

In the Supreme Court of the United States

LINDSEY GRAHAM, U.S. SENATOR,
APPLICANT,

v.

FULTON COUNTY SPECIAL PURPOSE GRAND JURY,
RESPONDENT.

**MOTION OF SEPARATION OF POWERS CLINIC FOR LEAVE TO FILE
ATTACHED *AMICUS* BRIEF IN SUPPORT OF APPLICATION FOR STAY
AND INJUNCTION PENDING APPEAL; FOR LEAVE TO FILE WITHOUT
10-DAYS NOTICE; AND FOR LEAVE TO FILE IN PAPER FORMAT**

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The Separation of Powers Clinic at the Gray Center for the Study of the Administrative State, located within the Antonin Scalia Law School at George Mason University, respectfully moves under Rule 37.2 for leave (1) to file the attached brief as *amicus curiae* in support of Senator Lindsey Graham’s application for a stay and injunction pending appeal, (2) to file in unbound format on 8.5-by-11-inch paper, and (3) to the extent leave is required, to file without 10 days’ advance notice to all parties of *amicus*’s intent to file.

Applicant consents to this motion, and Respondent does not oppose this motion.

The Separation of Powers Clinic was established during the 2021–22 academic year for the purpose of studying, researching, and raising awareness of the proper application of the U.S. Constitution’s separation of powers constraints on the exercise of federal government power. The Clinic provides students an opportunity to discuss, research, and write about separation of powers issues in ongoing litigation.

The Clinic has submitted numerous briefs in this Court and in the lower courts in cases implicating separation of powers. This case is important to *amicus* because the constitutional text and structure and historical evidence suggest that the Speech or Debate Clause provides a constitutional protection aimed at ensuring the independence of federal legislators. This Court has indicated that the Speech or Debate Clause offers broad protection and preserves the separation of powers by insulating legislators from executive and judicial inquisitions into putatively

legislative actions, facilitating the ability of legislators to make decisions as they deem appropriate in line with their constitutional authority and duties.

Amicus respectfully requests that the Court grant leave to file its attached brief. Moreover, given the expedited consideration of this matter, *amicus* respectfully requests leave to file in unbound format on 8.5-by-11-inch paper and, to the extent leave is required, to file the brief without 10 days' advance notice to the parties of *amicus*'s intent to file.

October 27, 2022

Respectfully submitted,

/s/ R. Trent McCotter

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