

No. 27-611

In the
Supreme Court of the United States

UNITED STATES OF AMERICA,
Petitioner,

v.

CARISSA PARKER,
Respondent.

*On Writ of Certiorari to the United States Court of Appeals
for the Fifteenth Circuit*

**The petition for a writ of certiorari is GRANTED, limited
to the following questions:**

1. Must the results of a warrantless historical query of a networked automated license plate-reader database be suppressed?
2. Does the Speech or Debate Clause require the return of legislative-act materials reviewed by Executive agents without affording the Member an opportunity to assert the privilege?

Factual Background and Procedural History

A. Representative Parker and the Bill.

Representative Carissa Parker represents the state of Hobart's Second Congressional District. She chairs the Subcommittee on Public Safety Technology of the House Committee on Homeland Security. She is a vocal critic of President Bronner, arguing he has politicized prosecutions.¹

In early 2026, Congress took up the Safe Streets Modernization Act. The bill would authorize a variety of grants to local and state law enforcement, including \$1.2 billion for networked automated license plate reader ("ALPR") systems. Sentinel, Inc. is a publicly traded company headquartered in Hobart City and sells such systems. The bill was referred to Parker's Subcommittee.

B. The Markup and the Trades.

On the evening of June 2, 2026, the Subcommittee took up the Safe Streets bill in a closed markup session.² Sentinel is the largest publicly traded vendor of ALPR systems: investors eagerly anticipated the passage of the bill. Members and staff present, however, were advised that the markup was confidential until the bill was reported. In that closed session, the Subcommittee voted to strike the ALPR grant program entirely due to backlash from privacy advocates.

On June 3, before the markup became public, Parker's spouse Caleb Parker purchased put options on Sentinel stock.³ Caleb had

¹ In May 2026, the two got into a social media spat. President Bronner posted the following regarding a news story about Parker's political party: "We can't delay any longer, JUSTICE MUST BE SERVED, NOW!!!" Parker replied, "The only JUSTICES being served are the ones he appointed taking bribes from big corporations! #nottoday #notonmywatch." This exchange went on for several posts.

² A markup is a committee meeting where members discuss and amend a bill. Markups may be closed under House rules to protect sensitive information about national security or law enforcement.

³ Put options are securities contracts where a buyer bets that the price of the stock will go down.

never before traded options. And on June 4, Dana Reyes, Sentinel's chief lobbyist, sold her personal holdings in Sentinel.

The markup result became public on June 5. Sentinel's stock price fell by 41 percent. Caleb Parker and Reyes realized combined gains and avoided losses of approximately \$12.3 million.

C. The Hobart Area Vehicle Intelligence Network ("HAVIN").

A market-surveillance referral flagged the concentrated, suspiciously well-timed trading activity.⁴ Investigators traced the positions to Caleb Parker and to Reyes. Because the markup result had been nonpublic until June 5, the timing drew immediate scrutiny.

Agents then received a tip from Taylor Barron, a former Sentinel executive, who had resigned following the collapse in share price. Barron told them that Representative Parker and Reyes were close friends who, prior to Parker's election, co-owned a lake house together. Barron further said that he heard Parker and Reyes met privately after the markup was done but before the results became public. The executive gave the approximate time of the meeting but had no photographs, no recordings, and no firsthand knowledge that Parker had communicated the markup result to anyone.

To corroborate contact between Parker and Reyes, without seeking a warrant, federal agents asked the Hobart City Police Department to query the Hobart Area Vehicle Intelligence Network ("HAVIN"), a regional ALPR network for Parker's license plate. Agents found Parker's license plate by checking her vehicle registration in Hobart's Department of Motor Vehicles records.

HAVIN is a private company which owns approximately 180 fixed cameras across Hobart City and its suburbs. It logs nearly 9 million plate reads per month and uses equipment built by Sentinel, the same company whose stock is at the center of this case. Business-improvement districts, universities, and homeowners'

⁴ Financial regulators regularly monitor large trades which predate major events affecting the value of securities.

associations pay HAVIN to install these cameras on their property, but do not have access to the network.

