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The Evolution and Instrumentalization of Parliamentary
Investigative Powers: The Experience of Polish
and American Committees

Ewolucja i instrumentalizacja parlamentarnych uprawnień śledczych. Doświadczenia
polskich i amerykańskich komisji

INTRODUCTION

Parliamentary investigative committees constitute one of the most significant and specific instruments of parliamentary control in democratic states. Their establishment allows the legislature to conduct detailed analyses of the activities of other state bodies as well as to examine circumstances surrounding matters of public concern. This function, being an expression of the principle of separation and balance of powers, takes different forms of implementation in various political systems. In the Republic of Poland, the investigative powers of parliament are vested in the Sejm, which, pursuant to Article 95(2) of the 1997 Constitution¹, exercises control over the activities of the Council of Ministers. On this basis, the institution of the Sejm investigative committee has developed as one of the most far-reaching instruments of parliamentary oversight. Nevertheless, the scope and effectiveness of this institution continue to be the subject of doctrinal and political debates, particularly in the context of its influence on the executive and other state

¹ Constitution of the Republic of Poland of 2 April 1997 (Journal of Laws 1997, no. 78, item 483). English translation of the Constitution is available at <https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm> (access: 3.8.2026).

bodies and the excessive instrumental use of such committees for current political purposes.

It is worth noting that this problem gains particular relevance from a comparative perspective. The experience of the United States shows that congressional investigative committees, both in the House of Representatives and the Senate, as well as subcommittees investigating specific matters, have played a key role in shaping control mechanisms and strengthening the principle of transparency in public life. Numerous examples of such activities demonstrate that parliamentary investigative powers can be not only an effective check and balance tool but also an instrument of political struggle. Although the political systems of Poland and the United States differ considerably, certain similarities can nonetheless be observed, including the direction in which their investigative committees have evolved. Therefore, the aim of this article is to compare and characterize the evolution of parliamentary investigative powers – investigative committees in Poland and the United States. The hypothesis has been formulated as the assumption that the political instrumentalization of these committees in both countries leads to the erosion of their control function in this regard and their transformation into instruments of partisan rivalry, thereby weakening the constitutional significance of parliamentary control. For the purposes of this article, the dogmatic-legal, theoretical-legal, and historical-legal methods were used.

PARLIAMENTARY CONTROL AND THE DEVELOPMENT OF INVESTIGATIVE COMMITTEES IN POLAND

Detailed considerations regarding the analyzed topic should begin with a reference to the structure of parliamentary control. It should be noted in this context that the 1997 Constitution, in its Article 95(2), states that “The Sejm shall exercise control over the activities of the Council of Ministers within the scope specified by the provisions of the Constitution and statutes”. The regulation concerning investigative committees is Article 111 of the 1997 Constitution. Pursuant to Section 1 of the aforementioned provision, the Sejm may appoint an investigative committee to examine a specific matter, while Section 2 indicates that the procedure for the investigative committee’s operation is specified by statute, namely the Act of 21 January 1999 on the Sejm Investigative Committee². It is worth mentioning that the above-mentioned provision contained in Article 95(2) of the 1997 Constitution entirely omits the second chamber of the Polish Parliament – the Senate of the Republic of Poland, which may indicate that it was not vested with powers to undertake actions related to the exercise of the constitutional control function. It should be added in this context that no provision

² Journal of Laws 1999, no. 35, item 321.

of the current Constitution of 1997 mentions any oversight powers of the Polish Senate. Nor does Article 111 of the aforementioned legal act, which refers, as already indicated, to the right to appoint investigative committees, which is particularly important for this article. It should therefore be agreed with the view expressed by W. Skrzydło, according to which “the activity of such committees is connected with the exercise of the Sejm’s oversight function, in which the Senate does not participate; therefore, such committees may exist only in the Sejm”³. Consequently, further considerations regarding Poland, unlike those concerning investigative committees in the United States, will refer to the first chamber of the Polish Parliament⁴.

