



**For Immediate Release**

**April 9, 2007**

## **WLF SUPPORTS FBI SEARCH OF CONGRESSMAN'S OFFICE**

*(United States v. Rayburn HOB, Rm 2113 - Rep. Jefferson)*

The Washington Legal Foundation (WLF) filed a brief in the U.S. Court of Appeals for the District of Columbia Circuit late last week opposing efforts by Representative William Jefferson of New Orleans, Louisiana, to have the government return all records seized from his office in May 2006 by the FBI in the course of executing a search warrant seeking evidence of criminal activity for bribery and other crimes. A lawful search of Rep. Jefferson's home in August 2005 turned up \$90,000 in cash in his freezer that was part of the \$100,000 that was allegedly earmarked for bribing Nigerian officials to obtain contracts for a business venture. The search warrant was obtained after Rep. Jefferson refused to turn over the requested documents in response to a subpoena issued in late summer 2005. Although two individuals have pled guilty to criminal charges associated with the bribery, Rep. Jefferson has yet to be indicted.

Rep. Jefferson claims that the search violated his rights under the Speech or Debate Clause of the Constitution which provides that any speech or debate by a Member of Congress "shall not be questioned in any other place." That clause has been interpreted to prevent lawsuits and prosecution of legislators for acts that are integral to the legislative process. Here, the search warrant sought only non-legislative documents by a so-called "filter team" of FBI agents and DOJ attorneys who had no role in the criminal investigation. U.S. District Court Judge Thomas Hogan rejected Jefferson's arguments and he appealed. Nevertheless, Rep. Jefferson maintains that he is entitled to decide first which documents are privileged, even though he could raise objections to their later use.

In its brief, WLF argued that the Speech or Debate Clause should be narrowly construed to bar any use of legitimate legislative materials as opposed to the mere incidental discovery of such documents. Otherwise, the privilege can be abused by Members of Congress to thwart legitimate criminal investigations and prosecutions by the Executive Branch. Oral argument in the case is scheduled for May 15, 2007.

WLF's brief was filed with the *pro bono* support of Viet D. Dinh, professor of law at Georgetown University Law Center and principal of Bancroft Associates, PLLC; attorneys Perry O. Barber and Lizette D. Benedi with the firm; and Wendy J. Keefer, formerly with Bancroft and of counsel to Haynsworth Sinkler Boyd in Charleston, SC.

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For further information, contact Paul Kamenar, WLF Senior Executive Counsel, at 202-588-0302. A copy of WLF's brief is available on its website at [www.wlf.org](http://www.wlf.org).