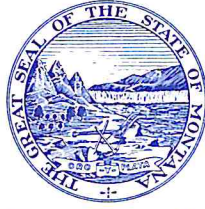


# Montana State Senate



*The Big Sky Country*

April 12, 2021

Governor Greg Gianforte  
Montana State Capitol  
1301 E. 6<sup>th</sup> Ave.  
Helena, MT 59601

Dear Governor Gianforte:

It has come to my attention that Senate Judiciary Chairman, Senator Keith Regier, purported to issue a subpoena on Friday April 9, 2021 to Acting Director of the Department of Administration (DOA), Misty Ann Giles, for all email correspondence of the Judicial Branch's Court Administrator, Beth McLaughlin. The purported subpoena sought all of Ms. McLaughlin's correspondence, including confidential and private personal information, whether or not it related to current litigation around Senate Bill 140.

According to Court records, it appears that Acting Director Giles worked over the weekend to fill this questionable subpoena and turned over confidential, judicial information to Sen. Regier before she was ordered to stop by the Montana Supreme Court late last night. As you know, the Department of Administration has a responsibility to maintain state email systems, but this does not allow for interference in the activities of other branches of government.

Acting Director Giles' decision to release highly sensitive judicial information over the objection of the judicial branch raises grave concerns about her ability to lead the Department of Administration and protect the privacy and security of Montana citizens. The move raises serious ethical questions and may have violated the public trust, Montana constitutional and statutory protections of individual privacy, and created substantial and costly legal liability from individuals whose private information was released.

Last week, Acting Director Giles had her hearing to be confirmed by the Montana Senate as Director of the Department of Administration. The Senate has not yet confirmed her, and her actions to interfere with the operations of another branch of government abusing her position at the Department cast into doubt her ability to serve as a non-partisan administrator for the state.

Montanans deserve to know what happened this weekend and why sensitive information was produced in response to a questionable subpoena and over the objection of the judicial branch. To clear the air—and to clear Acting Director Giles’ name—I formally request that you promptly order the public release of all of Acting Director Giles’ communications, without limitation, from Thursday, April 8, 2021 until the date this request is filled. This includes all of Acting Director Giles’:

- Email correspondence, sent and received and deleted
- Text messages to any employee of the State of Montana
- Log of phone calls, from her cell phone or work phone, to any employee of the State of Montana

This request specifically includes any communications with your office about responding to the subpoena.

It appears that DOA now has a policy of producing emails and other documents expeditiously and without internal review. We expect that you will extend the same courtesy to our members that Acting Director Giles extended to Sen. Regier and promptly fulfill this request by 3:00 PM on Tuesday, April 13th.

Thank you for your efforts to uphold the constitution and privacy laws of Montana. We look forward to your response and the release of Acting Director Giles communications.

Sincerely,



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Senator Minority Leader

cc: Misty Ann Giles, Acting DOA Director