOGE or its subcommittees, and to provide a Vaughn index for such material and those withheld from production for any reason;
6. enjoin Defendants from relying on any recommendations or advice from DOGE made based on work conducted while it is not in compliance with FACA;

7. enter an order declaring Defendant Elon Musk a regular federal Government employee and not a special Government employee;
8. enter an order prohibiting Defendant DOGE from cancelling any contracts or Defendant Trump or any other Defendant from offering employment contract buyouts that would affect the budget set by Congress as it violates the separation of powers of the United States Constitution;
9. award Plaintiff CAT's their costs, attorneys' fees, and other disbursements for this action; and
10. grant any other relief this Court deems appropriate.

Respectfully submitted,

SCHOTTEL & ASSOCIATES, P.C.

BY: s/James W. Schottel, Jr.

James W. Schottel, Jr. #51285MO  
906 Olive St., PH  
St. Louis, MO 63101  
(314) 421-0350  
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Attorney for Plaintiff  
Citizens Against donald Trump, Inc.



Signed:

January 20, 2025

Published:

January 29, 2025

Citation: See Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669).

EXECUTIVE ORDER

January 20, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.

Sec. 2. Definitions. As used in this order:

(a) "Agency" has the meaning given to it in section 551 of title 5, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

Sec. 3. DOGE Structure. (a) *Reorganization and Renaming of the United States Digital Service.* The United States Digital Service is hereby publicly renamed as the United States DOGE Service (USDS) and shall be established in the Executive Office of the President.

(b) *Establishment of a Temporary Organization.* There shall be a USDS Administrator established in the Executive Office of the President who shall report to the White House Chief of Staff. There is further established within USDS, in accordance with section 3161 of title 5, United States Code, a temporary organization known as "the U.S. DOGE Service Temporary Organization". The U.S. DOGE Service Temporary Organization shall be headed by the USDS Administrator and shall be dedicated to advancing the President's 18-month DOGE agenda. The U.S. DOGE Service Temporary Organization shall terminate on July 4, 2026. The termination of the U.S. DOGE Service Temporary Organization shall not be interpreted to imply the termination, attenuation, or amendment of any other authority or provision of this order.

(c) *DOGE Teams.* In consultation with USDS, each Agency Head shall establish within their respective Agencies a DOGE Team of at least four employees, which may include Special Government Employees, hired or assigned within thirty days of the date of this Order. Agency Heads shall select the DOGE Team members in consultation with the USDS Administrator. Each DOGE Team will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney. Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President's DOGE Agenda.

Sec. 4. *Modernizing Federal Technology and Software to Maximize Efficiency and Productivity.* (a) The USDS Administrator shall commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems. Among other things, the USDS Administrator shall work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.

(b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

(c) This Executive Order displaces all prior executive orders and regulations, insofar as they are subject to direct presidential amendment, that might serve as a barrier to providing USDS access to agency records and systems as described above.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

January 20, 2025.





Signed:

February 11, 2025

Published:

February 14, 2025

Citation: See Exec. Order No. 14210; 2025-02762 (90 Fed. Reg. 9669).

## **Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative**

### **EXECUTIVE ORDER**

February 11, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. To restore accountability to the American public, this order commences a critical transformation of the Federal bureaucracy. By eliminating waste, bloat, and insularity, my Administration will empower American families, workers, taxpayers, and our system of Government itself.

Sec. 2. Definitions. (a) "Agency" has the meaning given to it in section 3502 of title 44, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

(c) "DOGE Team Lead" means the leader of the Department of Government Efficiency (DOGE) Team at each agency, as defined in Executive Order 14158 of January 20, 2025 (Establishing and Implementing the President's "Department of Government Efficiency").

(d) "Employee" has the meaning given to it by section 2105 of title 5, United States Code, and includes individuals who serve in the executive branch and who qualify as employees under that section for any purpose.

(e) "Immigration enforcement" means the investigation, enforcement, or assisting in the investigation or enforcement of Federal immigration law, including with respect to Federal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, but does not include assisting individuals in applying for immigration benefits or efforts to prevent enforcement of immigration law or to prevent deportation or removal from the United States.

(f) "Law enforcement" means:

(i) engagement in or supervision of the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law; or

(ii) the protection of Federal, State, local, or foreign government officials against threats to personal safety.

(g) "Temporary employee" has the meaning given to it in 5 C.F.R. part 316.

(h) "Reemployed annuitant" has the meaning given to it in 5 C.F.R. part 837.

### Sec. 3. Reforming the Federal Workforce to Maximize Efficiency and



Productivity. (a) Hiring Ratio. Pursuant to the Presidential Memorandum of January 20, 2025 (Hiring Freeze), the Director of the Office of Management and Budget shall submit a plan to reduce the size of the Federal Government's workforce through efficiency improvements and attrition (Plan). The Plan shall require that each agency hire no more than one employee for every four employees that depart, consistent with the plan and any applicable exemptions and details provided for in the Plan. This order does not affect the standing freeze on hiring as applied to the Internal Revenue Service. This ratio shall not apply to functions related to public safety, immigration enforcement, or law enforcement. Agency Heads shall also adhere to the Federal Hiring Plan that will be promulgated pursuant to Executive Order 14170 of January 20, 2025 (Reforming the Federal Hiring Process and Restoring Merit to Government Service).

(b) Hiring Approval. Each Agency Head shall develop a data-driven plan, in consultation with its DOGE Team Lead, to ensure new career appointment hires are in highest-need areas.

(i) This hiring plan shall include that new career appointment hiring decisions shall be made in consultation with the agency's DOGE Team Lead, consistent with applicable law.

