



# PROTECT the PUBLIC'S TRUST

VIA ELECTRONIC MAIL

March 30, 2022

TO: Christi A. Grimm  
Inspector General  
U.S. Department of Health and Human Services  
330 Independence Avenue, SW  
Washington, DC 20201

David Kessler  
Chief Science Officer for COVID-19 Response  
U.S. Health and Human Services  
330 Independence Ave., S.W.  
Washington, D.C. 20201

Joanne Cono  
Office of Science Chief Science and Medical Advisor  
Center for Disease Control Scientific Integrity Officer  
1600 Clifton Road  
Atlanta, GA 30329

**Re: Request for Investigation into Apparent Scientific Integrity Violations by  
Inappropriately Withholding Data About Covid-19 From the Public**

Dear Ms. Grimm,

In the classic film “A Few Good Men,” Jack Nicholson’s Colonel Jessup shockingly declares “You can’t handle the truth!” Unfortunately, in the midst of a once-in-a-century pandemic, where trust and candor are critical to saving lives, some at the Centers for Disease Control and Prevention (“CDC”) apparently have adopted Colonel Jessup’s outburst as policy in violation of the CDC’s scientific integrity policy.

Protect the Public’s Trust (PPT) is a nonpartisan organization dedicated to promoting ethics in government and restoring the public’s trust in government officials. Maintaining the trust of the American public is particularly crucial in the midst of a global pandemic, where real time information can have profound personal and societal consequences. A loss of trust in public health officials can result in citizens ignoring or disregarding even the most logical, scientifically grounded, evidence-based, and well thought out directives. The consequences of a substantial loss of trust can be tragic.

Reporting by the *New York Times* indicates that the CDC withheld data about the effect of Covid-19 vaccines on people aged 18-49 years old out of concern that members of the public might draw different conclusions from the ones advocated by CDC scientists. This



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violates the CDC's scientific integrity policy by evincing a deep disrespect for the American public and by running counter to the CDC's responsibility to disseminate scientific findings without being influenced by policy or political issues.

Accordingly, we request that you immediately investigate this apparent violation of scientific integrity and take appropriate remedial action. In addition, we request that you investigate other areas where accurate data has been withheld from the public, including, but not limited to, data on hospitalization, data on wastewater collection, and pediatric mortality, to determine whether decisions in those areas were improperly influenced by policy or political issues.

## Background

On February 20, 2022, the *New York Times* reported that the CDC is not publishing large portions of the data that it collects related to Covid-19.<sup>1</sup> In particular, the article identified three areas where the CDC has collected data but not released it to the public: the effectiveness of boosters, particularly on the 18-49 year-old age demographic; the results of wastewater data collection; and data on hospitalizations, particularly hospitalization data broken down by factors such as age, race, and vaccination status.

With respect to data on the effectiveness of booster shots, the article states that CDC spokeswoman Kristen Nordlund divulged one reason the data was not made available "is fear that the information might be misinterpreted." Specially, fear that the information might be "misinterpreted as the vaccines being ineffective."

These statements and the intentional withholding of data related to the effectiveness of booster shots comes in the context of a broader CDC policy effort to promote vaccination, including boosting, through less than transparent means. One such unusual effort, for which several requests for public records remain outstanding, is the decision to pay hundreds of media companies to promote the efficacy and safety of the vaccine.<sup>2</sup>

Other instances of apparent data errors or manipulation by public health agencies at the Department of Health and Human Services (HHS) support our concern that the public may not be receiving fully accurate and unbiased information. Last year, PPT filed a request for investigation into what appeared to be a scientific integrity violation involving statements by the CDC and NIH that we asserted misrepresented the results of a study concerning natural immunity versus immunity received from Covid vaccines – again selectively presenting or mischaracterizing data to advance a policy objective promoting

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<sup>1</sup> Apoorva Madavailli, *The C.D.C. Isn't Publishing Large Portions of the Covid Data It Collects*, N.Y. Times (Feb. 22, 2022), <https://www.nytimes.com/2022/02/20/health/covid-cdc-data.html>.

