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HOUSE OF REPRESENTATIVES

BUSINESS MEETING IN THE PROCEEDINGS AGAINST JOHN M. QUINN, DAVID WATKINS, AND MATTHEW MOORE

AS PART OF

THE COMMITTEE INVESTIGATION INTO THE WHITE HOUSE TRAVEL OFFICE MATTER

BY THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

HOUSE OF REPRESENTATIVES

JUNE 1996

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BUSINESS MEETING IN THE PROCEEDINGS AGAINST JOHN M. QUINN, DAVID WATKINS, AND MATTHEW MOORE

THURSDAY, MAY 9, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The committee met, pursuant to notice, at 10:20 a.m., in room 2154, Rayburn House Office Building, Hon. William F. Clinger, Jr., (chairman of the committee) presiding.

Members present: Representatives Clinger, Gilman, Burton, Hastert, Morella, Shays, Schiff, Ros-Lehtinen, Zeliff, McHugh, Horn, Mica, Blute, Davis, McIntosh, Fox, Tate, Chrysler, Gutknecht, Souder, Martini, Scarborough, Shadegg, Flanagan, Bass, LaTourette, Sanford, Ehrlich, Collins of Illinois, Waxman, Lantos, Wise, Owens, Towns, Spratt, Slaughter, Kanjorski, Condit, Peterson, Sanders, Thurman, Maloney, Barrett, Collins of Michigan, Norton, Moran, Green, Meek, Fattah, Holden, and Cummings.

Staff present: James Clarke, staff director; Judy Blanchard, deputy staff director; Kevin Sabo, general counsel; Jonathan Yates, counsel; Judith McCoy, chief clerk; Edmund Amorosi, director of communications; Teresa Austin, assistant clerk; Barbara Olson, chief investigator; Barbara Comstock, special counsel; Joe Loughran, professional staff member/investigator; Kristi Remington, investigator; Laurie Taylor; investigator; David Jones, staff assistant; Cissy Mittleman, staff assistant; Bud Myers, minority staff director; David Scholer, minority chief counsel; Ronald Stroman, minority deputy staff director; Donald Goldberg, minority assistant to counsel; Ellen Rayner, minority chief clerk; Cecelia Morton, minority office manager; and Jean Gosa, minority staff assistant.

Mr. CLINGER. A quorum being present, the Committee on Government Reform and Oversight will come to order. The committee meets today for two matters of business. The first is to approve the subcommittee assignment for the newest member of our committee, Representative Elijah Cummings of Maryland.

Representative Cummings was elected in a special election for the Seventh District to replace our good friend, Representative Kweisi Mfume, who has ascended to be the chairman of the NAACP.

Mr. Cummings, I want to be the first to welcome you to the Government Reform and Oversight Committee and welcome you to the committee. I can assure you that most of our proceedings in this

committee are going to be much more pleasant and much more harmonious than we may be today, so this is atypical, I would have to tell you, for the normal operations of this committee.

I now want to recognize the ranking minority member, the gentlelady from Illinois, who will, in turn, introduce you to the full committee and to nominate you for your subcommittee assignment.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. Mr. Chairman, I would like to introduce the newest member of our committee, Elijah Cummings, to my colleagues. Representative Elijah Cummings comes to the House of Representatives representing the Seventh Congressional District of Maryland, the seat that was, in fact, formerly held by our colleague, Kweisi Mfume.

I'm sure that he will continue in the fine tradition of leaders which the residents of the Seventh District have sent to Congress.

Representative Cummings comes to us with 14 years of experience in the Maryland General Assembly, where he was the first African-American in the history of Maryland to be elected speaker pro tem of the House of Delegates. He was also chairman of the Maryland Legislative Black Caucus, the youngest person ever elected to that capacity.

He is a graduate of Howard University, where his political career took off as president of his sophomore class, junior class, and student government. He graduated Phi Beta Kappa and went on to graduate from the University of Maryland Law School.

I am certain that our committee is very fortunate to have the services of Elijah Cummings.

I move, Mr. Chairman, that Representative Cummings be appointed to fill the Democratic vacancy on the Subcommittee on National Security, International Affairs, and Criminal Justice.

Mr. CLINGER. The vote is now on the motion of the gentlelady from Illinois to approve Representative Cummings' subcommittee assignment.

All those in favor signify by saying aye.

[Chorus of ayes.]

Mr. CLINGER. Opposed, like sign.

[No response.]

Mr. CLINGER. The motion is agreed to.

With that completed, we now turn the attention of the committee to the matter of a privilege resolution to cite for contempt those who have refused to produce subpoenaed documents for Congress. The privilege resolution will now be called up for consideration and read.

Mr. SABO. "Proceedings against John M. Quinn, David Watkins, and Matthew Moore Pursuant to Title II, U.S. Code, Sections 192 and 194.

"Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Government Reform and Oversight, detailing the refusal of John M. Quinn to produce papers to the Committee on Government Reform and Oversight, to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law; and be it further

"Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Government

Reform and Oversight, detailing the refusal of David Watkins to produce papers to the Committee on Government Reform and Oversight to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law; and be it further

"Resolved, that pursuant to 2 U.S.C. 192 and 194, the Speaker of the House certify the report of the Committee on Government Reform and Oversight, detailing the refusal of Matthew Moore to produce papers to the Committee on Government Reform and Oversight to the United States Attorney for the District of Columbia, for him to be proceeded against in the manner and form provided by law."

[The resolution referred to follows:]

H. RES. _____

PROCEEDINGS AGAINST JOHN M. QUINN, DAVID WATKINS, AND MATTHEW MOORE

Pursuant to Title 2, U.S.Code, Secs. 192 and 194.

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Mr. BURTON. Mr. Chairman?

Mr. CLINGER. The gentleman from Indiana.

Mr. BURTON. Mr. Chairman, I would like to make a parliamentary inquiry.

Mr. CLINGER. The gentleman will state his parliamentary inquiry.

Mr. BURTON. Will there be a time today at which the Chair will entertain a motion to move the previous question?

Mr. CLINGER. That's correct. The Chair will entertain a motion to move the previous question no longer than 2 hours after we begin consideration of the resolution. This will allow at least 1 hour of debate for each side.

To save time, opening statements will be limited to the Chair and the ranking minority member of the committee, and I would now proceed to make my opening statement.

Mr. WAXMAN. Point of parliamentary inquiry, Mr. Chairman.

Mr. CLINGER. The gentleman will state it.

Mr. WAXMAN. Is the Chair stating, then, that the 2 hours will be divided equally, half to the majority and half to the minority?

Mr. CLINGER. That's correct.

Mr. WAXMAN. And controlled by the ranking Democrat of the committee?

Mr. CLINGER. Exactly.

Today, we are going to consider a resolution citing White House Counsel Jack Quinn, former White House Administrator David Watkins, and a former White House attorney, Matthew Moore, with contempt of Congress for failing to turn over subpoenaed documents in the White House Travel Office matter.

I am pleased to report that, upon delivery last night from the Justice Department of previously withheld memos, we have been able to reach accommodation with the Justice Department and expect full compliance with our Justice Department subpoena. As a result, we have removed the Attorney General's name from consideration under today's contempt proceedings.

Before we begin the business at hand, let me take care of a few housekeeping chores. As the members know, the committee has been in the process of conducting depositions as provided in Committee Rule 19 and, without objection, I would like to make these depositions part of the record.

[The information referred to appears in Committee Print "Depositions Transcripts From the Committee Investigation Into the White House Travel Metter—Volume One."]

Mr. CLINGER. Unfortunately, the White House, in keeping with their culture of secrecy, has decided to withhold from this investigation a vaguely defined body of documents.

This morning, the White House did provide a letter saying that the President was claiming a blanket but unspecified executive privilege over all withheld documents relating to the White House Travel Office matter. A copy of that letter is being made available to the members and I am entering that letter into the record, and let me just briefly comment on it.

[The information referred to appears on page 17.]

Mr. CLINGER. I know, having dealt with him for some time, that Mr. Quinn is a fine lawyer, so I must only assume that this really nonresponsive and vague letter is not due, certainly, to any incompetence on his part, but is a tactical strategy to avoid or delay complying with the subpoenas of the committee.

The procedures invoked by the White House today, under the 1982 Reagan executive privilege memorandum requesting an abeyance in those proceedings today, were never meant to be used on the day of a contempt proceeding that had been duly noticed. Instead, other administrations began gathering documents responsive to subpoenas on the day it was issued.

Mr. Quinn told me yesterday he frankly had not even begun gathering the documents at issue. This gathering and the following of these procedures should have been completed, I suggest, long before today's business meeting of this committee.

In an August 23, 1995 letter to the committee, the White House said that the document production timetables the committee had suggested of providing documents within 15 days and privilege logs within 5 days were "reasonable goals." We sent our first document request on June 14, 1995—that was after a long series of correspondence with regard to the Travel Office matter—our second request on September 18, 1995, and our subpoenas on January 11, 1996. We have gone far beyond what the White House itself acknowledge was "reasonable." Yet, now, they are trying, in my view, to buy more time to prevent or avoid producing these documents.

The compliance date for these subpoenas was over 3 months ago. The time for the White House to seek to avoid contempt has come and gone. The White House has neither complied with nor offered a legally rational basis for not complying with this committee's subpoenas.

It is troubling, then, that the President continues to attempt to contain a scandal—the Travel Office matter—that has no connection with national security or any vital domestic policy but, at the bottom, is about the character of this Presidency.

We are by no means rushing matters here. By way of example, in a matter where Secretary of State Kissinger was subpoenaed for documents pertaining to national security, the committee met 2 days after the return date of the subpoena and voted Mr. Kissinger in contempt, despite his assertion of executive privilege.

In contrast, we have provided months and months for production, and the White House Counsel's Office previously committed to timely claims of executive privilege so that just such a situation would not occur. Clearly, their words on this were hollow, as their words of cooperation today are equally hollow.

Frankly, this is an unprecedented development, and I am disappointed that the President, who, 3 years ago, said he had wanted to get to the bottom of this matter and would provide full cooperation, has now taken this extraordinary position of asserting a blanket undifferentiated executive privilege over Travel Office documents. This from the President who promised the most open administration in the history of the Nation.

Executive privilege has only been claimed by a President once this decade, and this is the first such claim by this White House. The current rules governing the use of executive privilege were issued in 1982 by President Ronald Reagan. Indeed, White House Counsel, Mr. Quinn, informed me yesterday that the Clinton administration will follow the Reagan executive privilege order.

A copy of the Reagan order is being made available to members and is available at the press table. Quoting from President Reagan's order, and I am quoting:

"Executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of this privilege is necessary."

The order continues by stating:

"Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege.

"A 'substantial question of executive privilege' exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative process of the executive branch, or other aspects of the performance of the executive branch's constitutional duties."

It has been the policy, since the Kennedy administration, not to invoke executive privilege when there are allegations of wrongdoing at issue. Certainly, that is the case with the Travel Office matter. Already, there has been a criminal referral from the GAO about Mr. Watkins' statements regarding the Travel Office firings and the independent counsel has had his jurisdiction expanded to encompass the Travelgate matter.

