



Written by [Bob Adelman](#) on April 24, 2019

“No More Mr. Nice Guy” Trump Fights Back Against Congressional Attempts to Embarrass Him

The second demand for Trump’s income tax returns and related documents for the past six years was [for all practical purposes ignored](#) by the White House. The deadline imposed by the chairman of the House Ways and Means Committee Richard Neal (D-Mass.) was 5 p.m. Tuesday. Instead Neal received a letter from Treasury Secretary Steven Mnuchin requesting more time to consider the matter:



History demonstrates that private tax information is susceptible to abuse for partisan purposes — regardless of which party is in power. Unless carefully restrained by law, this risk threatens the privacy of all taxpayers....

[Your committee’s request is] unprecedented [and] this Department cannot act upon your request unless and until it is determined to be consistent with the law.

Mnuchin then threw down the gauntlet: “Article I [of the U.S. Constitution] grants Congress no express power to investigate.”

Neal is reportedly considering his options.

Elijah Cummings (D-Md.), chairman of the House Oversight Committee, is way ahead of Neal and has already issued more than 100 subpoenas in his quest to obtain information from the president that would be used to embarrass him and give Democrats ammunition in the upcoming presidential election campaign next year.

After having given the Mueller investigation team full access to more than 1.5 million documents, Trump has had enough. In an interview with the *Washington Post* on Tuesday, he said: “There is no reason to go any further, and especially in Congress where it’s very partisan — obviously very partisan.”

Trump’s personal attorney, Rudolph Giuliani, agrees: “I agree with the strategy of now fighting everything [the Democrats are throwing at us], the way [President Bill] Clinton did. We already gave [Mueller] every document we have, every witness we have. I don’t think the White House should sit by and have them do it all over again.”

On Tuesday Trump and his companies filed a complaint against Cummings in Federal District Court for the District of Columbia. The complaint drew the battle lines in the war being waged by the Democrats against the president:

The Democrat Party, with its newfound control of the U.S. House of Representatives, has declared all-out political war against President Donald J. Trump. Subpoenas are their weapon of choice.

Democrats are using their new control of congressional committees to investigate every aspect of President Trump’s personal finances, businesses, and even his family. Instead of working with the President to pass bipartisan legislation that would actually benefit Americans, House Democrats



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are singularly obsessed with finding something they can use to damage the President politically. They have issued more than 100 subpoenas and requests to anyone with even the most tangential connection to the President.

This case involves one of those subpoenas. Last week, Defendant Elijah E. Cummings invoked his authority as Chairman of the House Oversight Committee to subpoena Mazars USA LLP — the longtime accountant for President Trump and several Trump entities (all Plaintiffs here). Chairman Cummings asked Mazars for financial statements, supporting documents, and communications about Plaintiffs over an eight-year period — mostly predating the President's time in office....

The Committee, according to Chairman Cummings, now needs to “investigate whether the President may have engaged in illegal conduct.” The Chairman claims he can do so because the Oversight Committee can supposedly investigate “any matter at any time.”

Chairman Cummings has ignored the constitutional limits on Congress' power to investigate. Article I of the Constitution does not contain an “Investigations Clause” or an “Oversight Clause.” It gives Congress the power to enact certain *legislation*. [Emphasis in original.] Accordingly, investigations are legitimate only insofar as they further some legitimate legislative purpose. No investigation can be an end in itself. And Congress cannot use investigations to exercise powers that the Constitution assigns to the executive or judicial branch.

Chairman Cummings' subpoena of Mazars lacks a legitimate legislative purpose. There is no possible legislation at the end of this tunnel; indeed, the Chairman does not claim otherwise. With this subpoena, the Oversight Committee is instead assuming the powers of the Department of Justice, investigating (dubious and partisan) allegations of illegal conduct by private individuals outside of government. Its goal is to expose Plaintiffs' private financial information for the sake of exposure, with the hope that it will turn up something that Democrats can use as a political tool against the President now and in the 2020 election.

Because Chairman Cummings' subpoena to Mazars threatens to expose Plaintiffs' confidential information and lacks “a legitimate legislative purpose,” this Court has the power to declare it invalid and to enjoin its enforcement.

Acting White House chief of staff Mick Mulvaney has signaled where all of this is going — directly to the Supreme Court. The judge ruling on Trump's complaint is Amit Mehta, an Obama appointee. It shouldn't be a surprise if he finds Trump's complaint without merit, giving the president the opportunity to appeal to the Supreme Court.

The Supreme Court has already ruled on the matter. In 1957, with liberal judge Earl Warren at the helm, the high court declared, “We have no doubt that there is no congressional power to expose for the sake of exposure. The public is, of course, entitled to be informed concerning the workings of its government [but] that cannot be inflated into a general power to expose where the predominant result can only be an invasion of the private rights of individuals.”

The appeal process could take months and perhaps years, maybe even beyond the presidential election in November 2020. For the average registered voter, the matter is already settled: They don't care, and whatever the Democrats might turn up won't impact how they will vote. As pollster Rasmussen Reports noted, “There's much less interest in those [income tax] records than there was in 2016, and most voters say their vote next year doesn't turn on whether Trump's tax returns are released or not.”

The Democrats have succeeded in engaging Trump in a war they cannot win.



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