No. 21-395

IN THE

Supreme Court of the United States

KEVIN OWEN MCCARTHY, ET AL.,

Petitioners,

v.

NANCY PELOSI, IN HER OFFICIAL CAPACITY AS SPEAKER OF THE HOUSE, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR RESPONDENTS IN OPPOSITION

MICHAEL R. DREEBEN
KENDALL TURNER
RACHEL A. CHUNG
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
(202) 383-5300

DOUGLAS N. LETTER
(*Counsel of Record*)
TODD B. TATELMAN
ERIC R. COLUMBUS
STACIE M. FAHSEL
OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
5140 O'Neill House Office Building
Washington, D.C. 20515
(202) 225-9700
douglas.letter@mail.house.gov

Counsel for Respondents

QUESTIONS PRESENTED

1. Whether the Speech or Debate Clause shields the Speaker of the House and House officers from suit in this challenge to the proxy-voting rules adopted during the COVID-19 pandemic, which govern how Members may conduct the core legislative act of voting.

2. Whether the proxy-voting rules are a valid exercise of the House's rulemaking authority.

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

CASES

TABLE OF AUTHORITIES
(continued)

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

OTHER AUTHORITIES

TABLE OF AUTHORITIES
(continued)

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

TABLE OF AUTHORITIES
(continued)

Page(s)

RULES

TABLE OF AUTHORITIES
(continued)

Page(s)

IN THE

Supreme Court of the United States

NO. 21-395

KEVIN OWEN MCCARTHY, ET AL.,

Petitioners,

v.

NANCY PELOSI, IN HER OFFICIAL CAPACITY AS SPEAKER OF THE HOUSE, ET AL.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF FOR RESPONDENTS IN OPPOSITION

OPINIONS BELOW

The district court's opinion (Pet. App. 15-36) is reported at 480 F. Supp. 3d 28. The court of appeals' opinion (Pet. App. 1-14) is reported at 5 F.4th 34.

JURISDICTION

The court of appeals' judgment was entered on July 20, 2021. The petition for a writ of certiorari was filed on September 9, 2021. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS AND RULES INVOLVED

The Quorum Clause, Rulemaking Clause, and Journal Clause, U.S. Const. art. I, § 5, provide:

> Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.
>
> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.
>
> Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

The Speech or Debate Clause, U.S. Const. art. I, § 6, cl. 1, provides:

> The Senators and Representatives … shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either

House, they shall not be questioned in any other Place.

The House of Representatives rules governing remote voting by proxy, H. Res 965 (May 15, 2020), are set forth at Pet. App. 39-49.

STATEMENT

This case involves a constitutional challenge to proxy-voting rules that the House of Representatives adopted during the COVID-19 pandemic to permit Members who could not safely travel to the seat of government to vote. Petitioners, two Members and several constituents, brought suit against the Speaker and officers of the House to have the rules declared unconstitutional and to enjoin respondents from applying them. The district court held that the Constitution's Speech or Debate Clause bars this action. It therefore dismissed the complaint and denied petitioners' motion for a preliminary injunction. The court of appeals affirmed.

A. The House's Constitutional Authority Over Its Rules

Article I of the Constitution vests the legislative power in Congress and prescribes certain procedures for the conduct of legislative business. As relevant here, the Quorum Clause provides that "a Majority of each [House] shall constitute a Quorum to do Business." U.S. Const. art. I, § 5, cl. 1. The Constitution grants the House wide discretion to effectuate that provision. The Rulemaking Clause empowers each House to "determine the Rules of its Proceedings." *Id.* art. I, § 5, cl. 2. Absent a violation of a constitutional

requirement or fundamental right, this rulemaking power is "beyond … challenge." *United States v. Ballin*, 144 U.S. 1, 5 (1892).

B. Evolution of House Quorum Rules

1. Since 1789, the House has used its rulemaking power to adapt its methods for determining how and whether a quorum exists.

Early practice. During the First Congress, the Speaker established a quorum at the start of each day in session. *See* 1 Annals of Cong. 103 (1789). As its numbers grew, the House began presuming that a quorum continued to exist after one was established at a session's start. By 1893, it was settled "that a quorum is presumed to be present unless a point of order is made by some Member, or unless a record vote by yeas and nays fails to disclose the presence of a quorum."[1] That presumption allowed the House—through a practice known as "unanimous consent"—to do business without a majority of Members physically present.

Civil War era changes. When several States seceded, the Speaker interpreted a quorum to include a majority of Members who had been provided to Congress by the loyal States, rather than of the total num-

---

[1] 6 *Cannon's Precedents of the House of Representatives* § 624 (*Cannon's*); 4 *Hinds' Precedents of the House of Representatives* § 2961 (*Hinds'*). The precedents of the House comprise the decisions of past Speakers and Chairs on parliamentary questions arising under the House Rules. *See Cannon's*, *Hinds'*, and *Deschler's Precedents of the House of Representatives* (*Deschler's*), https://perma.cc/7U8K-GXMM.

ber of authorized Members; this calculation substantially reduced the number of Members needed for a quorum and allowed the House to function during the Civil War. Cong. Globe, 37th Cong., 1st Sess. 210 (1861); 4 *Hinds'* § 2885.

Changes to prevent quorum-busting. Because a quorum originally included only Members voting on a measure, Members could prevent a quorum by declining to vote. 4 *Hinds'* §§ 2898-2903. In 1890, the Speaker prevented this quorum-busting technique by construing a quorum to include Members "present but not voting." *Id.* § 2895; *see Ballin*, 144 U.S. at 5 (upholding the procedure).

Unanimous consent during pandemics. During the 1918 flu pandemic, a majority could not safely assemble on the House floor. Operating on the presumption that a quorum is present unless demonstrated otherwise, the House passed legislation without a physically present quorum under its "unanimous consent" practice. *Whereas: Stories from the People's House: Sick Days*, U.S. House of Representatives: Hist., Art & Archives (Dec. 17, 2018), https://perma.cc/43QK-P5GW. For example, one bill passed with fewer than 50 Members physically present. *Id.*

Provisional quorum rule following 9/11. In response to the September 11, 2001 attacks, the House authorized the Speaker—if a majority of Members does not respond to quorum calls after a catastrophic event—to report that the "inability of the House to establish a quorum is attributable to catastrophic circumstances." Rule XX.5(c)(4)(A), Rules of the U.S. House of Representatives, 116th Cong. (2019),

https://perma.cc/J2SG-ZNDP (House Rules). The number of Members needed for a quorum is then reduced to include only Members not incapacitated. House Rule XX.5(c)(1).

