



## State of South Carolina Office of the Governor

NIKKI R. HALEY  
GOVERNOR

1205 PENDLETON STREET  
COLUMBIA 29201

July 24, 2015

Mr. Jason Leopold  
*VICE News*  
589 Venice Boulevard  
Venice, California 90291

Dear Mr. Leopold,

One July 2, 2015 and again on July 18, 2015, our office received your Freedom of Information Act request for the following:

1. "Any and all documents, which includes but is not limited to emails, letters, memos, text messages, sent to and received by Governor Nikki Haley between January 1, 2015 and the date the search for responsive records is conducted mentioning or referring to the Confederate Flag;"
2. "Any and all documents, which includes but is not limited to emails, letters, memos, text messages, sent by Governor Nikki Haley to any member of the South Carolina State Legislature mentioning or referring to the Confederate Flag. The timeline for this search is June 1, 2015 through the date the search for responsive records is conducted;"
3. "Any documents, which includes, but is not limited to emails, letters, memos, text messages, sent to Nikki Haley from any member of the South Carolina State Legislature. The timeframe for this search is June 1, 2015 through the date the search for responsive records is conducted;"
4. "Any and all documents, which includes but is not limited to directives, emails, letters, memos, text messages, between Governor Nikki Haley and any employee in the Office of the Governor mentioning or referring to the June 17, 2015 shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and the Confederate Flag;"

5. "Any and all documents, which includes but is not limited to emails, letters, memos, text messages, between Governor Nikki Haley and local government and law enforcement officials in Charleston, mentioning or referring to the June 17, 2015 shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and the Confederate Flag;"
6. "Any and all talking points prepared for Governor Nikki Haley mentioning or referring to the June 17, 2015 shooting at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, and the Confederate Flag;"
7. "Any and all legal guidance provided to Governor Nikki Haley mentioning or referring to the Confederate Flag in the State of South Carolina and taking down and/or removing the Confederate Flag from flying in the State of South Carolina."

With regard to Item 1\*, our office has identified records responsive to your request. Our office will provide any and all records in our possession that are responsive to your request, subject to any exemptions or redactions as allowed pursuant to Section 30-4-40(a) of the South Carolina Code of Laws or as is otherwise exempt from disclosure by statute or regulation or prohibited from disclosure by court order.

With regard to Item 2\*, our office does not possess records responsive to your request.

With regard to Item 3\*, our office has identified records responsive to your request. Our office will provide any and all records in our possession that are responsive to your request, subject to any exemptions or redactions as allowed pursuant to Section 30-4-40(a) of the South Carolina Code of Laws or as is otherwise exempt from disclosure by statute or regulation or prohibited from disclosure by court order.

With regard to Item 4\*, our office does not possess records responsive to your request.

With regard to Item 5\*, our office has identified records responsive to your request. Our office will provide any and all records in our possession that are responsive to your request, subject to any exemptions or redactions as allowed pursuant to Section 30-4-40(a) of the South Carolina Code of Laws or as is otherwise exempt from disclosure by statute or regulation or prohibited from disclosure by court order.

With regard to Item 6, our office either does not possess records responsive to your request or, in the case of a press conference on June 24<sup>th</sup>, has already made responsive records available to the public. (A transcript of the Governor's remarks on June 24, 2015, calling for the removal of the Confederate flag from Statehouse grounds, was released from the Governor's Press Office on June 24<sup>th</sup> and subsequently made available online by various media outlets. If you cannot obtain a copy of the transcript online, then let our office know, and a copy will be mailed to you.)

With regard to Item 7, our office has identified but will exempt from disclosure records responsive to your request pursuant to Section 30-4-40(a)(7) (correspondence or work products

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of legal counsel for a public body and any other material that would violate attorney-client relationships may be exempt from disclosure).

\*With regard to all requests for text messages, please be advised that our cell phone vendor has indicated that the only text records available are the number of text messages, not the content. Should you wish our office to provide this type of text data, pending its responsiveness, then you will need to clarify your request in writing.

Due to the high volume of Freedom of Information Act requests received by the Governor's Office, and the significant costs associated with producing the requests, our office will charge a reasonable cost for searching and copying records that will be disclosed as allowed pursuant to Section 30-4-30(b).

We are currently compiling responsive records to determine an estimated cost. You will be notified as soon as cost estimates have been determined.

Sincerely,

A handwritten signature in blue ink, appearing to read "Swati S. Patel", with a stylized flourish at the end.

Swati S. Patel  
Chief Legal Counsel

SPP/rs