

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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MEMORANDUM

September 23, 2021

To: Members of the Select Subcommittee on the Coronavirus Crisis

Fr: Chairman James E. Clyburn

Re: Issuance of Subpoena to Dr. Steven J. Hatfill

This memorandum informs the Members of the Select Subcommittee on the Coronavirus Crisis of the basis for a subpoena I have authorized to be issued to Dr. Steven J. Hatfill for documents related to the Select Subcommittee’s ongoing investigation into the federal government’s response to the coronavirus. Over the past five months, the Select Subcommittee has made extensive efforts to secure Dr. Hatfill’s voluntary cooperation with requests set forth in an April 9, 2021 letter.¹ Since receiving the Select Subcommittee’s request, Dr. Hatfill has refused to provide documents and misleadingly downplayed his involvement in the pandemic response in communications with Select Subcommittee staff. For these reasons and those set forth below, the Select Subcommittee has issued a subpoena compelling Dr. Hatfill to produce the documents that he has withheld since April.

Documents recently obtained by the Select Subcommittee show that Dr. Hatfill’s role in the prior Administration was far more extensive than previously known—casting doubt on the veracity of Dr. Hatfill’s prior statements to Select Subcommittee staff in which he suggested that he did not have relevant knowledge regarding matters under investigation by the Select Subcommittee. Dr. Hatfill wrote in emails to friends and colleagues that he worked “an average of 10 hours a day, 7-days a week, unpaid, as the senior medical advisor to one of the President’s Senior Advisors” (then-Director of the White House Office of Trade and Manufacturing Policy Peter Navarro) from January 2020 through January 20, 2021. In this capacity, Dr. Hatfill appears to have had an office in the White House from where he regularly coordinated with high-level officials in the White House and numerous agencies on a broad array of issues related to the pandemic, including drafting memoranda for President Trump and interacting with members of the White House Coronavirus Task Force.

¹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Steven J. Hatfill, Adjunct Assistant Professor, George Washington University (Apr. 9, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-04-08.Clyburn%20to%20Hatfill%20re%20PPE%20.pdf>).

New evidence also reveals:

- **Dr. Hatfill and other Trump Administration officials allowed the pandemic response to take a “back-seat” in the autumn of 2020 to instead focus their efforts on the 2020 presidential election and to promote former President Trump’s false claim that election results were fraudulent.** In late October 2020, Dr. Hatfill wrote, “[W]ith the election so close, COVID is taking a back-seat” despite the fact that “the disease is rearing it [sic] ugly head again.” As the outbreak continued to worsen nationwide in November and December 2020, Dr. Hatfill acknowledged that his focus “shifted over to the election fraud investigation in November”—chasing baseless conspiracy theories about voter fraud instead of taking steps to ensure the nation was responding effectively to the pandemic. When asked by a George Washington University (GW) colleague on January 5, 2021, why he was not “fixing the virus,” Dr. Hatfill admitted: “Because the election thing got out of control. I go where my team goes.”
- **Dr. Hatfill criticized the federal pandemic response and advocated directly to the former President’s then-Chief of Staff Mark Meadows to fire National Institute of Allergy and Infectious Diseases (NIAID) Director Anthony Fauci and then-Food and Drug Administration (FDA) Commissioner Stephen Hahn.** In a September 22, 2020, letter, Dr. Hatfill told Mr. Meadows, “The President has been grossly misadvised by the COVID Taskforce on the proper pandemic response to COVID-19” and advocated that “Two members of the COVID-19 Task Force (Drs. Fauci, and Hahn) need to be urgently replaced.” Dr. Hatfill also urged that “The US COVID-19 strategy must be changed to a focused, community outreach approach involving the outpatient and prophylactic use of hydroxychloroquine with Zinc supplementation” to treat the coronavirus, advised that “COVID testing in the US is still broken” due to delays in test processing, and warned that, “Until the National Pandemic Plan is properly implemented, there is no hope of a win and this pandemic will have to burn itself out with thousands of more preventable deaths in the process.”
- **Dr. Hatfill appears to have refused to pursue leads to purchase critically needed N95 masks in the spring of 2020 because the goods were not manufactured in the United States.** In March and April 2020 when the nation faced desperate shortages of masks necessary to keep frontline workers safe—due to insufficient manufacturing capacity coupled with increased demand and exacerbated by the Trump Administration’s failure to implement a coordinated national plan to alleviate these shortages—Dr. Hatfill declined opportunities to be connected with potential suppliers of masks manufactured abroad. Asked on March 27, 2020, whether he was “interested in talking to people who have or say they have large numbers (hundreds of thousands or millions) of N95 or KN95 mask available from abroad,” Dr. Hatfill replied: “Nothing that is not US based.” Dr. Hatfill turned down another offer on April 10 because it was connected to a “US based sewing company that has manufacturing capacity in Mexico and Central America.” He said that supplies “HAs [sic] to be US made.”

