



January 26, 2023

**VIA EMAIL**

South Carolina Attorney General's Office  
FOIA Office  
P.O. Box 11549  
Columbia, SC 29211  
[foia@scag.gov](mailto:foia@scag.gov)

**Re: Freedom of Information Act Request**

Dear Freedom of Information Officer:

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the South Carolina Attorney General's Office promptly produce the following records:<sup>1</sup>

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below to any email addresses ending in .com, .net, .org, .mail, .me, .us, .edu, .law, or .legal containing any of the search terms listed below.

**Attorney General's Office Officials:**

- i. Alan Wilson, Attorney General (or anyone communicating on his behalf, such as an assistant or scheduler)
- ii. Robert D. Cook, Solicitor General
- iii. J. Emory Smith, Jr., Deputy Solicitor General
- iv. Anyone serving as chief of staff to Attorney General Wilson
- v. William Jeffrey Young, Chief Deputy Attorney General

**Search Terms:**

- |                      |                       |
|----------------------|-----------------------|
| i. "Student debt"    | v. "Education loan"   |
| ii. "Student loan"   | vi. "Education loans" |
| iii. "Student loans" | vii. "College debt"   |
| iv. "Education debt" | viii. "College loan"  |

---

<sup>1</sup> Pursuant to S.C. Code Ann. § 30-4-30(C), please notify American Oversight of your final determination as to the public availability of the requested records within ten business days and produce the records within thirty calendar days after issuing your final determination.



ix.	“College loans”	xix.	“Relief Opportunities”
x.	“Student aid”	xx.	“Arizona v. Biden”
xi.	“Loan forgiveness”	xxi.	“AZ v. Biden”
xii.	“Loan cancellation”	xxii.	“Brnovich v. Biden”
xiii.	“Loan relief”	xxiii.	“Brown v. U.S. Department of Education”
xiv.	“Debt forgiveness”	xxiv.	“Brown County”
xv.	“Debt cancellation”	xxv.	Garrison
xvi.	“Debt relief”	xxvi.	Cato
xvii.	Pell		
xviii.	“Heroes Act”		

For part one of this request, in an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited the request to emails **sent** by the specified officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages, and any document attachments therein.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (1) any of the officials listed above in part one, and (b) any of the external parties listed below (including, but not limited to, at the listed email addresses and/or domains).

External Parties:

- i. John Malcolm ([john.malcolm@heritage.org](mailto:john.malcolm@heritage.org)), and anyone communicating on behalf of the Heritage Foundation (heritage.org and heritageaction.com)
- ii. Bernie Marcus, Alfredo Ortiz ([alfredo.ortiz@jobcreatorsnetwork.com](mailto:alfredo.ortiz@jobcreatorsnetwork.com)), and anyone communicating on behalf of the Job Creators Network (jobcreatorsnetwork.com)
- iii. Caleb Kruckenberg ([ckruckenberg@pacificalegal.org](mailto:ckruckenberg@pacificalegal.org)), Michael Poon ([mpoon@pacificalegal.org](mailto:mpoon@pacificalegal.org)), and anyone communicating on behalf of Pacific Legal Foundation (pacificalegal.org)
- iv. Anyone communicating on behalf of Cato Institute (cato.org)
- v. Anyone communicating on behalf of CRC Advisors (crcadvisors.com)
- vi. J. Michael Connolly ([mike@consovoymccarthy.com](mailto:mike@consovoymccarthy.com)), James F. Hasson ([james@consovoymccarthy.com](mailto:james@consovoymccarthy.com)), Matthew Pociask ([matt@consovoymccarthy.com](mailto:matt@consovoymccarthy.com)), Steven C. Begakis ([steven@consovoymccarthy.com](mailto:steven@consovoymccarthy.com)), and anyone communicating on behalf of Consovoy McCarthy (consovoymccarthy.com)
- vii. Richard M. Esenberg ([rick@will-law.org](mailto:rick@will-law.org)), Daniel P. Lennington ([dan@will-law.org](mailto:dan@will-law.org)), and anyone communicating on behalf of Wisconsin Institute for Law & Liberty (will-law.org)
- viii. Mark Chenoweth ([mark.chenoweth@ncla.legal](mailto:mark.chenoweth@ncla.legal)), Sheng Li ([Sheng.Li@ncla.legal](mailto:Sheng.Li@ncla.legal)), Russell G. Ryan ([Russ.Ryan@ncla.legal](mailto:Russ.Ryan@ncla.legal)), and

anyone communicating on behalf of New Civil Liberties Alliance (ncla.legal)

For part two of this request, 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 Wilson received a mass-distribution newsletter email from the Heritage Foundation, that initial email would not be responsive to this request. However, if Attorney General Wilson forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

3. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages, Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) sent or received by Attorney General Alan Wilson, Chief Deputy Attorney General William Jeffrey Young, Solicitor General Robert D. Cook, Deputy Solicitor General J. Emory Smith, Jr., or anyone serving as chief of staff to Attorney General Wilson containing any of the search terms listed below.

