



January 29, 2021

VIA EMAIL

Johanne H. Greer, Records Officer
Maryland Department of Legislative Services
90 State Circle
Annapolis, MD 21401
johanne.greer@mlis.state.md.us

Re: Public Information Act Request

Dear Records Custodian:

Pursuant to Maryland Public Information Act (“PIA”) codified at Md. Code Ann., Gen. Prov. §§ 4-101 et seq., American Oversight makes the following request for records.

On January 6, 2021, Maryland Delegate Daniel Cox participated in the Trump rally that resulted in a mob storming the U.S. Capitol. Cox organized chartered buses to the rally for his supporters and also tweeted: “Pence is a traitor” as he was leaving the event.¹

American Oversight seeks records with the potential to shed light on whether and to what extent an elected official had knowledge of or involvement in the storming of the U.S. Capitol.

Requested Records

American Oversight requests that the Maryland Department of Legislative Services produce the following records immediately or within a reasonable period upon approval, and in no more than thirty days after receipt of this request:²

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Delegate Dan Cox that contain any of the key terms listed below.

Please provide all responsive records from January 1, 2021, through January 9, 2021.

¹ Christopher Mathias, *Meet Your Local Republican Insurrectionist*, HuffPost (Jan. 22, 2021, 5:45 AM), https://www.huffpost.com/entry/republican-lawmakers-at-the-capitol-riot_n_6009e17cc5b6df63a91e5cf4?guccounter=1.

² Md. Code Ann., Gen. Prov. § 4-203(a)(1)-(b)(1).



Key terms:

- i. Capitol
- ii. "Stop the steal"
- iii. "Save America"
- iv. "Rally to Revival"
- v. Storm
- vi. Trump
- vii. President
- viii. Biden
- ix. Congress
- x. DC
- xi. D.C.
- xii. Washington
- xiii. RNC
- xiv. DNC
- xv. Patriot
- xvi. Pelosi
- xvii. Schumer
- xviii. Pence
- xix. "Our House"
- xx. "MAGA"
- xxi. "KAG"
- xxii. "great again"
- xxiii. "keep American great"
- xxiv. Caravan
- xxv. Parler
- xxvi. Gab
- xxvii. QAnon

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Delegate Cox. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, both Delegate Cox's response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text message threads/conversations or message threads/conversations on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DMs, etc.) sent to or received by Delegate Dan Cox containing any of the key terms listed in Item 1 above.

Please provide all responsive records from January 1, 2021, through January 9, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Delegate Cox sent or received a text message

containing any of the key terms listed above, the complete text thread/conversation for the timeframe listed above should be produced, and not just the message containing the key term.

American Oversight believes an adequate search for responsive records would include, at a minimum, a search of Delegate Cox's electronic devices (including any official or personal cell phones) and any pertinent social media accounts or other messaging platforms, including but not limited to Signal, WhatsApp, or Facebook Messenger, and Twitter.

- 3) Records reflecting any and all expenditures made and/or reimbursed by the state government in connection with Delegate Dan Cox's trip and/or bus trips he chartered on or about January 6, 2021, to Washington, D.C., including, but not limited to, records of any reimbursements submitted by or on behalf of Mr. Cox.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; legislature-issued charge card or travel card reports; receipts from airlines, rental car, or other transportation companies; records reflecting the cost of government transportation; receipts or other records reflecting the cost of meals or refreshments; or records reflecting per diem payments.

Please provide all responsive records from January 1, 2021, through January 9, 2021.

Fee Waiver Request

In accordance with Md. Code Ann., Gen. Prov. § 4-206(e), American Oversight requests a waiver of fees associated with processing this request for records. A fee waiver is in the public interest because disclosure of the requested records will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Because American Oversight is a 501(c)(3) nonprofit dedicated to government transparency, and the request is primarily and fundamentally for non-commercial purposes, a fee waiver will serve the public interest by furthering American Oversight's nonprofit mission to inform and educate the public through the release of public records.

A waiver of fees is "in the public interest,"³ because disclosure of the requested records will inform the public concerning government activities and operations of interest. The public has a significant interest the actions of its elected officials, particularly as they relate to attacks on democracy. Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including if and how government funds were used to aid the invasion of the U.S. Capitol on January 6, 2021. American Oversight is committed to transparency and makes the responses agencies provide to public records

³ Md. Code Ann., Gen. Prov. § 4-206(e)(2)(ii).

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.

This request is primarily and fundamentally for non-commercial purposes. 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.⁴

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.⁵ 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;⁶ posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;⁷ posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the

⁴ American Oversight currently has approximately 15,600 page likes on Facebook and 105,100 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Jan. 26, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Jan. 26, 2021).

⁵ See generally *News*, American Oversight, <https://www.americanoversight.org/blog>.

⁶ 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>.

⁷ 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 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>.

Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;⁸ 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.⁹

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.
- 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.
- 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.

⁸ 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>.

⁹ *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>.

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,

/s/ Khahilia Shaw

Khahilia Shaw

On behalf of

American Oversight