



January 19, 2021

VIA EMAIL

Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601-3449
KyOAGOR@ky.gov

Re: Open Records Act Request

Dear Custodian of Records:

Pursuant to the Kentucky Open Records Act (KORA), KRS § 61.870 et seq., American Oversight makes the following request for records.

Requested Records

American Oversight requests that the Office of the Attorney General produce copies of the following records within three business days:

1. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between (a) any of the state officials listed in Column A below, and (b) any of the external entities listed in Column B below or their representatives:

Column A: Kentucky State Officials	Column B: External Individuals & Entities
<ol style="list-style-type: none"> 1. Daniel Cameron, Attorney General, or anyone communicating on his behalf (such as a scheduler or assistant) 2. Anyone serving as Chief of Staff to Attorney General Cameron 3. Barry Dunn, Deputy Attorney General 4. Elizabeth Goss Kuhn, Communications Director 	Republican Attorney General Association: <ol style="list-style-type: none"> 1. Any employee or representative of the Republican Attorneys General Association (including, but not limited to, anyone communicating from an email address ending in @republicanags.com) 2. Adam Piper, Executive Director (including, but not limited to, at apiper@republicanags.com or adampiper1@gmail.com) 3. Chris Carr, Georgia Attorney General (including, but not limited to, at agcarr@law.ga.gov or ccarr@law.ga.gov)



	<p>4. Eric Schmitt, Missouri Attorney General (including, but not limited to, at ag@ago.mo.gov)</p> <p>5. Steve Marshall, Alabama Attorney General (including, but not limited to, at steve.marshall@alabamaag.gov)</p> <p>Rule of Law Defense Fund:</p> <p>6. Any employee or representative of the Rule of Law Defense Fund (including, but not limited to, anyone communicating from an email address ending in @rldf.org or @ruleoflawdefensefund.org)</p>
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2. All (a) email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by and (b) text message threads/conversations sent or received by any of the individuals specified in Column A, above, that contain any of the key terms listed below:

Key Terms:

- i. "Rule of Law"
- ii. RLDF
- iii. "Republican Attorneys General Association"
- iv. RAGA
- v. "Save America"
- vi. "stop the steal"
- vii. Patriot
- viii. "election fraud"
- ix. "integrity of our election"
- x. "election integrity"
- xi. Rally
- xii. MAGA
- xiii. "great again"
- xiv. Piper

For item 2(a) 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 its request to emails sent by the specified officials in the Office of the Attorney General. 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 Attorney General Cameron's response to an email containing one of the key terms listed above and the initial received message are responsive to this request and should be produced.

For item 2(b) of this request, American Oversight requests that complete text message threads/conversations be produced. This means, for example, that if Attorney General Cameron sent or received a text message containing any of the key terms listed above, American Oversight requests that the complete text conversation for the timeframe listed below should be produced, and not just the message containing the key term.

For both items of this request, please provide all responsive records from November 3, 2020, to the date the search is conducted.

Pursuant to KRS § 61.880(1), American Oversight requests that you notify us within three workdays as to whether you will comply with this request.

Statement of Noncommercial Purpose

This request is for noncommercial purposes, and American Oversight respectfully requests a waiver of any fees associated with processing this request for records. To the extent any fees are charged, pursuant to KRS § 61.874(3), American Oversight asks that such fees be limited to the actual cost of reproduction and exclude the cost of agency staff time.

This request is primarily and fundamentally for non-commercial purposes. American Oversight seeks the records requested to inform the public regarding whether and to what extent officials in the Office of the Attorney General were aware of robocalls reportedly made by the Rule of Law Defense Fund urging supporters to travel to Washington, D.C., to “fight” Congress over President Trump’s election fraud claims. This matter is a subject of substantial public interest in Kentucky and nationwide.¹ Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government.

Furthermore, 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

¹ Andrea Salcedo, *Republican AGs Group Sent Robocalls Urging Protestors to the Capitol. GOP Officials Now Insist They Didn’t Know About It.*, Wash. Post (Jan. 11, 2021, 7:30AM), <https://www.washingtonpost.com/nation/2021/01/11/gop-robocalls-trump-rally-capitol/>; Morgan Watkins, *US Capitol Riot: Daniel Cameron Says He Was Unaware of Robocall Linked to GOP AGs Group*, Louisville Courier Journal (Jan. 11, 2021, 6:39PM), <https://www.courier-journal.com/story/news/politics/2021/01/11/capitol-riot-daniel-cameron-unaware-robocall-linked-gop-ags-org/6630330002/>.

website and promotes their availability on social media platforms, such as Facebook and Twitter.²

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through numerous substantive analyses posted to its website.³ Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records related to the organization’s State Accountability Project, covering voting rights issues in various states;⁴ 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;⁵ posting records received as part of American Oversight’s “Audit the Wall” project to gather and analyze information related to the administration’s proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁶ posting records regarding potential self-dealing at the Department of Housing & Urban Development and related analysis;⁷ posting records and analysis relating to the federal government’s efforts to sell nuclear technology to Saudi Arabia;⁸ and posting records and analysis regarding the Department of Justice’s decision in response to demands from Congress to direct a U.S. Attorney to undertake a wide-ranging review and make recommendations regarding criminal investigations relating to the President’s political

² American Oversight currently has approximately 15,600 page likes on Facebook and 105,900 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 8, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 8, 2021).

³ *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁴ *State Accountability Project*, American Oversight, <https://www.americanoversight.org/state-accountability-project>.

⁵ *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>.

⁶ *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>.

⁷ *Documents Reveal Ben Carson Jr.’s Attempts to Use His Influence at HUD to Help His Business*, American Oversight, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>.

⁸ *Investigating the Trump Administration’s Efforts to Sell Nuclear Technology to Saudi Arabia*, American Oversight, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>.

opponents and allegations of misconduct by the Department of Justice itself and the Federal Bureau of Investigation.⁹

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. *See* KRS § 61.878(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.

⁹ *Sessions’ Letter Shows DOJ Acted on Trump’s Authoritarian Demand to Investigate Clinton*, American Oversight, <https://www.americanoversight.org/sessions-letter>.

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, please contact Khahilia Shaw at records@americanoversight.org or 202.539.6507. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal line extending to the left.

Austin R. Evers
Executive Director
American Oversight