Search Terms:

i.	“Student debt”	xv.	“Debt cancellation”
ii.	“Student loan”	xvi.	“Debt relief”
iii.	“Student loans”	xvii.	Pell
iv.	“Education debt”	xviii.	“Heroes Act”
v.	“Education loan”	xix.	“Relief Opportunities”
vi.	“Education loans”	xx.	“Arizona v. Biden”
vii.	“College debt”	xxi.	“AZ v. Biden”
viii.	“College loan”	xxii.	“Brnovich v. Biden”
ix.	“College loans”	xxiii.	“Brown v. U.S. Department of Education”
x.	“Student aid”		
xi.	“Loan forgiveness”		
xii.	“Loan cancellation”	xxiv.	“Brown County”
xiii.	“Loan relief”	xxv.	Garrison
xiv.	“Debt forgiveness”	xxvi.	Cato

For part three of this request, to be clear, American Oversight requests that full text message threads/conversations be produced. For example, if Attorney General Wilson sent a text message containing the term “Pell,” the complete thread/conversation spanning one day prior to the sending of the text message through one day following the sending of the text message should be produced, and not just the message containing the key term.

4. All text messages or messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, Twitter direct messages,

Facebook Messenger, WhatsApp, Signal, Telegram, or Parler) between (1) Attorney General Alan Wilson, and (2) any of the external individuals listed below.

External Parties:

- i. Steve Marshall, Alabama Attorney General
- ii. Treg Taylor, Alaska Attorney General
- iii. Mark Brnovich, Arizona Attorney General
- iv. Leslie Rutledge, Arkansas Attorney General
- v. Ashley Moody, Florida Attorney General
- vi. Chris Carr, Georgia Attorney General
- vii. Lawrence Wasden, Idaho Attorney General
- viii. Derek Schmidt, Kansas Attorney General
- ix. Todd Rokita, Indiana Attorney General
- x. Daniel Cameron, Kentucky Attorney General
- xi. Jeff Landry, Louisiana Attorney General
- xii. Lynn Fitch, Mississippi Attorney General
- xiii. Eric Schmitt, Missouri Attorney General
- xiv. Austin Knudsen, Montana Attorney General
- xv. Doug Peterson, Nebraska Attorney General
- xvi. John Formella, New Hampshire Attorney General
- xvii. Drew Wrigley, North Dakota Attorney General
- xviii. Dave Yost, Ohio Attorney General
- xix. John O'Connor, Oklahoma Attorney General
- xx. Mark Vargo, South Dakota Attorney General
- xxi. Jonathan Skrmetti, Tennessee Attorney General
- xxii. Ken Paxton, Texas Attorney General
- xxiii. Sean Reyes, Utah Attorney General
- xxiv. Jason Miyares, Virginia Attorney General
- xxv. Patrick Morrissey, West Virginia Attorney General
- xxvi. Bridget Hill, Wyoming Attorney General

For all parts of this request, please provide all responsive records from August 24, 2022, through the date the search is conducted.

**Fee Waiver Request**

In accordance with S.C. Code Ann. § 30-4-30(B), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. In addition, this request is primarily and fundamentally for non-commercial purposes.

A waiver of fees is “in the public interest because furnishing the information can be considered as primarily benefiting the general public.”<sup>2</sup> The general public has a

---

<sup>2</sup> S.C. Code Ann. § 30-4-30(B).

significant interest in understanding the involvement by the South Carolina Attorney General's Office in the opposition to President Biden's student loan relief plan. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent Attorney General's Office officials have discussed Biden's plan with outside groups or other attorneys general. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, American Oversight's work is aimed solely at serving the public interest. 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. 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. 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.<sup>3</sup>

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.<sup>4</sup> Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;<sup>5</sup> posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;<sup>6</sup> posting records received as part of American

---

<sup>3</sup> American Oversight currently has approximately 16,000 followers on Facebook and 113,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 12, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 12, 2023).

<sup>4</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

<sup>5</sup> See generally *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see, 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>.

<sup>6</sup> See, e.g., *The Trump Administration's Response to Coronavirus*, American Oversight, <https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus>; *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>; *Wisconsin Documents Offer Window into*

Oversight’s “Audit the Wall” project to gather and analyze information related to the Trump administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;<sup>7</sup> and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of what those records demonstrated regarding the Department’s process for issuing such waivers.<sup>8</sup>

Accordingly, American Oversight qualifies for a fee waiver.

### **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

---

*Early Uncertainty over COVID-19*, American Oversight, <https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19>; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, <https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records>.

<sup>7</sup> See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>.

<sup>8</sup> *DOJ Records Relating to Solicitor General Noel Francisco’s Recusal*, American Oversight, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

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.<sup>9</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.

### **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, have any questions, or foresee any problems in

---

<sup>9</sup> S.C. Code Ann. § 30-4-40(b).

fully releasing the requested records, please contact Ben Sparks at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1741.

Sincerely,

/s/ Ben Sparks  
Ben Sparks  
on behalf of  
American Oversight