(ii) The agency shall not fill any vacancies for career appointments that the DOGE Team Lead assesses should not be filled, unless the Agency Head determines the positions should be filled.

(iii) Each DOGE Team Lead shall provide the United States DOGE Service (USDS) Administrator with a monthly hiring report for the agency.

(c) Reductions in Force. Agency Heads shall promptly undertake preparations to initiate large-scale reductions in force (RIFs), consistent with applicable law, and to separate from Federal service temporary employees and reemployed annuitants working in areas that will likely be subject to the RIFs. All offices that perform functions not mandated by statute or other law shall be prioritized in the RIFs, including all agency diversity, equity, and inclusion initiatives; all agency initiatives, components, or operations that my Administration suspends or closes; and all components and employees performing functions not mandated by statute or other law who are not typically designated as essential during a lapse in appropriations as provided in the Agency Contingency Plans on the Office of Management and Budget website. This subsection shall not apply to functions related to public safety, immigration enforcement, or law enforcement.

(d) Rulemaking. Within 30 days of the date of this order, the Director of the Office of Personnel Management (OPM) shall initiate a rulemaking that proposes to revise 5 C.F.R. 731.202(b) to include additional suitability criteria, including:

(i) failure to comply with generally applicable legal obligations, including timely filing of tax returns;

(ii) failure to comply with any provision that would preclude regular Federal service, including citizenship requirements;

(iii) refusal to certify compliance with any applicable nondisclosure obligations, consistent with 5 U.S.C. 2302(b)(13), and failure to adhere to those compliance obligations in the course of Federal employment; and

(iv) theft or misuse of Government resources and equipment, or negligent loss of material Government resources and equipment.

(e) Developing Agency Reorganization Plans. Within 30 days of the date of this order, Agency Heads shall submit to the Director of the Office of Management and Budget a report that identifies any statutes that establish the agency, or subcomponents of the agency, as statutorily required entities. The report shall discuss whether the agency or any of its subcomponents

should be eliminated or consolidated.

(f) Within 240 days of the date of this order, the USDS Administrator shall submit a report to the President regarding implementation of this order, including a recommendation as to whether any of its provisions should be extended, modified, or terminated.

Sec. 4. Exclusions. (a) This order does not apply to military personnel.

(b) Agency Heads may exempt from this order any position they deem necessary to meet national security, homeland security, or public safety responsibilities.

(c) The Director of OPM may grant exemptions from this order where those exemptions are otherwise necessary and shall assist in promoting workforce reduction.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,  
February 11, 2025.



Signed:

February 19, 2025

Published:

February 25, 2025

Citation: See Exec. Order No. 14219; 2025-03138 (90 Fed. Reg. 10583).

**Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative**

**EXECUTIVE ORDER**

February 19, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

**Section 1 . Purpose.** It is the policy of my Administration to focus the executive branch's limited enforcement resources on regulations squarely authorized by constitutional Federal statutes, and to commence the deconstruction of the overbearing and burdensome administrative state. Ending Federal overreach and restoring the constitutional separation of powers is a priority of my Administration.

**Sec. 2 . Rescinding Unlawful Regulations and Regulations That Undermine the National Interest.** (a) Agency heads shall, in coordination with their DOGE Team Leads and the Director of the Office of Management and Budget, initiate a process to review all regulations subject to their sole or joint jurisdiction for consistency with law and Administration policy. Within 60 days of the date of this order, agency heads shall, in consultation with the Attorney General as appropriate, identify the following classes of regulations:

- (i) unconstitutional regulations and regulations that raise serious constitutional difficulties, such as exceeding the scope of the power vested in the Federal Government by the Constitution;
- (ii) regulations that are based on unlawful delegations of legislative power;
- (iii) regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition;
- (iv) regulations that implicate matters of social, political, or economic significance that are not authorized by clear statutory authority;
- (v) regulations that impose significant costs upon private parties that are not outweighed by public benefits;
- (vi) regulations that harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, disaster response, inflation reduction, research and development, economic development, energy production, land use, and foreign policy objectives; and

(vii) regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship.

(b) In conducting the review required by subsection (a) of this section, agencies shall prioritize review of those rules that satisfy the definition of “significant regulatory action” in [Executive Order 12866](#) of September 30, 1993 (Regulatory Planning and Review), as amended.

(c) Within 60 days of the date of this order, agency heads shall provide to the Administrator of the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget a list of all regulations identified by class as listed in subsection (a) of this section.

(d) The Administrator of OIRA shall consult with agency heads to develop a Unified Regulatory Agenda that seeks to rescind or modify these regulations, as appropriate.

**Sec. 3 . *Enforcement Discretion to Ensure Lawful Governance.***

(a) Subject to their paramount obligation to discharge their legal obligations, protect public safety, and advance the national interest, agencies shall preserve their limited enforcement resources by generally de-prioritizing actions to enforce regulations that are based on anything other than the best reading of a statute and de-prioritizing actions to enforce regulations that go beyond the powers vested in the Federal Government by the Constitution.

(b) Agency heads shall determine whether ongoing enforcement of any regulations identified in their regulatory review is compliant with law and Administration policy. To preserve resources and ensure lawful enforcement, agency heads, in consultation with the Director of the Office of Management and Budget, shall, on a case-by-case basis and as appropriate and consistent with applicable law, then direct the termination of all such enforcement proceedings that do not comply with the Constitution, laws, or Administration policy.