It is worth briefly mentioning the development of the institution of investigative commissions in the Republic of Poland. The first Polish constitution after regaining independence, the March Constitution of 17 March 1921⁵, granted the Sejm the power to establish bodies with the nature of investigative commissions. This power was defined in Article 34 thereof, according to which “The Sejm may appoint and designate extraordinary committees to investigate individual matters, with the right to question interested parties and to summon witnesses and experts. The scope of activities and powers of these committees shall be determined by the Sejm”. As A.J. Madera points out, this was the beginning of the tradition of investigative committees in the Polish political and legal system⁶.

The April Constitution of 23 April 1935⁷ became an exception, as it did not contain provisions granting any chamber the authority to appoint investigative committees. It should be recognized that this was related to the departure from the system of parliamentary government and, consequently, the limitation of the competences and importance of the legislative branch⁸. The Sejm’s authority to establish committees for the investigation of specific matters reappeared in

³ W. Skrzydło, *Konstytucja Rzeczypospolitej Polskiej. Komentarz*, Warszawa 2013, p. 141.

⁴ Particularly important for the issue under analysis is the very concept of parliamentary oversight itself. In this context, it is worth noting that this notion can be understood in two ways: a broad sense and a narrow sense. One of the main differences between these definitions is that the broader one includes the possibility of exercising authoritative influence over the entity being controlled. See Z. Czeszejko-Sochacki, *Prawo parlamentarne w Polsce*, Warszawa 1997, p. 168; L. Garlicki, *Polskie prawo konstytucyjne. Zarys wykładu*, Warszawa 2018, p. 277.

⁵ Act of 17 March 1921 – Constitution of the Republic of Poland (Journal of Laws 1921, no. 44, item 267).

⁶ See A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje i doświadczenia współczesne*, Toruń 2011, p. 31. See also A. Burda, *Konstytucja marcowa. Dokumenty naszej tradycji*, Lublin 1983, pp. 74–75.

⁷ Constitutional Act of 23 April 1935 (Journal of Laws 1935, no. 30, item 227).

⁸ S. Bożyk, *Etapy rozwoju współczesnego polskiego konstytucjonalizmu*, [in:] *Prawo konstytucyjne*, ed. M. Grzybowski, Białystok 2008, p. 54.

Article 21 of the Constitution of 22 July 1952⁹. However, the nature of this system and the systemic suppression of the opposition prevented the conclusion that these were proper investigative committees.

A provision concerning the establishment of committees to investigate specific matters, with the right to hear summoned persons under the procedure of the Code of Criminal Procedure, was included in the Small Constitution of 17 October 1992¹⁰. This could be considered a full-fledged return of real investigative committees to the Polish system.

The next stage in the ingrainning of these bodies into the Polish political system was the adoption of the 1997 Constitution, in which, as already mentioned, investigative committees found their place in Article 111. Shortly thereafter, in May 1998, work began on the Act on the Sejm Investigative Committee, which was ultimately adopted on 21 January 1999, and became, alongside the Constitution, the main basis for the functioning of investigative committees in Poland¹¹. The provisions of the aforementioned legal act of 1999 regulate primarily “organizational, competence, and functional issues concerning Sejm investigative committees. It regulates such matters as the appointment of the committee, the procedure for appointing its members, the participation of members of parliament in the work of the committee, proceedings before the committee, the duties and rights of persons summoned by the committee, and the finalization of the committee’s work”¹².

PARLIAMENTARY CONTROL AND THE DEVELOPMENT OF INVESTIGATIVE COMMITTEES IN THE UNITED STATES

Moving on to issues related to the functioning of investigative committees in the American political and legal system, it should be noted at the outset that, unlike in Poland, the Constitution of the United States does not explicitly define the competence to establish investigative committees. Moreover, it does not even expressly mention Congress’s power to conduct control activities. The process of shaping the institution of investigative committees in this country differed

⁹ Constitution of the Polish People’s Republic of 22 July 1952 (Journal of Laws 1952, no. 33, item 232).

¹⁰ Constitutional Act of 17 October 1992 on the mutual relations between the legislative and executive powers of the Republic of Poland and on local self-government (Journal of Laws 1992, no. 84, item 426).

