



**citizens for responsibility  
and ethics in washington**

January 25, 2019

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

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

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 U.S. Department of the Treasury regulations.

CREW requests copies of all records of communications between Secretary Mnuchin and any other person that contain the words "pardon" or "pardoning" between January 1, 2018 and the date on which a search for these records is conducted.

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 nonexempt, 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).

Several news organizations have reported that Secretary Mnuchin is advocating for President Trump to grant a pardon to Michael Milken.<sup>1</sup> On January 18, 2019, the *New York Times* reported that Secretary Mnuchin had flown from Washington to Los Angeles in January on a private aircraft owned by Mr. Milken.<sup>2</sup> Mr. Milken served two years of an original 10-year prison sentence imposed for six criminal charges for securities fraud.<sup>3</sup> The public has a significant interest in the pursuit of a pardon by Mr. Milken, who has been called an “ex-con, disgraced junk bond king, who is virtually synonymous with 1980s greed” and who was denied a pardon by Presidents Bill Clinton and George W. Bush.<sup>4</sup> The requested records would shed further light on the issue of Secretary Mnuchin’s reported advocacy on behalf of Mr. Milken, from whom he accepted a transcontinental flight, the extent of that advocacy, and any link between the flight and the advocacy. In addition, it would provide information needed to ascertain Secretary Mnuchin’s compliance with applicable laws and procedures related to seeking a pardon for Mr. Milken.

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. 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. US. 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

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<sup>1</sup> Greg Farrell, Katherine Burton and John Gittelsohn, *Trump Insiders Seek Pardon for ‘Junk Bond King’ Michael Milken*, *Bloomberg*, June 15, 2018, available at <https://bloom.bg/2ydKtXJ>; Tae Kim, *Trump advisors reportedly seeking a pardon for ‘junk bond king’ Milken*, *CNBC*, June 15, 2018, available at <https://cnb.cx/2S90DKI>; Anthony Scaramucci, *L.A.’s Gary Winnick encouraging pardon for ‘junk bond king’ Michael Milken*, *LA Times*, June 15, 2018, available at <https://lat.ms/2MtDRId>.

<sup>2</sup> Alan Rappeport *Mnuchin Flew to L.A. on Private Jet of Billionaire Michael Milken*, *New York Times*, Jan. 18, 2019, available at <https://nyti.ms/2FXUASU>

<sup>3</sup> Ronald Sullivan, *Milken’s Sentence Reduced by Judge; 7 Months Are Left*, *New York Times*, Aug. 6, 1992, available at <https://nyti.ms/2WiXBTE>.

<sup>4</sup> Al Lewis, *Michael Milken: From junk bonds to junk food*, *The Denver Post*, Nov. 13, 2012, available at <https://dpo.st/2MvwyQf>.

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 on 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) 408-5565 or [aweismann@citizensforethics.org](mailto:aweismann@citizensforethics.org). 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 Anne L. Weismann, Citizens for Responsibility and Ethics in Washington, 1101 K Street, N.W, Suite 201, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,



Anne L. Weismann  
Chief FOIA Counsel