



CITIZENS FOR
RESPONSIBILITY &
ETHICS IN WASHINGTON

November 3, 2021

VIA EMAIL

Mr. Lee Cassis
Senate Clerk
Room 212M, Building 1
State Capitol Complex
1900 Kanawha Blvd. E.
Charleston, WV 25305
senate.clerk@wvsenate.gov

Re: Public Records Request, SB 558

Dear Mr. Cassis,

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records from the West Virginia Senate pursuant to the West Virginia Code, W. Va. Code Ann. §29B-1-1et seq.

Specifically, CREW requests the following records relating to Senate Bill 558 (“SB 558”) created on or before March 3, 2021:

1. All records reflecting any communications, meeting, phone calls, or conversations regarding SB 558 or any predecessor version of that bill with representatives of any non-governmental or private organization, including without limitation the following organizations and individuals:
 - i. Claremont Institute (@claremont.org)
 - ii. Be the People Project
 - iii. Unity Training Solutions (@unitytrainingsolutions.com)
 - iv. Steamboat Institute (@steamboatinstitute.org)
 - v. America First Policy Institute (@AmericaFirstPolicy.com)
 - vi. The Hoover Institute
 - vii. American Majority (@americanmajority.org)
 - viii. American Cornerstone Institute (@americancornerstone.org)
 - ix. 1776 Action (@1776action.org)
 - x. Heritage Action for America (@heritageaction.org)
 - xi. Heritage Foundation (@heritage.org)
 - xii. Susan B. Anthony List (@sba-list.org)
 - xiii. American Principles Project (@americanprinciplesproject.org)

- xiv. Tea Party Patriots
 - xv. FreedomWorks (@freedomworks.org)
 - xvi. American Legislative Exchange Council (ALEC) (@alec.org)
 - xvii. Family Research Council
 - xviii. Honest Elections Project (@honestelections.org)
 - xix. State Policy Network (@spn.org)
 - xx. Alliance Defending Freedom (@adfllegal.org)
 - xxi. Federalist Society (@fedsoc.org)
 - xxii. Clela Mitchell
 - xxiii. Ken Cuccinelli
2. All records discussing the potential effect of any provision of SB 558 on Black, Latino, or other racial, ethnic, or sexual minorities and including without limitation the following provisions of SB 558:
 - i. Prohibition on state funding used “to promote race or sex stereotyping or scapegoating in the workforce” defined as “ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex” and “assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex” (SB 558, Article 11, §5-11-9b)
 - ii. Prohibition on public schools using “curriculum that promotes ‘divisive acts’” (SB 558, Article 11, §18-2-44)
 3. All records reflecting any analysis, consideration, or determination regarding how SB 558 would serve to decrease political divisiveness or promote racial, ethnic, or sexual equality, including any evidence or data supporting such analyses.
 4. All records relating to the legislative procedures for SB 558, including without limitation records relating to:
 - i. Requirements or limitations regarding testimony from members of the public on the bill
 - ii. Requirements or limitations regarding debate on the bill

Please search for responsive records in the office of the following senator:

- Sen. Robert Karnes

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone



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messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, as well as emails to which the subjects of this request were cc'ed or bcc'ed.

If some portions of the requested records are properly exempt from disclosure, please redact those portions and produce the remainder of the requested records.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials, to ensuring the integrity of those officials, and to highlighting and reducing the influence of money on politics. CREW intends to analyze the information responsive to this request and to share its analysis with the public. The release of information obtained through this request is not in CREW's financial interest.

If there are any fees for searching or copying these records, CREW agrees to pay up to \$100. However, CREW also requests a waiver of all fees associated with the instant request because the disclosure of the requested information is in the public interest. The public is entitled to information concerning the decision-making processes of the West Virginia Senate and the requested records would likely contribute to public understanding of who may have influenced this bill and why. The public deserves to know what role, if any, external organizations may be playing in promoting this bill. Further, this information is not being sought for commercial purposes. If copying fees are expected to exceed \$100, or if you anticipate that "extensive use" of information technology resources or extensive clerical or supervisory assistance will be needed to fulfill this request, please contact me at foia@citizensforethics.org.

Where possible, please produce records in electronic format. Please send the requested records to me at either foia@citizensforethics.org or Justine Ellis, Citizens for Responsibility and Ethics in Washington, 1331 F St. NW, Suite 900, Washington, D.C. 20004.

Please contact me if you have any questions about this request or foresee any problems in fully releasing the requested records.

Thank you for your assistance.

Sincerely,
Justine Ellis