<sup>2</sup> See, e.g., Chris Pandolfo, *Exclusive: The Federal Government Paid Hundreds of Media Companies to Advertise the COVID-19 Vaccines while those Same Outlets Provided Positive Coverage of the Vaccines*, The Blaze (Mar. 3, 2022), <https://www.theblaze.com/news/review-the-federal-government-paid-media-companies-to-advertise-for-the-vaccines>.



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increased (and continued) vaccination. On March 15 the CDC corrected data concerning pediatric Covid deaths, resulting in a 24% reduction in the number of reported pediatric deaths.<sup>3</sup> The initial over reporting of pediatric deaths was attributed to a “coding logic error.”

Finally, CNN recently reported that the Food and Drug Administration (FDA) is preparing to authorize a fourth dose of two vaccine boosters for adults over 50, with the CDC expected to follow suit soon after.<sup>4</sup> Notably, however, the decision is expected to “bypass independent groups of scientific advisors for both the FDA and CDC, which would normally meet and publicly review the available science and then make recommendations to the agencies.” Multiple members of the independent advisory board expressed concern with the approach, with one going so far as to say “he felt the administration was acting ahead of the science.”

## Scientific Integrity

The CDC’s scientific integrity policy identifies respect and integrity as “core values,” stating:

Respect — We respect and understand our interdependence with all people, both inside the agency and throughout the world, treating them and their contributions with dignity and valuing individual and cultural diversity. We are committed to achieving a diverse workforce at all levels of the organization.

Integrity — We are honest and ethical in all we do. We will do what we say. We prize scientific integrity and professional excellence.<sup>5</sup>

In addition, the scientific integrity policy declares:

CDC has a responsibility to conduct the best science and is committed to disseminating scientific findings and results without being influenced by policy or political issues. Although CDC may conduct research in areas relevant for making policy decisions, the goal of such research is to provide the best evidence to drive policy in the right direction. . . . CDC is also committed to the timely release and availability of information to

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<sup>3</sup> Andrew Kerr, *Reported Pediatric COVID-19 Deaths Plummet 24% After CDC Fixes ‘Coding Logic Error,’* Wash. Examiner (Mar. 18, 2022), <https://www.washingtonexaminer.com/news/reported-pediatric-covid-19-deaths-plummet-24-after-cdc-fixes-coding-logic-error>.

<sup>4</sup> Brenda Goodman, *FDA expected to OK additional Covid-19 booster shots for adults over 50 next week,* CNN (Mar. 26, 2022), <https://www.cnn.com/2022/03/26/health/covid-19-second-booster-shot/index.html>.

<sup>5</sup> CDC Guidance on Scientific Integrity, v. 2.1 at 2, Office of the Associate Director for Science (ODAS) (April 2016) [https://www.cdc.gov/os/integrity/docs/CDCSIGuide\\_042516.pdf](https://www.cdc.gov/os/integrity/docs/CDCSIGuide_042516.pdf).



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ensure the health of the public.<sup>6</sup>

Finally, “[i]n its communication with the public and the news media, CDC is committed to openness, free exchange of information and data, accuracy, timeliness, and responsiveness.”<sup>7</sup>

In addition to the CDC’s scientific integrity policy, President Biden’s Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking states, “Scientific findings should never be distorted or influenced by political considerations.”<sup>8</sup>

## Analysis

The *New York Times* reporting shows an apparent violation of the government’s scientific integrity policy and President Biden’s Presidential Memorandum.

Statements from spokeswoman Nordlund indicate that data was withheld from the public at least in part because officials at the CDC believed that members of the public would interpret that information in a way that was contrary to the CDC’s policy goal of encouraging near universal vaccination and boosting. **This decision violates the scientific integrity policy and Presidential Memorandum in two ways.**

First, it is a clear example of policy issues influencing the dissemination of scientific information. It is clear from the CDC’s public statements, as well as the Federal government’s advertising in support of vaccination and boosting, that the CDC views near universal vaccination and boosting as good public policy. The CDC may well be right in thinking that. However, what the CDC is not allowed to do is let that policy preference dictate what information is made public and what remains hidden. To do so is to violate the basic principles of scientific integrity.