¹¹ See A. Kowalski, M. Lewandowski, T. Osiński, *Sejmowa komisja śledcza. Ustawa z 1999 r. z komentarzem*, Warszawa 2006, pp. 11–14; B. Secler, *Sejmowe komisje śledcze w systemie politycznym RP. Bilans dotychczasowych doświadczeń*, “Środkowoeuropejskie Studia Polityczne” 2013, no. 4, p. 212.

¹² J. Kuciński, A.J. Madera, *Sejmowe komisje śledcze w świetle rozwiązań normatywnych i praktyki*, “Państwo Prawne” 2011, no. 1, p. 74.

significantly from the Polish experience, in which the relevant provisions, indicated above, were first passed and only then such committees were established. In the case of the United States, the ideas of Montesquieu played a key role in shaping the institution – particularly his view that the legislature should possess “the capacity to examine how the laws it enacts are being executed”¹³. This means that parliamentary control is related to law-making procedures, which require the legislature to have knowledge about the functioning of other bodies¹⁴. A certain development of this idea in the American political and legal system can be considered the statement of the later twenty-eighth President of the United States, Woodrow Wilson, who stated that “Vigilant supervision of administration is as important as the enactment of laws”¹⁵. The aforementioned idea of Montesquieu can be regarded as one of the ideological foundations for the establishment and development of the control powers of the United States Congress¹⁶. It was also an important factor influencing the formation of the authority to conduct investigative activities by standing committees and to establish special investigative committees.

The first investigative committee, in the form of a select committee tasked with “investigating the failure of the federal expedition against the Indians”¹⁷, was established in the House of Representatives in 1792. The first Senate committee was established in 1818. Despite the lack of such authority, the Constitution stated that such actions were necessary for the effective performance of the duties entrusted to the legislative branch. It can therefore be assumed that, as B. Banaszak points out, this competence has developed through custom, similarly to the principle according to which the parliament may conduct investigative activities only through the committee¹⁸.

The U.S. Supreme Court referred to the discussed power of Congress, which found that investigative powers should serve the implementation of the legislative function and thus adopted the principle of “presumption of the need for an investigation for the performance of the legislative function by Congress”¹⁹. It is worth noting that although the investigative powers of Congress are broad, they cannot be regarded as unlimited. The Supreme Court has held that the authority

¹³ Monteskiusz, *O duchu praw*, Kęty 1997, p. 142.

¹⁴ For example, see A. Hadała-Skóra, *Pozycja ustrojowa drugiej izby parlamentu na przykładzie Stanów Zjednoczonych Ameryki, Republiki Federalnej Niemiec oraz Federacji Rosyjskiej*, Rzeszów 2021, pp. 154–155; M. Kruk, *Funkcja kontrolna Sejmu RP*, Warszawa 2008, pp. 5–7.

¹⁵ W. Wilson, *Congressional Government*, Boston 1885, p. 297.

¹⁶ See B. Banaszak, *Komisje śledcze we współczesnym parlamentarystyce państw demokratycznych*, Warszawa 2007, pp. 31–34.

¹⁷ A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje...*, p. 65.

¹⁸ B. Banaszak, *op. cit.*, p. 33.

¹⁹ W. Sokolewicz, *Komisje śledcze w parlamentach współczesnych państw demokratycznych*, “Ekspertyzy i Opinie Prawne. Biuletyn” 1993, no. 4, p. 6; *McGrain v. Daugherty*, 273 U.S. 135 (1927).

to conduct investigations may be exercised only “in order to aid the legislative function”²⁰ and may not be used for the mere purpose of disclosing information²¹. It is worth noting that in the *Watkins* case, the Court emphasized that “there is no general authority to disclose the private affairs of individuals without justification in the context of Congress’s functions (...). Congress is not a law enforcement or judicial authority. These are functions of the executive and judicial branches. No investigation is an end in itself; it must be related to and serve a legitimate congressional function”²². It can therefore be observed that judicial decisions have played a particularly significant role in shaping and further developing the oversight powers of Congress, including those of investigative committees. While several other important rulings could also be mentioned, it seems appropriate at this point to return to the origins of the regulation of investigative committees in legal acts.

