



ALAN WILSON
ATTORNEY GENERAL

February 24, 2021

VIA EMAIL

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

RE: Freedom of Information Act (“FOIA”) Request

Dear Mr. Shaw,

This Office received your FOIA Request, dated January 19, 2021, in which you seek various communications from Office employees.¹ Specifically, you requested, from November 3, 2020, until the date of the search:

- (1) All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) and text message threads/conversations between [Alan Wilson, Barry Bernstein, Josh McIntosh (sic), and Robert Kittle]¹ and [Adam Piper, Chris Carr, Eric Schmitt, Steve Marshall, any employee of the Republican Attorneys General Association, and employee of the Rule of Law Defense Fund]
- (2) All (a) email communications (including emails, complete email chains, calendar invitations, and attachments thereto) sent by and (b) text message threads/conversations sent or received by [Alan Wilson, Barry Bernstein, Josh McIntosh (sic), and Robert Kittle] that contain any of the key terms listed below:

¹ Chief Deputy John McIntosh left the Office in 2017, so his email was not searched as it would—under your date limiter—have no responsive documents. However, we interpreted your request to include communications involving Chief Deputy Jeffery Young and substituted his name for John McInstosh’s in the searches performed as a result of your request.

- i. "Rule of Law"
- ii. RLDF
- iii. "Republican Attorneys General Association"
- iv. RAGA
- v. "Save America"
- vi. "stop the steal"
- vii. Patriot
- viii. "election fraud"
- ix. "integrity of our election"
- x. "election integrity"
- xi. Rally
- xii. MAGA
- xiii. "great again"
- xiv. Piper

Pursuant to your request, the records of this Office were checked and the documents responsive to your request are attached. Please be advised that certain documents are exempt from disclosure pursuant to S.C. Code §§ 30-4-40(a)(7).

With kind regards,

A handwritten signature in blue ink, reading "L. David Leggett", with a long horizontal flourish extending to the right.

L. David Leggett
Assistant Attorney General

From: [Robert Kittle](#)
To: [Bohatch, Emily](#)
Subject: Correction on your Jan. 16 re: AG Wilson
Date: Tuesday, January 19, 2021 12:26:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf](#)

Hi Emily,

I just read your story from Jan. 16, “Here’s everything SC’s GOP congressmen said to perpetuate false election fraud narrative,” and I wanted to correct something you wrote, mainly for your understanding moving forward.

You wrote, “South Carolina Attorney General [Alan Wilson, Joe Wilson’s son, signed on to the lawsuit](#) as well, [something Duncan](#) and [Graham celebrated.](#)” Attorney General Wilson did NOT sign on to the Texas lawsuit, he signed on to an amicus brief that was filed in that lawsuit. That may seem like a distinction without a difference but from a legal standpoint it IS different. It’s also a distinction that IS important in this case, I think, because of what the amicus said versus what the lawsuit said.

That’s because the amicus brief that Attorney General Wilson signed on to does NOT allege voter fraud. I’ve attached the amicus and you can read it for yourself. It raises a constitutional question about how four states changed their election rules and whether those changes were constitutional. So it’s misleading and incorrect to lump that in with trying to “perpetuate false election fraud narrative” since the amicus does not allege election fraud.

The amicus does mention election fraud but only in the context that mail-in voting can be more susceptible to fraud, which was the finding of the bipartisan Carter-Baker Commission, which is explained in the amicus. Saying mail-in ballots can be more *susceptible* to fraud is not the same as alleging there *was* election fraud. Attorney General Wilson has said that there has been no evidence presented in court to back up any allegations of election fraud in the 2020 election.

So I just wanted to pass this along, like I said, for your understanding, not in an angry “You’re wrong!” kind of way. I’ve learned a lot about the law since I moved from journalism to this position, especially how things that seem minor can end up being pretty important from a legal standpoint. As journalists, we change a word here or there to make something easier to understand or for it to sound better to the ear (for TV and radio broadcasters), but changing one word here or there can greatly change the meaning of something, without our realizing it.

In this case, there’s a big difference between signing on to a lawsuit and signing on to an amicus associated with that lawsuit. In this case, it’s the difference between alleging fraud and asking a constitutional question. There’s also another point as far as this amicus brief—it was conditional, meaning the Supreme Court would not even consider our constitutional question unless it agreed to hear the Texas lawsuit, which it didn’t.

And again, since it can be difficult to interpret tone in the written word, I’m not angry or trying to be confrontational, this is more informational.

Thanks,

Robert



Robert Kittle

Communications Director

Office: (803) 734-3670

Cell: (803) 381-3453

rkittle@scag.gov

Rembert C. Dennis Building

1000 Assembly Street

Columbia, S.C. 29201



From: [Harley Kirkland](#)
To: [Avery Wilks](#)
Cc: [David Leggett](#); [Elizabeth Beckwith](#); [Robert Kittle](#)
Subject: RE: Post and Courier 1/12/2021 FOIA for Attorney General records
Date: Friday, January 15, 2021 10:00:26 AM
Attachments: [Wilks - FOIA Response \(02468235xD2C78\).PDF](#)

Mr. Wilks,

Please see the attached correspondence from the South Carolina Attorney General's Office.

Sincerely yours,

Harley L. Kirkland

Assistant Deputy Attorney General
Office of the Attorney General
State of South Carolina

Post Office Box 11549
Columbia, South Carolina 29211
Phone: 803.734.0406
Fax: 803.734.3677
E-mail: HKirkland@scag.gov

From: Avery Wilks <AWilks@postandcourier.com>
Sent: Tuesday, January 12, 2021 9:25 AM
To: FOIA <foia@scag.gov>
Subject: Post and Courier 1/12/2021 FOIA for Attorney General records

To whom it may concern,

This is a request under the S.C. Freedom of Information Act.

This request seeks access to inspect and/or copy any exchange of communications between Attorney General Alan Wilson and Republican Attorneys General Association Executive Director Adam Piper since Dec. 7.