In light of that expansion, the President's actions are particularly troubling. I would note, for example, that President Reagan waived all claims of executive privilege during the Iran-Contra investigation.

I find it difficult to understand how documents related to the White House Travel Office scandal somehow arise to a "substantial question of executive privilege." Certainly, disclosure of these documents could not impair the national security or the conduct of foreign relations, nor will the performance of the executive branch's constitutional duties be impaired by the President keeping his own pledge of 3 years ago to get to the bottom of this matter.

According to statements made to me by Mr. Quinn, many of the documents being withheld from the committee relate to internal discussions concerning the White House's response to various investigations of the Travel Office matter. Given the history of the stonewalling of previous investigations, of which there are at least four, by the counsel's office, their actions are very much at issue in this investigation.

In addition, this administration has a history of having provided such internal documents, responding to a congressional investigation in 1994. In a case involving then Chairman Dingell, who sought an internal memo from the Justice Department done in response to Dingell's investigation, the Attorney General provided that memo after Chairman Dingell pointed out that, and I'm quoting:

"The Justice Department's theory would cripple Congress's ability to protect its investigations from obstruction, since the category of documents that the Department seeks to withhold is the very category in which most classic cover-up or obstruction documents would fall."

Now, the White House claims that similar documents related to the Travelgate investigation fall within the definition of executive privilege. Apparently, the Attorney General did not agree with that proposition 2 years ago, yet he now seeks that same Attorney General to attempt to give some cloak of responsibility to this continued stonewalling and refusal to provide documents.

The fact we only received these ineffective blanket claims of executive privilege this morning is typical of the pattern of response from the White House—delay and delay until they are forced by threats of criminal contempt to comply with proper procedure and then try to buy more time.

You are going to hear a lot this morning, I suspect, about 40,000 pages of documents and lots of words about cooperation. Although the White House is creating an elaborate appearance of cooperation by supplying boxes of documents and has, in fact, supplied many documents set forth in our subpoenas, the White House adamantly refuses to supply documents many of which emanate from the counsel's office.

Today's actions arise out of the firings of the seven career Travel Office employees almost 3 years ago. At that time, the White House made allegations of criminal wrongdoing and the FBI and the IRS began what became a 2½ year nightmare, really, for these career civil servants. The Justice Department has now cleared six of these

employees of wrongdoing and the seventh, Billy Dale, the former director, was completely exonerated in a trial last fall.

In the wake of the uproar over the Travel Office firings, the President promised to "get to the bottom" of what happened in the firing of the Travel Office employees. He committed to Congress that he would fully cooperate with the Justice Department investigations into this matter. No issue of executive privilege was raised. No talk of internal deliberative process or withholding documents was ever mentioned by the President at that time.

This morning, I do intend to move forward to consider the contempt of Congress citation. This morning's letter from the White House only reinforces the fact that this White House refuses to provide a legitimate response to this committee.

Title V, U.S.C., Section 2954 places a direct responsibility on the executive branch to provide information to Congress. It states that, and I quote: "An executive agency, on the request of the Committee on Government Operations of the House of Representatives, or any seven members thereof. . . shall submit any information requested of it relating to any matter within the jurisdiction of the committee." In 1957, the Congress made it a criminal offense to refuse to provide information demanded by either House.

So we will proceed to consider the contempt citations in the committee this morning. I will, however, in response to the letter that I received this morning, delay bringing this matter to the House floor for consideration, to give the White House a further opportunity to comply with the subpoena, to come forward with a more specific request for executive privilege.

At the moment, as I say, all we have is a very blanket request. We have never received a listing of the documents that, in fact, are being withheld, and it is my hope that, in response to the action we take here this morning, that we will in fact receive a privilege log with a specific statement as to which of those documents executive privilege is being claimed for.

The contempt statute under Title II, U.S.C., Section 192, requires that an individual be requested to produce papers upon a matter under inquiry and that such individual willfully makes default. In this matter, the White House was subpoenaed on January 11, 1996, and production was due on January 22, 1996.

The matter under inquiry is the White House Travel Office inquiry, and the White House has conceded that they are withholding documents. The subpoenas with which the White House refuses to comply were issued with bipartisan support.

In the past, I have participated with my colleagues in subpoenaing documents from the administration and White House officials. In my experience, I have never before met with such intransigence. If a Republican administration had behaved in this manner, I would not have assisted as an enabler of behavior that demonstrates disdain for this institution.

The resistance to oversight in this matter began almost immediately after the firings and demonstrates the culture of secrecy that has come to be a hallmark of this administration. In notes dated May 27, 1993, White House Management Review author Todd Stern wrote, and I quote:

"Problem is that if we do any kind of report and fail to address these questions, the press jumps on you wanting to know answers; while if you give answers that aren't fully honest (e.g. nothing re: HRC), you risk hugely compounding the problem by getting caught in half-truths. You run the risk of turning this into a cover-up."

This White House embarked on an unmistakable course which frustrated, delayed, and derailed investigators from the White House itself, the GAO, the FBI, and the administration's own Justice Department Office of Professional Responsibility and Public Integrity Sections. That is what has brought us to this impasse today.

This White House simply refuses to provide this committee subpoenaed documents which will help this committee bring this Travel Office investigation to a close, something that I have sought now for close to 3 years.

Documents have been inexplicably misplaced in "stacks" or "bookrooms" or misplaced storage boxes, where they languish for months if not years, despite numerous subpoenas and document requests.

If the White House handles investigations of internal problems this way, how does it handle far more serious national and international matters? This administration's culture of secrecy could have disastrous consequences where critical national policy matters or foreign affairs are concerned.

Let there be no misunderstanding. What we have before us today should not be the stuff of constitutional confrontation. This committee seeks no records pertaining to the national security. This is not Bosnia.

When the White House, as in the case here, fails to fully comply with investigations mandated by Congress or senior Justice Department officials, the oversight role critical to our system of checks and balances is compromised and it is incumbent upon this committee to assert and to uphold its jurisdiction.

While contempt is, indeed, a serious action—and it is not one that I certainly relish taking; I'm very saddened at having to take this action—I think it is a necessary action in this case. I am not contending that there are any smoking guns in these documents.

What I am contending is that the White House must be held accountable and respond to proper oversight matters. Furthermore, the public has a right to know why previous investigations were met with unprecedented dilatory tactics. We can document that throughout all those investigations.

Almost 3 years ago, I requested information and hearings into the Travel Office matter. I repeatedly was stymied in my efforts until Republicans gained a majority in the House. Prior to the change in House leadership, the White House refused to provide access to documents.

In a particularly cynical memo, I might say, White House Associate Counsel Neil Eggleston wrote his superiors advising that the White House deny Republicans access to GAO Travel Office documents only after the White House appropriations bill was asked. This exhibits the gamesmanship which has emanated from the counsel's office. Now, even subpoenas are not treated seriously.

We already have had a criminal referral regarding David Watkins' statements about the Travel Office. This came about after a long-withheld "soul cleansing memo" from Mr. Watkins which surfaced years after it should have been produced to numerous investigative bodies in response to document requests and subpoenas.

All of the previous investigations did not have access to that document. While several people in the White House knew about this memo, the Watkins memo, it never was turned over to the GAO, OPR, Public Integrity, or this committee, frankly, for years.

It was the "surprise" finding of one version of that 2½ year old "soul cleansing" memo that caused this committee to move to bipartisan subpoenas for the production of documents. The subpoenas to the White House were done on a bipartisan basis with input from the minority staff. Subpoenas to the White House and to individuals in turn produced other documents that had previously been overlooked.

The White House also is running the clock into the political season and then crying foul that this whole matter is an election year ploy.

But I ask the White House, was it an election year ploy in 1993 when the President signed a law mandating a GAO review of the Travel Office? Was it an election year ploy when his own Deputy Attorney General ordered a Justice Department Office of Professional Responsibility report in 1993? Was it an election year ploy when the Justice Department began an investigation of the President's close Hollywood pal, Harry Thomason?

My initial target date to complete this investigation was the summer of 1993. I myself first requested answers on this subject almost 3 years ago. And, when I became Chairman of this committee, I made every effort to complete this investigation last fall. These are just letters that we have written with regard to this matter over the last 3 years.

In October 1993, Judge Abner Mikva assured me that we had the bulk of the substantive documents, and I believe he felt that was the case. The Watkins memo surfaced almost 3 months after that representation and a letter to the First Lady from David Watkins came 3 months after that.

The Neil Eggleston memo on how to game the appropriations process also came late in the process. How long are we really supposed to put up with this? I ask my colleagues, how long do you think it should take to provide responsive demands, particularly to a subpoena?

The only reason that we are dealing with this matter in an election year is because the White House has successfully delayed and denied full production of information and documents to these previous investigations.

Three years ago, on July 2, 1993, the President signed a law mandating a review by the General Accounting Office of the Travel Office firings and related matters. For over 9 months, the White House stymied document requests and dragged out the interview process.

The White House Counsel's Office continually sought to narrow the scope of GAO's review and eventually GAO frankly acquiesced in that request. Ultimately, GAO took the crumbs of their half a

loaf of cooperation from the White House and produced an insufficient report addressing the firings.

A July 15, 1993 review initiated by then Deputy Attorney General Phil Heymann, to be conducted by the Department's Office of Professional Responsibility, met with similar stonewalling from the White House Counsel's Office. OPR Counsel Michael Shaheen testified before our committee, in the only hearing we've held in that matter, that "the lack of cooperation and candor" that he received from the White House was unprecedented in his 20-year Justice Department career.

When the Vince Foster notebook was finally disclosed to investigators almost 2 years after Mr. Foster's death, Mr. Shaheen said, and I quote:

"We were stunned to learn of the existence of this document, since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August, 1993." The White House declined to provide the notes and failed to mention the existence of any handwritten notes by Mr. Foster on the subject.

Mr. Shaheen also stated in his memo: "We believe that our repeated requests to White House personnel and counsel for any information that could shed light on Mr. Foster's statement regarding the FBI clearly covered the notebook [the Vince Foster Travel Office notebook] and that even a minimum level of cooperation by the White House should have resulted in its disclosure to us at the outset of our investigation." Strong words, indeed.

Independent Counsel Fiske also sought documents from the White House, only to have his requests narrowed. Even though Mr. Fiske was not provided with the Vince Foster Travel Office notebook that White House Counsel's Office Bernard Nussbaum had secreted in his office, Mr. Fiske still found that Mr. Foster's suicide was connected to Mr. Foster's concerns about the implications of the Travel Office matter and DOJ and congressional investigations he feared were inevitable.

The White House now has refused, continues to refuse, to turn over documents that might show how Mr. Fiske's efforts were thwarted.

In the summer of 1993, the Public Integrity Section of the Justice Department initiated a criminal investigation which included looking into the activities of Presidential pal Harry Thomason and possible conflicts of interests he had at the time when he involved himself in this matter. The White House, frankly, stalled for close to a year before providing many of the documents relating to Harry Thomason.