2. Today, procedures for establishing a quorum and voting are contained in the House Rules, the House precedents, and Jefferson's Manual. *Jefferson's Manual* § 1029, H. Doc. No. 115-177 (2019), https://perma.cc/3KL6-826B; *see* House Rule XXIX.1 (*Jefferson's Manual* "shall govern the House" where applicable and not inconsistent with House rules and orders). At the first meeting of each new Congress, the House establishes a majority quorum necessary "to do Business." U.S. Const. art. I, § 5, cl. 1; *see Jefferson's Manual* §§ 53, 54, 310. Once established, the quorum is presumed unless a point of order is entertained and the Chair announces that a quorum is not present, or a record vote discloses the absence of a quorum. *See* 6 *Cannon's* § 624.

House votes commence with a voice vote. House Rule I.6. After that, any Member, with the support of "one fifth of those [Members] present," may demand that the "Yeas and the Nays ... be entered on the Journal" in a record vote. U.S. Const. art. I, § 5, cl. 3; *see* House Rule XX.1(b). Record votes are generally taken in the House chamber "by electronic device," House Rule XX.1(b); *see* House Rule XX.2(a), either by Members using an electronic voting card at a voting station, or by handing a ballot card to a tally clerk who enters that Member's vote into the electronic system, *see* Jacob R. Straus, Cong. Research Serv., *Electronic*

Voting System in the House of Representatives: History and Usage 9-11 (June 13, 2011), https://perma.cc/2XBC-EUZ5.

C. The COVID-19 Pandemic and House Resolution 965

1. In March 2020, the World Health Organization declared the global COVID-19 outbreak a pandemic. H. Rep. No. 116-420, at 2 (2020). Governments acted to slow the disease's spread by closing nonessential businesses, limiting public gatherings, issuing stay-at-home orders, and advising social distancing. *See id.* at 3. Legislatures ensured that they could respond to the pandemic without risking its spread, including by permitting remote voting. *See id.* at 4. So, too, did other branches of government (including the federal Judicial Branch) and the private sector. *See, e.g.*, Memorandum from the Deputy Attorney Gen. to U.S. Attorneys et al., Continuing to Investigate and Prosecute Federal Crime (Mar. 18, 2020), https://perma.cc/LZ4F-8H4K; Megan Brenan, *U.S. Workers Discovering Affinity for Remote Work*, Gallup (Apr. 3, 2020), https://perma.cc/992F-Z4AX.

2. To function safely during the pandemic, the House adopted House Resolution 965. H. Res. 965, 116th Cong. (May 15, 2020) (Resolution); *see* 166 Cong. Rec. H2253-54 (daily ed. May 15, 2020); H. Res. 8 § 3(s), 117th Cong. (Jan. 4, 2021) (adopting House Resolution 965 for the 117th Congress). The Resolution authorizes temporary remote voting by proxy, permitting a Member "unable to be in the House Chamber due to" the pandemic to relay his or her vote via a Member who is physically present. H. Rep. No. 116-420, at 7. The remote Members so voting "shall

be counted for the purpose of establishing a quorum." H. Res. 965 § 3(b); *see id.* §§ 1-3. The Resolution preserves the House's ability to conduct its vital legislative work and safeguards each Member's vote, while mitigating health risks. H. Rep. No. 116-420, at 21.

Section 1. The Resolution's rules are triggered when the House Sergeant-at-Arms notifies the Speaker "that a public health emergency due to a novel coronavirus is in effect," and the Speaker, in consultation with the Minority Leader, designates a "covered period." H. Res. 965 § 1(a). A covered period lasts 45 days, but may be extended for additional periods if the Speaker receives "further notification" from the Sergeant-at-Arms that the emergency "remains in effect." *Id.* § 1(b)(1)-(2).

Section 2. A Member may designate another Member as proxy through a signed letter to the Clerk. H. Res. 965 § 2(a)(1). The letter must be submitted before the Member's first vote by proxy. *See* Remote Voting by Proxy Regulations Pursuant to House Resolution 8 § A.1, 167 Cong. Rec. H43 (daily ed. Jan. 4, 2021) (Regulations). And it must state that the Member is unable to physically attend proceedings because of the public-health emergency. *Id.*

A Member may alter or revoke a proxy designation by letter, H. Res. 965 § 2(a)(2)(A), or by voting in person, *id.* § 2(a)(2)(B). The Clerk "notif[ies] the Speaker, the [M]ajority [L]eader, the Minority Leader, and the other Member or Members involved" of any changes, *id.* § 2(a)(3), and maintains and publishes a list of proxies in effect, *id.* § 2(b). A Member may serve as proxy for no more than ten Members concurrently. *Id.* § 2(a)(4).

Section 3. Under the Resolution, each Member controls her own vote. The Member designated as proxy must "obtain an exact instruction" specific to a particular vote or quorum call, H. Res. 965 § 3(c)(1), and "shall cast such vote or record such presence pursuant to the exact instruction received from" the Member voting by proxy, *id.* § 3(c)(3). These provisions require Members voting remotely by proxy to "direct each and every vote, with the Member casting the proxy vote acting more as a voting machine under the direction of the Member" voting by proxy. H. Rep. No. 116-420, at 5-6; *see id.* at 21. Members have "no ability to grant a general proxy." *Id.* at 5. And a proxy holder can act only on the basis of the remote Member's exact instruction for an identified single vote. *See id.* at 23.

The Resolution's implementing Regulations confirm that a Member serving as proxy has no discretion. They specify, for example, that if a bill's text changes after the remote Member has provided her instruction, the Member serving as proxy may not cast the remote Member's vote unless a new instruction is provided. Regulations § C.4. For votes on motions, even if a given motion is "identical ... to a motion on which a Member voting by proxy has previously given instruction, the Member serving as a proxy must still receive voting instructions ... on the new motion." *Id.* § C.5. All instructions must be in writing. *Id.* § C.6.