We define "communications" as emails and text messages sent or received on the attorney general's government or personal accounts and devices.

If the requested records sought here are routinely kept electronically, I ask that they be produced in the same manner – which will reduce, if not eliminate, any cost associated with compliance of this request.

To the extent that there is any associated cost, I ask that you waive it as permitted by the FOIA

as a matter of public interest. If you choose not to waive the fee, I ask that you contact me with an estimated cost before proceeding with fulfilling the request.

If you contend one or more of the responsive records is exempt from disclosure, I ask that you exercise your authority under the FOIA to waive the exemption. If you are unwilling to waive the exemption, you must separate the exempt and nonexempt materials and produce the nonexempt materials. Further, I ask that you identify the materials withheld and specifically identify the exemption relied upon in withholding the record.

Please feel free to contact me with any questions. My number is 803-374-3115.

All the best,
-Avery

Avery G. Wilks

Projects reporter, Charleston Post and Courier

Cell: 803-374-3115

Twitter: [@AveryGWilks](https://twitter.com/AveryGWilks)

From: [Harley Kirkland](#)
To: [Avery Wilks](#)
Cc: [David Leggett](#); [Elizabeth Beckwith](#); [Robert Kittle](#)
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-Avery

Avery G. Wilks

Projects reporter, Charleston Post and Courier

Cell: 803-374-3115

Twitter: [@AveryGWilks](https://twitter.com/AveryGWilks)

From: [Robert Kittle](#)
To: [Kinnard, Meg](#)
Subject: Amicus in TX case
Date: Thursday, January 14, 2021 12:28:00 PM
Attachments: [2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf](#)
[image002.png](#)
[image003.png](#)

Hi Meg,

Here's the amicus I was telling you about so you can read it in all your free time (HA!). Just so you'll have a better understanding of the issue if and when something else comes up again.

Take care,

Robert



Robert Kittle

Communications Director

Office: (803) 734-3670

Cell: (803) 381-3453

rkittle@scag.gov

Rembert C. Dennis Building

1000 Assembly Street

Columbia, S.C. 29201



From: [Robert Kittle](#)
To: [Alan Wilson](#); [Jeff Young](#)
Subject: FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al
Date: Wednesday, January 13, 2021 3:25:00 PM

From: Harley Kirkland <HKirkland@scag.gov>
Sent: Wednesday, January 13, 2021 2:34 PM
To: Robert Kittle <RKittle@scag.gov>
Cc: Bob Cook <RCook@scag.gov>; Emory Smith <ESmith@scag.gov>
Subject: FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al

Robert,

Bob, Emory, and I received the email below from Mr. Western. I also have a pending FOIA request from him. I plan to let him know that I have received his email and forwarded it to you.

Thanks,

Harley L. Kirkland

Assistant Deputy Attorney General
Office of the Attorney General
State of South Carolina

Post Office Box 11549
Columbia, South Carolina 29211
Phone: 803.734.0406
Fax: 803.734.3677
E-mail: HKirkland@scag.gov

From: Jon Western <jwestern@mtholyoke.edu>
Sent: Wednesday, January 13, 2021 11:45 AM
To: mithun.mansinghani@oag.ok.gov; MurrillE@ag.louisiana.gov; melissaholyoak@agutah.gov; Nicholas.bronni@arkansas.gov; Vincent.wagner@arkansasag.gov; ed.sniffen@alaska.gov; justin.smith@ago.mo.gov; Amit.Agarwal@myfloridalegal.com; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Julia.payne@atg.in.gov; toby.course@ag.ks.gov; Chad.Meredith@ky.gov; APinson@law.ga.gov; jeff.chanay@ag.ks.gov; StJohnJ@ag.louisiana.gov; Kristi.Johnson@ago.ms.gov; ABurton@mt.gov; MSchlichting@mt.gov; Lindsay.S.See@wvago.gov; jonbennion@mt.gov; wstenehjem@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; Emory Smith <ESmith@scag.gov>; Bob Cook <RCook@scag.gov>; Steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Matthew.frederick@texasattorneygeneral.gov; Kyle.Hawkins@oag.texas.gov; rcantrell@agutah.gov; james.kaste@wyo.gov; Jim.Campbell@nebraska.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Beau.Roysden@azag.gov; Zina.Baxh@oag.texas.gov; masagsve@nd.gov; Harley Kirkland <HKirkland@scag.gov>; elacour@ago.state.al.us; Kian.Hudson@atg.in.gov;

Matt.Kuhn@ky.gov; John.Sauer@ago.mo.gov

Subject: RE: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al

Dear all,

I am reaching out to all of you as you were on the distribution of the dozen or so emails sent from John Sauer on December 8 and 9, 2020 to coordinate your collective support to call on the US Supreme Court to reject the Electoral College certification in four states as requested by the state of Texas in Texas v. Pennsylvania, Georgia, Michigan, and Wisconsin (US).

I am a political scientist at Mount Holyoke College and the Five Colleges in western Massachusetts. I am conducting research on TX v. PA and the amicus brief and the allegations of fraud in the 2020 Presidential election.

TX v. PA, [et.al](#), and your collective effort was cited by President Trump and his legal counsel and other public officials in several public forums, including the “Stop the Steal” rally in Washington, DC on January 6, 2021 immediately prior to the assault on the US Capitol which left five people dead including a U.S. Capitol Police officer and which injured at least 58 Washington, DC police officers. The assault also terrorized hundreds of staff working in support of Congress that day and marked the first time in America’s 231-year history when the country has failed to have a peaceful transition of power following a presidential election.

Given the historical significance of these events, I am hoping you all may be able to give me some additional information to help establish an accurate historical record of the amicus brief to which you coordinated and joined.