- **The White House may have evaded transparency requirements by classifying Dr. Hatfill as an unpaid volunteer—possibly allowing Dr. Hatfill to avoid disclosure of potential conflicts of interest.** Documents show that the White House did not disclose Dr. Hatfill’s name in its annual disclosure to Congress. As of early April 2020, Dr. Hatfill does not appear to have signed the Trump Administration’s Ethics Pledge or provide certain background information. While working at the White House, Dr. Hatfill also engaged in personal business discussions with a private company working on coronavirus detection. These documents raise serious questions as to whether the Trump Administration may have classified Dr. Hatfill’s employment status as an unpaid volunteer in order to avoid transparency obligations and ethics rules, and whether Dr. Hatfill may have had significant, undisclosed conflicts of interest that could undermine the integrity of the Administration’s award of billions of dollars in contracts related to the pandemic response.
- **Dr. Hatfill and other Trump Administration officials regularly used personal email accounts to conduct White House business related to the pandemic.** Dr. Hatfill exchanged more than a thousand messages using his GW email account with senior officials in the Trump White House and at federal agencies, private companies related to procurement and supply chain issues, and others about the federal government’s pandemic response. Dr. Hatfill also directed individuals to communicate with him via ProtonMail, a private, encrypted email service, and sent dozens of messages to Mr. Navarro and other Trump Administration officials via their own ProtonMail accounts. These documents raise an alarming questions about whether Dr. Hatfill and other Trump Administration officials were attempting to evade transparency obligations related to their work on the federal response to the coronavirus crisis.

The Select Subcommittee has been authorized by Congress “to conduct a full and complete investigation” of the coronavirus crisis.² Dr. Hatfill’s refusal to produce documents impairs the Select Subcommittee’s efforts to investigate the failures that contributed to the tragic loss of hundreds of thousands of American lives. Communications obtained by the Select Subcommittee suggest that Dr. Hatfill likely possesses additional documents and communications responsive to the Select Subcommittee’s requests.

I. DR. HATFILL PLAYED A CENTRAL ROLE IN THE FEDERAL PANDEMIC RESPONSE

A. Dr. Hatfill Provided Misleading Information to the Select Subcommittee About His Role in the Trump White House

Following the initiation of this investigation, Dr. Hatfill made representations to Select Subcommittee staff minimizing his role in the prior Administration and suggesting that he did

² H.R. 8, sec. 4(f); H.R. 935, 116th Cong. (2020).

not have relevant knowledge regarding matters under investigation by the Select Subcommittee. On April 9, 2021, in a letter from Chairman Clyburn, the Select Subcommittee requested documents relating to the pandemic response in Dr. Hatfill's possession.³ On April 16, Dr. Hatfill sent an email to Select Subcommittee staff in response, asserting that he had "nothing of relevance for the [S]ubcommittee's investigation."⁴ Subsequently, in an April 23 email, Dr. Hatfill acknowledged that he was involved in the federal government's response to the coronavirus pandemic, but asserted that he was merely "an unpaid volunteer and made no decisions," that he had "no experiential basis for bureaucratic procedure, and thus cannot provide any further clarification" on the issues raised in the Select Subcommittee's letter, and that the Select Subcommittee can seek "probative testimony from others in the actual 'chain of command.'"⁵

New documents obtained by the Select Subcommittee cast doubt on the veracity of Dr. Hatfill statements. The documents make clear that he was deeply involved in the federal government's pandemic response from January 2020 through January 20, 2021. Among other efforts, it appears that Dr. Hatfill coordinated with high-level officials from the White House and numerous agencies on a broad array of issues related to the pandemic and corresponded on the Administration's behalf with private companies related to procurement and supply chain issues.

Contrary to his claims to the Select Subcommittee, documents obtained by the Select Subcommittee reveal that Dr. Hatfill worked extensively on behalf of the prior Administration during the pandemic. In emails sent last year, Dr. Hatfill explained that he started working at the White House in January 2020, serving as an unpaid senior medical advisor to Mr. Navarro.⁶ For instance, on August 19, 2020, Dr. Hatfill provided the following description of his role working on the pandemic response to a friend:

³ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Steven J. Hatfill, Adjunct Assistant Professor, George Washington University (Apr. 9, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-04-08.Clyburn%20to%20Hatfill%20re%20PPE%20.pdf>).

⁴ Email from Steven J. Hatfill, Adjunct Assistant Professor, George Washington University, to Staff, Select Subcommittee on the Coronavirus Crisis (Apr. 16, 2021).

⁵ Email from Steven J. Hatfill, Adjunct Assistant Professor, George Washington University, to Staff, Select Subcommittee on the Coronavirus Crisis (Apr. 23, 2021).

⁶ *See, e.g.*, Email from Steven J. Hatfill (May 24, 2020) (GWU-0005120) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.25%20-%20GWU-0005120_Redacted.pdf) ("I made a quick trip to [sic] up to Washington DC in Mid January ---and have now been stuck here working at the White House since then, and I mean stuck here-up to 18 hours a day, 7 days a week, working on the pandemic."); Email from Steven J. Hatfill (June 2, 2020) (GWU-0007967 – 68) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.02%20-%20GWU-0007967_Redacted.pdf) ("Working 14h /7 / 365 since mid January[.] They fly me around sometimes on private jets to sort shit out. Seeing the good and the bad and what needs to be fixed."); *cf.* Email from Steven J. Hatfill (Dec. 30, 2020) (GWU-0000510) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.30%20-%20GWU-0000510_Redacted.pdf) ("I was called to the White House in February of 2020 and have been there virtually 12-14 hours a day every day (unless there were riots).").