The Resolution establishes additional mechanisms to ensure accuracy and accountability. First, it makes record votes mandatory upon request. H. Res. 965 § 3(a)(1). Second, it requires Members serving as

proxies to announce on the House floor whose votes they are transmitting and what instructions they received. *Id.* § 3(c)(2); *see* H. Rep. No. 116-420, at 23. Third, a remote Member's vote must be transmitted by ballot card, marked with that Member's name and "by proxy," and delivered to the tally clerk. H. Res. 965 § 3(a)(2). These procedures allow Members voting remotely to monitor their votes and update their instructions in real time. After the voting time has expired, the Clerk enters the votes of those Members who voted remotely in the Journal, and publishes them in the Congressional Record, under those Members' own names. House Rule XX.2(a).

The Committee on Rules concluded that the Constitution's Rulemaking Clause authorizes these rules and that they accord with Supreme Court precedent. *See* H. Rep. No. 116-420, at 6. The Committee noted that the "rationale and context" for the rules—a temporary exigency stemming from a pandemic in which travel would "unnecessarily endanger[]" Members, their families, staffs, and the public—amply justified invoking the House's "expansive rulemaking authority." *Id.* at 6-7.

3. On May 19, 2020, pursuant to the Resolution, the Sergeant-at-Arms notified the Speaker that an "ongoing public health emergency due to a novel coronavirus" was in effect. Letter from Sergeant-at-Arms Paul D. Irving to Speaker Nancy Pelosi (May 19, 2020), https://perma.cc/MBF9-5SF8. On May 20, the Speaker designated a covered period, and she has subsequently extended it through November 15, 2021.

An example shows how House Resolution 965 functions. On November 1, 2021, the House voted on

a motion to suspend the rules and pass the Lumbee Recognition Act, H.R. 2758, 117th Cong. (2021). A record vote was ordered upon demand, and Members serving as proxies announced the instructions they received from Members voting by proxy. 167 Cong. Rec. H6037, H6043 (daily ed. Nov. 1, 2021). Representative Charles Fleischmann—who himself voted nay, *see id.* at H6054—announced that he had been instructed by one remote Member to vote yea and by two remote Members to vote nay, naming each Member and vote. On that same vote, Representative Tom Cole, the Ranking Member of the House Committee on Rules—who himself voted yea, *see id.*—announced that he had been instructed by two remote Members to vote yea, naming each Member and vote. (Notably, Representatives Fleischmann and Cole, as well as the five Members who voted by proxy, were all former plaintiffs in this case.)

The motion to suspend the rules and pass the bill was agreed to, with 357 voting yea and 59 voting nay. 167 Cong. Rec. H6037, H6054 (daily ed. Nov. 1, 2021). The Congressional Record documents that Representatives Fleischmann and Cole served as a proxies. *Id.* at H6054-55. The table of yeas and nays documents each Member's vote, including that of Representatives Fleischmann and Cole and those of the Members whose votes they transmitted. *Id.* The latter were recorded as those Members' own votes under their own names. *Id.* The House Journal records the proxies and votes in this same manner. *See* House Rule XX.2(a).b.

D. Proceedings Below

1. In May 2020, petitioners filed suit, challenging House Resolution 965 and seeking declaratory and injunctive relief against House Speaker Nancy Pelosi, House Clerk Cheryl Johnson, and House Sergeant-at-Arms Paul Irving. Pet. App. 5. They claimed that the rules violate the Quorum Clause and several other constitutional provisions—all of which purportedly require Members to be physically present on the House floor. *Id.* When petitioners filed their operative complaint, 158 other Members joined them as plaintiffs. That number has dwindled over time to two Members. As revealed in part by the example described above, since the filing of the complaint and the continuation of the pandemic, many of the original Member plaintiffs have relied on the rules to vote by proxy or served as the proxy for their colleagues, in some cases before exiting the lawsuit.

The House moved to dismiss the complaint, arguing that the Speech or Debate Clause barred the action, petitioners lacked Article III standing, and the rules are constitutional. The district court dismissed the suit as precluded by the Constitution's Speech or Debate Clause and did not reach the merits. Pet. App. 15-36.

2. The court of appeals affirmed. Pet. App. 1-14. The court explained that the "central object" of the Speech or Debate Clause "is to protect the 'independence and integrity of the legislature.'" *Id.* at 7 (quoting *United States v. Johnson*, 383 U.S. 169, 177 (1966)). This Court, the court of appeals recognized, has "[w]ithout exception … read the … Clause broadly

to effectuate [this] purpose[]." *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 501-02 (1975); *see* Pet. App. 7. To that end, the Clause protects not just "speech and debate in the literal sense," but "all 'legislative acts.'" Pet. App. 7 (quoting *Doe v. McMillan*, 412 U.S. 306, 311-12 (1973)). And the court found it "well established that the Clause's protection extends to Congressional aides and staff … 'insofar as [their] conduct … would be a protected legislative act if performed by [a] Member.'" *Id.* at 8 (quoting *Gravel v. United States*, 408 U.S. 606, 618 (1972)).

Applying those principles, the court of appeals held that the Speech or Debate Clause bars petitioners' challenge to House Resolution 965. The Resolution "enables Members to cast votes by proxy, and the 'act of voting,'" the court reasoned, "is necessarily a legislative act—i.e., something 'done in a session of the House by one of its members in relation to the business before it.'" Pet. App. 8 (quoting *Gravel*, 408 U.S. at 617). "[T]he challenged actions," the court added, also qualify as legislative acts because they fall within matters placed within the jurisdiction of the House: determining the rules for its proceedings. *Id.* at 10 (citing *Gravel*, 408 U.S. at 625; U.S. Const. art. I, § 5, cl.2).

