



January 16, 2025

Transition Co-Chairs Howard Lutnick and Linda McMahon
Elon Musk and Vivek Ramaswamy
1800 F St NW
Washington, DC 20270
And Via X @DOGE

Dear Mr. Lutnick, Ms. McMahon, Mr. Musk and Mr. Ramaswamy:

We are the Executive Chair and the Chief Ethics and Anti-Corruption Counsel of the nonprofit, non-partisan State Democracy Defenders Fund. SDDF is a 501(c)(3) organization which defends and strengthens democracy while ensuring that Americans are able to freely exercise their fundamental rights. SDDF uses litigation, policy development, and public advocacy to advance pro-democracy goals such as promoting a government free from conflicts of interest, self-dealing and corruption. More information about us can be found at our website, <https://statedemocracydefenders.org/fund/>.

We write to request our appointment as members of the “Department of Government Efficiency” (DOGE). As you know, President-elect Trump has constituted DOGE as a federal advisory committee to “provide advice and guidance from outside of Government.” It “will partner with the White House and Office of Management and Budget [OMB] to drive large-scale structural reform and create an entrepreneurial approach to Government never seen before.” According to the President-elect, DOGE “will pave the way for my Administration to dismantle Government Bureaucracy, slash excess regulations, cut wasteful expenditures, and restructure Federal Agencies.” Mr. Trump has charged Mr. Musk and Mr. Ramaswamy with leading DOGE, and they have disclosed the purposes of DOGE to “cut the federal government down to size” through “three major kinds of reform: regulatory rescissions, administrative reductions, and cost savings.” Elon Musk & Vivek Ramswamy, *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>.

As the Executive Chair and Chief Ethics and Anti-Corruption Counsel of SDDF, we have a direct interest in DOGE’s mission of advising the administration on, and making recommendations regarding, the federal government’s regulatory and spending policies in a manner that will promote and protect the integrity of government operations and programs. To be

candid, SDDF has profound concerns about DOGE that are widely shared within the bipartisan community of civil society groups and experts focusing on good governance and democracy promotion of which we are a part. In structure, an advisory committee led by individuals such as Messrs. Musk and Ramaswamy who hold financial interests that will be directly affected by federal budgetary policies presents substantial conflict of interest concerns that threaten to undermine public confidence in the committee's recommendations to the administration. Yet to our knowledge, no representatives from independent, recognized civil society groups advancing good governance and anti-corruption goals have been appointed to the DOGE.

Our appointment would remedy that defect, bringing important good governance and anti-corruption expertise to the DOGE and helping make sure that it is balanced, as required by law. We are well qualified to represent SDDF and bring that balance to the work of DOGE. As the former Special Counsel to President Barack Obama, a former U.S. Ambassador to the Czech Republic, and the co-founder of nonprofits dedicated to upholding the rule of law and promoting government integrity and accountability, one of us (Eisen) is a globally recognized authority on government and its functioning. He is the author of multiple books and hundreds of essays relevant to the work of DOGE. His White House duties included application of the federal ethics laws and of the Federal Advisory Committee Act (FACA), as well as working with committees constituted under the FACA.

The other (Canter) has served as an anti-corruption and government ethics expert in various positions inside and outside the federal government. That includes as Associate Counsel to Presidents Obama and Bill Clinton, where her duties not only encompassed ethics but also related to FACA issues. She also served in senior ethics positions within the Department of the Treasury and the Securities and Exchange Commission and has international experience, serving in a senior ethics and executive role at the International Monetary Fund. Additional information about us can be found at <https://statedemocracydefenders.org/fund/>.

Together, we would bring an unusual combination of scholarship and government practice and domestic and foreign policy experience to our service on DOGE representing SDDF and the good governance and anti-corruption community. Thus, appointing us to DOGE would be an important step towards compliance with the FACA, which requires "the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee." 5 U.S.C. App. 2 § 5(b)(2).

As things stand, DOGE's current membership falls far short of satisfying FACA's fair-balance requirement. Mr. Musk, the world's richest individual, has corporate financial interests that stand to benefit from a reduction in federal regulation and an interest in shielding his companies from federal spending cuts. Mr. Ramaswamy, also a billionaire investor, founded a biotech firm that stands to benefit from weaker federal drug regulation. DOGE member Katie Miller's background

is handling press relations for government officials. William McGinley worked as a lawyer for various Republican Party groups and big law firms. Other people reported in the media as being connected with DOGE also appear to have corporate backgrounds. These individuals lack the public interest perspective needed if DOGE is to comply with FACA's requirement of balance.

Moreover, our federal FACA, ethics and anti-corruption expertise is needed because of the conflicts of interest and structural issues DOGE faces, identified above. In the worst case, those conflicts could lead to corruption, which we and SDDF have expertise in preventing. In addition, DOGE's far-ranging mission to reform government while at the same time complying with FACA requires intimate knowledge of and experience with the functioning of that statute. And activities like advising OMB on how to "slash excess regulation" and "cut wasteful expenditures" will have broad domestic and foreign policy impacts that we are well-suited to address given our experience in both of those arenas. DOGE puts at risk important safeguards and public protections, because it focuses only on eliminating rules and spending without considering the integrity and efficient administration of government operations to benefit all Americans. That includes anti-corruption measures to protect against policies and practices that benefit a small minority of individuals at the expense of the vast majority of the public.

SDDF has concerns about DOGE's structure and mission that are widely shared within the good government and anti-corruption community. Yet no representatives of that community have been invited to participate, despite efforts to join. See, e.g. "Public Citizen Co-Presidents Request to Join DOGE," Public Citizen, Jan. 13, 2025, <https://www.citizen.org/news/public-citizen-co-presidents-request-to-join-doge/>. Mr. Trump has moreover given no indication that, once inaugurated, he will reconsider his decision to designate Messrs. Musk and Ramaswamy as DOGE's leaders or his decision to direct OMB to partner with DOGE to cut federal spending and regulation. Accordingly, and in light of the significant influence that DOGE is expected to have on the administration's fiscal and regulatory policy, Mr. Trump and OMB should take steps to ensure that DOGE's advice and recommendations take into consideration the viewpoints of organizations who represent the majority of the American public who would be directly affected by the regulatory and spending proposals that DOGE will advance, not only the viewpoints of wealthy business people.

To that end, we request our appointment to serve as members of DOGE as voices for the interests of good government and anti-corruption. Appointing us to DOGE would be consistent with the expectations that Mr. Trump has articulated for DOGE. We would both be voices for the public interests from "outside of Government"; we share Mr. Trump's stated goal of "making changes to the Federal Bureaucracy" to "make life better for all Americans," and we agree with Mr. Trump that the "U.S. Government" should be "accountable to 'WE THE PEOPLE.'" Moreover, our appointment to DOGE would not raise conflict of interest concerns because, unlike Mr. Musk, neither of us nor SDDF has a financial interest in federal government contracts and

spending. In bringing the public perspective to DOGE, we can offer views that are untainted by the appearance of corruption or self-dealing.

As the Executive Chair and Chief Ethics and Anticorruption Counsel of SDDF, we have a direct interest in assuring that DOGE's advice regarding the federal government's regulatory and spending policies is in the public interest, is ethical, avoids corruption and fully complies with FACA.

We look forward to a prompt response to this letter.

Sincerely,

/s/Norman Eisen

Ambassador Norman L. Eisen (ret.)
Executive Chair

/s/Virginia Canter

Virginia Canter
Chief Ethics and Anticorruption Counsel