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Rep. Elijah E. Cummings of Baltimore is the ranking Democrat on the House Committee on Oversight and Government Reform.



Cummings fighting back against the GOP majority

Cummings' profile grows in critical oversight role

Md. Democrat on House investigative panel pushing back against GOP majority

By John Fritze
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WASHINGTON—The Republican chairman of the House Oversight Committee, Rep. Darrell Issa, was quizzing an Obama administration official on the price of gasoline at a hearing last month when he suddenly cut off the witness. Issa pointed out that the man was under oath and said he didn't want him to say something "bad."

The unusual comment came more than an hour into the hearing — only a handful of committee members were still in the room — but nevertheless caught the attention of the lawmaker sitting directly to Issa's right. Rep. Elijah E. Cummings spoke up and, within seconds, he and Issa were talking over each other.

"You've basically implied that this gentleman may be lying," said Cummings, his voice shaking with anger. "Let me tell you something. It's about the integrity of this committee, and I've said it from the beginning: I am not going to allow people to come in here and be called all kinds of things."

Nearly six months after he took over as ranking Democrat on the House investigative committee, even some Republicans acknowledge that Cummings has become increasingly effective in the role. At times, the lawyer has acted as a defense attorney for the White House. But he has also managed to go on offense in spite of the majority GOP's aggressive oversight agenda. See CUMMINGS, page 16

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pushing ideas of his own, including an inquiry into mortgage companies. And he has rarely missed an opportunity to do battle with Issa.

In Washington's hyperpolitical environment, the 60-year-old son of South Carolina sharecroppers has managed to elevate his national political profile even though House Democrats are in the minority. Supporters say Cummings has proven a capable adversary to one of the Republican Party's most prominent stars.

"Many of us had concerns that when Darrell Issa become chairman he would approach his new job like gangbusters — he raised everybody's expectations," said California Rep. Henry A. Waxman, a former chairman of the committee who served as its ranking Democrat from 1997 to 2007. "It's important that Elijah Cummings is where he is."

But some independent watchdog groups are concerned that the rancor, which has grown more bitter in recent weeks, is getting in the way of legislation that has had bipartisan support in the past. A measure to provide protection for federal employees who report government waste, for example, was passed unanimously last year by the Senate but has stalled in the House.

Cummings said he believes that House lawmakers will consider a whistleblower bill by the end of the year.

Even his own agenda, elements of which Cummings is rolling out this month, has been stymied by his rocky relationship with Issa, a six-term Republican from Southern California. Last month, Cummings requested that the committee use its subpoena power to obtain records from some of the nation's largest mortgage companies involved in the foreclosure crisis, but Issa has been cool to the idea.

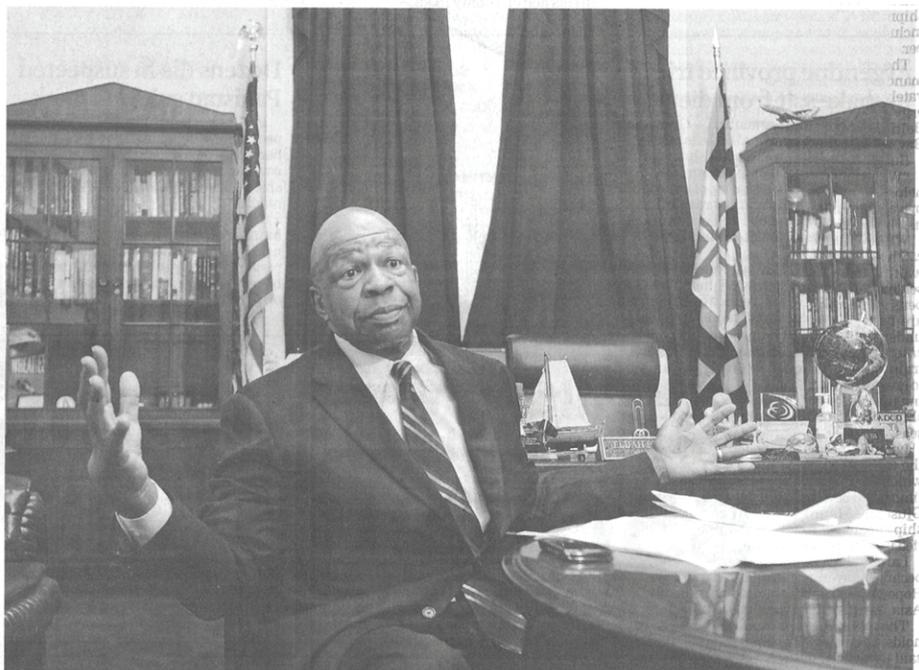
"I find it rather disappointing that they have not done more together," said Angela Canterbury, director of public policy for the Project on Government Oversight, a Washington-based watchdog group. "I think there was a lot more collaboration in the last Congress."

