

CIVIL CONTEMPT & SUBPOENA ENFORCEMENT RESOLUTION

FACT SHEET

Civil Contempt Resolution Summary

- **House Judiciary Committee:** The resolution builds on the House Judiciary Committee contempt finding against Attorney General Barr to seek civil enforcement of Committee subpoenas. The resolution first authorizes litigation to compel Barr to provide the key evidence underlying the Mueller report that Congress needs to assess Mueller's findings, as well as the unredacted report itself. The resolution second targets former White House Counsel Don McGahn, who also defied a Committee subpoena, authorizing a civil suit to compel him to provide documents and testimony.
- **All House Committees:** The resolution further provides that all committee chairs, when authorized by the Bipartisan Legal Advisory Group, retain the authority to go directly to court to enforce their own subpoenas without the necessity of a full House vote. For example:
 - The Secretary of the Treasury is currently defying a subpoena to produce the President's tax returns.
 - The Attorney General is currently defying a subpoena to produce counter-intelligence documents relating to the Mueller investigation of Russia's interference with the 2016 election.
 - The Secretary of Commerce and the Attorney General are defying subpoenas to produce documents relating to the addition of a citizenship question to the 2020 Census.
- The resolution additionally provides that when committees go to court, they have any and all authority under Article I of the Constitution, ensuring the maximum range of legal authority available to the committees.

Talking Points

- **In keeping with the President's sweeping public refusal to comply with congressional subpoenas, the White House and the Administration are fighting to keep the truth from the American people.**
 - They are baselessly asserting executive privilege over materials and witness statements. This includes the testimony of key officials, such as Don McGahn and Wilbur Ross; important evidence underlying the Mueller Report; and documents relating to key policy issues, such as the addition of the citizenship question to the census.
 - As the Supreme Court has admonished, "[a] subpoena has never been treated as an invitation to a game of hare and hounds, in which the witness must testify only if cornered at the end of the chase. If that were the case, then, indeed, the great power of testimonial compulsion, so necessary to the effective functioning of courts and legislatures, would be a nullity."

- A witness is required under the law to “appear before the Committee to provide testimony, and invoke executive privilege where appropriate.” Whether Congress can pierce the privilege or not, government witnesses and private citizens must still show up and face questions.
- **This resolution ensures we can conduct oversight on issues that are critical to Americans’ lives while continuing to deliver on pocketbook issues.**
 - Attorney General Barr’s obstruction is part of a pattern of unprecedented and unconstitutional stonewalling by the president and his Administration. If this kind of obstruction is allowed to stand, Congress cannot perform its function as a check and balance on the Executive Branch.
 - Moreover, this dangerous disregard for congressional oversight and accountability of the Executive Branch allows the President to cover up his many other disastrous policy decisions such as: attacking affordable healthcare coverage for millions of Americans, including those with pre-existing conditions, tearing apart vulnerable immigrant families, misappropriating military funds for his ill-conceived border wall, and rolling back landmark civil rights protections for minorities.
 - The Administration’s stonewalling is so systemic that a streamlined approach to subpoena enforcement going forward through the Bipartisan Legal Advisory Group (BLAG) is required, rather than individual resolutions on the House Floor.
- **The information subpoenaed by various congressional committees, including documents and testimony, is information Congress is constitutionally entitled to and which past Administrations have routinely provided.**
 - Over [20 White House lawyers](#) from multiple Administrations, including 9 White House Counsels, have testified in depositions and hearings before Congress since Watergate. This includes officials from the Carter, Reagan, Clinton, H.W. Bush, and Bush White Houses. White House attorneys have also regularly turned over documents to Congress in response to congressional investigations.
 - Congress handles classified, privileged and sensitive information, including relating to ongoing criminal and counterintelligence investigations, every day.
 - Last Congress, pursuant to congressional subpoenas relating to the concluded investigation into former Secretary of State Hillary Clinton’s emails and the ongoing Russia investigation, the Department and the FBI gave Congress nearly a million pages of investigatory documents and evidence, including classified FISA applications, FBI interview reports and notes, internal text messages, and multiple law enforcement memorandum—in other words, the exact same type of “investigative files” this Administration says we now, somehow, do not have a purpose for requesting.
- **Congress not only is constitutionally entitled to the underlying evidence in the Special Counsel’s Report and key fact witness testimony, it requires this information so that it can fulfill its legislative, oversight, and other constitutional responsibilities.**

- The Report documents the Russian government's attacks on our elections and raised important questions about the vulnerability of our election infrastructure to foreign interference. This is an ongoing national security threat that the President has resisted acknowledged, much less addressing. Rather than addressing the threat, President Trump's response was to deflect, undermine, and exert undue influence over any related investigations to prevent scrutiny of his own conduct.
- Moreover, there are multiple ongoing investigations that were referred out by the Special Counsel's office. As the Report illustrates, President Trump has demonstrated a pattern of obstructing, tampering with and attempting to shut down investigations harmful to him. Thus, those ongoing matters—indeed any federal cases that Trump does not like—are at risk.
- **This resolution follows past precedent used by Democratic and Republican Majorities while reinforcing an important principle in the House Rules.**
 - Past majorities of both parties have used similar civil contempt resolutions to conduct oversight of government officials, including former Bush Administration White House Counsel Harriet Miers and former Obama Administration Attorney General Eric Holder.
 - This resolution also reaffirms key language in the House Rules to make clear that every chair of a committee or permanent select committee retains the ability to go to federal court to seek civil enforcement of their subpoenas when authorized by the Bipartisan Legal Advisory Group.
 - Congressional Republicans used every ounce of their oversight power to demand the release of sensitive documents when it suited their partisan purposes, but now their silence in the face of this Republican president's obstruction and defiance is deafening.
- **President Trump's contempt for the laws of this country and his Administration's disregard for the legislative and judicial branches is reaching a tipping point. Despite representing a coequal branch of government, Trump's Administration is flagrantly disregarding the role Congress and the Judiciary must play in our democratic system.**
 - It is clear that the Trump Administration does not recognize Congress as a co-equal branch with independent constitutional oversight authority, and will continue its campaign of obstruction.
 - This Democratic Majority is committed to defending Congress' power as an independent branch of government to hold this or any administration accountable.