



January 29, 2020

VIA ELECTRONIC MAIL

Office of the Governor
State Insurance Building
Public Information Request
General Counsel Division
1100 San Jacinto
Austin, TX 78701
publicrecords@gov.texas.gov

Re: Public Information Request

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, as codified at Tex. Code ch. 552, American Oversight makes the following request for public records.

Requested Records

American Oversight requests that the Office of the Governor promptly produce the following:

1. All email communications (including complete email chains, email attachments, calendar invitations, and attachments thereto) sent or received by the following individuals to or from anyone in the White House Office (including anyone with an email address ending in @who.eop.gov).
 - a. Governor Greg Abbott (including, but not limited to, emails sent by or received from greg.abbott@gov.texas.gov), or anyone communicating on his behalf
 - b. Chief of Staff Luis Saenz (including, but not limited to, emails sent by or received from luis.saenz@gov.texas.gov)
 - c. Deputy Chief of Staff and Communications Director Matt Hirsch (including, but not limited to, emails sent by or received from matt.hirsch@gov.texas.gov)
 - d. Deputy Chief of Staff Jordan Hale (including, but not limited to, emails sent by or received from jordan.hale@gov.texas.gov)
 - e. Executive Aide Sam Schornack (including, but not limited to, emails sent by or received from sam.schornack@gov.texas.gov)
 - f. Executive Assistant Morgan Stewart (including, but not limited to, emails sent by or received from morgan.stewart@gov.texas.gov)
 - g. Scheduling Director Jackie Merrick (including, but not limited to, emails sent by or received from jackie.merrick@gov.texas.gov)



- h. Administration Director Suzanne Johnson (including, but not limited to, emails sent by or received from suzanne.johnson@gov.texas.gov)
- i. General Counsel Jeff Oldham (including, but not limited to, emails sent by or received from jeff.oldham@gov.texas.gov)
- j. Public Safety Officer Aimee Snoddy (including, but not limited to, emails sent by or received from aimee.snoddy@gov.texas.gov)
- k. Homeland Security Grants Division Director Nancy Carrales (including, but not limited to, emails sent by or received from nancy.carrales@gov.texas.gov)
- l. Criminal Justice Division Director Reilly Webb (including, but not limited to, emails sent by or received from reilly.webb@gov.texas.gov)
- m. Office of State-Federal Relations Director Wes Hambrick (including, but not limited to, emails sent by or received from wes.hambrick@gov.texas.gov)

Please provide all responsive records from September 26, 2019, through the date the search is conducted.

- 2. All email communications (including complete email chains, email attachments, calendar invitations, and attachments thereto) sent or received by the following individuals to or from (1) anyone in the Department of Homeland Security (including anyone with an email address ending in dhs.gov), (2) anyone in the Department of Justice (including anyone with an email address ending in usdoj.gov), (3) anyone in the Department of State (including anyone with an email address ending in state.gov), or (4) anyone in the Department of Health and Human Services (including anyone with an email address ending in hhs.gov) regarding President Trump's September 26, 2019 executive order regarding refugee resettlement¹ or Texas' acceptance or rejection of the resettlement of refugees.

- a. Governor Greg Abbott (including, but not limited to, emails sent by or received from greg.abbott@gov.texas.gov), or anyone communicating on his behalf
- b. Chief of Staff Luis Saenz (including, but not limited to, emails sent by or received from luis.saenz@gov.texas.gov)
- c. Deputy Chief of Staff and Communications Director Matt Hirsch (including, but not limited to, emails sent by or received from matt.hirsch@gov.texas.gov)
- d. Deputy Chief of Staff Jordan Hale (including, but not limited to, emails sent by or received from jordan.hale@gov.texas.gov)
- e. Executive Aide Sam Schornack (including, but not limited to, emails sent by or received from sam.schornack@gov.texas.gov)
- f. Executive Assistant Morgan Stewart (including, but not limited to, emails sent by or received from morgan.stewart@gov.texas.gov)
- g. Scheduling Director Jackie Merrick (including, but not limited to, emails sent by or received from jackie.merrick@gov.texas.gov)
- h. Administration Director Suzanne Johnson (including, but not limited to, emails sent by or received from suzanne.johnson@gov.texas.gov)

¹ Exec. Order No, 13888, 84 Fed. Reg. 52355 (Oct. 1, 2019).

