



HENRY McMASTER
GOVERNOR

December 29, 2021

VIA EMAIL ONLY

Khahilia Shaw, Esquire
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
records@americanoversight.org

RE: *Freedom of Information Act Request*

Dear Ms. Shaw:

Thank you for contacting the Office of the Governor ("Office"). On or about October 25, 2021, the Office received an email from Ms. Olivia Bravo, as well as your accompanying letter requesting certain records on behalf of American Oversight pursuant to the South Carolina Freedom of Information Act ("FOIA"), S.C. Code Ann. §§ 30-4-10 *et seq.* According to the aforementioned letter, it is the Office's understanding that American Oversight is seeking, in pertinent part, as follows:

1. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) between (a) Governor Henry McMaster; anyone communicating on his behalf such as a chief of staff, scheduler, or assistant; or anyone serving as Director of Legislative Affairs, and (b) any of the following outside individuals and groups (including, but not limited to, at the specified domain names):
 - a. Alliance Defending Freedom (adflegal.org, adfmedia.org)
 - b. America First Legal (aflegal.org)
 - c. American Family Association (afa.net)
 - d. Americans United for Life (aul.org)
 - e. Charlotte Lozier Institute (lozierinstitute.org)

- f. Concerned Women for America (cwfa.org, concernedwomen.org)
 - g. David Daleiden
 - h. Family Research Council and Family Research Council Action (frc.org; frcaction.org)
 - i. First Liberty (firstliberty.org)
 - j. FreedomWorks (freedomworks.org)
 - k. GOP (gop.com, rncq.com, msgop.org)
 - l. Hacker Stephens LLP (hackerstephens.com)
 - m. Heritage Foundation and Heritage Action for America (heritage.org, heritageaction.com)
 - n. Home School Legal Defense Association (hsllda.org)
 - o. Human Coalition and Human Coalition Action (hucoaction.org, humancoalition.org)
 - p. Independent Women's Forum (iwf.org)
 - q. James Bopp, Jr. (bopplaw.com)
 - r. Janet Porter and Faith to Action (f2a.org)
 - s. Jonathan Mitchell (jonathan@mitchell.law))
 - t. Liberty Counsel (lc.org)
 - u. Life Legal Defense Foundation (lldf.org)
 - v. Live Action (liveaction.org)
 - w. March for Life and March for Life Action (marchforlife.org, marchforlifeaction.org)
 - x. Mark Crutcher and Life Dynamics (lifedynamics.com)
 - y. National Association of Christian Lawmakers (christianlawmakers.com)
 - z. National Pro-Life Alliance (prolifealliance.com)
 - aa. National Right to Life Committee (nrlc.org)
 - bb. Personhood Alliance (personhood.org)
 - cc. Pro-Life Action League (prolifeaction.org)
 - dd. Students for Life (studentsforlife.org)
 - ee. Susan B. Anthony List (sba-list.org)
 - ff. Thomas More Society (thomasmoresociety.org)
 - gg. Troy Newman, Cheryl Sullenger, and Operation Rescue (operationrescue.org)
 - hh. South Carolina Citizens for Life (@sclife.org)
 - ii. Personhood South Carolina (@personhood.sc)
2. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, and text messages) sent by Governor Henry McMaster, anyone communicating on his behalf such as a chief of staff, scheduler, or assistant, or anyone serving as Director of Legislative Affairs, containing any of the following key terms (including, but not limited to, at the specified domain names):

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- a. SB
- b. “SB 8”
- c. “S.B. 8”
- d. “Heartbeat bill”
- e. “Heartbeat act”
- f. “Whole Woman’s Health”
- g. Waskom
- h. Dixon
- i. Roe
- j. Abortion
- k. “Pro life”
- l. “Pro-life”
- m. “Right to Life”
- n. Unborn
- o. “Gestational Age”
- p. Dobbs
- q. “Planned Parenthood”

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 2 of this request to communications sent by Governor McMaster. To be clear, however, American Oversight still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both Governor McMaster’s response to an email or text about SB8 and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 12, 2021, through the date the request is received.

Having recently received American Oversight’s payment of the balance of the discounted fees associated with its FOIA request, the Office is producing herewith certain documents identified as responsive to the same.

As you will recall, by letter of November 8, 2021, the Office timely acknowledged receipt of American Oversight’s FOIA request and confirmed that staff had identified certain records as potentially responsive to one or more portions of the same. Based on the scope of American Oversight’s FOIA request and the search efforts associated with the same, the Office estimated that the “total reasonably anticipated cost for reproduction of the records” would likely equal or exceed \$275.00. Accordingly, pursuant to section 30-4-30(B) of the South Carolina Code of Laws, the Office invited you to remit payment in the amount of \$68.75 as a partial deposit. On or about October 29, 2021, the Office received a check in the amount of \$68.75 as payment for the partial deposit.

