



March 29, 2023

**VIA EMAIL**

Mississippi State Representative Nick Bain  
Mississippi State Capitol  
P.O. Box 1018 – Room 400-F  
Jackson, MS 39215  
[nbain@house.ms.gov](mailto:nbain@house.ms.gov)

**Re: Mississippi Public Records Act Request**

Dear Public Records Officer:

Pursuant to the Mississippi Public Records Act, Miss. Code § 25-61-1 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office produce the following records within seven working days:

1. All final assessments, reports, analyses, recommendations, scientific research, or guidance prepared by your office, other state or local offices, or independent experts, regarding gender-affirming care for individuals under the age of 18, including, but not limited to, records related to the recently enacted restrictions on gender-affirming care procedures for minors in Mississippi.<sup>1</sup>
2. All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Representative Nick Bain, or anyone communicating on his behalf, such as a Legislative Aide or assistant, and (b) the entities listed below (including, but not limited to, anyone communicating from an email address ending in the listed domains).

**External Individuals and Entities:**

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<sup>1</sup> If further information is needed, please see reporting that Governor Tate Reeves signed House Bill 1125 (2023), a bill which places restrictions on gender-affirming care for minors. Jo Yurcaba, *Mississippi Governor Signs Bill Banning Transgender Health Care for Minors*, NBC News (Feb. 28, 2023, 3:07 PM), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/mississippi-governor-signs-bill-banning-transgender-health-care-minors-rcna72765>.



- i. Alliance Defending Freedom (adflegal.org)
- ii. Family Policy Alliance (familypolicyalliance.com)
- iii. American College of Pediatricians (acpeds.org)
- iv. Child and Parental Rights Campaign (childparentrights.org)
- v. American Family Association (afa.net)
- vi. Concerned Women for America (concernedwomen.org or cwfa.org)
- vii. Heritage Foundation (heritage.org or heritageaction.com)
- viii. Genspect (genspect.org)
- ix. Catholic Medical Association (cathmed.org)
- x. Family Research Council (frc.org or frcaction.org)
- xi. America First Legal (aflegal.org or athospr.com)
- xii. Independent Women's Forum (iwf.org)
- xiii. Eagle Forum (eagleforum.org)
- xiv. American Principles Project (americanprinciplesproject.org)
- xv. Promise to America's Children (promisetoamericaschildren.org)
- xvi. Liberty Counsel (lc.org)
- xvii. American Association of Pro-life Obstetricians and Gynecologists (aaplog.org)
- xviii. Ethics and Public Policy Center (eppc.org)
- xix. Partners for Ethical Care (partnersforethicalcare.com)

Please also note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if one of the listed officials received a mass-distribution news clip from an email address ending in adflegal.org, that initial email would not be responsive to this request. However, if an official forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from March 1, 2022, 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.

### **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.

- 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.
- 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 understand any part of this request, please contact Hart Wood at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 873-1743.

Sincerely,

/s/ Hart Wood  
Hart Wood  
on behalf of  
American Oversight

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,500 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited March 28, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited March 28, 2023).