

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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OFFICE OF SENATOR MARK DAYTON *v.* HANSONAPPEAL FROM THE UNITED STATES COURT OF APPEALS FOR
THE DISTRICT OF COLUMBIA CIRCUIT

No. 06–618. Argued April 24, 2007—Decided May 21, 2007

After his discharge from employment with former Senator Dayton, appellee Hanson sued appellant, the Senator’s office (Office), invoking the District Court’s jurisdiction under the Congressional Accountability Act of 1995 (Act). The court denied a motion to dismiss based on a claim of immunity under the Constitution’s Speech or Debate Clause, and the D. C. Circuit affirmed. The Office then sought to appeal under §412 of the Act, which authorizes review in this Court of “any . . . judgment . . . upon the constitutionality of any provision” of the Act.

Held: This Court lacks jurisdiction under §412 because neither the dismissal denial nor the D. C. Circuit’s affirmance can fairly be characterized as a ruling “upon the constitutionality” of any Act provision. The District Court’s order does not state any grounds for decision, so it cannot be characterized as a constitutional holding. Moreover, neither the Court of Appeals’ rejection of the Office’s argument that forcing the Senator to defend against Hanson’s allegations would necessarily contravene the Speech or Debate Clause, nor that court’s leaving open the possibility that the Clause may limit the proceedings’ scope in some respects, qualifies as a ruling on the Act’s validity. The Office’s argument that the appeals court’s holding amounts to a ruling that the Act is constitutional “as applied” cannot be reconciled with §413’s declaration that the Act’s authorization to sue “shall not constitute a waiver of . . . the privileges of any Senator . . . under [the Clause.]” Nor do any special circumstances justify exercise of this Court’s discretionary certiorari jurisdiction, the D. C. Circuit having abandoned an earlier decision that was in conflict with another Circuit on the Clause’s application to suits challenging a congressional Member’s personnel decisions. Pp. 2–4.

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459 F. 3d 1, appeal dismissed; certiorari denied.

STEVENS, J., delivered the opinion of the Court, in which all other Members joined, except ROBERTS, C. J., who took no part in the consideration or decision of the case.