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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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August 24, 1998

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

Dear Chairman Burton:

I am writing in response to your August 13, 1998, letter regarding the validity of your subpoena to Attorney General Reno. As I explained in detail in my July 24, 1998, letter to you on this subject, I am concerned that the subpoenas were issued without following the procedures prescribed in the Committee's document protocol.

In your letter, you conclude that "[e]ven a cursory review of the facts shows that the subpoena was issued in full compliance with the Committee Document Protocol." The Committee's document protocol, however, requires that "[t]he working group shall endeavor in good faith to reach consensus" on issuing a subpoena. I would disagree that you made a "good faith" attempt to reach a consensus.

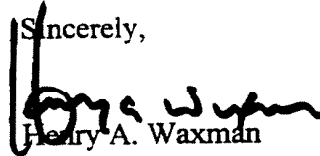
When the working group first convened -- at a time of your choosing -- the members present had an opportunity to share their views on the matter as contemplated in the document protocol. At the end of this meeting, I believed it was appropriate for the members present to vote on the issuance of the subpoena. If the working group had voted at that time to issue the subpoena, I would not have raised concerns, since I had been given an opportunity to raise my objections to the members present.

Rather than voting at that time, however, you chose to reschedule the vote for a later time because Mr. Hastert was not present. When the working group did reconvene, you immediately called for a vote on issuing the subpoenas without giving me an opportunity to share my views with Mr. Hastert. Furthermore, while you insisted on rescheduling the vote for a time that Mr. Hastert was available, you conducted the vote at a time when Mr. Lantos was not present. This indicates that the goal was to obtain a predetermined outcome, not to allow the working group to strive in good faith to reach a consensus.

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At the June 23, 1998. Committee meeting, you assured the minority that the rules changes you proposed were "not cosmetic changes." Your actions with regard to the issuance of this subpoena show otherwise. I do not believe that a " cursory review" of these facts shows that you acted in good faith, as required by the Committee's document protocol.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is written in a cursive style with a large initial "H".

Henry A. Waxman  
Ranking Minority Member

cc: The Honorable Janet Reno  
Members of the Committee on Government Reform and Oversight