October 7, 2021

SENT VIA EMAIL: foia@opm.gov

U.S. Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900

Re: Freedom of Information Act Request

Dear FOIA Officer:


Specifically, CREW requests the following:

1. Records sufficient to identify all Trump administration Executive Branch political appointees whom OPM authorized to transition to career civil position from January 20, 2017 to the date this request is processed. This request includes without limitation responsive records from OPM’s Merit System and Accountability Compliance office.

2. Records sufficient to identify the OPM officials who approved the above mentioned political conversions.

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.

If it is your position that 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. 


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).

As of March 2021, about three dozen Trump Administration political appointees transitioned 
into career civil service positions through a controversial process known as “burrowing.”  
Any agency seeking to appoint a current or former political appointee to a permanent 
position in the civil service must receive OPM approval. The requested records will shed 
light on potential burrowing by Trump administration political appointees, as well as the 
number of political conversions approved by OPM, which are matters of considerable public 
interest.

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 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 
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

1https://www.govexec.com/oversight/2021/03/thirty-five-trump-appointees-have-converted-career-federal-jobs -over-last-year/173048/
October 7, 2021
Page 3

to educate the public about these issues. In addition, CREW posts documents it receives
under the FOIA its website, which has been visited hundreds of thousands of times.

Under these circumstances, CREW satisfies fully 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 rjacobscitizensforethics.org. Also, if CREW’s
request for a fee waiver is not granted in full, please contact our office immediately upon
making such a determination.

Where possible, please produce records in electronic format. Please send the requested
records to rjacobscitizensforethics.org. If OPM is not able to provide the records
electronically, please contact me to arrange an alternative method of transmission. Thank
you for your assistance in this matter.

Sincerely,

[Signature]

Rebecca Jacobs
Research Associate