



citizens for responsibility  
and ethics in washington

August 11, 2020

**Sent via email:** FOIA12@usps.gov

USPS FOIA Officer  
Manager Records Office  
US Postal Service  
475 L'enfant Plaza SW RM 1P830  
Washington, DC 20260-1101

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 the United States Postal Service (“USPS”) regulations at 5 C.F.R. part 2604.

First, CREW requests all ethics agreements, records of recusals and screening arrangements pertaining to Postmaster General Louis DeJoy.

Second, CREW requests all other records identifying matters from which Mr. DeJoy must recuse.

Third, CREW requests all records of guidance provided to Mr. DeJoy regarding his recusal obligations by USPS ethics officials.

Fourth, CREW requests all other records identifying financial interests from which Mr. DeJoy or his spouse must divest.

Fifth, CREW requests copies of all records of communications between Mr. DeJoy and USPS officials regarding his reported purchase of a “call option” for Amazon stock on June 24, 2020.

Please search for records created between June 1, 2020 through the date USPS conducts the search.

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. Please include any attachments or other enclosures included in email communications.

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).

Postmaster General Louis DeJoy has attracted scrutiny over his possible financial conflicts of interest related to USPS contractors such as XPO Logistics.<sup>1</sup> Mr. DeJoy's interest in XPO Logistics reportedly exceeds \$30 million.<sup>2</sup> While the public is aware of Mr. DeJoy's possible conflicts, no ethics agreement or other document detailing his plans to divest his interests in conflicting assets or recuse from certain matters involving those interests is available to the public. As a result, the public remains in the dark as to whether USPS is ensuring that Mr. DeJoy is appropriately recusing from matters related to those interests or divesting them entirely. The requested records will show how, if at all, Mr. DeJoy is managing his conflicts of interest, an issue that is of significant interest to the public.<sup>3</sup>

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.

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<sup>1</sup> Jacob Bogage, *Trump ally takes over crisis-ridden Postal Service as top Senate Democrat demands inquiry on hiring*, *Washington Post*, June 15, 2020, available at <https://wapo.st/3iHNfXR>.

<sup>2</sup> *Id.*

<sup>3</sup> Letter from Senator Elizabeth Warren et al. to USPS Inspector General Tammy Whitcomb, Aug. 7, 2020, available at <https://bit.ly/2PIgvB5>.

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 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 (202) 897-1845 or [mlerner@citizensforethics.org](mailto:mlerner@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 me at [mlerner@citizensforethics.org](mailto:mlerner@citizensforethics.org). If USPS 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,



Meredith Lerner  
Research Associate