



**BY EMAIL: [FOIA@governor.sc.gov](mailto:FOIA@governor.sc.gov)**

May 7, 2020

Governor Henry McMaster  
Office of the Governor  
Attn: FOIA  
1100 Gervais Street  
Columbia, SC 29201  
(803) 734-5167  
[FOIA@governor.sc.gov](mailto:FOIA@governor.sc.gov)

Re: Freedom of Information Act Request

Dear Governor McMaster:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records, regardless of format, medium, or physical characteristics pursuant to the South Carolina Freedom of Information Act, §30-4-10 et seq.

Specifically, CREW seeks:

1. All communications from April 13, 2020 to the date this request is processed between your office and the South Carolina Department of Health and Environmental Control (DHEC), including with state epidemiologist Dr. Linda Bell, regarding the governor’s plan to reopen the state of South Carolina.
2. All communications from April 20, 2020 to the date this request is processed within your office and members of the AccelerateSC regarding the governor’s plan to reopen the state of South Carolina.
3. All communications from April 13, 2020 to the date this request is processed between your office and the White House, or representatives of the White House, including but not limited to President Trump, Vice President Mike Pence, and Dr. Deborah Birx, regarding the governor’s plan to reopen the state of South Carolina.
4. All communications from April 13, 2020 to the date this request is processed between your office and the U.S. Department Health and Human Services (HHS) including its component agencies the Federal Drug Administration (FDA) and Centers for Disease Control and Prevention (CDC), regarding the governor’s plan to reopen the state of South Carolina.
5. All communications from April 13, 2020 to the date this request is processed between your office and the U.S. State Department, or representatives of the State Department, including but not limited to Dr. Deborah Birx, regarding the governor’s plan to reopen the state of South Carolina.

6. All communications from April 13, 2020 to the date this request is processed between your office and the U.S. Department of Homeland Security (DHS), including its component agencies such as the Federal Emergency Management Agency (FEMA) regarding the governor's plan to reopen the state of South Carolina.

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, and email recipients who were cc'ed or bcc'ed.

If Gov. McMaster is not the custodian of the requested records, please forward the request to the appropriate department, office, or entity in possession or custody of the records.

If there are any fees for searching or copying these records, please inform CREW if the cost will exceed \$100. However, CREW also requests a waiver of all fees because the disclosure of the requested information is in the public interest. The public is entitled to information concerning the risks to the public of opening up the state and extent to which the office sought advice from the federal government in making the decision, or was subject to pressure from the White House to reopen. Further, this information is not being sought for commercial purposes.

By way of background, on May 4, Gov. McMaster lifted the state's "Stay Home" order and relaxed social distancing rules.<sup>1</sup> Earlier last month, on April 20, McMaster created AccelerateSC, a COVID-19 advisory team focused on reopening the South Carolina economy, whose members include business owners, mayors, and health care professionals.<sup>2,3</sup> On the same day, he issued an executive order opening beaches, piers, docks, wharfs, and certain retail stores.<sup>4</sup> Since then, people have flocked to reopened beaches and parks.<sup>5</sup> While loosening parts of the economy, McMaster has also reinstated the State of Emergency order to extend until May 12.<sup>6</sup>

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<sup>1</sup> Crysty Vaughan, Ready to reopen: SC Governor's 'Stay Home' order to be lifted Monday, *ABC Columbia*, May 3, 2020, available at

<https://www.abccolumbia.com/2020/05/03/ready-to-reopen-sc-governors-stay-home-order-to-be-lifted-monday/>.

<sup>2</sup> Henry McMaster, accelerateSC, *Office of the Governor Henry McMaster*, April 20, 2020, available at <https://governor.sc.gov/executive-branch/acceleratesc>.

<sup>3</sup> Henry McMaster, accelerateSC Team, *Office of the Governor Henry McMaster*, April 20, 2020, available at <https://governor.sc.gov/acceleratesc-team>.

<sup>4</sup> Henry McMaster, Gov. Henry McMaster Creates accelerateSC, a Coordinated Economic Revitalization Plan, *Office of the Governor Henry McMaster*, April 20, 2020, available at <https://governor.sc.gov/news/2020-04/gov-henry-mcmaster-creates-acceleratesc-coordinated-economic-revitalization-plan>.

<sup>5</sup> As people flock to beaches and parks, SC virus cases climb, *Associated Press*, May 2, 2020, available at <https://apnews.com/5a857e20442c6d39ae8c2b4c540b5750>.

<sup>6</sup> Henry McMaster, Gov. Henry McMaster Declares New State of Emergency to Continue State's Response to COVID-19, *Office of the Governor Henry McMaster*, April 27, 2020, available at <https://governor.sc.gov/news/2020-04/gov-henry-mcmaster-declares-new-state-emergency-continue-states-response-covid-19>.

Gov. McMaster's decision to reopen the state is shocking considering that South Carolina is lagging behind other states on coronavirus response and testing. Only about one percent of the population has been tested.<sup>7</sup> And now that businesses are beginning to reopen, South Carolinians are at an even higher risk for contracting COVID-19. Just this past Saturday, reports documented 226 additional COVID-19 cases in the state, which would make this the third time in the week for more than 200 new cases to have been reported in one day.<sup>8</sup> The requested records would provide a clearer picture of the thinking behind reopening the state, possibly including how different parties, including public health experts, businesses interests, the White House, and federal agencies, were counseling Gov. McMaster on whether to reopen.

The law requires that this request be responded to and fulfilled promptly, barring extenuating circumstances. *See* South Carolina Freedom of Information Act, §30-4-10, *et seq.* If access to the records CREW is requesting will take an extended period of time, please contact CREW with a written explanation that states when the requested record will be produced and specifies with particularity why the records cannot be produced.

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at [mosuga@citizensforethics.org](mailto:mosuga@citizensforethics.org). CREW also welcomes the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to allow for better processing within South Carolina state law deadlines. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify CREW of the appeal procedures available under the law.

Where possible, please produce records in electronic format. Please send the requested records to [mosuga@citizensforethics.org](mailto:mosuga@citizensforethics.org) or Miru Osuga, Citizens for Responsibility and Ethics in Washington, 1101 K St NW, Washington, D.C. 20005. Thank you for your assistance in this matter.

Sincerely,



Miru Osuga  
Communications Associate  
Citizens for Responsibility and Ethics in  
Washington

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<sup>7</sup> DHEC: 123 new virus cases, 15 new deaths in South Carolina, *WLTN*, April 28, 2020, available at <https://www.wltx.com/article/news/local/sc-dhec-coronavirus-numbers-april28/101-1bf2de48-7700-4316-84ad-c9a396988223>.

<sup>8</sup> *Associated Press*, May 2, 2020.