I am at the White House working in an Office to fix this problem. I have been working there for the last 5 months, an average of 10 hours a day, 7-days a week, unpaid, as the senior medical advisor to one of the President’s Senior Advisors. My email there is [Redacted]@who.eop.gov. Initially, this was to get supplies to our hospitals, then it was for policy recommendations, Now it is fighting the NIH and the idiots at the FDA.⁷

Days after misleadingly downplaying his role in the pandemic response to the Select Subcommittee, Dr. Hatfill acknowledged publicly on his website, <https://drstevenhatfill.com>, that he provided “almost daily outside scientific considerations to the Executive Office of the President of the United States” related to the pandemic and that this task “entailed thousands of hours” of work, noting that he “had a front-row seat from the very beginning of the pandemic.”⁸

While working from his office at the White House, Dr. Hatfill had access to numerous senior Trump Administration officials. For instance, he noted in a February 15, 2020, email: “Never met big Don but worked close with some of those right under him and helped draft the memos to him.”⁹ He also regularly interacted with Mr. Navarro and others in the Office of Trade and Manufacturing Policy during his tenure.¹⁰ Dr. Hatfill also appears to have met and corresponded with members of the White House Coronavirus Task Force and senior officials at numerous agencies, including NIAID Director Dr. Fauci, then-FDA Commissioner Dr. Hahn, and then-Assistant Secretary for Preparedness and Response Robert Kadlec, as well as others from the Department of Health and Human Services, National Institutes of Health, FDA, and Department of Defense.¹¹

⁷ Email from Steven J. Hatfill (Aug. 19, 2020) (GWU-0003574) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.19%20-%20GWU-0003574_Redacted.pdf).

⁸ Steven J. Hatfill, *How a Single Point Failure Destroyed the National Pandemic Plan* (Apr. 28, 2021) (online at <https://drstevenhatfill.com/how-a-single-point-failure-destroyed-the-national-pandemic-plan/>); see also Steven J. Hatfill, *Single Point Failure II: The Role of Dr. Anthony Fauci in the Destruction of the National Pandemic Plan* (May 25, 2021) (online at <https://drstevenhatfill.com/single-point-failure-2-the-role-of-dr-anthony-fauci-in-the-destruction-of-the-national-pandemic-plan/>).

⁹ Email from Steven J. Hatfill (Feb. 15, 2020) (GWU-0015226 – 27) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.15%20-%20GWU-0015226_Redacted.pdf); see also Email from Steven J. Hatfill (Feb. 14, 2020) (GWU-0015228) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.14%20-%20GWU-0015228_Redacted.pdf) (“Helped draft a memo for big D last night.”).

¹⁰ See, e.g., Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Feb. 29, 2020) (GWU-0013627 – 28) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/0220.02.29%20-%20GWU-0013627_Redacted.pdf); Email from Steven J. Hatfill to Joanna Miller, Policy Analyst, The White House (Apr. 27, 2020) (GWU-0014302) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.27%20-%20GWU-0014302_Redacted.pdf); Email from Steven J. Hatfill to Garrett Ziegler, Senior Policy Analyst, The White House (Feb. 16, 2020) (GWU-0015214) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.16%20-%20GWU-0015214_Redacted.pdf).

¹¹ See, e.g., Email from Steven J. Hatfill (July 18, 2020) (GWU-0012297 – 302) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.18%20-%20GWU->

For instance, in a September 3, 2020, email, Dr. Hatfill recounted that he “lost it” during a discussion with Dr. Fauci:

This virus thing is just an egregious shitshow run by the idiots on the COVID Task Force. I actually lost it and told Fauci he was full of crap a couple weeks ago. My boss reigned [sic] me in.....then he went out and had a go at someone himself---on national TV !!! LOL. The President is a great man.....but some of the idiots he hires.....Jeez almighty.¹²

A few weeks later, on September 22, 2020, Dr. Hatfill sent a letter to the former President’s then-Chief of Staff Mr. Meadows, urging that “Two members of the COVID-19 Task Force (Drs, Fauci, and Hahn) need to be urgently replaced.” In the letter, Dr. Hatfill claimed, “The President has been grossly misadvised by the COVID Taskforce on the proper pandemic response to COVID-19,” advocated that “The US COVID-19 strategy must be changed to a focused, community outreach approach involving the outpatient and prophylactic use of hydroxychloroquine with Zinc supplementation” to treat the coronavirus, and advised that “COVID testing in the US is still broken” due to delays in test processing. Dr. Hatfill also warned that, “Until the National Pandemic Plan is properly implemented, there is no hope of a

0012297_Redacted.pdf) (noting that “constant fighting with Fauci and the FDA Commissioner Hahn are taking some toll”); Email from Steven J. Hatfill to Robert Kadlec, Assistant Secretary for Preparedness and Response, Department of Health and Human Services (Aug. 15, 2020) (GWU-0003992) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.15%20-%20GWU-0003992_Redacted.pdf) (asking Dr. Kadlec for “the form for HHS/FEMA”); Email from Steven J. Hatfill to B. Frank Gupton, Floyd D. Gottwald, Jr. Chair in Pharmaceutical Engineering and Chair of the Department of Chemical and Life Science Engineering, Virginia Commonwealth University (Mar. 31, 2020) (GWU-0011442 – 43) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.03%20-%20GWU-0011442_Redacted.pdf) (noting that he would call “Rick” Bright, then-Director of the Biomedical Advanced Research and Development Authority, to “make sure he is aware of” Phlow’s proposal to manufacture API); Email from Steven J. Hatfill to Joanna Miller, Policy Analyst, The White House (Apr. 27, 2020) (GWU-0014302) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.27%20-%20GWU-0014302_Redacted.pdf) (“Im off to NIH”); Email from Anand Shah, Deputy Commissioner for Medical and Scientific Affairs, Office of the Commissioner, Food and Drug Administration, to Steven J. Hatfill (June 23, 2020) (GWU-0005566 – 69) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.06.23%20-%20GWU-0005566_Redacted.pdf) (in response to message from Dr. Hatfill regarding diagnostic testing standards, Dr. Shah stated: “Good to see you again yesterday.... Looking forward to working with you.”); Email from Steven J. Hatfill to Garrett Ziegler, Senior Policy Analyst, The White House (Feb. 16, 2020) (GWU-0015214) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.16%20-%20GWU-0015214_Redacted.pdf) (asking for an introduction to then-Assistant Secretary of Defense for Homeland Defense and Global Security Kenneth Rapuano and noting “I am available any time except Wednesday when I am speaking to NORTHCOM that day”); Email from Steven J. Hatfill (Feb. 16, 2020) (GWU-0015222 – 23) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.16%20-%20GWU-0015222_Redacted.pdf) (“Setting up a meeting with DoD ASD to get national guard training initiated”).

