

Exhibit A

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October 3, 2019

via E-mail to FOIARequests@cdc.gov

CDC/ATSDR

Attn: FOIA Office, MS-D54

1600 Clifton Road, N.E.

Atlanta, GA 30333

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
of Public Advocate of the United States

Dear Sirs:

We represent Public Advocate of the United States (“PA”), and submit this Freedom of Information Act (“FOIA”) request on its behalf.

PA is a nonprofit educational organization, exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code of 1986. PA’s tax-exempt mission and purposes include education and litigation to protect the family, traditional values, civil liberties, including, but not limited to, freedoms and rights guaranteed by the U.S. Constitution, and proper interpretation of our federal and state constitutions, statutes, and regulations.

Background

In 2014, during the Obama administration, CDC launched a campaign entitled “Acting Against AIDS.”¹ As part of this campaign, CDC created the “Start Talking. Stop HIV.” series, which “focuses on gay and bisexual men and encourages open communication between sex partners and friends about HIV prevention strategies.”²

Part of this campaign was a series of videos that CDC created, dated between May of 2014 and January of 2017, allegedly designed to “bringing awareness” to the HIV crisis. So

¹ HIV.gov, “[CDC’s Start Talking. Stop HIV. Launches New Materials](#)” (May 23, 2017).

² Centers for Disease Control and Prevention, “[Let’s Stop HIV Together.](#)”

far as we can tell, these videos were created during the tenure of President Obama's CDC Director Thomas R. Frieden, who headed CDC from 2009 through January 2017.

These CDC propaganda videos, while purporting to increase prevention and treatment of HIV and AIDS, engage in promotion and glorification of the homosexual lifestyle. For example, various CDC videos show homosexuals — nearly always men — holding hands, hugging, kissing, playing footsie, “flirting,” engaged in “foreplay,” getting married, lying in bed together, adopting children, in various states of undress, etc.³

Not only do these videos remain on the CDC webpage and the CDC YouTube page as of the date of this letter, but also they have been run as paid advertisements on YouTube. What's more, neither the 2017 change in presidential administrations nor the 2018 confirmation of a new CDC director has had any observable effect on the CDC's continued promotion of these videos. As recently as July of 2019, various of these CDC videos have continued to be aired as paid advertisements on YouTube. The CDC has continued its vocal support of homosexual marriage, in spite of the President having numerous times announced his support of traditional marriage. It appears that the CDC is pursuing its own political agenda in contravention of the President's.

Records Request Generally

Pursuant to the FOIA, 5 U.S.C. § 552, **our client hereby requests** copies of all records relating to the production and distribution of the above-referenced video series, particularly CDC's continued use of or payment for placement of the above-referenced videos as advertisements on YouTube, Facebook, Google, or other social media or conventional platforms, from January 1, 2013 until CDC begins to process this request.

Second, we request records identifying who within CDC, HHS, or the federal government generally, made the decision to continue to use or promote these videos on these

³ See, e.g., CDC: Start Talking. Stop HIV.: Steamy Chat, May 20, 2014, <https://www.youtube.com/watch?v=Y8u8jCE4UpQ>; CDC: Start Talking. Stop HIV.: Never Stop, May 20, 2014, <https://www.youtube.com/watch?v=r6LMHnZpSTM>; CDC: Start Talking. Stop HIV.: Walk the Talk, May 20, 2014, <https://www.youtube.com/watch?v=WHZaTWWQcwM>; Start Talking. Stop HIV. Music Video featuring Alex Newell, Sep. 27, 2016, <https://www.youtube.com/watch?v=espKk-vLgc>; Start Talking. Stop HIV.: Choices, Jan. 31, 2017, <https://www.youtube.com/watch?v=NpPftwFGSsQ>. There are **numerous** similar videos.

platforms during the Trump presidency, including information on the amount of federal funds that has been used to promote these videos, since January 20, 2017.

“Records,” as used herein, means and includes, without limitation, any information that is an agency record subject to the requirements of the Freedom of Information Act, in any format, including in electronic format.

Applicable Policies

In making this request to the Department of Justice, we want to call your special attention to the message of then-President Obama, in his January 21, 2009 Memorandum for the Heads of Executive Departments and Agencies, and the President’s following directive:

The Freedom of Information Act should be administered with a clear **presumption**: In the face of doubt, **openness** prevails.... [i]n responding to requests under the FOIA, executive branch agencies ... should act **promptly** and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a **presumption in favor of disclosure**, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA. [74 *Fed. Reg.* 4683-84 (Jan. 26, 2009) (emphasis added).⁴]

In accordance with this Presidential directive, we look forward to the Department of Justice’s processing this FOIA request “promptly,” and with a “presumption in favor of disclosure.” *See also* former Attorney General Holder’s Memorandum for Heads of Executive Departments and Agencies (March 19, 2009)⁵ (issued pursuant to the President’s January 21, 2009 FOIA Memorandum, underscoring our nation’s fundamental commitment to open government). We also bring your attention to 45 CFR § 5.2, which discusses HHS’s “presumption of openness and proactive disclosures.”

Fee Waiver Request

We request that the search, review, and copying fees be waived as provided under section 5 U.S.C. § 552(a)(4)(A). PA is a nonprofit educational organization seeking the

⁴ <https://obamawhitehouse.archives.gov/realitycheck/the-press-office/freedom-information-act>.

⁵ Memorandum for Heads of Executive Departments and Agencies, From the Attorney General, March 19, 2009, <https://www.justice.gov/sites/default/files/ag/legacy/2009/06/24/foia-memo-march2009.pdf>.

requested documents to educate the public on a matter of great public importance. The fees should be waived because release of the requested documents is in the public interest, and the requested information is likely to contribute significantly to public understanding of the operations or activities of the government.

The release of the requested documents is not primarily for any commercial interest or purpose, including any commercial interest of PA. PA intends to disseminate to the general public, free of charge, any important information it obtains as a result of this request.

If PA's waiver request is denied, we would appreciate an estimate of the costs involved in procuring any of the requested documents if such costs exceed \$100. If the costs do not exceed \$100, however, we do not need an estimate, and we will guarantee payment.

Prompt Handling Requested

The matter discussed above is a public policy issue of great importance to all Americans. We ask that, within 10 working days, you let us know that you have received our request and assigned it a tracking number, as required by 45 CFR § 5.24(a). We also request that the 20 working day response time imposed by 45 CFR § 5.24 be adhered to strictly. Thank you for your prompt attention to this request.

Sincerely yours,



Robert J. Olson

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cc: Public Advocate of the United States