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Congress of the United States

House of Representatives

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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "White House Office of Political Affairs: Is Supporting Candidates and Campaign Fund-Raising an Appropriate Use of a Government Office?"

July 16, 2014

For the past 18 years, I have been deeply honored to serve as a Member of the House of Representatives. I also have tremendous respect for this Committee, the chief investigative body of the House. For these reasons, I strongly support the authority to issue subpoenas—when necessary—to require people to provide information to fulfill our Constitutional responsibilities.

But I cannot—and I will not—support the abuse of this very powerful authority when it serves no legitimate purpose, and when there is no evidence that a witness did anything wrong. These actions do not enhance our authority as a Committee. They undermine it. They degrade it. And they make us weaker.

Last Friday, Chairman Issa issued a unilateral subpoena to compel David Simas to testify here today. Mr. Simas is a senior advisor to the President. And everyone on this Committee knows the doctrine of separation of powers. We do not simply haul in one of the President's top advisors at will. There must be a valid reason, a predicate, a justification, some evidence that this official engaged in some type of inappropriate activity.

That foundation simply does not exist here.

On Friday, I wrote a letter to Chairman Issa formally objecting to this subpoena. I noted that he has already issued nearly 100 subpoenas without any debate or a vote of this Committee. That is more than all three previous chairmen combined, in less than half the time.

I also noted that these unilateral subpoenas began to spike last month after Speaker Boehner announced that he was taking the Benghazi investigation away from this Committee and transferring it to the new Select Committee.

For example, the Chairman issued a subpoena to the Secretary of State without even calling to see if he was available to testify. He later withdrew that subpoena.

The Chairman also issued a subpoena to the IRS Commissioner in an attempt to hold the first public hearing on Lois Lerner's emails. But that failed, and the Committee on Ways and Means went first.

And then on Friday, Chairman Issa proposed this latest subpoena. This subpoena was not based on anything Mr. Simas did. It was based on the fact that the White House violated the Hatch Act—six years ago—under the Bush Administration. The Committee has identified no evidence that Mr. Simas or anyone in his office did anything inappropriate.

In my letter, I asked Chairman Issa not to issue this subpoena. If he thought I was wrong, then I asked him to bring it before the Committee for a vote. But he ignored my concerns. He did not reply to my letter. He did not call a Committee vote. He just issued the subpoena by himself.

These actions directly contradict the pledges made by the Chairman during this Committee's first meeting four years ago in 2011. I would now like to play a video clip from that meeting. Can staff please play the video?

[Play Video]

Mr. Chairman, those were your words. That is what you told us four years ago. But when I raised concerns, you did not take them seriously. You did not ask other Members if you were nuts, or if you were wrong. And when I asked for a vote, you ignored my request.

Since you have been Chairman, you have not held a single vote on even one of your nearly 100 subpoenas.

Mr. Chairman, with the utmost respect for this institution and this Committee, I urge you to change course. This is supposed to be a deliberative body. The Members of this Committee should have the chance to deliberate, especially on matters as serious as compelling the testimony of a senior presidential advisor.

It is time for this Committee to stop serving as center stage for political theater and fulfill its responsibility under the Constitution to conduct responsible oversight.

Contact: Jennifer Hoffman, Communications Director, (202) 226-5181.

TRANSCRIPT OF VIDEO CLIP

**Rep. Darrell E. Issa, Chairman
House Committee on Oversight and Government Reform
First Committee Organizational Meeting
Jan. 1, 2011**

If we cannot come to an agreement, a vote of the Committee may very well be the most legitimate way to resolve a difference of opinion between us. I don't see any of those here today.

I don't think you're going to like everyone I want to ask to come. Quite frankly, and we had this conversation privately in the past, there is a possibility you're going to want somebody subpoenaed, and I may not want it. This happened with my predecessor. We resolved it. It was contentious. It was difficult. And a threat of the full Committee was part of the process.

Chairman Towns did the right thing, and he did it on his own. And he did it written the way he thought it should be written. He did it to protect the integrity of this body. The subpoenas have born a lot of fruit.

From that lesson that Ed Towns and I have learned together, I expect that if you want a subpoena, I better take it seriously.

And if I want a subpoena, and you really object, I am going to take your thoughts on why you object seriously.

To be honest, I will ask other members of my Committee, am I doing the right thing, and seek their guidance. And by the way, not just former Chairmen.

I will also undoubtedly talk to other members on your side and say, am I nuts? Am I wrong? Is this somehow a subpoena that's outside the mainstream?

So I don't intend on simply writing subpoenas endlessly.

Having said that, there will be times, times during recesses in which consultation would be over the phone, and a vote would not be practical or even possible.

So I do intend and believe that we should maintain the rules as they are, work together, and bear in mind that, if this doesn't work, it will be very public, and each of us would pay a price for being unreasonable.