

RREOU Submits Successful Amicus Brief in Speech or Debate Clause Case Involving Search of Congressman William Jefferson's Office

On August 3, 2007, the D.C. Circuit issued an important decision concerning the U.S. Constitution's protections for Congress's right to deliberate freely and independently of the other branches of government. The issue arose when the FBI executed a search warrant through an unannounced raid on the office of Congressman William Jefferson (Rayburn House Office Building Room 2113). The district court had ruled that the search did not violate the Constitution's Speech or Debate Clause. But the court of appeals held that the execution of the search warrant violated the Speech or Debate Clause because it involved the review of privileged Congressional materials by the Executive Branch. The court of appeals also held that Congressman Jefferson is entitled to the return of documents determined to be privileged under the Clause. Greg Poe and Matthew Segal had authored an amicus brief urging reversal of the district court's decision on behalf of a large group of scholars and former House and Senate counsel, including Stanley Brand, Christopher Bryant, Steven Huefner, Thomas Mann, Norman Ornstein, Steven Ross, Thomas Spulak, and Charles Tiefer.

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