FROM	Jeremy Kohler
TO	Robert Samuel White
DATE	November 12, 2026, 5:12 PM PT
SUBJECT	**Re: The Attorney General's public records orders**

Good evening,

I am going to forward this message to our Northwest newsroom. Thanks for sending it.

Jeremy Kohler

On Thu, Nov 12, 2026 at 6:11 PM Robert Samuel White <rsw@rswfire.com> wrote:

> Mr. Kohler:
>
> 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/R4HA8K6M/9S65>,
> only 158 told an agency to release a record
> <https://openrecordsoregon.org/r/R4HA8K6M/GNZT>. From 1981 to 1990, 52
> <https://openrecordsoregon.org/r/R4HA8K6M/8BZJ> of 289 orders
> <https://openrecordsoregon.org/r/R4HA8K6M/928W> did. Since January 2025,
> only 6 <https://openrecordsoregon.org/r/R4HA8K6M/ZHA9> of 282
> <https://openrecordsoregon.org/r/R4HA8K6M/0HVP> have, while denials and
> moot rulings together have grown from 144 of 289 orders
> <https://openrecordsoregon.org/r/R4HA8K6M/GMZV> to 219 of 282
> <https://openrecordsoregon.org/r/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/2ZVT>
> were dismissed without the office reaching the question at all. In 273
> <https://openrecordsoregon.org/r/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/Y3V1> of the 190 granted
> petitions <https://openrecordsoregon.org/r/R4HA8K6M/WGS5> did. Since
> then, only 6 <https://openrecordsoregon.org/r/R4HA8K6M/TSS4> of 27
> <https://openrecordsoregon.org/r/R4HA8K6M/H5NY> have. Eighteen of those 27
> <https://openrecordsoregon.org/r/R4HA8K6M/AB6Q> were against the Oregon
> Department of Human Services, which had three in the previous 44 years
> <https://openrecordsoregon.org/r/R4HA8K6M/XGE2>, and in 2026 the agency
> accounts for 16 <https://openrecordsoregon.org/r/R4HA8K6M/1YK0> of the 21
> grants <https://openrecordsoregon.org/r/R4HA8K6M/JGH3>, against five for
> every other public body combined. Fifteen of its 16
> <https://openrecordsoregon.org/r/R4HA8K6M/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/R4HA8K6M/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/R4HA8K6M/N4P0>
> openrecordsoregon.org <https://openrecordsoregon.org/r/R4HA8K6M/Z5YK>
> autonomyrealms.com <https://openrecordsoregon.org/r/R4HA8K6M/JKEM>
> Sources
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> 1. Order 2914, Oregon Department of Corrections, September 11, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/BKRG>
> 2. Order 2935, Oregon Department of Corrections, September 29, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/WWSH>
> 3. ORS 192.411(1) <https://openrecordsoregon.org/r/R4HA8K6M/10AT>
> 4. "The Attorney General Is the Last Stop Before Court,"
> OpenRecordsOregon.org, November 7, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/876Z>
> 5. Attorney General's Public Records Orders, State of Oregon Law
> Library <https://openrecordsoregon.org/r/R4HA8K6M/Z7G2>
> 6. Petitions, OpenRecordsOregon.org

> <https://openrecordsoregon.org/r/R4HA8K6M/6MMR>
> 7. ORS 192.422(2) <https://openrecordsoregon.org/r/R4HA8K6M/KEGX>
> 8. Order 2887, Oregon Department of Administrative Services, August 4,
> 2026 <https://openrecordsoregon.org/r/R4HA8K6M/QQZA>
> 9. ORS 192.427 <https://openrecordsoregon.org/r/R4HA8K6M/P8MS>
> 10. Order 2927, Oregon Governor's Office, September 24, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/CFMP>
> 11. Order 2933, Oregon Governor's Office, October 1, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/5EAJ>
> 12. Order 1303, Oregon State Treasurer, May 15, 1995
> <https://openrecordsoregon.org/r/R4HA8K6M/EG3D>
> 13. Order 2476, Oregon Secretary of State, June 20, 2023
> <https://openrecordsoregon.org/r/R4HA8K6M/QRGH>
> 14. Order 2650, Oregon Secretary of State, December 18, 2024
> <https://openrecordsoregon.org/r/R4HA8K6M/CQDS>
> 15. ORS 192.411(2) <https://openrecordsoregon.org/r/R4HA8K6M/75T4>
> 16. Order 2934, Oregon Department of Human Services, September 30, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/9TS9>
> 17. Order 2681, Oregon Department of Human Services, May 2, 2025
> <https://openrecordsoregon.org/r/R4HA8K6M/2Y2F>
> 18. Order 2939, Oregon Department of Human Services, October 22, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/WP1X>
> 19. ORS 192.411(3) <https://openrecordsoregon.org/r/R4HA8K6M/9JYQ>
> 20. My letter to David Pitcher, Public Records Counsel, November 7,
> 2026 <https://openrecordsoregon.org/r/R4HA8K6M/DGSP>
> 21. My written comment to the Oregon Sunshine Committee, November 7,
> 2026 <https://openrecordsoregon.org/r/R4HA8K6M/YZCC>
> 22. My letter to the Public Records Advisory Council, November 7, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/693Z>
> 23. My letter to Representative David Gomberg, November 7, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/B9Q1>
> 24. My letter to the four of them, November 8, 2026
> <https://openrecordsoregon.org/r/R4HA8K6M/Y38E>
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