

August 1, 2019

The Honorable Ray Blunt, Chairman  
The Honorable Amy Klobuchar, Ranking Member  
United States Senate Committee and Rules and Administration  
305 Russell Senate Office Building  
Washington, DC 20510-6325

Dear Chairman Blunt and Ranking Member Klobuchar,

We write to you regarding the conduct of a Member of the Senate that we believe violates the Senate Rules of Procedure concerning open meetings, public notice, and recording of Committee meetings. This Committee has jurisdiction over matters that concern Senate Rules and Regulations. Standing Rules of the Senate. Rule 25.1.n. We ask you to open an investigation and make a determination.

The Senate Rules of Procedure establish a strong presumption that meetings of the Senate shall be open to the public. "Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, . . ." Rule 5(b). Exceptions to this presumption are set out in six narrow categories concerning

- (1) national defense;
- (2) internal staff management or procedure;
- (3) allegations of crime or misconduct,
- (4) disclosure of the identity of a law enforcement agent
- (5) trade secrets protected by law
- (6) other provisions of law or Government regulations.

Committees are also required to inform the public "the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date." Rule 4(b).

Further, Committees are required to "prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph." Rule 5(e)(1). And, "Except with respect to meetings closed in accordance with this rule, each committee and subcommittee shall make publicly available through the Internet a video recording, audio recording, or transcript of any meeting not later than 21 business days after the meeting occurs." Rule 5(e)(2)(A).

A member of the Senate Judiciary Committee convened a closed-door meeting on July 18, 2019 for a “Tech Task Force” to “tackle tech industry issues on privacy, data security, censorship, antitrust and competition.” The meeting was held in the hearing room of the Senate Judiciary Committee.<sup>1</sup> The Meetings included four industry lobbyists, members of the Senate and their staff. The public and the press were not notified of the meeting, nor were they invited, nor was a record of the meeting created. There is also no indication that any of the provisions that would justify a closed-door meeting of a Committee would apply.

We contacted the Senator’s staff regarding this matter. We urged her to convene public meetings, to invite non-industry representatives to participate and to create a public record of the proceeding. We were told this week that the Senator intends to continue these closed-door sessions, that she has no intent to create a record of these proceedings, and had made no commitment to invite non-industry groups to participate.

Having tried to resolve this matter directly with the Member, we write to you to ask that you open an investigation, make a determination, and then instruct the Member to conduct meetings in accordance with the Senate Rules and Regulations.

Open meetings, public notice, and hearing records are central to the integrity of the United States Senate. Thank you for your attention to this matter.

Sincerely,

/s/ Marc Rotenberg  
Marc Rotenberg, President  
Electronic Privacy Information Center

Center for Digital Democracy  
Consumer Federation of America

---

<sup>1</sup> *Blackburn Convenes First Judiciary Committee Tech Task Force Meeting* (July 18, 2019), <https://www.blackburn.senate.gov/blackburn-convenes-first-judiciary-committee-tech-task-force-meeting>