The White House's actions even prompted President Clinton's appointee and Public Integrity Chief, Lee Radek, to write to Acting Criminal Division Chief, Jack Keeney, in September 1993, stating, and I quote:

"At this point we are not confident that the White House has produced to us all documents in its possession relating to the Thomason allegations. . . . The White House's incomplete production greatly concerns us because the integrity of our review is entirely dependent upon securing all relevant documents."

This was fully 1 year after the Justice Department began seeking documents in a criminal case in which they were investigating the

President's close friend, Harry Thomason. The actions by the White House were so dilatory that its own Justice Department had to issue subpoenas to the White House to obtain documents pertaining to the Presidential first friend.

Even when the Justice Department issued a subpoena for Harry Thomason documents, the White House provided a "privilege log" which identified over 120 documents that the White House refused to turn over to its own Justice Department in the course of a criminal investigation involving activities at the White House.

Inexplicably, the Justice Department accepted this refusal to turn over documents related to Harry Thomason in the course of its criminal investigation. Now, the White House wants this committee to acquiesce in the same way, to acquiesce in the withholding of documents legitimately subject to a subpoena.

When even White House appointees and career officials doubt the words of the White House, we are left with no other course of action. In our experience, we have come to a point where, frankly, given past withholding of documents and gaming of previous investigations, we cannot trust this White House and we must verify the actions that have taken place.

I know I will hear my colleagues complain about this action. I certainly anticipate that. But I must note that, in the past, when the House's rights to information and the public's right to know have been so baldly challenged as I believe they have been in this case, the institutional interests of this body have been recognized on a bipartisan basis.

Clearly, citing contempt is a serious action and, as I've said, I am saddened that I must feel it necessary to take it. It is the action that must be taken, however, when a White House repeatedly has exhibited real disdain for civil and criminal investigations.

Long after all the other investigations gave up on finding the truth—and none of them were sufficient, as we determined in the hearing we did hold on this matter—this committee continues to hold the President and his administration to his word, to the pledges and commitments of full cooperation which he made to the Nation and to Congress 3 years ago.

Finally, I would like to address the claim of attorney-client privilege made by David Watkins over other copies of his "soul cleansing" memo. In his January 15, 1996 production to the committee, Mr. Watkins' attorney provided a privilege log indicating that he was not producing a November 15, 1993 memorandum from David Watkins to his private counsel who, at that time, was a gentleman named Ty Cobb—no relation.

He also indicated there were drafts and notes thereof re: White House Management Review of Travel Office firings. Mr. Watkins claimed privilege and attorney work product doctrine. The counsel he named in this privilege log as his private counsel was Ty Cobb. There was no mention of other copies of this document or of any other attorneys who had copies of these documents.

On February 7, 1996, the committee issued a subpoena duces tecum for documents to Matthew Moore. Production was due on February 26, 1996. On February 26, 1996, Mr. Moore informed the committee that he would not be producing three documents for

which Mr. Watkins, through counsel, had asserted a claim of privilege.

The documents were identified as "undated draft memorandum from David Watkins re: response to internal travel office review." Mr. Moore did not indicate when Mr. Watkins asserted this privilege in his correspondence.

Mr. Moore does not appear to have before raised any privilege issues regarding this memo that he was in receipt of as of sometime in the fall of 1993. Mr. Moore also was assisting Neil Eggleston in the production of documents to the GAO in their White House Travel Office investigation in the spring of 1994.

Mr. Moore was never at any time a personal attorney for David Watkins. In his capacity as an attorney in the Office of Administration, the White House has asserted no privileges over documents he assisted Mr. Watkins in preparing and, indeed, the White House has turned over one copy of a draft memorandum from Mr. Watkins. Neither Mr. Watkins nor Mr. Moore have a valid attorney-client privilege claim for withholding any of these documents.

In conclusion, the documents received by the committee thus far have not lied, or spun, or claimed to have no recollection. The specificity and clarity of documents have fleshed out a story that current and former administration officials, volunteers, and friends have proved, frankly, most unwilling to tell, for whatever reason.

We will continue to seek those documents and learn the truth behind this matter. I find it unfortunate that the President has decided to use executive privilege to continue to stonewall the investigation in a way that he has in past investigations.

If this claim of a blanket privilege over an unidentified group of documents responsive to this committee's subpoenas is allowed to stand, how is this congressional committee to have oversight of the alleged misdeeds of this White House? The culture of secrecy must end.

[The prepared statement of Hon. William F. Clinger, Jr. follows:]

PREPARED STATEMENT OF HON. WILLIAM F. CLINGER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Good morning. Today we are to consider a resolution citing White House Counsel Jack Quinn, former White House Administrator David Watkins, and a former White House attorney Matthew Moore with contempt of Congress for failing to turn over subpoenaed documents in the White House Travel Office matter. I am pleased to report that upon delivery last night from the Justice Department of previously withheld memos, we have been able to reach accommodation with the Justice Department and expect full compliance with our Justice Department subpoena. As a result we have removed the Attorney General's name from consideration under today's contempt proceedings.

Before we begin the business at hand, let me take care of a few housekeeping chores. As the members know, the Committee has been in the process of conducting depositions as provided in Committee Rule 19. Without objection, I would like to make these depositions part of the record.

Unfortunately, the White House in keeping with their culture of secrecy has decided to withhold from this investigation a vaguely defined body of documents. This morning, the White House provided a letter from the White House saying the President was claiming a blanket unspecified Executive Privilege over all withheld documents relating to the White House Travel Office scandal. A copy of that letter is being made available to the Members. I am entering that letter into the record and let me comment on it.

I know Mr. Quinn is a fine lawyer so I can only assume that this non-responsive and vague letter is not due to any incompetence on his part but is a tactical strategy to avoid complying with the subpoenas of this Committee. The procedures invoked

by the White House today under the 1982 Reagan Executive Privilege memorandum requesting an abeyance in these proceedings today were never meant to be used on the day of a contempt proceeding. Instead, other Administrations began gathering documents responsive to subpoenas on the day it was issued. Mr. Quinn told me yesterday he had not even begun gathering the documents at issue. This gathering and the following if these procedures should have been completed long before today.

In an August 23, 1995, letter to the Committee the White House said that the document production timetables the Committee had suggested of providing documents within 15 days and privilege logs within five days were "reasonable goals." We sent our first document request on June 14, 1995, our second request on September 18, 1995, and our subpoenas on January 11, 1996. We have gone far beyond what the White House itself acknowledged was "reasonable"—yet now they are trying to buy more time to stonewall.

The compliance date for these subpoenas was over three months ago. The time for the White House to seek to avoid contempt has come and gone. The White House has neither complied with nor offered a legally rational basis for not complying with this Committee's subpoenas. It is troubling then that the President continues to attempt to contain a scandal that has no connection with national security or any vital domestic policy, but at the bottom is about the character of this Presidency.

We are by no means rushing matters here. By way of example, in a matter where Secretary of State Kissinger was subpoenaed for documents pertaining to national security, the Committee met two days after the return date of the subpoena and voted Mr. Kissinger in contempt despite his assertion of Executive Privilege. In contrast we have provided months and months for production and the White House Counsel's office previously committed to timely claims of Executive Privilege so that just such a situation would not occur. Clearly their words on this were as hollow as their words of cooperation today.

Frankly this is an unprecedented development and I am disappointed that the President who three years ago said he had wanted to get to the bottom of this matter and would provide full cooperation has now taken this extraordinary position of asserting a blanket undifferentiated Executive Privilege over Travel Office documents. This from the President who promised the most open administration in the history of the nation.

Executive Privilege has only been claimed by a president once this decade and this is the first such claim by the Clinton White House. The current rules governing the use of Executive Privilege were issued in 1982 by President Ronald Reagan. Indeed, White House Counsel Jack Quinn informed me yesterday that the Clinton Administration will follow the Reagan Executive Privilege order.

A copy of the Reagan order is being made available to the members and is available at the press table. Quoting from President Reagan's order:

> "executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary."

The order continues by stating:

> "Congressional requests for information shall be complied with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege. A 'substantial question of executive privilege' exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative process of the Executive Branch or other aspects of the performance of the Executive Branch's constitutional duties."

It has been the policy since the Kennedy Administration not to invoke Executive Privilege when there are allegations of wrongdoing at issue. Certainly that it is the case here. Already there has been a criminal referral from the GAO about Mr. Watkins statements regarding the Travel Office firings and the Independent Counsel has had his jurisdiction expanded to encompass the Travelgate matter. In light of that expansion, the President's actions are particularly troubling. I would note for example, that President Reagan waived all claims of Executive Privilege during the Iran-Contra investigation.

I find it difficult to understand how documents related to the White House Travel Office scandal somehow arise to a "substantial question of executive privilege." Certainly disclosure of these documents could not impair the national security or the conduct of foreign relations. Nor will the performance of the Executive Branch's constitutional duties be impaired by the President keeping his own pledge of three years ago to get to the bottom of this matter. According to statements made to me by Mr. Quinn, many of the documents being withheld from the committee relate to internal discussions concerning the White House's responses to various investigations of the Travel Office matter. Given the history of the stonewalling of previous

investigations by the Counsel's office their actions are very much at issue in this investigation.

In addition, this Administration has a history of having provided such internal documents responding to a congressional investigation in 1994. In a case involving then Chairman Dingell who sought an internal memo from the Justice Department done in response to Dingell's investigation, Attorney General provided that memo after Chairman Dingell pointed out that:

> "the Justice Department's theory would cripple Congress' ability to protects its investigations from obstruction since the category of documents that the Department seeks to withhold is the very category in which most classic coverup or obstruction documents would fall."

Now the White House claims that similar documents related to the Travelgate investigation fall within the definition of Executive Privilege. Apparently his Attorney General didn't agree with that proposition two years ago yet he now seeks that same Attorney General to attempt to give some cloak of respectability to this continued stonewalling.

The fact we only received these ineffective blanket claims of Executive Privilege this morning is typical of the pattern of response from this White House—delay and deny until they are forced by threats of criminal contempt to comply with proper procedures and then try to buy more time. You will hear a lot about 40,000 pages of documents and lots of words about cooperation. Although the White House is creating an elaborate appearance of cooperation by supplying boxes of documents and has in fact supplied many documents set forth in our subpoenas, the White House adamantly refuses to supply documents many of which emanate from the Counsel's office.

Today's actions arise out of the firings of the seven career Travel Office employees almost three years ago. At that time, the White House made allegations of criminal wrongdoing and the FBI and the IRS began what became a two-and-a-half year nightmare for these career civil servants. The Justice Department has now cleared six of these employees of wrongdoing and the seventh, Billy Dale, the former Director was completely exonerated in a trial last fall.

In the wake of the uproar over the Travel Office firings, the President promised to "get to the bottom" of what happened in the firing of the Travel Office employees. He committed to Congress that he would fully cooperate with the Justice Department investigations into this matter. No issues of Executive Privilege were raised. No talk of internal deliberative processes or withholding documents was ever mentioned by the President.

