

House Select Committee on January 6 seeks criminal contempt charges against Steve Bannon

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After Trump adviser Steve Bannon defied subpoena requests from the House Select Committee charged with investigating the January 6 attack on the Capitol, Committee Chairman Bennie Thompson (D-Mississippi) released a statement announcing the committee will seek to charge him with criminal contempt.

“Mr. Bannon has declined to cooperate with the Select Committee and is instead hiding behind the former President’s insufficient, blanket, and vague statements regarding privileges he has purported to invoke. We reject his position entirely,” wrote Thompson.

“The Select Committee will not tolerate defiance of our subpoenas, so we must move forward with proceeding to refer Mr. Bannon for criminal contempt. I’ve notified the Select Committee that we will convene for a business meeting Tuesday evening to vote on adopting a contempt report,” Thompson continued.

“The Select Committee will use every tool at its disposal to get the information it seeks, and witnesses who try to stonewall the Select Committee will not succeed,” added Thompson.

Thompson confirmed that the panel will meet Tuesday to vote on the measure. It will then be sent to the House of Representatives for a full vote, which in the Democratic-controlled House, is expected to pass. At this point, the charges would be referred to the Department of Justice. Assuming Attorney General Merrick Garland acts on the subpoena—by no means a certainty—Bannon could be arrested by federal agents and face trial. If found guilty of contempt, a misdemeanor, he could face up to a year in prison and a \$100,000 fine.

Leading Democrats have indicated they expect Garland to act on the criminal contempt citation should it be referred to the DOJ. “We expect the Justice Department to adhere to the principle that no one is above the law,”

Representative Adam Schiff (D-California), a member of the select committee, said earlier this week.

The threat to Bannon is not immediate. There will undoubtedly be appeals filed against any Justice Department intervention, and Bannon’s strategy is to delay any appearance before the committee for at least a year, until after the 2022 elections. He believes the Republican Party will win control of the House, at which point both the investigating committee and its subpoenas would be scrapped.

That Bannon would not be complying with the committee’s request was made clear last week after Bannon’s lawyer, Robert Costello, sent a letter to the committee informing them that Trump had claimed “executive privilege” in regard to all communications with his former advisers.

“Executive privileges belong to President Trump” and “we must accept his direction and honor his invocation of executive privilege,” wrote Costello. Costello added that Bannon would not comply with the committee’s request “until such time as you reach an agreement with President Trump” on claims of executive privilege “or receive a court ruling.”

Costello sent the letter after a lawyer for Trump told subpoena targets, including former White House chief of staff Mark Meadows, former deputy chief of staff Dan Scavino and chief of staff of former acting Secretary of Defense Christopher Miller, Kashyap “Kash” Patel, not to comply with the committee’s request as any testimony or documents provided could be considered “privileged material.”

Executive privilege, according to current legal standards, applies only to officials close to the current president, while engaged in official duties at his direction. No former president has successfully asserted executive

privilege over his past communications while in the White House; instead, they have been forced to rely on an agreement with the sitting president. But the Biden White House has declined to support Trump's claims in relation to January 6.

In the case of Bannon, since he left the White House in 2017 and was not working as a government official when he helped organize the storming of the Capitol on January 6, the claim of executive privilege is particularly tenuous.

Bannon played an integral role in the coup plot, serving as an intermediary between the White House, Republican politicians, organizers of the "Stop the Steal" rallies and the fascist paramilitaries, such as the Oath Keepers, that stormed the Capitol in an attempt to delay the certification of Joe Biden's Electoral College victory. Bannon promoted the "Stop the Steal" rallies on his War Room podcast and featured guests have included Trump-aligned lawmakers, such as Texas Republican Louie Gohmert, who would go on to vote against certifying the election, even after the attack on the Capitol.

Of the 19 people subpoenaed so far by the select committee, Bannon is the only one so far against whom the committee is seeking criminal contempt charges, despite the fact that none of the targets of the committee, including Meadows, Patel and Scavino, appeared before the committee by the prescribed deadline. The *Washington Post* and the *New York Times*, citing anonymous congressional aides, claimed that Meadows and Patel have been provided an "extension or continuance" to appear before the committee at a later date.

Meanwhile, Scavino, who was served his subpoena only last week, has also postponed his deposition to an as of yet unspecified date.

The decision by the Committee to seek criminal contempt charges against Bannon reflects an escalation in the internecine warfare within the ruling class following Trump's fascist coup attempt more than nine months ago. Despite President Joe Biden's endless pleas for class "unity" within the bourgeoisie following the insurrection, there remain deep divisions within the ruling class.

While the Republicans unite around the would-be Fuhrer, promoting his bogus election conspiracy theories while he cultivates a fascistic base of support, the Democrats, beholden to the same financial oligarchy as the Republicans, are unable to appeal to the working class in defense of democratic rights. Instead, they seek to provide a veneer of accountability in accordance with the limitations set by Wall Street and Central Intelligence

Agency.

Reflecting the overriding concern to limit the fallout from Trump's coup attempt, White House Press Secretary Jen Psaki refused Thursday to say if Biden would support federal prosecution against those who defy the Select Committee's subpoenas, telling reporters that it is "exclusively" up to the Justice Department to decide.

The select committee has continued to issue subpoenas to Trump accomplices. On Wednesday, the committee subpoenaed former Justice Department official Jeffrey Clark.

In a Senate Judiciary Committee report issued last week, Clark's ongoing efforts to overturn the election were revealed, including pressuring acting Attorney General Jeffrey Rosen to hold a news conference announcing that the DOJ was investigating allegations of voter fraud. The report also confirmed Clark's efforts, in coordination with Trump, to oust Rosen so that he could take over the DOJ and force lawmakers in battleground states, such as Georgia, to overturn the election results.

Last week, the committee also issued subpoenas to two organizers of the "Stop the Steal" rallies, Ali Abdul Akbar, also known as Ali Alexander, and Nathan Martin. In a statement announcing the subpoenas against Alexander, Thompson noted that Alexander, "spoke at a rally on January 5th, held by the Eighty Percent coalition at Freedom Plaza in Washington D.C." Alexander "led the crowd in a chant of 'victory or death.'"



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