Second, and relatedly, this approach violates the CDC’s core principle of respect. Every human being is endowed with a basic human dignity. Attempting to manipulate the public into making preferred policy choices violates that basic dignity, particularly as it relates to basic personal health decisions. The CDC may well be right that boosters are safe and effective and that the data for 18-49 year-olds does not suggest anything to the contrary. However, out of a basic respect for the dignity of the human person, the CDC should not engage in the selective release of scientific data.

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<sup>6</sup> *Id.* at 3.

<sup>7</sup> *Id.* at 13.

<sup>8</sup> Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking, 86 Fed. Reg. 8845 (Jan. 27, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-02-10/pdf/2021-02839.pdf>.



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For the foregoing reasons, the CDC appears to have violated its own scientific integrity policies with respect to the selective release of data concerning booster effectiveness for 18-49 year-olds.

At this time, there is insufficient information on the public record to assess whether the CDC has violated its own scientific integrity policy with respect to other scientific data, such as withholding data on hospitalizations, wastewater data, and pediatric mortality. However, the statements attributed to spokeswoman Nordlund suggest a deeply disturbing culture that has normalized the selective release of data for policy reasons.

Accordingly, other areas of unpublished or incomplete data should be investigated to ascertain whether the withholding of data is driven by improper policy imperatives.

## Conclusion

Public trust in government scientists is crucial for both promoting effective responses to the ongoing Covid-19 pandemic as well as basic systems of democratic self-government. Statements attributed to spokeswoman Nordlund in the *New York Times* article suggest a disturbing distrust of the American people. They also demonstrate remarkable hubris in determining what conclusions the public should be allowed to reach upon receiving all of the information. Scientific data should inform policy debates, not the other way around.

While it may be convenient for some to dismiss such concerns as secondary during a global pandemic, the importance of scientific integrity cannot be understated. The implications of such hubris do not appear to end with skewed data sets and misleading narratives from public health officials. They have been used to justify government actions with the potential to censor (or worse) those that present scientific disagreements or hold opposing public policy views:

- The Attorney General issued a memorandum urging law enforcement authorities to use domestic terrorism laws against parents concerned with Covid policies in schools that arguably relied on now-incorrect or distorted data.<sup>9</sup>
- The Department of Homeland Security has included “Covid misinformation” as one of the bases for listing “misleading or false narratives” as a top domestic terrorism threat facing the American public.<sup>10</sup>

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<sup>9</sup> Justice Department Addresses Violent Threats Against School Officials and Teachers (October 4, 2021), Department of Justice, <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>

<sup>10</sup> Summary of Terrorism Threat to the U.S. Homeland (February 7, 2022), Department of Homeland Security, <https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-february-07-2022>



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- At HHS, the Surgeon General has even sent a Request for Information out to the public requesting that people report anecdotes and information – “no dataset is too big and no story is too small” – that can be perceived as misinformation.<sup>11</sup>

In the current climate, it is no stretch to imagine that such stories of neighbors citing information deviating from the approved policy approach might be shared with law enforcement officials at DOJ and DHS for “appropriate action.” Ensuring American do not face such a future begins with enforcing scientific integrity policies.

Accordingly, we call on you to immediately open an investigation into whether the CDC has violated its scientific integrity policy by, among other instances identified within this complaint, allowing policy concerns to drive decisions on withholding crucial Covid-19 data from the American people. Thank you.

Sincerely,

Michael Chamberlain  
Director  
Protect the Public’s Trust

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<sup>11</sup> Call for Stories and Research on Health Misinformation (March 18, 2022), Department of Health and Human Services, <https://www.hhs.gov/surgeongeneral/health-misinformation-rfi/index.html>