

Oppose Contempt Resolution That Would Take Congress Back to McCarthy Era

Dear Colleague:

In bringing his contempt resolution against former IRS official Lois Lerner to the House Floor this week, Oversight Committee Chairman Darrell Issa is attempting to do something even Senator Joseph McCarthy could not do in the 1950s. **I urge you to vote no on the resolution.**

Sixty years ago, Joe McCarthy tried—and failed—to obtain a criminal conviction of an American citizen after she professed her innocence before his committee and asserted her right not to testify under the Fifth Amendment.

In 1954, Senator McCarthy accused a woman named Diantha Hoag of being a communist. She worked at the Westinghouse Company in a small town in New York, making \$1.71 per hour. The similarities to Chairman Issa's actions today are striking:

- Like Ms. Lerner, Ms. Hoag repeatedly professed her innocence. She said: "I have never engaged in espionage nor sabotage. I am not so engaged. I will not so engage in the future. I am not a spy nor a saboteur."
- Like Chairman Issa, Senator McCarthy argued that Ms. Hoag waived her Fifth Amendment rights, stating: "when the witness says she never engaged in espionage, then she waived the fifth amendment, not merely as to that question, but the entire field of espionage."
- And like Chairman Issa is attempting to do now, Senator McCarthy held the witness in contempt and sought a criminal prosecution.

But the federal court rejected Senator McCarthy's legal theory. The court held in 1956 that "the defendant did not waive her privilege under the Fifth Amendment" and that she was "entitled to a judgment of acquittal on all counts."

Today, more than 30 independent legal experts have come forward to conclude that Chairman Issa's contempt proceeding is fatally flawed and will likely be thrown out of court. But Chairman Issa has refused to hold a single hearing with a single expert witness on this issue, and he has failed to explain why he is relying on such a flawed legal precedent for his actions today.

The transcript of Senator McCarthy's hearing in 1954 can be found [here](#), the federal court opinion dismissing Senator McCarthy's case can be found [here](#), and the conclusions of more than 30 independent legal experts can be found [here](#). Please contact my office at (202) 225-5051 with any questions.

Sincerely,

Elijah E. Cummings
Ranking Member