1. The initial request from Mr. Sauer was sent to all of you on December 8, 2020 at 6:11pm CST with a request for a response by 1:00pm on December 9, 2020. I am hoping you can provide responses to the following questions:

- a. Did you conduct a review of the evidentiary basis of the allegations for fraud presented in TX v. PA, [et.al](#), prior to joining?
- b. Did you review the state and federal court cases in the four defendant states that previously had dismissed many of the allegations, including objections to the constitutionality of election processes in the defendant states?
- c. Did you reach out to the defendant states requesting information about their procedures and/or to ask about the allegations before joining?
- d. I see that Andrew Pinson, Solicitor General from Georgia, was on these coordinating emails. Given that Georgia Attorney General Carr publicly responded that the Texas case was “constitutionally, legally and factually wrong,” did any of you consult with Mr. Pinson prior to joining? And, conversely, Mr. Pinson, did you share General Carr’s objections to the case to your colleagues on this email thread?
- e. The *Atlanta Journal Constitution* reported in its morning paper on December 9, 2020 that President Trump telephoned Attorney General Carr directly on the evening of December 8 and warned General Carr “not to rally other Republicans against the Texas lawsuit.” <https://www.ajc.com/politics/trump-warns-georgia-ag-not-to-rally-other-republicans-against-texas-lawsuit/37ASZD4PJNENHOLVIXZHRXCJJI/> Were you, or your attorneys general, aware of the President’s efforts to ask/warn General Carr not to engage with you on this issue? Would that have been a concern to you?
- f. The President’s warning, and your joining of this case, came after several public statements from Georgia Secretary of State Brad Raffensperger, who certified the elections, in which he rejected the allegations as baseless and further statements from state election systems manager Gabriel Sterling who noted extensive conspiracy theories about election fraud were harmful to election integrity.

g. Why was it your individual and collective position to give greater credibility and weight to the unproven allegations posited in TX v. PA than to the adamant public defenses of election integrity by the Georgia Attorney General, the Governor of Georgia, the Georgia Secretary of State, and the state election systems manager? Similar responses to the allegations were also raised by election officials, judges, and state officials in the three other defendant states, as well.

h. Recent press reports have revealed that the White House pressured the U.S. Department of Justice for the resignation of U.S. attorney for the Northern District of Georgia, Byung J. Pak. because, according to the *Wall Street Journal*, President Trump “was furious” that Mr. Pak was not investigating the allegations of election fraud in Atlanta. This morning, January 13, 2021, the *Atlanta Journal Constitution* is reporting that Mr. Bobby Christine, the acting U.S. attorney who was brought in to replace Mr. Pak, told staff members in the U.S. Attorney's office yesterday “there’s just nothing to” the few claims of election fraud in Atlanta. Do you still have concerns about election fraud in any of the defendant states. If so, can you share the evidentiary basis of those concerns?

2. The first batch of public records that I have received from several of your states, as well as a review of other public records, reveals that there was widespread belief within your offices that the U.S. Supreme Court would dismiss this case “in a sentence” and that based on Purcell v. Gonzalez, 549 US 1 (2006), the US Supreme Court would not interfere with the 2020 President election in any way. Additionally, many Attorneys General publicly stated that it was highly unlikely that the U.S. Supreme Court would hear the case.

a. Since the amicus brief cites concerns about public confidence in election integrity, did you consider the implications to public perceptions of election integrity when you decided to join a suit/brief based allegations (rather than demonstrated evidence) when the general consensus among your attorneys general appears to be that the US Supreme Court was not going to hear the case?

3. The central constitutional principle raised in TX v. PA and the amicus brief was that the defendant states violated the Electors Clause of Article II of the United States Constitution because "non-legislative actors" modified existing election laws this year in response to COVID pandemic and that these modifications were not adopted or ratified by respective legislatures.

a. If this was the central principle at stake, why was this case limited to these four defendant states?

North Dakota, for example, conducted its primary in June entirely by mail and sent out mail-in ballot applications, unsolicited, to all residents on the Secretary of State voter rolls. The Secretary of State also added a cure provision, following a legal challenge by the Campaign Legal Center, approved by US Federal Court, to allow voters to review signatures that were challenged. These adjustments were made for both the primary elections in June 2020 and the general election in November 2020 and were made in the absence of legislative approval.

Similarly, as described in the amicus brief submitted in defense of the four states by Montana Governor Bullock, he noted that Montana had been involved in defending election challenges in court “that mirrored those described by Texas,” and yet as he noted, Texas (and your subsequent amicus brief) did not include Montana as a named defendant. Parenthetically, he also questioned why his own attorney general would sign the amicus brief when he had successfully defended the state against similar challenges to Montana’s election laws – citing Driscoll v. Stapleton 473 P3d 386 (Mont. 2020).

b. My research suggests that at least eight other states (including five of yours) should have been named as defendants and each of you presumably would have mounted defenses. Was there any consideration by any of you as to why these four states, and not others, were listed and did it raise any concerns?

c. My research based on public statements from each of your Secretary of State offices also reveals a very high degree of confidence in the integrity of mail-in balloting in the 19 states that joined this case. Do you still consider balloting by mail to be “inherently prone to fraud?”

I apologize for the length of this message, but, again, given the historical significance of the issues presented and the context around TX v. PA and the amicus brief joined by your attorneys general, I believe the range of questions are required to gain a factual and accurate historical understanding. If I have missed something or misinterpreted the events, timelines and issues, please let me know.

I appreciate your consideration of my request for answers to the questions posed.

Thank you.

