



March 18, 2021

**VIA EMAIL**

Public Records Coordinator  
Office of the Attorney General  
1885 North Third Street  
Baton Rouge, LA 70802  
[publicrecords@ag.louisiana.gov](mailto:publicrecords@ag.louisiana.gov)

**Re: Public Records Law Request**

Dear Records Custodian:

Pursuant to the Louisiana Public Records Law, La. Rev. Stat. Ann. 44:1 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 allegedly “unlawful and constitutionally tainted votes” in the Electoral College.<sup>1</sup> Seventeen additional states, including Louisiana, filed an amicus brief backing Texas’s efforts.<sup>2</sup> Later, public reporting revealed that a team of lawyers associated with the Trump campaign formulated the plan which ultimately led to Texas’s challenge.<sup>3</sup>

Accordingly, American Oversight seeks records concerning the formulation and implementation of the plan to stop states from casting votes in the Electoral College.

**Requested Records**

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

1. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) between (a) any of the Office of the Attorney General officials listed below and (b) any of the external parties listed below.

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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, 10:34 AM), <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/>.

<sup>3</sup> Jim Rutenberg et al., *77 Days: Trump’s Campaign to Subvert the Election*, N.Y. Times, Jan. 31, 2021, <https://www.nytimes.com/2021/01/31/us/trump-election-lie.html>.



Louisiana Attorney General Officials:

- i. Jeff Landry, Attorney General, or anyone communicating on that official's behalf (such as an assistant or scheduler)
- ii. Anyone serving as Chief of Staff to Attorney General Landry
- iii. Elizabeth Murrill, Solicitor General
- iv. Joseph St. John, Deputy Solicitor General

External Parties:

- i. Kris Kobach (including, but not limited to, at the email addresses [kkobach@gmail.com](mailto:kkobach@gmail.com) or [kris@kriskobach.com](mailto:kris@kriskobach.com))
  - ii. Lawrence Joseph (including, but not limited to, at the email addresses [ljoseph@larryjoseph.com](mailto:ljoseph@larryjoseph.com) or [lj@larryjoseph.com](mailto:lj@larryjoseph.com))
  - iii. Mark Martin (including, but not limited to, at the email address [mmartin@regent.edu](mailto:mmartin@regent.edu))
2. All text messages or communications on messaging applications similar in form to text messages (including, but not limited to, Signal, WhatsApp, Facebook Messenger, and Twitter direct messages) between (a) any of the Office of the Attorney General officials listed above and (b) any of the external parties listed above.
  3. All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by any of the Office of the Attorney General officials listed above to any email address ending in .com, .net, .org, .mail, or .edu, containing any of the following key terms:

Key Terms:

- a. "Texas v. Pennsylvania"
- b. "TX v. PA"
- c. "592 U.S."
- d. separation-of-powers
- e. "separation of powers"
- f. electors
- g. "Article II"
- h. "fraud and abuse"
- i. "non-legislative actors"
- j. amicus
- k. amici
- l. unconstitutional
- m. "voting by mail"
- n. "vote by mail"
- o. Paxton
- p. "safe harbor"
- q. Kobach
- r. "Larry Joseph"
- s. "Lawrence Joseph"
- t. "Mark Martin"

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 3 of its request to emails sent by the listed custodians. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Landry's response to an email from an external party containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

4. All communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, and messages on messaging platforms (such as Slack, GChat, Google Hangouts, Lync, Skype, or WhatsApp)) between any of the Louisiana Office of the Attorney General officials listed above and any of the external parties listed below:

External Parties:

- i. Representative Mike Johnson (including, but not limited to, at [Mike.Johnson@mail.house.gov](mailto:Mike.Johnson@mail.house.gov))
- ii. Hayden Haynes, Chief of Staff ([Hayden.Haynes@mail.house.gov](mailto:Hayden.Haynes@mail.house.gov))
- iii. Claire Bienvenu, Scheduler ([Claire.Bienvenu@mail.house.gov](mailto:Claire.Bienvenu@mail.house.gov))
- iv. Taylor Haulsee, Communications Director ([Taylor.Haulsee@mail.house.gov](mailto:Taylor.Haulsee@mail.house.gov))
- v. Whitley Alexander, Press Secretary ([Whitley.Alexander@mail.house.gov](mailto:Whitley.Alexander@mail.house.gov))
- vi. Garrett Fultz, Legislative Director ([Garrett.Fultz@mail.house.gov](mailto:Garrett.Fultz@mail.house.gov))
- vii. Griffin Neal, Staff Assistant ([Griffin.Neal@mail.house.gov](mailto:Griffin.Neal@mail.house.gov))

For each item of this request, please provide all responsive records from November 3, 2020, through January 20, 2021.

**Fee Waiver Request**

In accordance with La. Rev. Stat. Ann. 44:32(C)(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request is appropriate, because American Oversight's use of the requested records "will be limited to a public purpose."<sup>4</sup>

This request is made solely for a public purpose.<sup>5</sup> The public has a significant interest in the Office of the Attorney General's efforts to overturn then President-elect Joe Biden's

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<sup>4</sup> La. Rev. Stat. Ann. § 44:32(C)(2).

<sup>5</sup> *Id.*

victories in key swing states.<sup>6</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Office of the Attorney General officials coordinated with affiliates of the Trump campaign. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, this request is fundamentally made for non-commercial purposes. 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. 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.<sup>7</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>8</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;<sup>9</sup> posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;<sup>10</sup> posting records received as part of American

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<sup>6</sup> See, e.g., Mark Ballard, *Jeff Landry Supports Texas Effort to Block Electoral Vote Count That Went to Joe Biden*, Advocate (Dec. 9, 2020, 1:24PM), [https://www.theadvocate.com/baton\\_rouge/news/politics/elections/article\\_193de3e0-3a54-11eb-8036-07b9fff910f6.html](https://www.theadvocate.com/baton_rouge/news/politics/elections/article_193de3e0-3a54-11eb-8036-07b9fff910f6.html).

<sup>7</sup> American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 3, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 3, 2021).

<sup>8</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>9</sup> See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, 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>.

<sup>10</sup> See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight,

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>11</sup> and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.<sup>12</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **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.
- 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

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<https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

<sup>11</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>12</sup> *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *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>.

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. Public business communications conducted on private email accounts and devices are public records subject to the Public Records Law.<sup>13</sup>
- 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 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 accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

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<sup>13</sup> La. Atty. Gen. Op. No. 01-155.

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 Khahilia Shaw at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 539-6507. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

/s/ Khahilia Shaw  
Khahilia Shaw  
on behalf of  
American Oversight