On December 16, 2021, the Office confirmed that staff had concluded its search efforts and that records identified as responsive to American Oversight’s FOIA request, subject to any

Khahilia Shaw, Esquire

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applicable exemptions, exclusions, or limitations under state or federal law, were available at the Office for inspection or retrieval. In the alternative, we noted that the Office was willing to provide electronic copies of the production set upon payment of the balance of the discounted fees associated with American Oversight's FOIA request in accordance with section 30-4-30(C) of the South Carolina Code of Laws. As detailed in the December 16, 2021 letter, notwithstanding the scope of the instant FOIA request and the amount of staff time and resources dedicated to the same, the Office further reduced the final discounted costs associated with American Oversight's FOIA request so as not to exceed \$178.75. Accordingly, the Office invited American Oversight to remit payment for the remaining balance of the discounted fees associated with its FOIA request and offered to produce the responsive records via email upon receipt of the same.

On or about December 29, 2021, the Office received a check in the amount of \$110.00 for the outstanding balance of the discounted costs in connection with American Oversight's FOIA request, and a receipt is enclosed for your records. Therefore, the Office is producing herewith certain records Bates-labeled "2021-12-29 Response to K. Shaw FOIA Request 001-005," which were identified as responsive or potentially responsive to the Foundation's FOIA request, as understood. In the interest of transparency, and as you will see, please be advised that certain exclusions, exemptions, or other disclosure limitations applied to records, or limited portions thereof, identified in connection with the Foundation's FOIA request, including: S.C. Code Ann. § 30-4-40(a)(4), (7).

Once again, thank you for your recent correspondence and records request. Should you have any questions or concerns, please do not hesitate to contact us.

Very truly yours,

Michael G. Shedd

Michael G. Shedd
Deputy Legal Counsel

Enclosures

From: Lambert, Grayson
To: Miller, Mark
Cc: Limehouse, Thomas
Subject: RE: [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief
Date: Monday, July 26, 2021 4:29:38 PM

[REDACTED]

[REDACTED]



Wm. Grayson Lambert
Senior Legal Counsel
Office of the Governor
State of South Carolina
(o) 803-734-0091
(m) 803-771-1331
glambert@governor.sc.gov

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From: Miller, Mark <Mark.Miller@state.sd.us>
Sent: Monday, July 26, 2021 4:25 PM
To: Lambert, Grayson <GLambert@governor.sc.gov>
Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>
Subject: RE: [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mark Miller

General Counsel

Office of Governor Kristi Noem

500 East Capitol Avenue

Pierre, South Dakota 57501-5070

Phone: 605-773-3662; Cell: 605-295-3560



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From: Lambert, Grayson <GLambert@governor.sc.gov>

Sent: Thursday, July 22, 2021 3:47 PM

To: Miller, Mark <Mark.Miller@state.sd.us>

Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>

Subject: RE: [EXT] [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]

[REDACTED]



Wm. Grayson Lambert
Senior Legal Counsel
Office of the Governor
State of South Carolina
(o) 803-734-0091
(m) 803-771-1331
glambert@governor.sc.gov

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From: Miller, Mark <Mark.Miller@state.sd.us>
Sent: Thursday, July 22, 2021 4:45 PM
To: Lambert, Grayson <GLambert@governor.sc.gov>
Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>
Subject: RE: [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]

[REDACTED]

[REDACTED]

From: Lambert, Grayson <GLambert@governor.sc.gov>
Sent: Thursday, July 15, 2021 9:49 AM
To: Miller, Mark <Mark.Miller@state.sd.us>
Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>
Subject: RE: [EXT] [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]



Wm. Grayson Lambert
Senior Legal Counsel
Office of the Governor
State of South Carolina
(o) 803-734-0091
(m) 803-771-1331
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From: Miller, Mark <Mark.Miller@state.sd.us>
Sent: Thursday, July 15, 2021 10:48 AM
To: Lambert, Grayson <GLambert@governor.sc.gov>
Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>
Subject: [External] RE: Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]

[REDACTED]

From: Lambert, Grayson <GLambert@governor.sc.gov>
Sent: Wednesday, July 14, 2021 2:31 PM
To: Miller, Mark <Mark.Miller@state.sd.us>
Cc: Limehouse, Thomas <TLimehouse@governor.sc.gov>
Subject: [EXT] Dobbs v. Jackson Women's Health - Amicus Brief

[REDACTED]

[REDACTED]

[REDACTED]



Wm. Grayson Lambert
Senior Legal Counsel
Office of the Governor
State of South Carolina
(o) 803-734-0091
(m) 803-771-1331
glambert@governor.sc.gov

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