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August 31, 2004

Michael Kuzma
Attorney at Law
1893 Clinton Street
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Re: Petition for Public Records Disclosure Order:
Oregon Department of State Police

Dear Mr. Kuzma:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition asks the Attorney General to direct the Oregon State Police (OSP) to provide you with copies of three reports involving your client, Leonard Peltier. For the following reasons, we respectfully deny your request.

We spoke with Sgt. David Scholten, OSP, about your petition. Sgt. Scholten acknowledges that OSP received your request for records and payment of $24 in January of this year. Due to significant staffing shortages and a large volume of record requests, OSP has developed a substantial backlog of pending public record requests and regrets the necessary delay in responding to your request. Sgt. Scholten has told us that OSP will send you the three reports identified in its letter of January 6, 2004.

Cecily Brown, OSP Support Services Supervisor, has told us that the three reports OSP is sending to you are part of three files that contain additional records pertaining to Mr. Peltier. OSP has reviewed the contents of those files and, with one exception, is sending you copies of all records contained therein that pertain to Mr. Peltier. The files in question contain records that OSP received from the Federal Bureau of Investigation (FBI). With assistance from this office, OSP is contacting federal authorities about the status of the records in question to confirm that their disclosure is not prohibited by federal law.

To summarize, OSP is disclosing to you the three reports identified in its January 6, 2003, letter and in your petition. In addition, it is disclosing all records pertaining to your client in the

three files in which the reports are maintained, excepting those records received from the FBI. OSP will contact you about the status of the FBI records as soon as it determines whether they are, in whole or in part, exempt from disclosure by virtue of federal law mandating their confidentiality.

Sincerely,

Donald C. Arnold
Chief Counsel
General Counsel Division

SC:kbc/GENK0871.DOC
c: Sgt. David Scholten, OSP