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JUST IN: DOJ recommends a six month jail sentence and \$200,000 fine for Steve BANNON for defying a Jan. 6 select committee subpoena

Prosecutors say that Bannon, from the moment he was subpoenaed by the select committee “has pursued a bad-faith strategy of defiance and contempt.”

From the moment that the Defendant, Stephen K. Bannon, accepted service of a subpoena from the House Select Committee to Investigate the January 6th Attack on the United States Capitol ("the Committee"), he has pursued a bad-faith strategy of defiance and contempt. The Committee sought documents and testimony from the Defendant relevant to a matter of national importance: the circumstances that led to a violent attack on the Capitol and disruption of the peaceful transfer of power. In response, the Defendant flouted the Committee's authority and ignored the subpoena's demands. The Defendant, a private citizen, claimed that executive privilege—which did not apply to him and would not have exempted his total noncompliance even if it had—justified his actions. Then, on the eve of trial, he attempted an about-face, representing to the Committee that former President Donald J. Trump had waived executive privilege and freed the Defendant to cooperate. But this proved a hollow gesture; when he realized that his eleventh-hour stunt would not prevent his trial, the Defendant's cooperative spirit vanished. Despite the removal of the only purported barrier to his compliance, to this day the Defendant has not produced a single document to the Committee or appeared for testimony. For his sustained, bad-faith contempt of Congress, the Defendant should be sentenced to six months' imprisonment—the top end of the Sentencing Guidelines' range—and fined \$200,000—based on his insistence on paying the maximum fine rather than cooperate with the Probation Office's routine pre-sentencing financial investigation.

Case 1:21-cr-00670-CJN Document 152 Filed 10/17/22 Page 2 of 24

PROCEDURAL BACKGROUND

As this Court is aware, and as elaborated below, on October 7, 2021, the Defendant defaulted on the Committee subpoena's demand for documents. ECF No. 1 (Indictment), ¶ 15. One week later, on October 14, he defaulted again, this time on the Committee subpoena's demand for deposition testimony. *Id.* ¶ 19. The United States House of Representatives voted on October 21, 2021, to hold the Defendant in contempt and referred his conduct to the United States Attorney for the District of Columbia to be proceeded against as provided for by law. H.Res. 730, 117th Cong. (2021). On November 12, a federal grand jury in the District of Columbia returned an indictment charging the Defendant with two counts of contempt of Congress, in violation of 18 U.S.C. § 192—one count for each of his willful defaults—see ECF No. 1, and on July 22, 2022, a federal petit jury found him guilty as charged, ECF. No. 135 (Verdict Form). The Defendant is scheduled to be sentenced on October 21, 2022—one year to the day after he was held in contempt by the House.