This morning I do intend to move forward to consider the contempt of Congress citation. This morning's letter from the White House only reinforces the fact that this White House refuses to provide a legitimate response to this Committee. Title 5 U.S.C. Section 2954 places a direct responsibility on the Executive Branch to provide information to Congress. It states that: "An Executive agency, on the request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, . . . shall submit any information requested of it relating to any matter within the jurisdiction of the committee." In 1857 the Congress made it a criminal offense to refuse to provide information demanded by either House.

The contempt statute under Title 2 U.S.C. Section 192 requires that an individual be requested to produce papers upon a matter under inquiry and that such individual willfully makes default. In this matter, the White House was subpoenaed on January 11, 1996 and production was due on January 22, 1996. The matter under inquiry is the White House Travel Office inquiry and the White House has conceded that they are withholding documents. The subpoenas with which the White House refuses to comply were issued with bipartisan support.

In the past, I have participated with my colleagues in subpoenaing documents from Administration and White House officials. In my experience, I have never before met with such intransigence. If a Republican Administration had behaved in such a manner, I would not have assisted as an enabler of behavior that demonstrates such disdain for this institution. The resistance to oversight in this matter began almost immediately after the firings and demonstrates the culture of secrecy that has come to be the hallmark of this Administration. In notes dated May 27, 1993, White House Management Review author Todd Stern wrote:

> "Problem is that if we do any kind of report and fail to address these questions, press jumps on you wanting to know answers; while if you give answers that aren't fully honest (e.g. nothing re: HRC), you risk hugely compounding the problem by getting caught in half-truths. You run the risk of turning this into a 'cover-up.' "

This White House embarked on an unmistakable course which frustrated, delayed and derailed investigators from the White House itself, the GAO, the FBI, and the Administration's own Justice Department Office of Professional Responsibility and Public Integrity Sections. That is what has brought us to this impasse today. This White House simply refuses to provide this Committee subpoenaed documents which will help this Committee bring the Travel Office investigation to a close.

Documents have been inexplicably misplaced in "stacks" or "bookrooms" or misplaced storage boxes where they languish for years despite numerous subpoenas and document requests. If the White House handles investigations of internal problems this way, how does it handle far more serious national and international matters? This Administration's culture of secrecy could have disastrous consequences where critical national policy matters or foreign affairs are concerned.

Let there be no misunderstanding. What we have before us today should not be the stuff of constitutional confrontation. This Committee seeks no records pertaining to the national security. This is not Bosnia. When the White House, as is the case here, fails to fully comply with investigations mandated by Congress or senior Justice Department officials, the oversight role critical to our system of checks and balances is compromised and it is incumbent upon this Committee to assert its jurisdiction.

While contempt is a serious action, it is a necessary action in this case. I am not contending there is any smoking gun in these documents. What I am contending is that the White House must be held accountable and respond to proper oversight matters. Furthermore, the public has a right to know why previous investigations were met with unprecedented dilatory tactics.

Almost three years ago, I requested information and hearings into the Travel Office matter. I repeatedly was stymied in my efforts until Republicans gained a majority in the House. Prior to the change in House leadership, the White House arrogantly refused to provide access to documents. In a particularly cynical memo, White House Associate Counsel Neil Eggleston wrote his superiors advising that the White House deny Republicans access to GAO Travel Office documents only after the White House appropriations bill was passed. This exhibits the gamesmanship emanating from the Counsel's office. Now, even subpoenas are not treated seriously.

We already have had a criminal referral regarding David Watkins statements about the Travel Office. This came about after a long withheld "soul cleansing memo" from Mr. Watkins surfaced years after it should have been produced to numerous investigative bodies in response to document requests and subpoenas. While several people in the White House knew about this memo, the Watkins memo never was turned over to the GAO, OPR, Public Integrity or this Committee for years.

It was the "surprise" finding of one version of that two and a half year old "soul cleansing" memo that caused this Committee to move to bipartisan subpoenas for the production of documents. The subpoenas to the White House were done on a bipartisan basis with input from the minority staff. Subpoenas to the White House and to individuals in turn produced other documents that had previously been overlooked.

The White House also is running the clock into the political season and then crying foul that this whole matter is an election year ploy. But I ask the White House—was it an election year ploy in 1993 when the President signed a law mandating a GAO review of the Travel Office? Was it an election year ploy when his own Deputy Attorney General ordered a Justice Department Office of Professional Responsibility report in 1993? Was it an election year ploy when the Justice Department began an investigation of the President's close Hollywood pal, Harry Thomason?

My initial target date to complete this investigation was the Summer of 1993! I myself first requested answers on this subject almost three years ago! When I became Chairman of this Committee I made every effort to complete this investigation last fall.

In October of 1995, Judge Mikva assured me we had the bulk of the substantive documents. The Watkins memo surfaced almost three months after that representation and a letter to the First Lady from David Watkins came three months after that! The Neil Eggleston memo on how to game the appropriations process also came late in the process. How long are we supposed to stand for this? I ask my colleagues, how long do you think it should take to provide responsive documents?

The only reason that we are dealing with this matter in an election year is because the White House successfully delayed and denied full production of information and documents to these previous investigations.

Three years ago on July 2, 1993, the President signed a law mandating a review by the General Accounting Office (GAO) of the Travel Office firings and related matters. For over nine months, the White House stymied GAO's document requests and

dragged out the interview process. The White House Counsel's office continually sought to narrow the scope of the GAO's review and eventually GAO acquiesced. Ultimately GAO took the crumbs of their half a loaf of cooperation from the White House and produced a half baked report addressing the firings.

A July 15, 1993, review initiated by then Deputy Attorney General Phil Heymann to be conducted by the Department's Office of Professional Responsibility met with similar stonewalling from the White House Counsel's office. OPR Counsel Michael Shaheen testified before our Committee that the "lack of cooperation and candor" that he received from the White House was unprecedented in his 20 year Justice Department career. When the Vince Foster notebook was finally disclosed to investigators almost two years after Mr. Foster's death, Mr. Shaheen wrote:

> "we were stunned to learn of the existence of this document since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993 . . . "The White House declined to provide the notes and failed to mention the existence of any handwritten notes by Mr. Foster on the subject." Mr. Shaheen also stated in his memo: "we believe that our repeated requests to White House personnel and counsel for any information that could shed light on Mr. Foster's statement regarding the FBI clearly covered the notebook [the Vince Foster Travel Office notebook] and that even a minimum level of cooperation by the White House should have resulted in its disclosure to us at the outset of our investigation."

Independent Counsel Fiske also sought documents from the White House only to have his requests narrowed. Even though Mr. Fiske was not provided with the Vince Foster Travel Office notebook that White House Counsel Bernard Nussbaum had secreted in his office, Mr. Fiske still found that Mr Foster's suicide was connected to Mr. Foster's concerns about the implications of the Travel Office matter and DOJ and congressional investigations he feared were inevitable. The White House now refuses to turn over documents that might show how Mr. Fiske's efforts were thwarted.

In the Summer of 1993, the Public Integrity Section of the Justice Department initiated a criminal investigation which included looking into the activities of Presidential pal, Harry Thomason and possible conflicts of interest he had at the time when he involved himself in this matter. The White House stalled for close to year before providing many of the documents related to Harry Thomason.

The White House's actions even prompted Clinton appointee and Public Integrity Chief Lee Radek to write to Acting Criminal Division Chief Jack Keeney in September of 1994 stating:

> "At this point we are not confident that the White House has produced to us all documents in its possession relating to the Thomason allegations . . . the White House's incomplete production greatly concerns us because the integrity of our review is entirely dependent upon securing all relevant documents."

This was fully one year after the Justice Department began seeking documents in a criminal case in which they were investigating the President's close friend Harry Thomason. The actions by the White House were so dilatory that its own Justice Department had to issue subpoenas to the White House to obtain documents pertaining to the Presidential first pal.

Even when the Justice Department issued a subpoena for Harry Thomason documents, the White House produced a "PRIVILEGE LOG" which identified over 120 documents that the White House refused to turn over to its own Justice Department in the course of a criminal investigation involving activities at the White House. Inexplicably the Justice Department accepted this refusal to turn over documents related to Harry Thomason in the course of a criminal investigation. Now the White House wants this Committee to acquiesce in the same way.

When even White House appointees and career officials doubt the word of this White House, we are left with no other course of action. In our experience, we have come to a point where frankly given past withholding of documents and gaming of previous investigations, we cannot trust this White House and we must verify.

I know I will hear my colleagues complain about this action. But I must note that in the past when the House's rights to information and the public's right to know have been so baldly challenged, the institutional interests of this body have been recognized on a bipartisan basis. Clearly, citing contempt is a serious action. It is the action that must be taken when a White House repeatedly has exhibited such disdain for civil and criminal investigations. Long after all the other investigations gave up on finding the truth, this Committee continues to hold the President and his Administration to his word, to the pledges and commitments of full cooperation which he made to the nation and to Congress three years ago.

Finally, I would like to address the claim of attorney-client privilege made by David Watkins over other copies of his "soul cleansing" memo. In his January 15,

1996 production, Mr. Watkins' attorney provided a privilege log indicating that he was not producing a November 15, 1993 Memorandum from David Watkins to his private counsel who at that time was Ty Cobb. He also indicated there were drafts and notes thereof re: White House Management Review of Travel Office firings. Mr. Watkins claimed attorney-client privilege and attorney work product doctrine. The Counsel he named in this privilege log as his private counsel was Ty Cobb. There was no mention of other copies of this document or of any other attorneys who had copies of these documents.

On February 7, 1996, the Committee issued a subpoena duces tecum for documents to Matthew Moore. Production was due on February 26, 1996. On February 26, 1996, Mr. Moore informed the Committee that he would not be producing three documents for which Mr. Watkins, through counsel, had asserted a claim of privilege. The documents were identified as "undated draft memorandum from David Watkins re: response to internal travel office review." Mr. Moore did not indicate when Mr. Watkins asserted this privilege in his correspondence.

Mr. Moore does not appear to have before raised any privilege issues regarding this memo that he was in receipt of as of sometime in the fall of 1993. Mr. Moore also was assisting Neil Eggleston in the production of documents to the GAO in their White House Travel Office investigation in the Spring of 1994.

Mr. Moore was never at any time a personal attorney for David Watkins. In his capacity as an attorney in the Office of Administration, the White House has asserted no privileges over documents he assisted Mr. Watkins in preparing and indeed, the White House has turned over one copy of a draft memorandum from Mr. Watkins. Neither Mr. Watkins nor Mr. Moore have a valid attorney-client privilege claim for withholding any of these documents.

In conclusion, the documents received by the Committee thus far have not lied. Or spun. Or claimed to have no recollection. The specificity and clarity of documents have fleshed out a story that current and former Administration officials, volunteers and friends have proved most unwilling to tell, for whatever reason. We will continue to seek those documents and learn the truth behind this matter. I find it unfortunate that the President has decided to use Executive Privilege to continue to stonewall this investigation in the way that it has past investigations. If this claim of a blanket privilege over an unidentified group of documents responsive to this Committee's subpoenas is allowed to stand, how is this Congressional Committee to have oversight of the alleged misdeeds of this White House? The culture of secrecy must end.

