FROM	Joshua Kaplan
TO	Robert Samuel White
DATE	November 12, 2026, 3:11 PM PT
SUBJECT	**Re: The Attorney General's public records orders**

Mr. White,

Many thanks for reaching out. Unfortunately, I'm tied up on other projects right now and won't be able to dig into this, but wishing you the best of luck.

Best,
Josh

On Thu, Nov 12, 2026 at 5:54 PM Robert Samuel White <rsw@rswfire.com> wrote:

> Mr. Kaplan:
>
> A man asked a state agency for the emails its staff had written about him.
> The agency set a fee for them and refused to waive it.1
>
> He petitioned the Attorney General. On September 11, Deputy Attorney
> General Benjamin Gutman denied the petition, writing that his request for
> what state employees had written about him "seems primarily intended to
> serve your private interests," and that "the available record fails to
> demonstrate that you have any ability to meaningfully disseminate the
> information to the general public."1
>
> Mr. Greene asked the Attorney General's office to review the denials. On
> September 29, David Pitcher, the Attorney General's Public Records Counsel,
> refused to issue an order, and told a man in prison he is free:
>
> "We have reviewed your correspondence, and the Attorney General will not
> be issuing any further orders on these matters. You are free, of course, to
> seek judicial review of ODOC's determination as set forth in ORS
> 192.411(2)."2
>
> Mr. Pitcher addressed the letter to Mr. Greene at Deer Ridge Correctional
> Institution, under his state prison identification number. The law says the

> Attorney General “shall issue an order denying or granting the petition, or
> denying it in part and granting it in part, within seven days from the day
> the Attorney General receives the petition.”3 Mr. Pitcher issued none.
> The Oregon Department of Corrections keeps what its staff wrote about Mr.
> Greene, and the Attorney General’s office has closed the only way to those
> emails short of a lawsuit he would file from prison.
>
> For forty-five years, the Attorney General’s office has published its
> public records orders one at a time, each without the petition it answers
> or the agency’s response, so the only account of a case is the one written
> by the office that decided it. On November 7, I published what the orders
> show when they are read together, in an article titled “The Attorney
> General Is the Last Stop Before Court.”4 The article is attached, with a
> spreadsheet of every order.
>
> When a state agency refuses a public records request, the person who made
> it can petition the Attorney General, and the agency then has to show it
> has a legal right to withhold the records.3 It is the only place in
> Oregon where a person can make an agency do that without hiring a lawyer
> and going to court. Since January 2025, the office has made an agency
> release a record in only 6 of its 282 orders, and there is more these
> records reveal in aggregate.
>
> Every figure here comes from the Attorney General’s own orders as the
> State of Oregon Law Library publishes them, 2,674 of them, from 1981 to
> October 2026.56 Each number links to the orders it counts, and the
> spreadsheet links every order to the State’s copy, so nothing here rests on
> my word.
>
> Of those 2,674 orders <https://openrecordsoregon.org/r/QC138X6Z/9S65>,
> only 158 told an agency to release a record
> <https://openrecordsoregon.org/r/QC138X6Z/GNZT>. From 1981 to 1990, 52
> <https://openrecordsoregon.org/r/QC138X6Z/8BZJ> of 289 orders
> <https://openrecordsoregon.org/r/QC138X6Z/928W> did. Since January 2025,
> only 6 <https://openrecordsoregon.org/r/QC138X6Z/ZHA9> of 282
> <https://openrecordsoregon.org/r/QC138X6Z/0HVP> have, while denials and
> moot rulings together have grown from 144 of 289 orders
> <https://openrecordsoregon.org/r/QC138X6Z/GMZV> to 219 of 282
> <https://openrecordsoregon.org/r/QC138X6Z/QAM7> now.
>