It is worth mentioning the Legislative Reorganization Act of 1946²³. This act granted investigative powers to all standing committees of the House of Representatives and the Senate. In this context, Section 136 thereof can be mentioned, which specified that “To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government”. This resulted in an increase in the participation of standing committees in ongoing investigations²⁴.

This legislation was replaced in 1970 by the Legislative Reorganization Act of 1970²⁵. It addresses issues related to the investigative powers of House and Senate committees more broadly. According to Section 118 thereof, each standing committee (Senate and House of Representatives) shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that

²⁰ *Kilbourn v. Thompson*, 103 U.S. 168, 204 (1880).

²¹ See A.M. Dolan, T. Garvey, *Congressional Investigations of the Department of Justice, 1920–2012: History, Law, and Practice*, CRS Report for Congress, Washington 2012, p. 4.

²² *Watkins v. United States*, 354 U.S. 178 (1957).

²³ Legislative Reorganization Act of 1946, 60 Stat. 832. The text is available at <https://budgetcounsel.com/wp-content/uploads/2017/01/pl79-601-legislative-reorganization-act-of-1946-60-stat-812.pdf> (access: 20.2.2026).

²⁴ J.P. Harris, *Congressional Control of Administration*, New York 1964, p. 293.

²⁵ Legislative Reorganization Act of 1970, 84 Stat. 1156. The text is available at <https://www.congress.gov/bill/91st-congress/house-bill/17654/text> (access: 20.2.2026).

committee. It is also worth noting that the possibility of establishing *ad hoc* investigative committees was retained. However, unlike standing committees, these bodies did not possess explicitly defined control powers, as such powers were to be determined in each case by the chamber that established the committee²⁶.

In general, four types of committees can be distinguished within the U.S. Congress: standing committees, special (or select) committees, joint committees, and sometimes “conference committees”. Among these, only the last type is excluded from the authority to conduct investigations²⁷, because they relate to the legislative procedure and their purpose is to resolve differences in competing versions of a bill. This system differs significantly from that of European countries, including Poland. Despite this, they face very similar challenges that significantly impact the perception of and trust in investigative committees.

INVESTIGATIVE COMMITTEES AS A PART OF POLITICAL RIVALRY IN POLAND

One of the most controversial aspects of the functioning of investigative committees in democratic states is their aforementioned susceptibility to political instrumentalization. Although they are intended to serve the purpose of parliamentary control, in practice they often become tools of partisan rivalry and elements of the communication strategies of particular political groups. As a result, instead of serving as substantive forums for clarifying the circumstances of specific matters, these committees frequently turn into stages for political spectacle²⁸. In Poland, this phenomenon has been steadily intensifying since the adoption of the current Constitution in 1997 and the Act on the Sejm Investigative Committee in 1999, reaching its peak during the eighth term of the Sejm. During this period, successive investigative committees began their work amid the unfolding constitutional crisis and increasing polarization of the political scene.

In this context, it is worth mentioning the Investigative Committee to examine the correctness and legality of actions of public authorities and institutions towards entities belonging to the Amber Gold Group, which operated from 19 July 2016 to 17 October 2019, and the Investigative Committee to examine the correctness and legality of actions and the occurrence of negligence and omissions of public authorities and institutions in the scope of ensuring the State Treasury revenue from the goods and services tax and excise tax in the period from December 2007 to November 2015, which operated from 5 July 2018 to 11 September 2019.

²⁶ For example, see B. Banaszak, *op. cit.*, p. 35.

²⁷ A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje...*, p. 66.

²⁸ See H. Pajdała, *Komisje sejmowe. Status i funkcjonowanie*, Warszawa 2003, p. 43.