Sincerely,
Jon Western

--

Jon Western

Carol Hoffmann Collins '63 Professor of International Relations and Five College Professor of International Relations

Mount Holyoke College

50 College Street

South Hadley

MA 01075

From: [Harley Kirkland](#)
To: [Robert Kittle](#)
Cc: [Bob Cook](#); [Emory Smith](#)
Subject: FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al
Date: Wednesday, January 13, 2021 2:34:24 PM

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Post Office Box 11549
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E-mail: HKirkland@scag.gov

From: Jon Western <jwestern@mtholyoke.edu>
Sent: Wednesday, January 13, 2021 11:45 AM
To: mithun.mansinghani@oag.ok.gov; MurrillE@ag.louisiana.gov; melissaholyoak@agutah.gov; Nicholas.bronni@arkansas.gov; Vincent.wagner@arkansasag.gov; ed.sniffen@alaska.gov; justin.smith@ago.mo.gov; Amit.Agarwal@myfloridalegal.com; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Julia.payne@atg.in.gov; toby.course@ag.ks.gov; Chad.Meredith@ky.gov; APinson@law.ga.gov; jeff.chanay@ag.ks.gov; StJohnJ@ag.louisiana.gov; Kristi.Johnson@ago.ms.gov; ABurton@mt.gov; MSchlichting@mt.gov; Lindsay.S.See@wvago.gov; jonbennion@mt.gov; wstenehjem@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; Emory Smith <ESmith@scag.gov>; Bob Cook <RCook@scag.gov>; Steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Matthew.frederick@texasattorneygeneral.gov; Kyle.Hawkins@oag.texas.gov; rcantrell@agutah.gov; james.kaste@wyo.gov; Jim.Campbell@nebraska.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Beau.Roysden@azag.gov; Zina.Baxh@oag.texas.gov; masagsve@nd.gov; Harley Kirkland <HKirkland@scag.gov>; elacour@ago.state.al.us; Kian.Hudson@atg.in.gov; Matt.Kuhn@ky.gov; John.Sauer@ago.mo.gov
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I apologize for the length of this message, but, again, given the historical significance of the issues presented and the context around TX v. PA and the amicus brief joined by your attorneys general, I believe the range of questions are required to gain a factual and accurate historical understanding. If I have missed something or misinterpreted the events, timelines and issues, please let me know.

I appreciate your consideration of my request for answers to the questions posed.

Thank you.

Sincerely,
Jon Western

--

Jon Western

Carol Hoffmann Collins '63 Professor of International Relations and Five College Professor of International Relations
Mount Holyoke College
50 College Street
South Hadley
MA 01075

From: [Harley Kirkland](#)
To: [Robert Kittle](#)
Cc: [Bob Cook](#); [Emory Smith](#)
Subject: FW: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al
Date: Wednesday, January 13, 2021 2:34:24 PM

Robert,

Bob, Emory, and I received the email below from Mr. Western. I also have a pending FOIA request from him. I plan to let him know that I have received his email and forwarded it to you.

Thanks,

Harley L. Kirkland

Assistant Deputy Attorney General
Office of the Attorney General
State of South Carolina

Post Office Box 11549
Columbia, South Carolina 29211
Phone: 803.734.0406
Fax: 803.734.3677
E-mail: HKirkland@scag.gov

From: Jon Western <jwestern@mtholyoke.edu>
Sent: Wednesday, January 13, 2021 11:45 AM
To: mithun.mansinghani@oag.ok.gov; MurrillE@ag.louisiana.gov; melissaholyoak@agutah.gov; Nicholas.bronni@arkansas.gov; Vincent.wagner@arkansasag.gov; ed.sniffen@alaska.gov; justin.smith@ago.mo.gov; Amit.Agarwal@myfloridalegal.com; brian.kane@ag.idaho.gov; tom.fisher@atg.in.gov; Julia.payne@atg.in.gov; toby.course@ag.ks.gov; Chad.Meredith@ky.gov; APinson@law.ga.gov; jeff.chanay@ag.ks.gov; StJohnJ@ag.louisiana.gov; Kristi.Johnson@ago.ms.gov; ABurton@mt.gov; MSchlichting@mt.gov; Lindsay.S.See@wvago.gov; jonbennion@mt.gov; wstenehjem@nd.gov; Benjamin.flowers@ohioattorneygeneral.gov; Emory Smith <ESmith@scag.gov>; Bob Cook <RCook@scag.gov>; Steven.blair@state.sd.us; Sherri.Wald@state.sd.us; Sarah.Campbell@ag.tn.gov; Andree.Blumstein@ag.tn.gov; Matthew.frederick@texasattorneygeneral.gov; Kyle.Hawkins@oag.texas.gov; rcantrell@agutah.gov; james.kaste@wyo.gov; Jim.Campbell@nebraska.gov; Thomas.T.Lampman@wvago.gov; Jessica.A.Lee@wvago.gov; Beau.Roysden@azag.gov; Zina.Baxh@oag.texas.gov; masagsve@nd.gov; Harley Kirkland <HKirkland@scag.gov>; elacour@ago.state.al.us; Kian.Hudson@atg.in.gov; Matt.Kuhn@ky.gov; John.Sauer@ago.mo.gov
Subject: RE: Texas v. Pennsylvania, et al. - Amicus Brief of Missouri, et.al

Dear all,

I am reaching out to all of you as you were on the distribution of the dozen or so emails sent from John Sauer on December 8 and 9, 2020 to coordinate your collective support to call on the US Supreme Court to reject the Electoral College certification in four states as requested by the state of Texas in Texas v. Pennsylvania, Georgia, Michigan, and Wisconsin (US).

I am a political scientist at Mount Holyoke College and the Five Colleges in western Massachusetts. I am conducting research on TX v. PA and the amicus brief and the allegations of fraud in the 2020 Presidential election.

TX v. PA, [et.al](#), and your collective effort was cited by President Trump and his legal counsel and other public officials in several public forums, including the “Stop the Steal” rally in Washington, DC on January 6, 2021 immediately prior to the assault on the US Capitol which left five people dead including a U.S. Capitol Police officer and which injured at least 58 Washington, DC police officers. The assault also terrorized hundreds of staff working in support of Congress that day and marked the first time in America’s 231-year history when the country has failed to have a peaceful transition of power following a presidential election.

Given the historical significance of these events, I am hoping you all may be able to give me some additional information to help establish an accurate historical record of the amicus brief to which you coordinated and joined.

