

CONYERS HAS GOTTEN CRANKY

Just a quick post (I promise, I'll catch up tomorrow) to observe that Conyers seems to be getting fed up. Yesterday he was handing long "to do" lists to Fred Fielding. Today, it's taking the next step in ratcheting the pressure on the Bush Administration.

Recommending that the House cite someone for contempt of Congress is a step that the Committee, and I as Chairman, take with great reluctance. Unfortunately, it is a step that is clearly necessary to preserve the role and constitutional prerogatives of Congress as an institution, in addition to getting to the bottom of the U.S. Attorney controversy.

The Judiciary Committee voted on July 25 to recommend the contempt resolution because, despite months of effort to secure voluntary compliance, the White House has refused to provide access to crucial information requested by the Committee. In fact, as of today, I have written nine letters over more than eight months trying to resolve this matter. But despite duly issued subpoenas, the White House has determined that it has the unilateral authority to prevent Mr. Bolten from providing us with a single piece of paper and to prevent Ms. Miers from even showing up at a Committee hearing.

If the executive branch can disregard Congressional subpoenas in this way, we no longer have a system of checks and balances. That is the cornerstone of our democracy, and it is our bipartisan responsibility to protect it. As our former colleague, Republican Mickey Edwards, has explained, taking action is

crucial in order to defend Congress "as a separate, independent, and completely equal branch of government."

Because the White House has refused to reconsider its confrontational position, I believe we have no choice but to bring this contempt resolution to the floor promptly and to ask that this Committee adopt a rule to facilitate doing so. [my emphasis]

I'm particularly interested in the degree of specificity in Conyers' letter:

Along with the contempt resolution, .I ask the Committee to include in its rule the appropriate process for consideration of H. Res. 980, a privileged resolution authorizing the Judiciary Committee to initiate or intervene in civil litigation to enforce these two subpoenas. The need for this resolution became clear just last week, when the Attorney General unfortunately testified before our Committee that he is inclined to follow the White House's view and forbid enforcement of the contempt resolution.

Under the contempt statute, the U.S. Attorney "shall" refer the contempt citation to a grand jury for action after receiving it from the Speaker. Unfortunately, only last week Attorney General Mukasey testified before our Committee that he is inclined to follow the view of the White House and not enforce contempt despite the clear statutory command.

In light of that, the privileged resolution introduced today follows the suggestion first made by former Judiciary Committee chairman James Sensenbrenner last year and authorizes the House general counsel to file a

civil suit to enforce the subpoenas.
That way, if the Administration refuses
to enforce the contempt finding, we can
take action in the courts to vindicate
Congress' authority.

Although Mr. Sensenbrenner suggested a
civil lawsuit as an alternative to
contempt, the courts have made clear
that statutory contempt must be tried
first.

In addition to pushing for contempt, Conyers is
setting up a legal paper trail to go further. I
don't think I'm misreading in suggesting that
Conyers was none too impressed with Mukasey's
HJC appearance the other day.

Update: I think Kagro X has gotten cranky, too.