



October 5, 2021

**VIA EMAIL**

Nebraska Attorney General's Office  
2115 State Capitol  
P.O. Box 98920  
Lincoln, NE 68509  
[ago.info.help@nebraska.gov](mailto:ago.info.help@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:

All email communications (including emails, complete email chains, email attachments, calendar invitations, and calendar attachments) sent or received by (a) Attorney General Doug Peterson, Solicitor General James (Jim) Smith, or anyone communicating on their behalf (such as a Chief of Staff, assistant, or secretary), to (b) any of the external individuals or entities listed below.

Please provide all responsive records from January 20, 2021, through the date a search is conducted.

**External Individuals and Entities:**

1. Former Acting DHS General Counsel Chad Mizelle
2. Former Deputy DHS Secretary Ken Cuccinelli
3. Former White House Advisor Stephen Miller
4. Former Counselor to the U.S. Attorney General Gene Hamilton
5. Former Acting Commissioner of U.S. Customs and Border (CBP) Patrol Mark Morgan
6. Former Acting Director of Immigration and Customs Enforcement (ICE) Thomas Homan
7. Former Acting Department of Homeland Security (DHS) Secretary Chad Wolf, John Zadronzy, or anyone from America First Policy Institute, including anyone communicating from an email address ending in @americafirstpolicy.com



8. Dan Stein, or anyone from the Federation for American Immigration Reform, including anyone communicating from an email address ending in @fairus.org
9. Roy Beck, or anyone from Numbers USA, including anyone communicating from an email address ending in @numbersusa.com
10. Anyone communicating from America First Legal, including anyone communicating from an email address ending in aflegal.org
11. Anyone from the Conservative Partnership Institute, including anyone communicating from an email address ending in @conservativepartnership.org
12. Maria Espinoza, or anyone communicating from an email address ending in @theremembranceproject.org
13. Anyone from the Immigration Reform Law Institute, including anyone communicating from an email address ending in @irli.org
14. Mark Krikorian, Jessica Vaughan, or anyone communicating from the Center for Immigration Studies, including anyone communicating from an email address ending in @cis.org

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:

- 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.<sup>1</sup> If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

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<sup>1</sup> Neb. Rev. Stat. § 84-712.06.

- 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.<sup>2</sup>

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

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<sup>2</sup> American Oversight currently has approximately 15,700 page likes on Facebook and 108,300 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Sep. 22, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Sep. 22, 2021).

understand any part of this request, please contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303.

Sincerely,

/s/ Emma Lewis

Emma Lewis  
on behalf of  
American Oversight