**Sec. 4 . *Promulgation of New Regulations.*** Agencies shall continue to follow the processes set out in [Executive Order 12866](#) for submitting regulations for review by OIRA. Additionally, agency heads shall consult with their DOGE Team Leads and the Administrator of OIRA on potential new regulations as soon as practicable. In evaluating potential new regulations, agency heads, DOGE Team Leads, and the Administrator of OIRA shall consider, in addition to the factors set out in [Executive Order 12866](#), the factors set out in section 2(a) of this order.

**Sec. 5 . *Implementation.*** The Director of the Office of Management and Budget shall issue implementation guidance, as appropriate.

**Sec. 6 . *Definitions.*** (a) “Agency” has the meaning given to it in [44 U.S.C. 3502](#), except it does not include the Executive Office of the President or its components.

(b) “Agency head” shall mean the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director.

(c) “DOGE Team Lead” shall mean the leader of the DOGE Team at each agency as described in [Executive Order 14158](#) of January 20, 2025 (Establishing and Implementing the President's “Department of Government Efficiency”).

(d) “Enforcement action” means all attempts, civil or criminal, by any agency to deprive a private party of life, liberty, or property, or in any way affect a private party's rights or obligations, regardless of the label the agency has historically placed on the action.

(e) “Regulation” shall have the meaning given to “regulatory action” in section 3(e) of [Executive Order 12866](#), and also includes any “guidance document” as defined in [Executive Order 13422](#) of January 18, 2007 (Further Amendment to [Executive Order 12866](#) on Regulatory Planning and Review).

(f) “Senior appointee” means an individual appointed by the President, or performing the functions and duties of an office that requires appointment by the President, or a non-career member of the Senior Executive Service (or equivalent agency system).

**Sec. 7 . Exemptions.** Notwithstanding any other provision in this order, nothing in this order shall apply to:

(a) any action related to a military, national security, homeland security, foreign affairs, or immigration-related function of the United States;

(b) any matter pertaining to the executive branch's management of its employees; or

(c) anything else exempted by the Director of the Office of Management and Budget.

**Sec. 8 . Severability.** If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

**Sec. 9 . General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,  
February 19, 2025.





VIA – U.S. PRIORITY FLAT RATE MAIL – 9114 9023 0722 4272 4440 61

**FOIA Request**

February 3, 2025

To: FOIA Officer  
Office of Management and Budget  
725 17th St NW Rm 9026  
Washington, DC 20503



RE: *Freedom of Information Act Request*

This is a request under the Freedom of Information Act (FOIA).

I request that a copy of the following documents be provided to me:

**Documents Relating to the President's Executive Order of January 20, 2025 Implementing "the President's DOGE agenda" (a copy is enclosed for your convenience)**

- (1) All documents referring to or relating to the "President's 18-month DOGE agenda" as mentioned in and referred to in Section 3 of the Executive Order of January 20, 2025 Implementing "the President's DOGE agenda";**
- (2) All documents referring to or relating to the proposed budget for implementing and effectuating the "President's 18-month DOGE agenda" as mentioned in and referred to in Section 3 of the Executive Order of January 20, 2025 Implementing "the President's DOGE agenda";**
- (3) All documents referring to or relating to the proposed salary and/or monetary payments to Elon Musk, as Agency Head of the Department of Government Efficiency; and**
- (4) A documented list of powers, duties, directives and any limitations placed on Elon Musk, as Agency Head of the Department of Government Efficiency.**

***This request covers physical paper records, electronic records, photographs and video.***

In order to help you determine my status for the applicability of any fees, I am requesting these documents for a charitable and literary purpose. I am President of Citizens Against donald Trump, Inc., a nonprofit corporation registered with the State of Missouri; made up of

page 2

nonpartisan citizens across the United States, including but not limited to, Constitutional legal scholars, Constitutional lawyers and nonlawyers. Citizens Against donald Trump, Inc. is formed to protect our United States Constitution and laws of our country from unconstitutional or illegal acts by President Donald Trump, President Donald Trump's Cabinet members, the Departments under President Donald Trump's associate's implementing or executing governmental action.

I am willing to pay fees for this request up to a maximum of \$500.00. If you estimate that the fees will exceed this limit, please contact me.

Sincerely,

A handwritten signature in blue ink, reading "James W. Schottel, Jr.", is written over a horizontal line.

James W. Schottel, Jr., Esq.

President

Citizens Against Donald Trump, Inc. (CAT)

906 Olive St. PH

St. Louis, MO 63101

(314) 421-4060 Fax

(314) 374-3310 Cell

[jschotteljr@citizensagainstdonaldtrump.org](mailto:jschotteljr@citizensagainstdonaldtrump.org)

JWS/omf  
Enclosure



## EXECUTIVE ORDER

January 20, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. This Executive Order establishes the Department of Government Efficiency to implement the President's DOGE Agenda, by modernizing Federal technology and software to maximize governmental efficiency and productivity.

Sec. 2. Definitions. As used in this order:

- (a) "Agency" has the meaning given to it in section 551 of title 5, United States Code, except that such term does not include the Executive Office of the President or any components thereof.
- (b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

Sec. 3. DOGE Structure. (a) *Reorganization and Renaming of the United States Digital Service*. The United States Digital Service is hereby publicly renamed as the United States DOGE Service (USDS) and shall be established in the Executive Office of the President.

(b) *Establishment of a Temporary Organization*. There shall be a USDS Administrator established in the Executive Office of the President who shall report to the White House Chief of Staff. There is further established within USDS, in accordance with section 3161 of title 5, United States Code, a temporary organization known as "the U.S. DOGE Service Temporary Organization". The U.S. DOGE Service Temporary Organization shall be headed by the USDS Administrator and shall be dedicated to advancing the President's 18-month DOGE agenda. The U.S. DOGE Service Temporary Organization shall terminate on July 4, 2026. The termination of the U.S. DOGE Service Temporary Organization shall not be interpreted to imply the termination, attenuation, or amendment of any other authority or provision of this order.

