



## ACLU Nebraska

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**BECAUSE FREEDOM CAN'T PROTECT ITSELF**

March 6, 2013

Major General Judd H. Lyons  
Adjutant General  
Nebraska National Guard  
2433 NW 24<sup>th</sup> St.  
Lincoln NE 68524-1801

Re: Public Records Request

To Whom It May Concern:

This letter is a request under the Nebraska Public Records Act, *Neb. Rev. Stat.* 84-712 by the American Civil Liberties Union of Nebraska. This request seeks a copy of records regarding military equipment and resources that have been channeled through your agency to local law enforcement agencies in Nebraska.

### Records Requested

Please provide copies of the following records received, created, updated, or edited, **from January 1, 2011, to the present:**

1. All records, including incident reports and other documentation, which describe or make reference to the following categories of direct National Guard-civilian contact in the following four scenarios:
  - i. Logs of prisoner transport;
  - ii. Contact with cocaine, heroin, marijuana, hashish, and/or amphetamine manufacturers, growers, and operators;
  - iii. Approval requests for National Guard-civilian contact, including any records which show the number of requests issued and the number of requests approved; and
  - iv. All records showing whether guardsmen are armed when engaged in National Guard-civilian contact, including any data about the number of requests for arming guardsmen made and the number of requests approved.
  
2. All records regarding National Guard equipment lent or leased to police departments or other agencies, including, but not limited to, records regarding which

police departments or other agencies have received Light Armored Vehicle (LAV) funds or equipment through grants managed, arranged, or assisted by your Office.

3. All records describing or referencing National Guard's eligibility for asset forfeiture money.
4. All records containing or describing policies, procedures, and training (including syllabi course descriptions, and handouts) regarding the National Guard Counterdrug and CounterNarcoterrorism missions.
5. All records describing or detailing your State Counterdrug Plan.
6. All records which describe the relationship between the National Guard and the Nebraska Fusion Center(s) including all records showing the number of National Guard personnel assigned to a fusion center and all records which describe any National Guard personnel's responsibilities and authorities in connection with assignment to a fusion center.

Because this request is on a matter of public concern and because it is made on behalf of a non-profit organization, we request a fee waiver. If, however, such a waiver is denied, we will reimburse you for the actual, reasonable cost of copying. Please inform us in advance if the cost will be greater than \$100. Please send us documents in electronic form when feasible.

According to the Nebraska Public Records Act, a custodian of public records shall normally respond to a request within four (4) days after receipt. However, given the nature of this request, we are willing to give you thirty (30) days. If you require additional time, please contact me in order that we can discuss any further extension.

Finally, if it is your position that one of the items requested is exempt from production, Nebraska law requires that you delete or redact such exempted material and then provide the remaining documents and portions of any document responsive to our request.

Thank you for your prompt attention to this matter.

Sincerely,



Amy A. Miller  
Legal Director