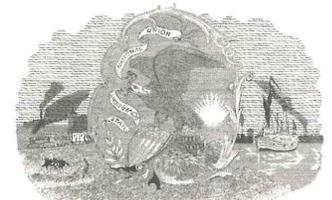




ILLINOIS HOUSE OF REPRESENTATIVES  
**OFFICE OF THE CLERK**



JOHN W. HOLLMAN  
 CLERK

EMANUEL "CHRIS" WELCH  
 SPEAKER

BRAD BOLIN  
 ASSISTANT CLERK

March 24, 2021

Sarah Wishingrad  
 American Oversight  
 Via email: [records@americanoversight.org](mailto:records@americanoversight.org)

RE: Freedom of Information Act Request

Dear Ms. Wishingrad:

I am writing in response to your correspondence, which was received by my office on March 10, 2021. In your letter, you requested the following records pursuant to the Freedom of Information Act (the "FOIA"):

1. "All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Rep. Chris Miller and/or a member of his staff, that contain any of the key terms below. Please provide responsive records from January 1, 2021 to January 15, 2021.

Key terms:

- |                        |                   |              |
|------------------------|-------------------|--------------|
| a. "Free speech;"      | m. "Washington;"  | y. "Parler;" |
| b. "Capitol;"          | n. "RNC;"         | z. "Gab;"    |
| c. "Stop the steal;"   | o. "DNC;"         | aa. "QAnon;" |
| d. "Save America;"     | p. "Patriot;"     |              |
| e. "Rally to Revival;" | q. "Patriots;"    |              |
| f. "Storm;"            | r. "Pelosi;"      |              |
| g. "Trump;"            | s. "Schumer;"     |              |
| h. "President;"        | t. "Pence;"       |              |
| i. "Biden;"            | u. "Our House;"   |              |
| j. "Congress;"         | v. "MAGA;"        |              |
| k. "DC;"               | w. "great again;" |              |
| l. "D.C.;"             | x. "Caravan;"     |              |

2. "All text messages or messages on messaging applications similar in form to text messages (such as Signal, WhatsApp, Facebook Messenger, Twitter DM's, etc.) sent or received by Rep. Chris Miller containing any of the key terms listed in Part 1 above;"

3. “Records reflecting any expenditures made and/or reimbursed by the legislature or otherwise by the state government in connection with Mr. Miller’s trip on or about January 6, 2021, to Washington, D.C., including, but not limited to, records of any reimbursements submitted by or on behalf of Mr. Miller.”

By a letter dated March 17, 2021, I extended the response date of your request pursuant to Sections 3(e) (v), (vi), and (vii) of the FOIA.

With regard to your requests, the House has not received and does not possess, control, or maintain any records responsive to your request.

With regard to items 1 and 2, please be advised the House generally does not possess, maintain, or control records that are in possession of individual members. The FOIA applies only to “public records,” that is, to public information used, received, or possessed by or under the control of any “public body.” 5 ILCS 140/2(c). Individual members of the General Assembly are not public bodies, and documents in their possession are generally not public records of the House. *See Quinn v. Stone*, 211 Ill.App.3d 809, 570 N.E.2d 676 (1st Dist. 1991) (holding that individual public officials are not public bodies and are not the proper recipients of FOIA requests). The House has neither the obligation nor the ability to compel Representatives to turn over their personal documents, much less personal correspondence, for inspection.

The *Quinn* decision affirms the clearly expressed intent of the sponsors of the FOIA. Representative Bowman, one of the FOIA’s primary sponsors, squarely addressed this issue in debate as it was considered during the 83rd General Assembly. After opponents of the bill expressed concern that it would require public disclosure of members’ individual records, Representative Bowman stated that the FOIA would apply only to records maintained by the General Assembly and not by individual members:

Our own personal correspondence is precisely that. It is our own personal correspondence. They are not General Assembly records. And preliminary notes and other memoranda are exempt under the provisions of this Bill. Period.

(H. Tr. May 25, 1983 (Rep. Bowman).)

Moreover, the General Assembly amended the FOIA in Public Act 96-542. During debate on the legislation, one of the principal sponsors of the legislation made it clear that the intent of the General Assembly was to re-affirm the decision in *Quinn*:

This amendment does not change the definition of a public body to include individual persons, such as aldermen, legislators, or other public officials and employees. Nothing in this amendment is intended to change the *Quinn v. Stone* decision.

(S. Tr. May 28, 2009 (Sen. Raoul).)

With regard to item 3, to the extent you are seeking records of actual payments made to members of the General Assembly, please be advised that the House does not generally maintain records related

to the actual payments, as the Illinois Comptroller is responsible for making such payments. You may wish to contact the FOIA Officer for the Office of the Illinois Comptroller at the following address:

Illinois Office of the Comptroller  
Attn: FOIA Officer  
201 State Capitol Building  
Springfield, IL 62706

This response should not be construed as a waiver of applicable exemptions or defenses or our right to deny future requests for similar records.

To the extent you may consider this a denial of your request, you have the right to judicial review of this decision pursuant to Section 11 of the FOIA. In accordance with Section 9(a) of the FOIA, the following persons were consulted regarding your request: Justin Cox, Counsel to the Speaker, and Derek Persico, Chief Legal Counsel to the House Minority Leader.

Sincerely,



Brad Bolin  
FOIA Officer  
House of Representatives

BB:ses