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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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August 25, 2014

LAWRENCE J. BRADY
STAFF DIRECTOR

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Ranking Member Cummings:

During the July 25, 2014, full committee business meeting, in which the Committee considered a resolution to reject the White House's claim that the President's senior advisers are immune from compulsion to appear before Congress, you advocated for the Committee to present evidence of wrongdoing before compelling a witness to appear at a hearing.¹ During that meeting, the Committee approved the resolution and thereby rejected the White House's assertion of "absolute immunity" for Office of Political Strategy and Outreach Director David Simas. As you know, Mr. Simas twice failed to comply with a subpoena requiring him to appear before the Committee.² Despite claiming that you "strongly oppose the Executive Branch assertions of immunity," you voted against the resolution.³ You explained your position by stating that "the Committee has identified no evidence—no evidence that David Simas, who is a senior advisor to the President of the United States, or anyone else in his office engaged in any inappropriate activity or conduct that violates the Hatch Act. As a result, I strongly oppose this resolution."⁴

The Committee's long-standing interest in the White House political office is partially based on reports by the *Los Angeles Times* and *Politico* that two Cabinet members engaged in inappropriate political activity in support of President Obama's reelection campaign.⁵ During the 2012 election cycle, Labor Secretary Hilda Solis solicited campaign contributions from a subordinate employee by calling the employee's government-issued BlackBerry.⁶ At an event

¹ H. Comm. on Oversight & Gov't Reform, Business Meeting, 113th Cong. (July 25, 2014).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Paul Pringle & Abby Sewell, *Complaint over Obama Fundraiser Triggered Solis Probe*, L.A. TIMES, May 9, 2014, available at <http://www.latimes.com/local/la-me-solis-investigation-20140510-story.html>; See also Jennifer Haberkorn, *HHS Sec'y Kathleen Sebelius Violated Hatch Act, OSC Concludes*, POLITICO, Sept. 12, 2013, available at <http://www.politico.com/news/stories/0912/81122.html>.

⁶ Pringle & Sewell, *supra* note 5.

The Honorable Elijah E. Cummings

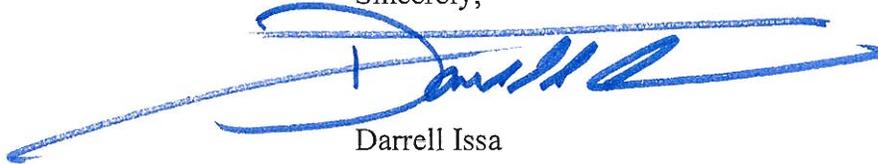
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Health and Human Services Secretary Kathleen Sebelius attended at taxpayer expense, she urged the audience to make sure President Obama “continues to be President for another four years.”⁷ Cabinet Secretaries hold significant leadership positions in the federal government. The Hatch Act is effectively meaningless if high-ranking officials are not held accountable for wrongdoing.

In the cases of Ms. Solis and Ms. Sebelius, there is indeed “evidence . . . [of] inappropriate activity or conduct that violates the Hatch Act”—the standard you argued should apply when we consider bringing a senior Administration official before the Committee. With that in mind, I ask that you join me in conducting a hearing concerning Hatch Act violations by Cabinet Secretaries, with former Secretaries Solis and Sebelius as witnesses. This hearing would be an opportunity to gain a better understanding of previous Hatch Act violations while raising awareness in advance of the upcoming 2014 midterm elections. Enclosed are invitations for Ms. Solis and Ms. Sebelius to testify at a Committee hearing on September 9, 2014. Please notify me as soon as possible if you will co-sign the invitations. Thanks in advance for your support for this proposal for bipartisan oversight of unlawful political activity.

Sincerely,



Darrell Issa
Chairman

Enclosures

⁷ *White House Indicates Sebelius Won't Be Punished Over Hatch Act Violation*, FOXNEWS.COM, Sept. 14, 2012, available at <http://www.foxnews.com/politics/2012/09/13/white-house-indicates-sebelius-wont-be-punished-over-hatch-act-violation/>.

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VACANCY

August 25, 2014

The Honorable Hilda Solis
Former Secretary
U.S. Department of Labor
6380 Wilshire Boulevard, No. 1612
Los Angeles, CA 90048

Dear Ms. Solis:

The Committee on Oversight and Government Reform hereby requests your testimony at a hearing on **Tuesday, September 9, 2014, at 9:30 a.m.** in 2154 Rayburn House Office building. The hearing will examine Hatch Act violations by Cabinet Secretaries during the 2012 election cycle.

You should be prepared to provide a five minute opening statement and answer questions posed by Members. Instructions for witnesses appearing before the Committee are contained in the enclosed Witness Instruction Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. Please contact the Committee by **Tuesday, September 2, 2014**, to confirm your attendance. If you have questions, please contact Lamar Echols of the Committee staff at (202) 225-5074.

Sincerely,

Darrell Issa
Chairman

Elijah E. Cummings
Ranking Member

Enclosure

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MICHELLE LUJAN GRISHAM, NEW MEXICO
VACANCY

August 25, 2014

The Honorable Kathleen Sebelius
Former Secretary
U.S. Department of Labor
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Ms. Sebelius:

The Committee on Oversight and Government Reform hereby requests your testimony at a hearing on **Tuesday, September 9, 2014, at 9:30 a.m.** in 2154 Rayburn House Office building. The hearing will examine Hatch Act violations by Cabinet Secretaries during the 2012 election cycle.

You should be prepared to provide a five minute opening statement and answer questions posed by Members. Instructions for witnesses appearing before the Committee are contained in the enclosed Witness Instruction Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. Please contact the Committee by **Tuesday, September 2, 2014**, to confirm your attendance. If you have questions, please contact Lamar Echols of the Committee staff at (202) 225-5074.

Sincerely,

Darrell Issa
Chairman

Elijah E. Cummings
Ranking Member

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