



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

February 20, 2025

FOIA Officer
U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, DC 20425

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. Commission on Civil Rights (“USCCR”) regulations.

Specifically, CREW requests:

1. All documents,¹ from January 20, 2001 to the date this request is processed, related to formal or informal policies, determinations or conclusions (including underlying memoranda) used by the USCCR or any of its offices, including the Office of the General Counsel, to assess whether any current or former Commissioner meets the statutory requirements for removal under 42 U.S.C. § 1975(e).
2. All documents relating to any investigation of Commissioner J. Christian Adams for any potential conflict of interest, neglect of duty, or malfeasance in office, including any external communications to any Office of Inspector General or the Office of Special Counsel;
3. All documents, from January 20, 2001 to the date this request is processed, related to formal or informal policies, determinations or conclusions (including underlying memoranda) used by the USCCR to assess what constitutes official transmittal of Chair and Vice-Chair designations by the President or White House staff to the Commission under 42 U.S.C. § 1975(d).
4. From January 20, 2001 to the date this request is processed, all official transmittals of Chair and Vice-Chair designations by the President or White House staff to the Commission.

¹ Unless otherwise indicated, all “documents” sought in this FOIA request include communications sent or received by USCCR or any of their offices or components regarding the subject matter described.

5. All documents, from November 1, 2024 to the date this request is processed, referring or relating to the designation Peter Kirsanow as the Chairperson of the USCCR.
6. All communications sent or received between November 1, 2024 and the present between Commissioners or employees of USCCR with any employee or representative of the Department of Government Efficiency (“US DOGE Service”),² any of its components, or “DOGE Team”³ members at any agency;
7. Any and all communications between January 20, 2025 and the present between Commissioners or employees of USCCR with any employee or representative of the US DOGE Service;
8. Any and all communications between January 3, 2025 and the present between Commissioners or employees of USCCR with any employee or representative of the “Delivering Outstanding Government Efficiency Caucus,” “DOGE Caucus,” and related terms.
9. Any and all communications between January 3, 2025 and the present between Commissioners or employees of USCCR with any employee or representative of Rep. Chip Roy or Rep. Marjorie Taylor Greene.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly available material, so long as the records include no accompanying discussion by agency officials.

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

² The United States Digital Service was renamed and reorganized as the United States DOGE Service by executive order on January 20, 2025. See *Establishing and Implementing the President’s “Department of Government Efficiency,”* Exec. Order 14,158, 90 Fed. Reg. 8441 (Jan. 20, 2025).

³ Exec. Order 14,158 requires the establishment of “DOGE Teams” within each agency “in consultation with the USDS Administrator.” 90 Fed. Reg. at 8441.

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 rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all 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 id.* § 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).

The bipartisan USCCR was created by the 1957 Civil Rights Act and, for more than 65 years, has fulfilled its mandate to evaluate federal civil rights compliance and issue reports on pressing civil rights matters.⁴ Its work includes extensive investigations conducted by the Commission's 56 State Advisory Committees (which also cover the District of Columbia, Puerto Rico and other "territories").⁵ On January 20, 2025, the White House posted an announcement entitled "President Trump Designates Chairmen and Acting Chairmen"⁶ which purported to name Peter Kirsanow as the Chairperson of the USCCR without seeking the statutorily-required concurrence of a majority of the Commission's members.⁷ This action follows a range of unprecedented actions by the Trump administration to restructure other federal bodies.⁸ The public has a strong interest in understanding whether the Trump Administration's current actions at USCCR, including the designation of a new chair absent an existing vacancy and the potential removal of commissioners, comply with applicable law

⁴ Annual Statutory Enforcement Reports, U.S. Commission on Civil Rights, <https://www.usccr.gov/reports/annual-statutory-enforcement> (last visited Feb. 20, 2025); Briefing Reports, U.S. Commission on Civil Rights, <https://www.usccr.gov/reports/briefing-reports> (last visited Feb. 20, 2025).

⁵ *See, e.g.,* Advisory Committees Reports, U.S. Commission on Civil Rights, <https://www.usccr.gov/reports/advisory-committees-reports> (last visited Feb. 20, 2025); Advisory Committees, U.S. Commission on Civil Rights, <https://www.usccr.gov/advisory-committees> (last visited Feb. 20, 2025); Our Mission, U.S. Commission on Civil Rights, <https://www.usccr.gov/about/mission> (last visited Feb. 20, 2025).

⁶ President Trump Designates Chairmen and Acting Chairmen, The White House (Jan. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/designation-of-chairmen-and-acting-chairmen/>.

⁷ 42 U.S.C. § 1975(d)(3).

⁸ *See, e.g.,* Matthew Goldstein & Emily Steel, *Trump Fired E.E.O.C. Commissioners in Late-Night Purge*, N.Y. Times (Jan. 28, 2025), <https://www.nytimes.com/2025/01/28/business/trump-eeoc-commissioners-fired.html>; Daniel Wiessner, *Trump paralyzes US labor board by firing Democratic member*, Reuters (Jan. 28, 2025), <https://www.reuters.com/world/us/trump-fires-us-labor-board-member-hobbling-agency-amid-legal-battles-2025-01-28/>.

and to what extent they represent a departure from longstanding USCCR policy and practice.

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 *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 disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 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. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

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 email me at foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

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Where possible, please produce records in electronic format. Please send the requested records to foia@citizensforethics.org or by mail to Donald Sherman, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,

A handwritten signature in black ink, appearing to read 'DMS', with a long horizontal flourish extending to the right.

Donald Sherman
Citizens for Responsibility and Ethics in
Washington