1. The initial request from Mr. Sauer was sent to all of you on December 8, 2020 at 6:11pm CST with a request for a response by 1:00pm on December 9, 2020. I am hoping you can provide responses to the following questions:

- a. Did you conduct a review of the evidentiary basis of the allegations for fraud presented in TX v. PA, [et.al](#), prior to joining?
- b. Did you review the state and federal court cases in the four defendant states that previously had dismissed many of the allegations, including objections to the constitutionality of election processes in the defendant states?
- c. Did you reach out to the defendant states requesting information about their procedures and/or to ask about the allegations before joining?
- d. I see that Andrew Pinson, Solicitor General from Georgia, was on these coordinating emails. Given that Georgia Attorney General Carr publicly responded that the Texas case was “constitutionally, legally and factually wrong,” did any of you consult with Mr. Pinson prior to joining? And, conversely, Mr. Pinson, did you share General Carr’s objections to the case to your colleagues on this email thread?
- e. The *Atlanta Journal Constitution* reported in its morning paper on December 9, 2020 that President Trump telephoned Attorney General Carr directly on the evening of December 8 and warned General Carr “not to rally other Republicans against the Texas lawsuit.” <https://www.ajc.com/politics/trump-warns-georgia-ag-not-to-rally-other-republicans-against-texas-lawsuit/37ASZD4PJNENHOLVIXZHRXCJJ/> Were you, or your attorneys general, aware of the President’s efforts to ask/warn General Carr not to engage with you on this issue? Would that have been a concern to you?
- f. The President’s warning, and your joining of this case, came after several public statements from Georgia Secretary of State Brad Raffensperger, who certified the elections, in which he rejected the allegations as baseless and further statements from state election systems manager Gabriel Sterling who noted extensive conspiracy theories about election fraud were harmful to election integrity.
- g. Why was it your individual and collective position to give greater credibility and weight to the unproven allegations posited in TX v. PA than to the adamant public defenses of election integrity by the Georgia Attorney General, the Governor of Georgia, the Georgia Secretary of State, and the state election systems manager? Similar responses to the allegations were also raised by election officials, judges, and state officials in the three other defendant states, as well.
- h. Recent press reports have revealed that the White House pressured the U.S. Department of Justice for the resignation of U.S. attorney for the Northern District of Georgia, Byung J. Pak. because, according to the *Wall Street Journal*, President Trump “was furious” that Mr. Pak was not investigating the

allegations of election fraud in Atlanta. This morning, January 13, 2021, the *Atlanta Journal Constitution* is reporting that Mr. Bobby Christine, the acting U.S. attorney who was brought in to replace Mr. Pak, told staff members in the U.S. Attorney's office yesterday "there's just nothing to" the few claims of election fraud in Atlanta. Do you still have concerns about election fraud in any of the defendant states. If so, can you share the evidentiary basis of those concerns?

2. The first batch of public records that I have received from several of your states, as well as a review of other public records, reveals that there was widespread belief within your offices that the U.S. Supreme Court would dismiss this case "in a sentence" and that based on Purcell v. Gonzalez, 549 US 1 (2006), the US Supreme Court would not interfere with the 2020 President election in any way. Additionally, many Attorneys General publicly stated that it was highly unlikely that the U.S. Supreme Court would hear the case.

a. Since the amicus brief cites concerns about public confidence in election integrity, did you consider the implications to public perceptions of election integrity when you decided to join a suit/brief based allegations (rather than demonstrated evidence) when the general consensus among your attorneys general appears to be that the US Supreme Court was not going to hear the case?

3. The central constitutional principle raised in TX v. PA and the amicus brief was that the defendant states violated the Electors Clause of Article II of the United States Constitution because "non-legislative actors" modified existing election laws this year in response to COVID pandemic and that these modifications were not adopted or ratified by respective legislatures.

a. If this was the central principle at stake, why was this case limited to these four defendant states?

North Dakota, for example, conducted its primary in June entirely by mail and sent out mail-in ballot applications, unsolicited, to all residents on the Secretary of State voter rolls. The Secretary of State also added a cure provision, following a legal challenge by the Campaign Legal Center, approved by US Federal Court, to allow voters to review signatures that were challenged. These adjustments were made for both the primary elections in June 2020 and the general election in November 2020 and were made in the absence of legislative approval.

Similarly, as described in the amicus brief submitted in defense of the four states by Montana Governor Bullock, he noted that Montana had been involved in defending election challenges in court "that mirrored those described by Texas," and yet as he noted, Texas (and your subsequent amicus brief) did not include Montana as a named defendant. Parenthetically, he also questioned why his own attorney general would sign the amicus brief when he had successfully defended the state against similar challenges to Montana's election laws – citing Driscoll v. Stapleton 473 P3d 386 (Mont. 2020).

b. My research suggests that at least eight other states (including five of yours) should have been named as defendants and each of you presumably would have mounted defenses. Was there any consideration by any of you as to why these four states, and not others, were listed and did it raise any concerns?

c. My research based on public statements from each of your Secretary of State offices also reveals a very high degree of confidence in the integrity of mail-in balloting in the 19 states that joined this case. Do you still consider balloting by mail to be “inherently prone to fraud?”

I apologize for the length of this message, but, again, given the historical significance of the issues presented and the context around TX v. PA and the amicus brief joined by your attorneys general, I believe the range of questions are required to gain a factual and accurate historical understanding. If I have missed something or misinterpreted the events, timelines and issues, please let me know.

I appreciate your consideration of my request for answers to the questions posed.

Thank you.

