



August 31, 2020

VIA EMAIL

Public Records Officer(s)
Executive Chamber
77 South High St., 30th Fl.
Columbus, OH 43215

Molly.elkins@governor.ohio.gov

Contact form: <https://governor.ohio.gov/wps/portal/gov/governor/contact>

Re: Public Records Act Request

Dear Public Records Officer:

Pursuant to the Ohio Public Records Act (PRA), Ohio Rev. Code § 149.43, and other applicable Ohio law, American Oversight makes the following request for records.

The Trump administration has deployed federal law enforcement officers in problematic ways in recent months, and reports now indicate that one operation for such deployments—"Operation Legend"—has been largely unsuccessful in quelling violent crime.¹ Despite this apparent lack of success, the operation is being expanded to cities in states that may be pivotal in the coming presidential election, raising fears that the deployments are politically motivated.² American Oversight seeks records with the potential to shed light on state and local officials' communications with the Executive Office of the President in light of these deployments and other federal actions.

Requested Records

American Oversight requests that your office promptly produce the following records within twenty business days:

¹ Matt Zapotosky & Annie Gowen, *Trump's Operation Legend Was Supposed to Combat Crime. It's Produced One Arrest, And Some See A Political Stunt.*, Wash. Post (July 23, 2020, 7:21 PM), https://www.washingtonpost.com/national-security/trumps-operation-legend-was-supposed-to-combat-crime-its-produced-one-arrest-and-some-see-a-political-stunt/2020/07/23/cf03eba6-cd09-11ea-91f1-28aca4d833a0_story.html.

² Kristine Phillips, *Federal Agents, Officers Head to Detroit, Cleveland, Milwaukee as Operation Legend Expands*, USA Today (July 29, 2020, 2:14 PM), <https://www.usatoday.com/story/news/politics/2020/07/29/operation-legend-doj-to-send-officers-to-detroit-cleveland-milwaukee/5535490002/>.



All email communications (including emails and email attachments) sent by 1) Governor Mike DeWine, Chief of Staff Laurel Dawson, or Deputy Chief of Staff Michael Murry, to 2) anyone communicating from an email address ending in eop.gov.

Please provide all responsive records from July 15, 2020, through the date the search is conducted.

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the above 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 official's response to an email from an eop.gov email address and the initial received message are responsive to this request and should be produced.

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:

- 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.³ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

³ Ohio Rev. Code § 149.43(B)(1).

- 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.⁴

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

⁴ American Oversight currently has approximately 15,600 page likes on Facebook and 104,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 28, 2020); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 28, 2020).

part of this request, please contact Dan McGrath at records@americanoversight.org or 202.897.4213.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin R. Evers", with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight