

Trump orders officials to refuse congressional subpoenas

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Following the release of the redacted report compiled by Robert Mueller into baseless allegations of “Russian meddling” in the 2016 elections, the Democratic Party has subpoenaed a number of Trump administration officials in an escalation of ongoing congressional investigations.

Trump has responded by ordering officials to disobey the subpoenas, setting up a constitutional clash between Congress and the president. The administration claims the dictatorial and unconstitutional power to block the legislature from investigating its activities. At the same time, the right-wing aims of the Democrats’ neo-McCarthyite campaign explode their posturing as the defenders of democratic rights.

Last week, the administration instructed former counsel Don McGahn not to comply with a House Judiciary Committee subpoena demanding testimony regarding McGahn’s claim that he refused to carry out an order from Trump dismissing Mueller while the special counsel’s investigation was ongoing.

Trump also told former White House personnel director Carl Kline not to comply with a House Oversight Committee subpoena regarding the administration’s security clearance practices, though the White House and Democrats appear to be working out a deal to allow Kline’s testimony.

In addition, Trump instructed Deputy Assistant Attorney General John Gore not to comply with a House Oversight Committee request regarding the inclusion of a question on citizenship in the 2020 census. Trump’s private attorneys have filed suit to block his accounting firm from releasing certain financial records to the House panel. The administration has also failed to respond to a request by the Senate Finance Committee that the Commerce Department turn over a memo on car parts tariffs and national security.

Further, current White House counsel Pat Cipollone is refusing a request from the House Oversight Committee

that Trump immigration adviser Stephen Miller testify on Trump’s decision to remove Kirstjen Nielsen as secretary of the Department of Homeland Security.

Attorney General William Barr also announced yesterday that he may not attend a hearing scheduled for Thursday before the House Judiciary Committee to review the Mueller report. While threatening not to testify before the Democratic-controlled House committee, Barr explained he will testify before the Republican-led Senate Judiciary Committee on Wednesday. Democrats may decide to subpoena Barr, setting up the possibility that the Attorney General himself may be held in contempt.

Bloomberg News reported on April 24 that Jerrold Nadler, the Democratic chairman of the House Judiciary Committee, told a meeting of House leaders this month that Congress may instruct its Sergeant-at-Arms to physically arrest and detain those in contempt in a makeshift jail in the Capitol building. Bloomberg cited a source present at the meeting who said “the idea surprised many in the room but seemed to have been researched as a serious option by Nadler or his staff.”

The *Washington Post* also reported that House Democrats have discussed tying federal funding to requirements that department and agency heads comply with congressional investigations. The fight over subpoenas will now head to the federal courts and will dominate the political landscape in the coming months.

Trump’s position is that the executive branch is not subject to congressional oversight. This reactionary view is in line with his invocation of a national emergency to unconstitutionally appropriate funds to build a border wall earlier this year. It also comes amidst his continued efforts to violate the “advice and consent” clause of Article II by keeping a cabinet full of acting secretaries and officials who have not been confirmed by the Senate and who are answerable only to Trump on a personal basis.

Trump also continues to hint that he will use

extrajudicial, extra-constitutional methods for staying in power. He tweeted on April 24, “the partisan Dems ever tried to Impeach, I would first head to the U.S. Supreme Court.”

The constitution is clear, however, that the Supreme Court does not have jurisdiction over impeachment proceedings, which, according to Article I, Section 2, are initiated in the House and tried in the Senate. The Chief Justice of the Supreme Court presides over the trial, taking the place of the Vice President who in his role as president of the Senate would not be impartial on account of the fact that he would become president if the current president were removed from office.

Trump’s threat to appeal to the Supreme Court is another attack on the constitutionally-mandated powers of the legislature. It is a sign that if successfully impeached, Trump would refuse to leave office. An April 24 article on Lawfare notes that Trump’s threat to take an impeachment to the Supreme Court “could be fatal in the most extreme situation.” If Trump is successfully impeached but appeals to the Supreme Court instead of stepping down, this would create a situation with two presidents. Lawfare continues, “What if military commanders are placed in the position of deciding which president is rightfully the chief executive?”

The Democratic Party and its press organs have raised concerns over Trump’s efforts to suppress the legislature. On April 26, the *Times* published an editorial board statement, “Donald Trump Shows a New Level of Contempt for Congress.” It warned, “Unlike his predecessors, who invoked [executive] privilege in specific cases, Mr. Trump has vowed that he will not cooperate with any congressional inquiry. He is effectively declaring lawmakers powerless over him. This, warn the experts, puts the nation in uncharted territory and threatens to erode its democratic foundations.”

As a legal matter, Trump’s position is indeed authoritarian and without precedent. But the Democrats and the *New York Times*’ warnings of “eroding democratic foundations” are made in bad faith.

The Democrats’ investigations are part of the ongoing palace coup orchestrated by sections of the military and intelligence brass. The political basis for these investigations is fundamentally right-wing and anti-democratic, based on the bogus claim that Russian interference produced Trump’s electoral victory when whistleblower Julian Assange released Democratic Party emails, including the text of paid speeches 2016

Democratic candidate Hillary Clinton gave to Wall Street.

The claims by Democratic congressional leaders that their investigations are aimed at providing the population with open access to information about the executive branch suffer from an overabundance of hypocrisy. Aside from the anti-democratic character of the Democrats’ campaign itself, the Democrats and the *Times* are also demanding the extraordinary rendition of Julian Assange, who exposed the crimes of US imperialism to the population of the world and now faces interrogation and a possible death sentence if returned to the US.

The Democrats are not launching investigations about the right-wing character of Trump’s policies, including the deployment of troops to the southern border, the tax cuts for the rich or the deregulation of industry and environmental protection. The Democratic Party and its military-intelligence directors are terrified that an investigation along these lines would provoke opposition in the working class.

A recent HarrisX/Hill poll found that by a 60–40 margin, voters “want Democrats to move on from Russia to investigating other issues like healthcare, immigration and infrastructure.” But the Democrats are trying to set the tone for the primary race, directing the narrative so the campaign does not focus on social or economic issues and is instead dominated by “Russian meddling” hysteria and “national security” concerns under conditions of the increasing popularity of socialism.

The right-wing political character of the Democrats’ opposition to Trump’s dictatorial refusals to comply with congressional investigation strengthens Trump and facilitates his efforts to drastically expand the power of the executive branch and reduce the power of the legislature. If he emerges victorious from this subpoena fight, it will mark a fundamental restructuring of the relationship between the branches of government, with the executive emerging as effectively unconstrained.

The working class has no allies in the faction fight between political reactionaries embroiling Washington. The answer to the infighting in the ruling class is the development of a revolutionary movement of the working class for social equality and in defense of democratic rights.



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