

June 16, 2020

BY EMAIL: FOIA12@usps.gov

Natalie Bonanno
Chief FOIA Officer
United States Postal Service
475 L'Enfant Plaza, SW RM 1P830
Washington, DC 20260-1101

Re: Freedom of Information Act Request

Dear Ms. Bonanno:

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 Postal Service (“USPS”) regulations.

First, CREW requests any and all briefing materials and or documents created by USPS employees prepared for or presented to Louis DeJoy, Postmaster General of the United States referring or relating to voting by mail from May 1, 2020 to the present.

Second, CREW requests any and all briefing materials and or documents created by USPS employees prepared for or presented to Postmaster General of the United States Megan Brennan referring or relating to voting by mail from May 1, 2017 to the present.

Third, CREW requests any and all briefing materials or documents, including testimony, or responses to questions for the record, created by USPS employees prepared for or presented to any United States Senator, member of the United States House of Representatives, or congressional staff, referring or relating to voting by mail from May 1, 2017 to the present.

Fourth, CREW requests any and all briefing materials and or documents created by USPS employees prepared for or presented to Office of Inspector General employees referring or relating to voting by mail from May 1, 2017 to the present.

Fifth, CREW requests any and all briefing materials and or documents created by USPS employees prepared for or presented to any member of the USPS Board of Governors referring or relating to voting by mail from May 1, 2017 to the present.

Sixth, CREW requests any and all briefing materials and or documents created by USPS employees prepared for or presented to any governor or mayor or their staff referring or relating to voting by mail from May 1, 2017 to the present.

Seventh, CREW requests any and all exit memos from Postmaster General of the United States Megan Brennan.

Eighth, CREW requests any and all communications between and among members of the USPS Board of Governors regarding the qualifications of Louis DeJoy to serve as Postmaster General of the United States from January 1, 2020 to present.

Ninth, CREW requests any and all communications between any members of the USPS Board of Governors and any United States Senator, member of the United States House of Representatives, or congressional staff, referring or relating to the qualifications of Louis DeJoy to serve as Postmaster General of the United States from January 1, 2020 to present.

Tenth, CREW requests any and all written policies or guidance that the USPS has developed pertaining to voting by mail from January 1, 2016 to present.

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 USPS 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).

In May, the USPS Board of Governors confirmed that Louis DeJoy, a North Carolina businessman and top donor to President Trump and other Republicans will serve as the new

Postmaster General of the United States, succeeding Megan Brennan on June 15, 2020.¹ The selection of a Trump ally to lead USPS has raised concerns that DeJoy has been installed to undermine the growing calls for mail-in voting amidst the coronavirus pandemic.² 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.³ Despite the President's withering complaints, there is little evidence to support his claims. In fact, 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.⁴ As the OIG has noted, "Since 1998, citizens of the State of Oregon have securely cast their ballots exclusively by mail. ... All 50 states already have a postal voting infrastructure in place through the offering of absentee paper ballots."⁵ 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. Beyond revenue, however, voting by mail boasts a number of benefits, and not just for the Postal Service."⁶

The requested records will shed light on analysis by the USPS on its capacity to support vote by mail. In particular, the records are likely to contribute to greater public understanding of how USPS has assessed the costs and benefits of voting by mail for the USPS and the country prior to the change in leadership at the USPS. The documents will also help to explain 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.⁷ 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 USPS has said about voting by mail and whether the Trump ally currently leading USPS undermines that independent analysis as we approach Election Day. The public also deserves to know what, steps, if any, the USPS has taken to ensure that voting by mail proceeds smoothly and effectively.

¹ 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.

² 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>.

³ *Id.*

⁴ 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>.

⁵ U.S. Postal Service Office of Inspector General, Making Voting Quick, Easy and Convenient, Nov. 12, 2012, <https://www.uspsoidg.gov/blog/making-voting-quick-easy-and-convenient>.

⁶ U.S. Postal Service Office of Inspector General, A Vote for Election Mail, Sep. 21, 2015, <https://www.uspsoidg.gov/blog/vote-election-mail>.

⁷ 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).

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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 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,

Chief FOIA Officer
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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