



May 31, 2022

Office of the Governor  
500 East Capitol Avenue  
Pierre, SD 57501

**Re: Public Records Act Request**

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the South Dakota Public Records Act, S.D.C.L. Chapter § 1-27.

Specifically, CREW requests all records from May 24, 2022 to May 31, 2022 regarding Governor Krist Noem’s planned attendance at the NRA-ILA Leadership Forum in Houston, Texas on May 27, 2022. The request includes, but is not limited to, discussions with NRA representatives, deliberation within the governor’s office, and input from constituents about attending the event. Please also search for all records regarding the event, whether they relate to the governor’s speaking role or not. If the state paid for Governor Noem’s travel or other expenses related to the event, please provide those records, too.

The above request excludes agency records consisting solely of news articles, press clippings, and other publicly-available material, so long as the records include no accompanying discussion by agency officials

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 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, and anyone who was cc’ed or bcc’ed on any emails.

**Fee Waiver Request**

In accordance with S.D.C.L. § 1-27-36, CREW requests a waiver of fees associated with processing this request for records. Disclosure of the requested records is in the public interest because it will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. Furthermore, the request is primarily and fundamentally for non-commercial purposes.

On May 24, 2022, a shooter killed nineteen students and two teachers at an elementary school in Uvalde, Texas. The shooting took place just three days ahead of an annual NRA meeting taking place across the state in Houston. That conference planned to feature several elected officials as speakers.<sup>1</sup> After the shooting, two Texan members of Congress changed their plans to attend.<sup>2</sup> Governor Noem did not revise her plan to speak at the event.

The requested records will shed light on internal discussion within the governor's office about attending the event in spite of the appearance issues with speaking out in favor of gun rights days after a mass shooting in the state, and in spite of others dropping out.

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 working to reduce the influence of money on politics. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, [www.citizensforethics.org](http://www.citizensforethics.org). The release of information obtained through this request is not in CREW's financial interest.

CREW routinely and systematically disseminates information to the public in several ways. CREW's website receives tens of thousands of page views every month. The website includes investigations that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. In addition, CREW posts the documents it receives through public records requests on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

### **Conclusion**

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org). Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

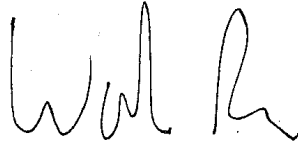
Where possible, please produce records in electronic format. Please send the requested records to me at [wdavis@citizensforethics.org](mailto:wdavis@citizensforethics.org).

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<sup>1</sup> Davis Siders and Olivia Beavers, [Republicans pledge allegiance to a hobbled NRA](https://www.politico.com/news/2022/05/25/nra-republicans-texas-shooting-trump-00035260), *Politico*, May 25, 2022, available at <https://www.politico.com/news/2022/05/25/nra-republicans-texas-shooting-trump-00035260>.

<sup>2</sup> *Id.*

Sincerely,

A handwritten signature in black ink, appearing to read "Walker Davis". The signature is fluid and cursive, with the first name "Walker" and the last name "Davis" clearly distinguishable.

Walker Davis  
Deputy Research Director