

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Business Meeting to Consider Subpoena to the White House
Subcommittee on Oversight and Investigations
November 3, 2011

Mr. Chairman, I agree with the statement that Representative DeGette, our Ranking Member, made. We should not be having this business meeting today.

A congressional subpoena to the White House is a serious step. It should be a last resort. It is justified only if an unbridgeable impasse between the branches has been reached.

None of that is true today.

I was Chairman of the House Oversight Committee when President George W. Bush was President. I was Chairman of the Health and Environment Subcommittee when his father and Ronald Reagan were Presidents. I never issued a subpoena to the White House. I sat down with Fred Fielding, President Bush's White House Counsel, and worked out an arrangement that met the Oversight Committee's legitimate needs while preserving the President's rightful prerogatives.

That's what we should be doing here.

And that's what this Committee has always done. As John Dingell will tell us, he never issued a subpoena to the White House either. He always worked it out.

President Obama's counsel, Kathy Ruemmler, met with Chairman Upton and Chairman Stearns yesterday. She said the Committee's document request is so broad that it would include everything from the logistics of the President's trip to Solyndra to the President's personal blackberry messages.

She offered to provide internal White House communications voluntarily, without a subpoena, if the Committee would engage in good faith negotiations to narrow its request. The White House Counsel specifically offered to provide the Committee with documents that would

show (1) whether the White House intervened on behalf of campaign contributors and (2) what involvement the White House had in the decisions to issue or restructure the loan.

That is a lot different from what we just heard from the Republican leadership. They said the White House said they would only pick and choose what to produce or whether they would produce anything at all. These are the central issues the Committee is investigating. Yet the Chairmen refused her offer.

Apparently, what the Committee really wants is a confrontation with the President, not information for the investigation.

No wonder the public holds this Congress in such low regard. Our focus should be jobs. Our attention should be on rebuilding our economy, not manufacturing controversies with our President.

This is an important investigation, but it is hard to avoid the conclusion the Committee is abusing its powers. With every hearing, the inquiry looks more like a rigged proceeding and investigation by partisan political stunt. Let me just go through the history.

In June, we invited the Deputy Director of OMB, Jeffrey Zients, to testify with just four days notice. Mr. Zients wasn't available the day the Committee wanted, but he said he could testify any other day. So the Committee held a hearing with an empty chair.

In September, Ranking Member DeGette and I asked the Committee to invite the Solyndra's executives to testify. When the CEO testified, the Republicans on this Committee publicly humiliated him for asserting his constitutional rights.

And at our last hearing, the Republicans accused the Department of Energy of violating the law, but refused to allow anyone from the Department to testify to defend the agency. Then the Republican majority resisted releasing exculpatory information.

Now today, we are being asked to give Chairman Upton a blank check to subpoena the White House when there is no need for this extraordinary step. This is no way to run an investigation. It is certainly no way to run an investigation that should be bipartisan. It is an unprecedented departure from the practices of the Committee.

We've heard that there is no other choice. Well I think that there is another choice reasonable people would take: to get the White House documents that relate to our investigation. If that is insufficient, we can always go to a subpoena. Instead, we want to go to a subpoena first, and then later we'll see what requests are out of bounds when the White House raises them. I think a subpoena should only be used sparingly and as a last resort, which is not the case we see today.

We are entitled to obtain information from the White House to advance our legitimate oversight needs, not for a fishing expedition by the Republicans. I think it's sad to see what's going on today.