

No. 19-1328

IN THE SUPREME COURT OF THE UNITED STATES

Department of Justice,

Petitioner,

v.

Committee on the Judiciary of the
United States House of Representatives,

Respondent.

On Writ of Certiorari
to the United States Court of Appeals
for the District of Columbia Circuit

MOTION TO RECALENDAR ARGUMENT

Pursuant to Rule 21.1 of the Rules of this Court, Respondent House Committee on the Judiciary (Committee) respectfully notifies the Court of several events that may affect this case, and moves that the upcoming oral argument be removed from the Court's December 2020 calendar. In support of this motion, the Committee states as follows:

1. This case arises from an application by the Committee filed on July 26, 2019 in the U.S. District Court for the District of Columbia seeking grand-jury materials pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and that

court's inherent authority to order disclosure. Rule 6(e)(3)(E)(i) authorizes the disclosure of grand-jury material "preliminarily to or in connection with a judicial proceeding." Here, the Committee sought the grand-jury material preliminarily to a potential impeachment trial of President Donald J. Trump. The district court granted the Committee's application in part, and the D.C. Circuit affirmed, holding that a Senate impeachment trial is a "judicial proceeding" under Rule 6(e)(3)(E)(i). This Court granted certiorari on July 2, 2020. The case was fully briefed as of November 13, 2020, and is currently set for oral argument on December 2, 2020.

2. Since the Committee filed its brief, the Presidential election has been held and Joseph R. Biden, Jr. has been projected to receive more than a sufficient number of the electoral votes needed to be elected as the 46th President of the United States.

3. The Committee's investigations into misconduct by President Trump, oversight of agency activities during the Trump Administration, and consideration of related legislative reforms have remained ongoing. But a new Congress will convene in the first week of January 2021, and President-elect Biden will be inaugurated on January 20, 2021. Once those events occur, the newly constituted Committee will have to determine whether it wishes to continue pursuing the application for the grand-jury materials that gave rise to this case.

4. Under the circumstances, the Committee respectfully requests that the Court remove this case from the December 2020 argument calendar. The Committee

believes that postponing oral argument would be in the interest of the parties and the Court and may conserve judicial resources.

5. Counsel for the Committee has consulted with counsel for petitioner, who stated that the Solicitor General intends to file a response to this motion.

Respectfully submitted,



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