An analysis of the records of the committee meetings²⁹ allows us to conclude that their actual purpose was not to substantively examine the issues indicated in the resolutions establishing them, but to instrumentally use the powers of such committees to attack their political opponents. By way of example, both of the above-mentioned committees, though certainly not exclusively, as this is a much broader issue, exploited the obligation of a person summoned to appear before the committee, as defined in Article 11 of the Act on the Sejm Investigative Committee, to “harass” political opponents and those associated with them. In this context, it can also be noted that the scope of the committee’s activities defined by the Sejm, referred to in Article 2(3) thereof, as well as its “control objectives” are often so general that they allow the committee to take a very broad approach to the issue being analyzed, which consequently leads to its work being used to pursue current political goals that, if the scope of activities were defined more precisely, would not fall within the scope of the functioning of such a committee.

It is also worth noting that the committee’s objectives sometimes even exceeded the regulations contained in the Act on the Sejm Investigative Committee. This type of accusation was made regarding the objectives of the Investigative Committee to investigate the PKN Orlen affair³⁰, which operated during the fourth term of the Sejm – from 6 July 2004 to 19 September 2005. It is believed that the initiators of the establishment of this committee wanted to take action not only to clarify the matter formally subject to the work of this body, but also to effectively expand its scope of activity to encompass the entire privatization process at the time. It appears that the intention was to use this body in this way for ongoing political infighting and thus to attack the previously ruling parties, which were viewed with equal criticalness by the committee’s initiator, the League of Polish Families (*Liga Polskich Rodzin*)³¹. This attempt to actually expand the scope of its work should be assessed unequivocally negatively, as it clearly contradicted the principles of operation of investigative committees in the Polish legal system.

Concluding the considerations regarding the instrumentalization of Polish investigative committees, it should be noted that, instead of focusing on substantive fact-finding and developing systemic recommendations, their work

²⁹ Sejm RP, VIII kadencja, Komisja Śledcza do zbadania prawidłowości i legalności działań organów i instytucji publicznych wobec podmiotów wchodzących w skład Grupy Amber Gold (SKAG), <https://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=PRACEKOMSL&NrKadencji=8&KodKom=SKAG> (access: 20.2.2026); Sejm RP, VIII kadencja, Komisja Śledcza do zbadania prawidłowości i legalności działań oraz występowania zaniedbań i zaniechań organów i instytucji publicznych w zakresie zapewnienia dochodów Skarbu Państwa z tytułu podatku od towarów i usług i podatku akcyzowego w okresie od grudnia 2007 r. do listopada 2015 r. (SKVAT), <https://www.sejm.gov.pl/sejm8.nsf/agent.xsp?symbol=PRACEKOMSL&NrKadencji=8&KodKom=SKVAT> (access: 20.2.2026).

³⁰ See more A.J. Madera, *Sejmowe komisje śledcze*, Kraków–Rzeszów 2008, p. 188.

³¹ See *ibidem*, p. 190.

has often taken on the character of media hearings, in which deputies, primarily representing partisan interests, have sought to construct a narrative favorable to their own side of the political spectrum. As a result, such practices significantly blurred the lines between the control function and the actual dissemination of propaganda for the purposes of current party politics.

INVESTIGATIVE COMMITTEES AS A PART OF POLITICAL RIVALRY IN THE UNITED STATES

Similar trends, involving the increasing use of investigative committees in political rivalries, can also be observed in the United States. In that country, congressional investigative committees have been a powerful tool of political influence for decades, yet political motivations often override the objective pursuit of truth. Media coverage of committee proceedings, live broadcasts of hearings³², and selective disclosure of information foster political narratives intended to strengthen a given party's position or harm its opponents. This is confirmed by the fact that investigative activities of committees increase when the president is from a party opposed to the party currently in the majority in each chamber of Congress³³.

The instrumentalization of investigative committees leads to several dangerous systemic consequences. First, it weakens the parliament's true oversight function, as reliable analysis and evaluation of executive bodies' actions are replaced by typical political gamesmanship. Second, it reduces citizens' trust in public institutions. Committees, which should be characterized by transparency and a certain degree of professionalism, are beginning to be perceived as part of a power struggle. Finally, the frequent establishment of committees motivated by current partisan interests leads to the devaluation of the institution itself, hindering its subsequent effective use in situations that actually require investigative action. For this reason, there is an increasingly voiced need to develop solutions that would limit the potential for political exploitation of investigative committees and to introduce certain reforms, such as measures aimed at preventing the duplication of committee work³⁴.