¹² Email from Steven J. Hatfill (Sept. 3, 2020) (GWU-0000475 – 76) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.03%20-%20GWU-0000475_Redacted.pdf).

win and this pandemic will have to burn itself out with thousands of more preventable deaths in the process.”¹³

Documents show that Dr. Hatfill worked on a broad array of issues related to the pandemic, including advising on policies related to pandemic preparedness, slowing the spread of the coronavirus, and testing; coordinating with private manufacturers and distributors related to procurement of personal protective equipment (PPE) and other medical supplies; and evaluating potential coronavirus therapeutics.¹⁴ These documents further suggest that Dr. Hatfill exercised discretion over White House procurement decisions.

During the early months of the pandemic, the country faced desperate shortages of critical PPE items due to insufficient manufacturing capacity coupled with increased global demand for these goods—which was exacerbated by the Trump Administration’s failure to heed early warnings to prepare for the pandemic and implement a national strategy to alleviate these supply shortages, such as using the Defense Production Act to ramp up domestic production.¹⁵ In the spring of 2020, Dr. Hatfill appears to have declined to pursue leads to purchase masks because the goods were not manufactured in the United States—a refusal that not only further

¹³ Letter from Steven J. Hatfill to Mark Meadows, Chief of Staff, The White House (GWU-0001135 – 36) (Sept. 22, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.22%20-%20GWU-0001135.pdf>).

¹⁴ See, e.g., Email from Steven J. Hatfill (Aug. 19, 2020) (GWU-0003574) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.19%20-%20GWU-0003574_Redacted.pdf) (“Initially this was to get supplies to our hospitals, then it was for policy recommendations, Now it is fighting the NIH and the idiots at the FDA”); Email from Steven J. Hatfill (Feb. 16, 2020) (GWU-0015222 – 23) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.02.16%20-%20GWU-0015222_Redacted.pdf) (“Trying to get a meeting with Spike Lee to produce health education stuff for the poorest communities of our cities.... Setting up a meeting with DoD ASD to get national guard training initiated and DoD filming it so people will take this seriously.”); Email from Steven Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 12, 2020) (GWU-0010498) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.12%20-%20GWU-0010498_Redacted.pdf) (memorandum regarding suppliers of test kits); Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (May 4, 2020) (GWU-0008186 – 88) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.05.04%20-%20GWU-0008186_Redacted.pdf) (memorandum regarding lateral flow assays and screening measures for “return to work”); Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Mar. 10, 2020) (GWU-0011245 – 46) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.10%20-%20GWU-0011245%20-%202046_redacted.pdf) (suggesting that Xofluza is a “poor choice for drug stockpiling” for the Strategic National Stockpile).

¹⁵ See, e.g., Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Peter K. Navarro, Professor Emeritus, Paul Merage School of Business, University of California, Irvine (Sept. 14, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-09-14.Clyburn%20to%20Peter%20Navarro%20re%20Production%20Request.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary Alejandro Mayorkas, Department of Homeland Security, and Bob Fenton, Acting Administrator, Federal Emergency Management Agency (Mar. 30, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-03-30.Select%20Sub%20to%20Mayorkas%20Fenton%20re%20DHS%20FEMA%20.pdf>); Select Subcommittee on the Coronavirus Crisis, *Press Release: At Hearing on Supply Shortages, Top Officials Acknowledge Country Is Failing to Control Coronavirus* (July 2, 2020) (online at <https://coronavirus.house.gov/news/press-releases/hearing-supply-shortages-top-officials-acknowledge-country-failing-control>).

exacerbated PPE shortages but that also put American lives at risk. For instance, on March 27, 2020, another White House volunteer enlisted by Mr. Navarro, Dr. Greg Autry, who would later be nominated by President Trump to serve as Chief Financial Officer of NASA, emailed Dr. Hatfill to ask: “Are you interested in talking to people who have or say they have large numbers (hundreds of thousands or millions) of N95 or KN95 mask available from abroad?” Later that day, Dr. Hatfill responded: “Nothing that is not US based.”¹⁶ Two weeks later, on April 10, Dr. Hatfill similarly turned down an offer from Dr. Autry to be connected to a “US based sewing company that has manufacturing capacity in Mexico and Central America” for a similar reason, stating that it “HAs [sic] to be US made.”¹⁷

Contrary to Dr. Hatfill’s representations to the Select Subcommittee, these documents provide a basis to believe that Dr. Hatfill had some level of decision-making authority within the Trump Administration as to which potential opportunities to pursue or decline with respect to procurement of PPE. Moreover, the emails show that Dr. Hatfill had direct, substantial knowledge of the Trump Administration’s broader efforts to respond to the pandemic—all of which is relevant to the Select Subcommittee’s investigation.