THE WHITE HOUSE,
WASHINGTON,
May 9, 1996.

The Honorable William F. Clinger, Jr.,
Chairman,
Committee on Government Reform and Oversight,
2157 Rayburn House Office Building,
U.S. House of Representatives,
Washington, DC 20515.

DEAR MR. CHAIRMAN: This is in response to your letter of May 7, 1996, in which you belatedly invited me to submit a written statement in response to your resolution seeking to hold me in criminal contempt for the White House's withholding of certain confidential documents.

In spite of the tardiness of this offer, however, I believe it is important that I make the following brief points regarding the White House's responses to your Committee's investigation.

This Committee served its first request for documents not three years ago, as you contend, but on May 30, 1995. This was followed by a second request on June 14, 1995, a third request on September 18, 1995 and subpoenas on January 11, 1996, directed to the White House and a number of present and former White House employees.

These requests were far-reaching and broad. In response to them, the White House has produced approximately 40,000 pages of documents. Included in this production were many confidential documents which the White House legitimately could have claimed should have been protected from discovery. However, in order to demonstrate to you that the White House Counsel's Office cooperated fully with the numerous outside investigations of the travel office matter, including investigations by the GAO, the FBI, the Office of Professional Responsibility, the Public Integrity Section, and the Internal Revenue Service, claims of privilege on these docu-

ments was either never asserted or were waived. Similarly, the White House produced its confidential, internal working papers used in preparing the July 2, 1993 White House Management Review.

Far from "stonewalling," therefore, the White House has turned over sensitive and legitimately protected documents for review by this Committee. This fact flatly contradicts your hollow assertions that this resolution is needed to compel the production of documents that relate, for example, to the allegations of thwarting official investigations by the FBI and the IRS. *The Committee already has such documents.*

Furthermore, the history of our document production to this Committee demonstrates that, consistent with the legitimate interests of co-equal branches of the government, the White House has undertaken a process of accommodation for access, review and production of documents. For example, after the Committee served its document requests last summer, Judge Mikva, my predecessor as White House Counsel, met with you and your staff and worked out a system for the review of approximately 300 pages of confidential documents; copies of many of those documents were subsequently produced to the Committee. For documents that consisted of almost pure legal analysis, we gave the Committee not only the opportunity to review the memoranda, but the White House also agreed to provide a copy of these documents 24 hours in advance of any interview or deposition of the author. The Committee, in fact, has taken advantage of this agreement during the present round of depositions.

When you decided that the system agreed to last summer was no longer convenient, Jane Sherburne and I again met with you for an hour and a half on February 15, 1996 to discuss the remaining confidential documents. In that meeting, you not only agreed to a rolling production of documents in response to the January subpoena, but we also provided an extensive description of documents which constituted confidential internal communications that should not be subject to production. I also offered a document proposal that would accommodate the needs of the Committee while protecting the legitimate interests of the White House. You promised me you would consider the proposal and respond. On at least four occasions, I reiterated in writing my willingness to continue discussions about these documents. The **only** response from you was your letter of May 2, 1996, accompanied by a draft resolution, in which you demanded the production of all documents under penalty of criminal contempt of Congress.

Despite my deep disappointment with your unwarranted letter and what I frankly think is an irresponsible threat of criminal contempt, calculated not to find the truth but instead to make a political point, I nonetheless continued my efforts to resolve this situation. On May 3, 1996, after our telephone conversation and at your request, I again categorized the type of confidential documents that were at issue:

1. Documents relating to ongoing grand jury investigations by the Independent Counsel;
2. Documents created in connection with Congressional hearing concerning the Travel Office matter; and
3. Certain specific confidential internal White House Counsel office documents including "vetting" notes, staff meeting notes, certain other counsel notes, memoranda which contain pure legal analysis, and personnel records which are of the type that are protected by the Privacy Act.

My letter stressed that "the materials that the Committee is demanding, and threatening contempt for not producing, go far beyond events relating to the Travel Office matter itself." I pointed out that "in so doing, the Committee presumes to ask for, among other things, our internal preparation for Congressional hearings you yourself have called, our private communications with Members and staff of this Committee, as well as our response to the [ongoing investigations] of the Independent Counsel." I then renewed my offer to meet and attempt a resolution.

On May 6, 1996, you again flatly refused to discuss any outcome short of turning over all documents or proceeding with the contempt resolution. Still, I responded by again offering to work out an accommodation. Your letter of May 7th, which contains a broad, entirely unfounded and, therefore, reckless attack on the Office of the White House Counsel, rejected yet again any attempt to recognize the legitimate interests of the White House. Instead, you continued to demand a wholesale production of all internal and confidential documents.

You did finally agree to one meeting to hear my offer to avoid this unnecessary confrontation. On May 8, 1996, you met with Congresswoman Cardiss Collins, Jane Sherburne, David Schooler, Jonathan Yarowsky and me. In that meeting, I outlined the confidential documents that we were prepared to let your staff review, offered to produce a privilege log and provided a strict timetable by which all of this material would be available. I also asked for an explanation as to what the Committee's specific needs were and how various categories of our confidential documents would

meet those needs. You refused to respond with anything more substantial than "we want it because we want it."

After you promised to consider my offer, the meeting adjourned. I was barely back in my office when I received a copy of your letter to Congresswoman Collins refusing to compromise at all. Compromise plainly will not serve the real motivation behind the confrontation you now demand.

Your letter also rejects as "wholly unreasonable" any attempt to resolve our differences through a civil rather than a criminal proceeding. As I pointed out to you in our meeting, there is clear precedent for proceeding this way, as demonstrated by the analysis written by Mr. Olson of the Reagan Justice Department and by the Senate's actions to implement such a civil enforcement proceedings—actions which are entirely available to the House and which would presumably be easy to accomplish if, in fact, the leadership support your efforts. Your unwillingness to follow this course of action only reinforces the inescapable conclusion that you are more interested in raising the political and personal stakes than in a just and reasonable resolution of this matter. This is particularly so in light of the fact that criminal proceedings will never lead to a judicial ruling on the privileges we assert, whereas a civil proceeding would result in an adjudication that would tell us whether or not you should get the documents you say you want.

Even this brief description of the document history clearly demonstrates the level of cooperation and compromise on the part of the White House. It also demonstrates that this motion is, at best, premature; there is still an opportunity for good faith negotiations. Instead, Mr, Chairman, your insistence in proceeding with this resolution has set in motion a needless constitutional confrontation. That confrontation is—beyond any doubt—in the sole service of Republican politics.

I want also to address your vague allegation that the White House Counsel's Office has thwarted your Committee's investigation of the travel office matter. This accusation is baseless, unfair and completely untrue.

Even assuming, however, that you have a good faith basis for making such a claim, it does not entitle your Committee to a wholesale invasion of all of our internal legal material generated in connection with responding to your Committee's investigations and the ongoing independent counsel investigation. If you will ask your questions with specificity, we will answer them. But, don't simply ask us to produce all of our internal files just to prove a negative. By refusing to be sufficiently specific, you have not even begun to establish the demonstrably critical showing that the courts require in order for an oversight committee to overcome the executive branch's strong interest in confidential and candid legal communications. Instead, you have unilaterally determined that this President is not entitled to any confidential legal communications and, therefore, any defense. On behalf of this and future administrations, I cannot accept your effort to destroy the viability of the Office of Counsel to the President.

As you may know, there are written procedures for responding to Congressional requests and for invoking executive privilege which were implemented by President Reagan and adopted by President Clinton. Those procedures require consultation with the Attorney General prior to asserting executive privilege. That process is now underway, and the Attorney General has given her legal judgment that "executive privilege may properly be asserted with respect to the entire set of White House Counsel's Office documents currently being withheld from the Committee, pending a final Presidential decision on the matter." (See attachment.) Consistent with that opinion, the President has directed me to inform you that he invokes executive privilege, as a protective matter, with respect to all documents in the categories identified on page 3, until such time as the President, after consultation with the Attorney General, makes a final decision as to which specific documents require a claim of executive privilege. This letter constitutes your notice of that invocation of privilege.

The procedures for invoking privilege also include the following provision:

> Pending a final Presidential decision on the matter, the Department Head shall request the Congressional body to hold its request for the information in abeyance. The Department Head shall expressly indicate that the purpose of this request is to protect the privilege pending a Presidential decision, and that the request itself does not constitute a claim of privilege.

I hereby request that your Committee hold its request in abeyance until such time as a Presidential decision as to executive privilege has been made with respect to specific, individual documents.

As always, I remain willing in the meantime to discuss this matter with you so that the legitimate needs of the Committee and the interests of the White House can be met.

Sincerely,

JACK QUINN,
Counsel to the President.

cc: Honorable Cardiss Collins

OFFICE OF THE ATTORNEY GENERAL,
WASHINGTON, DC,
May 8, 1996.

The President,
The White House,
Washington, DC 20500.

DEAR MR. PRESIDENT: You have requested my legal advice as to whether executive privilege may properly be asserted in response to a subpoena issued to the Counsel to the President by the Committee on Government Reform and Oversight of the House of Representatives.

The subpoena covers a large volume of confidential White House Counsel's Office documents. The Counsel to the President notified the Chairman of the Committee today that he was invoking the procedures of the standing directive governing consideration of whether to assert executive privilege, President Reagan's memorandum of November 4, 1982, and that he specifically requested, pursuant to paragraph 5 of that directive, that the Committee hold its subpoena in abeyance pending a final Presidential decision on the matter. This request was necessitated by the deadline imposed by the Chairman, the volume of documents that must be specifically and individually reviewed for possible assertion of privilege, and the need under the directive to consult with the Attorney General, on the basis of that review, before presenting the matter to the President for a final determination. The Chairman rejected the request and indicated that he intends to proceed with a Committee vote on the contempt citation tomorrow.

Based on these circumstances, it is my legal judgment that executive privilege may properly be asserted with respect to the entire set of White House Counsel's Office documents currently being withheld from the Committee, pending a final Presidential decision on the matter. This would be a protective assertion of executive privilege designed to ensure your ability to make a final decision, after consultation with the Attorney General, as to which specific documents are deserving of a conclusive claim of executive privilege.

Sincerely,

JANET RENO,
Attorney General.

THE WHITE HOUSE,
WASHINGTON,
November 4, 1982.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Procedures Governing Responses to Congressional Requests for Information

The policy of this Administration is to comply with Congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch. While this Administration, like its predecessors, has an obligation to protect the confidentiality of some communications, executive privilege will be asserted only in the most compelling circumstances, and only after careful review demonstrates that assertion of the privilege is necessary. Historically, good faith negotiations between Congress and the Executive Branch have minimized the need for invoking executive privilege, and this tradition of accommodation should continue as the primary means of resolving conflicts between the Branches. To ensure that every reasonable accommodation is made to the needs of Congress, executive privilege shall not be invoked without specific Presidential authorization.

