

June 22, 2020

SUBMITTED VIA FOIA.GOV

Mr. Ryan Law
Director, FOIA & Transparency
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, DC 20220

Re: Freedom of Information Act Request

Dear Mr. Law:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and United States Department of the Treasury (“Treasury”) regulations.

First, CREW requests any and all records or communications sent to, received by or copying, Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, or Counselor to the Secretary Adam Lerrick referring or relating to voting by mail from January 1, 2019 to the present.

Second, CREW requests any and all records or communications sent to, received by or copying, Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, or Counselor to the Secretary Adam Lerrick referring or relating to the retirement of Postmaster General of the United States Megan Brennan from January 1, 2019 to May 8, 2020.

Third, CREW requests any and all records or communications sent to, received by or copying, Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, or Counselor to the Secretary Adam Lerrick referring or relating to Louis DeJoy from September 1, 2019 to May 8, 2020.

Fourth, CREW requests any and all records or communications between Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, or Counselor to the Secretary Adam Lerrick and any member of the USPS Board of Governors referring or relating to replacing Postmaster General of the United States Megan Brennan from September 1, 2019 to May 8, 2020.

Fifth, CREW requests any and all communications between Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, Counselor to the Secretary Adam Lerrick, or Assistant Secretary for Legislative Affairs, Drew Maloney with any United States Senator, member of the United States House of Representatives, or congressional staff, referring or relating to replacing Postmaster General of the United States Megan Brennan

from September 1, 2019 to May 8, 2020.

Sixth, CREW requests any and all communications between Secretary Steven Mnuchin, Deputy Secretary Justin Muzinich, Counselor to the Secretary Dan Kowalski, Counselor to the Secretary Adam Lerrick, or Assistant Secretary for Legislative Affairs, Drew Maloney with any representative or agent of the national executive search firm Russel Reynolds or the advisory service firm Chelsea Partners from September 1, 2019 to May 8, 2020.

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, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

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).

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and Treasury Department 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).

On October 16, 2019, United States Postal Service announced that Megan Brennan, Postmaster General and Chief Executive Officer, would retire in 2020.¹ In May, the USPS Board of Governors confirmed that Louis DeJoy, a North Carolina businessman and top donor to President Trump and other Republicans would serve as the new Postmaster General of the

¹ U.S. Postal Service, [United States Postal Service Announces Retirement of Postmaster General Megan J. Brennan](https://about.usps.com/newsroom/national-releases/2019/1016-usps-announces-retirement-of-pmg-megan-j-brennan.htm#:~:text=WASHINGTON%20%E2%80%94%20The%20United%20States%20Postal,31%2C%202020), Oct. 16, 2019, <https://about.usps.com/newsroom/national-releases/2019/1016-usps-announces-retirement-of-pmg-megan-j-brennan.htm#:~:text=WASHINGTON%20%E2%80%94%20The%20United%20States%20Postal,31%2C%202020>.

United States.² DeJoy is the first Postmaster General in decades who did not come through the agency's ranks.³ The selection of a Trump ally to lead USPS has raised concerns about potential political interference at the agency.⁴ President Trump's routine attacks on vote by mail, alleging that such efforts inject fraud and inefficiency into the electoral system, are adding to worries about the selection of a Republican fund-raiser and Trump donor to be the postmaster general.⁵ Despite the President's withering complaints, there is little evidence to support his claims, especially as the coronavirus pandemic increases demand for voting by mail. The USPS Office of Inspector General has acknowledged public concerns about potential fraud but noted that states with vote by mail have implemented these processes effectively and efficiently with support from USPS.⁶ In 2015, USPS OIG "found the Postal Service could increase voting by mail as a way to boost volume and revenue by about \$2 million a year."⁷

The requested records will shed light on what role, if any, the Treasury Department has played in the selection of a Trump ally to lead the USPS. In particular, the records are likely to contribute to greater public understanding of how senior Treasury officials view voting by mail and Louis DeJoy prior to the change in leadership at the USPS. The documents will also help to explain more about why the USPS Board of Governors selected a Trump donor and ally with limited experience to lead the agency at such a critical time. The President has routinely attacked vote by mail even amidst the coronavirus pandemic while he and his political appointees have routinely bent, broken or ignored federal laws barring the coopting of federal resources for political purposes.⁸ The USPS is integral to ensuring that the American electorate have full access to their right to vote and have it counted. The public deserves to know whether what the Treasury Department has taken steps to undermine the independence of USPS as we approach Election Day.

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

² Josh Dawsey, Lisa Rein, and Jacob Bogage, Top Republican Fundraiser and Trump Ally Named Postmaster General, Giving President New Influence over Postal Service, *Washington Post*, May 6, 2020, https://www.washingtonpost.com/politics/top-republican-fundraiser-and-trump-ally-to-be-named-postmaster-general-giving-president-new-influence-over-postal-service-officials-say/2020/05/06/25cde93c-8fd4-11ea-8df0-ee33c3f5b0d6_story.html.

³ *Id.*

⁴ Alan Rappeport, Postal Service Pick With Ties to Trump Raises Concerns Ahead of 2020 Election, *New York Times*, May 7, 2020, <https://www.nytimes.com/2020/05/07/us/politics/postmaster-general-louis-dejoy.html>.

⁵ Alan Rappeport, Postal Service Pick With Ties to Trump Raises Concerns Ahead of 2020 Election, *New York Times*, May 7, 2020, <https://www.nytimes.com/2020/05/07/us/politics/postmaster-general-louis-dejoy.html>.

⁶ See e.g., U.S. Postal Service Office of Inspector General, Cast Your Vote via the Postal Service?, July 26, 2010, <https://www.uspsoidg.gov/blog/cast-your-vote-postal-service>.

⁷ U.S. Postal Service Office of Inspector General, A Vote for Election Mail, Sep. 21, 2015, <https://www.uspsoidg.gov/blog/vote-election-mail>.

⁸ Citizens for Responsibility and Ethics in Washington, The Hatch Act: Mixing Partisan Goals with Official Positions in the Trump Administration, <https://www.citizensforethics.org/hatch-act-mixing-partisan-goals-official-positions-trump-administration/>, (last visited Apr. 22, 2020).

Mr. Ryan Law
Page 4
June 22, 2020

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 a blog that reports on and analyzes 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 all documents it receives under the FOIA its website, and those documents have 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 (202) 408-5565 or dsherman@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 dsherman@citizensforethics.org or Donald K. Sherman, Citizens for Responsibility and Ethics in Washington, 1101 K St, N.W., Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. K. Sherman', with a long horizontal flourish extending to the right.

Donald K. Sherman
Deputy Director