OFFICE OF WHITE HOUSE COUNSEL
THE WHITE HOUSE

November 9, 2026

The Honorable Robert Garcia
U.S. House of Representatives
109 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Garcia,

I write to remind you of the foundational limits that the Constitution imposes on congressional investigations and subpoenas, which you and members of the new Congress have evinced a clear intent to transgress.

The Supreme Court has held that "[i]nvestigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible." *Watkins v. United States*, 354 U.S. 178, 187 (1957). Congressional investigations must further a legitimate legislative task; Congress cannot employ them to exercise powers of criminal prosecution assigned to the Executive and the Judiciary. *Trump v. Mazars USA, LLP*, 591 U.S. 848, 863–64 (2020). These principles require Congress to identify a legitimate legislative purpose underlying its investigative acts. Failure to do so in this context represents a clear abuse of power and an affront to our constitutional system of government and to the rule of law.

We are monitoring the abusive and capricious threats that are now proliferating from Democrat legislators who seek to abuse the legislative process to intimidate and to interfere with the lawful functioning of government. Recent public statements underscore these concerns. You and your congressional colleagues have asserted that they will issue subpoenas to harass, threaten, and deter dedicated members of the Administration from further service. Several have compared their subpoena pledges to handing out "candy," "Mardi Gras beads," and enough paper to level forests.[1]

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[1] Emily Randall (@repemilyrandall.bsky.social), BLUESKY (Nov. 4, 2026) ("We're going to be passing out subpoenas like candy."); Analilia Mejia (@RepAnalilia), X (Nov. 4, 2026) ("We're going to toss out subpoenas like Mardi Gras beads."); Ed Markey (@EdMarkey), X (Nov. 4, 2026) (writing in response to a post calling for televised criminal trials of big tech executives, "They are going to need to plant new forests for all of the subpoenas we'll be printing.").

Representative-Elect Ojeda wants to see Secretary Hegseth "squirm,"[2] while Representative-Elect Padilla Stout told witnesses to "put makeup on for the cameras" at their hearings.[3]

Others have made clear that their motive is to pave the way for witnesses to be prosecuted by state or federal authorities. Representative Ansari recently declared that accountability meant "eventually go[ing] to jail."[4] She also vowed "to prosecute every single person" affiliated with ICE.[5] And Senator Markey has sounded approval for "[l]ive televised trials" of the big tech executives that Democrats intend to call before the Senate.[6]

Your own statements are rather shocking because they exhibit all of these malicious and improper features. When Speaker Johnson warned that you would "do nothing all day, every day, every hour of the day, but go after the President, his family, his cabinet . . ., donors in the party, [and] big figures in business and industry" for the sake of a "dangerous political game[] for their own benefit,"[7] you replied: "He's not wrong."[8] When you launched your "LAWYER UP" campaign, you prominently featured an image of a courtroom gavel set to the tune of a song called "The End."[9] You have repeatedly accused the President and administration officials of criminal activity and have openly touted that you are in contact with state attorneys general to "get[] information" using the House Oversight Committee for the purpose of taking administration officials "through

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[2] Richard Ojeda (@Ojeda4America), X (Nov. 7, 2026) ("Can't wait to watch him squirm in a hearing room. Time to send this clown back to the losers at Fox News."); *see also* Richard Ojeda (@Ojeda4America), X (Nov. 8, 2026) ("First Hegseth... Then Homan. Belt to ass. HOLD THEM ALL ACCOUNTABLE.").

[3] Katy Padilla Stout (@katy4congress), X (Nov. 4, 2026) ("Lawyer up, clear your schedules, & put some makeup on for the cameras ….").

[4] Crooked Media (@CrookedMedia), X (Nov. 7, 2026).

[5] 172 Cong. Rec. H4419 (daily ed. July 14, 2026) (Statement of Rep. Ansari).

[6] *See supra*, n.1.

[7] *See* Brett Meiselas, *MAGA Speaker Johnson Calls Trump Family Investigations a 'Nightmare' Ahead of Midterms*, MEIDASTOUCH (Sept. 29, 2026).

[8] Press Release, Robert Garcia, *MeidasTouch News – Top Dem Confirms Mike Johnson's Worst Midterm Fear in 3 Words* (Aug. 27, 2026).

[9] Robert Garcia (@RepRobertGarcia), X (Nov. 4, 2026); LLOW, THE END (Intertone Records 2025).

the court systems" for prosecution.[10] Bizarrely, you have chalked your motives up to nothing more than "gay" "pettiness" rather than any legislative purpose[11] and compared yourself to a demonic clown.[12]

Compulsory process is a power Congress has for oversight functions, and only for oversight functions. Abusive threats and public statements about the indiscriminate issuance of subpoenas, along with threats directed at prospective targets within the Administration make it abundantly clear that any forthcoming investigative processes will be deployed to harass and aggrandize, rather than to advance any legitimate legislative end.

Beyond being inconsistent with the clear, well-recognized constitutional limitations on your investigative functions, threats to executive branch officials designed to deter them from public service, or process designed merely to abuse or instill fear in the recipient may cross the line into blatant criminality. And issuing unlawful subpoenas with the intention of depriving citizens of their constitutional rights and privileges may warrant further investigation.

The Trump Administration expects members of Congress to discharge their investigative functions within settled constitutional limits. The Administration will not be extorted and will not be cowed by unlawful process motivated by animus, pettiness, hatred, or any other unlawful motive to intimidate, penalize, or interfere with the lawful functioning of government.

Thanks,

William O. Scharf

William O. Scharf
Counsel to the President

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[10] *'You Should Lawyer Up': Rep. Garcia's Message to Trump & Officials Following Dem Midterm Games*, YOUTUBE [MS NOW] (Nov. 7, 2026).

[11] Crooked Media (@CrookedMedia), X (Nov. 7 2026) (recording you as saying, "I think it's . . . maybe it's because, I'm, like, gay, you know, like, like pettiness is a thing. Like … I'm mad ….").

[12] Robert Garcia (@RobertGarcia), X (Nov. 6, 2026).