(c) *DOGE Teams*. In consultation with USDS, each Agency Head shall establish within their respective Agencies a DOGE Team of at least four employees, which may include Special Government Employees, hired or assigned within thirty days of the date of this Order. Agency Heads shall select the DOGE Team members in consultation with the USDS Administrator. Each DOGE Team will typically include one DOGE Team Lead, one engineer, one human resources specialist, and one attorney. Agency Heads shall ensure that DOGE Team Leads coordinate their work with USDS and advise their respective Agency Heads on implementing the President's DOGE Agenda.

Sec. 4. *Modernizing Federal Technology and Software to Maximize Efficiency and Productivity*.

(a) The USDS Administrator shall commence a Software Modernization Initiative to improve the quality and efficiency of government-wide software, network infrastructure, and information technology (IT) systems. Among other things, the USDS Administrator shall work with Agency Heads to promote inter-operability between agency networks and systems, ensure data integrity, and facilitate responsible data collection and synchronization.

(b) Agency Heads shall take all necessary steps, in coordination with the USDS Administrator and to the maximum extent consistent with law, to ensure USDS has full and prompt access to all unclassified agency records, software systems, and IT systems. USDS shall adhere to rigorous data protection standards.

(c) This Executive Order displaces all prior executive orders and regulations, insofar as they are subject to direct presidential amendment, that might serve as a barrier to providing USDS access to agency records and systems as described above.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
  - (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

January 20, 2025.



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**ALERT: SEVERE WEATHER IN THE MIDWEST & SOUTHWEST THROUGH THE MIDSOUTH, AND WILDFIRES IN NORTH & SOUTH CAROLINA MAY DELAY DELIVERY OF MAIL AND PACKAGES. [READ MORE](https://about.usps.com/newsroom/service-alerts/) (https://about.usps.com/newsroom/service-alerts/)**

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CITIZENS AGAINST dONALD TRUMP, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:25-CV-311
	)	
DONALD J. TRUMP, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF EXHIBIT FILING**

Exhibit 6 to Plaintiff's Complaint

will be filed with the Clerk's Office in MP4 electronic format on a Flash Thumb Drive.

I certify that within 24 hours of the filing of this Notice, I will file and serve copies of the Flash Thumb Drive identified above.

DATED: March 13, 2025.

Respectfully submitted,

SCHOTTEL & ASSOCIATES, P.C.

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Citizens Against donald Trump, Inc.





The Singju Post

# TRANSCRIPT: President Trump, Elon Musk Speak After DOGE Order Signing

February 12, 2025 12:12 am / by **Pangambam S** / **Education**

TRANSCRIPT:

## Opening Remarks

DONALD TRUMP: X, are you okay? I think this is X, and he's a great guy. High IQ. He's a high IQ individual.

ELON MUSK: And he's got this cool train. It's gone.

DONALD TRUMP: So thank you very much. We had a busy day today. The king just left, and we've had a great discussion, terrific discussion, concerning Gaza and everything else. We had discussions also about Saturday at 12:00. It's going to be a big moment. We'll see what happens. I don't expect much happening with these people, but we'll see what happens.

And we're going to be signing a very important deal today. It's DOGE, and I'm going to ask Elon to tell you a little bit about it and some of the things that we found which is shocking. **Billions and billions of dollars in waste, fraud, and abuse, and I think it's very important.** And that's one of the reasons I got elected. I say we're going to do that. Nobody had any idea it was that bad, that sick, and that corrupt. And it seems hard to believe that judges want to try and stop us from looking for corruption, especially when we found hundreds of millions of dollars worth much more than that in just a short period of time.

We want to weed out the corruption. And it seems hard to believe that a judge could say, we don't want you to do that. Well, so maybe we have to look at the judges because that's a very serious — I think it's a very serious violation. I'll ask Elon Musk to say a few words, and we'll take some questions. Elon, go ahead.

ELON MUSK: Sure. So at a high level, if you say what is the goal of DOGE and I think a significant part of this presidency is to restore Regent to democracy. This may seem like, well, are we in a democracy? Well, if you don't have a feedback loop, we'd have to if you... Tell you gravitas can be difficult sometimes.

So, if there's not a good feedback loop from the people to the government, and if you have rule of the bureaucrat — if the bureaucracy is in charge, then what meaning does democracy actually have?

**If the people cannot vote and have their will be decided by their elected representatives in the form of the president and the senate and the house, then we don't live in a democracy. We live in a bureaucracy.** So it's incredibly important that we close that feedback loop, we fix that feedback loop, and that the public, the public's elected representatives, the president, the house, and the senate decide what happens as opposed to a large unelected bureaucracy. This is not to say that there aren't some good people who are in the federal bureaucracy, but you can't have an autonomous federal bureaucracy.

You have to have one that's responsive to the people. That's the whole point of a democracy. And so, if you looked at the founders today and said, what do you think of the way things have turned out? Or what we have this unelected, fourth unconstitutional branch of government, which is the bureaucracy, which has, in a lot of ways, currently more power than any elected representative. And this is not something that people want.

And it's not — it does not match the will of people. So it's just something we've got to fix. And then we also got to address the deficit. So we've got a \$2 trillion deficit. And if we don't do something about this deficit, the country's going bankrupt.

**I mean, it's really astounding that the interest payments alone on national debt exceed the defense department budget, which is shocking because we spend a lot of money on defense.** And if that just keeps going, we're essentially going to bankrupt the country. So what I really would say is, it's not optional for us to reduce the federal expenses. It's essential. It's essential for America to remain solvent as a country, and it's essential for America to have the resources necessary to provide things to its citizens and not simply be servicing vast amounts of debt.

