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House of Representatives

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February 15, 2012

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to object to your refusal to allow a minority witness to testify at tomorrow's hearing about the interests of millions of American women seeking safe and affordable coverage for basic preventive health care, including contraception.

As the son of two ministers from a small church in Baltimore, I completely understand the position of the faith-based community on this issue. I know—both through my faith and my legal training—that we have an obligation as a nation to make accommodations, where appropriate, to avoid undue interference with the practice of religion in this country.

But there is another core interest we must consider as part of this process, and that is the interest of women. The pill has had a profound impact on their well-being, more than you or I can possibly know. It has allowed women to control their own lives and decide for themselves when they may want to have children.

Rather than inviting witnesses on both sides of this issue to engage in a reasoned and balanced discussion, you have constructed one of the most one-sided hearings I have ever seen, stacking it only with witnesses who agree with your position. Earlier this week, you informed Committee Members that you had invited nine witnesses, including officials from the U.S. Conference of Catholic Bishops and other religious entities that oppose the accommodation announced last week by the Administration to allow women employees of religiously-affiliated organizations such as hospitals and universities to obtain coverage for contraceptive services directly through their insurance companies.

You did not invite officials from the Catholic Health Association, Catholic Charities USA, Catholics United, or a host of other Catholic groups that praised the White House for making this accommodation last week. You also failed to invite any women to testify about the negative impact that restrictive insurance coverage has on them.

When my staff inquired about requesting minority witnesses for this hearing, we were informed that you would allow only one. Based on your decision, we requested as our minority witness a third-year Georgetown University Law Center student named Sandra Fluke. I believed it was critical to have at least one woman at the witness table who could discuss the repercussions that denying coverage for contraceptives has on women across this country.

In response, your staff relayed that you had decided as follows:

As the hearing is not about reproductive rights and contraception but instead about the Administration's actions as they relate to freedom of religion and conscience, he believes that Ms. Fluke is not an appropriate witness.

It is inconceivable to me that you believe tomorrow's hearing has no bearing on the reproductive rights of women. This Committee commits a massive injustice by trying to pretend that the views of millions of women across this country are meaningless, worthless, or irrelevant to this debate.

Instead of inviting Ms. Fluke to testify, your staff informed us that you planned to invite a different witness who was no longer available after being informed of your decision to limit the minority to a single witness. Compounding this insult, this afternoon you added two more witnesses of your own, in violation of Committee rules requiring three days notice for witnesses called by the majority.

Even if you fundamentally disagree with Ms. Fluke's viewpoint on this matter, you should not be afraid to hear it. A hearing stacked with last-minute witnesses who offer no competing views only contributes to the perception that our Committee is fostering a circus-like atmosphere intended to further politicize this debate.

For these reasons, I respectfully request that you reconsider your position and allow Ms. Fluke to testify on behalf of millions of women across the country who would like their viewpoints to be heard.

Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member