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Congress of the United States
House of Representatives
Washington, DC 20515

August 2, 2021

The Honorable Michael E. Horowitz
Inspector General of the Department of Justice
Department of Justice Office of Inspector General
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Inspector General Horowitz,

We write to you today concerning the Department of Justice’s recent decision to not investigate the State of Michigan’s handling of the COVID-19 pandemic, and Governor Gretchen Whitmer’s decision to place patients infected with COVID-19 into long-term care facilities. As we have learned over time, the elderly are the most vulnerable to COVID-19.

In August of 2020, the U.S. Department of Justice requested data¹ from Governor Whitmer and three other states concerning nursing homes and COVID-19 deaths. The department was concerned that these governors had “issued orders which may have resulted in the deaths of thousands of elderly nursing home residents.”² As of July 21st, 2021, there have been 5,681 deaths in Michigan long-term care facilities.³

¹ Boucher, Dave. “Feds to Whitmer: Turn over COVID-19, Nursing Home Data. SHE Blasts Back Response.” *Detroit Free Press*, Detroit Free Press, 26 Aug. 2020, www.freep.com/story/news/health/2020/08/26/doj-michigan-nursing-home-deaths-whitmer/5635444002/.

² “Department of Justice Requesting Data From Governors of States That Issued COVID-19 Orders That May Have Resulted in Deaths of Elderly Nursing Home Residents.” *Justice.gov*, 26 Aug. 2020, www.justice.gov/opa/pr/departments-justice-requesting-data-governors-states-issued-covid-19-orders-may-have-resulted.

³ United States, Congress, Michigan Department of Health and Human Services. *Long Term Care Data*, 2021. www.michigan.gov/coronavirus/0,9753,7-406-98163_98173-526911--,00.html.

On July 22nd, 2021, it was reported that DOJ official, Steven Rosenbaum, sent a letter to Governor Whitmer's Chief of Staff, Mark Totten, informing him of the Department's decision to forgo an investigation into the governor's coronavirus decisions.⁴

This decision has thousands of Michiganders across the state concerned. Families all across the state are demanding answers for why their loved ones were locked in facilities with Covid-carrying individuals. For over a year, Michiganders have demanded answers from their governor to no avail. Last year, it seemed that the Department of Justice was going to finally get answers, from Governor Whitmer for the people of Michigan. On July 22nd, 2021, that hope faded with the Department's decision.

For that reason, we are requesting that you open a formal inquiry into why the Department of Justice will not conduct an investigation into Governor Whitmer's decision to place COVID-19 infected patients in long-term care facilities.

On behalf of the thousands of mourning Michigan families, we are requesting you pursue answers to the following question in the course of your investigation:

1. Who made the final decision within the department to forgo an investigation?
2. What data or information did the Department acquire from the Governor of Michigan that exonerated her of any wrongdoing?
3. Was anyone within the Administration in contact with officials at DOJ concerning the Michigan inquiry?
4. Was anyone within the Executive Office of the President in contact with officials at DOJ concerning the Michigan inquiry?

We are requesting a formal, in-person briefing from your office on whether you choose to open an investigation into the Department of Justice's decision. We appreciate you and your department's dedication to oversight within the Department of Justice. We look forward to speaking with you and your staff on your decision.

Sincerely,

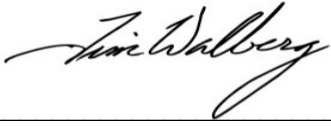


Lisa C. McClain
Member of Congress



Bill Huizenga
Member of Congress

⁴ Boucher, Dave. "Feds Won't Investigate Whitmer, Michigan Nursing Homes despite Data Request under Trump." *Detroit Free Press*, Detroit Free Press, 22 July 2021, www.freep.com/story/news/politics/2021/07/22/michigan-nursing-home-data/8062550002/.

A handwritten signature in black ink, reading "Tim Walberg". The signature is written in a cursive style with a large, sweeping initial "T".

Tim Walberg
Member of Congress