

August 30, 2022

VIA Electronic Delivery

Office of the Attorney General
Public Records Coordinator
1885 N. 3rd St.
Baton Rouge, LA 70802
publicrecords@ag.louisiana.gov
(225) 326-6712

Re: Louisiana Public Records Request

Dear Custodian of Records:

Pursuant to the Louisiana Public Records Law, La. Rev. Stat. tit. 44 §§ 1-67.2 (2022), Democracy Forward Foundation submits this request for records.

Background

On August 18, 2022 the state’s Bond Commission voted 7-6 to withhold a \$39 million non-cash line of credit through the state construction budget for New Orleans Sewerage and Water Board. This project, the New Sewerage and Water Board Power Plant, Planning and Construction, has been described as critical to protect the city from damage in future flood scenarios. This vote to withhold the funds—the second in as many months—occurred at the beginning of hurricane season. Indeed, it was reported that a flood warning was issued for portions of New Orleans the same day that the August vote occurred.

The Bond Commission’s actions regarding funding—first in July and subsequently the vote to delay funding in August—aligned clearly with the request articulated by Attorney General Landry.¹ A letter from Attorney General Landry to to the Bond Commission in July urged it “to defer any applications for the City of New Orleans, Orleans Parish, and any local governmental entity or political subdivision under its purview” and, further encouraged the Bond Commission to also pause “any other funding that will directly benefit the City of New Orleans,” explicitly including the New Orleans Aviation Board North Terminal Project.²

At the Bond Commission's August meeting, Attorney General Landry reportedly threatened the New Orleans City Council that “*If they want this project to move forward, rescind the*

¹ See Jim Salter, *St. Louis to Help Women Get Out-of-State Abortion Access*, AP (July 22, 2022), <https://apnews.com/article/abortion-us-supreme-court-health-st-louis-missouri-cab307afaf66ce9b5d58d3be191b532e>; See also Molly Hennessy-Fiske, *Abortion Battle Delays Flood Aid for New Orleans Amid Hurricane Fears*, Wash. Post (Aug. 20, 2022, 10:08 A.M.), <https://www.washingtonpost.com/nation/2022/08/19/abortion-new-orleans-flood-hurricane/>.

² See Press Release, La. Dep’t of Just., *New Orleans Officials Pledge Defiance of State Abortion Laws, Attorney General Urges Bond Commission to Act* (July 19, 2022), <https://www.agjefflandry.com/Article/13053>.

resolution” and demanded that City officials appear before the Bond Commission on policy disagreements unrelated to the Commission's authority.³

Notably, concern about the appropriate role of the Bond Commission—specifically whether it is appropriate for the Bond Commission to delay or withhold funding for reasons unrelated to the project details—is a concern that has been articulated by individuals across the political spectrum.

By imposing this delay, the Bond Commission penalized New Orleans for a policy position wholly divorced from the underlying purpose of the funding. The Commission's action, and Attorney General Landry's words to compel it, constitute an abuse of power. The public deserves full transparency regarding these actions in order to assess whether the conduct is appropriate.

Records Requested

Democracy Forward requests that the Office of the Attorney General produce the following:

1. All records relating to the drafting, development, issuance of, and statements about Attorney General Landry's July 19, 2022 letter to the Bond Commission regarding consideration of the future line of credit through the state construction budget for New Orleans Sewerage and Water Board.⁴
2. All records relating to the drafting, development, issuance of, and statements about the Attorney General's participation in and response to the Bond Commission's consideration of a non-cash line of credit to New Orleans Sewerage and Water Board at its August 18, 2022 meeting.
3. All records related to the Attorney General's July 19, 2022 statement⁵ urging the pausing of “*any other funding that will directly benefit the City of New Orleans.*”
4. All drafts of, feedback on, comments about, and suggestions to the remarks, motions, and substitute motions made by Ms. Emily Andrews, representing Attorney General Jeffrey Landry, at the Bond Commission meeting on July 21, 2022.
5. All communications relating to the Commission's consideration of the pausing of any funding that will benefit the City of New Orleans (as described in the July 19, 2022 letter from Attorney General Landry) between the Office of the Attorney General and members of the Bond Commission.
6. All records containing or documenting communications sent to or received by State elected or appointed officials or employees relating to the Commission's July and August meetings with any of the following media outlets:
 - One America News Network (or @oann.com);
 - Fox News (or @foxnews.com or @foxbusiness.com);
 - Breitbart News Network (or @breitbart.com);

³ See Lorena O'Neil, *Louisiana Delays Critical Flood Response Funds to New Orleans Over Abortion Politics*, Jezebel (Aug. 18, 2022, 4:15 P.M.), <https://jezebel.com/louisiana-delays-critical-flood-response-funds-to-new-o-1849430931>.

⁴ See Press Release, La. Dep't of Just., *supra* n. 2.

⁵ *Id.*

- Blaze Media (or @blazemedia.com);
 - CRTV.com (or @crtv.com);
 - The Blaze (or @theblaze.com);
 - NewsMax (or @newsmax.com);
 - Daily Caller (or @dailycaller.com or @dailycallernewsfoundation.org);
 - Daily Wire (or @dailywire.com); or
 - Sinclair Broadcast Group (or @sbgi.net).
7. All records containing or documenting communications sent to or received by State elected or appointed officials or employees relating to the Commission's July and August meetings with Louisiana Right to Life (or @prolifelouisiana.org).

Unless otherwise specified, this request seeks records dated beginning June 1, 2022 to and including the date of the final response to this request.

Scope of Search

In searching for responsive records, please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. The term "records," as used in this request, includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, Signal messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, discussions, and online and mobile communication platforms. However, please exclude publicly available materials such as news clips that mention otherwise responsive search terms, unless the records contain additional discussion or commentary from State employees or contacts at the organizations listed above.

The Public Records Law requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. La. Rev. Stat. tit. 44 § 4. In the event that the Office of the Attorney General wishes to deny the right to inspect or obtain a copy of requested records without sending a determination in writing or an estimate of the time necessary for collection and review, Democracy Forward Foundation may initiate legal proceedings to compel the provision of requested records. *Id.* § 35.

If requested records are located in, or originated in, another agency, department, office, installation, or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in a searchable, electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within five business days as required by title 44 section 32(D) of the Louisiana Revised Statutes. If all of the requested documents are not available

within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period.

Request for Fee Waiver

Democracy Forward requests a waiver of document search, review, and duplication fees associated with processing records for this request.

The requested waiver is in the public interest because providing the copy of the information sought primarily benefits the general public. Democracy Forward has a demonstrated ability to disseminate information of public interest requested through freedom of information statutes, and based upon responses to this request may assist in publicizing records received to contribute to the public's understanding of the ongoing communication between State officials, including Bond Commission officials and conservative media outlets. Indeed, records received by Democracy Forward have previously formed the basis of news reports.⁶

⁶ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz & Jack Gillum, "Happy to Do It": *Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 25, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, 'Just answer the question and kill this story': *In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron'*, Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit%20college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen%20pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://apnews.com/article/aab79ba7af7e474db353621746aa60bd>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records, please contact us as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Megan J. Uzzell

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