

Congress of the United States
House of Representatives
Washington, DC 20515

May 22, 2001

Mr. David S. Addington
Counsel to the Vice President
Office of the Vice President
Old Executive Office Building
Washington, D.C. 20501

Dear Mr. Addington:

We are in receipt of a copy of your letter to Anthony Gamboa, General Counsel of the General Accounting Office (GAO) dated May 16, 2001. As you are aware, the GAO has accepted our request for a review of the President's Energy Policy Development Group (NEPDG). The details of that request were provided to you and to Andrew Lundquist, Executive Director of the NEPDG.

We are dismayed by your lack of full cooperation with GAO. Indeed, we are astounded by your questioning the authority of GAO to conduct an investigation. As you are aware, the ability of Congress to conduct oversight of the Executive Branch activities has been long established, and includes the ability to examine all deliberations. The GAO acts as the investigative arm of the Congress. Certainly the Vice President, who served as Secretary of Defense, must be aware of the role of GAO in the investigation of Executive Branch deliberations. You certainly must be aware of investigations of the Clinton Administration, such as the Travel Office, in which members of the President's senior staff were interviewed by GAO.

In your letter, you state, "It appears that the GAO may intend to intrude into the heart of Executive deliberations, including deliberations among the President, the Vice President, members of the President's Cabinet, and the President's immediate assistants, which the law protects to ensure the candor in Executive deliberations necessary to effective government." We are not aware of any such law which is applicable to Congressional investigations. Perhaps you are referring to Executive Privilege. As you are aware, in some limited circumstances involving direct communications with the President, the President has invoked Executive Privilege. Since by precedent, this privilege can only be invoked by the President himself, we do not interpret your letter as invoking Executive Privilege. If that is your purpose, we wish to receive such clarification from the President directly.

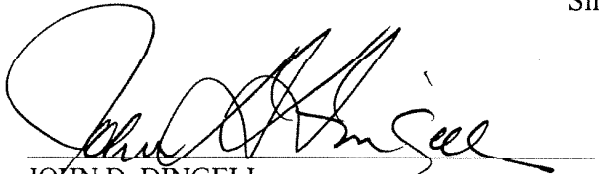
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As matters stand now, we have written to Mr. Lundquist on April 19, 2001. This was followed by a nonresponsive reply in the form of a letter from you to Chairmen Tauzin and Burton, with an attachment from Mr. Lundquist, on May 4, 2001. This was followed by a subsequent letter to Mr. Lundquist on May 15, 2001, renewing our requests contained in the April 19, 2001, letter. We have received no further reply.

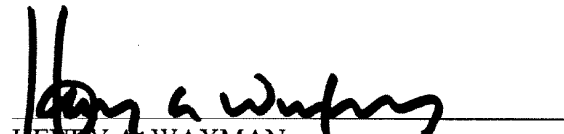
It is a shame that the Vice President's Energy Task Force has begun deliberations on the National Energy Policy with such a determined attitude of secrecy and stonewalling. We in Congress, and the public at large, have the right to know how the energy policy was developed, including what special interests were consulted, what influence they had, and how competing interests were reconciled.

We call on you to immediately provide full cooperation to the GAO investigation.

Sincerely,



JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND COMMERCE



HENRY A. WAXMAN
RANKING MEMBER
COMMITTEE ON GOVERNMENT REFORM

cc: The Honorable W. J. "Billy" Tauzin, Chairman
Committee on Energy and Commerce

The Honorable Dan Burton, Chairman
Committee on Government Reform

The Honorable Anthony Gamboa, General Counsel
General Accounting Office