It is worth noting that the first, and indeed fundamental, problem arises already at the stage of selecting the members of the committee³⁵. It is recognized

³² Since 1973, the principle has been to conduct deliberations in public. See S. Gebert, *Kongres Stanów Zjednoczonych Ameryki. Zarys monografii*, Wrocław 1981, p. 294; A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje...*, pp. 68–69.

³³ See L. Fisher, F.M. Kaiser, W.J. Oleszek, M. Rosenberg, *Congressional Oversight Manual*, CRS Report for Congress, Washington 2004, p. 20.

³⁴ For a more detailed discussion of the issue, see A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje...*, p. 69.

³⁵ For a more detailed discussion of the process, see R.H. Davidson, W.J. Oleszek, *Kongres i kongresmeni*, Warszawa 1994, pp. 242–243.

that membership should be based on the views of a given member of Congress and their interest in the issue being discussed. As A.J. Madera points out in the context of the American investigative committees, “Reality shows that members of the chamber who share common goals usually serve on the same committees, which results in the creation of committees that are well-coordinated but, in a sense, lack objective action”³⁶.

As has already been emphasized, investigative committees in the U.S. Congress are formally regarded as instruments serving the proper exercise of the legislative function. Their tasks include, among other things, uncovering facts, analyzing them, and recommending potential reforms. In practice, however, these bodies, using their powers, including the power to subpoena individuals, conduct interviews, request documents, and appoint external experts, often take actions aimed not only at establishing facts but also at exerting political influence. In this context, it is worth citing three committees: the Senate Committee investigating the Army-McCarthy case (1953–1954), the House Select Committee on the Events Surrounding the 2012 Benghazi Terrorist Attack (2014–2016), and the House Select Committee on the January 6th Attack on the United States Capitol (2021–2022).

The subcommittee hearings on the Army and McCarthy³⁷ are a rather specific but noteworthy example of the use of congressional power for public spectacle and reputational impact. It is worth noting that this is not a classic example of an investigative committee, but a specific institution known in American political practice: a subcommittee investigating a specific matter. These hearings, held in 1953 and 1954, were the result of Senator Joseph McCarthy’s campaign³⁸ to expose alleged communist infiltration in the federal government and the army³⁹. At that time, McCarthy was a Republican senator from Wisconsin, and the hearings were used as a means to attack officials from the administration of President Eisenhower – who belonged to the same political party. This demonstrated that the motivations behind McCarthy’s actions were not only political but also deeply personal. An analysis of the official Senate hearing transcripts reveals a consistent pattern of strategies in which the senator’s personal political interests were placed above not only the interests of the state but, notably, even those of his own party. The direct effect of the hearings was the reputational damage suffered by those investigated; however, subsequent accusations from the U.S. Army against

³⁶ A.J. Madera, *Sejmowe komisje śledcze. Polskie tradycje...*, p. 66.

³⁷ United States Senate, McCarthy and Army-McCarthy Hearings, <https://www.senate.gov/about/powers-procedures/investigations/mccarthy-and-army-mccarthy-hearings.htm> (access: 22.2.2026).

³⁸ See D.A. Ritchie, E. Bolling (eds.), *U.S. Congress Senate: Executive Sessions of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations (McCarthy Hearings 1953–54)*, Washington 2003.

³⁹ See I.L. Horowitz, *Culture, Politics and McCarthyism: A Retrospective from the Trenches*, “William Mitchell Law Review” 1996, vol. 22(2), p. 362 ff.

McCarthy led to proceedings against him, culminating on 2 December 1954, in his formal censure by the Senate⁴⁰. The investigatory process initiated by McCarthy was not continued.