> The office has several ways to end a petition, and none of them requires
> the agency to lose.
>
> More than half of all petitions, 1,415 of them
> <https://openrecordsoregon.org/r/QC138X6Z/EQW4>, were denied. The law
> puts the burden on the agency and requires it to send the Attorney General
> the records themselves, unless the Attorney General agrees to accept a
> description,7 but the office often takes the agency's word for what the
> records are, or whether they exist. The word "second-guess" appears in 158
> orders <https://openrecordsoregon.org/r/QC138X6Z/1893>, in sentences like
> this one from August: "Under the circumstances, we have no reason to
> second-guess DAS's representation that the records you seek are not in
> DAS's custody."8
>
> The office dismissed 529 petitions as moot
> <https://openrecordsoregon.org/r/QC138X6Z/DA5T>, although the law allows
> it only to grant a petition or deny it, in whole or in part.3 After a
> petition arrives, the office contacts the agency in a conversation the
> petitioner is not part of, the agency promises to do something, and the
> office ends the petition on that promise, whatever else the petition
> raised. The question the petition asked, whether the agency had a legal
> right to do what it did, is never decided, so the agency is never found
> wrong. Nothing in the order holds the agency to its promise either, and if
> it does not follow through, the person has to start over.
>
> Another 386 petitions <https://openrecordsoregon.org/r/QC138X6Z/2ZVT>
> were dismissed without the office reaching the question at all. In 273
> <https://openrecordsoregon.org/r/QC138X6Z/3HM1>, the agency had never
> given the answer the law requires of it. The office called those petitions
> "premature" and dismissed them, so the agency's own failure to answer is
> what kept it from facing an order.
>
> In 113 <https://openrecordsoregon.org/r/QC138X6Z/KDK8>, the office said
> it had no authority to decide, and 60 of those turned a person away because
> the records were held by an elected official, the Governor among them.4
> The law bars such a petition only after the official has claimed a right to
> withhold the records.9 When the office quotes that law, it cuts that
> condition out and leaves three stars in its place: "it shall not be
> considered by the Attorney General * * *."10
>

> Read that way, the law closes the office to anything an elected official
> decides, and that is how the office used it on October 1, when it refused
> to review a fee waiver the Oregon Governor's Office had denied, though that
> office had withheld no record: "That authority does not include the
> authority to review decisions made by elected officials."11
>
> The office has also ruled both ways: in 1995 it ordered the Oregon State
> Treasurer "to disclose the requested records,"12 in 2023 it told a
> petitioner it had no jurisdiction over the Secretary of State,13 and in
> 2024 it decided a petition against the Secretary of State.14
>
> The office granted 217 petitions
> <https://openrecordsoregon.org/r/QC138X6Z/6YD9> in whole or in part, 8.1%
> of the total. Under the law, granting a petition means ordering the agency
> to release the records,15 and before 2025, 152
> <https://openrecordsoregon.org/r/QC138X6Z/Y3V1> of the 190 granted
> petitions <https://openrecordsoregon.org/r/QC138X6Z/WGS5> did. Since
> then, only 6 <https://openrecordsoregon.org/r/QC138X6Z/TSS4> of 27
> <https://openrecordsoregon.org/r/QC138X6Z/H5NY> have. Eighteen of those 27
> <https://openrecordsoregon.org/r/QC138X6Z/AB6Q> were against the Oregon
> Department of Human Services, which had three in the previous 44 years
> <https://openrecordsoregon.org/r/QC138X6Z/XGE2>, and in 2026 the agency
> accounts for 16 <https://openrecordsoregon.org/r/QC138X6Z/1YK0> of the 21
> grants <https://openrecordsoregon.org/r/QC138X6Z/JGH3>, against five for
> every other public body combined. Fifteen of its 16
> <https://openrecordsoregon.org/r/QC138X6Z/KF57> only set a date for it to
> finish responding: "We grant your petition, and we order ODHS to complete
> its response by October 9, 2026."16 The agency tells the office how many
> requests it is holding, a number that grew from 1,026 in May 2025 to 4,145
> in October 2026,1718 and the office accepts that number as the reason for
> the delay. It appears in 21 orders about the agency and in two about any
> other public body.4 The count of granted petitions rises, and the agency
> gives up nothing.
>
> When the office denies a petition and the person goes to court, the same
> office represents the agency.19 For anyone who cannot sue, the agency's
> refusal stands.
>
> On November 7, I asked Mr. Pitcher to comment for the record on eight
> questions about these orders.20 The same day, I asked the Oregon Sunshine

