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**Mike Pence**  
6th District Of Indiana

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### PENCE OPENING STATEMENT FOR SELECT COMMITTEE ON VOTING IRREGULARITIES

Washington, May 13 - U.S. Congressman Mike Pence, Ranking Member of the Select Committee to Investigate the Voting Irregularities of August 2, 2007, gave the following opening statement today at the committee's first public investigative hearing since the committee was formed almost nine months ago.

A related *Washington Post* article on the Select Committee's investigation can be found [HERE](#).

The public hearing is scheduled to begin at 10:00 AM in 1539 Longworth.



Congressman Pence

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"I would like to thank Chairman Delahunt for holding this investigative hearing of the Select Committee to Investigate the Voting Irregularities of August 2, 2007.

"The integrity of the House of Representatives is completely dependent on the integrity of the vote that takes place on the floor of the Congress. Every American is entitled to have a voice in the People's House and to know that their representative's vote counts. This Select Committee has been tasked with the responsibility of investigating what happened during Roll Call 814 held on the night of August 2nd and making recommendations to the House regarding necessary changes to the House's rules and procedures so that the voting right of every Member of Congress is protected. I am confident that today's hearing will go a long way towards fulfilling this responsibility.

"There were some who predicted that the Select Committee would never meet, let alone hold public hearings. I am very pleased that all six Members of the Select Committee have been able, over the course of many months, to put the interests of the American people and this institution above partisan politics, and I would like to thank the Members and staff for conducting this investigation in such a bipartisan manner.

"As the Select Committee held educational hearings last fall and then moved forward with its investigation, a clear commitment to fairness and the facts was exhibited, befitting of the serious business with which the Select Committee was tasked. I am pleased to report that we have taken on this responsibility with a thorough and professional investigation. We retained outside counsel to lead the investigation; collected and reviewed over 6,500 pages of documents; and conducted transcribed interviews of 21 witnesses. As a result of these efforts, we now have a solid understanding not only of what happened the evening of August 2nd, but also why it happened. While our examination of the documentary record was substantial, it was hampered by limitations created by the failure of some parties to take timely actions to preserve relevant documents. For instance, if the Chief Administrative Officer of the House had been more diligent in preserving potentially responsive documents, as required by our authorizing resolution, the picture might be even clearer.

"Before I go on with my statement, with nearly a year past since the night of August 2, 2007, I think it would be appropriate to watch a short video of some of the key scenes from that night, and I would ask unanimous consent to make this video a part of the record.

"Roll Call 814 was taken on the Republican Motion to Recommit the Agriculture Appropriations bill on the night of August 2, 2007. The Republican Motion would have denied taxpayer-funded benefits in that bill from going to illegal immigrants. It was, to say the least, a contentious and controversial issue in the Congress. The evidence will show that the Republican Motion to Recommit passed the House by a vote of 215-213 and was overturned by the Democratic Leadership and the Speaker *pro tem*. In the face of pressure from the Democratic Leadership to shut down Roll Call 814 while they were prevailing, the Speaker *pro tem*, Rep. Mike McNulty, bypassed well-established procedures for closing a vote. This failure threw the House into chaos and what one veteran professional staff member called "uncharted territory,"

undermining confidence in the integrity of the House.

“Given the video record, and the candor and cooperation of numerous witnesses, most of the facts about what happened that night are not in dispute. After the minimum time for voting had expired, Speaker Pelosi received a signal to go to the well and cast her vote, making the total 214 - 214. Mr. Hoyer was quite candid during his interview with the Select Committee, acknowledging that he had expressed, in no uncertain terms, a strong desire that the vote be closed as soon as the Speaker cast her vote. To this end, he yelled at the Chair to close the vote, in a voice loud enough to be heard. This was confirmed by at least five witnesses on the rostrum that evening.

“At the time the Speaker voted, Mr. Hoyer can be seen near the rostrum having a conversation with Catlin O'Neill of the Speaker's floor staff. Mr. Hoyer recalled telling Ms. O'Neill words to the effect of, “We need to shut down the vote when we are prevailing.” The video shows that Ms. O'Neill immediately turned and said something to the Chair, who then attempted to close the vote for the first time. Ms. O'Neill and Mr. McNulty have both denied giving or receiving any instructions about closing the vote that evening. It is troubling that their testimony was contradicted by the testimony of Mr. Hoyer.

