

October 3, 2025

VIA Electronic Delivery

Department of Education
Office of the Deputy Secretary
400 Maryland Ave., SW, LBJ 7W104
Washington, DC 20202-4500
Attn: FOIA Service Center
Via online portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation (“DFF”) requests that the Department of Education (“ED”) produce the following within twenty (20) business days:

All records reflecting communications (including emails, text messages, calendar entries, and summaries of oral communications) between the (1) Department of Education officials primarily responsible for the implementation of the proposed “Compact for Excellence in Higher Education,” and (2) any representatives of the nine institutions listed below.¹

The Institutions:

- I. University of Arizona (including email addresses ending in @arizona.edu or of their representatives at Lewis-Burke Associates, @lewis-burke.com)²
- II. Brown University (including email addresses ending in @brown.edu or of their representatives at Cornerstone Government Affairs, @cgagroup.com)

¹See *Compact for Academic Excellence in Higher Education* <https://www.washingtonexaminer.com/wp-content/uploads/2025/10/Compact-for-Academic-Excellence-in-Higher-Education-10.1.pdf>; Mary Cunningham, White House Asks 9 Universities to Sign Agreement to Ensure Access to Grants and Other Federal Benefits, CBS News (Oct. 2, 2025), <https://www.cbsnews.com/news/white-house-nine-universities-compact-federal-funds/>.

² DFF has included domain names for government affairs firms that represent these institutions.

- III. Dartmouth College (including email addresses ending in @dartmouth.edu or or of their representatives at Lewis-Burke Associates, @lewis-burke.com)
- IV. Massachusetts Institute of Technology (including email addresses ending in @mit.edu or or of their representatives at S-3 Group, @s-3group.com)
- V. University of Pennsylvania (including email addresses ending in @upenn.edu or or of their representatives at Cassidy and Associates, @cassidy.com)
- VI. University of Southern California (including email addresses ending in @usc.edu or or of their representatives at Holland & Knight, @hklaw.com)
- VII. University of Texas (including email addresses ending in @utexas.edu or or of their representatives at Cornerstone Government Affairs, @cgagroup.com)
- VIII. University of Virginia (including email addresses ending in @virginia.edu)
- IX. Vanderbilt University (including email addresses ending in @vanderbilt.edu)

The appropriate custodians, who are likely few in number can be identified with a reasonable amount of effort by a subject matter expert. The Secretary's signature on letters transmitting the proposed compact suggest that, at a minimum, officials within the Office of the Secretary are aware of the ED officials' with primary responsibility for communications with the universities who received the proposed compact.

This request seeks records from September 29, 2025 until the date of the search.

Scope of Search

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to

receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, DFF requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees "if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a "demonstrated . . . ability to disseminate the requested information," *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to "a reasonably broad audience of persons interested in the subject" of its work. *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require "pointless specificity"; all that is necessary is for a requester to adequately demonstrate its "ability to publicize disclosed information." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of "contacts with any major news[] companies" that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward Foundation has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public's understanding of the government's actions with regard to making

higher education institutions agree to the policy goals of this current administration to receive preferential treatment when it comes to federal funding.³ Indeed, records received by Democracy Forward Foundation have previously formed the basis of news reports.⁴

³Natalie Andrews and Douglas Belkin, *White House Asks Colleges to Sign Sweeping Agreement to Get Funding Advantage*, *The Wall Street Journal* (Oct. 1, 2025), <https://www.wsj.com/us-news/education/trump-universities-compact-federal-funds-agreement>; Betsy Klein, *White House Calls on Universities to Agree to Demands for Expanded Access to Federal Funding*, *CNN* (Oct. 2, 2025), <https://www.cnn.com/2025/10/02/politics/white-house-higher-education-compact-federal-funding>; Lexi Lonas Cochran, *Trump Aims to Give, Preferential Funding Treatment to Universities That Meet Demands*, *The Hill* (Oct. 2, 2025), <https://thehill.com/homenews/education/5534797-trump-universities-college-funding-mcmahon/>; Michael T. Nietzel, *Trump “Compact” Offers Preferential Treatment To Compliant Colleges*, *Forbes* (Oct. 2, 2025), <https://www.forbes.com/sites/michaelt Nietzel/2025/10/02/trump-compact-offers-preferential-treatment-to-compliant-colleges/>; Ed Pilkington, *Trump Offers Top Universities Funds If They Boost Conservative Ideas*, *The Guardian* (Oct. 5, 2025), <https://www.theguardian.com/us-news/2025/oct/02/trump-university-funding-compact>; Susan Svrluga, Danielle Douglas-Gabriel and Emily Davies, *Colleges Weigh Whether to Sign Onto Trump Plan or Forgo Federal Benefits*, *The Washington Post* (Oct. 3, 2025), <https://www.washingtonpost.com/education/2025/10/03/trump-administration-college-funding-compact/>.

⁴ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, *Yahoo News* (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *“Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, *ProPublica* (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, *Buzzfeed News* (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, *Huffpost* (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, *Mother Jones* (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* *Business Insider* (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, *HuffPost* (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, *USA Today* (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback-she had a hand in it, watchdog alleges*, *Newsweek* (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, *Buzzfeed News* (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, *ABC News* (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, *NBC News* (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, *Buzzfeed News* (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, *Associated Press* (Feb. 13, 2018), available at

Democracy Forward Foundation is not filing this request to further any commercial interest, and any information obtained by Democracy Forward Foundation as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$50. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

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<https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.