> Committee, in a written comment for its meeting on November 18, and the
> Public Records Advisory Council, for its December 1 report to the Governor
> and the Legislature, to recommend six changes to the Legislature,2122 and
> I asked Representative David Gomberg to carry a bill in the 2027 session
> that makes them.23 The next day I sent all four the figures with their
> sources.24
>
> The records in these petitions belong to the public. Since January 2025,
> the Attorney General's office, which is supposed to make agencies release
> them, has done so in 6 of its 282 orders. The people who were turned away
> cannot make that known on their own, and that is why I am writing to you.
>
> The orders are public, and anyone can read them, so if this stays hidden,
> it will be because the people who were shown it said nothing. Every letter
> I send about these orders, and every response, is listed on the Press
> Response Tracker <https://openrecordsoregon.org/r/QC138X6Z/PJC4>.
>
> I do not expect a story before you have checked every figure. I do expect
> a reply telling me this reached you and is being taken seriously. That is
> the basic respect owed to anyone who writes to you, and no one I have
> written to about these orders has shown it.
>
> Will you report what they show?
> Respectfully,
> *Robert Samuel White*
> Public Records Requestor
> rswfire.com <https://openrecordsoregon.org/r/QC138X6Z/N4P0>
> openrecordsoregon.org <https://openrecordsoregon.org/r/QC138X6Z/Z5YK>
> autonomyrealms.com <https://openrecordsoregon.org/r/QC138X6Z/JKEM>
> Sources
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> 1. Order 2914, Oregon Department of Corrections, September 11, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/BKRG>
> 2. Order 2935, Oregon Department of Corrections, September 29, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/WWSH>
> 3. ORS 192.411(1) <https://openrecordsoregon.org/r/QC138X6Z/10AT>
> 4. "The Attorney General Is the Last Stop Before Court,"
> OpenRecordsOregon.org, November 7, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/876Z>
> 5. Attorney General's Public Records Orders, State of Oregon Law

> Library <https://openrecordsoregon.org/r/QC138X6Z/Z7G2>
> 6. Petitions, OpenRecordsOregon.org
> <https://openrecordsoregon.org/r/QC138X6Z/6MMR>
> 7. ORS 192.422(2) <https://openrecordsoregon.org/r/QC138X6Z/KEGX>
> 8. Order 2887, Oregon Department of Administrative Services, August 4,
> 2026 <https://openrecordsoregon.org/r/QC138X6Z/QQZA>
> 9. ORS 192.427 <https://openrecordsoregon.org/r/QC138X6Z/P8MS>
> 10. Order 2927, Oregon Governor's Office, September 24, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/CFMP>
> 11. Order 2933, Oregon Governor's Office, October 1, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/5EAJ>
> 12. Order 1303, Oregon State Treasurer, May 15, 1995
> <https://openrecordsoregon.org/r/QC138X6Z/EG3D>
> 13. Order 2476, Oregon Secretary of State, June 20, 2023
> <https://openrecordsoregon.org/r/QC138X6Z/QRGH>
> 14. Order 2650, Oregon Secretary of State, December 18, 2024
> <https://openrecordsoregon.org/r/QC138X6Z/CQDS>
> 15. ORS 192.411(2) <https://openrecordsoregon.org/r/QC138X6Z/75T4>
> 16. Order 2934, Oregon Department of Human Services, September 30, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/9TS9>
> 17. Order 2681, Oregon Department of Human Services, May 2, 2025
> <https://openrecordsoregon.org/r/QC138X6Z/2Y2F>
> 18. Order 2939, Oregon Department of Human Services, October 22, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/WP1X>
> 19. ORS 192.411(3) <https://openrecordsoregon.org/r/QC138X6Z/9JYQ>
> 20. My letter to David Pitcher, Public Records Counsel, November 7,
> 2026 <https://openrecordsoregon.org/r/QC138X6Z/DGSP>
> 21. My written comment to the Oregon Sunshine Committee, November 7,
> 2026 <https://openrecordsoregon.org/r/QC138X6Z/YZCC>
> 22. My letter to the Public Records Advisory Council, November 7, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/693Z>
> 23. My letter to Representative David Gomberg, November 7, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/B9Q1>
> 24. My letter to the four of them, November 8, 2026
> <https://openrecordsoregon.org/r/QC138X6Z/Y38E>
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