Private entities who pay for camera installation can access the data from their own cameras. But only law enforcement agencies who pay HAVIN for access can query the database.

HAVIN records each passing vehicle's plate number, date, time, camera location, and a still image, along with identifiable vehicle characteristics (make, model, color, body type, and visible features). The default retention period is thirty days. Authorized officers can search by plate, partial plate, vehicle description, camera location, date range, or agency. Every search is logged and requires the officer to enter a reason for the search.

Here, the officer querying HAVIN for Parker's vehicle inputted “public corruption inquiry from George” as the reason for the query. George was the lead federal investigator. The query returned 31 confirmed hits from 14 camera locations, including:

- one image of Parker's SUV a block away from Reyes’ townhouse on the night of June 3, traveling in the direction of the townhouse;
- one image of Parker's SUV a block away from Reyes’ townhouse in the early morning of June 4, traveling away from the townhouse
- six images of Parker's SUV a block away from Reyes’ townhouse on three other occasions during the month prior to the query, each after other Subcommittee actions regarding the Safe Streets bill;
- three images of the vehicle turning into an oncology clinic on the city's north side; and
- numerous images along routes connecting Parker's district office, campaign office, and home.

In short, the ALPR placed her vehicle near Reyes's home the evening after the closed markup. After the trades were reported by the media, Parker publicly denied any private meetings with Reyes around the markup. Investigators identified no call or message traffic between them on the relevant dates.

Agents used the ALPR timeline with the trading records and witness statements in applications for warrants to search Parker's district-office laptop, campaign files, and congressional cloud account.

D. The Search of Representative Parker's Files

After obtaining warrants, agents seized records from the Parker's district office. The seized files are in three categories.

- Nonlegislative material: bank records, travel receipts, calendar entries, campaign texts, personal messages, fundraising records, and communications about consulting payments.
- Legislative material: draft amendment language, committee-preparation notes, hearing talking points, staff memoranda on the Safe Streets bill, whip-count spreadsheets, and notes for meetings with other Members.
- Mixed material: emails blending legislative strategy with scheduling; calendar entries tied to both legislative meetings and political events; and staff messages discussing both policy goals and the political effects of supporting or opposing Sentinel's preferred amendment.

The Department of Justice used a filter team to review the seized materials. The filter-team attorneys reviewed all material, including folders labeled "Homeland Security Committee," "Safe Streets Amendments," "Whip Count," and "Member Prep." The filter team sent a privilege log to the prosecution team.⁵ Parker did not have the opportunity to review the materials and assert privileges under the Speech or Debate Clause prior to this filter team review.

E. Charges

The indictment charges Parker with securities fraud under 15 U.S.C. §§ 78j(b) & 78ff.⁶ It alleges that Parker disclosed the nonpublic

⁵ "Privileged" documents generally means documents exempt from rules which would require disclosure. A privilege log lists documents which may be privileged, identifying each privileged document by certain characteristics like the date, author, recipient, and general subject matter.

⁶ Insider trading is a subcategory of securities fraud. It involves trading, or helping someone else trade, based on important nonpublic information while breaching a duty of trust or confidence.

markup result to her spouse and to Reyes before the markup was released to the public, so that they could trade on the information. The indictment alleges that the duty breached is codified at 15 U.S.C. § 78u-1(g), added by enactment of the 2012 legislation commonly known as the STOCK Act.

F. Court Proceedings.

Representative Parker filed two pretrial motions.

First, she moved to suppress the fruits of the ALPR queries, arguing that the warrantless historical query was a search under the Fourth Amendment because it let the Government reconstruct her movements across multiple days and jurisdictions using a searchable digital location database.

Second, she moved for return and sealing of legislative materials, arguing that the Speech or Debate Clause bars Executive agents from reviewing such materials before the Member can identify and assert the privilege.

The district court granted both motions. On the ALPR issue, it held that a warrantless query of HAVIN was a search and suppressed the fruits of the query.

