



May 3, 2021

VIA EMAIL

Office of the Governor
State Capitol
1007 East Grand Ave.
Des Moines, IA 50319
michael.boal@iowa.gov

Re: Public Records Request

Dear Michael Boal:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

In January 2021, Governor Kim Reynolds introduced a sweeping criminal justice proposal.¹ Several pieces of Governor Reynold's proposals related to the treatment of protesters were included in legislation passed in the House and Senate.²

American Oversight seeks records with the potential to shed light on any external influences in the drafting of the legislation.

Requested Records

American Oversight requests that the Governor's Office produce the following records promptly, or as soon as feasible:

- 1) All emails communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by Governor Kim Reynolds, Chief of Staff Sara Gongol, Chief Counsel Sam Langholz, Chief of Staff Carla Thornhill, Lt. Governor Adam Gregg, or anyone serving as Lt. Gov. Gregg's chief of staff or scheduler, containing any of the following key terms:

¹ Reid Epstein & Patricia Mazzei, *G.O.P. Bills Target Protesters (and Absolve Motorists Who Hit Them)*, N.Y. Times, Apr. 21, 2021, <https://www.nytimes.com/2021/04/21/us/politics/republican-anti-protest-laws.html>.

² Stephen Gruber-Miller & Ian Richardson, *Iowa House Increases Penalties for Protest-Related Crimes, Broaden Immunity for Police*, Des Moines Register (Apr. 15, 2021, 6:30AM) <https://www.desmoinesregister.com/story/news/politics/2021/04/15/iowa-house-lawmakers-protest-crimes-passes-back-blue-bill-qualified-police-immunity/7219096002/>.



Key terms:

- | | |
|-------------------------|---------------------------|
| i. Defund | xix. Loot |
| ii. Motorist | xx. Looting |
| iii. Motorists | xxi. Looters |
| iv. Vehicle | xxii. Thug |
| v. Flee | xxiii. Thugs |
| vi. Negligence | xxiv. “unlawful assembly” |
| vii. Vandalizing | xxv. Traffic |
| viii. Vandalize | xxvi. “model legislation” |
| ix. BLM | xxvii. “Deadly force” |
| x. “Black Lives Matter” | xxviii. Floyd |
| xi. Antifa | xxix. “Blue lives” |
| xii. Protest | xxx. “Back the Blue” |
| xiii. Protester | xxxi. “Civil immunity” |
| xiv. Protesters | xxxii. SF 342 |
| xv. Riot | xxxiii. “SF 342” |
| xvi. Riots | xxxiv. “Senate Bill 342” |
| xvii. Rioting | xxxv. “Senate File 342” |
| xviii. Rioters | |

Please provide all responsive records from January 1, 2021, through date of search.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by members of the Governor’s Office. 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 Governor Reynolds’s response to an email containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

- 2) All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) any of the officials in the Iowa Governor’s Office listed in Column A, below, and (B) any of the State Senators listed in Column B, below, including, but not limited to communications with the listed email addresses.

Column A: Iowa Governor’s Office Officials	Column B: State Senators
i. Governor Kim Reynolds ii. Chief of Staff Sara Gongol iii. Chief Counsel Sam Langholz	i. Sen. Brad Zaun (including, but not limited to, emails sent by brad.zaun@legis.iowa.gov)

<ul style="list-style-type: none"> iv. Chief of Staff Carla Thornhill v. Lt. Governor Adam Gregg 	<ul style="list-style-type: none"> ii. Sen. Julian Garrett (including, but not limited to, emails sent by julian.garrett@legis.iowa.gov) iii. Sen. Kevin Kinney (including, but not limited to, emails sent by kevin.kinney@legis.iowa.gov) iv. Sen. Dan Dawson (including, but not limited to, emails sent by dan.dawson@legis.iowa.gov) v. Sen. Craig Johnson (including, but not limited to, emails sent by craig.johnson@legis.iowa.gov) vi. Sen. Jason Shultz (including, but not limited to, emails sent by jason.schultz@legis.iowa.gov) vii. Sen. Zach Whiting (including, but not limited to, emails sent by zach.whiting@legis.iowa.gov) viii. Sen. Jeff Taylor (including, but not limited to, emails sent by jeff.taylor@legis.iowa.gov) ix. Sen. Amy Sinclair (including, but not limited to, emails sent by amy.sinclair@legis.iowa.gov) x. Sen. Tom Shipley (including, but not limited to, emails sent by tom.shipley@legis.iowa.gov)
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Please provide all responsive records from January 1, 2021, through date of search.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fee.

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:

- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Law.³
- 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.

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

³ See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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.

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.⁴

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 Mehreen Rasheed at records@americanoversight.org or (202) 848-1320.

Sincerely,

/s/ Mehreen Rasheed
Mehreen Rasheed
on behalf of
American Oversight

⁴ American Oversight currently has approximately 15,700 page likes on Facebook and 106,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 3, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 3, 2021).