

In the Supreme Court of the United States

LINDSEY GRAHAM, U.S. SENATOR,
Applicant,

v.

FULTON COUNTY SPECIAL PURPOSE GRAND JURY,
Respondent.

MOTION FOR LEAVE AND BRIEF OF THE STATES OF TEXAS, ALABAMA, FLORIDA, INDIANA, LOUISIANA, MISSISSIPPI, MISSOURI, MONTANA, SOUTH CAROLINA, AND UTAH AS *AMICI CURIAE* IN SUPPORT OF APPLICANT SENATOR LINDSEY GRAHAM

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JUDD E. STONE II
Solicitor General
Counsel of Record

LANORA C. PETTIT
Principal Deputy Solicitor General

BENJAMIN D. WILSON
Deputy Solicitor General

Office of the Texas Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-1700
Fax: (512) 474-2697
Judd.Stone@oag.texas.gov

Counsel for Amici Curiae

Additional counsel listed with signature block

The States of Texas, Alabama, Florida, Indiana, Louisiana, Mississippi, Missouri, Montana, South Carolina, and Utah move for leave to file the enclosed brief as *amici curiae* in support of applicant Senator Lindsey Graham’s Application for a Stay and Writ of Injunction Pending Appeal (i) without 10 day’s advance notice to the parties of amici’s intent to file as ordinarily required by Sup. Ct. R. 37.2(a) and (ii) in an unbound format on 8½-by-11-inch paper rather than in booklet form. Applicant consents to the filing of this brief. *Amici* States provided notice of their intent to file this brief with respondent, which has also consented to the filing of this brief.

Senator Graham filed his Application on Friday, October 21, 2022. In light of this Court’s call for a response on Thursday, October 27, it was not feasible to provide 10 days’ notice to the parties. And the compressed timeframe prevented *Amici* States from having the brief finalized in sufficient time to allow it to be printed and filed in booklet form.

As set forth in the enclosed brief, the *amici* States have a strong interest in the interpretation of the Speech or Debate Clause because it informs the scope of the closely related legislative privilege. *Amici* States further have a strong interest in their senators not being required to testify concerning legislative tasks at the behest of local prosecutors or other investigative bodies—particularly when that testimony would directly conflict with their senators’ duties as legislators. The *amicus* brief includes relevant material not brought to the attention of the Court

by the parties that may be of considerable assistance to the Court. *See* Sup. Ct. R. 37.1.

The undersigned *amici* States therefore seek leave to file this brief in support of Senator Graham's Application.

CONCLUSION

The Court should grant *amici* States leave to file the enclosed brief.

STEVE MARSHALL
Attorney General of Alabama

ASHLEY MOODY
Attorney General of Florida

TODD ROKITA
Attorney General of Indiana

JEFF LANDRY
Attorney General of Louisiana

LYNN FITCH
Attorney General of Mississippi

ERIC SCHMITT
Attorney General of Missouri

AUSTIN KNUDSEN
Attorney General of Montana

ALAN WILSON
Attorney General of South Carolina

SEAN REYES
Attorney General of Utah

October 2022

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

/s/Judd E. Stone II

JUDD E. STONE II
Solicitor General
Counsel of Record

LANORA C. PETTIT
Principal Deputy Solicitor General

BENJAMIN D. WILSON
Deputy Solicitor General

Office of the Texas Attorney General

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Austin, Texas 78711-2548

Tel.: (512) 936-1700

Fax: (512) 474-2697

Judd.Stone@oag.texas.gov

Counsel for Amici Curiae