Sincerely,
Jon Western

--

Jon Western

Carol Hoffmann Collins '63 Professor of International Relations and Five College Professor of International Relations
Mount Holyoke College
50 College Street
South Hadley
MA 01075

From: [Robert Kittle](#)
To: [Anne Emerson](#)
Subject: Amicus brief
Date: Wednesday, January 13, 2021 1:36:00 PM
Attachments: [2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf](#)
[image002.png](#)
[image003.png](#)



Robert Kittle

Communications Director

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Cell: (803) 381-3453

rkittle@scag.gov

Rembert C. Dennis Building

1000 Assembly Street

Columbia, S.C. 29201



From: [Robert Kittle](#)
To: [Adam Mintzer](#)
Subject: RE: WIS request for comment
Date: Wednesday, January 13, 2021 11:42:00 AM
Attachments: [2020-12-09 - Texas v. Pennsylvania - Amicus Brief of Missouri et al. - Final with Tables.pdf](#)

Hi Adam,

Just for clarification, Mr. Kenney has filed a *complaint* with the Office of Disciplinary Council, not a lawsuit.

And yes, the statement we gave to The State is our official statement. This is purely a partisan political attack and it's disgusting and despicable that they would try to tie the Attorney General to the violence at the U.S. Capitol.

On background, I would ask you to read the actual amicus that we signed onto. I've attached it so you can. You should ask Mr. Kenney if he has actually read the amicus. It does NOT allege any voter fraud, which is the whole basis for his complaint! It raises a constitutional question about how those four states changed their election rules. It does mention fraud but only in the context that mail-in voting can be more susceptible to fraud and that the changes to election laws in those states raise questions about the security of the ballots in those states. It never said fraud actually occurred in those states.

Mr. Kenney may argue that Texas' lawsuit does allege fraud but we did not join Texas' lawsuit, we signed onto a separate amicus brief, which does not allege fraud but says removing safeguards on voting by mail raises the risks of fraud. There's a difference between saying, "Election fraud happened" and saying, "The rules were changed in a way that could be unconstitutional and those changes increase the risk of fraud." It's like the difference between saying, "There was a robbery on the street last night" and "If you carry a wad of cash in your hand while walking down the street at night, it increases your risk of being robbed." The first is saying something happened while the second is saying taking a specific action raises the risk of something happening. The point is, the amicus does not say there was fraud, it says election rules in those states were changed by someone other than the state legislatures, which is what's required, and we thought the Supreme Court should rule on whether that was permissible. They didn't take the case so that ended it.

I hope that may clarify it for you because it's difficult to wade through all the legalese sometimes.

Thanks,

Robert

From: Adam Mintzer <Adam.Mintzer@wistv.com>

Sent: Wednesday, January 13, 2021 9:09 AM

To: Robert Kittle <RKittle@scag.gov>

Subject: WIS request for comment

Hi,

WIS will be speaking with Mr. Chris Kenney today regarding his lawsuit against the AG related to the Capitol Hill riots.

I have read the statement your team has sent to The State newspaper.

Would it be possible for WIS to also get a statement. I understand if the statement from The State stands for all outlets.

Best,

Adam Mintzer

From: [Robert Kittle](#)
To: [Tyler Fleming](#)
Subject: RE: P&C - Myrtle
Date: Monday, January 11, 2021 4:01:00 PM

I don't know why WE would have evidence of HER receiving a letter, unless it's supposed to be a letter from us to her. I'll do a quick search for that and see.

From: Tyler Fleming <TFleming@postandcourier.com>
Sent: Monday, January 11, 2021 2:23 PM
To: Robert Kittle <RKittle@scag.gov>
Subject: Re: P&C - Myrtle

As a lot of work is these days, it's all people making claims on social media over politics. The gun was allegedly raffled off during October of last year as a part of her campaign. If y'all don't have evidence for her receiving a letter, I'll just leave it out of the story.

There's a lot of claims being made here due to the treasurer attending the "Stop the Steal" rally and I'm stuck with chasing them down. Thank you for the help.

Tyler Fleming
Myrtle Beach Reporter, Post & Courier
843-901-3216

From: Robert Kittle <RKittle@scag.gov>
Sent: Monday, January 11, 2021 1:37:40 PM
To: Tyler Fleming <TFleming@postandcourier.com>
Subject: RE: P&C - Myrtle

Hi Tyler,

I'm not clear on who sent a letter and to whom, and have no idea where I could find anything on our end without more information. Was the firearm being raffled, or did someone use a firearm during the event? The letter was sent to Horry County treasurer Angie Jones? Basically I just need more to go on if you have anything.

Thanks,

Robert

From: Tyler Fleming <TFleming@postandcourier.com>
Sent: Monday, January 11, 2021 11:41 AM
To: Robert Kittle <RKittle@scag.gov>

Subject: P&C - Myrtle

Mr. Kittle,

I hope you're doing well. This happened a while ago, but I was wondering if you could send a copy of an alleged letter sent to Horry County treasurer Angie Jones over the use of a firearm in a campaign raffle event? Unfortunately I don't have a hard date for when the photo was taken or the alleged letter was sent.

Any help is appreciated! Thank you.

Tyler Fleming
Myrtle Beach Reporter, Post & Courier
843-901-3216

From: [Robert Kittle](#)
To: [Avery Wilks](#)
Subject: RE: Post and Courier questions for story on the RAGA robocall
Date: Monday, January 11, 2021 2:52:00 PM

Hi Avery,

Here are the answers to your questions:

Does the attorney general know which RAGA staffers were responsible for the robocall that encouraged activists to attend Wednesday's rally?

Attorney General Wilson was unaware of the Republican Attorney General group's participation in last week's rally and had absolutely no involvement in the decisions that led to the group conducting a robocall for the rally. Attorney General Wilson strongly disagreed with that decision and would have vehemently opposed that decision had he known about it beforehand. The organization's purpose is for promoting legal policy and not promoting political advocacy for third-party organizations.

If not, is he working to find that out? What is he doing to get answers about how the robocall went out?

His colleague, who chairs the Rule of Law Defense Fund, has announced he's doing an internal review to determine what led to the decision and what the appropriate course of action should be. Any questions regarding the outcome of the review will be answered soon. Attorney General Wilson does not speak on behalf of the organization.

