



May 30, 2023

VIA U.S. MAIL

Office of the Attorney General
Attn: Emily Kleinworth
700 W. Jefferson St., Suite 210
P.O. Box 83720
Boise, ID 83720

Re: Public Records Act Request

Dear Public Records Custodian:

Pursuant to Idaho's Public Records Act, as codified at Chapter 1 of Title 74 of the Idaho Code, I.C. T. 74, Ch. 1, American Oversight makes the following request for records.

Requested Records

Pursuant to Section 74-103(1) of the Idaho Code, American Oversight requests that your office produce the following records within three working days, or, if a longer period of time is needed and American Oversight is so notified, within ten working days:

1. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by the Idaho Attorney General's Office officials listed below and containing any of the key terms listed below.

Attorney General's Office Officials:

- i. Attorney General Raúl Labrador, or anyone communicating on his behalf, such as a Chief of Staff, assistant, or scheduler
- ii. Solicitor General Theo Wold
- iii. Chief Deputy David Dewhirst
- iv. Associate Attorney General Mitch Toryanski

Key Terms:

1. "gender transition"
2. "experimental procedure"
3. "experimental procedures"
4. "puberty blocker"
5. "puberty blocking"
6. "gender identity"



7. “gender dysphoria”
8. “gender-affirming”
9. “gender affirming”
10. Hormone
11. Hormonal
12. Transgender
13. Trans
14. “Senate Bill 1100”
15. S1100
16. “Safety of students”
17. “biological sex”
18. “Vulnerable Child Protective Act”
19. “Vulnerable Child Protection Act”
20. “House Bill 71”
21. H71
22. H71a

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited request item 1 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. This means, for example, that both an officials’ response to an email and the initial received message are responsive to this request and should be produced.

2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) the Idaho Attorney General’s Office officials listed above in item 1, and (b) any of the external entities or individuals listed below or anyone communicating on behalf of any of the entities listed below (including, but not limited to, at the listed email addresses and/or domains).

External Entities or Individuals:

- i. Alliance Defending Freedom (adflegal.org)
- ii. Family Policy Alliance (familypolicyalliance.com)
- iii. American College of Pediatricians or ACPeds (acpeds.org)
- iv. Quentin Van Meter (kidendo@comcast.net)
- v. Child and Parental Rights Campaign (childparentrights.org)
- vi. American Family Association (afa.net)
- vii. Christian Medical & Dental Associations (cmda.org)
- viii. Concerned Women for America (concernedwomen.org or cwfa.org)
- ix. Courage International (couragerc.org)
- x. Lisa Littman, or anyone communicating on behalf of GenSpect (genspect.org)
- xi. Catholic Medical Association (cathmed.org)

- xii. Tony Perkins or anyone communicating on behalf of Family Research Council (frc.org or frcaction.org)
- xiii. Independent Women’s Forum (iwf.org)
- xiv. Eagle Forum (eagleforum.org)
- xv. American Principles Project (americanprinciplesproject.org)
- xvi. Promise to America’s Children (promisetoamericaschildren.org)
- xvii. Liberty Counsel (lc.org)
- xviii. American Association of Pro-Life Obstetricians and Gynecologists (aaplog.org)
- xix. Ethics and Public Policy Center (eppc.org)
- xx. Science for Evidence-Based Gender Medicine (segm.org)
- xxi. Partners for Ethical Care (partnersforethicalcare.com)
- xxii. Kelsey Coalition (kelseycoalition@gmail.com)
- xxiii. Parents of ROGD Kids (parentsofrogdkids.com)
- xxiv. Moms for Liberty (momsforliberty.org, libertysqr.com)
- xxv. John Uhler
- xxvi. Michael Laidlaw, MD (drlaidlaw.com)
- xxvii. Idaho Family Policy Center (idahofamily.org)
- xxviii. Idaho Freedom Foundation (idahofreedom.org)
- xxix. Blaine Konzatti

Please note that American Oversight does not seek, and that item 2 of this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications responding to or forwarding such emails are responsive to this request. In other words, for example, if an official received a mass-distribution news clip email from Alliance Defending Freedom, that initial email would not be responsive to this request. However, if the official forwarded that email to another individual or entity listed above with their own commentary, that subsequent message would be responsive to this request and the complete email chain should be produced.

- 3. All assessments, reports, analyses, recommendations, scientific research, or guidance prepared or received by your office regarding care for transgender minors or adults, including, but not limited to, any such records related to, created, or received in connection with Idaho Senate Bill 1100 (2023)¹ or Idaho House Bill 71 (2023), also known as the Vulnerable Child Protection Act.²

¹ Sydney Kashiwagi, *Idaho Governor Signs Bill That Restricts Transgender Students’ Bathroom Use in Schools*, CNN (updated Mar. 25, 2023, 5:10 PM), <https://www.cnn.com/2023/03/25/politics/idaho-bathroom-bill-brad-little-transgender-youth/index.html>.

² Alexandra Duggan, *Idaho Governor Signs Bill Banning Gender Affirming Care for Transgender Minors*, KTVB (updated Apr. 5, 2023, 8:52 AM), <https://www.ktvb.com/article/news/local/capitol-watch/idaho-governor-signs-bill->

For all items of this request, please provide all responsive records from January 3, 2023, 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.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to Idaho’s

[banning-gender-affirming-care-for-transgender-minors/277-1d34ac46-2d19-4bb9-a56f-e6cc5ecabe80](https://www.americanoversight.org/banning-gender-affirming-care-for-transgender-minors/277-1d34ac46-2d19-4bb9-a56f-e6cc5ecabe80).

Public Records Act if they were “prepared” by your agency, including by an employee of your agency.³

- 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.⁴ 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

³ See I.C. § 74-101(13); cf. *Cowles Pub. Co. v. Kootenai Cty. Bd. of Cty. Comm’rs*, 144 Idaho 259, 263 (2007).

⁴ I.C. § 74-112.

website and promotes their availability on social media platforms, such as Facebook and Twitter.⁵

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 Emma Lewis at records@americanoversight.org or (202) 919-6303.

Sincerely,

/s/ Emma Lewis
Emma Lewis
on behalf of
American Oversight

⁵ American Oversight currently has approximately 16,000 followers on Facebook and 112,200 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 28, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Apr. 28, 2023).