



Legislative Bulletin.....February 14, 2008

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H.Res. 982— Providing for the adoption of the resolution (H.Res. 979) recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution (H.Res. 980) authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas (*Slaughter, D-NY*)

Order of Business: H.Res. 982 is scheduled to be considered on Thursday, February 14, 2008, as a self-executing rule.

Summary: H.Res. 982 would provide for the adoption of H.Res. 979 and H.Res. 980. H.Res. expresses the sense that the House of Representatives find Harriet Miers and Joshua Bolten, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary and for the adoption of the resolution authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas.

H.Res. 979—Recommending that the House of Representatives find Harriet Miers and Joshua Bolten, Chief of Staff, White House, in contempt of Congress for refusal to comply with subpoenas duly issued by the Committee on the Judiciary (*Conyers, D-MI*)

H.Res. 979 would express the sense of the House of Representatives that:

- “pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to appear before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further;

- “that pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to testify before the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further;
- “that pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of former White House Counsel Harriet Miers to produce documents to the Subcommittee on Commercial and Administrative Law as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Ms. Miers be proceeded against in the manner and form provided by law; and be it further;
- “that pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on the Judiciary, detailing the refusal of White House Chief of Staff Joshua Bolten to produce documents to the Committee on the Judiciary as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Bolten be proceeded against in the manner and form provided by law.”

H.Res. 980—Authorizing the Committee on the Judiciary to initiate or intervene in judicial proceedings to enforce certain subpoenas (*Conyers, D-MI*)

H.Res. 980 would express the sense of the House of Representatives that:

- “that the Chairman of the Committee on the Judiciary is authorized to initiate or intervene in judicial proceedings in any Federal court of competent jurisdiction, on behalf of the Committee on the Judiciary, to seek declaratory judgments affirming the duty of any individual to comply with any subpoena that is a subject of House Resolution 979 issued to such individual by the Committee as part of its investigation into the firing of certain United States Attorneys and related matters, and to seek appropriate ancillary relief, including injunctive relief;
- “The Committee on the Judiciary shall report as soon as practicable to the House with respect to any judicial proceedings which it initiates or in which it intervenes pursuant to this resolution;
- “The Office of General Counsel of the House of Representatives shall, at the authorization of the Speaker, represent the Committee on the Judiciary in any litigation pursuant to this resolution. In giving that authorization, the Speaker shall consult with the Bipartisan Legal Advisory Group established pursuant to clause 8 of Rule II.”

Committee Action: H.Res. 982 was introduced on February 13, 2008. The House Committee on Rules reported an original measure, H. Rept. 110-526, by Ms. Slaughter. Upon the adoption of H.Res. 982, H.Res. 979 and H.Res. 980 are hereby adopted.

Additional Information: The following is information provided by the House Judiciary Republican staff:

House Judiciary Committee Republicans today filed the minority views on whether the U.S. House of Representatives should cite former White House Counsel Harriet Miers and White House Chief of Staff Josh Bolten for contempt.

“After countless hours of hearings and interviews with Administration officials, the record clearly shows that there is no evidence of wrongdoing in the dismissal of eight U.S. Attorneys,” stated Ranking Member Lamar Smith. “Today’s filing is a desperate attempt by Democrats to distract attention from their poor record in Congress.”

“Democrats spent more time this year on politically motivated investigations into the Administration’s personnel decisions than on national security, violent crime and sexual predators combined,” concluded Smith. “No wonder their approval ratings are so low. Democrats have failed to enact strong legislation, failed to address national security concerns and failed the American people.”

The following is summary of the Minority’s findings:

Resources and Time Spent on the Investigation:

- The House Judiciary Committee held more than **15** hearings, meetings and mark-ups regarding the U.S. Attorney removals.
- The Committee conducted a **dozen** witness interviews with Department of Justice officials.
- Committee staff reviewed more than **10,000** pages of documents released by the Administration, hearing transcripts and interview transcripts.
- House Judiciary Committee Democrats gave a taxpayer-funded **\$250,000** contract to an outside investigator to run the U.S. Attorney investigation. House Democrat Speaker Nancy Pelosi recently named Irv Nathan, the Committee’s hired gun, to be the new House Counsel. Mr. Nathan would be responsible for taking a contempt case to court.

Comparative Time and Resources Spent on Other Issues:

- According to a recent FBI report, violent crime in the U.S. is on the rise. In the first six months of 2007, over 750,000 violent crimes were committed in U.S. neighborhoods and communities. Yet, under Democrat leadership, the Committee has moved **zero** bills that would address violent crime and gang activity.
- MySpace reported that there are nearly 30,000 sex offenders trolling its site. Yet, Democrats have only held **one** hearing to discuss the danger online sexual predators pose to our children.
- The Director of National Intelligence stated in August that we are facing a severe intelligence gap in our ability to gather information regarding foreign terrorists overseas. Rather than addressing this national security crisis, Democrats have been playing politics with our intelligence community. They held only **two** hearings, marked up a horrendous bill that undercut the intelligence community’s ability to protect our nation and then were forced to pull it from the floor.
- Immigration is the only issue to which Democrats have paid more attention this year. They’ve held over **20** hearings and meetings on legislation like the DREAM Act that gives illegal immigrants amnesty and in-state tuition for colleges.
- Democrats spent more time this year on the Administration’s personnel decisions than on national security, violent crime and sexual predators *combined*.

Results of the Investigation:

- U.S. Attorneys and political appointees serve at the pleasure of the President. Meaning, they can be asked to resign at any time for any reason.

- No one at the White House identified the dismissed U.S. Attorneys as candidates for dismissal for partisan reasons.
- The dismissed U.S. Attorneys were replaced by career Department employees, not political appointees, except in the case of U.S. Attorney Cummins.
- The Administration had every right to remove Mr. Cummins, a political appointee, for political reasons.

Congressional Considerations:

- Members of Congress at times have management or performance-related concerns with their own staffs. In these situations, Members of Congress often ask the staffers in question to resign.
- Personnel decisions by the White House are no different.
- As political appointees, the U.S. Attorneys serve at the pleasure of the President.
- In making these management decisions, the Department simply intended to improve the performance of the U.S. Attorneys offices.

The Dire Consequences of Contempt:

- A court decision that senior White House officials are absolutely immune from testifying before Congress.
- A decision stating that White House officials—through whom the President asserts executive privilege—cannot be prosecuted for contempt.
- Or perhaps a decision that diminishes the President’s ability to assert executive privilege over official White House business—weakening the right of *any* President, regardless of party, to receive sound advice from staff and counsel.
- A Congress whose approval ratings will drop even further, as a nation now allowed a look at the complete facts sees the U.S. Attorneys investigation for what it was—a sham investigation to score political points in hopes of gaining the White House.

Cost to Taxpayers: The resolution does not authorize expenditures.

Does the Bill Expand the Size and Scope of the Federal Government? No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates? No.

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