

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, et al.,

Plaintiffs,

v.

DAVID LEWIS, IN HIS OFFICIAL CAPACITY AS SENIOR
CHAIRMAN OF THE HOUSE SELECT COMMITTEE ON
REDISTRICTING, et al.,

Defendants.

**PLAINTIFFS' NOTICE OF
LETTER REQUEST FROM
U.S. SENATORS
CONCERNING
HOFELLER FILES**

Plaintiffs respectfully submit this notice to advise the Court that Plaintiff Common Cause received a letter today from members of the United States Senate “strongly request[ing]” that Common Cause “preserve and/or publicly release all” of the Hofeller files in light of “federal law related to the preservation of federal records, as well as the U.S. Senate’s significant role in conducting oversight to ensure that we have a fair and accurate decennial census.” Ex. A. The letter states that the Hofeller files “likely contain and are related to federal records, and therefore they must be preserved under the *Federal Records Act*.” *Id.* It further states that, “given the significant public interest in these documents, they must be preserved and publicly released,” and that “the Congress and the public deserve to see the full Hofeller files.” *Id.*

Respectfully submitted this the 13th day of September, 2019

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *by email*, addressed to the following persons at the following addresses which are the last addresses known to me:

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This the 13th day of September, 2019.

/s/ Edwin M. Speas, Jr. _____
Edwin M. Speas, Jr.

Exhibit A

United States Senate

September 13, 2019

Karen Hobert Flynn
President
Common Cause
805 15th St. NW, Suite 800
Washington, DC 20005

Re: *Common Cause et al. v. Lewis et al.*, No. 18-CVS-14001 (N.C. Super.)

Dear Karen Hobert Flynn:

Given federal law related to the preservation of federal records, as well as the U.S. Senate's significant role in conducting oversight to ensure that we have a fair and accurate decennial census, we strongly request that Common Cause, which currently has a custody of these documents, to preserve and/or publicly release all documents provided by Stephanie Hofeller in *Common Cause et al. v. Lewis et al.* These documents revealed that Ms. Hofeller's father, Dr. Thomas Hofeller, played a role in developing the justification for the administration's attempt to add a citizenship question to the 2020 Census.

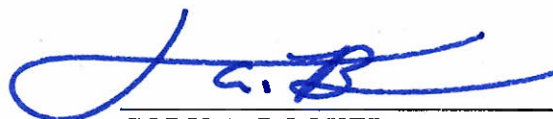
Many of these documents likely contain and are related to federal records, and therefore they must be preserved under the *Federal Records Act*. In addition, the Congress has oversight and policy-making duties under the Constitution, justifying our significant interest in these documents. Earlier this year, thirteen U.S. senators sent a letter to the inspectors general of the Justice and Commerce Departments urging them to review the failure of officials in both departments to reveal the collaboration with Dr. Hofeller.ⁱ As these documents revealed the ways in which adding a citizenship question to the decennial census would be "advantageous to Republicans and Non-Hispanic Whites" and to "clearly be a disadvantage to the Democrats," the Congress has an interest in seeing these documents to counter impermissible racial and partisan motivations to interfere with a full, fair, and accurate decennial census—the data from which directs \$800 billion on federal funds annually, and serves as the basis for apportionment in the U.S. House of Representatives.ⁱⁱ Furthermore, given the significant public interest in these documents, they must be preserved and publicly released.

Government transparency is a staple of American democracy, the Congress and the public deserve to see the full Hofeller files. We thank you for your consideration of our request.

Sincerely,



BRIAN SCHATZ
United States Senator



CORY A. BOOKER
United States Senator

Amy Klobuchar

AMY KLOBUCHAR
United States Senator

Mazie K Hirono

MAZIE K. HIRONO
United States Senator

ⁱ "Letter to Justice and Commerce IGs re. census citizenship question, 05-31-19," <https://www.schatz.senate.gov/download/doj-and-commerce-igs-letter-053119>.

ⁱⁱ Michael Wines, Deceased G.O.P. Strategist's Hard Drives Reveal New Details on the Census Citizenship Question," The New York Times, 30 May 2019, <https://www.nytimes.com/2019/05/30/us/census-citizenship-question-hofeller.html>.