The Supreme Court has held that the Executive Branch may occasionally find it necessary and proper to preserve the confidentiality of national security secrets, deliberative communications that form a part of the decision-making process, or other information important to the discharge of the Executive Branch's constitutional re-

sponsibilities. Legitimate and appropriate claims of privilege should not thoughtlessly be waived. However, to ensure that this Administration acts responsibly and consistently in the exercise of its duties, with due regard for the responsibilities and prerogatives of Congress, the following procedures shall be followed whenever Congressional requests for information raise concerns regarding the confidentiality of the information sought:

1. Congressional requests for information shall be compiled with as promptly and as fully as possible, unless it is determined that compliance raises a substantial question of executive privilege. A "substantial question of executive privilege" exists if disclosure of the information requested might significantly impair the national security (including the conduct of foreign relations), the deliberative processes of the Executive Branch or other aspects of the performance of the Executive Branch's constitutional duties.

2. If the head of an executive department or agency ("Department Head") believes, after consultation with department counsel, that compliance with a Congressional request for information raises a substantial question of executive privilege, he shall promptly notify and consult with the Attorney General through the Assistant Attorney General for the Office of Legal Counsel, and shall also promptly notify and consult with the Counsel to the President. If the information requested of a department or agency derives in whole or in part from information received from another department or agency, the latter entity shall also be consulted as to whether disclosure of the information raises a substantial question of executive privilege.

3. Every effort shall be made to comply with the Congressional request in a manner consistent with the legitimate needs of the Executive Branch. The Department Head, the Attorney General and the Counsel to the President may, in the exercise of their discretion in the circumstances, determine that executive privilege shall not be invoked and release the requested information.

4. If the Department Head, the Attorney General or the Counsel to the President believes, after consultation, that the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President, who will advise the Department Head and the Attorney General of the President's decision.

5. Pending a final Presidential decision on the matter, the Department Head shall request the Congressional body to hold its request for the information in abeyance. The Department Head shall expressly indicate that the purpose of this request is to protect the privilege pending a Presidential decision, and that the request itself does not constitute a claim of privilege.

6. If the President decides to invoke executive privilege, the Department Head shall advise the requesting Congressional body that the claim of executive privilege is being made with the specific approval of the President.

Any questions concerning these procedures or related matters should be addressed to the Attorney General, through the Assistant Attorney General for the Office of Legal Counsel, and to the Counsel to the President.

RONALD REAGAN.

Mr. CLINGER. I note that a vote is in progress. The committee will recess for 15 minutes for the vote, and reconvene at 11:15.

Mr. WAXMAN. Point of parliamentary procedure before we break.

Mr. CLINGER. The gentleman will state the point of parliamentary procedure.

Mr. WAXMAN. The Chair indicated he would entertain a motion to stop all debate in 2 hours and split the time between the Democrats and the Republicans. I didn't realize the Chair was going to take such a long time for his opening statement.

I would hope, in light of the fact that we're taking an action that may put someone in prison, that we don't have that time limit imposed upon us, so we can have full debate.

Second, you indicated there were letters and subpoenas upon which we're basing this action, some of which may be at the press table. I wonder if they could be also furnished to the members?

Mr. CLINGER. I think they have been, have they not?

Mr. WAXMAN. No. If they would be furnished to us, I would appreciate it.

Mr. CLINGER. All right. I think, in terms of the timing, I have indicated that once the debate had begun in this matter, at the outside it would be 2 hours. It could be considered earlier than that.

[Recess.]

Mr. CLINGER. The Committee on Government Reform and Oversight will resume sitting, and the chair is now pleased to recognize the ranking minority member of the committee, Mrs. Collins, for her opening statement.

Mrs. COLLINS OF ILLINOIS. Mr. Chairman, before I begin my statement, I would appreciate it, because I need a point of clarification. My statement is slightly shorter than yours, and while I do not feel that it is correct to set a time limit on our deliberations today when the subject of the potential imprisonment of citizens is being considered, I would hope that you would not count the time of our statements against our colleagues' right to debate this issue, Mr. Chairman.

Mr. CLINGER. That is accurate. I mean, I think I would state that at some point I would consider a motion for the previous question; but after your statement, we will proceed under the 5-minute rule for as much time as I think we are having meaningful and productive debate. So this will not count against any time limit of any sort.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. As you know, Mr. Chairman, the Republican majority has just passed a motion that would allow consideration of the housing bill on the House floor while we are considering this contempt citation. And so members now have to choose between being here or doing their work on the House floor.

Now, some Americans would find it strange indeed if jurors could vote without benefit of a trial, or in this case, a hearing, and then skip the deliberations so they could go to work and only show up at the end of the time to pass their verdict. However, under the Republican rules of this House, that is exactly what the members of this committee have to do in their vote on the criminal contempt.

And, you know, Mr. Chairman, I've served with pride on this committee for 23 years, but today I really am ashamed of the actions that are being considered by this committee. I remember that our first committee meeting in this Congress when we not only met to organize a committee, but also to mark up the Unfunded Mandates Bill, despite not having held a hearing. That was a contentious markup that led to a long debate on the House floor.

At the time, Mr. Chairman, you remarked that you would always remember to hold a hearing before marking up a bill. Today, however, we are faced with a far more serious task than that bill: We are being asked to sit in judgment on three individuals and find them in contempt of Congress without so much as giving them a hearing to determine exactly what they have done and why they have done it.

Now, I know you to be a fair man, Mr. Chairman, which makes your attitude all the more puzzling. And even worse, you said that you have decided that we are going to stifle our debate today, further limiting due process.

Could the answer to the question lie in a memo from Bob Walker and Jim Nussle to all committee chairmen, dated April 23, which

is over there on that easel, which asks for three categories of information—(1), waste, fraud, and abuse in the Clinton administration; (2) influence of Washington labor union bosses' corruption; (3) examples of dishonesty or ethical lapses in the Clinton administration—and instructs the chairmen to give the material to Ginni Thomas, who works for majority leader Armey?

That memo makes it pretty clear: It is a Presidential election year, and the committees of the House of Representatives are being asked to produce kangaroo-court theatrics that are designed to embarrass the President. Unfortunately, in order to conduct this political campaign, it is also necessary to smear the reputations of individuals who have been given no opportunity to defend themselves. They could literally face a prison term because the majority does not want the American people to hear the facts of the case.

So I call upon all of my colleagues to recognize that they sit here, not as 28 Republicans and 24 Democrats, but as 52 jurors who are being asked to consider whether the named individuals have committed the crime of contempt of Congress. Do any of you feel capable of making that judgment in the absence of a single word of testimony, a single opportunity for attorneys to present their legal arguments in public, or a single opportunity to consult with knowledgeable individuals concerning the legal issues presented?

Do you believe in a kangaroo justice in which Speaker Gingrich, Dick Armey, or the committee staff decide all the facts, decide all the points of law, and members are reduced to automatic voting machines?

This week, members of the committee received a draft report purporting to deal with today's proceedings. Actually, most of the report is the majority staff's one-sided view of the travel office firings and investigations. There is not a single footnote or attribution to testimony, nor is it particularly relevant. What is even more surprising is that the committee is in the midst of conducting lengthy depositions pursuant to a resolution of the House.

Why are we conducting this investigation if the majority had already drawn its conclusions? What is missing from the report is any clear explanation of what, if anything, the individuals who are facing the contempt citations have refused to provide the committee, why they have refused or why the documents are particularly pertinent to the investigation.

I will, therefore, devote the rest of my opening statement to my understanding of the issues of these contempt cases. However, let me state at the outset that my recitation of the facts and issues cannot, by any means, replace a hearing to determine what the facts really are.

The chairman's recitation of the case against these individuals is like the opening statement of the prosecutor: It is his argument, not the facts. We have virtually no record of facts in these cases. With respect to issues of law, we have virtually no legal briefs, and I suspect few of the 52 members of this committee can honestly say they have read all of the arguments that have been presented.

I begin with Mr. Matt Moore, because his case is symbolic of the excesses of the majority in their attempt to embarrass the Clinton administration. Mr. Moore used to work in the White House and was a lawyer in the Office of Administration. Mr. Moore received

a subpoena from the committee for documents relating to the travel office, and he sought to comply in full. He noted through his attorney that three documents were being withheld because of a claim of attorney/client privilege being asserted by Mr. David Watkins.

His lawyer went the extra step by providing the committee with an opinion by the D.C. Bar, which explains that when a lawyer has been asked to maintain a confidence based upon attorney/client privilege, he must do so if it is a colorable claim. He must do so even if he does not personally agree that the privilege exists. That decision must be left to court order.

Disclosure of the material can lead to discipline by the bar. The matter is likely to be litigated in the courts since Mr. Watkins is facing the possibility of prosecution by independent counsel Kenneth Starr. Yet we are now calling Mr. Moore a criminal because he is following the directives of the bar concerning disclosure for which claim of privilege is made by a third party. Nowhere in the draft report are Mr. Moore's arguments even discussed. In fact, the draft report mistakenly blames Mr. Moore for failing to raise a privilege issue that Mr. Watkins, not Mr. Moore, raised.

I wonder whether all of my Republican colleagues have read the arguments of Mr. Moore's attorney on this matter, or are you all prepared to vote without having at least read them? That is a question you will have to answer to your constituents.

Now, we move to Mr. David Watkins, who appeared before this committee in January and answered every question asked of him at an all-day hearing. He also provided dozens of documents, including handwritten notes. He is apparently claiming attorney/client privilege for certain documents, although the draft report is unclear as to what those documents are.

As mentioned earlier, Mr. Watkins is facing criminal prosecution because of a referral made to the U.S. attorney by the General Accounting Office. The circumstances of that referral are quite interesting. On January 23, 1996, Chairman Clinger wrote to the General Accounting Office to examine Mr. Watkins's statements to them during their investigation alongside his recent memos to determine if inconsistencies or crimes were committed.

Interestingly, the Clinton White House was criticized when they went to the FBI to see if there were any crimes being committed in the travel office. It did create a bad appearance, but so was the appearance of the chairman with direct authorizing oversight of the GAO and who was in the midst of drafting a law rewriting the powers of the GAO, asking them to make an opinion as to whether Mr. Watkins had committed a crime.

Well, to no one's surprise, after 1 week's review in which Mr. Watkins was never even interviewed, GAO gave the chairman the answer he undoubtedly wanted to hear, that Mr. Watkins had possibly committed a crime. On February 9, 1996, the chairman directed GAO to refer the matter to the U.S. attorney, and they complied on February 12, 1996.

The next day, the stories were all over the press that a criminal referral by GAO had been made. I subsequently asked GAO whether they publicly reveal when they make a criminal referral, and they said no, but they place no limitation on the release of the information by Congress.

Now, I thought back to the congressional criticism of the Clinton administration when they revealed that the FBI was investigating the travel office. Apparently there is one standard for travel office officials and the White House and another standard for Mr. Watkins and the Congress.

