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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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October 22, 1997

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

Dear Mr. Chairman:

Two weeks ago, you announced your intention to seek immunity for Nora and Gene Lum. We are writing to explain our views about how the Committee should proceed in considering immunity for these and future witnesses.

As the minority members of the Committee, we have been disappointed in the conduct of the campaign finance investigation. Our traditional minority rights -- such as the right to object to the issuance of subpoenas or the right to insist on Committee votes prior to the release of confidential documents -- have been routinely disregarded. The procedures you are following in our Committee are far more partisan than those established by Senator Thompson in the Senate campaign finance investigation or by Democratic chairmen in comparable House investigations such as Iran-Contra. Indeed, under your leadership, our Committee has even denied the minority members basic procedural rights that the Committee unanimously adopted last Congress under your Republican predecessor, Chairman Clinger. As a result of these procedures, 576 Committee subpoenas, document requests, and deposition notices have targeted alleged Democratic campaign finance abuses; only 10 have sought information about alleged Republican abuses.

Nonetheless, despite our serious misgivings about the fairness of the investigation, we gave you our bipartisan support by voting to grant immunity on September 24 to David Wang and two other witnesses. We now believe this was a mistake. Our gesture of bipartisanship was not reciprocated. To the contrary, on the same day that we voted with you in favor of immunity, the Republican majority on the Committee voted down our motion to release deposition transcripts and rejected the agreement Rep. Waxman had negotiated with you to provide us and our staffs reasonable access to transcripts of Committee depositions. More recently, you have informed Mr. Waxman that you will reject our only request for a consultant for the minority -- despite the fact that the Committee has already approved four contracts for consultants for the majority.

Moreover, at the hearing on October 9, we learned that you had failed to investigate

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David Wang properly before proposing immunity for him. The result was a major embarrassment for the Committee: Mr. Wang received immunity for potentially serious immigration and tax violations that no members of the Committee were informed about, while the Committee received testimony that now appears to be demonstrably inaccurate.

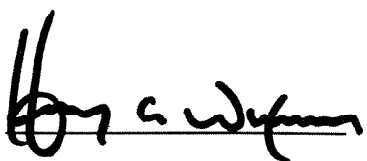

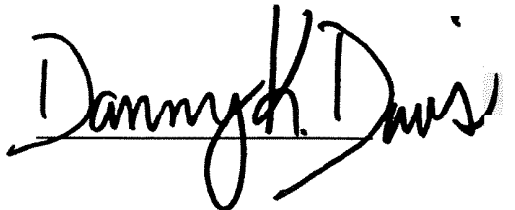
Given this history, we intend to insist on a new approach before supporting future requests for immunity. First, we will insist that the Committee adopt fair procedures for the investigation. At a minimum, these procedures must:

- (1) Provide the minority members of the Committee an opportunity to obtain a vote of the Committee if the minority members object to a subpoena that you propose to issue or if you reject a subpoena that the minority members request you to issue;
- (2) Provide the minority members of the Committee an opportunity to obtain a vote of the Committee if the minority members object to your proposal to release unilaterally confidential Committee documents; and
- (3) Provide the minority counsel the right to ask questions at depositions in alternating one-hour rounds.

Second, we will also insist that the Committee staff conduct a thorough investigation of any witness seeking immunity. The goal of this investigation should be to determine (1) whether the testimony of the witness can be corroborated, (2) whether the witness will abuse the Committee's grant of immunity by testifying to criminal acts not previously disclosed to the Committee, and (3) whether the grant of immunity will jeopardize a criminal investigation by the Department of Justice or an Independent Counsel. We do not intend to support immunity unless it can be established in advance that the witness's testimony will be accurate, that the witness will not abuse the grant of immunity, and that the grant of immunity will not compromise an important criminal investigation.

We hope this letter clarifies the approach we intend to follow in considering immunity for the Lums or other witnesses. We would be happy to discuss these matters with you at a Committee meeting.

Sincerely,

Tom Allen Paul R. Blagojevich John F. Tierney

Charles Fatter Edyot E. Cummings Harold Ford Jr.

Tom Barnett Dennis J. Kucinich Major R. Allen

[Signature] B. B. [Signature] [Signature]

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