A somewhat more classic example is the Benghazi investigation, which demonstrates a different kind of instrumentalization. Following the 2012 terrorist attack on the American diplomatic mission in Benghazi, multiple House committees conducted overlapping investigations, culminating in the formation of a select committee in 2014, chaired by Republican Congressman Trey Gowdy. These investigations were widely interpreted as being used by House Republicans to politically attack the administration of Democratic President Barack Obama, and in particular former Secretary of State Hillary Clinton, ahead of the 2016 presidential election. The committee produced a final report⁴¹, supplemented with extensive descriptions, excerpts from hearing transcripts, and a minority statement prepared by Democratic members. It is worth noting that the report reflected divergent views between the majority and minority, illustrating the highly contested interpretations of the evidence. An analysis of the report and the hearing transcripts indicates that the majority's conclusions were formulated selectively, and that the timing of report releases and hearings often coincided with political and electoral cycles. These characteristics suggest that the committee's investigative activities were used instrumentally, not solely to establish facts, but also to advance partisan narratives, shape public perception, and signal alleged administrative incompetence in ways that went beyond the immediate purpose of the investigation itself. It can also be considered that the activities of this committee have, to some extent, violated the principle of the Supreme Court case law, according to which the powers to conduct investigations cannot be used to disclose information for the sake of disclosure⁴², which seems to have been one of the partial objectives of the indicated committee.

It is also worth mentioning the House Select Committee established to investigate the attack on the Capitol on 6 January 2021. It was created in June 2021 by the House of Representatives, which was at that time controlled by the Democratic Party⁴³. The committee conducted a comprehensive investigation into the attack. Although the establishment of the committee was justified in itself, the methods by which it carried out its work must be regarded as less than entirely

⁴⁰ See United States Senate, The Censure Case of Joseph McCarthy of Wisconsin (1954), https://www.senate.gov/about/powers-procedures/censure/133Joseph_McCarthy.htm (access: 21.2.2026).

⁴¹ See U.S. Government Publishing Office, *Final Report of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, <https://www.govinfo.gov/app/details/CRPT-114hrpt848/context> (access: 21.2.2026).

⁴² See A.M. Dolan, T. Garvey, *op. cit.*, p. 4.

⁴³ See more in J. Shaub, *The Mixed Legacy of the January 6 Investigation for Executive Privilege and Congressional Oversight*, "Constitutional Commentary" 2022, vol. 37(321).

appropriate. This was not solely due to the actions of the then majority in the chamber and its representatives on the committee, although they, too, at times engaged in efforts aimed at further discrediting their Republican opponents, including President Donald Trump. However, this characterization primarily concerns the attempts evident in the final report by members of the minority Republican Party, particularly from its more radical wing, who sought to place full responsibility for the attack on their political adversaries from the Democratic Party. From a formal standpoint, the Democrats controlled the committee, which led Republicans to portray the investigation as politically motivated, thereby seeking to deepen societal polarization and, in turn, to exploit that polarization for their own political purposes against their opponents.

In summary, the three examples discussed above – the Army-McCarthy Hearings, the Benghazi Select Committee, and the House Select Committee to Investigate the January 6th Attack, collectively illustrate several political uses of congressional investigations, ranging from personal aggrandizement and reputation destruction to long-term partisan messaging and attempts to impose political narratives for strategic purposes. Official documents, including published transcripts of the hearings and final reports, provide a solid empirical basis for studying these processes. These cases highlight that, although congressional investigative committees are formally instruments of parliamentary control, they are often used as political strategy tools, shaping narratives to serve personal and partisan agendas. Therefore, some clear and significant similarities to the problems observed in Polish investigative committees can be identified. It may therefore be argued that such bodies in both of the analyzed countries are affected by excessive involvement in ongoing political competition, which runs counter to their institutional purpose and, as a result, substantially undermines their functioning.

CONCLUSIONS

The analysis conducted in this article reveals that the institution of investigative committees, both in Poland and the United States, constitutes a key tool for control. Although their primary purpose is to clarify the circumstances of cases that raise significant doubts, practical operation demonstrates that their true constitutional significance is often distorted by their use to achieve current political goals. This phenomenon takes different forms in both systems but leads to similar consequences: weakening public trust, diminishing substantive value, and degrading the legislative power in question. Therefore, it would be advisable to propose solutions aimed at least partially protecting investigative committees from such actions. It would be worth considering the introduction, in both of the analyzed countries, of mechanisms allowing for the appointment of nonpartisan experts to the committees, who could serve alongside members of parliament.

