



CITIZENS FOR  
RESPONSIBILITY &  
ETHICS IN WASHINGTON

October 7, 2021

**SENT VIA EMAIL: [foia@opm.gov](mailto: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:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Office of Personnel Management (“OPM”) regulations.

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. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

### **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.”<sup>1</sup> Any agency seeking to appoint a current or former political appointee to a permanent position in the civil service must receive OPM approval.<sup>2</sup> 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](http://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

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<sup>1</sup><https://www.govexec.com/oversight/2021/03/thirty-five-trump-appointees-have-converted-career-federal-jobs-over-last-year/173048/>

<sup>2</sup><https://federalnewsnetwork.com/workforce/2021/02/with-widespread-interest-in-burrowing-opm-offers-up-a-few-reminders/>

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 [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.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 [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.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,

A handwritten signature in black ink, appearing to read 'Rebecca Jacobs', written in a cursive style.

Rebecca Jacobs  
Research Associate