Alys Cohen, a staff attorney with the National Consumer Law Center, said Congress is making progress on the foreclosure issue but could do more if relations between the parties were better.

"A coordinated, bipartisan investigation of an issue that really affects the average person could have a huge effect," she said. "Because things are not moving smoothly, it's difficult to make a lot of progress."

Cummings, who was first elected in 1996 and whose district includes most of Baltimore and parts of Baltimore and Howard counties, is comfortable in the world of bare-knuckle politics. After 13 years in the General Assembly, Cummings defeated 26 candidates in the 1996 Democratic primary for his House seat, previously held by Democrat Kweisi Mfume. After Republicans took control of the House last year, he had to fight to lead Democrats on the House Committee on Oversight and Government Reform, ultimately beating Rep. Carolyn B. Maloney of New York, who was ahead of him in seniority.

"When I go home at night, I see the houses that have been foreclosed upon — the people are gone," said Cummings, who lives in Baltimore's Madison Park neighborhood. "I talk to the people who can't find a job. I talk to the people who can't get medical care. I see this role as something far bigger than me."



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Baltimore, pictured in his Washington congressional office. "I talk to the people who can't find a job. I talk to the people who can't get medical care. I see this role as something far bigger than me." He bristles at Republicans' suggestion that he is an obstructionist.

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The oversight committee has a history of bruising political fights. Rep. Dan Burton, an Indiana Republican, used his tenure as chairman to pursue scandals in the Clinton White House. Issa vowed last year to use the committee chairmanship to pursue President Barack Obama's policies, including his new health care law.

But while the committee and its subcommittees have ratcheted up the pace of work — conducting more than 60 hearings this year on federal regulations, transparency and spending — it has yet to uncover any blockbuster findings.

"There was sort of a heightened expectation that Issa as chairman would use the committee and use the post aggressively to do some high-profile oversight, the kind of stuff that would break through," said David Levis, an attorney at O'Melveny & Myers who served as a staff member to the committee under Waxman. "So far, there hasn't been a lot of it, and some of us are scratching our heads a little because he's a really smart guy."

At least part of that might be a result of Cummings having acted "as a kind of foil," Levis said. "He's also very smart — a strategic thinker. I think he's been effective at blunting some of the blows."

There has been no shortage of hostility. The acrimony, often rooted in procedural issues, began almost immediately. In January, Cummings objected to rules adopted by the committee that noted Issa's ability

to issue subpoenas unilaterally. In a Jan. 24 letter, Cummings argued that by not consulting with Democrats on subpoenas the committee risked criticism of "abusive practices."

Issa fired back the next day. In a press release titled "Issa sets the record straight on Cummings' disingenuous claims," he argued that the previous Democratic chairman, Edolphus Towns of New York, had not consulted with him on subpoenas when he was in charge.

More recently, Cummings and Issa battled after Republicans decreed that members of the Obama administration who come to testify will be designated as "minority witnesses" even if asked to appear by the Republican majority. Cummings contends that the label suggests that Democrats support that person's testimony even when they might not.

"Minority witness requests, by definition, are requested by the minority," Cummings wrote to Issa on June 3. "Obviously, you are not in the minority, so if you invite an individual to testify, that person is not appearing at the request of the minority."

Underscoring how much the relationship has soured, Issa declined to comment for this article, as did a spokesman for the Republican members of the committee. Other ranking Republicans, including Burton and John L. Mica of Florida, did not respond to interview requests.

Over the past several months, Republicans have painted Cummings as an ob-

structionist who nitpicks in order to undermine the committee's work. When Cummings complained publicly last month that Issa would not allow a witness to testify, the committee's Republican spokesman, Frederick Hill, responded in a statement that Cummings "always looks for a way to obstruct and whine."

Rep. Patrick T. McHenry, a North Carolina Republican on the committee, said that trying to thwart the majority is part of Cummings' job. McHenry said he appreciated that Cummings did not make the debates personal and described him as a "competent and capable" lawmaker.

"His role is to obstruct the majority and defend the administration, and he's done one heck of a job of doing these things," McHenry said. "But I do think that Democrats have been steeling for a fight from the opening day."

Cummings bristles at the suggestion that he is an obstructionist — even when the label is affixed with a measure of respect.

"Probably three-quarters of the things that I could raise publicly, I don't," he said. "If it's whining for me to say 'Don't tell me who my witnesses are' ... if that's whining, call it [that]."

"We've tried to be reasonable," Cummings said. "We've tried to be, in the words of Fox, fair and balanced."

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