



BY EMAIL: publicrecords@gov.texas.gov

May 7, 2020

Governor Abbott
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428
(512) 463-2000

Re: Public Information Act Information Request

Dear Governor Abbott:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records, regardless of format, medium, or physical characteristics pursuant to the Texas Public Information Act/Texas Government Code Chapter 552.

Specifically, CREW seeks:

1. All communications from April 13, 2020 to the date this request is processed between your office and the Texas Department of State Health Services regarding the governor’s plan to reopen the State of Texas.
2. All communications from April 17, 2020 to the date this request is processed within your office and members of the Governor’s Strike Force to Open Texas regarding the governor’s plan to reopen the State of Texas.
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 regarding the governor’s plan to reopen the State of Texas.
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 Texas.
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 Texas.
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, including but not limited to the Federal Emergency Management Agency (FEMA), regarding the governor’s plan to reopen the State of Texas.

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. Abbott's office 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 around what risk opening up the state poses to the public and to what extent the office sought advice from the federal government in making the decision. Further, this information is not being sought for commercial purposes.

By way of background, on April 13, President Trump tweeted that the reopening of states following closures around the outbreak of COVID-19 ("coronavirus") was up to the president "in conjunction with the Governors."¹ Later that day, Gov. Abbott indicated that he would not be extending stay-at-home guidance set to expire on April 30 and "insisted that he spoke with both Vice President Mike Pence and Dr. Deborah Birx, the White House coronavirus response coordinator, about the need to "safely reopen the state for doing business."²

On April 17, Gov. Abbott issued two executive orders, one to reopen Texas and one to establish the Governor's Strike Force to Open Texas.³ The first executive order stated that the decision to reopen the state was made with the guidance of Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt.⁴ The second executive order listed members of the Governor's Strike Force to Open Texas, which included major campaign donors, industry lobbyists and medical commissioners.⁵ Mayors and representatives have criticized the

¹ Corky Siemaszko, [Texas governor wants to 'slowly' reopen business. Trump says that's the federal government's decision](https://www.nbcnews.com/news/us-news/texas-gov-wants-slowly-reopen-private-business-trump-says-s-n1182886), *NBC News*, April 13, 2020, available at <https://www.nbcnews.com/news/us-news/texas-gov-wants-slowly-reopen-private-business-trump-says-s-n1182886>.

² Ibid.

³ Greg Abbott, [Governor Abbott Issues Executive Order To Safely And Strategically Reopen Select Services And Activities In Texas](https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-to-safely-and-strategically-reopen-select-services-and-activities-in-texas), *Office of the Texas Governor*, April 17, 2020, available at <https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-to-safely-and-strategically-reopen-select-services-and-activities-in-texas>.

⁴ Ibid.

⁵ Greg Abbott, [Governor Abbott Issues Executive Order Establishing Strike Force To Open Texas](https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-establishing-strike-force-to-open-texas), *Office of the Texas Governor*, April 17, 2020, available at <https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-establishing-strike-force-to-open-texas>.

commission for its failure to include any local elected officials.⁶ On April 27, Gov. Abbott and the Governor's Strike Force to Open Texas released a two-step plan for opening the government, in the first phase allowing certain businesses to open at 25 percent occupancy and the second phase beginning on May 18 at a 50 percent occupancy.⁷

Texas reportedly appears to be going against federal guidance that calls for states to wait to reopen until they see a 14-day downward trajectory in new cases or infection rates.⁸ On the second day of Texas reopening, the state reported 1,293 new coronavirus cases, the third consecutive day that the state has topped 1,000 cases, a level the state hadn't seen for three weeks.⁹ The state has failed to meet the governor's projections of testing at least 25,000 people a day, averaging instead 14,000. Overall, the state has tested only 1% of the 29 million people in Texas.¹⁰

The requested records would provide clearer insight into the rationale around reopening Texas, the role that both industry groups and the White House have played, and reasoning around excluding elected officials in the governor's response. There is a heightened interest in the extent that Texas is following recommendations from the federal government and if the state is rigorously following science-based guidance around the coronavirus pandemic given that the United States has the most reported cases of coronavirus in the world.

The law requires that this request be responded to and fulfilled promptly, barring extenuating circumstances. *See* Texas Public Information Act / Texas Government Code Chapter 552. 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 records will be produced and specifies with particularity why any of the requested 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. 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 Texas 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.

⁶ Cassandra Pollock, [Gov. Greg Abbott's task force to reopen the economy is packed with top business leaders — and donors](https://www.texastribune.org/2020/04/21/texas-reopening-task-force/), *The Texas Tribune*, April 21, 2020, available at <https://www.texastribune.org/2020/04/21/texas-reopening-task-force/>.

⁷ [The Governor's Report to Open Texas](https://static.texastribune.org/media/files/1d486f159188580f63312da128be4db1/OpenTexas-Report.pdf?_ga=2.54438958.708220547.1588600677-1059833700.1588600677), *Governor's Strike Force to Open Texas*, April 27, 2020, available at https://static.texastribune.org/media/files/1d486f159188580f63312da128be4db1/OpenTexas-Report.pdf?_ga=2.54438958.708220547.1588600677-1059833700.1588600677.

⁸ Patrick Svitek, [Texas reports record coronavirus deaths the day before stores open. But Gov. Greg Abbott sees hope in other metrics.](https://www.texastribune.org/2020/04/30/texas-reopening-coronavirus-cases-spike/), *The Texas Tribune*, April 30, 2020, available at <https://www.texastribune.org/2020/04/30/texas-reopening-coronavirus-cases-spike/>.

⁹ Tracy Connor, [Here's How Texas' Reopening Is Going: 1,200 New Cases](https://www.thedailybeast.com/heres-how-texas-reopening-is-going-1200-new-coronavirus-cases), *The Daily Beast*, May 2, 2020, available at <https://www.thedailybeast.com/heres-how-texas-reopening-is-going-1200-new-coronavirus-cases>

¹⁰ Patrick Svitek, [Gov. Greg Abbott to let restaurants, movie theaters and malls open with limited capacity Friday](https://www.texastribune.org/2020/04/27/texas-reopening-coronavirus-greg-abbott/), *The Texas Tribune*, April 27, 2020, available at <https://www.texastribune.org/2020/04/27/texas-reopening-coronavirus-greg-abbott/>.

Where possible, please produce records in electronic format. Please send the requested records to 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,

A handwritten signature in black ink, appearing to read 'Miru Osuga', with a small flourish at the end.

Miru Osuga
Communications Associate
Citizens for Responsibility and Ethics in
Washington