

May 7, 2020

Open Records Custodian  
Office of the Governor  
206 Washington Street  
Suite 203, State Capitol  
Atlanta, Georgia 30334

Dear Public Information Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Georgia Open Records Law, § 50.18.70 et seq.

Specifically, CREW requests:

1. All communications from April 13, 2020 to the date this request is processed between your office and the White House regarding Governor Brian Kemp’s decision to re-open Georgia amid the COVID-19 pandemic.
2. All communications from April 13, 2020 to the date this request is processed between your office and the Centers for Disease Control and Prevention regarding Gov. Kemp’s decision to re-open Georgia amid the COVID-19 pandemic.
3. All communications from April 13, 2020 to the date this request is processed between your office and the U.S. Department of Homeland Security regarding Gov. Kemp’s decision to re-open Georgia amid the COVID-19 pandemic.
4. All communications from April 13, 2020 to the date this request is processed between your office and the Department of Health and Human Services, including its component agencies such as the Federal Emergency Management Agency (FEMA), regarding Gov. Kemp’s decision to re-open Georgia amid the COVID-19 pandemic.
5. All communications from April 13, 2020 to the date this request is processed between your office, the Georgia Department of Public Health, and Public Health Commissioner Kathleen E. Toomey regarding Gov. Kemp’s decision to re-open Georgia amid the COVID-19 pandemic.
6. All communications from April 13, 2020 to the date this request is processed between your office and the U.S. Department of State, including but not limited to Dr. Deborah Birx, regarding the governor’s plan to reopen the state of Florida.

By way of background, on April 27 Gov. Kemp announced that he would lift Georgia’s stay-at-home order on Thursday, April 30.<sup>1</sup> The state’s shelter in place order was originally meant to last until May 13. Kemp had already relaxed restrictions on gyms, tattoo parlors, nail salons, and other businesses on April 24, and added restaurants, movie theaters, and clubs to that

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<sup>1</sup> J. Edward Moreno, [Florida coordinating reopening with five southern states](https://thehill.com/homenews/state-watch/494054-florida-coordinating-reopening-with-five-southern-states), *The Hill*, April 22, 2020, available at <https://thehill.com/homenews/state-watch/494054-florida-coordinating-reopening-with-five-southern-states>

list on the 27th. Kemp's decision to reopen so quickly drew criticism from President Trump, local politicians, and public health officials who all warned against reopening too soon.<sup>2</sup>

Georgia Public Health Commissioner Kathleen Toomey acknowledged that Georgia has not fully met President Trump's criteria for reopening, but she said that according to data, the number of COVID-19 cases in Georgia was beginning to plateau. Toomey added that Gov. Kemp's decision was not based on data alone and that the state had met "other federal criteria."<sup>3</sup>

Kemp's decision to reopen the state is unusual considering that Georgia is lagging behind other states on coronavirus response and testing. Only about one-tenth of one percent of the population has been tested.<sup>4</sup> And now that businesses are beginning to reopen, Georgians are at an even higher risk for contracting COVID-19. According to the Institute for Health Metrics and Evaluation at the University of Washington, Georgia shouldn't even relax social distancing until June 27, yet state and public health officials have deemed it safe to reopen.<sup>5</sup> The requested records would provide a clearer picture of the thinking behind reopening the state, including how different parties including public health experts, the White House, and businesses interests were counseling Governor Kemp on whether to reopen.

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 emails to which the subjects of this request were cc'ed or bcc'ed.

If it is your position that any portion of the requested records is exempt from disclosure, O.C.G.A. § 50-28-71 (d) requires you to state the basis of the exemption you contend is applicable. If some portions of the requested records are properly exempt from disclosure, O.C.G.A. § 50-18-71 requires you to redact those portions and produce the remainder of the requested records.

CREW agrees to pay up to \$100 for copies of the requested records. If copying fees are expected to exceed this amount, please contact me at [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org).

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<sup>2</sup> Vandana Rambaran, [Georgia Gov. Kemp orders elderly to shelter in place, days after loosening some coronavirus restrictions](https://www.foxnews.com/us/georgia-elderly-shelter-in-place-coronavirus-restrictions), *Fox News*, May 1, 2020, available at <https://www.foxnews.com/us/georgia-elderly-shelter-in-place-coronavirus-restrictions>

<sup>3</sup> Alan Judd and Greg Bluestein, [Angered by criticism, Kemp defends handling of coronavirus outbreak](https://www.ajc.com/news/angered-criticism-kemp-defends-handling-coronavirus-outbreak/asMnTy1QE5Lz4gekCTHBqM/), *The Atlanta Journal-Constitution*, April 27, 2020, available at <https://www.ajc.com/news/angered-criticism-kemp-defends-handling-coronavirus-outbreak/asMnTy1QE5Lz4gekCTHBqM/>

<sup>4</sup> J. Edward Moreno, *The Hill*, April 22, 2020

<sup>5</sup> [COVID-19 Projections](https://covid19.healthdata.org/united-states-of-america/georgia), *Institute for Health Metrics and Evaluation*, available at <https://covid19.healthdata.org/united-states-of-america/georgia>



Where possible, please produce records in electronic format. Please send the requested records to me at either [rjacobs@citizensforethics.org](mailto:rjacobs@citizensforethics.org) or Rebecca Jacobs, Citizens for Responsibility and Ethics in Washington, 1101 K St., N.W., Suite 201, Washington, D.C. 20005.

Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records. We anticipate you will fulfill your obligations under the Georgia Open Records Act.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Jacobs", written in a cursive style.

Rebecca Jacobs  
Research Associate