“The Chair attempted to close the vote at 214 - 214 but stopped short when it became clear that well voting change cards were still being processed. Believing that the Parliamentarians had somehow prevented Mr. McNulty from closing the vote while the Majority was prevailing, Mr. Hoyer angrily vented his frustration toward John Sullivan. In remarks that can be clearly heard on the video, he said: “We control this House, not the Parliamentarians.” This outburst occurred on the rostrum a few feet from Mr. McNulty, and shortly thereafter Mr. McNulty banged the gavel, called the vote at 214 - 214, and declared that the “motion was not agreed to.” However, in the time between the Chair's first attempt to call the vote and the second, three Florida Republicans had changed their votes, and the Tally Clerks were still entering those changes into the House's Electronic Voting System. Consequently, the display board in the Chamber upticked to 215 - 213 milliseconds after the Chair's second and final announcement of 214 - 214, creating an atmosphere of confusion and anger on the House floor because at that time, with those votes counted, the motion had in fact passed.

“Mr. McNulty explained during his interview that he intended to close Roll Call 814 as soon as the last of the three Florida Republicans had voted, concerned that holding the vote open any longer might allow other Members, on both sides of the aisle, to change their votes, and that such a delay might violate Clause 2(a) of Rule XX, which states that “a recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.” As the presiding officer, Mr. McNulty certainly had the discretion to close the vote at this point -- as Mr. Hoyer himself readily acknowledged -- when the true vote count was 215 - 213 in favor of passage.

“Clause 2(a) of Rule XX of the House provides that “the Clerk shall conduct a record vote . . . by electronic device.” It is uncontroverted that Mr. McNulty -- an experienced and respected Chair who has presided over dozens, perhaps hundreds, of votes -- called Roll Call 814 without giving the employees of the Clerk of the House an opportunity to conduct a record vote, prepare a tally slip, and certify the results. While the requirement for a tally slip is not formally codified in the Rules of the House, numerous witnesses have stated that this tally slip is deeply embedded in the traditions of the House and that they have never before seen a vote closed without one.

“Had Mr. McNulty followed this longstanding procedure, the tally slip would have reflected a 215 - 213 vote total in favor of passage of the Republican motion denying taxpayer benefits from going to illegal immigrants. Rather than simply making a new announcement of the correct result, however, Mr. McNulty compounded his error by allowing the vote to remain open after he had announced the final result, enabling three Democratic Members to switch their votes, thereby altering the outcome from passage of the Republican motion, to failure. Remarkably, numerous witnesses and the documentary evidence attest that a tally slip prepared by the Clerk was never produced in connection with Roll Call 814.

“I take no pleasure in saying this, but it is simply not plausible that such an experienced presiding officer simply forgot to wait for the tally slip during the course of such a close and controversial vote. Instead, I believe that the evidence gathered by the Select Committee will show that the Chair rushed to close the vote in the face of pressure from Democratic Leadership, and in so doing sidestepped a long-standing procedural safeguard designed to ensure the integrity of the vote on the floor of the House.

“During an interview before this Committee when asked whether his demeanor or actions “may have unintentionally created an environment of more pressure on [Mr. McNulty] to close a vote,” the Majority Leader did not argue the point, but merely replied that was “certainly possible.” Leadership instructing a presiding officer about the timing of closing a vote is hardly uncommon, but, as one professional staff member explained, he had “never seen the Chair buy into it, never.” When any Majority feels that it can cut corners to achieve a particular legislative result, we risk reducing the most powerful democracy in the history of the world to a banana republic.

“The chaos of August 2, 2007 was a dark moment in the history of the United States House of Representatives and must never be allowed to happen again. The imperious actions of the

**Democratic Leadership unduly influenced the Chair and undermined the will of the American people on the controversial and divisive issue of taxpayer-funded benefits for illegal immigrants. Our national legislature was designed to resolve just such issues through the democratic process but to accomplish that, the American people must have absolute confidence that their will is being worked in the People's House and not thwarted through political gamesmanship, procedural sleight-of-hand, or a win-at-all-costs mentality.**

**"We cannot restore Roll Call 814, but this Committee can restore what has been taken – the fundamental respect for the independence, fairness and integrity of the House of Representatives. By acknowledging what happened that evening, and embracing the reforms necessary to ensure that it never happens again, this Congress can learn from the lessons of August 2nd, move beyond that dark moment and restore the confidence of the American people that this is not a Democratic House, this is not a Republican House, this is the People's House and their will is worked every time a vote is called."**

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