

Cummings, Committee Ranking Members to Issa: Abandon New Misguided Witness Policy

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Abandon New Misguided Witness Policy

Extreme new policy contradicts Committee rules and precedent.

Washington, D.C. – Today Ranking Member Elijah E. Cummings, joined by all seven Subcommittee Ranking Members, sent a letter to Chairman Darrell Issa objecting to his new policy on minority witnesses.

This unprecedented new policy, instituted on March 25, designates all Administration officials invited to testify by Chairman Issa to testify before the Committee as “minority witnesses.” The new policy also requires the minority to submit their witness requests before Chairman Issa reveals the identities of witnesses he has invited to hearings.

“The Chairman instituted this new policy without any legitimate basis or need for it,” Cummings said. “This attempt to silence the minority’s voice is an egregious abuse of power that ultimately impairs our Committee’s ability to improve public policy.”

The new policy also directly contradicts the Committee’s rules, which provide for “witnesses whom the minority may request.” House Rules also make clear that minority witnesses are requested by the minority, not designated by the Chairman.

Cummings raised a point of order at today’s Subcommittee hearing on project labor agreements objecting to the new rule after the minority was denied its witness.

“No previous Chairman has ever designated who the minority witnesses would be,” said Cummings. “Chairman Issa’s policy is an extreme edict, and I am aware of no other House or Senate Committee with a similar policy.”

Congressman Gerald Connolly, Ranking Member of the Subcommittee on Technology, Information Policy, Intergovernmental relations, and Procurement Reform, stated:

“Chairman Issa’s novel interpretation of Committee rules is a transparent infringement of the minority’s rights. And, as such, the minority will fight him relentlessly until those rights are recognized and restored.”

Last month, during a Committee hearing on corporate campaign contributions, Issa refused to allow testimony from Fred Wertheimer, a leading expert on government transparency who would have testified on behalf of a coalition of 34 open government groups that strongly support enhanced transparency.

The minority cites these objections to the new rule in its letter:

The new policy is contrary to the Committee's rules, which state that minority witness requests must be requested by the minority. Therefore, Administration officials cannot be designated as minority witnesses unless the minority has invited them.

The majority does not adhere to its new 24-hour rule, thus, it is fundamentally unreasonable to demand that the minority identify witnesses before the majority has identified its own witnesses.

The policy lacks any legitimate basis or need, moving the Committee further away from Issa's repeated pledge for bipartisan cooperation in effective oversight.

It is detrimental to Committee Members to deny them the opportunity to hear and learn from a variety of sources.

The full letter follows.

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June 3, 2011

The Honorable Darrell E. Issa

Chairman

Committee on Oversight and Government Reform

U.S. House of Representatives

Washington, DC 20515

Dear Mr. Chairman:

We are writing to request that you immediately withdraw your misguided new policy on minority witness requests. This policy was conveyed by your staff via email for the first time on May 25, 2011. The email states:

It is the policy of the Committee, once the weekly schedule is officially posted, for the Minority to have 24 hours to recommend their witness for the hearing(s) posted. If there is an Administration witness then that witness is the designated minority witness. It is up to the Chairman to accept an additional witness but that witness must be recommended within the 24 hour period.

This unprecedented new policy undermines the integrity of our Committee by impairing the ability of minority Members to participate in its important work. No previous Chairman of this Committee has ever issued such an extreme edict, and we are aware of no other House or Senate Committee with a similar policy.

We have two fundamental objections. First, it should go without saying, but minority witness requests, by definition, are requested by the minority. Obviously, you are not in the minority, so if you invite an individual to testify, that person is not appearing at the request of the minority. If we have not requested an Administration witness, you may not “designate” an Administration official you invite as a minority witness, unless you are willing to allow the minority to withdraw that invitation as well.

We will reserve the right to request witnesses of our choosing, including individuals who we believe have the ability to enhance the understanding of Committee Members and provide perspectives that are not otherwise represented by the witnesses you invite. As ranking members, we have and will continue to submit minority witness requests to our respective Chairmen, and only those individuals identified and requested as minority witnesses should be considered as such.

Our second objection is to your new 24-hour rule, which you do not appear to be applying even to your own witnesses. During this Congress, you have complied with the minimum requirements necessary under our Committee rules by providing only a single week’s notice prior to Committee hearings. These notices have included nothing more than the title of hearings, with no witnesses identified. It is fundamentally absurd to demand that we identify minority witnesses before you have identified witnesses yourself, yet your new policy does just that.

Apart from these specific objections, we are concerned about the direction of your overall approach. Rather than increasing bipartisan cooperation, as you pledged to do many times, you have adopted this new policy without identifying any legitimate basis or need for it. This leads to the unfortunate conclusion that you are more interested in holding hearings to advance your own personal political agenda rather than objectively gathering facts from a variety of sources to improve public policy.

When you were in the minority in 2007, you said this: “In a Democracy whose lifeblood is fueled by the market place of ideas, Committee practices that stifle or preclude full debate should be avoided at all cost.” We urge you to heed those words and immediately abandon this unfair and unreasonable policy.