US Congressional Hearings

What is the issue?

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- In the wake of Cambridge Analytica issue, Facebook CEO Mark Zuckerberg's congressional testimony gains significance. Click here to know more on the scandal.
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- It is essential in this context to understand what US congressional hearings are all about.
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What is a US congressional hearing?

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- A congressional hearing involves members of the two houses, the Senate and the House of Representatives.
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- They collect and analyse information on various matters of interest to the polity and the country.
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- The legislative hearings are to do with policy measures.
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- The oversight hearings, on the other hand, monitor government programmes.
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- Besides, Congress holds investigative hearings into suspected wrongdoings by public officials and by private citizens.
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- More recently, the senate intelligence committee held hearings on alleged Russian meddling in the 2016 presidential elections.
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- The congressional hearings are conducted by committees.
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What are these Committees all about?

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- **Committee** - A committee is usually a panel of chamber members.
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- It is tasked with developing legislation, holding hearings and conducting oversight.
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- Each committee has its own jurisdiction.
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- Depending on the type of committee, they are either elected by the chamber, or appointed by the Speaker.
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- The system is similar to the Indian parliamentary committees but far more powerful.
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- **Structure** - There are 20 active Standing Committees in the House of Representatives and 16 in the Senate.
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- There are also six joint committees.
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- In addition, the House has a Permanent Select Committee on Intelligence.
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- The Senate has four Special committees, including one on intelligence.
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- Committees, on occasions, have joint hearings, like they did for Zuckerberg's testimony.
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- **Composition** - A committee could typically have between a dozen and 40 members.
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- Every committee has an all-powerful chair drawn from the majority party in the chamber.
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- The chair decides which proposals the committee will consider first, and which can be pushed back. This is usually a political decision.
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- The minority party appoints a shadow chair.
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How are the hearings conducted?

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- **Subjects** - A committee receives many proposals for hearings from several quarters, including from two chambers' members.
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- But it is decided by assessing its importance to the nation, to specific political and other lobbies, and to the political leadership.
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- It also decides if the issue fits in with its own goals and the political message that it wants to send out.
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- **Nature** - Almost always the hearings are open to the public.
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- Open hearings, covered extensively by the media, are seen as a way to rally public support for or against an issue.
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- But committees have the power to “close” a hearing for reasons
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i. of national security
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ii. of protecting the privacy and reputation of an individual
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iii. of securing law-enforcement operations
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iv. if the witness is to reveal information that is protected by law
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- **After hearing** - The reports are generally published and become a matter of public record.
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What rights do witnesses enjoy?

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- The witnesses enjoy certain rights by way of protections granted to them by the Constitution.
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- Witnesses may refuse a committee's order to attend the court by citing the right to free speech, assembly, or petition.
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- They enjoy protection against self-incrimination.
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- Several committees provide witnesses the right to have their counsel present during testimony.
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How is the Indian parliamentary committee system?

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- **Nature** - The Indian system is modelled on the British parliamentary committee system.
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- However, unlike the US and British systems, India does not have a system of public hearings.
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- Also, in India, all proceedings are closed to the media.
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- **Committees** - There are two kinds of committees in India.
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- The Standing committees include financial committees, department committees, business advisory committees, etc.
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- The ad hoc committees are appointed for a specific purpose when needed.
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- One type of ad hoc committee is the joint parliamentary committee.
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- The most high-profile of the JPCs have been investigative in nature.
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- E.g. the JPC on Bofors, Harshad Mehta Stock Exchange scam, and the 2G spectrum case.
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- The JPCs have summoned and questioned experts, government officials and others.
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- Refusing summon from a JPC constitutes contempt.
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Source: Indian Express

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