



May 03, 2022

VIA U.S. MAIL & EMAIL

Office of the Attorney General
Justice Building, Third Floor
215 North Sanders Street
P.O. Box 201401
Helena, MT 59620-1401
contactdoj@mt.gov

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to Art. II, Section 9, of the Montana Constitution, and the Montana Public Records Act, Mont. Code Ann. §§ 2-6-1001 *et seq.*, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records in a timely manner:

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) and text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook messages, WhatsApp, Signal, Telegram, The Buzz, or Parler) between (a) the Montana Department of Justice officials listed below, or anyone communicating on their behalf such as a Chief of Staff, scheduler, or assistant and (b) any of the outside entities listed below:

Montana Department of Justice Officials:

- I. Attorney General Austin Knudsen
- II. Solicitor General David Dewhirst
- III. Chief Deputy Attorney General Kris Hansen
- IV. Assistant Solicitor General Christian Corrigan
- V. Assistant Solicitor General Kate Smithgall
- VI. Deputy Solicitor General Brent Mead
- VII. Communications Director Kyler Nerison

Outside Entities:

- a. Anyone communicating from America First Legal, including Stephen Miller, Ken Starr, Mark Meadows, Gene Hamilton, Jim DeMint,



- Matthew Whitaker, Russ Vought, Reed Rubenstein, or anyone communicating from an email address ending in @aflegal.org
- b. Anyone communicating from the Conservative Partnership Institute, including Ed Corrigan, Wesley Denton or anyone communicating from an email address ending in @conservativepartnership.org or @cpi.org
 - c. Anyone communicating on behalf of the Alaska Attorney General's office, including anyone communicating from an email address ending in @alaska.gov
 - d. Anyone communicating on behalf of the Arkansas Attorney General's office, including anyone communicating from an email address ending in @arkansasag.gov
 - e. Anyone communicating on behalf of the Florida Attorney General's office, including anyone communicating from an email address ending in @myfloridalegal.com
 - f. Anyone communicating on behalf of the Indiana Attorney General's office, including anyone communicating from an email address ending in @atg.in.gov
 - g. Anyone communicating on behalf of the Missouri Attorney General's office, including anyone communicating from an email address ending in @ago.mo.gov
 - h. Anyone communicating on behalf of the Texas Attorney General's office, including anyone communicating from an email address ending in @texasattorneygeneral.gov or @oag.texas.gov
 - i. Anyone communicating on behalf of the Oklahoma Attorney General's office, including anyone communicating from an email address ending in @oag.ok.gov
 - j. Anyone communicating on behalf of the South Carolina Attorney General's office, including anyone communicating from an email address ending in @scag.gov
 - k. Jonathan Bronitksy (jonathan@athospr.com)
 - l. Alexei Woltornist (alexei@athospr.com)

Please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Attorney General Knudsen received a mass-distribution news clip email from the Conservative Partnership Institute, that initial email would not be responsive to this request. However, if Knudsen responded to that email with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by (a) the Montana Department of Justice officials listed below, or anyone communicating on their behalf such as a Chief of Staff, scheduler, or assistant containing the key terms listed below:

Montana Department of Justice Officials:

- I. Attorney General Austin Knudsen
- II. Solicitor General David Dewhirst
- III. Chief Deputy Attorney General Kris Hansen
- IV. Assistant Solicitor General Christian Corrigan
- V. Assistant Solicitor General Kate Smithgall
- VI. Deputy Solicitor General Brent Mead
- VII. Communications Director Kyler Nerison

Key Terms:

- a. AFL
- b. "America First Legal"
- c. "Stephen Miller"
- d. Meadows
- e. Whitaker
- f. Vought
- g. Hamilton
- h. Corrigan
- i. Denton
- j. Athos

In an effort to accommodate the Department of Justice and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the specified 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 Knudsen's response to an email containing a key term and the initial received message are responsive to this request and should be produced.

For both parts of this request, please provide all responsive records from September 21, 2021, through January 27, 2022.

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:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- 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. 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

website and promotes their availability on social media platforms, such as Facebook and Twitter.¹

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

¹ American Oversight currently has approximately 15,700 page likes on Facebook and 118,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 6, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 6, 2022).