



AMERICANS FOR LIMITED GOVERNMENT

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August 21, 2009

Steve Frisbie
Custodian of Records – Missouri Highway Patrol
Missouri Department of Public Safety
P.O. Box 568
Jefferson City, MO 65102

Via fax to: 573.751.9382, hard copy via U.S. Mail

Re: Sunshine Law Request

Dear Ms. Frisbie:

Pursuant to the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri, I request on behalf of Americans for Limited Government (ALG) copies of the records described below. These records pertain to the report of February 20, 2009, titled “The Modern Militia Movement,” hereinafter “Report,” that was issued by the Missouri Information Analysis Center (MIAC).

Please provide copies of any records that exist in any of the following categories:

1. All draft versions of the Report that exist;
2. All data and all studies, reports, or other documents regarding data and any other background material created or reviewed by the MIAC in general to draft the Report;
3. Name, title, grade, and salary of all personnel involved in drafting the Report;
4. All records of communications and the communications themselves between any MIAC official and any private citizens, *i.e.*, persons who are not MIAC or state employees regarding the Report prior to or contemporaneous with its drafting; and
5. All records relating to information received from groups outside the MIAC that influenced the drafting of the Report.

Further Definition of Records Sought

The term “record” should be construed to mean any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind of nature. A record bearing any notation not a part of the original text is to be considered a separate record. A draft of a non-identical copy is to be construed as a separate record.

The term “relating” and “regarding” with respect to any given subject, should be construed to mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

The inclusion and description of particular records in this request should not be construed to eliminate other records that are not described in particular detail if they should exist in another format.

Procedure Regarding Records Exempt from Disclosure

Given the nature of the records requested I anticipate that the vast majority of any responsive records will be of the type required to be released under the Sunshine Law. However, in the event that records exist that the Sunshine Law does not require to be released I request that they be released regardless unless the failure to release such records can be justified based upon sound reasoning and there is a patently manifest danger of significant harm that would occur from release of such records, *e.g.*, danger to health or safety of an individual.

In the event that records are withheld I request to be provided with the following information:

1. Reason each record is not being produced;
2. Type of record withheld;
3. Subject matter of record withheld; and
4. Date, author, and addressee, if applicable of the record.

Further, I request that the above information be indexed by individual record providing information sufficient for a reasonable person to be able to ascertain whether the record sought is actually exempt from disclosure.

Request for Waiver of Fees

The information sought by ALG in this Sunshine Law request will be used to better the public's understanding of how the Department of Public Safety and specifically MIAC is spending the taxpayers' money. As such the public good that will occur in disclosing the information sought in and of itself weighs strongly in favor of a fee waiver. Further, the information sought is "in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). ALG regularly publishes information on the activities, structure, and operations of the federal state, and local governments. This information is distributed to a large number of diverse individuals across the entire nation. The records sought are of the type which ALG regularly provides to the public through its publications and website, www.getliberty.org. Furthermore on the issue of these types of reports ALG was recently covered by a national news organization during prime-time in a news broadcast viewed coast to coast by hundreds of thousands of individuals. This shows the immense public interest in this subject.

As such granting the request to waive fees is in the public interest. The records sought will be disseminated widely to parties interested in the workings of the government and as such will not inure primarily to the benefit of the requestor. Therefore the request for waiver of fees should be granted.

In the event that a fee waiver is not granted, please inform me before taking any action that would result in the incurrence of fees by ALG.

Conclusion

Please provide the requested documents promptly. If for some reason all of the requested documents cannot be provided promptly I request that documents that are immediately

available be provided first and that when the remaining documents subsequently become available that they be provided at that time.

I request that any records disclosed pursuant to this request be indexed, to the extent feasible, in such a way as to enable the reader to readily ascertain to which number listed above the responsive records relate. If reasonably possible I request that responsive records be provided in electronic form on either unencrypted CDs or DVDs. If you have any questions as to the medium on which responsive records are to be provided please contact us in advance to sending the medium.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Sunshine Law. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please send the requested records and any correspondence to:

Nathan Paul Mehrens
Counsel
Americans for Limited Government
9900 Main Street
Suite 303
Fairfax, VA 22031

If you have any questions regarding this Sunshine Act request please contact Nathan Paul Mehrens at 703.383.0880.

I look forward to your reply.

Thank you in advance for your assistance.

Sincerely,



William Wilson
President