- i. General Counsel Jeff Oldham (including, but not limited to, emails sent by or received from jeff.oldham@gov.texas.gov)
- j. Public Safety Officer Aimee Snoddy (including, but not limited to, emails sent by or received from aimee.snoddy@gov.texas.gov)
- k. Homeland Security Grants Division Director Nancy Carreles (including, but not limited to, emails sent by or received from nancy.carrales@gov.texas.gov)
- l. Criminal Justice Division Director Reilly Webb (including, but not limited to, emails sent by or received from reilly.webb@gov.texas.gov)
- m. Office of State-Federal Relations Director Wes Hambrick (including, but not limited to, emails sent by or received from wes.hambrick@gov.texas.gov)

At a minimum, a search for responsive records should include the use of the following search terms:

- a. EO
- b. 13888
- c. Refugee
- d. Refugees
- e. Resettle
- f. Resettlement
- g. Migrant
- h. Immigrant
- i. Immigration

Please provide all responsive records from June 1, 2019, through January 14, 2020.

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; governmental authorities may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

Please search all records regarding official business. **You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts.** Emails conducting government business sent or received on the personal account of a governmental authority's officer or employee constitutes a record for purposes of the Texas Public Information Act.²

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

² Tex. Code § 552.002(a-2); *see also Adkisson v. Paxton*, 459 S.W.3d 761, 773 (Tex. App. 2015).

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.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

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.

Fee Waiver Request

In accordance with Tex. Code § 552.267(a), American Oversight requests a waiver of fees associated with processing this request for records because such a waiver “is in the public interest because providing the copy of the information primarily benefits the general public.” Governor Abbott recently announced that Texas will no longer accept the resettlement of new refugees, pursuant to an executive order issued by President Trump in September 2019.³ The public has a significant interest in understanding whether and to what extent Texas state officials communicated with federal immigration officials regarding the resettlement of refugees. Records with the potential to shed light on this matter would contribute significantly to public understanding of the factors considered by the Governor’s office in reaching a decision regarding refugee resettlement.

Release of the requested records will primarily benefit the public.⁴ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the requested records is not in American Oversight’s financial interest, but is rather in the public interest. American Oversight is committed to transparency and makes the responses governmental authorities provide to public records requests publicly available. As noted, the subject of this request is a matter of

³ Nomaan Merchant, *Texas Governor to Reject New Refugees, First Under Trump*, ASSOC. PRESS, Jan. 14, 2020,

https://apnews.com/7329dbc3dcbf32534689831455fa4246?utm_campaign=SocialFlow&utm_medium=AP&utm_source=Twitter.

⁴ Tex. Code § 552.267(a).

public interest, and the public would benefit from an enhanced understanding of the government's activities through American Oversight's analysis and publication of these records. American Oversight's mission is 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 American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior United States Department of Justice (DOJ) attorney,⁶ American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.⁷ As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.⁸ American Oversight similarly intends to engage with media outlets in Texas to ensure that the general public within the state has access to the information American Oversight obtains.

Accordingly, American Oversight qualifies for a fee waiver. If the Office of the Governor denies a fee waiver, please notify American Oversight of any anticipated fees or costs in excess of \$40 prior to incurring such costs or fees.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with the Office of the Governor 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 Emma Lewis at foia@americanoversight.org or 202.919.6303. Also, if

⁵ American Oversight currently has approximately 15,600 followers on Facebook and 101,000 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 24, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 24, 2020).

⁶ *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

⁷ *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

⁸ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers
Executive Director
American Oversight