



October 25, 2021

VIA CERTIFIED MAIL

Office of the Governor of Oklahoma
ORA Office
Room 212
2300 North Lincoln Boulevard
Oklahoma City, OK 73105

Re: Open Records Act Request

Dear Open Records Officer:

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

Some of the nation's strictest abortion laws are slated to go into effect in Oklahoma in November, effectively making abortion inaccessible in the state and drawing criticism that the laws contradict Supreme Court precedent prohibiting abortion bans before fetal viability.¹ American Oversight seeks records to shed light on decisionmaking about women's healthcare policy and whether and to what extent outside groups have influenced recent changes.

Requested Records

American Oversight requests that your office produce the following records within five business days:

1. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) between (a) Governor Kevin Stitt, and anyone serving as his chief of staff, assistant, scheduler, or legislative director, and (b) any of the following outside individuals and groups (including, but not limited to, at the specified domain names):
 - a. Alliance Defending Freedom (adflegal.org, adfmedia.org)
 - b. America First Legal (aflegal.org)
 - c. American Family Association (afa.net)
 - d. Americans United for Life (aul.org)
 - e. Charlotte Lozier Institute (lozierinstitute.org)

¹ Carmen Forman, *Reproductive Rights Groups File Lawsuit to Block 5 Anti-Abortion Laws in Oklahoma*, *The Oklahoman*, Sept. 2, 2021, <https://www.oklahoman.com/story/news/2021/09/02/lawsuit-challenges-republican-backed-anti-abortion-laws-oklahoma/5689453001/>.



- f. Concerned Women for America (cwfa.org, concernedwomen.org)
 - g. David Daleiden
 - h. Family Research Council and Family Research Council Action (frc.org; frcaction.org)
 - i. First Liberty (firstliberty.org)
 - j. FreedomWorks (freedomworks.org)
 - k. GOP (gop.com, rnchq.com, msgop.org)
 - l. Hacker Stephens LLP (hackerstephens.com)
 - m. Heritage Foundation and Heritage Action for America (heritage.org, heritageaction.com)
 - n. Home School Legal Defense Association (hsllda.org)
 - o. Human Coalition and Human Coalition Action (hucoaction.org, humancoalition.org)
 - p. Independent Women’s Forum (iwf.org)
 - q. James Bopp, Jr. (bopplaw.com)
 - r. Janet Porter and Faith to Action (f2a.org)
 - s. Jonathan Mitchell (jonathan@mitchell.law)
 - t. Liberty Counsel (lc.org)
 - u. Life Legal Defense Foundation (lldf.org)
 - v. Live Action (liveaction.org)
 - w. March for Life and March for Life Action (marchforlife.org, marchforlifeaction.org)
 - x. Mark Crutcher and Life Dynamics (lifedynamics.com)
 - y. National Association of Christian Lawmakers (christianlawmakers.com)
 - z. National Pro-Life Alliance (prolifealliance.com)
 - aa. National Right to Life Committee (nrlc.org)
 - bb. Personhood Alliance (personhood.org)
 - cc. Pro-Life Action League (prolifeaction.org)
 - dd. Students for Life (studentsforlife.org)
 - ee. Susan B. Anthony List (sba-list.org)
 - ff. Thomas More Society (thomasmoresociety.org)
 - gg. Troy Newman, Cheryl Sullenger, and Operation Rescue (operationrescue.org)
 - hh. Oklahomans for Life (okforlife.org)
 - ii. Paul Blair
2. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) sent by Governor Kevin Stitt, and anyone serving as his chief of staff, assistant, scheduler, or legislative director, containing any of the following key terms:
- a. SB8
 - b. “SB 8”
 - c. “S.B. 8”
 - d. “Heartbeat bill”
 - e. “Heartbeat act”

- f. “Whole Woman’s Health”
- g. Waskom
- h. Dixon
- i. Roe
- j. Abortion
- k. “Pro life”
- l. “Pro-life”
- m. “Right to Life”
- n. Unborn
- o. “Gestational Age”
- p. Dobbs
- q. “Planned Parenthood”
- r. HB1515
- s. “HB 1515”
- t. “H.B. 1515”
- a. “SB 918”
- b. SB918
- c. “HB 1102”
- d. HB1102
- e. “HB 1904”
- f. HB1904
- g. “HB 2441”
- h. HB2441
- i. “SB 778”
- j. SB778
- k. “SB 779”
- l. SB779
- m. “SB 960”
- n. SB960
- o. “SB 647”
- p. SB647
- q. “SB 584”
- r. SB584

In an effort to accommodate the Office of the Governor and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 2 of this request to communications sent by specified officials. To be clear, however, American Oversight still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both the Governor’s response to an email or text about SB8 and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from February 1, 2021, through the date the request is received.

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.”² Specifically, the requested records have the potential to shed light on whether and how non-governmental groups are influencing healthcare policy in the state.³ 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.⁴ 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 Facebook and Twitter.⁵ 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.⁶

² O.S. tit. 51, § 24A.5(4).

³ Caroline Kelly, *Oklahoma Governor Signs Near-Total Abortion Ban Into Law*, CNN, April 26, 2021, <https://www.cnn.com/2021/04/26/politics/abortion-ban-oklahoma/index.html>; Carmen Forman, *Reproductive Rights Groups File Lawsuit to Block 5 Anti-Abortion Laws in Oklahoma*, *The Oklahoman*, Sept. 2, 2021, <https://www.oklahoman.com/story/news/2021/09/02/lawsuit-challenges-republican-backed-anti-abortion-laws-oklahoma/5689453001/>.

⁴ *See* O.S. tit. 51, § 24A.5(4).

⁵ American Oversight currently has approximately 15,630 followers on Facebook and 108,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Oct. 22, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Oct. 22, 2021).

⁶ *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>.

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.
- 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.⁷ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

⁷ O.S. tit. 51, § 24A.5(2).

- 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.

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 Zachery Morris at records@americanoversight.org or (202) 897-4213.

Sincerely,

/s/Zachery Morris
Zachery Morris
on behalf of
American Oversight