The court rejected petitioners' argument that they could avoid the Clause by challenging the acts of the Sergeant-at-Arms, Speaker, and Clerk as *executing* House Resolution 965, which, petitioners claimed, was not protected. Pet. App. 11-13. "The salient distinction under the Speech or Debate Clause," the court explained, "is not between enacting legislation and executing it"—it is "between legislative acts and

non-legislative acts." *Id.* at 12. "The Clause, then, encompasses the execution of legislation when the executing actions themselves constitute legislative acts." *Id.* And here, the court concluded, the actions of the Sergeant-at-Arms in notifying the Speaker of a public health emergency, of the Speaker in declaring a covered period, and of the Clerk in accepting proxy letters and counting proxy votes all "form 'an integral part of the … processes by which Members participate in … House proceedings with respect to the … passage or rejection of proposed legislation.'" *Id.* at 9 (quoting *Gravel*, 408 U.S. at 625).

The court held that petitioners' reliance on this Court's precedents denying Speech or Debate immunity to certain House and committee employees was misplaced. Pet. App. 12-13 (distinguishing *Kilbourn v. Thompson*, 103 U.S. 168 (1880), *Dombrowski v. Eastland*, 387 U.S. 82 (1967), and *Powell v. McCormack*, 395 U.S. 486 (1969)). In those cases, the court noted, the challenged "conduct was … uninvolved 'in the performance of legislative acts.'" Pet. App. 13 (quoting *Gravel*, 408 U.S. at 618). Here, in contrast, the resolution "establishes internal rules governing the casting of votes by Members" and the challenged conduct implementing that resolution "is itself a legislative act." *Id.* That conduct, the court concluded "falls comfortably within the immunity afforded by the Speech or Debate Clause." *Id.*

Having concluded that the Speech or Debate Clause bars judicial review, the court of appeals did not reach respondents' argument that petitioners do not have standing. *See* Pet. App. 6.

ARGUMENT

Petitioners contend (Pet. 14-29) that the court of appeals erred in holding that the Speech or Debate Clause bars their challenge to actions that implement the proxy-voting rules; they further claim that the decision below conflicts with decisions of this Court and lower courts on the scope of protection afforded by the Clause. They also contend (Pet. 29-36) that review is warranted to address whether the proxy-voting rules are constitutional. Those contentions lack merit and this Court's review is unwarranted.

First, the court of appeals correctly determined that the challenged conduct—which directly governs voting—is integral to the House's legislative process and falls squarely within its constitutional rulemaking authority. As the court noted, it is difficult "to conceive of matters more integrally part of the legislative process." Pet. App. 9. The decision below is consistent with this Court's precedent, and petitioners' suggestion of a conflict in authority relies on a single federal case that did not involve voting procedures and state cases that cannot and do not conflict with the court of appeals' interpretation of the Constitution. Beyond that, this case would be an inappropriate vehicle for review because petitioners lack Article III standing to sue legislative officials over internal House rules and procedures.

Second, petitioners' constitutional claim does not warrant review. Neither court below addressed that claim, and this Court is "a court of review, not of first view." *Cutter v. Wilkinson*, 544 U.S. 709, 718 n.7 (2005). And, in any event, the proxy-voting rules are

a valid exercise of the House's broad rulemaking authority and, contrary to petitioners' claims, are consistent with the provisions of Article I.

A. The Speech Or Debate Clause Bars Petitioners' Suit

The court of appeals correctly declined to reach the merits of petitioners' constitutional challenge because the Speech or Debate Clause bars judicial review of their claims against the Speaker and House officers. Petitioners argue that the scope of the Clause turns on a purported distinction between the (protected) enactment of legislation and the (unprotected) execution of legislation. Pet. 11-12. In petitioners' view, the acts of voting and adopting House Resolution 965 are shielded from judicial review, but the challenged acts taken to implement it—the Sergeant-at-Arms notifying the Speaker of a public health emergency, the Speaker designating a proxy voting period, and the Clerk accepting proxy letters and counting proxy votes—are not.

This Court has never drawn the line petitioners now urge. The Speech or Debate Clause does not distinguish between enacting legislation and executing it. Rather, the key distinction is whether the challenged act is a legislative act. And under this Court's precedents, respondents' acts are unquestionably legislative. As the court of appeals explained, "we are hard-pressed to conceive of matters more integrally part of the legislative process than the rules governing how Members can cast their votes on legislation and mark their presence for purposes of establishing a legislative quorum." Pet. App. 9.

1. a. The Speech or Debate Clause provides that "Senators and Representatives … for any Speech or Debate in either House, shall not be questioned in any other Place." U.S. Const. art. I, § 6, cl. 1. By "freeing the legislator from executive and judicial oversight that realistically threatens to control his conduct," *Gravel v. United States*, 408 U.S. 606, 618 (1972), the Clause simultaneously "preserve[s] the independence and … integrity of the legislative process," *United States v. Brewster*, 408 U.S. 501, 524 (1972), and "reinforc[es] the separation of powers," *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 502 (1975).

As the court of appeals correctly recognized, this Court has "[w]ithout exception … read the … Clause broadly to effectuate" its core purposes. *Eastland*, 421 U.S. at 501-02; *see* Pet. App. 7. Where it applies, the Clause "is an absolute bar to interference" in both criminal and civil actions—including when the challenged action is allegedly illegal or in violation of the Constitution. *Eastland*, 421 U.S. at 503, 509-10.

