



May 25, 2022

VIA 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:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) 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, or Parler) sent by any of the officials listed below containing any of the following key terms:

Officials:

- i. Attorney General Austin Knudsen, or anyone communicating on his behalf, such as an assistant or scheduler
- ii. Chief of Staff Will Selph
- iii. Communications Director Kyler Nerison
- iv. Press Secretary Emilee Cantrell

Key Terms:

- a. "One America News"
- b. OAN
- c. OANN
- d. DirecTV
- e. AT&T
- f. Morrow
- g. "Bill Morrow"



h. “Herring Networks”

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited this request to emails or texts sent by the specified officials. To be clear, however, American Oversight still requests that complete email and text chains be produced, displaying both sent and received messages. This means, for example, that both Attorney General Kundsén’s response to an email or text containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

Please note that American Oversight does not seek, and that this request specifically excludes, responsive records to the extent that a key term only appears in a news clip or news story.

Please provide all responsive records from January 14, 2022, through the date the search is conducted.

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. 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.
- 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

¹ American Oversight currently has approximately 16,000 followers on Facebook and 117,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 18, 2022); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited May 18, 2022).

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