FROM	Buffy Pollock
TO	Robert Samuel White
DATE	November 12, 2026, 4:14 PM PT
SUBJECT	**Re: The Attorney General's public records orders**

P.S. I can't open any of the links. It has an error or something about the security certificate for the site. Suggestions?

On Thu, Nov 12, 2026 at 4:14 PM Buffy Pollock <buffy.pollock@rv-times.com> wrote:

> Robert,
> Can you tell me more about the reason for the request? Where does the
> person being denied the record request live/claim as their home city of
> residence? Only asking in case there are ties to the southern half of the
> state (which I cover, not to say I can't do a state-level story).
> Are you the incarcerated person requesting the records or are you their
> advocate/legal representative? Just trying to decode some of the basics so
> I can figure out where to go from there.
>
> I'm glad you emailed.
>
> Buffy
>
> On Thu, Nov 12, 2026 at 4:00 PM Robert Samuel White <rsw@rswfire.com>
> wrote:
>
>> Ms. Pollock:
>>
>> 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/3VV4M8JY/9S65>,
>> only 158 told an agency to release a record
>> <https://openrecordsoregon.org/r/3VV4M8JY/GNZT>. From 1981 to 1990, 52
>> <https://openrecordsoregon.org/r/3VV4M8JY/8BZJ> of 289 orders
>> <https://openrecordsoregon.org/r/3VV4M8JY/928W> did. Since January 2025,
>> only 6 <https://openrecordsoregon.org/r/3VV4M8JY/ZHA9> of 282
>> <https://openrecordsoregon.org/r/3VV4M8JY/0HVP> have, while denials and
>> moot rulings together have grown from 144 of 289 orders
>> <https://openrecordsoregon.org/r/3VV4M8JY/GMZV> to 219 of 282
>> <https://openrecordsoregon.org/r/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/2ZVT>
>> were dismissed without the office reaching the question at all. In 273
>> <https://openrecordsoregon.org/r/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/Y3V1> of the 190 granted
>> petitions <https://openrecordsoregon.org/r/3VV4M8JY/WGS5> did. Since
>> then, only 6 <https://openrecordsoregon.org/r/3VV4M8JY/TSS4> of 27
>> <https://openrecordsoregon.org/r/3VV4M8JY/H5NY> have. Eighteen of those
>> 27 <https://openrecordsoregon.org/r/3VV4M8JY/AB6Q> were against the
>> Oregon Department of Human Services, which had three in the previous 44
>> years <https://openrecordsoregon.org/r/3VV4M8JY/XGE2>, and in 2026 the
>> agency accounts for 16 <https://openrecordsoregon.org/r/3VV4M8JY/1YK0>
>> of the 21 grants <https://openrecordsoregon.org/r/3VV4M8JY/JGH3>,
>> against five for every other public body combined. Fifteen of its 16
>> <https://openrecordsoregon.org/r/3VV4M8JY/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/3VV4M8JY/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/3VV4M8JY/N4P0>
>> openrecordsoregon.org <https://openrecordsoregon.org/r/3VV4M8JY/Z5YK>
>> autonomyrealms.com <https://openrecordsoregon.org/r/3VV4M8JY/JKEM>

>> Sources
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>> 1. Order 2914, Oregon Department of Corrections, September 11, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/BKRG>
>> 2. Order 2935, Oregon Department of Corrections, September 29, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/WWSH>
>> 3. ORS 192.411(1) <https://openrecordsoregon.org/r/3VV4M8JY/10AT>
>> 4. “The Attorney General Is the Last Stop Before Court,”
>> OpenRecordsOregon.org, November 7, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/876Z>
>> 5. Attorney General’s Public Records Orders, State of Oregon Law
>> Library <https://openrecordsoregon.org/r/3VV4M8JY/Z7G2>
>> 6. Petitions, OpenRecordsOregon.org
>> <https://openrecordsoregon.org/r/3VV4M8JY/6MMR>
>> 7. ORS 192.422(2) <https://openrecordsoregon.org/r/3VV4M8JY/KEGX>
>> 8. Order 2887, Oregon Department of Administrative Services, August
>> 4, 2026 <https://openrecordsoregon.org/r/3VV4M8JY/QQZA>
>> 9. ORS 192.427 <https://openrecordsoregon.org/r/3VV4M8JY/P8MS>
>> 10. Order 2927, Oregon Governor’s Office, September 24, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/CFMP>
>> 11. Order 2933, Oregon Governor’s Office, October 1, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/5EAJ>
>> 12. Order 1303, Oregon State Treasurer, May 15, 1995
>> <https://openrecordsoregon.org/r/3VV4M8JY/EG3D>
>> 13. Order 2476, Oregon Secretary of State, June 20, 2023
>> <https://openrecordsoregon.org/r/3VV4M8JY/QRGH>
>> 14. Order 2650, Oregon Secretary of State, December 18, 2024
>> <https://openrecordsoregon.org/r/3VV4M8JY/CQDS>
>> 15. ORS 192.411(2) <https://openrecordsoregon.org/r/3VV4M8JY/75T4>
>> 16. Order 2934, Oregon Department of Human Services, September 30,
>> 2026 <https://openrecordsoregon.org/r/3VV4M8JY/9TS9>
>> 17. Order 2681, Oregon Department of Human Services, May 2, 2025
>> <https://openrecordsoregon.org/r/3VV4M8JY/2Y2F>
>> 18. Order 2939, Oregon Department of Human Services, October 22, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/WP1X>
>> 19. ORS 192.411(3) <https://openrecordsoregon.org/r/3VV4M8JY/9JYQ>
>> 20. My letter to David Pitcher, Public Records Counsel, November 7,
>> 2026 <https://openrecordsoregon.org/r/3VV4M8JY/DGSP>
>> 21. My written comment to the Oregon Sunshine Committee, November 7,
>> 2026 <https://openrecordsoregon.org/r/3VV4M8JY/YZCC>

>> 22. My letter to the Public Records Advisory Council, November 7, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/693Z>
>> 23. My letter to Representative David Gomberg, November 7, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/B9Q1>
>> 24. My letter to the four of them, November 8, 2026
>> <https://openrecordsoregon.org/r/3VV4M8JY/Y38E>
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>> 01M791C5983XE893KRZ62XNPHR
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