

May 27, 2020

BY EMAIL: christopher.mincher@maryland.gov

Christopher J. Mincher
Deputy Legal Counsel / Public Information Act Representative
Office of the Governor
State House
100 State Circle
Annapolis, MD 21401

Dear Mr. Mincher:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Maryland Public Information Act Title 4.

Specifically, CREW requests:

1. All communications from March 16, 2020 to the date this request is processed between your office and the White House
2. All communications from March 16, 2020 to the date this request is processed between your office and the U.S. Department of Homeland Security, including the Coronavirus task force.

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. Hogan 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 pursuant to § 4-206(e) 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, since the beginning of the coronavirus pandemic Governor Hogan has broken with other Republicans by criticizing President Trump's leadership, beginning with his Washington Post Op-Ed with Michigan Governor Gretchen Whitmer where he called on the federal government to provide better coordination and distribution of supplies, funding for essential services like Medicaid, and unemployment insurance.¹ In an interview with NPR the next day, Hogan said that Trump's statement that all "testing problems are over" was a lie.²

On April 20th President Trump berated Maryland Governor Larry Hogan during a press briefing. He said Hogan does not "understand too much about what [is] going on,"³ and went on to criticize Hogan's decision to procure tests from South Korea, saying that the governor could have just called Vice President Mike Pence and saved money.⁴

Trump's attacks came after Hogan announced that after months of negotiations with South Korean officials, Maryland would be receiving half a million tests.⁵ Hogan defended this action on MSNBC, saying "The president said the governors are on their own and they should focus on getting their own tests, and that's exactly what we did."⁶

Even after the president criticized Hogan the governor has continued to speak out against the President; a few days after the press conference Hogan called on Trump to give "fact based" news conferences and to stop spreading "misinformation," after Trump touted disinfectant as a possible coronavirus cure.⁷

Trump has been known to slight political opponents or leaders who he feels have treated him unfairly. Like many other states Maryland is in dire need of federal aid; Maryland has the tenth most coronavirus cases in the country and has reported almost one-thousand new cases in

¹ Larry Hogan and Gretchen Whitmer, Larry Hogan and Gretchen Whitmer: What governors need from Washington during this health emergency, *Washington Post*, March 30, 2020, available at <https://www.washingtonpost.com/opinions/2020/03/30/larry-hogan-gretchen-whitmer-what-governors-need-washington-during-this-health-emergency/>

² Gov. Hogan Says He's Taken Unprecedented Action To Try To Flatten COVID-19 Curve, *NPR*, March 31, 2020, available at <https://www.npr.org/2020/03/31/824389075/gov-hogan-says-hes-taken-unprecedented-action-to-try-to-flatten-covid-19-curve>

³ Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing, *The White House*, April 20, 2020, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-29/>

⁴ *The White House*, April 20, 2020

⁵ Brakkton Booker, Maryland Buys 500,000 Test Kits From South Korea, Drawing Criticism From Trump, *NPR*, April 21, 2020, available at <https://www.npr.org/sections/coronavirus-live-updates/2020/04/21/839919655/maryland-gets-500-000-test-kits-from-south-korea-drawing-criticism-from-trump>

⁶ Brakkton Booker, *NPR*, April 21, 2020

⁷ William Cummings, GOP Gov. Hogan to Trump: Stop coronavirus 'misinformation,' saying 'whatever pops in your head', *USA Today*, April 26, 2020, available at <https://www.usatoday.com/story/news/politics/2020/04/26/maryland-governor-larry-hogan-trump-coronavirus-briefings/3029758001/>

the past week.^{8,9} The requested records may shed light on whether President Trump and Governor Hogan's unsteady political relationship has affected the federal government's coronavirus response in Maryland.

If it is your position that any portion of the requested records is exempt from disclosure, GP § 4-203(c)(1). requires you to provide a written statement of the reasons for the denial.

CREW agrees to pay up to \$100 for copies of the requested records. If copying fees are expected to exceed this amount, or if you anticipate that "extensive use" of information technology resources or extensive clerical or supervisory assistance as defined in § 4-206(e) will be needed to fulfill this request, please contact me at rjacobs@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records to me at either 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 Maryland Public Information Act.

Thank you for your assistance.

Sincerely,



Rebecca Jacobs
Research Associate

⁸ Coronavirus in the U.S.: Latest Map and Case Count, *New York Times*, available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>

⁹ Lillian Reed and Justin Fenton, Maryland reports 958 new coronavirus cases, 27 deaths since Sunday, *The Baltimore Sun*, May 18, 2020, available at <https://www.baltimoresun.com/coronavirus/bs-md-coronavirus-numbers-20200518-20200518-z2ictt5oybclrmefnlg3nphxu-story.html>