I would note for the record that 2 weeks later, on February 27, 1996, the chairman sent a letter to Representative Packard, who oversees the appropriations for GAO, to express support for the budget requests of GAO. Now, is there little wonder why the public is cynical about all of these investigations? Mr. Watkins's claim of privilege could arise in the course of his now-pending criminal investigation. If it does, an independent court will have to decide the case. However, we are being asked to preempt that decision by having a partisan vote in this committee to decide this matter without even the benefit of a hearing or a legal analysis.

So ask yourself why we should further prejudice this case, particularly in light of Mr. Watkins's willingness to answer every question posed of him at the January hearing? Do any of my colleagues honestly believe that the conclusion of the draft report that a privilege does not exist was written by a staff that has absolutely no interest in the legal conclusion that was drawn?

Now, let me briefly move to Attorney General Janet Reno, who was dropped from the contempt resolution. Last summer, there were unattributed quotes from congressional members and staff indicating that they were hoping to get the Attorney General when she appeared for the Waco hearings. They were unsuccessful, so they were trying again. There was not one mention in this draft report of any document not provided to the committee by the Attorney General. There was none, and eventually the Attorney General was dropped from the resolution.

Nevertheless, the political damage has already been done. The headlines saying Janet Reno would be considered in the contempt proceeding have already had their effect, and I guess that is what is called political payback.

Now, we move to Jack Quinn, counsel to the President. He has been tireless in providing around 40,000 pages of documents to this committee. He has ensured that White House officials would be made available to the committee for depositions and has attempted to work out accommodations on sensitive documents.

According to letters in both directions from Mr. Quinn to the chairman, it appears that Mr. Quinn identifies several limited areas of concern in the meeting with the chairman on February 15, shortly after the subpoenas were issued. Those matters were apparently held in abeyance by the chairman, despite continued letters from Mr. Quinn to the chairman requesting a resolution of the matter. In each case, Mr. Quinn received no reply, until last Thursday, when the chairman wrote him a letter telling him that he would be held in contempt if he did not drop all his claims of privilege.

There were no discussions, no hearing, no compromises. After 2½ months in which no discussions were held because the chairman refused to do so, Mr. Quinn is now being accused of dragging his feet. Despite the threat of criminal prosecution, Mr. Quinn has

continued to seek an accommodation, and did so just yesterday in a meeting that I attended with the chairman.

The chairman listened to his proposal, which would basically either turn over the documents or identify them for further discussion. The chairman then turned him down and decided to charge him with criminal contempt. At that point, Mr. Quinn asked for a hearing, and he was turned down.

Now, the majority does not want to hear them, because they do not want members and the public to know what is at issue; therefore, I will try to identify briefly the concerns laid out in the letter from Mr. Quinn. The first category of documents are materials relating to contacts with the independent counsel. Now, I ask you, why is this committee asking for that? Don't we want to keep the investigation confidential? Shouldn't grand jury investigations be secret? Don't we trust the independent counsel to ensure that his investigation is being conducted in a thorough manner? Why are we injecting Congress into this matter?

Confidentiality concerns alone should give us pause in that area. For example, when the committee recently received a document addressed to David Watkins from the First Lady, it soon found its way into an article in the New Yorker magazine. Now, do we want grand jury materials to be there, as well?

The second category were documents related to preparations for the current hearings and contacts with Members of Congress. Does this committee believe that it is correct to inquire about private meetings between Congressmen or women and executive branch officials? The speech-and-debate clause protects most of these documents. How is it that the White House is expected to prepare for hearings if everything the President's lawyers write can be read by the Congress.

Is the chairman prepared to show the American public every document his staff ever prepared in preparation for those hearings, including their communications with the Republican leadership? What is next? Do we soon have a new set of subpoenas to get documents on how the administration attorneys prepared for this contempt citation?

The third category of documents included internal legal discussions within the counsel's office and other matters with privacy concerns. According to Mr. Quinn's letter, an offer was made to make those documents available to the committee in camera, but there was no response.

We in the Congress must always remember that we have breathtakingly strong powers. We must treat them with care. Congress has few of the procedural constraints of the courts, but that makes us even more vulnerable to the abuses of power. The Congress has a fine history of oversight, but we also have some of the worst examples of indiscriminate smearing of reputations in the name of the interest of the country. The American people do not want to see the Congress used as a campaign office for either party; they want to see us work out our differences. Certainly an accommodation can be reached.

Last summer, the White House, after a good deal of negotiations, allowed committee members to review documents on Waco with the President's own handwriting; and everybody agreed that the docu-

ments contained nothing important, but the President did not want to set precedents that would hinder later Presidents. That is all this case is about, but apparently the majority would rather cry "contempt" than to try to reach an agreement.

In conclusion, Mr. Chairman, I think we ought to stop this proceeding right now. We ought to pick up the phone and set a meeting with Mr. Quinn and see if we cannot work this out. I think we can, but if we cannot, let's call the individuals to a hearing so they can present their side of the case. In the meantime, the members of this committee could at least attempt to learn the facts and legal arguments in this case.

I thank you for your generous amount of time and yield it back. Thank you.

[The prepared statement of Hon. Cardiss Collins follows:]

PREPARED STATEMENT OF HON. CARDISS COLLINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Today the Committee on Government Reform and Oversight will meet to consider a contempt of Congress resolution for several current and former officials of the Executive branch. We are calling this press conference today to expose the facts that the Republican majority won't let the public hear at a public hearing.

The fact is that today's contempt meeting is not about documents. It is about politics. Two weeks ago the Republican leadership ordered Committee chairmen to use their committees to expose—and I quote—Examples of Dishonesty or ethical lapses in the Clinton Administration. A week later our committee is considering a contempt of Congress resolution for the President's lawyer.

The Democrats on the Committee have called for a public hearing to take testimony on the contempt issue before voting. That is the normal way the House proceeds. That is how we proceeded in the case of James Watt. That is how we proceeded in the case of Anne Gorsuch Burford. Chief Justice Burger, in a Supreme Court decision in the case of *Groppi* v. *Leslie,* stated that due process of law requires at least a hearing before a finding of contempt. We found just one case—the Kissinger case—in which a hearing wasn't held and that case was resolved before it reached the Floor.

Why won't the Republicans hold a hearing? Because they don't want you to know what the issue is, and how this whole matter has been contrived to look like there is some secret. There are just two areas of dispute with the White House. The Republicans want the White House to turn over all documents relating to contacts with the Independent Counsel. It is unprecedented for Congress to try to interfere with an investigation of an Independent Counsel, or to review documents that are subject to the secrecy of a grand jury. The Republicans are asking for those documents to provoke a fight.

The Republicans are also asking the Counsel to turn over his notes relating to his contacts with the Congress in preparing for the Travel Office hearings. No committee has ever subpoenaed those notes. Would Chairman Clinger turn over all of his memos and notes about his preparations for these hearings and discussions with Speaker Gingrich on how to embarrass the President? I surely doubt it.

What is not at issue are any documents relating to the Travel office firings or any of the subsequent investigations conducted by GAO, the Justice Department, the White House Management Review, the FBI, the IRS, or anyone else. The White House has turned over 40 000 pages of documents. The Republicans found no cover-up, so they are manufacturing one.

Unfortunately, no one will be at the Committee today to give testimony on these issues. No one will be able to offer some form accommodation, because the Republicans want a confrontation over Executive Privilege. In the past, these issues got resolved through compromise. In some cases Members, but not staff, were allowed to view documents. In the case of Secretary Kissinger, it was resolved when he gave the committee a briefing. Yet Chairman Clinger has rejected any compromise that has been proposed by Mr. Quinn.

Let me be clear. None of us believes the Travel Office firings were handled correctly, but that is not the issue today. The issue is politics. There is plenty to be done in our Committee, but we are not doing it. In the past, our Committee found billions of dollars in waste, such as Pentagon cost overruns, that saved the taxpayers billions of dollars. Under the Republicans, we haven't tackled those big ticket

Pentagon issues, or any other important government oversight matters. Instead, we remain mired in the politics of the Travel Office.

Mr. CLINGER. I thank the gentlelady for her opening statement. I would just concur that I do not relish the idea that we are bringing criminal contempt proceedings here, but I would hope for the record that that is the only means that we can proceed to assert the privileges of the House to obtain these documents. We do not have a civil remedy to pursue in this instance, and, therefore, the only mode we have for asserting the rights of the House to obtain documents under the subpoena is to——

Mr. KANJORSKI. Will the gentleman yield?

Mr. CLINGER. It has not been my intent in any way to—certainly not my point of putting Mr. Quinn or anybody else in jail. We will now proceed——

Mr. KANJORSKI. Will the gentleman yield?

Mr. CLINGER [continuing]. We will now proceed under the 5-minute rule, and I will go back and forth from one side to the other so long as we feel that the discussion and the debate is productive and nonrepetitive, and I would now open the floor for discussion under the 5-minute rule.

Mr. GILMAN. Mr. Chairman.

Mr. CLINGER. Mr. Gilman. The chair recognizes the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I want to commend you for pursuing this inquiry and whatever remedies are available to the committee so that we can have full disclosure and full information. And I am reminded of what you quoted in your statement, that congressional requests for information shall be complied with as promptly and fully as possible under the statutory language unless it is determined that compliance raises a significant or a substantial question of executive privilege, and that applies to national security.

And I would hope that there would be a move by the administration to provide the information that is needed. I know that you have tried to do that for many months and have been stonewalled with regard to the information that this committee seeks.

Mr. Chairman, I regret that I am conducting a hearing in our International Relations Committee, and I would like to yield at this time the balance of my time to the gentleman from Indiana, Mr. Burton.

Mr. BURTON. Thank you, Chairman Clinger; and Chairman Gilman, thank you very much for yielding me this time.

We serve on the Foreign Affairs Committee or the International Operations Committee, Chairman Gilman and I, and we understand that where national security is concerned, that there are cases where executive privilege or closed hearings must be conducted. But in this particular case there is no national security interest; there is only the case of the White House protecting its derriere. And as a result, the chairman has tried every single way he possibly can for a long period of time to get these records.

The minority has indicated in their statements that, you know, that the chairman is not being fair, that he is overstepping his bounds, and so forth; but I would like to read from the White House letter that came this morning. It said that on May 30, 1995, there was a request made. It was followed by a second request on

June 14, 1995, a third request on September 18, 1995, and subpoenas on January 11, 1996, which was, I believe, almost 5 months ago.

Now, how much patience do you expect this committee to have? We have oversight jurisdiction over the executive branch, and we cannot get the White House to give us this basic information that we require. They are stonewalling us. The American people have a right to know, and the representatives of the American people have a right to know about the allegations and about the circumstances surrounding Travelgate, and we are not getting those.

Now, there was a question about the legality of this action. I would like to read to you from the CRS, the Congressional Research Service, and a specialist in American law, Morton Rosenberg's, analysis of this. In his final paragraph he says, "We conclude, then, that subpoenas are legally sufficient, and the nonappearance of Quinn at the contempt hearing, particularly in light of the invitation to file a written explanation of his refusal and his failure to date to request a personal appearance, would not appear to violate procedural due process requirements."

