

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
STEVEN SCHIFF, NEW MEXICO
CHRISTOPHER COX, CALIFORNIA
LEAH RODLETTI, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
JOHN SHADEGG, ARIZONA
STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
JOHN E. SUNUNU, NEW HAMPSHIRE
PETE SESSIONS, TEXAS
MIKE PAPPAS, NEW JERSEY
INCE SNOWBARGER, KANSAS
OB BARR, GEORGIA
OB PORTMAN, OHIO

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
BOB WISE, WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
CAROLYN B. MALONEY, NEW YORK
THOMAS M. BARRETT, WISCONSIN
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

April 27, 1998

The Honorable Dan Burton
Chairman
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Burton:

We are writing to clarify the facts surrounding your release of prison tapes of Webster Hubbell, which have been the subject of much debate.

Rep. Waxman originally wrote to you about this matter on March 20, 1998, the day after an article appeared in the *Wall Street Journal* that quoted from prison tapes of a private conversation between Mr. Hubbell and his wife. This tape had been subpoenaed by the Committee.


In response, you wrote Rep. Waxman on March 27, 1998, and indicated that you were the likely source of the tapes. In that letter, you stated, "Two tapes that were considered relevant were entered into the Committee record on December 10, 1997." You then went on to explain that the two tapes "reference matters under investigation by the Committee."

We were puzzled by your response. Mr. Lantos, who served as ranking minority member during the December 10 hearing, does not recall these tapes being introduced at the hearing. Furthermore, there is no reference to these tapes in the hearing transcript.

At the April 23, 1998, Committee meeting, you gave a different explanation for the release of the tapes. You argued that the tapes were entered into the record on December 9, 1997, under a unanimous consent request made by Mr. Shays. This, too, is inaccurate.

Mr. Shays's unanimous consent request asked "to enter into the record ... records relating to Webster Hubbell as it relates to \$100,000 of the Lippo payments and his withholding of information." ("Hearing on the Current Implementation of the Independent Counsel Act," December 9, 1997, at 213.) This request does not on its face refer to the tapes and cannot be interpreted in any way to include tape recordings of Mr. Hubbell's private conversations with his wife regarding what Mrs. Hubbell should cook her family for dinner -- the subject of the *Wall Street Journal* story.

Sincerely,


Henry A. Waxman
Ranking Minority Member


Tom Lantos
Member of Congress

cc: Members of the Committee on Government Reform and Oversight