On the Speech or Debate issue, the district court held that Executive review of legislative-act materials before the Member could assert privilege violated the Clause. It ordered the legislative-act materials returned or sealed under court supervision and barred further Executive review absent a prior judicial determination of non-privilege. It did not order the return of plainly nonlegislative evidence; the Government retained the bank, campaign, travel, payment, and personal-communication records.

The parties stipulated to the following:

- No warrant was obtained before the ALPR query.
- The Government does not rely on exigent circumstances.
- The later search warrants were independently supported by probable cause drawn from bank records and witness statements.
- The Government waives any good-faith-exception to the Fourth Amendment.

The Government appealed under 18 U.S.C. § 3731. A divided panel of the Fifteenth Circuit affirmed. The Supreme Court now grants certiorari.

Opinion of the Court

KEAN, Circuit Judge, delivered the opinion of the court.

The Government asks us to reverse two pretrial orders. The first suppressed evidence from a warrantless historical query of a regional ALPR database. The second ordered the return or sealing of legislative-act materials that Executive agents reviewed before Representative Parker could assert the Speech or Debate privilege.

The questions are doctrinally distinct, but they share a premise. In each, the Executive acts to obtain sensitive material first and confront constitutional limits later. We affirm the orders suppressing and requiring the return of such information.

I. The ALPR Query

The Fourth Amendment protects “the right of the people to be secure” against unreasonable searches. The question here is whether the ALPR query was a search. We hold that it is.

A. The HAVIN query was a search.

Carpenter v. United States, 585 U.S. 296 (2018), held that obtaining historical cell-site records is a search because such records furnish “a detailed chronicle of a person’s physical presence.” The technology, like HAVIN, allowed law enforcement to reconstruct a person’s movements. *Carpenter* was not about cell-site data specifically. Rather, it was about information with four characteristics.

It is retrospective. Law enforcement have reached backward through a database that recorded where Parker (and millions of others) have been.

It is networked. The database fuses records across a metropolitan region, letting law enforcement trace movement across jurisdictional lines.

It is effortlessly searchable. Law enforcement needs no prior knowledge of a person’s whereabouts. They enter a plate and a date range and the system does the rest without dispatching a single officer.

It is pattern-revealing. Multiple snapshots can show patterns just as well as a recording. Here, multiple snapshots show her vehicle

entering the parking lot of an oncology office. We assume these visits have a deeply sensitive meaning to Parker—a meaning that is now public for all to see. This cannot comport with deeply held American ideals of privacy codified in the Fourth Amendment.

B. The public view doctrine is based on traditional notions of observations by people, not machines or databases.

The Government says no search occurred because the plate was exposed to public view and each camera captured only what an officer lawfully positioned could have seen. Indeed, *United States v. Knotts*, 460 U.S. 276 (1983), holds that a person on public roads generally lacks a reasonable expectation of privacy in a single trip from one place to another.

But this is not *Knotts*. There, officers used a beeper to help follow a vehicle during a single journey, and the Court was careful to reserve the question of “dragnet” practices. Here the Government did not follow Representative Parker on one trip. It searched a preexisting database of automated location records, gathered by some 180 cameras.

That difference matters. The dissent says that it’s 2026 and we should know better to expect privacy in public. But our interpretation begins not with modern expectations, but with the *Framers’ intentions*.

C. The mosaic theory best comports with the original meaning of the Fourth Amendment.

The concurrences in *United States v. Jones*, 565 U.S. 400 (2012) recognized that long-term aggregation of location data can invade reasonable expectations of privacy even without any trespass. This is the “mosaic theory,” which directly comports with *Carpenter’s* notion of privacy in public.