DONALD TRUMP: And also, could you mention some of the things that your team has found, some of the crazy numbers, including the woman that walked away with about \$30 million, etc.?

ELON MUSK: Right. Well, we do find it sort of rather odd that there are quite a few people in the bureaucracy who have ostensibly a salary of a few hundred thousand dollars, but somehow managed to accrue tens of millions of dollars in net worth, while they are in that position, which is, you know, what happened to USAID. We're just curious as to where it came from. Maybe they're very good at investing.

In which case, we should take their investment advice perhaps. But, just there seems to be mysteriously they get wealthy. We don't know why. Where does it come from? And, I think the reality is that they're getting wealthy at taxpayer expense.

That's the honest truth of it. So, we're looking at, say, well, if you look at, say, treasury, for example, basic controls that should be in place, that are in place in any company, such as making sure that any given payment has a payment categorization code, that there is a comment field that describes the payment, and that if a payment is on the do not pay list, that you don't actually pay



it. None of those things are true currently. So the reason that departments can't pass audits is because the payments don't have a categorization code. It's like just a massive number of blank checks just flying out the building.

So you can't reconcile blank checks. You've got comment fields that are also blank. You don't know why the payment was made. And then we've got this truly absurd, a do not pay list, which can take up to a year before an organization to get on a do not pay list. And this we're talking about terrorist organizations.

We're talking about known fraudsters, known aspects of waste, known things that do not match any congressional appropriation can take up to a year to get on the list. And even once on the list, the list is not used. It's mind blowing. So what we're talking here we're really just talking about adding common sense controls that should be present, that haven't been present. So you said, like, well, how could such a thing arise?

That seems crazy. That if when you understand that really, everything is geared towards complaint minimization, then you understand the motivations. So if people receive money, they don't complain, obviously. But if people don't receive money, they do complain. And the fraudsters complain the loudest and the fastest.

So, then when you understand that, then it makes sense. Oh, that's why everything just they approve all the payments at treasury. Because if you approve all the payments, you don't get complaints. But now we are going to complain.

**If money is spent badly, if your taxpayer dollars are not spent in a sensible approval manner, then that's not okay. Your tax dollars need to be spent wisely on the things that matter to the people.** I mean, these things like, it's just common sense. It's not draconian or radical, I think. It's really just saying, let's look at each of these expenditures and say, is this actually in the best interest of the people?

And if it is, it's approved. If it's not, we should think about it. So, you know, there's crazy things like just cross examination of Social Security. And we've got people in there that are 150 years old. Now do you know anyone 150?

I don't okay. This they should be on the Guinness Book of World Records. They're missing out. So, you know, that's a case where, like, I think they're probably dead. It's my guess.

Or they should be very famous. One of the two. And then there's a whole bunch of Social Security payments where there's no identifying information. Well, why is there no identifying information? Obviously, we want to make sure that people who deserve to receive Social Security do receive it, and that they receive it quickly and accurately.

Also, another crazy thing. So, you know, one of the things is, we are trying to sort of right size the federal bureaucracy just to make sure that this obviously, they need to get a lot of people working for the federal government, but not as many as currently. So we're saying, well, okay. Well, let's



if people can retire, you know, with full benefits and everything, that would be good. They can retire, get their retirement payments, everything.

And then we were told this is actually, I think, a great anecdote, because we were told the most number of people that could retire possibly in a month is 10,000. We're like, well, why is that? Well, because all the retirement paperwork is manual on paper. It's manually calculated, then written down on a piece of paper, then it goes down a mine. And, like, what do you mean a mine?

Yeah. There's a limestone mine where we store all the retirement paperwork and you look at picture of this mine. We'll post some pictures afterwards. And this mine looks like something out of the fifties because it was started in 1955. So it looks like it's like a time warp.

**And then the speed then the limiting factor is the speed at which the mine shaft elevator can move determines how many people can retire from the federal government. And the elevator breaks down sometimes, and then nobody can retire. Doesn't that sound crazy?** There's, like, a thousand people that work on this. So I think if we take those people and say, you know what?

Instead of working in a mine shaft, carrying manila envelopes to boxes in a mine shaft, you could do practically anything else, and you would add to the goods and services of the United States, in a more useful way. So, anyway, so I think, you know, that's an example. Like, at a high level, if you could say, how do we increase prosperity is we get people to do to shift from roles that are low to negative productivity to high productivity roles. And so you increase the total output of goods and services, which means that there's a higher standard of living available for everyone. That's the actual goal.

## Questions from Reporters

ELON MUSK: Everyone's very quiet, brother.

REPORTER: Your detractors, Mr. Musk I have to...

ELON MUSK: What?

REPORTER: Including a lot of Democrats.

ELON MUSK: I have detractors?

REPORTER: You do, sir.

ELON MUSK: I don't believe it.

REPORTER: Say that you're orchestrating a hostile takeover of government and doing it in a nontransparent way. What's your response to that criticism?

ELON MUSK: Well, first of all, you couldn't ask for a stronger mandate from the public. The public voted, you know, that we'd have a majority of the public voting for President Trump. Won

the house, won the senate. The people voted for major government reform. There should be no doubt about that. That was on the campaign. The president spoke about that at every rally.

**The people voted for major government reform, and that's what people are going to get. They're going to get what they voted for.** And a lot of times that, you know, people don't get what they voted for. But in this presidency, they are going to get what they voted for, and that's what democracy is all about.

