

Mr. Chairman, Members of the Committee:

I appreciate the opportunity to speak before you today.

When I became a member of the State Bar of Texas, in 2006, I took an oath, solemnly swearing to support the Constitution of the United States; to honestly demean myself in the practice of law; to discharge my duties to the best of my ability; and, to conduct myself with integrity and civility.

I know many of you have taken a similar oath.

And all of us have sworn—and signed—an oath to support and defend the Constitution of the United States when we became members of Congress.

And that is why I am here before you this morning.

As historian Heather Cox Richardson so elegantly explained in *Democracy Awakening*, the “Constitution established a representative democracy, a republic in which voters would elect lawmakers who would represent the people. That legislative branch would be a balance to a single leader at the head of the executive branch; each would prevent the rise of a tyrant on the other side. Congress would write all ‘necessary and proper’ laws, levy taxes, borrow money, pay the nation’s debts, establish a postal service, establish courts, declare war, support an army and navy, and organize and call forth ‘the militia to execute the laws of the Union,’ and provide for the common Defence and general welfare of the United States.’ The president would execute the laws, but if Congress overstepped, the president could veto proposed legislation. In turn, Congress could override a presidential veto.”

As all of us here know, the Framers created the Congress, the House and the Senate, devised a system of representative democracy that has endured for more than 200 years. And, as you know, they enumerated a Bill of Rights as the first ten amendments to the Constitution.

That system, and the rights of Americans it protects, has been under assault this year. And it is the responsibility of this Congress and this Committee to protect them.

I am sorry to say that this Congress appears to be failing to do so.

Since January 20 of this year, the Executive Branch—the Article II Branch of the government—has undermined the separation of powers enumerated in the Constitution between the Congress (Article I), the Courts (Article III), and the Executive (Article II).

Under the leadership and at the direction of President Trump, the Executive Branch has overstepped its authority and undermined the institutions that uphold the rule of law, that guarantee free and fair elections, that regulate commerce, that protect public health, that conduct oversight, that engage with people and nations around the world, expanding the power of the presidency to implement dangerous and divisive policies.

From executive orders and actions encouraging lawlessness, eviscerating progress for all Americans, and abandoning our allies and our leadership in the world, the harms to Americans are apparent now and will be for generations to come if this Congress does not act and assert its authority.

Of course, Congressional spending has been on our minds lately. And while Appropriations are the work of another committee, protection of the mandate that all spending bills originate in the Congress is part of the work of this Committee.

And yet, President Trump and his administration have willfully ignored this principle, violating federal law by withholding funding authorized by Congress, canceling funding for federal programs Congress created that communities across the country rely on, and eviscerating bipartisan spending laws.

Through a variety of means, President Trump has frozen, canceled, clawed back, or illegally impounded investments the Congress has directed in:

- Public health, including critical medical research, including for cancer, Alzheimer's, diabetes, and more;
- Public safety, including COPS grants and Office of Violence Against Women grants;
- Public welfare, including the Supplemental Nutrition Assistance Program, or SNAP, putting 3.5 million Texans—including 1.7 million children—at risk of going hungry;
- Public education, including Head Start programs;

- Public emergency preparation, including FEMA hazard mitigation funding;
- Public lands and efforts to protect and promote clean air, clean water, and public health; and more.

This House and Senate have utterly failed to respond to this assault on Congressional authority or this refusal to spend funding as Congress intended.

These are serious harms to the people we represent. And serious harms to our Constitution's separation of powers.

They are matched by the grave harm to our Constitutional order that come from the President and the Administration's efforts to censure dissent, to prohibit and intimidate Americans' peaceful assembly, to limit public participation and freedom to associate, whether by joining a Union or organizing a protest; to restrain and exclude the press and the transparency a free press brings; and to prohibit the free exercise of religion. All of these rights are protected by the Constitution and must be protected by this Committee.

As this Committee must use its authority to protect the constitutional system of justice and the independence of the judiciary as this administration abuses its authority by intimidation, investigation, and prosecution of its critics.

To date, this Congress has largely supported, defended, and encouraged President Trump's unlawful, unconstitutional and un-American actions.

I urge this Committee and this Congress to remember its purpose and to use its power to protect, support, and defend the people and the Constitution of the United States.