Kyllo v. United States, 533 U.S. 27 (2001) gives us the governing principle: the technology the government uses can change Fourth Amendment analysis. *Kyllo* says that using thermal imaging to look through the walls of a home to see a marijuana grow operation inside was a search and required a warrant because the technology was not “in general public use.” *Id.* at 34. This, despite the fact that

investigators saw could be seen by any member of the public with a thermal camera. In the same way, while HAVIN is in general use, it is not in general *public use*. You and I cannot log into HAVIN to see where we went to dinner last week. You and I cannot use it at all because it is marketed and sold exclusively to law enforcement. It can only be used against us, not by us.

The Framers surely could not have imagined this possibility when the Fourth Amendment was drafted. Cameras hadn't even been invented.⁷ Maybe the dissent is right that this is old-fashioned. The law often is. But the choice to change the meaning of the Fourth Amendment lies with the People, not with this Court.

D. This holding is specific to the facts.

We do not hold that every ALPR query is a search. A single alert for a stolen plate may differ. Emergencies may differ. A database with fewer cameras, shorter retention, or narrower access may differ. This case involves a warrantless historical query of a dense, shared, regional database to reconstruct a suspect's movements. The Government obtained no warrant and invokes no exception. Therefore the query was a search and the district court correctly suppressed its results.

⁷ The word “camera” originates from the Latin phrase *camera obscura*—“dark chamber”—an optical phenomenon first described by Mozi in China and Aristotle around the 4th or 5th century BCE. The preservation of photographic images, however, arrived only in the mid-1820s, when Nicéphore Niépce captured the first permanent image, followed by Daguerre's 1839 “daguerreotype.” The word “photography” was probably coined that same year.

II. Legislative Materials

The Speech or Debate Clause says that Senators and Representatives “shall not be questioned in any other Place” for “any Speech or Debate in either House.” U.S. Const. art. I, §6, cl. 1. The question before us is narrow. It is not whether Representative Parker may be prosecuted. She may. The question is whether the Clause allows Executive agents to read legislative materials during an investigation before Parker can assert privilege, and before a court evaluates the materials for privilege.

A. The violation is the reading, not the use.

The clause protects acts “integral [to] the deliberative and communicative processes” of legislating. *Gravel v. United States*, 408 U.S. 606, 625 (1972). The purpose of this rule reveals just as much as the text: it exists to “prevent intimidation by the executive and accountability before a possibly hostile judiciary.” *United States v. Johnson*, 383 U.S. 169, 181 (1966).

Here, everything was seized. Draft amendment language, committee preparation notes, staff memoranda, whip-count spreadsheets, and Member prep notes; all integral to Parker's task as an elected member of Congress. If the President wants to intimidate Parker (or any other member of Congress), this is a blueprint for how to do so.

The dissent treats the Clause as an evidentiary rule about trials, arguing that if the jury does not see the evidence, the privilege is secure. This would reflect the holdings of two of our fellow circuits. *United States v. Renzi*, 651 F.3d 1012 (9th Cir. 2011) and *In re Fattah*, 802 F.3d 516 (3d Cir. 2015).

But the prohibition against introducing “evidence of a legislative act” at trial is the floor, the baseline of what the Clause protects. It is not the ceiling. Rather, the “fundamental purpose” of the Clause is to free “the legislator from executive and judicial oversight that realistically threatens to control his conduct as a legislator.” *Gravel v. United States*, 408 U. S. 606, 618 (1972). It is a structural protection against Executive interference in the legislative process. *See United States v. Johnson*, 383 U.S. 169, 178–81 (1966).

For this reason, the Clause is “an absolute bar” within the legitimate legislative sphere. *Eastland v. United States Servicemen’s Fund*, 421 U.S. 491, 503 (1975). That Parker is a vocal critic of the President may not be a coincidence. The President knows that litigation and politically charged allegations like these can cripple a political career. Investigations, even if well founded, can chill legitimate legislative activity.

Because of this risk of chilling legislative activity, we adopt the rule of *United States v. Rayburn House Office Building*, 497 F.3d 654 (D.C. Cir. 2007), which held compelled disclosure of privileged legislative materials to Executive agents violates the Clause. *Id.* at 660–63.