There have been calls for an investigation into the RAGA's promotion of the rally Wednesday. Does Wilson believe that more scrutiny of the group and the robocall is warranted?

Attorney General Wilson is waiting to receive the findings of the organization's internal review before he takes a position on whether additional scrutiny is needed.

What consequences, if any, does the attorney general believe is warranted for the RAGA employees responsible for the robocall?

Any statements involving employees of this organization should come from the organization. The Attorney General cannot speak on behalf of the organization other than that there should be consequences for this decision. He will wait until the internal review is complete.

What role, if any, did the attorney general play in Adam Piper's hiring at the RAGA/Rule of Law Defense Fund?

The AG was supportive of the organization's decision to hire and later promote Mr. Piper.

This is the second time Wilson has found himself disavowing Piper's actions and saying he had no knowledge of them, the first being Piper's attempt to smear David Pascoe. Does Wilson believe Piper should continue as executive director of the RAGA?

The Rule of Law Defense Fund is conducting an internal review, so the Attorney General is unable to comment on actions against any personnel. Any statements involving employees of that organization should come from the organization. The Attorney General cannot speak on behalf of the organization.

Does the attorney general believe that election fraud influenced the outcome of the 2020 presidential election?

No. While there were allegations of election fraud, as far as the Attorney General knows there has been no evidence presented in court to substantiate those allegations. Attorney General Wilson strongly supports everyone's First Amendment right to peacefully assemble, but strongly condemns the violence at the U.S. Capitol and thinks those who broke the law should be prosecuted to the fullest extent possible.

From: Avery Wilks <AWilks@postandcourier.com>
Sent: Monday, January 11, 2021 10:32 AM
To: Robert Kittle <RKittle@scag.gov>
Subject: Post and Courier questions for story on the RAGA robocall

Hey Robert,

As discussed over the phone, here are several questions I have for Attorney General Alan Wilson today.

Does the attorney general know which RAGA staffers were responsible for the robocall that encouraged activists to attend Wednesday's rally?

If not, is he working to find that out? What is he doing to get answers about how the robocall went out?

There have been calls for an investigation into the RAGA's promotion of the rally Wednesday. Does Wilson believe that more scrutiny of the group and the robocall is warranted?

What consequences, if any, does the attorney general believe is warranted for the RAGA employees responsible for the robocall?

What role, if any, did the attorney general play in Adam Piper's hiring at the RAGA/Rule of Law Defense Fund?

This is the second time Wilson has found himself disavowing Piper's actions and saying he had no knowledge of them, the first being Piper's attempt to smear David Pascoe. Does Wilson believe Piper should continue as executive director of the RAGA?

Does the attorney general believe that election fraud influenced the outcome of the 2020 presidential election?

As discussed earlier, I plan to publish this story online later today.

Feel free to give me a call at 803-374-3115.

Best,
-Avery

Avery G. Wilks

Projects reporter, Charleston Post and Courier

Cell: 803-374-3115

Twitter: [@AveryGWilks](https://twitter.com/AveryGWilks)

From: [Avery Wilks](#)
To: [Robert Kittle](#)
Subject: Post and Courier questions for story on the RAGA robocall
Date: Monday, January 11, 2021 10:32:02 AM

Hey Robert,

As discussed over the phone, here are several questions I have for Attorney General Alan Wilson today.

Does the attorney general know which RAGA staffers were responsible for the robocall that encouraged activists to attend Wednesday's rally?

If not, is he working to find that out? What is he doing to get answers about how the robocall went out?

There have been calls for an investigation into the RAGA's promotion of the rally Wednesday. Does Wilson believe that more scrutiny of the group and the robocall is warranted?

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Feel free to give me a call at 803-374-3115.

Best,
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Avery G. Wilks

Projects reporter, Charleston Post and Courier
Cell: 803-374-3115

Twitter: [@AveryGWilks](https://twitter.com/AveryGWilks)

From: [Avery Wilks](#)
To: [Robert Kittle](#)
Subject: Post and Courier questions for story on the RAGA robocall
Date: Monday, January 11, 2021 10:32:02 AM

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Best,
-Avery

Avery G. Wilks

Projects reporter, Charleston Post and Courier
Cell: 803-374-3115

Twitter: [@AveryGWilks](https://twitter.com/AveryGWilks)

From: [Robert Kittle](#)
To: [Monk, John](#)
Subject: Amicus in Heritage Act case
Date: Monday, December 21, 2020 2:01:00 PM
Attachments: [Amicus Brief of AG for efilng \(02453413xD2C78\).PDF](#)
[image002.png](#)
[image003.png](#)

Hi John,

I thought you might want to have this. We just filed this amicus with the SC Supreme Court in the Heritage Act constitutionality case.

Robert



Robert Kittle

Communications Director
Office: (803) 734-3670
Cell: (803) 381-3453
rkittle@scag.gov
Rembert C. Dennis Building
1000 Assembly Street
Columbia, S.C. 29201



From: [Robert Kittle](#)
To: [Rick Nelson](#)
Subject: RE: Guest column/Op-Ed by Attorney General Wilson on election lawsuit amicus
Date: Monday, December 14, 2020 11:10:00 AM
Attachments: [Why I joined the election lawsuit \(02447210xD2C78\).docx](#)
[image002.png](#)
[image003.png](#)

Hi Rick,

Yes, that's a valid point. We've updated it to reflect the Supreme Court's action.

Thanks,

Robert

From: Rick Nelson <rnelson@postandcourier.com>
Sent: Monday, December 14, 2020 8:45 AM
To: Robert Kittle <RKittle@scag.gov>
Subject: RE: Guest column/Op-Ed by Attorney General Wilson on election lawsuit amicus

Robert,

We took a look at this over the weekend.

We're certainly willing to allow Mr. Wilson to have his say in the matter. The only issue we see is that, in light of the Supreme Court's action on Friday, it needs to be updated to acknowledge and address the fact that the court refused to hear the case.