In broadly construing the Clause, this Court has explained that to "confine the protection of the Speech or Debate clause to words spoken in debate would be an unacceptably narrow view." *Gravel*, 408 U.S. at 617. Rather, the Clause bars all suits challenging "legislative acts." *Doe v. McMillan*, 412 U.S. 306, 311-12 (1973). "Legislative acts" include all acts that are "an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings" either (i) "with respect to the consideration and passage or rejection of proposed legislation" or (ii) "with respect to other matters which the Constitution places within the jurisdiction

of either House." *Gravel*, 408 U.S. at 625. And the Clause's protection extends to Congressional aides and staff "insofar as [their] conduct … would be a protected legislative act if performed by [a] Member." *Gravel*, 408 U.S. at 618; *see, e.g., Eastland,* 421 U.S. at 507 (Clause protected chief counsel to Senate subcommittee); *McMillan,* 412 U.S. at 309, 312 (Clause protected clerk, staff director, counsel, consultant and House committee investigator).

b. Applying this Court's precedents, the court of appeals correctly held that respondents' administration of the voting process under House Resolution 965 is a protected legislative act under both categories of analysis in *Gravel*. Pet. App. 8-10. First, as the court explained, the Resolution "enables Members to cast votes by proxy, and the 'act of voting' is necessarily a legislative act—i.e., something 'done in a session of the House by one of its members in relation to the business before it.'" *Id*. 8 (quoting *Gravel*, 408 U.S. at 617; *Kilbourn v. Thompson*, 103 U.S. 168, 204 (1880)). The administration of the voting process is a quintessential legislative act at the core of Speech or Debate protection. *See, e.g.*, *Brewster*, 408 U.S. at 526 (Clause protects "how [a Member] voted"); *Kilbourn*, 103 U.S. at 204 (acts "generally done in a session of the House … in relation to the business before it" are legislative acts). The acts effectuating the proxy-voting resolution thus "form 'an integral part of the … processes by which Members participate in House proceedings with respect to the …. passage or rejection of proposed legislation.'" Pet. App. 9 (quoting *Gravel*, 408 U.S. at 625).

The court of appeals also correctly held that "the challenged actions here fall within *Gravel*'s second category, i.e., matters that the Constitution places within the House's jurisdiction." *Id.* at 10. The Resolution reflects the House's constitutional authority to set its own rules about voting. U.S. Const. art. I, § 5, cl. 2. "House rules governing how Members may cast their votes thus concern core legislative acts." Pet. App. 8. And both the Sergeant-at-Arms' and the Speaker's acts in administering the Resolution are an essential component of effectuating that authority. Likewise, the Clerk's entry of votes in the House's Journal effectuates a constitutional responsibility within the jurisdiction of the House, *see* U.S. Const. art. I, § 5, cl. 3. The Speech or Debate Clause thus shields respondents' acts on this basis as well.

The court of appeals correctly rejected petitioners' attempt to circumvent the Clause by bringing suit against the Speaker, Clerk, and Sergeant-at-Arms. Petitioners seek to stop the Sergeant-at-Arms from notifying the Speaker of a public health emergency, the Speaker from declaring a covered period, and the Clerk from accepting proxy letters and counting proxy votes. *See* Pet. App. 9. But the Speech or Debate Clause's protections "extend to Congressional aides and staff … 'insofar as [their] conduct … would be a protected legislative act if performed by [a] Member.'" *Id.* at 8 (quoting *Gravel*, 408 U.S. at 618). Here, that protection applies because the challenged voting procedures are themselves legislative acts. And because so much of Congress's business is formally executed by aides and Officers, petitioners' contention that this conduct can be enjoined would defeat the Clause's

purpose. For instance, Members cast their votes but do not record them; the Clerk does that. Neither do Members tally votes, publish statements in the Congressional Record, or track the adoption or rejection of floor amendments. These acts, like the challenged conduct, are core "legislative acts."

2. Petitioners contend that "not everything relating to voting" is a legislative act, Pet. 16, and that the court of appeals erred in rejecting their proposed distinction between the "enactment of legislation" and "the execution of that legislation," *id.* at 11; *see* Pet. App. 11-12. But the court of appeals did not hold that everything "related" to voting is a legislative act, and this Court has never recognized an exception to Speech or Debate immunity for acts "executing" or "implementing" legislation. *See id.* at 11-12.

As the analysis above makes clear, the court of appeals described the challenged conduct as "core" legislative acts, finding it difficult to imagine conduct more central to legislative business. Pet. App. 8-9. The court used the phrase "related to the casting of votes" only as a shorthand later in the opinion to distinguish this case from unprotected employment disputes, *id.* at 11, not to undercut its conclusions about the centrality of the proxy-voting rules to core House legislative business.

And the court correctly noted that the "salient distinction" under this Court's precedents "is not between enacting legislation and executing it" but between "legislative acts and non-legislative acts." Pet. App. 12. As discussed, immunity under the Clause extends to any act that is "an integral part of the deliberative and communicative processes by which

Members participate in committee and House proceedings." *Gravel*, 408 U.S. at 625. And because acts undertaken in the execution, implementation, or administration of a protected act are "generally done in a session of the House … in relation to the business before it," they are—like the act itself—protected legislative acts. *Kilbourn*, 103 U.S. at 204.

3. Petitioners contend (Pet. 17-21) that the court of appeals' decision conflicts with *Kilbourn v. Thompson*, 103 U.S. 168 (1880), *Dombrowski v. Eastland*, 387 U.S. 82 (1967), and *Powell v. McCormack*, 395 U.S. 486 (1969). These decisions do not support the proposed exception from Speech or Debate immunity for executing legislative acts. Instead, as the court of appeals explained, they underscore that the controlling question is whether the challenged acts are legislative in nature.

This Court's discussion of those cases in *Gravel* illustrates the point. *Gravel* held that the Speech or Debate Clause shields legislative staffers when they perform a "protected legislative act." 408 U.S. at 618. In announcing that rule, this Court explained that the Clause did not shield the non-Member defendants in *Kilbourn*, *Dombrowski*, and *Powell* because their conduct was not legislative in nature. *Id.* at 618-21; *see id.* at 624 n.15 ("This Court has not hesitated to sustain the rights of private individuals when it found Congress was *acting outside its legislative role*." (emphasis added)). In *Kilbourn*, the Sergeant-at-Arms was not immune for carrying out an arrest *after* the relevant legislative process was complete; the arrest was thus not a "legislative act" protected by the Clause. In *Dombrowski*, the subcommittee counsel

was not immune for conspiring to effect an illegal seizure beyond the scope of his legislative role. And in *Powell*, the Doorkeeper and the Clerk were not immune for physically excluding a Member from the legislative process. *Id.* at 618-21 (discussing *Kilbourn*, 103 U.S. at 202; *Dombrowski*, 387 U.S. at 84; *Powell*, 395 U.S. at 506). The dispositive factor in those cases was the non-legislative nature of the challenged conduct—not petitioners' supposed exception for the execution of legislation.

