



June 4, 2021

**VIA Online Form**

Office of the Idaho Attorney General  
700 W. Jefferson Street  
P.O. Box 83720  
Boise, ID 83720-0010  
Via Online Form

**Re: Public Records Act Request**

Dear Public Records Custodian:

Pursuant to Idaho's Public Records Act, as codified at Chapter 1 of Title 74 of the Idaho Code, I.C. T. 74, Ch. 1, American Oversight makes the following request for records.

Soon after the January 6, 2021 riots at the U.S. Capitol, public reporting indicated that the Rule of Law Defense Fund (RLDF), the fundraising arm of the Republican Attorneys General Association, had sent out a robocall urging supporters to "march to the Capitol building and call on Congress to stop the steal" on January 5.<sup>1</sup> RLDF Chair and Alabama Attorney General Steve Marshall claimed to have had no prior knowledge of the calls and requested an internal review at RLDF in order to determine how the call came to be and who may have authorized the group's promotion of the Jan. 6 events at the U.S. Capitol.<sup>2</sup>

American Oversight is seeking records related to RLDF's aforementioned internal review.

**Requested Records**

Pursuant to Section 74-103(1) of the Idaho Code, American Oversight requests that Office of the Attorney General produce the following records within three working days, or, if a longer period of time is needed and American Oversight is so notified, within ten working days:

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<sup>1</sup> Laura Strickler & Lisa Cavazuti, *Republican AGs Group Sent Robocalls Urging March to the Capitol*, NBC News (Jan. 8, 2021, 8:36 PM), <https://www.nbcnews.com/news/us-news/republican-ags-group-sent-robocalls-urging-march-capitol-n1253581>.

<sup>2</sup> Kim Chandler, *Alabama AG Asks Review of His GOP Group's Rally Involvement*, Associated Press (Jan. 9, 2021, 7:40 PM), <https://abcnews.go.com/Politics/wireStory/alabama-ag-seeks-review-gop-group-involvement-rally-75155436>.



1. All records in the possession of Attorney General Wasden reflecting details (including, but not limited to, the identity of RLDF staff or other individuals tasked with the review, the identity of interviewees, and interview findings) of any RLDF internal review of RLDF's involvement with the events of January 6, 2020 at the U.S. Capitol.
2. All records in the possession of Attorney General Wasden reflecting any findings (interim or final) resulting from any RLDF internal review of RLDF's involvement with the events of January 6, 2020 at the U.S. Capitol (including, but not limited to, records concerning the RLDF robocall urging supporters to "march to the Capitol building").
3. All records in the possession of Attorney General Wasden reflecting the present status of any RLDF internal review of RLDF's involvement with the events of January 6, 2020 at the U.S. Capitol.

Please provide all responsive records from January 6, 2021, to the date this request is received by your office.

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:

- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to Idaho's

Public Records Act if they were “prepared” by your agency, including by an employee of your agency.<sup>3</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.<sup>4</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.

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.

### **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

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<sup>3</sup> See I.C. § 74-101(13); cf. *Cowles Pub. Co. v. Kootenai Cty. Bd. of Cty. Comm’rs*, 144 Idaho 259, 263 (2007).

<sup>4</sup> I.C. § 74-112.

website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>5</sup>

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.

Sincerely,

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

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<sup>5</sup> American Oversight currently has approximately 15,670 page likes on Facebook and 106,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 25, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 25, 2021).