

The challenge of this case lies in the nature of Henry Spallone's offense. Contempt. Defiance of a district court order. Openly hostile and painfully personal public criticism of the district court judge who would eventually hold him in contempt. The challenge of this case flows from the effrontery of local legislators who, prior to the arguments herein, may not have been schooled in the rich history of their own institution.

But now they are. Now they know the meaning of the phrase, "absolute legislative immunity." Now they know its absence. Yet somehow, the presence of its protection is almost a natural callus on the already thick legislative skin. Now they understand from personal experience, better than any other attorney or jurist sitting on this case, the perils from which the privilege shields them. A hostile judiciary or a despotic King can lead to the same jail cell. But that is the evil from which our legislators are protected.

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We most respectfully urge that the Court should stem the excessive use of judicial power in this case and provide a clear line to distinguish the legislative acts which a court can perform, *see Supreme Court of Virginia*, 446 U.S. 719 (1980), from the legislative acts which a Court cannot usurp. While our courts must enforce federal remedies and must bind the parties to