REPORTER: Mr. Musk, the White House says that you will identify and excuse yourself from any conflicts of interest that you may have. Does that mean that you are, in effect, policing yourself? What are the checks and balances that are in place to ensure that there is accountability and transparency?

ELON MUSK: Well, we actually are trying to be as transparent as possible. In fact, our actions — we post our actions to the DOGE handle, on X, and to the DOGE website. So all of our actions, which are maximally transparent.

In fact, I don't think there's been — I don't know the case that where an organization has been more transparent than the DOGE organization. And so, you know, and the kind of things we're doing are, I think, very, very simple and basic. They're not — we're you know, what I mentioned, for example, about treasury, just making sure that payments that go out, taxpayer money that goes out, is categorized correctly, that the payment is explained, that organizations on the do not pay list, which are takes a lot to get there, that actually are not paid, which currently they are paid. These are not individual judgment decisions. These are about simply having sensible checks and balances in the system itself to ensure that taxpayer money is spent well.

So it's got nothing to do with, like, say, a contract for some company of mine at all.

REPORTER: But if there is a conflict of interest when it comes to you yourself, for instance, you've received billions of dollars in federal contracts. When it comes to the Pentagon, for instance, which the president I know has directed you to look into. Are you policing yourself in that? Is there any sort of accountability check and balance in place that would provide any transparency for the American people?

ELON MUSK: Well, all of our actions are fully public. So if you see anything, you say, like, wait a second. Hey. You know what? That doesn't that seems like maybe that's, you know, that there's a conflict there. I don't like people are going to be shy about saying that. They'll say it immediately.

REPORTER: Including you yourself.

ELON MUSK: Yes. But transparency is what builds trust, not simply somebody asserting trust. So not somebody saying they're trustworthy, but transparency so you can see everything that's going on. And then you can see, am I doing something that benefits one of my companies or not? It's totally obvious.

DONALD TRUMP: And we thought that we would not let him do that segment or look in that area if we thought there was a lack of transparency or a conflict of interest. And we watched that also.

He's a big businessman. He's a successful guy. That's why we want him doing this. We don't want an unsuccessful guy doing this. Now one thing also that Elon hasn't really mentioned are the groups of people that are getting some of these payments. They're ridiculous. And we're talking about billions of dollars that we've already found. We found fraud and abuse. I would say those two words as opposed to the third word that I usually use, but in this case, fraud and abuse. It's abusive because most of these things are virtually made up or certainly money shouldn't be sent to them.

And you know what I'm talking about. It's crazy. So, but we're talking about tens of billions of dollars that we've already found. **And now a judge who's an activist judge, wants to try and stop us from doing this. Why?** Why would they want to do that? I campaigned on this. I campaigned on the fact that I said government is corrupt, and it is very corrupt. It's very, very, it's also foolish. As an example, a man has a contract for three months and the contract ends, but they keep paying him for the next 20 years, you know, because nobody ends a contract.

You get a lot of that. You have a contract that's a three a three month contract. Now, normally, if you're in a small and in all fairness, it's the size of this thing is so big. But if you have a contract and you're in a regular business, you end the contract in three months. You know, it's a consult. Here's a contract for three months, but it goes on for 20 years. Now the guy doesn't say that he got money for 20 years. You know, they don't say it. They just keep getting checks month after month.

And you have various things like that and even much worse than that, actually, much worse. And I guess you call that incompetence maybe. It could be corruption. It could be a deal is made on both sides, you know, where I guess the money he kicks I think he has a lot of kickback here.

I see a lot of kickback here. There's a lot of kickbacks. Tremendous kickback because nobody could be so stupid to give out some of these contracts. So he has to get a kickback. So, that's what I got elected for that and borders and military and a lot of things, but this is a big part of it.

And I hope that the court system is going to allow us to do what we have to do. We got elected to system is going to allow us to do what we have to do. We got elected to, among other things, find all of this fraud, abuse, all of this horrible stuff going on. And we've already found billions of dollars, not like a little bit, billions, many billions of dollars. **And when you get down to it, it's going to be probably close to a trillion dollars.**

It could be close to a trillion dollars that we're going to find. That will have quite an impact on the budget. And you'll go to a judge where they handpick a judge and he has certain leanings. I'm not knocking anybody for that, but he has certain leanings, and he wants us to stop looking. How do you stop looking?

I mean, we've already found it. We have a case in New York where a hotel has paid \$59 million because it's housing migrants, illegal migrants, all illegal, I believe.

ELON MUSK: And they were being paid twice the normal room rate at a 100% occupancy. Unbelievable. So it's a racket.

REPORTER: Question.

ELON MUSK: If I may sort of just, going for the president's comments, at a high level, okay, well, what how exactly how do — what are the two ingredients that are really necessary in order to cut the budget deficit in half from \$2 trillion to \$1 trillion? And it's really two things, competence and caring. And if you add competence and caring, you'll cut the budget deficit in half. And I fully expect to be scrutinized and get, you know, a daily proctology exam, basically.

Might as well just camp out there. So it's not like I think I can get away with something. I'll be scrutinized nonstop. And, but with support of the president, we can — we can cut the budget deficit in half from \$2 trillion to \$1, and then with deregulation because there's a lot of regulations that don't ultimately serve the public good. We need to free the builders of America to build.

And if we do that, that means I think, we can get the economic growth to be maybe 3, 4%, maybe 5%. And that means if you can get a trillion dollars of economic growth and you cut the budget deficit by a trillion, between now and next year, there is no inflation. There's no inflation in 2026. And if the government is not borrowing as much, it means that interest costs decline. So everyone's mortgage, their car payment, their credit card bills, any their student debt, the monthly payments drop.

