

From the Desk of Douglas V. Gibbs
Advocate for the U.S. Constitution

Douglas V. Gibbs
President, Constitution Association
constitutionspeaker@yahoo.com
951.219.3975

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Dear Steve Bannon and members of Mr. Bannon's legal team,

I am an instructor and consultant regarding the original intent of the United States Constitution. You could call me a "textualist" when it comes to the America's Constitution. I have been observing the antics of the federal government, and more specifically, the United States House of Representatives, regarding the unconstitutional January 6 hearing, and their response to Peter Navarro's and your unwillingness to answer their unconstitutional subpoenas, and the sham that became Mr. Bannon's arrest and court hearing.

The trial for contempt of Congress is unconstitutional. While the Bannon legal team has been correct in pointing out the court's failure to ensure that due process has been fully met (as largely enumerated in Amendments 5 & 6), the charge and arrest should have never happened in the first place.

The Founding Fathers operated on the idea that the powers of the federal government, and the parts of the government which are embodied in the three branches of government, are expressly enumerated in the Constitution. If a power is not authorized by the Constitution as an expressly enumerated power, or is necessary and proper in order to carry out an enumerated power (Article I, Section 8, final clause) then the power does not belong to the federal government or the part of government in question.

After a thorough reading of the Constitution with the Enumeration Doctrine in mind it is clear that the two chambers of the United States Congress possess legislative powers as provided in Article I, Section 1 of the Constitution, but their authorities do not extend beyond those legislative authorities except in the case of impeachment. Neither House of Congress possesses any judicial-type authorities beyond impeachment (House) and hearing an impeachment (Senate). Gathering information for what they deem to be an "insurrection" is not authorized to the Congress. Other parts of the government under the executive branch are tasked with such duties.

As for the congressional subpoenas issued, if one looks at the history of the definition of subpoenas and what they were originally designed to accomplish, one finds that subpoenas technically are instruments that the courts may issue, and only if issued by the courts do they hold any power of law. Subpoenas, according to the 1828 Webster's Dictionary, are a "n. writ commanding the attendance in court of the person on whom it is served." Congress demanding Navarro or Bannon to give testimony to Congress under threat of contempt of Congress is like a corporation holding an internal inquiry and arresting a person who they asked to give testimony on an issue that may be directly or indirectly related to the inquiry who is not an employee of the company, nor affiliated with the company in any other way.

While Congress will tout "past practices" or "precedent" as an excuse, the reality is there is no constitutional authority for their actions. The hearing, and the subpoenas, in short, are unconstitutional.

Thank you, and I am available to discuss these matters with you if you so incline.

Sincerely,

Douglas V. Gibbs, "Mr. Constitution"