In petitioners' view, immunizing respondents here will permit "any defendant to claim absolute immunity for House procedures violating the Constitution's express limitations." Pet. 23. Of course, when the Speech or Debate Clause applies, it "is an absolute bar to interference" by the courts. *Eastland*, 421 U.S. at 503. But whether immunity extends at all, for example, to a hypothetical "voting rule excluding women Members or particular legislators," Pet. 23, such a rule is distinguishable. As in *Powell*, petitioners' hypothetical rules would *exclude* Members otherwise entitled to vote from the legislative process, in violation of their rights as Members. Here, in contrast, House Resolution 965 permits every Member to vote, applies equally to every Member, and administers the central legislative act of voting.

4. Petitioners contend (Pet. 24-28) that supposed confusion and conflict in the lower courts over Speech or Debate Clause immunity justifies this Court's review. No such confusion or conflict exists.

Petitioners first argue that the First and D.C. Circuits have "taken an overly broad view" of the

Clause's scope in holding that it protects all acts integral to the legislative process; in petitioners' view, the Clause protects only acts integral to the "deliberative or communicative processes." Pet. 24-25; *see Nat'l Ass'n of Social Workers v. Harwood*, 69 F.3d 622 (1st Cir. 1995); *Consumers Union of U.S., Inc. v. Periodical Correspondents' Ass'n*, 515 F.2d 1341 (D.C. Cir. 1975). This Court has already rejected that argument; *Gravel* explained that to "confine the protection of the Speech or Debate clause to words spoken in debate would be an unacceptably narrow view." 408 U.S. at 617.

And contrary to petitioners' suggestion (Pet. 25-26), *Bastien v. Office of Senator Ben Nighthorse Campbell*, 390 F.3d 1301 (10th Cir. 2004), does not take a narrower view of the Clause but involved distinguishable facts. There, the Tenth Circuit held that allegedly discriminatory personnel decisions concerning a legislative staffer were not "legislative acts." *Bastien*, 390 F.3d at 1318-19. But the Tenth Circuit contrasted those personnel actions with "official Senate action, such as a vote or a subpoena," *id.* at 1315, and observed that none of the acts "took place 'in either House' of Congress, either literally or constructively." *Id.* Here, in contrast, respondents' challenged conduct involves the administration of the voting process—a core legislative act "within Congress itself." Pet. 26.

Petitioner also cites (Pet. 26-28) a smattering of state supreme court decisions that address various practices under state immunity provisions. Because those decisions turn on state law, they cannot give

rise to a conflict in authority over the meaning of the U.S. Constitution's Speech or Debate Clause.

B. This Case Is An Unsuitable Vehicle For This Court's Review

Petitioners' challenge to the decision below also does not warrant review because of a threshold jurisdictional obstacle that equally bars review on the merits: petitioners do not have Article III standing to pursue their claims under this Court's decision in *Raines v. Byrd*, 521 U.S. 811 (1997).

1. "[T]he law of Art[icle] III standing is built on a single basic idea—the idea of separation of powers." *Raines*, 521 U.S. at 820 (internal quotation marks omitted). Because, in this case, "reaching the merits of the dispute would force [the Court] to decide whether an action taken by one of the other two branches of the Federal Government was unconstitutional," the Court's standing inquiry must be "especially rigorous." *Id.* at 819-20. To have standing, a plaintiff's "injury must be legally and judicially cognizable," meaning "that the plaintiff ha[s] suffered an invasion of a legally protected interest" and that "the dispute is traditionally thought to be capable of resolution through the judicial process." *Id.* at 819 (internal quotation marks omitted).

In *Raines*, the Court applied those principles in holding that six Members of Congress lacked standing to litigate their constitutional challenge to the Line Item Veto Act. The Congressional plaintiffs sued Executive Branch officials claiming that the Act "diluted their Article I voting power" by allowing the President to cancel spending provisions in an appropriations bill

without vetoing the entire bill. 521 U.S. at 814, 817 (alterations omitted). The Court held that the legislators lacked standing because they failed to meet their "burden of establishing that their claimed injury is personal, particularized, concrete, and otherwise judicially cognizable." *Id.* at 820.

The Court based that conclusion on four considerations. First, the legislators' alleged injury was "wholly abstract and widely dispersed," *id.* at 829, because they had "not been singled out for specially unfavorable treatment as opposed to other Members of their respective bodies" and had not "claim[ed] that they ha[d] been deprived of something to which they personally [were] entitled," such as their salary, *id.* at 821 (citing *Powell*, 395 U.S. at 496). Second, the legislators' suit was "contrary to historical experience." *Id.* at 829. Third, the legislators' suit "ha[d] not been authorized" by "their respective Houses of Congress." *Id.* Fourth, dismissing the lawsuit "neither deprive[d] Members of Congress of an adequate remedy … nor foreclose[d] the Act from constitutional challenge" by a private party. *Id.* at 829-30.

2. *Raines*'s four considerations likewise foreclose petitioners' challenge here.

First, the Member petitioners' injury is "wholly abstract and widely dispersed," *Raines*, 521 U.S. at 829, because they "have not been singled out for specially unfavorable treatment as opposed to other Members," *id.* at 821. The challenged rules apply to all Members equally. Petitioners' decision to forgo proxy voting does not mean the procedure discriminates against them. And they "do not claim that they

have been deprived of something to which they personally are entitled." *Id.* Instead, they claim only "a loss of political power," *id.*, arguing that the proxy-participation rules, despite ensuring that each Member still has only one vote, *see supra* at 8-10, somehow dilute their votes. But vote dilution would affect petitioners only as Members of Congress, not "in any private capacity." *Raines*, 521 U.S. at 821.

Second, petitioners' suit is "contrary to historical experience." *Id.* at 829. Petitioners have never identified a tradition of individual Members suing the Speaker, Clerk, or Sergeant-at-Arms over House rules, and no case in this Court has recognized any similar claim.

