The Court's order following the United States's submission of this first *ex parte* brief did not even acknowledge that the United States submitted these protocols, much less indicate the Court's view on them. *See* October 7, 2026 Order. And it certainly did not "ask[] the government to rethink" these protocols assuming that *Rayburn* does apply to the Target Location. *Ex Parte* Order at 6. The Court's order instead reads as if the Court did not consider the protocols at all, much less whether the strict no-review limitations within them were different enough from those that were rejected in *Rayburn*. To be sure, if the Court had considered and rejected them as-is, the United States would *never* have re-submitted them as-is for the Court's consideration in the next *ex parte* brief it filed in response to that order. *See* United States's Second *Ex Parte* Brief at 8-9 (citing United States's First *Ex Parte* Brief at 8-9 & Exhibits 2 and 4). Instead, the United States would have submitted new ones tailored to the Court's expressed feedback, just as it did with the version of the special protocols that took its ultimate form in the signed warrant's Attachment C.

D. The *Ex Parte* Order implies that the United States's filings may be dishonest when the still sealed primary materials show the United States's claim is true.

In summarizing the United States's arguments in the *Ex Parte* Proceedings, the Court says that the materials the United States "seeks to seize are, by the government's telling, unrelated to any legitimate legislative activity. Maybe so." *Ex Parte* Order at 4-5. No. Not 'maybe so'—demonstrably so. The United States included a list of crimes that there is probable cause to believe ILHAN has violated; it included in detail its theory of the case based on much of the evidence it currently has; it included in Attachment B a specific list of materials it was seeking to seize; and it included a thorough definition of the "legislative acts" protected by the Clause. This is everything the Court needs to determine whether the materials the United States seeks are related to "legislative acts." *See also contra id.* (wrongly describing the United States's Speech or Debate argument as implicating "legitimate legislative activity" instead of "legislative acts"). The United

States believes ILHAN has committed [redacted] crimes over decades—beginning long before she was ever in Congress. Nothing in the search warrant affidavit, briefing, or oral argument indicates that the United States's case has anything to do with ILHAN's professional life. But the *Ex Parte* Order gives the false impression that it's an open question, unknowable by the Court at this phase.

There are other examples which the undersigned can cite and will reserve the right to supplement the record [redacted] so as to avoid further inaccuracies.

* * * *

These examples show the injustice of allowing the Court's voice to be the only one describing the *Ex Parte* Proceedings at this juncture of the case. The Judiciary and Executive are co-equal branches—the Court is "not superior to" the United States. *Brookfield Const. Co. v. Stewart*, 234 F. Supp. 94, 97 (D.D.C. 1964). This is not an adversarial proceeding where the Court weighs arguments and acts as a neutral arbiter between two parties; this is a secret *ex parte* proceeding in which the only participants and witnesses are the Court and United States. So it would be fundamentally unfair to allow the Court to publicly offer its view or opinion about these highly secret search warrant proceedings without the primary sources to check its perspective. And it'd be even more unjust to force the United States to choose between correcting the record in a high visibility case by releasing primary sources and maintaining the integrity of its investigation.