B. The filter team does not solve the harm.

Harm is presumed within the legislative sphere, *Eastland*, 421 U.S. at 503. The Government says its filter team solves any harm caused by disclosure. It does not. The Clause does not work as a structural separation-of-powers protection if Executive agents can read the file while another set promises not to. The filter team is still the Executive. Screening the legislature’s deliberations inside the Executive Branch is not the neutral review the Clause requires. It is the intrusion the Clause forbids, conducted politely.

This filter team did not even achieve its own aim. It handed the trial team a privilege log listing file names, dates, and descriptions, like “Whip Count—Safe Streets floor vote—draft 3.” That is disclosure of legislative acts to the prosecution. A rule demanding proof that prosecutors had relied on the privileged material would make the privilege unenforceable by design. No one can prove what a prosecutor absorbed from reading.

C. Return after court review is the proper remedy.

The proper remedy is for the prosecution to deliver a log to Parker of all documents seized with copies of each document, so that she may invoke privilege. Then, the district court should review, *in camera* and privately, the documents which Parker says are privileged. The district court then should order the Government to return those documents, with all copies, which the court finds to be privileged.

The dissent says the only remedy for a violation is exclusion of the materials at trial. But exclusion answers a different harm. The harm here is the disclosure.

D. Return does not create corruption.

It has long been settled that members of Congress may be prosecuted for crimes. *See e.g., United States v. Brewster*, 408 U.S. 501, 525–26 (1972). Our decision does not undermine this conclusion: an assertion of privilege is, after all, reviewed by the district court. The court can determine whether the document is privileged. If it is not privileged, the court will grant disclosure. Bank and financial records and travel logs are not privileged and may still be used by the prosecution.

The Government says this gives Congress protections no other citizens hold. It does. The Clause is a deliberate grant to the legislature as an institution, made to keep the other branches out of its deliberations. *United States v. Johnson*, 383 U.S. 169, 178–81 (1966); *Eastland*, 421 U.S. at 502–03. The asymmetry is not a flaw in the rule. It is the rule.

The Government may prosecute insider trading on the basis of the STOCK Act. Our holding only requires the return of documents which it cannot use at trial anyway. Documents which it may use at trial are unaffected: the bank records, trading records, the travel and payment records. The risk that the privilege sometimes shields a wrongdoer was the “conscious choice of the Framers,” but here, enforcing the Clause costs nothing.

E. The STOCK Act did not waive the privilege.

The privilege of the Clause may be waived “only by an explicit and unequivocal expression.” *United States v. Helstoski*, 442 U.S. 477, 493 (1979). Here, there is hardly an explicit and unequivocal waiver. The STOCK Act nowhere mentions the Clause. We should not, therefore, presume one.

* * *

The order suppressing the ALPR evidence is AFFIRMED. The order requiring return, sealing, and nondisclosure of legislative-act materials is AFFIRMED.

Dissent

Wang, Circuit Judge, dissenting.

The majority extends *Carpenter v. United States*, 585 U.S. 296 (2018), to a surveillance technology *Carpenter* itself said was acceptable. It also says members of Congress have a nondisclosure privilege ordinary citizens lack. These conclusions are both prudentially and legally dubious.

I. The ALPR Query

The Fourth Amendment protections apply only when a person has a reasonable expectation of privacy. *See generally Katz v. United States*, 389 U.S. 347 (1967). And *United States v. Knotts*, 460 U.S. 276 (1983) resolved this question forty years ago. A person “traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another.” *Id.* at 281. Representative Parker drove around on public roads knowing her license plate could be seen by anyone. Any ordinary person could have recorded what the cameras saw. And this ultimately reflects a legislative determination: each state legislature has seen fit to require citizens to have an identifying plate on their vehicles.

The majority invokes *Knotts*’s reservation about “dragnet” practices, but 31 sightings at 14 fixed locations over a month is not a dragnet. The cameras are merely robotic policemen: the city could accomplish the same result by employing a man with a camera and posting him on a sidewalk. The constitutional character of each sighting does not change because a computer clicked the shutter of the camera and stored the results.