Third, petitioners have "not been authorized to represent" the House in their lawsuit. *Id.* Instead, they have sued the Speaker and two elected House Officers, and the House "actively oppose[s] their suit." *Id.*

Fourth, dismissing petitioners' suit would not deprive them of "an adequate remedy." *Id.* Petitioners can still rely on "political self-help," such as garnering support to repeal the rules. *Campbell v. Clinton*, 203 F.3d 19, 24 (D.C. Cir. 2000). And dismissal here would not necessarily "foreclose the [rules] from constitutional challenge … by someone who suffers judicially cognizable injury as a result of" them. *Raines*, 521 U.S. at 829. In *United States v. Ballin*, 144 U.S. 1 (1892), for example, a private company challenged a tax passed under a purportedly unlawful quorum rule. *See id.* at 5. And in *Clinton v. City of New York*, 524 U.S. 417 (1998), municipal and private plaintiffs successfully challenged the President's use of the Line

Item Veto Act to cancel a statutory provision that would have saved them from tax liability. Subject to other doctrines restricting judicial review, *see, e.g.*, *Marshall Field v. Clark*, 143 U.S. 649, 672 (1892), the Court could consider a challenge to an Act passed pursuant to the proxy-participation rules here too by a party with Article III injury who meets standing requirements.

3. Petitioners cannot bypass *Raines* by adding constituents as parties. Under petitioners' own articulation, the constituents' injuries derive entirely from the Member petitioners' supposed injuries. Because "present Members who cast only their own votes … will suffer the dilution of their voting power," petitioners contend, "constituents of present Members" will correspondingly suffer vote dilution. Appellants' C.A. Br. 32 (filed Aug. 31, 2020). If this derivative injury were cognizable, then all legislator suits "based on a loss of political power"—which *Raines* expressly forbids, 521 U.S. at 821—could be recast as constituent vote-dilution suits. That would reduce *Raines* to a mere pleading rule, rather than a separation-of-powers guarantee.

C. The Proxy-Participation Rules Are Constitutional

Petitioners renew their contention that the proxy-voting rules violate the Constitution. Because neither court below addressed this issue (nor has any other), this request is contrary to this Court's frequent admonition that it is a court of "review, not of first view." *Brownback v. King*, 141 S. Ct. 740, 747 n.4 (2021) (quoting *Cutter*, 544 U.S. at 718 n.7); *Ret. Plans Comm. of IBM v. Jander*, 140 S. Ct. 592, 595

(2020) (same); *PDR Network, LLC v. Carlton & Harris Chiropractic, Inc.*, 139 S. Ct. 2051, 2056 (2019) ("As we have said many times before, we are a court of review, not of first view." (internal quotation marks omitted)). For that reason alone, review of this issue is unwarranted.

In any event, the proxy-participation rules are constitutional. Article I empowers the House to "determine the Rules of its Proceedings," U.S. Const. art. I, § 5, cl. 2, leaving "all matters of method … to the determination of the [H]ouse," *Ballin*, 144 U.S. at 5. In exercising its rulemaking authority, the House may not ignore a "constitutional restraint[]," "violate [a] fundamental right[]," or adopt a rule bearing no "reasonable relation" to its ends. *Id.* But the rules here transgress none of those limits. The procedures established fall well within the House's broad rulemaking authority and accord with the Constitution's text and historical practice. There is no reason for this Court to address the issue.

1. a. Petitioners contend that the rules violate the Quorum Clause and other provisions of the Constitution by deviating from a supposed requirement that a Member be physically present to vote and be counted towards a quorum. That requirement appears nowhere in the Constitution's text.

The Quorum Clause defines "quorum" as a "Majority" "to do business." U.S. Const. art. I, § 5, cl. 1. Nothing in this language requires physical presence. A "quorum" is only "the number of members of a larger body that must *participate* for the valid transaction of business." *New Process Steel, L.P. v. NLRB*, 560 U.S. 674, 683-84 (2010) (emphasis added).

Founding-era dictionaries confirm as much, providing that "quorum" means "such a number of any officers as is sufficient to do business." 2 Samuel Johnson, *A Dictionary of the English Language* (4th ed. 1773); *see* 1 Noah Webster, An American Dictionary of the English Language (1828) (Webster) ("quorum": "a number of officers or members as is competent by law or constitution to transact business"). Because the Clause says nothing about physical presence, the House can establish a rule that a quorum may include Members participating remotely.

b. *Ballin* illustrates the breadth of the House's authority to define a quorum. There, a House rule counted towards a quorum not just Members voting, but also nonvoting Members "in the hall of the [H]ouse." *Ballin*, 144 U.S. at 5. Because the Constitution "prescribe[s] no method" for determining whether a quorum exists, the Court explained, it fell "within the competency of the [H]ouse to prescribe any method which shall be reasonably certain to ascertain" whether "the [H]ouse is in a condition to transact business." *Id.* at 6. The House rule there met that test. *Id.* Similarly, the rules challenged here validly determine when the Chamber may do business. By requiring Members to give their proxies exact written instructions that must be followed for every matter to which the proxy extends, the rules permissibly define when remote Members are participating in the House's work.

c. In urging a physical-presence rule found nowhere in the text, petitioners rely not on the Constitution's definition of a quorum, but on constitutional

provisions ancillary to the quorum requirement. Pet. 31-33. This reasoning fails.

First, petitioners cite the clause empowering a minority during adjournment to "compel the Attendance of absent Members." U.S. Const. art. I, § 5, cl. 1; *see* Pet. 31-32. But "attendance" in this context means participation in House business—not necessarily through physical presence. "[T]o attend" can mean "[t]o be present"—*i.e.*, "ready at hand"—"for some duty" or "in business." 1 Webster. That meaning accords with the general rule that when a law requires "attendance," but "does not speak in terms of 'physical' or 'actual' attendance," courts do not "engraft such a restriction" onto the text. *Hurtado v. United States*, 410 U.S. 578, 584 (1973).

Second, petitioners suggest that a proxy-voting power would imply that Members are privileged from arrest at all times under the provision that Members are "privileged from Arrest during their Attendance at the Session … and in going to and returning from the same." U.S. Const. art. I, § 6, cl. 1; *see* Pet. 32-33. But immunity from (now obsolete) civil arrests would apply only when remote Members are attending to House business under the House Rules. Nor does the Speech or Debate Clause's reference to a "Place" create a physical-presence requirement. As explained, what matters for purposes of that Clause is whether an act is legislative, not where it was performed. *See supra* at 17-21.

