

August 23, 2017

**BY FACSIMILE: 202-622-3895**

U.S. Department of the Treasury  
FOIA Requester Center  
Washington, DC 20220

**Re: Expedited Freedom of Information Act Request**

Dear FOIA Officer:

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

First, CREW requests copies of all records concerning authorization for and the costs of Treasury Secretary Steven Mnuchin's use of a government plane to travel to Lexington, Kentucky on Monday, August 21, accompanied by his wife Louise Linton.

Second, CREW requests copies of all records concerning authorization for and the costs of Secretary Mnuchin's use of a government plane for any purpose since his appointment as Treasury Secretary.

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 those who were cc'ed or bcc'ed on any emails.

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). In the event 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 August 21, 2017, Secretary Mnuchin and his wife Louise Linton travelled to Lexington, Kentucky, purportedly for the Secretary to present remarks along with Senate Majority Leader Mitch McConnell at a luncheon sponsored by the Louisville chamber of commerce, Greater Louisville Inc.<sup>1</sup> Afterward, Secretary Mnuchin and his wife “headed to Fort Knox . . . to tour the bullion reserve at the Army post and view the eclipse.” *Id.* The trip set off a public firestorm when his wife posted on Instagram a photo of herself “stepping off a government plane in Kentucky ahead of her husband . . . draped in luxury brands, which she proceeded to name in a caption and tag in the image.”<sup>2</sup> In response to a comment on the post Ms. Linton snapped back in a post highly critical of the commenter and defended her lavish lifestyle and the government-paid trip. *Id.*

The requested records would shed light on the justification for Secretary Mnuchin’s use of a government plane, rather than a commercial flight, for a trip that seems to have been planned around the solar eclipse and to enable the Secretary to secure a viewpoint in the path of the eclipse’s totality. At a time of expected deep cuts to the federal budget the taxpayers have a significant interest in learning the extent to which Secretary Mnuchin has used government planes for travel in lieu of commercial planes, and the justification for that use

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), and through [www.scribd.com](http://www.scribd.com). The release of information obtained through this request is not in CREW’s financial interest.

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<sup>1</sup> Grace Schneider, *GOP Tax Report Will Spur Wage Increases, Sen. McConnell and Treasury Secretary Mnuchin Say*, *Courier-Journal*, Aug. 21, 2017, available at <http://www.courier-journal.com/story/news/2017/08/21/mcconnell-mnuchin-talk-economic-policies/557156001/>.

<sup>2</sup> Tory Newmyer, *The Finance 202: Here’s How Louise Linton Could Change the Tax Debate*, *Washington Post*, Aug. 23, 2017, available at [https://www.washingtonpost.com/news/powerpost/paloma/the-finance-202/2017/08/23/the-finance-202-here-s-how-louise-linton-could-change-the-tax-debate/599c773030fb0435b8208f83/?utm\\_term=.88b2f27b1b74](https://www.washingtonpost.com/news/powerpost/paloma/the-finance-202/2017/08/23/the-finance-202-here-s-how-louise-linton-could-change-the-tax-debate/599c773030fb0435b8208f83/?utm_term=.88b2f27b1b74).



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 of the documents it receives under the FOIA on 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.

### **Request for Expedition**

Pursuant to 32 C.F.R. § 321 Subpart A, § 1.5(e)(ii), CREW requests that this request be expedited because of the urgency to inform the American public about a matter of current exigency. Not only did the Secretary's use of a government plane result in considerable controversy, along with the remarks of his wife defending their extravagant lifestyle, but it came at a time when Secretary Mnuchin is spearheading "a tax policy the administration promises will benefit lower and middle-income workers[.]"<sup>3</sup> The American public, which will bear the brunt of that tax policy, has an urgent need for information about the policy's key "co-architect," *id.*, especially given the anticipated timeframe within which that policy is likely to be considered and debated in Congress.

Moreover, as set forth above, CREW is primarily engaged in disseminating information and therefore meets the expedition requirements of 32 C.F.R. § 321 Subpart A, § 1.5(e)(ii).

I, the undersigned, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on August 23, 2017.

### **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 [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). Also, if CREW's request for expedition and/or a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

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<sup>3</sup> Newmyer, *Washington Post*, Aug. 23, 2017.

FOIA Officer  
August 23, 2017  
Page

Where possible, please produce records in electronic format. Please send the requested records to me either at [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org) or at Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 455 Massachusetts Ave., N.W., Box 320, Washington, D.C. 20001. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann  
Chief FOIA Counsel