A. Carpenter does not decide this case.

Carpenter does not affect this analysis. *Carpenter* was explicit about its limits: “[o]ur decision today is a narrow one.” 585 U.S. ___, slip op. at 22. It did not “call into question conventional surveillance techniques.” *Id.*, at 18. Moreover, *Carpenter* can be distinguished in three ways.

First, comprehensiveness. Cell-site records “chronicle a person’s past movements” continuously and provide “near perfect

surveillance.” *Id.* at 13. A cell phone logs location regardless of whether the owner makes a call, around the clock, at every location the phone travels. HAVIN recorded 31 hits from 14 fixed cameras over a month. Between those fixed points, Representative Parker's movements are unknown. The database produced discrete snapshots, not a continuous chronicle.

Second, involuntariness. *Carpenter* says “carrying a cell phone is indispensable to participation in modern society.” *Id.* at 17. Driving on public roads is a privilege, not a right, and one of the most heavily regulated privileges that exists, including requiring insurance, licensure, and regular vehicle registration. Conversely, the cell phone tracking persists even into one’s home. The choice to leave home and enter a public space in a vehicle subject to such strict regulation is a voluntary action.

Third, convention. *Carpenter* expressly disclaimed any application to “conventional surveillance techniques,” citing “security cameras” as its example. *Id.* at 18.

Here, it’s 2026. ALPRs are increasingly conventional, used by debt collectors, bail bondsmen, tollway authorities, parking officers, and more. Moreover, everyone knows that they may be on camera in public. It could be a person on the corner streaming a live video. It could be a gas station camera with a view of the street. It could be a passing street-mapping car. Old intuitions about cameras don’t work and can lead to absurd conclusions.

For example, the majority’s opinion leads to the absurd conclusion that an ALPR network could show the identity of a murderer but that law enforcement could not use that to track him down. A newspaper could break pictures of a vehicle speeding away from a crime scene, but, under the majority’s rule, police could not use that information to investigate the crime because it was data from an ALPR network.

I decline to rewrite *Carpenter* because the cameras are now networked together.

B. The mosaic theory is not law.

The mosaic theory, that aggregating public observations can create a Fourth Amendment search, has never commanded a majority of the Supreme Court. *See e.g., United States v. Jones*, 565 U.S. 400 (2012). *Jones* could have been decided on such grounds, but it was not. It was intentionally narrow. The majority opinion “declin[ed] to address” whether prolonged GPS monitoring alone, absent trespass, constitutes a search. *Id.* at 412.

C. There is no brightline.

The majority’s test is unworkable. It does not say how many cameras, how many days, or how many hits cross the constitutional line. It lists factors; that is all. There is no rule an officer or magistrate can apply in the field. A detective asking whether to query an ALPR database needs to know *before* the query whether a warrant is required—not learn afterward whether a reviewing court decides the record was dense enough. *See Kyllo v. United States*, 533 U.S. 27, 40 (2001) (stressing that Fourth Amendment lines should be both firm and bright). The majority converts every ALPR query into a constitutional guessing game.

A warrant for ALPR searches may be sound policy. Legislatures may choose to require one. But the Constitution does not. I would hold that the HAVIN query was not a search.

II. The Legislative Materials

I would reverse the return order as well. The question is not whether the Speech or Debate clause creates privileges for members of Congress. The question is how far those privileges extend.

A. The court’s decision today creates a nondisclosure privilege not recognized in the first 200 years of our Nation’s history.

The Clause was not “written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators.” *United States v. Brewster*, 408 U.S. 501, 507 (1972). Neither taking a bribe, *id.* at 526, nor insider trading has anything to do with Congressional independence.

Rather, the relevant factor is whether the prosecution “draw[s] in question the legislative acts of the defendant member of Congress or his motives for performing them.” *United States v. Johnson*, 383 U.S. 169, 184 (1966).

