



February 1, 2021

**VIA EMAIL**

Oklahoma Office of the Attorney General  
313 N.E. 21st Street  
Oklahoma City, OK 73105  
[openrecordsrequest@oag.ok.gov](mailto:openrecordsrequest@oag.ok.gov)

**Re: Open Records Act Request**

Dear Records Access Officer:

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

In early December 2020, Texas Attorney General Ken Paxton filed a lawsuit seeking to block various states from casting “unlawful and constitutionally tainted votes” in the Electoral College.<sup>1</sup> Seventeen additional states, including Oklahoma, filed motions backing Texas’ efforts.<sup>2</sup> Later public reporting indicated that in the days leading up to Texas’ filing, a group of Republican state attorneys general solicited U.S. Justice Department support from then-Attorney General William Barr.

Accordingly, American Oversight seeks records concerning any attempts to petition the U.S. Department of Justice to support efforts to overturn state election results.

**Requested Records**

American Oversight requests that the Office of the Attorney General produce the following records within five business days:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) between (a) any of the Oklahoma Office of the Attorney General officials listed in Column A, below and (b) any of the external parties listed in Column B, below.
2. All text messages or communications on messaging applications similar in form to text messages (including, but not limited to, Signal, WhatsApp,

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<sup>1</sup> Emma Platoff, *In New Lawsuit, Texas Contests Election Results in Georgia, Wisconsin, Michigan, Pennsylvania*, Tex. Tribune, Dec. 8, 2020, <https://www.texastribune.org/2020/12/08/texas-ken-paxton-election-georgia/>.

<sup>2</sup> Todd J. Gillman, *17 States and Trump Join Texas Request for Supreme Court to Overturn Biden Wins in Four States*, Dallas Morning News (Dec. 9, 2020, 10:34AM), <https://www.dallasnews.com/news/politics/2020/12/09/trump-says-hell-join-texas-lawsuit-asking-supreme-court-to-block-62-biden-electors-from-four-states/>.



Facebook Messenger, and Twitter direct messages) between (a) any of the Oklahoma Office of the Attorney General officials listed in Column A, below and (b) any of the external parties listed in Column B, below.

3. All records reflecting the content of any meetings or calls between (a) any of the Oklahoma Office of the Attorney General officials listed in Column A, below and (b) any of the external parties listed in Column B, below, including, but not limited to, agendas, meeting minutes or summaries (including handwritten notes and informal email summaries), and any materials exchanged by participating parties.

<b>Column A: Oklahoma Office of the Attorney General Officials</b>	<b>Column B: External Parties</b>
<ul style="list-style-type: none"> <li>a) Mike Hunter, Attorney General, or anyone communicating on his behalf (such as an assistant or scheduler)</li> <li>b) Anyone serving as Chief of Staff to Attorney General Hunter</li> <li>c) Mithun Mansinghani, Solicitor General</li> </ul>	<p><u>State Attorneys General (including the named attorneys general and anyone communicating on their behalf such as a Chief of Staff, assistant or scheduler):</u></p> <ul style="list-style-type: none"> <li>i. Eric Schmitt, Missouri Attorney General, or Justin Smith, Deputy Attorney General</li> <li>ii. Steve Marshall, Alabama</li> <li>iii. Leslie Rutledge, Arkansas</li> <li>iv. Ashley Moody, Florida</li> <li>v. Curtis Hill, Indiana (former)</li> <li>vi. Derek Schmidt, Kansas</li> <li>vii. Jeff Landry, Louisiana</li> <li>viii. Lynn Fitch, Mississippi</li> <li>ix. Tim Fox, Montana (former)</li> <li>x. Doug Peterson, Nebraska</li> <li>xi. Wayne Stenehjem, North Dakota</li> <li>xii. Alan Wilson, South Carolina</li> <li>xiii. Jason Raynsborg, South Dakota</li> <li>xiv. Herbert Slatery, Tennessee</li> <li>xv. Ken Paxton, Texas</li> <li>xvi. Sean Reyes, Utah</li> <li>xvii. Patrick Morrissey, West Virginia</li> </ul> <p><u>U.S. Department of Justice:</u></p> <ul style="list-style-type: none"> <li>i. Bill Barr, former Attorney General</li> <li>ii. Jeffrey Rosen, former Acting Attorney General</li> </ul>

	<ul style="list-style-type: none"> <li>iii. Will Levi, former Chief of Staff to Attorney General Barr</li> <li>iv. Rachel Bissex, former Deputy Chief of Staff to Attorney General Barr</li> <li>v. Patrick Hovakimian, Chief of Staff to former Acting Attorney General Rosen</li> <li>vi. Jeffrey Wall, former Solicitor General</li> <li>vii. Jeffrey Clark, former Acting Assistant Attorney General, Civil Division</li> </ul>
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Please provide all responsive records from November 3, 2020, through January 20, 2021.

**Fee Waiver Request**

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records “is in the public interest,” because American Oversight, in accordance with its organizational mission, makes this request “to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.”<sup>3</sup> Specifically, the requested records have the potential to shed light on the Office of the Attorney General’s efforts to overturn then President-elect Joe Biden’s victories in key swing states.<sup>4</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of whether public servants are fulfilling their duties.

American Oversight’s work is aimed solely at serving the public interest.<sup>5</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight’s financial interest. Rather, 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. Similar to members of the news media, 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

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<sup>3</sup> O.S. tit. 51, § 24A.5(4).

<sup>4</sup> Angela Shen, *Oklahoma AG Joins Brief to Support Lawsuit Challenging Presidential Election*, KFOR (Dec. 10, 2020, 6:23 PM), <https://kfor.com/news/local/oklahoma-ag-joins-brief-to-support-lawsuit-challenging-presidential-election/>.

<sup>5</sup> *See* O.S. tit. 51, § 24A.5(4).

Facebook and Twitter.<sup>6</sup> American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>7</sup>

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public's understanding of the government's activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight's analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

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<sup>6</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 26, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 26, 2021).

<sup>7</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

- In conducting your search, please understand the terms “record,” “document,” and “information” in their 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 for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- 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.<sup>8</sup> If a request is denied in whole, please state specifically why 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 the agency 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.

## **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. 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 your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF 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

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<sup>8</sup> O.S. tit. 51, § 24A.5(2).

accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Christine Monahan at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 869-5244.

Sincerely,

/s/ Christine Monahan

Christine Monahan  
on behalf of  
American Oversight