

May 20, 2019

VIA FOIAAppeal@usps.gov

General Counsel
U.S. Postal Service
475 L'Enfant Plaza SW
Washington, DC 20260

To the responsible FOIA Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I hereby appeal the adequacy of the search conducted regarding my request 2019-FPRO-00923, regarding any correspondence to or from the United States Postal Service and any other department or agency of the Executive branch, including any offices connected with the President or Vice president, concerning plans, policies, or programs regarding implementation of a registration or detention program for 1) persons of the Muslim faith, regardless of nationality (including natural born or naturalized American citizens) or 2) persons of Arab or Persian/Iranian heritage in the event of the declaration of a national emergency by the President or the enactment of an Authorization for the Use of Military Force (AUMF) or Declaration of War (DoW) against any nation:

- 1) In which Islam is the predominant religion; or
- 2) In which the country or countries against which an AUMF or DoW corresponds to a specific Arab heritage, Persian/Iranian heritage, or other ethnic, religious, or racial heritage group present in the United States..

In its May 15, 2019 response to me, USPS stated as follows:

“In this case, your request is very broad in scope because your request did not provide: the name of the Postal Service office or department that would maintain the records, geographic location of the records, or the specific departments or agencies of the Executive branch you believe would have communicated with the Postal Service regarding the subject of your request. Also, your request covers a lengthy period of time (09/01/2001 to 05/12/2019). Please be advised that, while we wish to fully cooperate in processing your request, your letter does not provide sufficient detail to allow for the ready identification and retrieval of the desired documents. As information, the Postal Service has over 30,000 facilities at which records are maintained. The various records at these facilities are not centrally indexed. As such, a request for records about a broad category is generally not considered to meet the reasonable description requirement.”

USPS response asserts that my request was too broad to undertake a search. I disagree. To be valid, a request need only “reasonably describe” the records it seeks so that knowledgeable agency employees will be able to determine “precisely what records are being requested.” *Yeager v. DEA*, 678 F.2d 315, 322 (D.C. Cir. 1982). Similarly, an agency cannot reject a request on the grounds that a search would be burdensome. And the fact

that a request may yield a great many responsive records is immaterial, so long as the agency can identify which records to produce. *Id.*

However, in order to foster a spirit of comity regarding my request, I will specify the executive and/or leadership offices within USPS for which I seek a search for any documents pursuant to my request:

The Office of the Postmaster General
The Office of the Deputy Postmaster General
The Office of the Chief Operating Officer
The Office of the General Counsel
The Office of the Chief Judicial Officer

The time frame for the requested search remains the same as stated in my original FOIA request.

In order to help to determine my status to assess fees, you should know that I am a policy analyst and scholar at the Cato Institute, an IRS-recognized 501(c)(3) nonprofit educational and public interest organization. As I am employed by an educational or noncommercial scientific institution, this request is made for a scholarly or scientific purpose and not for a commercial use. **I request a waiver of all fees for this request.**

Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

Whenever possible, please provide the requested information in electronic Portable Document Format (PDF).

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I would appreciate your communicating with me by email or telephone, rather than by mail. My email address is peddington@cato.org and my cell number is 571-215-3468.

Please provide expedited processing of this request which concerns a matter of urgency.

As a civil liberties research fellow, I am primarily engaged in disseminating information. The public has an urgent need for information about potential federal government plans to identify and detain persons in the categories cited above in the event of a Presidential declaration of national emergency, or the enactment of an AUMF or DoW against any country in the Middle East or Southwest Asia. Immediately after the 9/11 attacks, the Department conducted nationwide sweeps targeting men of Arab heritage or Muslim faith under the color of immigration laws while searching for alleged al Qaeda "sleeper cells" in the United States. The public, and the heritage communities in question, deserve to know whether, in light of the Trump administration's continued or threatened military actions in

the Middle East and Southwest Asia, whether Arab, Persian/Iranian, or Muslim Americans remain target of potential custodial detention by federal authorities.

As a Cato scholar, I meet the statutory definition of a “representative of the news media” per *Cause of Action v. F.T.C.*, 799 F.3d 1108 (D.C. Cir. 2015) as Cato and its scholars (1) gather information of potential interest (2) to a segment of the public; (3) use editorial skills to turn the raw materials into a distinct work; and (4) distribute that work (5) to one or more audiences. **Accordingly, I ask for expedited processing on that basis.** I certify that my statements concerning the need for expedited processing are true and correct to the best of my knowledge and belief.

I look forward to your determination regarding my request for expedited processing within 10 calendar days, as the statute requires. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick G. Eddington". The signature is fluid and cursive, written in a professional style.

Patrick G. Eddington
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