



Written by [Bob Adelman](#) on November 15, 2022

Trump Sues Jan. 6 Committee Over Subpoena

No doubt tempted to take on the January 6 “select” committee in a public forum, former President Donald Trump decided to take a more formal, and decisive, route: [by suing the committee last Friday, he effectively ended its existence.](#)

The lawsuit won’t likely be decided until after the new Congress is installed in January. And the new Congress is highly unlikely to continue the charade as it focuses on other vastly more important matters.

Voters, [as *The New American* pointed out](#), have already effectively dismissed the committee in any event, with just five of the committee’s nine members surviving the November 8 midterm elections.

Trump has held all the cards. After the subpoena was issued, he ignored it. After a deadline passed, the committee extended it. Following failed “negotiations” with the committee, Trump’s lawyers filed suit.

The lawsuit is a beauty:

The Committee’s Subpoena is invalid because, as explained below, the Committee did not issue the Subpoena to further a valid legislative purpose; the Subpoena is unwarranted because other sources can provide the information the Subpoena seeks; the Subpoena is broader than reasonably necessary; the Subpoena infringes on executive privilege; the Subpoena infringes President Trump’s First Amendment rights; the Committee is not duly authorized; and the Committee lacks the authority to issue subpoenas.

The former president is immune from such demands:

[It is] the Department of Justice’s longstanding view that Presidents and former Presidents are absolutely immune from compelled testimony before Congress. To wit, “[s]ince the 1970s, [the Office of Legal Counsel in the Department of Justice] has consistently advised that ‘the President . . . [is] absolutely immune from testimonial compulsion by a Congressional committee’ on matters related to their official duties.”

Other presidents have rightly refused similar demands. When President Harry Truman absolutely refused an investigative committee’s subpoena, he said:

I am carrying out the provisions of the Constitution of the United States; and am following a long line of precedents commencing with George Washington himself in 1796.

Since his day, Presidents Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, Hoover, and Franklin D.



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Roosevelt have declined to respond to subpoenas or demands for information of various kinds by Congress.

The committee itself is a sham and a fraud:

The composition of the Committee is governed by Section 2 of H. Res. 503. Section 2(a) states “Appointment of Members. —The Speaker shall appoint 13 Members to the Select Committee, 5 of whom shall be appointed after consultation with the minority leader.”

Speaker Pelosi has appointed only nine members to the Committee: seven Democrats and two Republicans. None of these members was appointed from the selection of five GOP congressmen put forth by Minority Leader Kevin McCarthy.

While the Court has determined authorized congressional committees have certain subpoena authority implied by Article I of the Constitution, the Committee is not an authorized congressional committee.

Trump, through his attorneys, is demanding:

A declaratory judgment that the Subpoena and any subpoena similar in form and content to the Subpoena is invalid, unlawful, and unenforceable because President Trump ... has absolute immunity ... it does not further a valid legislative purpose ... [it] is an unwarranted intrusion into the Executive Branch ... [it] is broader than necessary ... it seeks documents and testimony protected from disclosure by Executive Privilege ... it violates President Trump’s First Amendment rights ... [and] because Congress failed to comply with resolutions regarding the creation of the committee and the issuance of subpoenas.

The response from the chair and vice-chair of the committee, Bennie Thompson and Liz Cheney, respectively, claimed Trump was merely hiding from the committee:

Even though the former President initially suggested that he would testify before the committee, he has since filed a lawsuit asking the courts to protect him from giving testimony. The truth is that Donald Trump ... is hiding from the Select Committee’s investigation....

No, he’s not. He’s just letting the clock run out on the committee’s existence already foretold by voters last week.



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