**That's a fantastic scenario for the average American. I mean, imagine they go down the grocery aisle and the prices from one year to the next are the same, and their mortgage, all their debt payments dropped, how great is that for the average American?**

DONALD TRUMP: We had no idea we're going to find this much, and it's open. It's not, like, complicated. It's not complicated. It's a lot of work. You can't believe it. A lot of work, a lot of smart people involved. Very, very smart people. But, it's you're talking about anyway, maybe \$500 billion. It's crazy the kind of numbers you use.

It's really crazy. You know, normally, when you're looking at something, you'll find you're looking for one out of a hundred. Here, you're almost reversing it. You look for one that's good. And you can look at the title, and you say, why are we doing this? Why are we doing that? And the public gets it. You know, the public gets it. You've seen the polls.

The public is saying, why are we paying all this money? This is for years this has gone on. Go ahead.

Wait. Go ahead.

REPORTER: Senator Rand Paul today said that DOGE cuts will ultimately need a vote in Congress. Do you agree with that? Is that the plan?

DONALD TRUMP: I really don't know. I know this. We're finding tremendous fraud and tremendous abuse. If I need a vote of Congress to find fraud and abuse, it'd be I it's fine with me. I think we'll get the vote.

Although there'll be some people that wouldn't vote. And how could a judge want to hold us back from finding all of this fraud and finding all of this incompetence? Why would that happen? Why would even Congress want to do that? Now Congress if we do need a vote, I think we get a very easy vote because we have a track record now. We've already found billions of dollars of abuse, incompetence, and corruption. A lot of corruption.

REPORTER: If a judge does block one of your policies, part of your agenda, will you abide by that ruling? Will you comply with this?

DONALD TRUMP: Abide by the courts, and then I'll have to appeal it.

But then what he's done is he slowed down the momentum, and it gives crooked people more time to cover up the books. You know, if a person's crooked and they get caught, other people see that and all of a sudden it becomes harder later on. So the answer is I always abide by the courts, always abide by them, and will appeal.

But appeals take a long time, and I would hope that a judge if you go into a judge and you show them, here's a corrupt situation. We have a check to be sent, but we found it to be corrupt. Do you want us to send this corrupt check to a person, or do you want us to have to give it and give it back to the taxpayer? I would hope a judge would say, don't send it. Give it back to the taxpayer.

ELON MUSK: If I can add to that, what we're finding is that a bunch of the fraud is not even going to Americans. So I think we can all agree that if there's going to be fraud, it should at least go to Americans. But a bunch of the fraud rings that are operating in the United States and taking advantage of the federal government, especially in the entitlements programs, are actually foreign fraud rings. They're operating in other countries and actually exporting money to other countries.

We should stop that. Again, this is big big numbers. We're talking about \$100 to \$200 billion a year. Serious money.

REPORTER: Mr. Musk, you said on X that an example of the fraud, that you have cited was \$50 million of condoms was sent to Gaza. But after fact check this, apparently, Gaza in Mozambique, and the program was to protect them against HIV. So can you correct the statements? It wasn't sent to Hamas, actually. It was sent to Mozambique, which makes sense why condoms was sent there. And how can we make sure that all the statements that you said were correct so we can trust what you say?

ELON MUSK: Well, first of all, some of the things that I say will be incorrect and should be corrected. So nobody's going to bat a thousand.

I mean, any you know, we're we will make mistakes, but we'll act quickly to correct any mistakes. So, you know, I'm not sure we should be sending \$50 million worth of condoms to anywhere, frankly. I'm not sure that's something Americans would be really excited about. And that is really an enormous number of condoms when you think about it. But, you know, if it went to Mozambique and I'm like, okay. That's not as bad, but still, you know, why are we doing that? That's too bad.

REPORTER: Can you talk a little bit about how closely you're working with agency heads as you're directing these cuts? Do they have the how much input do agency heads have when you're making these decisions?

ELON MUSK: We work closely with the agency heads. And, so there are sort of checks in place, so it's not — I was just going in and doing things willy nilly. It's in partnership with the agency heads. And, and I checked previously with the president to make sure that, you know, this is what the president wants to have happen.

So, you know, we talk almost every day, and I double check things to make sure this is something, Mr. President, you want us to do this? We'll then we'll do it.

REPORTER: USAID has been one of your main targets. Are you concerned at all that some of the cuts or that shutting that agency altogether may lead to diseases or other bigger problems starting in other countries that then come to the United States?

ELON MUSK: So that's an interesting example. So that's something where we work closely with the State Department, and Secretary Rubio. And we have, for example, turned on funding for Ebola prevention, and for HIV prevention.

REPORTER: Correct.

ELON MUSK: And we are moving fast. So we will make mistakes, but we'll also fix the mistakes very quickly.

REPORTER: So has a worthy cause, USAID?

ELON MUSK: I think that there's some worthy things, but overall, if you say what is the bang for the buck, I would say it's it was not very good. And there was far too much of what USAID was doing was influencing elections in ways that I think were dubious and do not stand the light of day.

REPORTER: I think it's just a follow-up to the, the Pentagon contracts. If you have received billions of dollars in contracts from the Pentagon, and the president's directing you to look into the Department of Defense, is that conflict of interest —

ELON MUSK: We are going to do at the president's request.

REPORTER: Does that present a conflict of interest for you?



ELON MUSK: No, because you'd have to look at the individual contract and say, first of all, I'm not the one, you know, filing the contract. It's people at SpaceX or someone who will be putting for the contract. And I'd like to say, if you see any contract where it was awarded to SpaceX and it wasn't by far the best value of money for the taxpayer, let me know because every one of them was.