Of course, this concept also has its drawbacks, because someone has to select these experts, which would likely be done by members of parliament. Therefore, it cannot be ruled out that members of parliament would select individuals with some degree of affiliation with a given political party.

It is also worth considering, in both of the analyzed countries, the introduction of measures limiting the broadcasting of hearings, so that the work of the committees can be more strongly focused on substantive analysis. In the absence of appropriate action, there is a risk of further instrumentalization of this institution, which could ultimately lead to a complete erosion of its reputation and significance in both countries. In the United States, an additional solution worth considering would be the introduction of more stringent procedural safeguards governing the functioning of congressional investigative committees. This could be reflected, in particular, in stronger bipartisan requirements at key stages of the proceedings, such as the approval of final reports, potentially through the introduction of supermajority thresholds. Such mechanisms could reduce the risk of unilateral political influence and enhance the credibility of committee findings, as they would require cooperation between representatives of both parties in approving the committee's conclusions. Another change that could be introduced in Poland would be to involve the Senate in the process of appointing investigative committees, thus establishing joint Sejm-Senate committees. Of course, such a change would require granting the Senate a control function, which would require constitutional amendments. However, it seems that this chamber, known as the "Chamber of Reflection", could make a significant contribution to the development of this control power.

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ABSTRACT

The aim of the article is to analyze the evolution of parliamentary investigative powers, including parliamentary investigative committees in Poland and congressional investigative committees and subcommittees examining specific matters in the United States, in the context of their role as instruments of parliamentary control in democratic systems. The starting point of the study is the hypothesis formulated as the assumption that the political instrumentalization of committees of inquiry in both countries leads to the erosion of their proper control role and, consequently, to their transformation into tools of ongoing partisan rivalry. The study employs the dogmatic-legal, theoretical-legal, and historical-legal methods, which allow for tracing the development and practical functioning of these bodies in both political systems. The conclusions from the analysis indicate that the excessive politicization of investigative committees leads to negative consequences both for the public perception of this institution and for the effectiveness of its control function. Instead of serving as a check on power and guaranteeing the transparency of public life, these committees are increasingly becoming arenas for partisan disputes, resulting in diminished credibility and weakening public trust in parliament as a control institution.

Keywords: investigative committees; control; control function; instrumentalization; Sejm; Congress; Poland; the United States

ABSTRAKT

Celem artykułu jest analiza ewolucji parlamentarnych uprawnień śledczych, ze szczególnym uwzględnieniem parlamentarnych komisji śledczych w Polsce oraz komisji śledczych i podkomisji badających określone sprawy w Stanach Zjednoczonych w kontekście ich roli jako instrumentów kontroli parlamentarnej w systemach demokratycznych. Punktem wyjścia badania jest hipoteza sformułowana jako przypuszczenie, że polityczna instrumentalizacja komisji śledczych w obu krajach prowadzi do erozji ich właściwej roli kontrolnej, a w konsekwencji do przekształcenia ich w narzędzia trwającej rywalizacji partyjnej. W badaniu wykorzystano trzy metody: dogmatyczno-prawną, teoretyczno-prawną i historyczno-prawną, które pozwalają na prześledzenie rozwoju i praktycznego funkcjonowania tych organów w obu systemach politycznych. Wnioski z analizy wskazują, że nadmierna polityzacja komisji śledczych prowadzi do negatywnych konsekwencji zarówno dla postrzegania tej instytucji przez opinię publiczną, jak i dla skuteczności samej funkcji kontrolnej.

Zamiast pełnić funkcję kontroli władzy i gwarantować transparentność życia publicznego, komisje coraz częściej stają się areną sporów partyjnych, co prowadzi do spadku ich wiarygodności i do osłabienia zaufania społecznego do parlamentu jako instytucji kontrolnej.

Słowa kluczowe: komisje śledcze; kontrola; funkcja kontrolna; instrumentalizacja; Sejm; Kongres; Polska; Stany Zjednoczone