Parker's prosecution is not about Congressional independence. It is about insider trading. While legislative materials were seized, Parker cannot point to a single item of legislative material which has been used against her, because no trial has yet happened at all. Indeed, if she could show any legislative material had been used, she could secure a reversal of any conviction. *See generally United States v. Helstoski*, 442 U.S. 477 (1979).

The majority is correct that it treads a path previously traveled by *United States v. Rayburn House Office Building*, 497 F.3d 654 (D.C. Cir. 2007). But no other circuit has adopted *Rayburn*'s rule. The 9th Circuit directly declined to do so, holding that the Clause does not “provide an absolute bar to the Executive from reviewing documents that may touch on legislative acts.” *United States v. Renzi*, 651 F.3d 1012, 1031 (9th Cir. 2011). The court reasoned that the Clause's protection runs to “questioning” at trial and prosecutorial use of protected material, not to the investigative step of examining documents to determine what they contain. *Id.* at 1030–31. The Third Circuit agreed, holding that the Clause prohibits evidentiary use and testimonial compulsion but not executive examination of seized files during an investigation. *In re Fattah*, 802 F.3d 516, 533 (3d Cir. 2015).

B. The nondisclosure privilege is not necessary to protect Congress.

Even if heightened protection applies, the DOJ filter team here satisfies any legitimate concern. It separated legislative materials from the trial team, flagged disputed documents, and returned nothing protected to the prosecution. The trial team received a privilege log containing file names, dates, and short descriptions. The district court did not say the trial team *used* or *relied on* that information, and made no finding of bad faith.

No remedy is warranted absent a demonstrated harm. Knowing that a file labeled “Whip Count—Safe Streets floor vote—draft 3”

exists is not the same as the Government using the substance of that document to prove how a Member voted. The majority orders pretrial return and sealing based on a finding that a privilege-log description “conveyed substance”—a standard that would trigger the remedy in nearly every prosecution involving a Member with mixed files.

C. The majority’s nondisclosure privilege makes members of Congress a kind of super-citizen.

The impacts of the majority’s rule are significant. A Member who files legislative strategy documents alongside bribery receipts and personal communications gains a categorical bar against investigative review that no private citizen holds. This special privilege is unnecessary. Corruption (and insider trading!) is more likely under the majority’s rule.

D. The chilling effect is overblown.

The Court has already rejected the chilling effect as a ground for interpreting the Clause. *United States v. Brewster*, 408 U.S. 501 (1972) held that prosecuting a Member for a bribe tied to a legislative act did not “greatly enhance[]” the executive’s power to harass and said it caused “no substantial increase in the power of the Executive and Judicial Branches over the Legislative Branch.” *Id.* at 524.

The cases the majority leans on prove the point against it: the “distraction” and “burden of defending” that troubled the majority came from civil suits and compelled testimony where a Member must stop legislating and answer. *See e.g., Eastland*, 421 U.S. at 503. A filter team’s silent review of documents already in the Government’s lawful hands demands nothing of Parker and stops no vote. And the only genuine harm, legislative acts reaching a jury, is fully answered by excluding that evidence at trial. *Helstoski*, 442 U.S. at 488.

If the specter of this prosecution worries Congress, the fix is legislative: Congress is even “free to exempt its Members from the ambit of federal bribery laws.” *Brewster*, 408 U.S. at 524. It has not. Instead, it created the STOCK Act.

E. The STOCK Act is a Congressional waiver.

The Clause is a grant of privilege to the body of Congress. And the Constitution does not say that Congress may not waive the

privilege. Here, Congress has created a statute whose chief purpose is to place duties upon members of Congress. *See* 15 U.S.C. § 78u-1(g). This statute necessarily requires showing that Parker had some nonpublic information, which requires reference to legislative material. This, at the very least, is evidence that Congress has implicitly ratified the use of legislative material in certain prosecutions.

* * *

The ALPR query was not a Fourth Amendment search under *Knotts* or *Carpenter*. And the Speech or Debate Clause does not create a nondisclosure privilege precluding Executive review. To reach both novel conclusions, the majority draws unclear lines and places itself where the legislature ought to be. I therefore respectfully dissent.

