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GAO Files Suit against Minnesota AG Ellison Over Refusal to Release Records re Bloomberg-Funded “Special Assistant AG”, Tort Bar Recruiting of AGs

Group Reveals Ellison as newest AG to take Bloomberg-funded prosecutor

Today the public interest law firm Government Accountability & Oversight, P.C. (GAO) filed suit against Minnesota Attorney General Keith Ellison under that state’s public records law. This suit, on behalf of the nonprofit group Energy Policy Advocates (EPA), seeks to compel the AG to release documents shedding light on the use of law enforcement to advance private interests.

At issue are AG Ellison’s correspondence with activists, donors and plaintiffs’ lawyers. Public records reveal a campaign to use Attorneys General offices to advance those parties’ financial and ideological pursuits. EPA requested OAG provide copies of certain emails of Deputy Attorney General Karen Olson with or relating to outside parties including the lead plaintiffs’ law firm recruiting litigants to sue energy companies in the name of “climate change”.

In recent years the tort bar has recruited state and local governments as plaintiffs. As their litigation faltered, some plaintiffs’ lawyers sought “a single sympathetic attorney general” to subpoena private records and provide a much needed boost to their stalled efforts. After that, billionaire activist and major Democratic Party donor Michael Bloomberg created a group to recruit and privately staff AGs to support his “climate” activism. One of those AGs is Ellison.

Ellison recently brought in a privately hired attorney through Blomberg’s group revealingly called the “State Impact Center”. That group hires then places lawyers in AG offices to advance a donor’s policy concerns as “Special Assistant Attorneys General” (SAAGs), and provides other private resources and attorneys for friendly offices pursuing matters of concern to the donor.

OAG never announced – and apparently never authorized Bloomberg’s group to announce – this partnership. However, an attorney boasted on his LinkedIn profile to being “embedded with the Minnesota Attorney General’s Office as an Environmental Litigator and Special Assistant Attorney General”. Like the rest of this new breed of activist, he is in fact employed “as a Fellow with the NYU School of Law’s State Impact Center”.

Revelation of Ellison’s “SAAG” marks the first new addition to Bloomberg’s corps of AGs since December 2017, after something of an Omertà set in following unwanted scrutiny of the arrangements. This newfound shyness notwithstanding, private money continued flowing to underwrite more such placements. EPA’s requests also covered OAG correspondence with an employee of the Massachusetts Attorney General’s Office who, public records show, is coordinating recruitment of attorneys general offices for Bloomberg’s group.

Records arranging these relationships can be revealing — already Virginia’s legislature has [acted to ban its AG, Mark Herring, from following through](#) on his written promise [to use his office "to advance the agenda represented by"](#) Bloomberg’s group. GAO is in court seeking to obtain records pertaining to that breathtaking confession. Oregon’s legislative counsel has declared that the scheme violates that state’s laws. [Maryland’s AG plainly violated state law in appointing its Bloomberg “SAAG”](#) – calling him “pro bono” after setting the attorney’s (privately paid) salary at \$125,000 plus benefits. GAO is also in court seeking Maryland’s unredacted “Application”.

GAO’s Chris Horner, who detailed the evidence about both the plaintiffs’ and Bloomberg’s climate schemes in his August 2018 paper [“Law Enforcement for Rent”](#), and a recent op-ed in the [Wall Street Journal](#), says that “The public deserves to see any discussions between AG Ellison’s Office and a major party-donor’s group, particularly one soliciting AGs to bring on privately funded prosecutors to advance that donor’s agenda.”

Horner adds, “Across the country, we have found attorneys general offices deeply concerned about the public learning more about the influence of plaintiffs’ lawyers and activists in using those law enforcement offices to advance a political or financial agenda. Far too often these activist AGs make the public sue to obtain public records. Add Minnesota’s AG to that list.”

EPA also requested emails reflecting the use of online storage sites such as Dropbox to conduct official business. This growing practice of public officials using off-site, private web storage raises serious concerns about compliance with public records retention requirements.

MN OAG insists that any records responsive to these requests are exempt under “a number of legal privileges, including the attorney work product, the attorney-client, and the deliberative process privileges”.

“EPA has done great work bringing transparency to Attorneys General Offices across the nation,” said Matthew Hardin, Energy Policy Advocates’ Executive Director. “Now that we’ve unfortunately been stonewalled in Minnesota, we can add one more AG’s office to the list of those who require the public to bring suit to shine the disinfectant of sunlight on these matters.”

GAO filed suit with local counsel Douglas Seaton of the Upper Midwest Law Center and James Dickey of Hellmuth & Johnson, PLLC.

Government Accountability & Oversight is a 501(c)3 non-profit organization dedicated to transparency in public officials’ dealings on matters of energy, environment and law enforcement