

Trump, Democrats clash over investigations

By Patrick Martin
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President Trump called off talks with congressional leaders over a proposed infrastructure bill Wednesday, walking out of a planned meeting with top Democrats after only three minutes and declaring that there would be no further talks on any legislative proposal so long as House Democrats continued to investigate his administration and his personal business activities.

The apparent trigger for the action was a comment by House Speaker Nancy Pelosi, who spoke to the press after a House Democratic caucus meeting earlier in the day. She said Trump was engaged in a “cover-up” by refusing to permit former aides to testify before Congress or produce documents subpoenaed by a number of committees.

After walking out of the White House meeting—to which he had invited Pelosi, Senate Minority Leader Chuck Schumer and other leading Democrats—Trump proceeded to the Rose Garden to give a prepared statement in front of pre-printed signs declaring Trump to have been cleared of collusion and obstruction of justice charges by the investigation conducted by Special Counsel Robert Mueller.

Trump denounced the half-dozen congressional probes that are under way, demanding that the Democrats “get these phony investigations over with.” Repeating the declaration in his State of the Union speech that Congress could either legislate or investigate, but not both, he added, “We’re going to go down one track at a time.”

This is a remarkable ultimatum, especially given the political history of the past two decades. For most of this period, political power in Washington has been divided between the two corporate-controlled parties, which have regularly combined legislation and investigation. This was the case even in 1998-1999, when the House of Representatives, then under Republican control, impeached Democratic President Bill Clinton.

Trump is effectively demanding that the Democrats abandon even routine oversight of the executive branch—this under conditions where the Trump administration is engaged in the most aggressive assertion

of unchecked executive power in modern US history. This includes his defiance of Congress’ constitutionally mandated authority to appropriate funds, effected by declaring a national emergency on the US-Mexico border and ordering the Pentagon to divert money from its budget to build his border wall.

Pelosi made no response to Trump’s demand that the Democrats halt the investigations, but she followed up the failed meeting by reiterating her claim of a cover-up. She told the press, “[T]he fact is, in plain sight, in the public domain, this president is obstructing justice and he’s engaged in a cover-up. And that could be an impeachable offense.”

She added, in a tone of voice suggesting that Trump, if not Washington as a whole, was on the brink of a breakdown, “I pray for the president of the United States. And I pray for the United States of America.”

Pelosi’s comments about a Trump “cover-up” came after the closed-door meeting of all 235 House Democrats, held to stem growing calls for the House Judiciary Committee to immediately launch impeachment proceedings against Trump.

Six committee chairmen made presentations to the caucus meeting explaining the current status of their investigations into Trump, with Pelosi and other top Democratic leaders urging the caucus to hold back on impeachment until the investigations produced additional evidence of wrongdoing.

The committees conducting investigations include Judiciary, which must initiate impeachment proceedings, as well as Government Oversight, Ways and Means, Financial Services, Intelligence, and Foreign Affairs. All six committees have complained of the refusal of executive branch officials to supply documents, appear as witnesses, or both.

Financial Services and Government Oversight have subpoenaed documents from Deutsche Bank, the Trump Organization’s principal lender, and Mazar’s, the company’s accounting firm. A federal judge in Washington issued an order Monday for Mazar’s to turn

over financial documents to the Government Oversight committee. A federal judge in New York issued a similar order Wednesday to compel Deutsche Bank to supply documents to the Financial Services committee.

The House Intelligence Committee is seeking redacted materials from the Mueller report as well as reports on the counterintelligence investigation begun by the FBI in parallel with the Mueller probe, about which very little is known. On Wednesday, committee Chairman Adam Schiff said the Justice Department had agreed to supply some of the subpoenaed documents, the first indication of a shift in position by that agency.

The House Ways and Means Committee has been denied access to Trump's federal income tax returns despite an unambiguous federal statute, adopted in 1924 after the Teapot Dome scandal, requiring the IRS to provide any tax return sought by the committee chair. The *Washington Post* made public an internal IRS memo, prepared last fall, advising officials that they could not legally refuse such a request unless the White House invoked executive privilege—a position at odds with that asserted by Treasury Secretary Steven Mnuchin.

Potentially the most explosive confrontation involves the House Judiciary Committee. It has already found Attorney General William Barr in contempt for refusing to provide a full, unredacted copy of the Mueller report. Barr has also refused to appear before the committee as a witness.

Similarly, on Tuesday, former White House counsel Don McGahn failed to appear before the committee in response to a subpoena after the White House dropped its assertion of executive privilege and asserted an even more sweeping position of defiance, claiming that top advisers to the president could never be compelled to testify before a congressional committee, not only during their time at the White House, but indefinitely afterwards.

This claim is even more dubious from a constitutional standpoint than the shaky claim of executive privilege for an official who left the White House more than six months ago. Judiciary Committee Chairman Jerrold Nadler indicated that a contempt citation would be in order if McGahn continued to refuse to testify. On Wednesday, the committee voted to subpoena former Trump aide Hope Hicks and Annie Donaldson, McGahn's former chief of staff.

The closed-door House Democratic caucus meeting reportedly revealed divisions over whether to make an immediate push for impeachment, although there was virtual unanimity that the legal grounds for

impeachment—high crimes and misdemeanors—have been satisfied. About two dozen House Democrats have issued public calls for impeachment, including, most recently, the co-chairs of the Congressional Progressive Caucus, Mark Pocan of Wisconsin and Pramila Jayapal of Washington state.

House Majority Leader Steny Hoyer said Tuesday that he doubted there was “any Democrat who probably wouldn't in their gut say: ‘You know, he's done some things that probably justify impeachment.’” But he added, “I think the majority of the Democrats continue to believe that we need to continue to pursue the avenue that we've been on, in trying to elicit information, testimony, review the Mueller report, review other items going on. And if the facts lead us to broader action, so be it.”

Two House Democrats who are among the 11 veterans of the military-intelligence apparatus elected last November have spoken out publicly against a drive for impeachment, signaling the concerns within national security circles over the unpredictable consequences of such a step.

Representative Elissa Slotkin of Michigan, with three tours of duty in Baghdad as a CIA agent, dismissed the constitutional issues raised by Trump's increasingly authoritarian conduct. She told the *Washington Post*, “I think the perception is that Washington is more focused on the checks and balances than they are on actually helping people's pocketbooks and their kids. And that's a real problem.”

Representative Max Rose, the Afghanistan war veteran who won the Staten Island-based seat in New York City, denounced what he termed “impeachment chicken” between House Democrats and the White House. “The president ignores requests, and then it appears at times that the Democrats keep pushing things, and they're each feeding into each other,” he said. “And it starts to look ridiculous.”

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