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**Statement of the Levin Center Director regarding the House’s Possible Arrest of Attorney General Merrick Garland**

**Detroit, MI – June 27, 2024** – Jim Townsend, director of the Carl Levin Center for Oversight and Democracy, issued the following statement regarding news that the U.S. House of Representatives may hold a vote to direct the House Sargent at Arms to arrest and jail Attorney General Merrick Garland for refusing to release the audio recording of President Joe Biden’s deposition related to classified documents found in his possession following his service as vice president. The House had earlier issued a subpoena seeking the recording and voted to hold Garland in contempt of Congress when Garland, citing executive privilege and the fact that a transcript of the deposition had already been provided, refused to comply with the subpoena’s demand for the recording. Townsend said:

“Nearly 100 years ago, the Supreme Court upheld the right of Congress to declare a person in contempt and to arrest and retain that person in custody to secure their testimony. But Congress has not used its inherent contempt power to arrest a person since 1938, and has never used it against a cabinet official. It should take the utmost care before using an aggressive tactic that sets up a constitutional confrontation among the three branches of government. The Supreme Court could find that Congress doesn’t have a legislative purpose in obtaining an audio recording of a presidential deposition for which a transcript has already been provided or it could go farther and invalidate Congress’ power to jail any executive branch official under any circumstance.”

“This case does not involve the type of outrageous conduct that justifies an extraordinary measure like the arrest of the attorney general, especially since the attorney general did not ignore the congressional subpoena and the audio recording at issue has no national security or other constitutional significance. This dispute does not warrant an enforcement measure that would not only deepen our political divisions but could also trigger a constitutional crisis.”

### **About The Carl Levin Center**

The Carl Levin Center for Oversight and Democracy works to carry on the legislative oversight legacy and public vision of U.S. Senator Carl Levin, a champion of fact-based, bipartisan oversight investigations by Congress. The Levin Center strives to strengthen congressional oversight efforts through training programs, symposia, awards, and research.

The Levin Center is headquartered at Wayne State University Law School in Detroit with an office in Washington, D.C.

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