

JIM BANKS
THIRD DISTRICT, INDIANA



COMMITTEE ON
ARMED SERVICES
COMMITTEE ON
EDUCATION AND THE WORKFORCE
SELECT COMMITTEE ON THE
STRATEGIC COMPETITION
BETWEEN THE U.S. AND THE
CHINESE COMMUNIST PARTY

Congress of the United States
House of Representatives
Washington, DC 20515-1403

June 24, 2024

The Honorable Mike Johnson
Speaker, U.S. House of Representatives
H-232, The Capitol

Dear Speaker Johnson,

Under your leadership, the House has released much of the Capitol security footage from January 6th to the public and the Chairman of the House Administration Committee's Oversight Subcommittee, Rep. Barry Loudermilk (R-GA), has continued to investigate the failed January 6th Select Committee (the Committee). I'd like to thank you for supporting Rep. Loudermilk's investigation and for your efforts to expose the Committee's partisan agenda, its repeated violations of congressional rules, and its refusal to properly investigate the security failure at the U.S. Capitol.

I write today regarding the Justice Department's prosecution of former senior advisors to President Trump, Steve Bannon and Peter Navarro, both who have been sentenced to prison for failing to comply with subpoenas from the Committee. I believe that several factors separate the Committee's illegitimate and unenforceable subpoenas from lawfully issued congressional subpoenas.

As you know, the Committee is the first and only congressional committee in history composed on entirely partisan lines. I was originally selected by then-Minority Leader Kevin McCarthy to serve on the Committee in 2022. However, Speaker Pelosi refused to appoint me. It was the first time in history that a House Speaker has blocked a member selected by the Minority Leader from sitting on a Select Committee.

Furthermore, the Committee repeatedly violated House Rules and its own charter, House Resolution 503, including provisions limiting its deposition authority. H.Res. 503 directed the Committee Chairman to issue subpoenas "upon consultation with the ranking minority member," but the Committee did not have a ranking minority member. In addition, to ensure bipartisan legal representation, House Rules allow the "ranking minority member" to designate a counsel to question deponents. The Committee's counsels only answered to Chairman Thompson and the Democrat Party. H.Res. 503 requires the Select Committee to consist of thirteen members, "5 of whom shall be appointed after consultation with the minority leader." Only nine representatives

sat on the Committee, none of whom were appointed after consultation with Minority Leader McCarthy. In *Yellin v. United States*, the Supreme Court overturned contempt of Congress convictions because the subpoenas were issued in violation of House Rules.

Finally, thanks to Chairman Loudermilk's work, we now know that the Committee deleted hundreds of records shortly before the 118th Congress and the start of the House Republican majority. This willful destruction of evidence violates House Rules, and because the improperly destroyed documents potentially included evidence of the Committee's misconduct, they could have assisted either Mr. Bannon's or Mr. Navarro's defenses during future appeals.

Given the Committee's unprecedented, norm-shattering behavior, and partisan motives and structure, if you were to direct the Bipartisan Legal Advisory Group to file an amicus brief in support of Mr. Bannon's June 21, 2024, Emergency Application for Continued Release Pending Appeal application to the Supreme Court, it would have my full support.

Sincerely,

A handwritten signature in black ink that reads "Jim Banks". The signature is written in a cursive, slightly slanted style.

Jim Banks
Member of Congress