



June 25, 2024

VIA EMAIL

Office of the Iowa Attorney General
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319
openrecords@ag.iowa.gov

Re: Public Records Request

Dear Custodian of Public Records:

Pursuant to the Iowa Public Records Law, Iowa Code, Ch. 22, American Oversight makes the following request for records.

Requested Records

American Oversight requests that your office produce the following records promptly, or as soon as feasible:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (A) the Office of the Attorney General officials listed below, and (B) the external entities listed below (including, but not limited to, anyone communicating from an email address ending in the listed domain(s)).

Office of the Attorney General Officials:

1. Attorney General Brenna Bird
2. Aaron McKay, Chief of Staff
3. Leif Olson, Chief Deputy Attorney General
4. Stan Thompson, Deputy Attorney General for Civil Litigation
5. Dan Breitbarth, Assistant Attorney General for Legislative Affairs
6. Susan Krisko, Deputy Attorney General for Criminal Justice
7. David Faith, Deputy Attorney General for Agency Counsel
8. Ed Bull, Assistant Attorney General

External Entities:

- a. Alliance Defending Freedom (adflegal.org)
- b. America First Legal (aflegal.org)
- c. American College of Pediatricians (acped.org)
- d. American Family Association (afa.net)
- e. American Principles Project (americanprinciplesproject.org)
- f. Catholic Medical Association (cathmed.org)
- g. Child and Parental Rights Campaign (childparentrights.org)



- h. Christian Civic League (cclmaine.org)
- i. Christian Medical and Dental Associations (cmda.org)
- j. Concerned Women for America (concernedwomen.org or cwfa.org)
- k. Courage International (couragerc.org)
- l. Do No Harm (donoharmmedicine.org)
- m. Ethics and Public Policy Center (eppc.org)
- n. Family Policy Alliance (familypolicyalliance.com)
- o. Family Research Council (frc.org or fraction.org)
- p. GenSpect (genspect.org)
- q. Heritage Foundation (heritage.org or heritageaction.com)
- r. Independent Women’s Forum (iwf.org)
- s. Liberty Counsel (lc.org)
- t. Maine Sheriffs’ Association (mainesheriffs.org)
- u. Opportunity Solutions Project (solutionsproject.org)
- v. Parents of ROGD Kids (parentsofrogdkids.com)
- w. Partners for Ethical Care (partnersforethicalcare.com)
- x. Promise to America’s Children (promisetoamericaschildren.org)
- y. Science for Evidence-Based Gender Medicine (segm.org)

Please 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 Attorney General Bird received a mass-distribution news clip from one of the listed external individuals or entities, that initial email would not be responsive to this request. However, if Attorney General Bird forwarded that email to another listed individual with her own commentary, that subsequent message would be responsive to this request and should be provided.

Please provide all responsive records from February 11, 2024, 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.
- 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. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Public Records Law.¹
- 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. 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.

¹ See *Linder v. Eckard*, 152 N.W.2d 833, 835 (Iowa 1967) (“It is the nature and purpose of the document, not the place where it is kept, which determines its status” as a public record); *Chapter 22 Frequently Asked Questions*, Iowa Public Information Board, <https://ipib.iowa.gov/faq/if-email-report-or-other-document-composed-received-or-stored-my-personally-owned-electronic> (“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.”).

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.com.²

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 Taylor Stoneman at records@americanoversight.org or (202) 848-1319.

Sincerely,

/s/ Taylor Stoneman
Taylor Stoneman
on behalf of
American Oversight

² American Oversight currently has approximately 16,000 followers on Facebook and 111,200 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited May 13, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited May 13, 2024).