

ON INDIANA
IRMAN
A GILMAN, NEW YORK
HASTEPT, ILLINOIS
CE A MORELLA, MARYLAND
PHER SHAYS, CONNECTICUT
CHIFF, NEW MEXICO
HER COX, CALIFORNIA
S-LEHTINEN, FLORIDA
CHUGH, NEW YORK
HORN, CALIFORNIA
ICA, FLORIDA
M. DAVIS III, VIRGINIA
MCINTOSH, INDIANA
OUDER, INDIANA
BOROUGH, FLORIDA
DEGG, ARIZONA
LATOURETTE, OHIO
L. MARK SANFORD, SOUTH CAROLINA
HUNO, NEW HAMPSHIRE
IONS, TEXAS
PAS, NEW JERSEY
OWBARGER, KANSAS
R, GEORGIA
TMAN, 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

May 10, 1998

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
BOB WISE, WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EPOLPHUS 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

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

I am writing in the spirit of bipartisanship to work with you to find a constructive solution to the difficult problems facing the Committee on Government Reform and Oversight. During the past several weeks, you have personally attacked me and questioned my integrity without justification. I believe, however, that the American people expect more from us than name-calling and partisan battles. Instead of escalating this fight, I want to make a genuine attempt to work with you to meet their expectations.

I am prepared to recommend to my Democratic colleagues that they support the pending immunity requests. But before I do, I believe that the rules and procedures guiding the Committee's campaign finance investigation must be changed so that the Committee can conduct a fair and thorough investigation.

Of course, such changes also require that the chair of the investigation be fair and credible. Mr. Burton, the current chairman, has disqualified himself by his actions. He has called the President a vulgar name and said that he is out to get the President. And he has "doctored" evidence by releasing altered and selectively edited transcripts of the Webster Hubbell tapes. There are several senior Republican members of the Committee who could immediately take his place and continue the investigation. For the investigation to have any legitimacy, this must happen.

A fair investigation must have fair procedures. Some have asserted that the Democratic members want a veto over the conduct of the investigation. This is not true. We are not seeking the right to block the issuance of subpoenas or the release of documents. All we want is the opportunity to present our arguments to the Committee if we raise objections that the chair is unwilling to acknowledge. We recognize that we are in the minority and that we can be outvoted. Fairness dictates, however, that we should at least have the right to appeal our case to the Committee members if we are summarily rejected by the chair.

The Honorable Newt Gingrich

May 10, 1998

Page 2

I am not asking for unusual procedures. The exact opposite is the case. In the last year, Mr. Burton issued over 600 subpoenas unilaterally, without minority concurrence or a Committee vote. That is more than three unilateral subpoenas for every day the House was in session. To the best of my knowledge, however, no Democratic committee chairman since the McCarthy era forty years ago ever issued a subpoena unilaterally. The congressional subpoena power is an awesome power. It compels an individual to turn over documents to Congress or to testify before Congress against the individual's will. Prior to Mr. Burton, committee chairmen simply did not exercise this power unilaterally.

As Lee Hamilton, the chair of the House Iran-Contra investigation, wrote me:

As a matter of practice in the Iran-Contra investigation, the four Congressional leaders of the Select Committee -- Senators Inouye and Rudman, Representative Cheney and I -- made decisions jointly on all matter or procedural issues, including the issuance of subpoenas. I do not recall a single instance in which the majority acted unilaterally.

Likewise, Mr. Burton's unilateral release of subpoenaed documents is the exception, not the rule. I cannot think of a precedent for a committee chairman releasing such personal information -- such as Mr. Hubble's private conversations with his wife and daughters -- unilaterally.

There are many precedents in congressional history for fair investigative procedures. You have referred repeatedly to the Watergate investigation as a model of bipartisanship. The House Watergate investigation had fair procedures that provided the minority the right to seek a committee vote if they objected to a proposed subpoena or document release. These Watergate procedures would provide an excellent model for this investigation.

Fair procedures do not lead to gridlock. To the contrary, they lead to bipartisan cooperation and a more successful investigation. They also are a safeguard against the kind of abuses that have characterized Mr. Burton's investigation. Under the rules followed in other congressional investigations, the entire committee is accountable for the investigation. Under Mr. Burton's rules, the Committee has transferred virtually all its power to him alone and he is accountable to no one. The events of the past weeks make it clear why this model should never be used again.

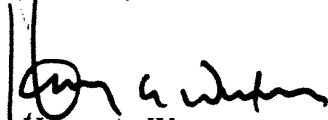
Senator Thompson followed fair procedures in his campaign finance investigation, and he was able to accomplish far more than Mr. Burton. In fact, he held 33 days of hearings and filed a 1,100-page report before Mr. Burton held his twelfth day of hearings. The Thompson procedures would be another excellent model for this investigation.

The Honorable Newt Gingrich
May 10, 1998
Page 3

You have accused me and other Democrats of "stonewalling" the investigation. That is not accurate. Mr. Burton has had virtually limitless powers. Democrats have blocked none of the 602 unilateral subpoenas he has issued, nor have we blocked any of the 148 depositions that his staff has conducted. In fact, we even supported the only other three immunity requests made by Mr. Burton. I want to be part of a thorough investigation of campaign finance abuses. I don't want to be in the position I am in now, where I must oppose immunity requests as a matter of principle.

Mr. Speaker, I am willing to put partisanship aside in addressing the problems on the Committee on Government Reform and Oversight. I hope you will join with me in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is written in a cursive, somewhat stylized script.

Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight.