



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

June 18, 2019

ACTION MEMORANDUM

TO: ~~SCOTT GAST~~ **DAVID JONES**
WHITE HOUSE ETHICS COUNSEL

FROM: Brian J. Sonfield ^{BSJ}
Assistant General Counsel for General Law, Ethics and
Regulation and Designated Agency Ethics Official

SUBJECT: Waiver of Ethics Pledge Paragraph 6 for Monica Crowley

RECOMMENDATION

That you approve a waiver of paragraph 6 of the Ethics Pledge so that Monica Crowley, who is expected to be appointed as the Department of the Treasury's Assistant Secretary for Public Affairs, may participate in matters involving her former employers, the Washington Times and The Hill.

 BSJ Approve _____ Disapprove _____ Let's Discuss

BACKGROUND

Executive Order 13770, "Ethics Commitments by Executive Branch Appointees," (EO) requires all Presidential appointees to sign an Ethics Pledge that, among other things, prohibits them from working on particular matters involving specific parties directly and substantially related to a former employer or client for a period of two years. Section 3 of the EO permits the President or his designee to grant a waiver of any restrictions contained in this pledge.

From 2014 until 2016 and from 2018 to 2019, Ms. Crowley was a columnist for the Washington Times and from 2017 until 2018, Ms. Crowley was an opinion contributor to The Hill. On May 13, Ms. Crowley was hired as a Senior Advisor to the Assistant Secretary for Public Affairs. The President is expected to appoint her as the Assistant Secretary for Public Affairs (Assistant Secretary) within the next two weeks. Pursuant to paragraph 6 of the Ethics Pledge, for two years from the date of her appointment she would not be able to participate in matters involving the Washington Times and The Hill. Her ability to participate in such matters - essentially any matter in which Treasury would communicate with the Washington DC based newspapers that cover general interest topics with a particular emphasis on national politics - is integral to her positions within the Office of Public Affairs

ANALYSIS

The Office of Public Affairs develops and implements communications strategy for the Department and advises senior officials within the Department and its bureaus how best to communicate issues and priorities of public interest. The Washington Times and The Hill are local newspapers that cover general interest topics with a particular emphasis on national politics. The Hill has a print circulation of over 24,000 and is read by officials in the executive and legislative branch, political pundits, association executives, lobbyists and corporate leaders.¹ It is in the interest of the Department and the public to inform the public on matters involving the operations and policies of the United States government. The Washington Times has approximately 59,185 daily copies in circulation.² Both newspapers have covered and are likely to cover in the future, many issues under the Department's responsibility including but not limited to opportunity zones, the deficit, tax policy and financial crimes. That will be the case regardless of who is in the position of Assistant Secretary for Public Affairs.

Ms. Crowley has over two decades of strategy, communications and policy experience. She has worked for multiple news networks and on various political campaigns. The Assistant Secretary is the Department's most senior communications official and will be expected to handle communications for the Secretary on sensitive Departmental matters. It is essential that the Department have an effective, credible voice in these communications with the media to address the many important issues that arise in this forum.

Ms. Crowley's prior engagement with the Washington Times and The Hill triggers coverage under paragraph 6 of the Ethics Pledge. There is no practical way to segregate the Assistant Secretary's duties to shield her from engagement in matters that involve major newspapers and not require Ms. Crowley to recuse from nearly all of her duties. Additionally, the Principal Deputy Assistant Secretary for Public Affairs recently left the Department making it difficult to reassign sensitive matters that should be managed by a senior official within the Office of Public Affairs. The need for Ms. Crowley to participate in matters that might involve the Washington Times and The Hill outweighs any risk of an appearance of partiality.

A waiver is therefore appropriate because: (1) it is in the Department's and the public's interest; (2) it will be impossible to predict which stories these organizations will cover; (3) it will be difficult for Ms. Crowley to properly perform the duties of her position if she had to recuse from matters involving these organizations; and (4) Ms. Crowley's participation in matters involving these entities will have no impact on her financial interests.

CONCLUSION

Based on the above analysis, a waiver of paragraph 6 of the Ethics Pledge so that Ms. Crowley may participate in matters involving her former employers, the Washington Times and The Hill, is appropriate.

¹ <https://thehill.com/contact/about-us>

² https://en.wikipedia.org/wiki/The_Washington_Times