B. Despite Worsening Outbreak in Late 2020, Dr. Hatfill and Other Trump Administration Officials Appear to Have Put the Pandemic Response on the “Back-Seat” to Focus on the Big Lie

Emails recently obtained by the Select Subcommittee also raise questions about whether Trump White House officials working on the coronavirus may have neglected pandemic response efforts to focus on the 2020 presidential election and to promote former President Trump’s Big Lie that the election results were fraudulent. For example, in an October 20, 2020, email, Dr. Hatfill acknowledged that, “[W]ith the election so close, COVID is taking a back-seat” despite the fact that “the disease is rearing it [sic] ugly head again and there are some frightening rumors about the virus coming out of Bulgaria at the moment.”¹⁸ As of that date, the deadly “third wave” of the pandemic was already starting to pose significant threats to Americans’ safety nationwide. Two days later, in an October 22 email apparently sent to

¹⁶ Email from Steven J. Hatfill to Greg Autry, Assistant Professor, Marshall School of Business, University of Southern California (Mar. 27, 2020) (GWU-0010680) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.03.27%20-%20GWU-0010680_Redacted.pdf).

¹⁷ Email from Steven J. Hatfill to Greg Autry, Assistant Professor, Marshall School of Business, University of Southern California (Apr. 10, 2020) (GWU-0013964) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.10%20-%20GWU-0013964_Redacted.pdf).

¹⁸ Email from Steven J. Hatfill (Oct. 20, 2020) (GWU-0003260 – 61) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.20%20-%20GWU-0003260_Redacted.pdf).

Dr. Vladimir Zelenko,¹⁹ Dr. Hatfill noted that, “This is 24/7 time for elections” and indicated that Mr. Navarro would be “out of pocket now until the elections are over.”²⁰

After Joe Biden won the presidential election, it appears Dr. Hatfill and other White House officials diverted focus from the pandemic to push baseless conspiracy theories seeking to advance former President Trump’s Big Lie. Dr. Hatfill wrote in emails that, after months of working on the pandemic response, he “shifted over to the election fraud investigation in November” including traveling to Arizona on or around November 10, 2020, to work on “the election stuff.”²¹ In December 2020, Dr. Hatfill emailed White House policy analyst Joanna Miller regarding a debunked conspiracy theory involving Dominion Voting Systems, which Ms. Miller said she would “look into.”²² On December 12, Dr. Hatfill forwarded Mr. Navarro an email regarding a “Plan B for Trump Legal Fight” that was intended “For Rudy,” one day after the Supreme Court rejected a frivolous lawsuit filed by the State of Texas seeking to overturn the election results and eight days before Rudy Giuliani helped to file a new Supreme Court petition to vacate Pennsylvania’s results.²³ Dr. Hatfill also emailed Mr. Navarro on December 14, regarding a purported “analytical system” that he believed would result in “admissible evidence” of ballot fraud—another unsubstantiated conspiracy theory advanced by proponents of the

¹⁹ Dr. Zelenko is a known proponent of administering hydroxychloroquine to treat the coronavirus, and the author of an October 16, 2020, White House petition accusing Dr. Fauci, White House Coronavirus Response Coordinator Deborah Birx, and other officials of “crimes against humanity” and “mass murder.” *Touting Virus Cure, ‘Simple Country Doctor’ Becomes a Right-Wing Star*, New York Times (Apr. 2, 2020) (online at www.nytimes.com/2020/04/02/technology/doctor-zelenko-coronavirus-drugs.html); *Dr. Vladimir Zelenko Leads a White House Petition Asking Dr. Fauci and 3 Others Be Charged and Brought to Justice for “Crimes Against Humanity / Mass Murder,”* Tech Startups (Oct. 17, 2020) (online at <https://techstartups.com/2020/10/17/dr-vladimir-zelenko-leads-white-house-petition-asking-dr-fauci-3-others-charged-brought-justice-crimes-humanity-mass-murder/>).

²⁰ Email from Steven J. Hatfill to Vladimir Zelenko (Oct. 22, 2020) (GWU-0001934 – 35) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.22%20-%20GWU-0001934_Redacted_0.pdf).

²¹ Email from Steven J. Hatfill (Dec. 30, 2020) (GWU-0000510) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.30%20-%20GWU-0000510_Redacted.pdf); Email from Steven J. Hatfill (Nov. 9, 2020) (GWU-0003114 – 15) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.11.09%20-%20GWU-0003114_Redacted.pdf).

²² Email from Joanna Miller, Policy Analyst, The White House, to Steven J. Hatfill (Dec. 15, 2020) (GWU-0000554) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.15%20-%20GWU-0000554_Redacted.pdf); *see also* Peter Friedman (@PeterFr19406872), Twitter (Dec. 13, 2020) (online at <https://twitter.com/PeterFr19406872/status/1338200902151393281>) (claiming that, “The election should now be officially null and void. Dominion is part owned by *Joe Biden’s brother in law* Valerie Biden Owens (Joe Biden’s sister) is married to John Owens. His brother, R. Kevin Owens is a part owner of Dominion”).