Third, petitioners contend that the Journal Clause's use of the unmodified word "present" shows that Members must be physically present in the Chamber for their yea or nay votes to be recorded in

the Journal. Pet. 33. But this Court has recognized that one "may be present in a [place] in a meaningful way without that presence being physical in the traditional sense of the term." *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080, 2095-99 (2018); *see also* 1 Webster ("present": "[r]eady at hand"). And the Journal Clause's placement in the same section as the Rulemaking Clause—a wellspring of Congressional authority—counsels against reading "present" to imply "physically present" when the text is not so restricted.

Finally, petitioners point to a range of other terms—*e.g.*, "assemble," "Congress"—that, they say, together show that physical presence for House business is mandatory. Pet. 31-33. But none of those other provisions pertains to whether the House has a quorum or how it casts its votes. If anything, petitioners' invocation of such disparate constitutional provisions underscores the sweeping implications of their purported physical-presence requirement. Accepting petitioners' theory would require the Court to hold that multiple core constitutional functions can never occur absent physical gathering. And it would require the Court to announce binding interpretations of these provisions, even though the rules they challenge implicate none of them. Judicial restraint and respect for a coordinate branch require rejection of that request.

2. Petitioners argue that the proxy-participation rules are contrary to historical practice, pointing to a proposal that the Framers considered but did not adopt and the House's failure to adopt proxy-voting rules in previous crises. Pet. 33-34. Those observations cannot make up for a lack of clear constitutional

text that precludes the House's rule. In particular, the House's failure to adopt proxy-participation rules during previous historical crises says nothing about the constitutionality of the rules. Technology was not available to facilitate seamless remote voting during those crises, as it is now. During the Yellow Fever Epidemic of 1793 (Pet. 34-35), for instance, instantaneous communication was impossible.[2] And in the War of 1812, word traveled so slowly that the Battle of New Orleans occurred weeks after the United States and Great Britain agreed to end the war. *See* James A. Carr, *The Battle of New Orleans and the Treaty of Ghent*, 3 Diplomatic Hist. 273, 273-82 (1979).

In any event, petitioners' historical synopsis omits a 200-year practice proving that no physical presence is required for the House to legislate: unanimous consent. Since the 1830s, House precedents have provided that, once a quorum is established, its existence is presumed unless a Member questions it.

---

[2] Although petitioners assert that "Jefferson urged President Washington to keep Congress sitting in plagued Philadelphia" during the Yellow Fever epidemic (Pet. 34-35), they omit that, in fact, Congress did not meet in Philadelphia until the epidemic had subsided. *See* J.H. Powell, *Bring Out Your Dead: The Great Plague of Yellow Fever in Philadelphia in 1793* 260-263, 272-274 (1993); Founders Online, National Archives, *Madison in the Third Congress, 2 December 1793-3 March 1795 (Editorial Note)*, *available at* https://perma.cc/2DB9-G7CM; United States House of Representatives, History, Art & Archives, *1st to 9th Congresses (1789-1807)*, *available at* https://perma.cc/SK2C-TRGG (showing 3rd Congress first met on December 2, 1793).

See 5 *Deschler's*, ch. 20, § 2.1; 4 *Hinds'* § 3155. Based on that presumed quorum, a range of acts may proceed by unanimous consent provided that no Member objects. *Jefferson's Manual* § 872; 4 *Hinds'* §§ 3058-3059. Unanimous consent thus "permits many measures to be passed … when in fact fewer than a majority of Members" are physically present. William McKay & Charles W. Johnson, *Parliament and Congress* 85 (2010).

Unanimous consent is time-honored, critical to Congress's functioning, and uncontroversial. *See NLRB v. Noel Canning*, 573 U.S. 513 (2014) (describing without concern the Senate's practice of "conduct[ing] much of its business through unanimous consent"). It permitted Congress to pass emergency legislation during the flu pandemic of 1918—with fewer than 50 Members, far short of a majority, physically present in the House. *See supra* at 5. Today, a significant percentage of legislation passes by unanimous consent—in the 115th Congress, 10% of all measures considered on the House floor. Jane A. Hudiburg, Cong. Research Serv., *Suspension of the Rules: House Practice in the 115th Congress* 1 n.2 (May 19, 2020), https://perma.cc/7BAK-FL6S. Many of the original plaintiff Members often legislate through unanimous consent, and even the remaining Member petitioners do so. *See, e.g.*, 165 Cong. Rec. H5227 (daily ed. June 27, 2019) (statement of Minority Leader McCarthy).

The settled practice of unanimous consent establishes that the Constitution does not require Members to be physically present to be counted towards a quorum. *Chiafalo v. Washington*, 140 S. Ct. 2316,

2326 (2020) (a "regular course of practice … settle[s] the meaning" of constitutional provisions (internal quotation marks omitted)). If physical presence is unnecessary to pass laws through unanimous consent, then physical presence cannot be necessary to pass laws under the rules challenged here.

3. In sum, given the technology of the times, the Framers may have assumed that Congress would meet in person. But "[w]hether by choice or accident, the Framers did not reduce their thoughts … to the printed page." *Id.* Their "sparse instructions took no position on" remote voting, instead leaving that topic "to the future." *Id.* In light of the pandemic and advances in modern technology, the House has reasonably authorized Members to vote remotely by providing binding, precise instructions to a Member on the floor. That choice accords with the Constitution.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

MICHAEL R. DREEBEN
KENDALL TURNER
RACHEL A. CHUNG
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, D.C. 20006
(202) 383-5300

DOUGLAS N. LETTER
(*Counsel of Record*)
TODD B. TATELMAN
ERIC R. COLUMBUS
STACIE M. FAHSEL
OFFICE OF GENERAL COUNSEL
U.S. HOUSE OF REPRESENTATIVES
5140 O'Neill House Office Building
Washington, D.C. 20515
(202) 225-9700
douglas.letter@mail.house.gov

November 9, 2021