

April 6, 2020

**VIA EMAIL: FOIARequests@cdc.gov**

CDC/ATSDR  
Attn: FOIA Office, MS-D54  
1600 Clifton Road, N.E.  
Atlanta, GA30333

**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 Centers for Disease Control and Prevention (“CDC”) regulations.

First, CREW seeks all communications from March 12, 2020 to the present between CDC and (1) President Trump; (2) White House employees, including anyone with an “\*.eop.gov” email domain; or (3) attorneys or representatives acting on behalf of President Trump, regarding CDC guidances on potential coronavirus treatments.

Second, CREW seeks all internal CDC communications from March 12, 2020 to the present regarding any directives, instructions, requests, or inquiries from President Trump or White House employees regarding CDC guidances on potential coronavirus treatments.

Both of the foregoing requests include but are not limited to communications related to CDC’s March 21 guidance document titled “Information for Clinicians on Therapeutic Options for COVID-19 Patients.”

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-*/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 CDC 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 March 21, 2020, CDC published a guidance document for healthcare professionals titled “Information for Clinicians on Therapeutic Options for COVID-19 Patients.” The guidance’s stated purpose is “to provide information on two of the approved drugs (chloroquine and hydroxychloroquine) and one of the investigational agents (remdesivir) currently in use in the United States.” Its section regarding hydroxychloroquine and chloroquine goes so far as to list possible daily doses for hydroxychloroquine, based on anecdotal reports from clinicians.<sup>1</sup> Neither drug has yet been conclusively proven to be an effective treatment for the virus.

According to medical experts quoted in a recent *Reuters* report, it is highly unusual for CDC to publish anecdotes like this in its guidances to healthcare professionals. The guidance document does not name the clinicians whose anecdotes it references, nor does it say whether the suggested doses of hydroxychloroquine resulted in improved outcomes for patients. The *Reuters* report speculates that pressure from President Trump, who has promoted hydroxychloroquine and chloroquine in public statements, might have contributed to CDC’s decision to publish this unusual guidance. According to the report, in a series of conversations in March, including on March 21, the president “personally pushed” health officials, including “top officials at the Centers for Disease Control,” to focus on the two drugs as a potential treatment for coronavirus. Meanwhile, CDC has declined to publicly detail any interactions between its director and President Trump.<sup>2</sup>

The requested materials would shed light on the degree to which input from the White House and President Trump influenced CDC’s decision to officially promote two unproven drugs as potential treatments for coronavirus. The public has a deep interest in knowing whether health advice issued by the government is firmly rooted in scientific fact, or whether guidances are being issued at the whim of politicians who lack medical expertise.

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<sup>1</sup> *Information for Clinicians on Therapeutic Options for COVID-19 Patients*, March 21, 2020, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/hcp/therapeutic-options.html>.

<sup>2</sup> Marisa Taylor and Aram Roston, *Exclusive: Pressed by Trump, U.S. pushed unproven coronavirus treatment guidance*, April 4, 2020, *available at* <https://www.reuters.com/article/us-health-coronavirus-usa-guidance-exclu-idUSKBN21M0R2>.

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. 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 blogposts that report on and analyze 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 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.

### Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at (914) 671-3052 or [elee@citizensforethics.org](mailto:elee@citizensforethics.org). Also, if CREW's request for a fee waiver is not granted in full, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to me either at [elee@citizensforethics.org](mailto:elee@citizensforethics.org) or at Eli Lee, 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,

A handwritten signature in blue ink, appearing to read "Eli Lee", enclosed in a light blue rectangular box.

Eli Lee  
Research Associate