²³ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Dec. 12, 2020) (GWU-0000720 – 21) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.13%20-%20GWU-0000720%20-%20721_Redacted.pdf); *see Supreme Court Shuts Door on Texas Suit Seeking to Overturn Election*, National Public Radio (Dec. 11, 2020) (online at www.npr.org/2020/12/11/945617913/supreme-court-shuts-door-on-trump-election-prospects); *Trump Wants Supreme Court to Overturn Pa. Election Results*, Associated Press (Dec. 20, 2020) (online at <https://apnews.com/article/trump-supreme-court-election-results-151f9a6ca176bd92bb67e4494fccc3c7>).

former President’s Big Lie.²⁴ Throughout the months of November and December 2020, the pandemic continued to worsen in the United States—with more than 11 million new cases and 132,770 deaths in those two months alone.²⁵

On January 5, 2021, one day before the deadly insurrection at the Capitol, an apparent academic colleague sent Dr. Hatfill an email asking why him why he was not “fixing the virus.” Dr. Hatfill replied: “Because the election thing got out of control. I go where my team goes.”²⁶ That same day, the pandemic had nearly reached its peak in the United States—with nearly 250,000 new cases and 3,755 deaths reported.²⁷

Nearly 200,000 Americans tragically lost their lives due to the coronavirus between Election Day and Inauguration Day.²⁸ The Select Subcommittee is tasked with conducting “a full and complete investigation” of “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis.”²⁹ Under this mandate, the Select Subcommittee seeks to understand whether the Trump White House officials working on the pandemic response diverted their efforts from the coronavirus response to invalidating the 2020 election, contributing to one of the greatest failures of leadership in United States history.

C. Lack of Transparency Regarding Dr. Hatfill’s Role at the White House

Documents obtained by the Select Subcommittee raise additional questions regarding the apparent veil of secrecy over Dr. Hatfill’s activities at the White House. Despite serving in an important role in the Trump Administration’s pandemic response starting in January 2020, Dr. Hatfill’s name was not listed among the hundreds of individuals disclosed as White House personnel in the annual disclosure submitted to Congress on July 1, 2020. Names of other members of the Office of Trade and Manufacturing Policy with whom Dr. Hatfill worked closely—Mr. Navarro, Mr. Ziegler, and Ms. Miller—were disclosed.³⁰

²⁴ Email from Steven J. Hatfill to Peter Navarro, Director, Office of Trade and Manufacturing Policy, The White House (Dec. 14, 2020) (GWU-0000706) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.14%20-%20GWU-0000706_Redacted.pdf).

²⁵ Centers for Disease Control and Prevention, *COVID Data Tracker: Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory* (online at <https://covid.cdc.gov/covid-data-tracker/#trends>) (last accessed Sept. 23, 2021).

²⁶ Email from Steven J. Hatfill (Jan. 5, 2021) (GWU-0004227) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.01.05%20-%20GWU-0004227_Redacted.pdf).

²⁷ Centers for Disease Control and Prevention, *COVID Data Tracker: Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory* (online at <https://covid.cdc.gov/covid-data-tracker/#trends>) (last accessed Sept. 23, 2021).

²⁸ *Id.* (noting that 199,828 people died from the coronavirus between November 3, 2020, and January 20, 2021).

²⁹ H.R. 8, sec. 4(f); H.R. 935, 116th Cong. (2020).

³⁰ The White House, *Executive Office of the President Annual Report to Congress on White House Office Personnel* (July 1, 2020) (online at <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/06/July-1-2020->

It is unclear whether Dr. Hatfill was required to submit a personal financial disclosure, sign an ethics agreement, or undergo a background check in connection with his work at the White House.³¹ At a minimum, an April 6, 2020, email suggests that Dr. Hatfill had not yet signed the Trump Administration’s Ethics Pledge, submitted a Pre-Employment Security Questionnaire, or provided certain background paperwork.³²

During Dr. Hatfill’s time at the White House, he appears to have engaged in personal business discussions with at least one private company. On July 20, 2020, Dr. Hatfill signed a non-disclosure agreement with HyperSpectral APD, LLC, a company that “was established with a mission of detecting COVID-19 faster than the world’s current capabilities.” The agreement provided that, “The parties wish to explore a possible business opportunity of mutual interest” and was signed by Dr. Hatfill using his GW email account. Although Dr. Hatfill forwarded the non-disclosure agreement to Deputy Director of the White House Office of Trade and Manufacturing Policy Christopher Abbott the following day, it is not clear what precautions, if any, were taken to comply with government transparency and ethics rules and to avoid a potential conflict of interest.³³

These documents raise serious questions as to whether Dr. Hatfill may have had significant, undisclosed conflicts of interest that could undermine the integrity of the Administration’s award of billions of dollars in contracts related to the pandemic response—which is of particular concern in light of Dr. Hatfill’s involvement in White House procurement decisions. Moreover, the evidence also raises concerns regarding whether the Trump Administration may have classified Dr. Hatfill as an unpaid volunteer, and not hired him as an employee, in order to avoid transparency obligations and ethics rules, including requirements to disclose potential conflicts that are applicable to federal employees.³⁴

Report-FINAL.pdf) (listing Mr. Navarro, Mr. Ziegler, and Ms. Miller as White House employees but not disclosing Dr. Hatfill).

