

May 28, 2020

BY EMAIL: MDHHS-FOIA@michigan.gov

Michigan Department of Health and Human Services
ATTN: FOIA Coordinator
P.O. Box 30195
Lansing, Michigan, 48909

Dear FOIA Coordinator:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records pursuant to the Michigan Freedom of Information Act § 15.231 et seq.

Specifically, CREW requests

1. All communications from March 13, 2020 to April 27, 2020 between your office and the Office of Governor Gretchen Whitmer regarding federal coronavirus aid sent to Michigan.
2. All communications from March 13, 2020 to April 27, 2020 between your office and the U.S. Department of Homeland Security, including the Coronavirus task force regarding federal coronavirus aid sent to Michigan.

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 this 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 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.

During a press conference on Friday, March 27, President Trump directed Vice President Mike Pence, who leads the White House Coronavirus Task Force, not to cooperate with

governors who he feels are not “appreciative” of the federal government’s coronavirus relief efforts.¹ Trump specifically singled out Michigan Governor Gretchen Whitmer as one of two governors who he feels have disparaged the government’s effort, specifically mentioning himself and two other entities: “When they’re not appreciative to me, they’re not appreciative to the Army Corps. They’re not appreciative to FEMA. It’s not right.”² Referring to Whitmer, Trump said, “Michigan, all she does is — she has no idea what’s going on. And all she does is say, ‘Oh, it’s the federal government’s fault.’”³ He also said that Pence should not “call the woman in Michigan.”⁴

Trump’s attack on Whitmer came a day after she released a 25-page letter where she requested that the President “approve a major disaster declaration” for Michigan and outlined what supplies the state needs FEMA to provide.⁵ Whitmer had previously called on the Trump administration to give more support to Michigan by providing PPE such as masks and hand sanitizer during an interview on MSNBC. During the interview Whitmer also stated that Trump needs to administer a “coherent policy” barring unnecessary travel.⁶

On May 20th Trump threatened via Twitter to “hold up funding to Michigan,” claiming that the Secretary of State committed “voter fraud” by sending out absentee ballots for the 2020 Michigan primary and general election.⁷

Trump has been known to slight political opponents or leaders who he feels have treated him unfairly. Michigan is the tenth most populous state in the country, yet has the third most coronavirus cases. The requested records may shed light on the federal government’s disaster response in Michigan, and if Trump has withheld federal aid based off of his schism with Whitmer.

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

¹ Christina Wilkie and Kevin Breuninger, Trump says he told Pence not to call governors who aren’t ‘appreciative’ of White House coronavirus efforts, *CNBC*, March 27, 2020, available at <https://www.cnn.com/2020/03/27/coronavirus-trump-told-pence-not-to-call-washington-michigan-governors.html>

² Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing, *The White House*, March 28, 2020, available at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-13/>

³ *The White House*, March 28, 2020

⁴ *The White House*, March 28, 2020

⁵ Malaika Jabali, If Your State Needs Help With Coronavirus From Trump, Don’t Be a Strong Woman Governor, *The Intercept*, April 8, 2020, available at <https://theintercept.com/2020/04/08/coronavirus-trump-whitmer-michigan/>

⁶ Hallie Jackson, Gov. Whitmer: Trump should declare federal disaster, *MSNBC*, March 16, 2020, available at <https://www.msnbc.com/hallie-jackson/watch/gov-whitmer-trump-should-declare-federal-disaster-80712773548>

⁷ Morgan Chalfant, Trump threatens to withhold Michigan, Nevada funding over mail-in voting, *The Hill*, May 20, 2020, available at <https://thehill.com/homenews/administration/498689-trump-threatens-to-withhold-michigan-funding-over-mail-in-voting>

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, the Michigan Freedom of Information Act requires you to state the basis of the exemption you contend is applicable. CREW further requests that you state in writing and with particularity the reasons for any conclusion that a record is exempt or confidential. If some portions of the requested records are properly exempt from disclosure, the Michigan Freedom of Information Act 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, or if you anticipate that "extensive use" of information technology resources or extensive clerical or supervisory assistance as defined in MCL 15.234 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 Michigan Freedom of Information 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