

Statement for the Record: Reps. Zoe Lofgren and Adam Schiff

Wednesday, January 10, 2024

There has been considerable confusion in the House Judiciary Committee about the position of the January 6th Select Committee, on which we served in the last Congress, regarding interactions surrounding subpoenas. Comparing Stephen Bannon to Hunter Biden is incorrect, and Chair Jim Jordan's own interactions showcase extreme hypocrisy and disingenuity.

During the extensive investigation into the violent attack on American democracy, no witness or potential witness insisted to the Select Committee that they testify in public; had they done so, the Select Committee would have allowed that to occur. Our committee discussed and concurred that had a witness insisted upon a public deposition we would have had to accede to that by opening the doors to the public and press (although not necessarily holding a formal public hearing in the Cannon Caucus Room). Mr. Bannon is no exception.

The January 6th Select Committee issued a lawful subpoena to Stephen Bannon on September 23, 2021, that required him to appear and produce documents to the Select Committee on October 7, 2021, and to appear for a deposition before the Select Committee on October 14, 2021. Mr. Bannon refused to appear to both give testimony and/or produce documents and, thus, the Select Committee voted to refer Mr. Bannon to the U.S. Department of Justice (DOJ) for Contempt of Congress on October 19, 2021, and the full House of Representatives followed suit on October 21, 2021. The DOJ indicted Mr. Bannon the following month.

Near midnight on July 10, 2022, mere days ahead of a trial against him, Mr. Bannon wrote to the committee indicating a willingness to publicly testify. Unfortunately, this offer was nothing but a ruse. His criminal defense attorneys called the January 6th Committee staff the weekend before Mr. Bannon's trial was set to start, asking if the January 6th Committee would agree to dismiss the criminal case if he appeared. However, the January 6th Committee had no authority to dismiss the criminal case, and the Department of Justice refused to dismiss the prosecution. His "offer" of testimony was contingent on dismissal. Mr. Bannon was unwilling to provide the documents subpoenaed which are not subject to fifth amendment protection. In sum, once Mr. Bannon finally faced jail time and large fines, his request for public testimony was actually a ruse to avoid prosecution.

To compare the Mr. Bannon situation to the Hunter Biden matter is completely incorrect.

Moreover, with regards to the subpoena compelling Jim Jordan to testify before the January 6th Committee, and his subsequent failure to appear, Mr. Jordan never offered to testify publicly. His refusal to share with Congress his firsthand information, to include conversations with former President Trump and other members of Congress concerning January 6th, encouraging people to march to the Capitol, and exploring potential presidential pardons, was inexcusable. To hold him to a lower standard of compliance with a congressional subpoena than a private citizen is indefensible.