



August 25, 2021

VIA EMAIL

Taylor Gage
Director of Strategic Communications
Governor's Office
P.O. Box 94848
Lincoln, NE 68509
Taylor.gage@nebraska.gov

Re: Public Records Statute Request

Dear Record Custodian:

Pursuant to the Nebraska Public Records Statutes, Neb. Rev. Stat. §§ 84-712 et seq., American Oversight makes the following request for records.

Requested Records

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

1. All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by Governor Pete Ricketts, anyone serving in the capacity of Ricketts' Chief of Staff, and/or the senior-most official tasked with coordinating efforts related to the State Troopers deployment to the border, regarding the deployment of Nebraska State Troopers to the U.S.-Mexico border.

In an effort to accommodate the Office of the Governor and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited item 1 of its request 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 a specified official's response to an email about the State Troopers deployment and the initial received message are responsive to this request and should be produced.

2. Any memoranda, order, or other document reflecting or outlining the scope of the deployment of Nebraska State Troopers to the U.S.-Mexico border, including limits placed on or authorities given to State Troopers deployed to the border.
3. Any formal or informal assessment or analysis provided to or created by your office regarding the deployment of Nebraska State Troopers to the U.S.-



Mexico border, including assessments or analyses regarding the legality of deployment or involving the Emergency Management Assistance Compact.

4. Records reflecting summaries, readouts, or after-action reports for the deployment of Nebraska State Troopers to the U.S.-Mexico border.

Please provide all responsive records from March 1, 2021, 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. Pursuant to Neb. Rev. Stat. § 84-712(3)(b), we further request that any fees are limited to the actual costs and exclude fees for search time in excess of four hours.

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.¹ 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 website and promotes their availability on social media platforms, such as Facebook and Twitter.²

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

¹ Neb. Rev. Stat. § 84-712.06.

² American Oversight currently has approximately 15,700 page likes on Facebook and 107,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Aug. 5, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Aug. 5, 2021).

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