



## **For Immediate Release**

For more information, contact:

Ben Eikey, [benjamin.eikey@wayne.edu](mailto:benjamin.eikey@wayne.edu), (810) 569-0747

Kyle Goedert, [kgoedert@wayne.edu](mailto:kgoedert@wayne.edu), (734) 660-4066

### **Levin Center Director to Testify before Senate Judiciary Subcommittee**

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Levin Center for Oversight and Democracy Director Jim Townsend will testify at today's hearing before the Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights, "On Breaking the Logjam Part 3: Restoring Transparency and Accountability to the Accommodation Process."

The September 20<sup>th</sup> hearing, beginning at 2:45pm, will be held in Washington, D.C. in the Dirksen Senate Office Building Room 226. Townsend will testify about the avenues available to Congress to strengthen civil enforcement of subpoenas and reinvigorate the accommodations process in which Congress and the executive branch agencies negotiate over access to information vital to legislative oversight and a transparent and accountable federal government.

Congress in recent years has struggled to get timely access to documents and witnesses from the White House and executive branch agencies. The traditional process for negotiating information access disputes between Congress and the executive branch, known as accommodation, has broken down as executive branch officials have increasingly defied congressional subpoenas. Congress has responded with civil lawsuits and criminal prosecutions that have garnered a lot of public attention but have not answered the question of how Congress can gain access to the information it needs to conduct oversight of the executive branch.

"The Supreme Court has long recognized Congress' need for information to carry out its constitutional responsibilities and its right to enforce its subpoenas," said Townsend. "In fact, recent court rulings have clarified that right. Now is an ideal time to mount a bipartisan effort codify in statute that power and streamline judicial procedures to ensure timely processing of lawsuits Congress brings to obtain the information it must have to serve the American people."

"Currently, no federal statute directly addresses the right of Congress to file a civil action in federal court to enforce a congressional subpoena against the executive branch," Townsend said. "That needs to change, so that there can be no doubt in the mind of any executive branch official that congressional subpoenas are enforceable. That will encourage negotiation between Congress and the executive branch over information requests and help to ensure that important facts about the performance of government are brought to light for the benefit of all."

Townsend also recommended that Congress consider enacting legislation or House and Senate rules to set specific penalties for failure to comply with a congressional subpoena, codify the principle that no executive branch official has or may assert absolute immunity to a congressional subpoena, and establish within Congress an office of legal counsel that would unify and strengthen congressional efforts to clarify their constitutional powers to gather information and conduct oversight.

Townsend concluded, "As is often said, in unity there is strength. By coming together to enact provisions to state clearly its constitutional power to obtain information, create tangible consequences for those who defy lawful subpoenas, and assert their legal rights vis a vis the executive branch, Congress can ensure that it obtains the information needed to make sound decisions on behalf of the American people."

*The Carl Levin Center for Oversight and Democracy is named in honor of former U.S. Sen. Carl Levin, Michigan's longest-serving U.S. senator who spent 36 years in the Senate conducting fact-based, bipartisan oversight investigations. The Center's mission is to strengthen the integrity, transparency, and accountability of public and private institutions through the promotion and support of bipartisan, fact-based legislative oversight; to advance good governance, particularly with respect to the legislative process; and to promote civil discourse on current issues of public policy. While the Levin Center is affiliated with Wayne State University Law School, its views do not present the institutional views, if any, of Wayne State University or the Law School.*

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