



Written by [Luis Miguel](#) on May 29, 2022

McCarthy Won't Comply With Jan. 6 Committee Subpoena, Fueling Tensions

Democrats and Republicans appear to be headed toward a legal showdown with regard to Congress' controversial Jan. 6 committee.



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House Minority Leader Kevin McCarthy (R-Calif.) has made clear that he will [likely defy a subpoena](#) from the Democrat-led panel investigating the events of Jan. 6.

An attorney for McCarthy argued in an 11-page letter to the committee on Friday that the select committee lacks the authority to issue subpoenas to lawmakers under House rules. Furthermore, attorney Elliot Berke requested a list of "topics that the Select Committee would like to discuss with the Leader, and the constitutional and legal rationale justifying the request."

"I expressly reserve Leader McCarthy's right to assert any other applicable privilege or objection to the Select Committee's subpoena," Berke wrote.

Tim Mulvey, spokesman for the committee, responded later on Friday that "Leader McCarthy and other Members who have been served subpoenas are hiding behind debunked arguments and baseless requests for special treatment."

He added, "The refusal of these Members to cooperate is a continued assault on the rule of law and sets a dangerous new precedent that could hamper the House's ability to conduct oversight in the future." Mulvey said committee Chairman Bennie Thompson (D-Miss.) "will formally respond to these Members in the days ahead."

The Jan. 6 committee maintains that testimony from Republican members of Congress is important in determining whether Jan. 6 was an insurrection, as top leaders like McCarthy met with President Donald Trump and his allies in the lead-up to Jan. 6. Other Republicans participated in meetings and encouraged the White House to attempt an overturn of the 2020 election results.

McCarthy has confirmed that he spoke with Trump on Jan. 6 as members of the protest outside the Capitol were making their way into the building. But the Republican leader has not shared many details. The committee is pressing to know more about his conversations with the 45th president.

McCarthy's refusal to sit down with the panel raises tensions following the committee's risky decision to subpoena their own colleagues.

"For House Republican leaders to agree to participate in this political stunt would change the House forever," McCarthy and fellow Republican Rep. Jim Jordan of Ohio wrote in an [op-ed](#) in *The Wall Street Journal*.

The committee will have to decide whether to enforce the subpoenas and by what means. It could refer the Republicans to the ethics committee or make moves to hold them in contempt.

The Associated Press notes:

The subpoenas were issued to McCarthy, Jordan, and Reps. Scott Perry of Pennsylvania, Andy Biggs of Arizona and Mo Brooks of Alabama in mid-May. The panel has already interviewed more than 1,000 witnesses and collected more than 100,000 documents as it



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investigates the worst attack on the Capitol in two centuries.

“I have no relevant information that would advance any legitimate legislative purpose,” Jordan said in a letter detailing his reasons for not cooperating. The others indicated after the subpoenas were issued that they too would not cooperate.

Perry’s lawyer sent a letter last week saying he could “not in good conscience comply” with the subpoena because he does not believe it is valid under House rules.

The committee had previously requested voluntary cooperation from the five lawmakers, but all refused to sit down with the panel.

McCarthy argued that letting Democrats have their way would create a tyranny of the majority in Congress.

“Every representative in the minority would be subject to compelled interrogations by the majority, under oath, without any foundation of fairness, and at the expense of taxpayers,” he wrote in the op-ed.

Jordan has [called on](#) the Jan. 6 committee to turn over all documents, videos, and other material in which his name is mentioned. The Ohioan blasted the panel, arguing that the subpoena “violates core Constitutional principles, disregards House rules and precedent, and fails to address the concerns I raised to you about the Select Committee’s abusive tactics and pattern of due process violations.”

“I have no relevant information that would advance any legitimate legislative purpose,” the congressman said directly.

“I had no responsibility for the security of the Capitol Complex on January 6, and I cannot explain why a concern about ‘optics’ contributed to the limited security postures,” he continued. “I had no role in or advance knowledge that violence would occur that day, although I am aware of public reports that federal law enforcement has concluded that the violence was not part of an ‘organized plot to overturn the presidential election result.’”



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