IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,
[redacted]

Plaintiff,

v.

U.S. DEPARTMENT OF THE TREASURY,
1500 Pennsylvania Avenue, NW
Washington, DC 20220, and

Defendant.

Civil Action No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Citizens for Responsibility and Ethics in Washington ("CREW") brings this action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, against Defendant U.S. Department of the Treasury ("Treasury") seeking records relating to former Treasury Secretary Steven Mnuchin's contacts with sovereign wealth funds and expenditure of taxpayer funds on trips to the Middle East.

2. CREW seeks declaratory relief that Treasury is in violation of FOIA, and injunctive relief requiring Treasury to immediately process and release the requested records.

Jurisdiction and Venue

3. This Court has subject-matter jurisdiction and personal jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(C)(i). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

4. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B).

Parties

5. Plaintiff CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies, and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of those efforts, CREW uses government records it obtains under FOIA.

6. Defendant Treasury is an agency within the meaning of 5 U.S.C. § 552(f)(1). Treasury has possession, custody, and control of the requested records.

Factual Background

7. On February 23, 2021, the Washington Post reported that former Treasury Secretary Steven Mnuchin was "planning to start an investment fund that is expected to raise money from sovereign wealth funds in the Persian Gulf region."[1]

8. As Treasury Secretary, Mnuchin frequently traveled to the Middle East, including in October 2020 and January 2021.

9. The reports of Mnuchin's planned investment effort, coming so soon after leaving office, raise concerns over whether Mnuchin's future pursuits may have influenced Trump administration policy.

10. To help answer questions about these issues, CREW submitted a FOIA request to Treasury on March 9, 2021, seeking six categories of records:

[1] Jeff Stein and Yeganeh Torbati, Trump's former treasury secretary expected to launch investment fund, seeking backing of Persian Gulf state funds, *Washington Post*, Feb. 23, 2021, https://wapo.st/38o3YN8.

1. Records sufficient to show the total amount of government funds expended on former Treasury Secretary Steven Mnuchin's January 2021 trip to the Middle East, including without limitation any invoices, receipts, or other records reflecting the costs of travel, security, accommodations, food, beverages, and incidental expenses incurred on the trip.

2. All communications sent by former Secretary Mnuchin from February 13, 2017, to January 20, 2021 concerning any sovereign wealth fund based in the Middle East, including without limitation any emails, text messages, or other records sent by Mr. Mnuchin mentioning any of the following terms:
   - "sovereign wealth fund"
   - "SWF"
   - "Abu Dhabi Investment Authority"
   - "ADIA"
   - "Kuwait Investment Authority"
   - "KIA"
   - "Public Investment Fund"
   - "PIF"
   - "Investment Corporation of Dubai"
   - "ICD"
   - "Qatar Investment Authority"
   - "QIA"
   - "Turkey Wealth Fund"
   - "Türkiye Varlık Fonu Yönetimi A.Ş."
   - "Mubadala"
   - "Emirates Investment Authority"
   - "EIA"
   - "Mumtalakat"
   - "Oman Investment Authority"
   - "OIA"
   - "Sovereign Fund of Egypt"
   - "Egypt Fund"
   - "Sharjah Asset Management"

3. All calendar entries reflecting any meetings from February 13, 2017, to January 20, 2021 attended by former Secretary Mnuchin and representatives of any sovereign wealth fund based in the Middle East, including without limitation calendar entries mentioning any of the following terms:
   - "sovereign wealth fund"
   - "SWF"
   - "Abu Dhabi Investment Authority"
   - "ADIA"
   - "Kuwait Investment Authority"
   - "KIA"
   - "Public Investment Fund"
   - "PIF"

- "Investment Corporation of Dubai"
- "ICD"
- "Qatar Investment Authority"
- "QIA"
- "Turkey Wealth Fund"
- "Türkiye Varlık Fonu Yönetimi A.Ş."
- "Mubadala"
- "Emirates Investment Authority"
- "EIA"
- "Mumtalakat"
- "Oman Investment Authority"
- "OIA"
- "Sovereign Fund of Egypt"
- "Egypt Fund"
- "Sharjah Asset Management"

4. For any calendar entry identified as responsive to item number 3 above, all records reflecting the attendees, agenda items, minutes, summaries, readouts, or similar records relating to such meetings.

5. Records relating to any meetings former Secretary Mnuchin had with foreign government officials during his January 2021 trip to the Middle East, including without limitation records reflecting the meeting attendees, agenda items, minutes, summaries, readouts, or similar records.

6. Records relating to any meetings former Secretary Mnuchin had with foreign government officials during his October 2020 trip to the Middle East, including without limitation records reflecting the meeting attendees, agenda items, minutes, summaries, readouts, or similar records.

11. CREW's request sought a fee waiver.

12. By letter dated March 11, 2021, Treasury acknowledged receipt of CREW's request and assigned it tracking number 2021-FOIA-00421.

13. To date, CREW has received no further communications from Treasury regarding its request.

CREW'S CLAIM FOR RELIEF

Treasury's Wrongful Withholding of Records Responsive to CREW's FOIA Request

14. CREW repeats and re-alleges the preceding paragraphs.

15. In its March 9, 2021 FOIA request, CREW properly asked for records within the possession, custody, and control of Treasury.

16. Treasury has failed to conduct an adequate search in response to CREW's request.

17. Treasury is wrongfully withholding records responsive to CREW's request.

18. By failing to timely release all requested records in full to CREW, Treasury is in violation of FOIA.

19. CREW has constructively exhausted its administrative remedies.

20. CREW is therefore entitled to injunctive and declaratory relief requiring immediate processing and disclosure of the requested records.

Requested Relief

WHEREFORE, CREW respectfully requests that this Court:

1. Order Treasury to immediately and fully process CREW's FOIA request and disclose all non-exempt records to CREW;

2. Issue a declaration that CREW is entitled to immediate processing and disclosure of the requested records;

3. Provide for expeditious proceedings in this action;

4. Retain jurisdiction of this action to ensure no agency records are wrongfully withheld;

5. Award CREW its costs and reasonable attorneys' fees in this action; and

6. Grant such other relief as the Court may deem just and proper.

Date: May 18, 2021

Respectfully Submitted,

/s/ Nikhel S. Sus
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