

June 10, 2020

The Honorable James E. Risch
U.S. Senate Foreign Relations Committee
United States Senate
423 Dirksen Senate Office Building
Washington, DC 20510-6225

Re: Committee Proceedings Should Be Open and Transparent

Dear Chairman Risch:

We, the undersigned transparency and accountability organizations, write to express our deep concerns regarding a lack of transparency at a recent Senate Foreign Relations Committee proceeding, a practice in tension with the fundamental right of the public to know what its elected officials are doing.

The Senate Foreign Relations Committee held a May 21st business meeting without making proper accommodation for press and public access and without giving proper notice of the proceedings. At the meeting, the Committee considered a contentious nomination and more than a dozen bills. The Committee did not broadcast and made it impossible for the press to contemporaneously broadcast video of the proceedings by selecting a room without livestream capabilities, even though other rooms with livestream facilities were available. In addition, the Committee provided improper notice of the proceedings, giving only two-days notice when Senate and Committee rules require seven days notice.

The Standing Committee of Correspondents wrote two days in advance of the business meeting: "we believe the exceptional circumstances of the coronavirus pandemic warrant providing or allowing a livestream for this and all future committee markups."¹ They noted the newsworthiness of the subject matter: "the scheduled confirmation vote of Michael Pack to lead the Broadcasting Board of Governors while he is under investigation by the attorney general for the District of Columbia." Committee Democrats also wrote two days in advance of the hearing: "The American public has the right to see and hear their Senators

¹ Letter to Sens. Risch and Menendez from the Press Galleries of the US Congress (May 19, 2020), <https://s3.amazonaws.com/demandprogress/letters/SCC letter May 20.docx.pdf>

as we debate and vote on nominees and critical legislation.”² During the hearing, Democrats objected to the absence of a recording. And on the day of the hearing, Senator Klobuchar, Ranking Member of the Senate Rules Committee, issued the following statement: “Today Republicans on the Senate Foreign Relations Committee took an action contrary to the guidance that Chairman Blunt and I issued regarding Senate hearings.”³

All Senate committee proceedings should be livestreamed so the public and press can watch what happens as it happens. As the Standing Committee on Correspondents noted, other rooms with livestream capabilities could have been chosen. The lack of appropriate notice makes the matter worse. Ranking Member Menendez published a video of the proceedings, which illustrated both the newsworthiness of the proceedings and your unwillingness during the proceedings to accede to reasonable requests that it be broadcast.⁴

We understand that it has been the practice of the Foreign Relations Committee to decline to broadcast its business proceedings. We disagree with that practice in normal circumstances, but it is particularly pernicious during the COVID-19 pandemic, as the Capitol is closed to the public and press access is limited. This matter should not have been a surprise to the Committee, as it was cautioned by the press and its minority members. As mentioned above, the lack of video livestream also is contrary to the best practices articulated by the Majority and Minority in the Senate Rules Committee.

The Foreign Relations Committee Committee should pledge that all public proceedings will include contemporaneous video broadcasts and appropriate notice of the proceedings. We believe it is incumbent on *all committees* to provide a video livestream of their proceedings, unless they properly vote to close the proceedings, at least so long as the Senate is closed to the public and press access is limited. We would further suggest that the Senate adopt the practice of providing video of all open proceedings, which would mirror the House’s rules.

² Letter to Sen. Risch from Ten Committee Democrats (May 19, 2020)
<https://www.foreign.senate.gov/imo/media/doc/05-19-2020SFRC%20Dems%20letter%20to%20Risch%20re%20video%20for%20business%20meeting1.pdf>

³ Statement of Sen. Klobuchar in Response to Senate Foreign Relations Chairman Limiting Press Access (May 21, 2020)
<https://www.klobuchar.senate.gov/public/index.cfm/news-releases?ID=00F31870-0FE0-4871-8FA5-1FB336EA05F3>

⁴ Menendez Publishes Footage of Restricted Committee Business Meeting (May 21, 2020)
<https://www.menendez.senate.gov/news-and-events/press/menendez-publishes-footage-of-restricted-committee-business-meeting>

Public and press access to official proceedings are essential to a democracy and the legitimacy of congressional proceedings. We urge you to comport the Committee's behavior with Senate precedent and best practices.

Sincerely,

Alexander Howard, Digital Democracy Project*
Brian Baird, Former Member of Congress*
Campaign for Liberty
Center for Responsive Politics
Demand Progress
Government Accountability Project
Government Information Watch
GovTrack.us
Issue One
Lincoln Network
Lorelei Kelly, Beeck Center for Social Impact +
Innovation at Georgetown*
National Security Counselors
Norman Ornstein, American Enterprise Institute*
Open The Government
Professor Beth Simone Noveck, New York
University/The Governance Lab*
Project on Government Oversight
Reporters Committee for Freedom of the Press
Taxpayers for Common Sense

*Signing on in personal not institutional capacity.

cc: Sen. Menendez, ranking member, Senate Foreign Relations Committee
Sen. Blunt, chairman, Senate Rules Committee
Sen. Klobuchar, ranking member, Senate Rules Committee
Senate Committee Chairs and Ranking Members