



March 9, 2021

VIA EMAIL

Office of Rep. David Eastman
Alaska House of Representatives
State Capitol, Room 422
Juneau, AK 99801
Representative.David.Eastman@akleg.gov

Crys Jones
Chief Clerk
Alaska House of Representatives
Thomas Stewart Legislative Office Bldg., Room 202
Juneau, AK 99801
Crystaline.Jones@akleg.gov

Re: Alaska Public Records Act Request

Dear Public Records Officer:

Pursuant to the Alaska Public Records Act (PRA), AS §§ 40.25.110 et seq., American Oversight makes the following request for records.

On January 6, 2021, Alaska Representative David Eastman participated in the rally outside of the U.S. Capitol that grew into the riot that stormed the building. Rep. Eastman has stated that he did not enter the Capitol and that the attack was “a terrible idea no matter how you slice or dice that.”¹ However, he posted a picture that placed him 200 yards from the West Terrace of the U.S. Capitol.²

American Oversight seeks records with the potential to shed light on Rep. Eastman’s potential participation, knowledge of, and involvement in efforts to overturn the 2020 election.

¹ James Brooks, *Alaska Congressional Delegation, Gov. Dunleavy Denounce Riotous Invasion of Capitol*, Anchorage Daily News, Jan. 7, 2021, <https://www.adn.com/politics/2021/01/06/alaskas-congressional-delegation-safe-denounces-riotous-invasion-of-us-capitol/>.

² Liz Ruskin, *Rep. Eastman Attended D.C. Trump Rally, but Blames Violence on ‘Antifa.’ Now He Faces Calls to Resign.*, Alaska Pub. Radio, Jan. 19, 2021, <https://www.alaskapublic.org/2021/01/19/rep-eastman-was-at-the-rally-in-washington-and-blames-antifa-for-the-violence-now-he-faces-calls-to-resign/>.



Requested Records

American Oversight requests that Alaska House of Representatives produce the following records in no longer than 10 business days:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Rep. Eastman containing any of the key terms listed below.

Please provide all responsive records from January 1, 2021, through January 14, 2021.

Key terms:

- i. Capitol
- ii. "Stop the steal"
- iii. "Save America"
- iv. Storm
- v. Trump
- vi. Biden
- vii. Congress
- viii. DC
- ix. D.C.
- x. Washington
- xi. RNC
- xii. DNC
- xiii. Patriot
- xiv. Pelosi
- xv. Pence
- xvi. Schumer
- xvii. "Our House"
- xviii. MAGA
- xix. KAG
- xx. "great again"
- xxi. caravan

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 Rep. Eastman. However, American Oversight still requests that complete email chains be produced. This means, for example, that both Rep. Eastman'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 similar applications (such as Signal, WhatsApp, or Facebook Messenger) sent to or received by Rep. Eastman containing any of the key terms listed in Item 1 above.

Please provide all responsive records from January 1, 2021, through January 14, 2021.

American Oversight requests complete text threads/conversations. This means, for example, if Rep. Eastman 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.

- 3) Records reflecting any and all expenditures made and/or reimbursed by the state in connection with Rep. Eastman's trip on or about January 6, 2021, to Washington, DC, including, but not limited to, records of any reimbursements submitted by or on behalf of Rep. Eastman.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; state-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 the date a search is conducted.

- 4) All photographs, videos or audio recordings taken on any device operated by Rep. Eastman between January 4, 2021, and January 7, 2021.

Fee Waiver Request

In accordance with AS § 40.25.110 (d), American Oversight requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is "in the public interest."³ The public has a significant interest in the actions Rep. Eastman took on the day of the riot and whether he asked Alaskans to pay for the cost of his travel. Records with the potential to shed light on this issue would contribute significantly to public understanding of operations of the government, including helping the public understand what communications Rep. Eastman had in the days leading up to the riot. American Oversight is committed to transparency and makes the responses agencies provide to public records 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.

³ AS § 40.25.110(d)

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 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

⁴ American Oversight currently has approximately 15,600 page likes on Facebook and 105,400 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Mar. 8, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Mar. 8, 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>.

⁸ See generally *Audit the Wall*, American Oversight, <https://www.americanoversight.org/investigation/audit-the-wall>; see, e.g., *Border Wall*

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.
- 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 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.

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>.

- 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.

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 Hart Wood at records@americanoversight.org or (202) 873-1743. 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/ Hart Wood
Hart Wood
on behalf of
American Oversight