



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

October 21, 2021

USPS FOIA Officer
Manager Records Office
US Postal Service
475 L'enfant Plaza SW RM 1P830
Washington, DC 20260-1101

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and U.S. Postal Service ("USPS") regulations.

Specifically, CREW requests:

1. The following records relating to **Postmaster General Louis DeJoy** from **September 1, 2021 through the date this request is processed**: all records reflecting any (a) advice or guidance from USPS ethics officials regarding conflicts of interest, recusal obligations, screening requirements, or divestiture of assets; (b) notifications of commitments to recuse, recusal lists, or other similar records; (c) screening arrangements; (d) notifications of commitments to divest; or (e) requests for certificates of divestiture and supporting materials.
2. The following records relating to **USPS Board of Governors Ron A. Bloom, Roman Martinez IV, John M. Barger, Robert M. Duncan, Anton G. Hajjar, Amber F. McReynolds, Donald L. Moak, Ronald A. Stroman, or William D. Zollars** from **July 1, 2018 through the date this request is processed**: all records reflecting any (a) advice or guidance from USPS ethics officials regarding conflicts of interest, recusal obligations, screening requirements, or divestiture of assets; (b) notifications of commitments to recuse, recusal lists, or other similar records; (c) screening arrangements; (d) notifications of commitments to divest; or (e) requests for certificates of divestiture and supporting materials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone

messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See 5 U.S.C. § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. See, e.g., *McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

USPS has faced extensive criticism for its mishandling of Postmaster General Louis DeJoy's financial conflicts of interest, as well as its unlawful efforts to conceal critical information about DeJoy's conflicts from the public.¹ As the Office of Government Ethics has recognized, "[m]aking ethics information publicly available assures the American public that senior leaders are making decisions based on the interests of the public rather than their own personal financial interests."² Because the requested records will shed light on conflicts of interest of Mr. DeJoy and the USPS Board of Governors, as well as the integrity of USPS's ethics program, there is a substantial public interest in their disclosure.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to

¹ See Geoff Bennett and Phil McCausland, *New documents detail conflicts of interest DeJoy faced as post office head*, *NBC News*, Oct. 21, 2021, <https://www.nbcnews.com/news/us-news/new-documents-detail-conflicts-interest-dejoy-faced-post-office-head-rcna3431>; Darragh Roche, *Judge Orders USPS to Hand Over Documents About Louis DeJoy Conflicts of Interest*, *Newsweek*, Aug. 19, 2021, <https://www.newsweek.com/judge-orders-usps-hand-over-documents-louis-dejoy-conflicts-interest-1621005>

² OGE, *OGE Promotes Transparency of the Executive Branch Ethics Program*, <https://www2.oge.gov/web/oge.nsf/Resources/OGE+Promotes+Transparency+of+the+Executive+Branch+Ethics+Program>.

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highlighting and working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives under the FOIA on its website.

Under these circumstances, CREW fully satisfies the criteria for a fee waiver.

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (202) 408-5565 or nsus@citizensforethics.org. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me at either nsus@citizensforethics.org or Nikhel Sus, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Sincerely,



Nikhel Sus
Senior Counsel