

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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Remarks of Ranking Member Elijah E. Cummings Business Meeting—Request for Vote on Subpoenas November 2, 2017

I do want to address the bills we have on the agenda today, but first I want to take a few moments to ask about the six motions for subpoenas we asked you to place on the agenda. Let me provide some background for Members.

Nearly two weeks ago, on October 20, the Chairman's staff came to our staff and asked which items we wanted on the agenda for today's business meeting. We asked for six motions for subpoenas, and we explained exactly what they were:

- (1) A subpoena for documents relating to Michael Flynn that the White House has been withholding in response to our Committee's bipartisan request in March. Chairman Gowdy now argues that seeking these documents might somehow interfere with a criminal investigation, but you held the opposite position on the Benghazi Committee.
- (2) A subpoena for documents the White House is withholding about the President's top aides using private email for official business. The Chairman now argues that we should wait until the White House conducts an internal review, but we have received no date certain and no commitment for all the information we are seeking.
- (3) A subpoena for documents about reports that Jared Kushner and Ivanka Trump relocated their personal email accounts to the Trump Organization after our Committee directed them not to do so. We asked the Chairman to join us in obtaining these documents, but he declined.
- (4) A subpoena for documents the White House is withholding relating to the Administration's response to the hurricanes in Puerto Rico and the U.S. Virgin Islands. This request was nearly identical to the one our former Republican Chairman, Tom Davis, sent after Hurricane Katrina, but again, Chairman Gowdy declined to join.
- (5) A subpoena for documents Michigan Governor Rick Snyder is withholding in response to our Committee's bipartisan request in February on the Flint water crisis. The Chairman did agree to ask the Governor to explain discrepancies in his testimony to our Committee, but he declined to join us in obtaining documents that would show if he is telling the truth.

- (6) Finally, a subpoena for documents the Kushner Companies are withholding about reports of abusive housing practices in Maryland. Members of the Maryland delegation asked the company in August for these documents, but the company refused. Our staff worked to inform the Chairman's staff about these problems, but he declined to join our requests.

Unfortunately, our staff never heard back to our request two weeks ago. I and other Democratic Members sent the Chairman six individual letters explaining in detail our exact basis for each of these six subpoena motions. But again, we never received any letter or other response back from Chairman Gowdy.

Instead, on Monday night, the Chairman circulated the agenda for today's meeting and simply omitted any reference to our motions for subpoenas—without any explanation.

So on Tuesday, I wrote to the Chairman yet again—on behalf of all the Democratic Members—and I asked him to reconsider his decision to block these motions from today's markup. He responded to that letter this morning, summarily rejecting all of our requests and taking positions that are 180 degrees different than those he took during the previous Democratic administration.

I understand that that the Chairman personally may disagree with our efforts to conduct vigorous oversight of the Executive Branch—and in particular this White House. We get that. But all of our Committee Members deserve the opportunity to debate and vote on these motions, rather than have him unilaterally blocking their consideration. House rules provide for subpoenas to be issued by a vote of the full Committee, and all we are asking for is the opportunity to do so.

Before Chairman Gowdy became Chairman—when a Democrat was in the White House—he promised to exercise our Committee's authority just as vigorously with a Republican president. He said this, and I quote:

“I hope I live long enough to see a Republican President. And if I do, and if I'm in Congress, I promise you, I will make her or him be responsive to the people's House when they have legitimate requests for documents!”

Today's markup was an opportunity to make good on that promise. But he disregarded our requests, he failed to respond to our letters, and he blocked all of these votes.

Mr./Ms. Chairman, since you are presiding over today's markup, my question to you is when will we be allowed to consider these motions and vote on these subpoenas?

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