



**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**

Statehouse, Room 3-8
200 West Washington Street
Indianapolis, Indiana 46204

Noelle Sykes
Chief Counsel
(317) 232-9631
noelle.sykes@iga.in.gov

October 27, 2021

Mehreen Rasheed
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
records@americanoversight.org
SENT VIA MAIL and EMAIL

Dear Mehreen:

This letter is in reply to your October 25, 2021 email to Speaker Huston, Rep. Mayfield, Rep. King, and Rep. Davis regarding a public records request. As Chief Counsel for the Indiana House Republican Caucus ("Caucus"), I respond to requests for public records and pursuant to Ind. Code 5-14-3 am responding to your request. In your email you requested all calendar entries or invitations indicating meetings between the named legislators or their staff members and any of the named 37 groups or organizations.

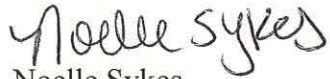
Any records responsive to your request are classified as "work product" under House internal procedural rules ("Rules"). Ind. Code § 5-14-3-4(b)(14) specifically exempts the work product of individual members and partisan staff of the General Assembly from a person's right to inspect and copy public agency records or recordings. The individual communications between legislators and constituents, staff, other legislators, and anyone else are considered legislative "work product" under Ind. Code § 5-14-3-4(b)(14) and the Rules. It is also House tradition to treat all correspondence as confidential. This encourages constituents and anyone else to communicate all necessary information to their legislative representative without fearing that the information, which is often personal and private, could be released to an outside party.

The Indiana Supreme Court has held on three separate occasions that the legislative branch has the constitutional authority to decide its procedural rules regarding records requests. In *Masariu v. The Marion Superior Court No. 1*, the Indiana Supreme Court determined that it would not intervene in the internal affairs of the legislative branch of government, leaving it to the General Assembly to determine its own procedural rules relating to the release of records. Then in *Berry v. Crawford*, the Indiana Supreme Court held that "for courts to get involved in such a legislative function would amount to 'constitutionally impermissible judicial interference with the internal operations of the legislative branch.'" Finally, in *Citizens Action Coalition of Indiana v. Koch*, the Indiana Supreme Court confirmed that interfering with the legislature's internal decision-making process regarding records would "require invasion into a core function of the legislative branch," which the court declined to do.

As a result, although the Caucus releases records when required by law, if the records requested are classified as “work product,” under the Rules, the Caucus is not required to release those records.

The Caucus appreciates your request and your interest in the Indiana General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Noelle Sykes". The signature is written in a cursive, flowing style.

Noelle Sykes
Chief Counsel
House Republican Caucus