REPORTER: The president said the other day that you might look at treasuries. Could you explain that a little bit? What kind of fraud or and that question goes to both of you. What kind of fraud are you expecting to see or do you see right now in US treasuries?

ELON MUSK: I think you mean the treasury department as opposed to treasury bills. Or...

REPORTER: You also referenced treasuries on Air Force One the other night.

ELON MUSK: Well, the as I mentioned earlier, really, the first order of business is to make sure we're actually collecting... sorry for this. Although my son might enjoy this, but he's sticking his fingers in my ears and stuff. So it's been hard to hear sometimes.

Hey. Stop that. So, no. The stuff we're doing with the treasury department is so basic, that you can't believe it doesn't exist already. So for example, like I mentioned, just making sure that when a payment goes out, it has to have the payment categorization code. It's like, what type of payment is this? You can't just leave the field blank. Currently, many payments that the field is left blank. We and you have to describe what's the payment for, some basic rationalization. That also is left blank.

So this is why, you know, the Pentagon when's last time the Pentagon passed an order? I mean, a decade ago, maybe, or whatever, really. And we want to just in order to actually pass audits, you have to have financial information that allows you to trace the payments. So, you know, and once in a while, the treasury has to test to pause payments, if it thinks the payment is going to a fraudulent organization. Like, if a company or organization is on a do not pay list, we should not pay it.

I'm sure you would agree. Like, if it's quite hard to get on that payment, the do not pay list, it means that this is someone that is just it's like dead people, terrorists, known fraudsters, that kind of thing. We should not pay them. But currently, we do, which is crazy. We should stop that.

DONALD TRUMP: And by the way, hundreds, thousands of transactions like that. You know, we have a big team. And for the sake of the country, I hope that the person that's in charge and the other people that report to me that are in charge are allowed to do the right thing, namely make sure everything's honest, legitimate, and competent. But we're looking at just, when you look at USAID, that was — that's one.

We're going to look at the military. We're going to look at education. They're much bigger areas. But the USAID is really corrupt. I'll tell you it's corrupt. It's incompetent, and it's really corrupt. And I can't imagine a judge saying, well, it may be corrupt, but you don't have the right. You got elected to look over the country and to, as we say, make America great again, but you don't have

the right to go and look and see whether or not things are right that they're paying or that things are honest that they are paying. And nobody can even believe there's other people, law professors, they've been saying, how can you take that person's right away? You're supposed to be running the country, but we're not allowed to look at who they're paying it to and what they're paying. We have massive amounts of fraud that we caught.

I think we probably caught way over a lot of billions of dollars already in, what, two weeks? And it's going to go, to numbers that you're not going to believe. And, much as I said, much is incompetence and much is dishonesty. We have to catch it.

**And the only way we're going to catch it is to look for it. And if a judge is going to say you're not allowed to look for it, that's pretty sad for our country. I don't understand how it could even work.**

REPORTER: I'm sorry. Mr. Trump, can you personally guarantee that...

DONALD TRUMP: Which one?

REPORTER: The buyout program, the offer to federal workers? Can you personally guarantee that the workers who opt in to resign now will be paid through September?

DONALD TRUMP: Money, but, they're getting a good deal. They're getting a big buyout. And what we're trying to do is reduce government. We have too many people. We have office space. It's occupied by 4%. Nobody showing up to work because they were told not to. And then Biden gave him a 5-year pass.

Some of them, 48,000 of them gave him a 5-year pass that for 5 years, you don't have to show up to work. And let me tell you, this is largely much of this stuff is because of Biden. It's his fault. He allowed this country what he did on our border. What he did on our border is almost not as bad as what he did with all of these contracts that have come out.

It's a very sad day when we look at it. I can't even believe it. But many contracts just extend and they just keep extending, and there was nobody there to correct it. And, that that cannot be — I can't imagine that could be held up by the court. Any court that would say that the president or his representatives, like secretary of the treasury, secretary of state, whatever, doesn't have the right to go over their books and make sure everything's honest. I mean, how can you have a country? You can't have anything that way. You can't have a business that way. You can't have a country that way. Hey.

Thank you very much, everybody. Thank you. We'll be at the White House tonight at about 10:00. If you want to come over, you can say hello to him.

REPORTER: The US did anything in return?

DONALD TRUMP: Not much. No. They were very nice. We were treated very nicely by Russia, actually. I hope that's the beginning of a relationship where we can end that war and millions of



people can stop being killed. They've lost millions of people. It was, in terms of soldiers, probably 1.5 million soldiers in a short period of time. We got to stop that war. And I'm interested primarily from the standpoint of death. We're losing all those soldiers and the non-American soldiers, the Ukrainian and Russian soldiers, but you're probably talking about a million and a half.

**I think I think we got to bring that one to an end. Okay? Thank you.**





PLAINTIFF'S  
EXHIBIT  
6b



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CITIZENS AGAINST dONALD TRUMP, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:25-CV-311
	)	
DONALD J. TRUMP, et al.,	)	
	)	
Defendants.	)	

**NOTICE OF EXHIBIT FILING**

Exhibit 7 to Plaintiff's Complaint

will be filed with the Clerk's Office in MP4 electronic format on a Flash Thumb Drive.

I certify that within 24 hours of the filing of this Notice, I will file and serve copies of the Flash Thumb Drive identified above.

DATED: March 13, 2025.

Respectfully submitted,

SCHOTTEL & ASSOCIATES, P.C.

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Attorney for Plaintiff  
Citizens Against donald Trump, Inc.

**Forbes**  
**BREAKING**  
**NEWS**

**PLAINTIFF'S  
EXHIBIT**

**7a**