Best,

Rick

From: Robert Kittle [<mailto:RKittle@scag.gov>]
Sent: Friday, December 11, 2020 4:22 PM
To: Rick Nelson; Letters editor
Subject: Guest column/Op-Ed by Attorney General Wilson on election lawsuit amicus

Hi Mr. Nelson,

I've attached a guest column/Op-Ed by Attorney General Alan Wilson about why he joined the election lawsuit. The Supreme Court may rule at any moment on whether to take the case but this Op-Ed is relevant no matter what, especially since it provides another perspective on the issue that your editorial board raised in its recent editorial on the subject.

Thank you for your consideration,

Robert



Robert Kittle

Communications Director

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Cell: (803) 381-3453

rkittle@scag.gov

Rembert C. Dennis Building

1000 Assembly Street

Columbia, S.C. 29201



From: [Robert Kittle](#)
To: rnelson@postandcourier.com; letters@postandcourier.com
Subject: Guest column/Op-Ed by Attorney General Wilson on election lawsuit amicus
Date: Friday, December 11, 2020 4:21:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[Why I joined the election lawsuit \(02447210xD2C78\).docx](#)
[AG garden wall headshot.jpg](#)

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Thank you for your consideration,

Robert



Robert Kittle

Communications Director
Office: (803) 734-3670
Cell: (803) 381-3453
rkittle@scag.gov
Rembert C. Dennis Building
1000 Assembly Street
Columbia, S.C. 29201



From: [Robert Kittle](#)
To: [DeLinda Ridings](#); [Valerie Ingram](#)
Subject: FW: Statement: AG Alan Wilson's statement on Texas election lawsuit
Date: Wednesday, December 9, 2020 4:16:00 PM

Just making sure you both have this.

From: Robert Kittle <rkittle@scag.gov>
Sent: Wednesday, December 9, 2020 4:01 PM
To: Robert Kittle <RKittle@scag.gov>
Subject: Statement: AG Alan Wilson's statement on Texas election lawsuit



FOR IMMEDIATE RELEASE

Dec. 9, 2020

AG Alan Wilson's statement on Texas election lawsuit

(COLUMBIA, S.C.) - As S.C. Attorney General, I am committed to protecting our voters against disenfranchisement as well as ensuring election integrity.

That's why, in 2012, I successfully defended our state's voter ID law in federal court. Last month, my office filed a brief with nine other state attorneys general in a Pennsylvania voting lawsuit that's now pending in the Supreme Court of the United States.

The Supreme Court will soon weigh in on the State of Texas' suit for alleged unconstitutional acts in four states. Today, we are joining with 16 other state attorneys general in filing an amicus brief in the Supreme Court supporting the State of Texas' pleadings.

Regardless of your ideological beliefs, we must all agree that free and fair elections are the keystone of democracy. Our Constitution's election clauses must be followed, and the Constitution must be a guiding light for fair elections to continue to take place. Our values and the rule of law are worth defending.

You can read the states' amicus brief [here](#).

-END-

Contact:
Robert Kittle
803.734.3670
rkittle@scag.gov



[Manage Your Subscription](#)

This message was sent to rkittle@scag.gov from rkittle@scag.gov

Robert Kittle
SCAG
1000 Assembly Street Room 519
Columbia, SC 29201



From: [Robert Kittle](#)
To: [Robert Kittle](#)
Subject: Statement: AG Alan Wilson's statement on Texas election lawsuit
Date: Wednesday, December 9, 2020 4:01:07 PM



FOR IMMEDIATE RELEASE

Dec. 9, 2020

AG Alan Wilson's statement on Texas election lawsuit

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You can read the states' amicus brief [here](#).

-END-

Contact:
Robert Kittle
803.734.3670
rkittle@scag.gov



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This message was sent to rkittle@scag.gov from rkittle@scag.gov

Robert Kittle
SCAG
1000 Assembly Street Room 519
Columbia, SC 29201



From: [Robert Kittle](#)
To: [Will Folks](#)
Subject: Embargoed statement
Date: Wednesday, December 9, 2020 2:19:00 PM
Attachments: [AG statement on Texas voting lawsuit \(02444534xD2C78\).docx](#)
[image002.png](#)
[image003.png](#)

Hi Will,

We're going to be sending this out at some point this afternoon but wanted to give you a heads-up.

I'll let you know when you can publish.

Thanks,

Robert



Robert Kittle

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Matt >

iMessage
Tue, Dec 1, 3:13 PM

In listening to the RAGA call currently, we need to get this language on the MOU with DHS ASAP.

This is Matt Wills, FYI

OK got on late.

Thu, Dec 3, 3:13 PM

Are you on?

Yes sir

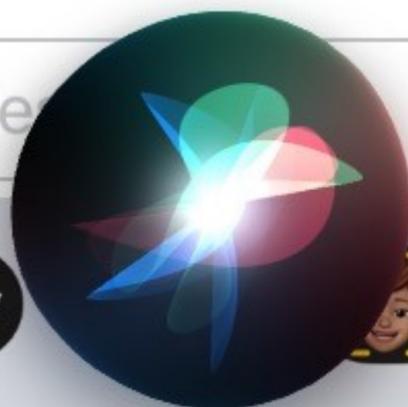
Did you get a handout?

Delivered

I haven't



iMessage





Don Zelinka >



Opinion | Bring the Insurrectionists to Justice

wsj.com

As I said last month this will not end well.

Thank you.

Sat, Jan 9, 11:21 PM

New state news monk article about RAGA and there is a damaging article on internet related to RAGA from Alabama paper and ADAm piper

Mon, Jan 11, 8:34 PM

I am pulling for your Buckeyes tonight.

Need all the pulling we can get so far!

Tue, Jan 12, 7:08 PM

Sorry. Not your call or email. That is what I get for looking at iPhone without my glasses on. Had the talk



iMessage

