



November 22, 2017

VIA FACSIMILE

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814
(916) 558-3160

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the California Public Records Act, § 6250 et seq., American Oversight makes the following request for records.

On October 1, 2017, Stephen Paddock opened fire on a concert in Las Vegas killing fifty-eight people and injuring more than five hundred.¹ Since the tragedy there has been significant national debate regarding whether and to what extent gun laws need to be changed as well as what private interests are directing and influencing any policy change.² On November 5, Devin Patrick Kelley killed twenty-six people worshipping at a Baptist church in Sutherland Springs.³ On November 14, a man killed at least four at a California elementary school and other locations around Rancho Tehama, leaving at least ten additional people injured.⁴ American Oversight submits this request to shed light on what steps the Office of the Governor has taken to address gun violence in the wake of the recent tragedies.

¹ The New York Times, *Multiple Weapons Found in Las Vegas Gunman's Hotel Room*, N.Y. TIMES, Oct. 2, 2017, <https://www.nytimes.com/2017/10/02/us/las-vegas-shooting.html>.

² See Daniella Diaz, *A Month After Las Vegas Shooting, There's Still No Bump Stock Regulation*, CNN (Nov. 2, 2017, 6:11 AM), <http://www.cnn.com/2017/11/01/politics/bump-stock-gun-debate-congress/index.html>; Sari Horowitz, *After Las Vegas, Gun-Control Group Seizing Moment to Push for Tighter Regulations*, WASH. POST, Oct. 17, 2017, https://www.washingtonpost.com/world/national-security/after-las-vegas-gun-control-group-seizing-moment-to-push-for-tighter-regulations/2017/10/16/ee4a5472-b291-11e7-a908-a3470754bbb9_story.html?utm_term=.7eb75dbb37d2; Anthony Zurcher, *Las Vegas Shooting: Five Reasons U.S. Gun Control Won't Happen*, BBC, Oct. 4, 2017, <http://www.bbc.com/news/world-us-canada-41489552>.

³ David Montgomery et al., *Gunman Kills at Least 26 in Attack on Rural Texas Church*, N.Y. TIMES, Nov. 5, 2017, <https://www.nytimes.com/2017/11/05/us/church-shooting-texas.html>.

⁴ Stella Chan et al., *4 Dead After California Shootings; Gunman Tried to Enter School*, CNN (Nov. 15, 2017, 12:37 AM), <http://www.cnn.com/2017/11/14/us/california-tehama-county-shootings/index.html>.



Requested Records

American Oversight requests that the Office of the Governor produce the following within ten days:

All records reflecting communications (including emails, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, or other materials) between the Office of the Governor and any of the following persons or organizations:

- a) Gun Owners of America (@gunowners.org)
- b) Erich Pratt
- c) The National Rifle Association (the “NRA”) (@nrahq.org or @nra.org)
- d) Wayne LaPierre
- e) The Second Amendment Foundation (@saf.org)
- f) Joseph Tartaro
- g) Alan M. Gottlieb

Please provide all responsive records from November 13, 2017, through the date the search is conducted.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term “record” in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that the Office of the Governor use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under the Public Records Act, including litigation if necessary. Accordingly, the Office of the Governor is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and the Office of the Governor can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

We share a common mission to promote transparency in government. American Oversight looks forward to working with the Governor's office on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Cerissa Cafasso at foia@americanoversight.org or 202.869.5246.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

⁵ American Oversight currently has approximately 11,700 page likes on Facebook, and 37,400 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Nov. 20, 2017); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Nov. 20, 2017).