Appendix 1—Table of Authorities

A. Procedural and Packet-Wide Authorities

1. [18 U.S.C. § 3731](#).
2. [28 U.S.C. § 1254](#).
3. [15 U.S.C. § 78u-1](#) (2022).
4. [Fed. R. Crim. P. 41](#).

B. Issue I—Fourth Amendment / Networked ALPR Query

1. [Katz v. United States](#), 389 U.S. 347 (1967)
2. [United States v. Knotts](#), 460 U.S. 276 (1983)
3. [Kyllo v. United States](#), 533 U.S. 27 (2001)
4. [United States v. Jones](#), 565 U.S. 400 (2012)
5. [Carpenter v. United States](#), 585 U.S. 296 (2018)
6. [Virginia v. Church](#), No. 0737-25-1 (Va. Ct. App. Oct. 14, 2025)

C. Issue II—Speech or Debate Clause / Return of Legislative Materials

1. [United States v. Johnson](#), 383 U.S. 169 (1966)
2. [United States v. Brewster](#), 408 U.S. 501 (1972)
3. [Gravel v. United States](#), 408 U.S. 606 (1972)
4. [Eastland v. U.S. Servicemen’s Fund](#), 421 U.S. 491 (1975)
5. [United States v. Helstoski](#), 442 U.S. 477 (1979)
6. [United States v. Rayburn House Office Bldg.](#), 497 F.3d 654 (D.C. Cir. 2007)
7. [United States v. Renzi](#), 651 F.3d 1012 (9th Cir. 2011)
8. [In re Fattah](#), 802 F.3d 516 (3d Cir. 2015)

Appendix 2—Background Material

This material may not be cited in a round unless subcited in a source in Appendix 1. These authorities may be considered for inclusion during a future version of the packet.

Securities fraud

- [*Dirks v. SEC*](#), 463 U.S. 646 (1983)
- [*Salman v. United States*](#), 580 U.S. 39 (2016)
- [*United States v. Collins*](#), No. 18-CR-567 (S.D.N.Y. Aug. 7, 2018)
- Anna Fodor, Note, [*Congressional Arbitrage at the Executive's Expense: The Speech or Debate Clause and the Unenforceable STOCK Act*](#), 108 NW. U. L. REV. 607 (2014)

Issue I

- [*United States v. Karo*](#), 468 U.S. 705 (1984)
- [*Riley v. California*](#), 573 U.S. 373 (2014)
- [*Schmidt v. City of Norfolk*](#), order dated Jan. 27, 2026 (E.D. Va.)
- David E. Pozen, [*The Mosaic Theory, National Security, and the Freedom of Information Act*](#), 115 YALE L.J. 628 (2005)
- Orin S. Kerr, [*The Mosaic Theory of the Fourth Amendment*](#), 111 MICH. L. REV. 311 (2012)
- David Gray & Danielle K. Citron, [*The Right to Quantitative Privacy*](#), 98 MINN. L. R. 62 (2013)
- David Gray, [*Fourth Amendment Hydraulics and Programmatic Surveillance*](#), 75 AM. U. L. R. 395 (2025).

Issue II

- [*Brown & Williamson Tobacco Corp. v. Williams*](#), 62 F.3d 408 (D.C. Cir. 1995)
- [*In re Sealed Case*](#), 80 F.4th 355 (D.C. Cir. 2023)
- [*Kilbourn v. Thompson*](#), 103 U.S. 168 (1881)
- Christopher M. Kieser, Note, [*In Defense of Rayburn House: Why the Supreme Court Should Recognize an Evidentiary Privilege of Non-Disclosure in It's Speech or Debate Clause Jurisprudence*](#), Notre Dame L. R. 1007 (2012)
- John D. Pingel, Note, [*Do Congressmen Still Pay Parking Tickets?*](#), 42 U.C. Davis L.R. 1621 (2009)