



## 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.
- It is tasked with developing legislation, holding hearings and conducting oversight.
- Each committee has its own jurisdiction.
- Depending on the type of committee, they are either elected by the chamber, or appointed by the Speaker.
- The system is similar to the Indian parliamentary committees but far more powerful.
- **Structure** - There are 20 active Standing Committees in the House of Representatives and 16 in the Senate.
- There are also six joint committees.
- In addition, the House has a Permanent Select Committee on Intelligence.
- The Senate has four Special committees, including one on intelligence.
- Committees, on occasions, have joint hearings, like they did for Zuckerberg's testimony.
- **Composition** - A committee could typically have between a dozen and 40 members.
- Every committee has an all-powerful chair drawn from the majority party in the chamber.
- The chair decides which proposals the committee will consider first, and which can be pushed back. This is usually a political decision.
- 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.
- They enjoy protection against self-incrimination.
- 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.
- However, unlike the US and British systems, India does not have a system of public hearings.
- Also, in India, all proceedings are closed to the media.
- **Committees** - There are two kinds of committees in India.
- The Standing committees include financial committees, department committees, business advisory committees, etc.
- The ad hoc committees are appointed for a specific purpose when needed.
- One type of ad hoc committee is the joint parliamentary committee.
- The most high-profile of the JPCs have been investigative in nature.
- E.g. the JPC on Bofors, Harshad Mehta Stock Exchange scam, and the 2G spectrum case.
- 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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