

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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October 11, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman:

On behalf of Republican Members, we are in receipt of a memorandum dated October 10, 2019, from you to Members of the Committee regarding your decision to issue a subpoena to two officials at the Department of Homeland Security (DHS or the Department).¹ You decided to issue this subpoena without consulting Republicans and without allowing Members to debate the terms of the subpoena. We object strongly to the issuance of this subpoena and your stated reasons for issuing it. If you proceed with this subpoena over our objections, you will once again violate our bipartisan agreement about subpoenas, trample on long-held minority rights in the House of Representatives, and prove the partisan nature of your inquiry.

These subpoenas are an unnecessary and abusive tactic to use against an Executive Department that has already reached your desired policy outcome. DHS informed the Committee weeks ago that it would resume “its consideration of non-military deferred action requests on a discretionary, case-by-case basis, except as otherwise required by an applicable statute, regulation, or court order.”² You yourself subsequently acknowledged and applauded this decision in a press release.³

However, despite this action by the agency, you have eschewed any cooperative posture with the Department and chosen confrontation. Continuing to threaten Department officials with compulsory process serves no legitimate oversight purpose. Similarly, such behavior may undermine any future Committee efforts to conduct responsible and credible oversight. Your decision to continue to engage in confrontational behavior with DHS suggests that your intent is

¹ See Memorandum from Elijah E. Cummings, Chairman, H. Comm. on Oversight and Reform, to Members of the Committee on Oversight and Reform (Oct. 10, 2019) (on file with the Committee).

² Email from the Dep’t of Homeland Security to H. Comm. on Oversight & Reform Staff, Sept. 19, 2019 (on file with the Committee).

³ Press Release, H. Comm. on Oversight & Reform, Administration Appears to Reverse Decision to Deport Critically Ill Children After Pressure from Oversight Committee, (Sept. 19, 2019), <https://oversight.house.gov/news/press-releases/administration-appears-to-reverse-decision-to-deport-critically-ill-children>.

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not the furtherance of a legitimate oversight effort, but rather purely partisan theater and the continuation of your pattern of attacks on the Trump Administration.

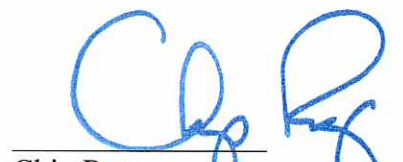
Your memorandum also makes clear that you intend to abide by our bipartisan agreement regarding the issuance of subpoenas only when it is convenient for your partisan investigations. Contrary to your memorandum's statement that "the calendar does not permit scheduling a business meeting to hold a vote on this subpoena,"⁴ the House returns to session next Tuesday. There is ample time to convene an "open proceeding and a vote" so that Members have "an opportunity to go on the record for some of the most important work they will do,"⁵ a process which you promised was your preferred course of action just months ago. You have manufactured the illusion of exigency to suit your purpose by failing to act until now.

Your actions here are an abusive and unprecedented attack on the minority's right to fundamental fairness and accountability, and they violate your promises to the Committee that you will conduct subpoena proceedings in the open for the public to see. For all these reasons, we strongly object to your unilateral issuance of your proposed subpoena. We respectfully request that you reconsider your partisan approach to this subpoena and this investigation and convene a business meeting of the Committee so that we may publicly debate and vote on this action.

Sincerely,



Jim Jordan
Ranking Member



Chip Roy
Ranking Member
Subcommittee on Civil Rights
and Civil Liberties

cc: The Honorable Jamie Raskin
Chairman
Subcommittee on Civil Rights and Civil Liberties

⁴ Memorandum from Elijah E. Cummings, *supra* note 1, at 6.

⁵ *Organizing Meeting, H. Comm. on Oversight and Reform*, 116th Cong. (2019).