³¹ Executive Branch employees—including Special Government Employees who are “retained, designated, appointed, or employed to perform, with or without compensation ... temporary duties either on a full-time or intermittent basis”—are required to comply with certain ethics rules, such as filing financial disclosure forms under some circumstances. *See, e.g.*, 5 U.S.C. app. 4 § 107; Exec. Order No. 12674; 5 C.F.R. § 2634.901 et seq.; *see also* 18 U.S.C. § 202(a) (defining Special Government Employees).

³² Email from Sean Barela, Personnel Operations Manager, The White House, to Steven J. Hatfill (Apr. 6, 2020) (GWU-0013038 – 39) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.07%20-%20GWU-0013038%20-%2013039_Redacted.pdf) (stating “You do not need to sign the Trump Administration Ethics Pledge at this time”; asking Dr. Hatfill to complete a Pre-Employment Security Questionnaire, White House Candidate Information Sheet, and White House Application; and noting that he may need to conduct additional steps such as an interview with the White House Counsel’s Office, drug test, and security screening process).

³³ Email from Steven J. Hatfill to Christopher Abbott, Deputy Director, Office of Trade and Manufacturing Policy, The White House (July 21, 2020) (GWU-0010907 – 12) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.21%20-%20GWU-0010907%20-%2010912_Redacted.pdf); HyperSpectral APD (online at <https://hyperspectralapd.com/>) (last accessed Sept. 23, 2021).

³⁴ This conduct may constitute a violation of the Anti-Deficiency Act, which prohibits voluntary, unpaid service in the federal government. *See* 31 U.S.C. § 1342.

D. Dr. Hatfill May Be Withholding Additional Relevant Material

New documents also show that Dr. Hatfill and other White House officials communicated extensively about official business relating to the pandemic using private email accounts. The Select Subcommittee has obtained more than a thousand messages from Dr. Hatfill's GW email account related to his work on the federal government's response to the pandemic, including emails exchanged with senior officials in the Trump White House and at federal agencies, private companies related to procurement and supply chain issues, and others. These messages include discussions and memoranda relating to the Trump Administration's preparedness plans in the early weeks of the pandemic response, development of diagnostic testing and therapeutics, and procurement of ventilators and PPE.³⁵ The emails also include references to additional messages that Dr. Hatfill exchanged on another personal account hosted by ProtonMail.³⁶

For instance, Dr. Hatfill sent numerous messages from his GW account to a ProtonMail account that appears to belong to an unidentified White House employee.³⁷ On September 19, 2020, Dr. Hatfill sent an email from his GW account claiming: "States favorable to Trump have a lower COVID Case Fatality Rate than the Fucktard states that do not."³⁸ On September 21, the unidentified White House employee responded, stating: "We should consider telling PN [Peter Navarro] abt [sic] this." Dr. Hatfill replied later that morning, "I already sent this to Joanna [Miller] for her daily tweet messages and sent a copy to Peter." Dr. Hatfill signed the email "MBX," an apparent reference to his White House email account, which contained the

³⁵ See Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Peter K. Navarro, Professor Emeritus, Paul Merage School of Business, University of California, Irvine (Sept. 14, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-09-14.Clyburn%20to%20Peter%20Navarro%20re%20Production%20Request.pdf>).

³⁶ ProtonMail is a private, encrypted email service hosted by a Swiss-based technology firm, which promises to keep user data outside of the jurisdiction of the United States government as a "security" feature. ProtonMail's website assures users that "ProtonMail is outside of US and EU jurisdiction, only a court order from the Cantonal Court of Geneva or the Swiss Federal Supreme Court can compel us to release the extremely limited user information we have." Among other features, ProtonMail promises that communications are "encrypted at all times" and users can send and receive "Self Destructing Messages." ProtonMail, *Security Details Page* (online at <https://protonmail.com/security-details>) (accessed on Sept. 23, 2021).

³⁷ See, e.g., Email from Steven J. Hatfill (Oct. 1, 2020) (GWU-0003130) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.01%20-%20GWU-0003130_Redacted.pdf); Email from Steven J. Hatfill (Oct. 3, 2020) (GWU-0000728) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.03%20-%20GWU-0000728_Redacted.pdf); Email from Steven J. Hatfill (Oct. 21, 2020) (GWU-0002438 – 39) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.21%20-%20GWU-0002438_Redacted.pdf); Email from Steven J. Hatfill (Dec. 20, 2020) (GWU-0001349) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.12.20%20-%20GWU-0001349_Redacted.pdf).

³⁸ Email from Steven J. Hatfill (Sept. 21, 2020) (GWU-0001222) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.21%20-%20GWU-0001222_Redacted.pdf); see also Email from Steven J. Hatfill (Aug. 19, 2020) (GWU-0003574) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.19%20-%20GWU-0003574_Redacted.pdf).

letters “MBX.”³⁹ Dr. Hatfill also sent more than 80 messages from his GW account to a ProtonMail account belonging to Mr. Navarro.⁴⁰

Dr. Hatfill also appears to have used a ProtonMail account to communicate with White House personnel and others related to their work on the pandemic response. On September 11, 2020, White House senior policy analyst Garrett Ziegler told Dr. Hatfill that he “sent another to your proton.”⁴¹ On October 6, Dr. Hatfill sent an email to a doctor about the healthcare supply chain, noting that he wanted to “discuss face to face any possible common vulnerabilities of the pharmaceutical middlemen and is there a legislative recourse to put them out of business without disrupting the supply chain.” Dr. Hatfill directed the individual to communicate using his ProtonMail account, stating: “It would probably be best to use protonmail.com for further discussions.”⁴²

