



March 1, 2023

VIA EMAIL

New Hampshire Army National Guard
ATTN: FOIA Officer
1 Minuteman Way Building C
Concord, NH 03301
NGNHFOIAREQUEST@ng.army.mil

Re: Right-to-Know/Public Records Request

Dear Records Custodian:

Pursuant to Part I, Article 8 of the New Hampshire Constitution, and New Hampshire's Right-to-Know Law, as codified at RSA Chapter 91-A, American Oversight makes the following request for records.

Requested Records

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

1. Records reflecting all expenses and costs incurred for the deployment of New Hampshire National Guard troops to the U.S.-Mexico border.
2. Records reflecting all summaries, readouts, or after-action reports for the deployment of New Hampshire National Guard troops to the U.S.-Mexico Border.
3. Any memoranda, order, or other document reflecting or outlining the scope of the deployment of New Hampshire National Guard troops to the U.S.-Mexico border, including limits placed on or authorities given to National Guard troops deployed to the border.
4. Records sufficient to identify departments from which troops have been deployed to the U.S.-Mexico border and where they have been deployed.

To be clear, American Oversight is not requesting the disclosure of names or other personally identifiable information, or privileged details about National Guard troops deployed to the U.S.-Mexico border and does not object to the redaction of such information from responsive documents. To the extent that your agency maintains aggregated information, such as spreadsheets or database records that can be readily exported to spreadsheets, such documents would be responsive to this request.



5. Records sufficient to identify the number of arrests made by New Hampshire National Guard troops deployed to the U.S.-Mexico border.
6. Records sufficient to identify the number of referrals made to Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) by New Hampshire National Guard troops deployed to the U.S.-Mexico border.

Please provide all responsive records from August 1, 2022, through the date the search is conducted.

Pursuant to RSA § 91-A:4, IV, I ask that any charges in connection with processing this request for records not exceed the actual cost of providing the copy, if any.

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.
- 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 that any responsive records are exempt from disclosure, in whole or in part, please state specifically the justification for the withholding with

reference to the applicable section of the Right-to-Know Law or other legal authority that exempts the information from disclosure.

- 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 112,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 21, 2023); American

understand any part of this request, please contact Hart Wood at records@americanoversight.org or (202) 873-1743.

Sincerely,

/s/ Hart Wood

Hart Wood
on behalf of
American Oversight

Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 21, 2023).