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## Oregon, 6 other states blanketed in records bid

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**SUMMARY:** FOIA | A group wants e-mail pertaining to property rights and spending limits, an effort that will cost time and money

Close to 500 cities, school districts and state agencies in Oregon, and thousands more in six other states, have been hit with public records requests for all e-mails pertaining to any communication regarding measures on term limits, property rights or limiting spending, an undertaking most local municipalities say will take months and thousands of dollars to complete.

A Virginia-based group, Citizens in Charge, is mounting what its Web site calls "a study of public resource abuse" under the name CitizenFOIA (FOIA stands for Freedom of Information Act). Citizens in Charge is aiming its campaign, which also includes requests for Internet and e-mail use policies and their enforcement, at Oregon and other states where groups backed by Howard Rich, the head of Americans for Limited Government and U.S. Term Limits, pushed spending limits or property rights measures this year.

Citizens In Charge's president, Paul Jacob, says his group is nonpartisan. "Our goal is basically to find out to what degree public resources are being used for political campaigning and to make sure those resources are not abused," he said.

Oregon election law forbids public employees to send, forward, copy or distribute e-mail that supports or opposes a political committee, election petition, candidate or measure. It is not, however, a violation to receive such an e-mail or even to open it. The state Election Division sends notification of the law to all local government agencies each year.

Margaret Noel, president of the Oregon League of Women Voters, said she has not heard of any complaints about employees campaigning on company time. "I'm not aware of any abuses," she said.

Altogether 484 state, county and city agencies in Oregon were blanketed with two separate requests by fax during the last week of September, Jacob said. Similar requests also have been sent to about 2,000 government bodies in Arizona, Idaho, Michigan, Montana, Nebraska and Nevada, said Jacob, who added that the group plans to expand the records sweep to at least seven or eight other states within a few months.

"By year's end, we'll be able to get to most, if not all, the initiative states," Jacob said.

Requests called "vague"

Oregon state, city and school district officials said the mass-mailed requests would do exactly what Citizens in Charge says it is trying to prevent: tying up public resources. Bob Dunton, superintendent of the tiny Corbett School District in east county, called the records sweep harassment.

"I would like to spend our time and energy on something that serves the public good," he said. "But in the meantime, we plan to comply, of course."

Larger school districts and cities such as Portland said the records requests were "vague" and that responding would take months and money.

"First question is, is this a real request or a scam?" said Gene Evans, spokesman for the Oregon Department of Education. "If it is real, it's certainly going to tie up our staff and computers for a while." Evans said he has never

seen a request of this scope before.

"It's unclear what they're asking for," said Portland city attorney Linda Meng. "This could be very broad and very expensive to do." Meng said Portland will seek clarification on the requests and has not estimated the costs.

"We're talking about close to 5,000 employees' e-mails, that's a sizable amount of information to do even key-word searches on," said Maureen Wheeler, a Beaverton School District spokeswoman. "We'd have to pull people off from what they normally do to fulfill this kind of request. We believe in being transparent, but they (Citizens in Charge) also have to know that there are some constraints."

Wheeler said it would take more than a month and three people's work part-time to go through multiple tape reviews located off-site (the district's e-mails are electronically backed up on tape), costing an estimated \$1,700 of staff time. City of Gresham spokeswoman Laura Bridges-Shepard said Gresham's response would cost more than \$3,500.

Group sees \$1 million cost

Despite local governments' concern about the broadness of the records requests, Jacob said he "didn't think they would be too onerous" and that Citizens in Charge would pay for the records and staff time as needed. He declined to say where the group's money comes from, but said the FOIA project would cost well over \$1 million, adding, "We have not raised that much money yet."

Citizens in Charge consists of both a 501(c)(4) political advocacy group formed in August 2001 and the Citizens in Charge Foundation, which as a nonprofit 501(c)(3) group is not required to file an annual return with the IRS, because it claims its income is less than \$25,000. Jacob said Citizens in Charge is run by volunteers.

Though Jacob said his group "works with people all across the political spectrum" and simply supports the initiative and referendum process ("let the voters decide how they use it," he said), the records sweep appears to be part of a coordinated campaign by a close-knit group of longtime libertarian activists.

Jacob and others at Citizens in Charge, such as Eric O'Keefe, listed on the group's board of directors, and Chris Kliesmet, the designated auditor for the records requests, are longtime supporters of term limits, limited government spending and property rights. Kurt Weber, whose name is at the bottom of the FOIA requests, is a Libertarian Party leader in Oregon.

In August, O'Keefe, who is chairman of the Americans for Limited Government executive committee, Kliesmet, and Jacob were featured speakers at the organization's conference in Chicago. Americans for Limited Government and Fund for Democracy, created and backed by Rich, have supported about two-dozen initiatives in 14 states, most aimed at scaling back government power. In 2004, Citizens in Charge spent more than \$640,000 in an Arkansas ballot measure battle over term limits.

"I love term limits, I think they're the best thing since sliced bread," Jacob told The Oregonian this week.

May take years

Jacob said the records request in Oregon and other states is not aimed at the current election.

"We see it as a fairly big project and one that will take not months, but years to complete," he said, then added that it could be effective in the current election cycle: "By publicizing the problem, it's going to go a long way to solve it," Jacob said.

Stephanie Soden, spokeswoman for the Department of Justice, a state agency that also received the records request, said she didn't expect the sweep would turn up much.

"People are pretty careful about restricting their communications on proposed ballot measures," she said, "because we have been instructed to handle it that way."

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