These documents suggest that Dr. Hatfill likely possesses additional documents and communications relevant to the Select Subcommittee’s investigation in his ProtonMail account and possibly in other private accounts and on his personal devices.⁴³

II. DR. HATFILL’S REFUSAL TO COOPERATE

The Select Subcommittee launched this investigation more than five months ago, yet Dr. Hatfill has failed to comply with requests to provide key documents and information that the Select Subcommittee needs to complete its inquiry. The Select Subcommittee obtained copies of certain documents regarding Dr. Hatfill’s role working on the federal government’s pandemic response from alternate sources. These documents raise new questions regarding the Trump Administration’s response to the coronavirus pandemic and make clear that other documents and communications may remain in Dr. Hatfill’s possession that are responsive to the Select Subcommittee’s longstanding requests.

³⁹ Email from Steven J. Hatfill (Sept. 21, 2020) (GWU-0001222) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.21%20-%20GWU-0001222_Redacted.pdf); *see also* Email from Steven J. Hatfill (Aug. 19, 2020) (GWU-0003574) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.19%20-%20GWU-0003574_Redacted.pdf).

⁴⁰ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Peter K. Navarro, Professor Emeritus, Paul Merage School of Business, University of California, Irvine (Sept. 14, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-09-14.Clyburn%20to%20Peter%20Navarro%20re%20Production%20Request.pdf>).

⁴¹ Email from Garrett Ziegler, Senior Policy Analyst, The White House, to Steven J. Hatfill (Sept. 11, 2020) (GWU-0009128 – 29) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.11%20-%20GWU-0009128_Redacted.pdf).

⁴² Email from Steven J. Hatfill (Oct. 6, 2020) (GWU-0000560) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.06%20-%20GWU-0000560_Redacted.pdf).

⁴³ The use of private email accounts by Trump Administration officials to respond to the coronavirus pandemic may constitute a violation of government transparency rules and federal law. *See* 44 U.S.C. § 2209(a).

The Select Subcommittee’s April 9, 2021, letter requested copies of all documents and communications in Dr. Hatfill’s possession, custody, or control related to his involvement in the federal government’s response to the coronavirus by April 23. The letter also requested a transcribed interview on May 4.⁴⁴

On April 16, 2021, Select Subcommittee staff wrote to Dr. Hatfill asking that he confirm whether he would produce all responsive documents by the April 23 deadline and appear voluntarily for an interview on May 4. He responded that same day, stating that he was “exploring options” and suggested that he had “nothing of relevance for the [S]ubcommittee’s investigation.”⁴⁵ In an email sent on April 23, Dr. Hatfill wrote that he was “respectfully declining” the Select Subcommittee’s requests for documents and information, and made a series of potentially misleading assertions regarding his role in the federal government’s pandemic response.⁴⁶

On May 27, 2021, Chairman Clyburn wrote a letter to Dr. Hatfill calling on him to end his “obstruction of this critical investigation, produce all responsive documents in your possession, custody, or control, and agree to sit for a transcribed interview with Select Subcommittee staff without delay.” Chairman Clyburn warned that if Dr. Hatfill did not voluntarily comply, the Select Subcommittee would be forced to consider other options, including the issuance of subpoenas. The letter asked Dr. Hatfill to confirm by June 3 whether he would produce responsive documents by June 10 and make himself available for a transcribed interview on June 18.⁴⁷ Dr. Hatfill failed to respond to this letter and to subsequent attempts to request his cooperation with the Select Subcommittee’s investigation.

III. ISSUANCE OF SUBPOENA

Dr. Hatfill has indicated his unwillingness to voluntarily cooperate with the Select Subcommittee’s investigation. Given the new information uncovered about his role in the pandemic response, the importance of the Select Subcommittee’s investigation, and Dr. Hatfill’s continued refusal to cooperate voluntarily, this subpoena is necessary.

The Select Subcommittee has a broad mandate “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis,” “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis,” and

⁴⁴ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Steven J Hatfill, Adjunct Assistant Professor, George Washington University (Apr. 9, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-04-08.Clyburn%20to%20Hatfill%20re%20PPE%20.pdf>).

⁴⁵ Email from Steven J. Hatfill, Adjunct Assistant Professor, George Washington University, to Staff, Select Subcommittee on the Coronavirus Crisis (Apr. 16, 2021).

⁴⁶ Email from Steven J. Hatfill, Adjunct Assistant Professor, George Washington University, to Staff, Select Subcommittee on the Coronavirus Crisis (Apr. 23, 2021).

⁴⁷ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Steven J Hatfill, Adjunct Assistant Professor, George Washington University (May 27, 2021).

“reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis.”⁴⁸ The federal government’s preparedness for and response to a global public health crisis, mobilization of agency resources, and management of the medical supply chain are central to the Select Subcommittee’s mandate and may be the subject of legislation. In particular, understanding what went wrong with the Trump Administration’s pandemic response would help inform legislation to better respond to the ongoing pandemic and prepare for future public health crises. As a result of its investigation, including a review of the subpoenaed documents, the Select Subcommittee may make recommendations on the merits of legislative proposals and help tailor them to ensure their efficiency and effectiveness towards their intended goals.

For the reasons described above, the Select Subcommittee has issued a subpoena to Dr. Hatfill compelling the production of the documents and communications by October 7, 2021.

⁴⁸ H.R. 8, sec. 4(f); H.R. 935, 116th Cong. (2020).