So there has been a legal opinion about the procedures of this committee filed and requested, requested and filed, and the chairman is exactly right in his opening statement, that we have done every single thing short of a contempt citation to get this information, and we have been stonewalled by the White House because the White House simply does not want us to have that information because of what they believe it may involved as far as they are concerned and as far as their reputations are concerned, in my view.

Now, this is not the first time this has happened. On the other side of the Capitol, in the Senate, the Banking Committee asked for telephone records regarding the Whitewater investigation, and for 2 years, for 2 years those records could not be found. Do you know where they were found? They were found in the First Lady and the President's private residence, and they had the First Lady's fingerprints all over them, which is very interesting, I might add.

Mr. KANJORSKI. Will the gentleman yield?

Mr. BURTON. But the fact of the matter is—I do not want to yield—but the fact of the matter is we were stonewalled on that. They said they did not know where those records were. Now, they believe they came out of Vince Foster's office after his suicide or apparent suicide, and they were taken up by, they believe, the secretary of the First Lady to the President's quarters. They were alleged to have been turned over, all of those records, to the lawyer for the President; but here we are 2 years later; they found those records in the President and the First Lady's private residence.

So there is a history of trying to hide these kinds of records and documents from committees of the Congress and from the independent counsel and from the Banking Committee in the Senate, and I think that is very unfortunate. The American people have a right to know if there was wrongdoing in Whitewater. They have a right to know if there was wrongdoing in Travelgate. They have a right to know about all of these issues, and this committee has oversight jurisdiction, and it seems to me that the White House does itself a disservice—and I see some of the White House lawyers

are out there in the audience today; they came over instead of looking for the records, they are sitting here listening to our debate. I would suggest that they would be better served if they were back there getting those records together.

But the fact of the matter is, Mr. Chairman, I firmly believe the White House does itself a disservice and the Nation a disservice by not coming clean and bringing these records and these individuals to appear before the committee.

If they would do that, this would be over in a short period of time, we could get on with the business at hand, and if there was no wrongdoing, the American people would know. If there is wrongdoing, we would know; and if there is no wrongdoing, we would know; but they don't want to give us the records, and we are going to keep pushing until we do get those records. Thank you, Mr. Chairman.

Mr. CLINGER. The gentleman's time has expired. The chair now recognizes the gentleman from New York, Mr. Owens, for 5 minutes.

Mr. OWENS. Yes, Mr. Chairman. I have been on this committee for 14 years now, and I have never seen such a monumental waste of time. This committee in this 104th Congress would probably win a prize for its engagement in petty activity. The Government Reform Committee should rename itself the "Committee to Investigate Travel." This is the third White House travel hearing within the last 6 months. Taxpayers should be incensed that the committee has spent such an inordinate amount of time on the White House Travel Office, which has a very small budget and bears very little impact on major policymaking activities for this Nation.

We meet yet again today to engage in the unnecessary, costly, and unwise task of revisiting the White House Travel Office affair. Yes, there was gross financial mismanagement of the travel office, most of which predates the Clinton administration. Yes, the White House was insensitive in its decision to fire the travel office employees without due process. It is always wrong to not have due process, and we are falling into that same error today. This committee is not following the rules of due process.

However, all audits conclude that the White House's actions were lawful, period. What is the point of continuing to belabor the matter after five government-sponsored, taxpayer-funded, investigatory audits have already been performed, and another one was found to be illegal?

One of the critical items on which the committee maybe should instead focus its attention is on the collection of the $55 billion non-taxed delinquent debt that is outstanding in the U.S. Treasury. This is an example of business that the committee is neglecting grossly. The extent of this debt was well-documented by my colleague, Carolyn Maloney. Although debt collection is a problem clearly under the jurisdiction of this committee, the full committee has never held a hearing on this egregious example of Federal waste.

The committee should hold hearings on the $2 billion that the Federal auditors discovered in the CIA petty cash fund. Some people have said, "That's not real" or "Where did you get that information?" I got it off the front page of the New York Times twice and

on the front page of the Washington Post. And later the Clinton administration fired two people in the National Reconnaissance Agency, which is under the CIA.

So I think it is pretty well documented that the $2 billion in petty cash, the so-called "slush fund," was around and not spent. The director of the CIA did not know about it, and the President did not know about it. That is worthy of investigation by a committee of this kind. The General Accounting Office later found that the Federal Reserve Bank had $3.7 billion lying around in a so-called "rainy day fund" for the Federal Reserve Bank.

That is worthy of investigation by this committee: Why does the Federal Reserve have $3.7 billion lying around, when in the last 79 years they have never had a rainy day? They have never needed funds. They have had no losses. So the Federal Reserve is one we ought to take a look at. It is a big-shot agency run for and by the rich and powerful, but it still ought to come under—it is under the jurisdiction of this committee, and we should be investigating it.

Furthermore, the committee should investigate the $12.3 billion that the farmers owe to the Department of Agriculture. This is part of a $55 billion uncollected debt amount. As I said before, my colleague did an excellent study documenting that that exists, and it was discussed in the Subcommittee on Government Management, Information, and Technology.

The study also showed that what is owed in the Farmers Home Loan Mortgage Program and other programs to the Department of Agriculture by rich farmers. The Department of Agriculture is one of the major offenders. Large amounts of money are owed to farm programs, and many of the debts are forgiven.

I still cannot find out, Mr. Chairman, what is the criterion for forgiving someone who owes a debt to the Federal Government? Who makes those decisions? For my poor constituents back home in Brownsville, East New York, Brown Heights, I am certain they would like to know how to obtain forgiveness for their debts that they owe to the Federal Government. Many students are owed, and they would like to know how to get forgiveness for that.

Mr. Chairman, I respectfully request at this time that the full committee immediately hold hearings to examine the criteria for forgiving Federal debts, beginning with the Farmers Home Loan Mortgage Program. Yes, there are citizens out there being pursued by the IRS and other agencies pursuing people for very small amounts of money, smaller amounts of money, I assure you, than are involved in even the White House Travel Office.

Eleven billion dollars was forgiven over a 5-year period by the Department of Agriculture. Let me repeat that, Mr. Chairman. Eleven billion dollars—this was reported on the front page of the Washington Post—they cited four millionaires who were part of the offending group. Yet there were never any hearings held on that, and they are long overdue. Something about that sounds grossly unfair. It is a kind of preferential treatment that is unworthy of the Federal Government, yet we have had no hearings on it.

Finally, when we are going to hold hearings on the effort—when are we going to hold hearings on the effort to collect $13 billion that is labeled "miscellaneous." Thirteen billion dollars in miscellaneous debts are out there. How can we in good conscience say

to the electorate out there that we have $13 billion in miscellaneous debt, then spend so much time and so many taxpayer dollars on low-priority White House travel matters?

Taxpayers really want to see this unreasonable, sensationalized, and wasteful set of hearings brought to a conclusion. The committee should stop engaging in these activities. The challenge to this very important committee is to hold necessary hearings and vote for the practical actions need to do things like collect the $55 billion in delinquent debt now outstanding.

There are other very real and very serious problems that this committee should be examining at this point. When there is so much real work to be done, adult members of the Republican majority should stop playing these childish games. Mr. Chairman, I hope this is the—the rest of this year will be spent in a far more productive way. As a member of this committee, I think that our behavior in the 104th Congress has been most unproductive, and I do not like being a waste here in this Congress. Thank you very much.

[The prepared statement of Hon. Major R. Owens follows:]

PREPARED STATEMENT OF HON. MAJOR OWENS, A CONGRESSMAN FROM THE STATE OF NEW YORK

Mr. Chairman, I protest, along with my colleagues this endless, partisan unproductive investigation of the White House Travel Office and the travel of Administration officials including Energy Secretary Hazel O'Leary. Today's scheduled Contempt Resolution vote in this Committee is the most recent Republican absurdity. We meet again this morning at the insistence of Chairman Clinger and his minions to hold several officials in contempt without the benefit of a hearing or due process of any kind. Unfortunately, this obsession is typical.

The Government Reform Committee should rename itself the Committee to Investigate Travel. This is the third White House Travel hearing within the last six months. Taxpayers should be incensed that the Committee has spent such an inordinate amount of time on the White House travel office—a very small budget with no impact on major policy making activities. We meet yet again today, to engage in the unnecessary, costly and unwise task of re-visiting the White House Travel Office affair.

Yes, there was gross financial mismanagement at the Travel Office, most of which predates the Clinton Administration. Yes, the White House was insensitive in its decision to fire the Travel Office employees without due process. However, all audits conclude that the White House's actions were lawful—period. What is the point of continuing to belabor the matter after five government-sponsored, taxpayer-funded investigatory audits have already been performed and nothing was found to be illegal.

One of the critical items on which the Committee should be concentrating is the collection of the 55 BILLION dollar non-tax delinquent debt that is outstanding in the U.S. Treasury. The extent of this debt was well documented by my colleague, Carolyn Maloney. Although debt collection is a problem clearly under the jurisdiction of the Committee, the full Committee has never held a hearing on this egregious example of federal waste.

The Committee should hold hearings on the 2 BILLION dollars that Federal auditors discovered in the CIA "petty cash" fund. The General Accounting Office reported that the CIA has at least 2 BILLION dollars that it has not spent over the years. This 2 BILLION dollars is just lying around in a "petty cash" fund. The audit also revealed that the Director of the CIA did not know about the 2 BILLION dollars. The President didn't even know about the 2 BILLION dollars.

In addition, 3.7 BILLION dollars was discovered in the "rainy day" fund of the Federal Reserve Bank. The Federal Reserve Board, another big-shot agency, which is run by the rich and powerful. The Federal Reserve has 3.7 BILLION dollars lying around that it has not used. They call it their "rainy day" fund. In 79 years, the Federal Reserve Board has never had any losses, any crisis or problems. So, why do they need to have this money just lying around? How much interest would you get on 3.7 BILLION dollars to offset the payments on the deficit. If that 3.7 BIL-

LION dollars had been given to the Treasury where it belongs, we would not have a situation where you pay interest on that 3.7 BILLION dollars worth of debt. We would have that much less to pay.

Furthermore, this Committee should investigate 12.3 BILLION dollars that farmers owe to the Department of Agriculture. This is part of the 55 BILLION dollar uncollected debt according to the excellent study done by my Democratic colleague member of the Government Management, Information, and Technology Subcommittee. The study also showed what is owed in the Farmers Home Loan Mortgage Program and other programs in the Department of Agriculture by rich farmers. The Department of Agriculture is one of the major offenders. Large amounts of money are owed in farm programs and many debts have been forgiven. I still cannot find out what is the criteria for forgiving someone who owes a debt to the Federal government. Who makes those decisions? For my poor constituents is Brownsville, East New York, Crown Heights, Brooklyn, I am certain they would like to know how to obtain forgiveness for their own debts to the Federal government. Mr. Chairman, I respectfully request that this Full Committee immediately hold hearings to examine the criteria for forgiving federal debts beginning with the Farmers Home Loan Mortgages.

And yet, there are citizens out there being pursued by the IRS and other agencies for a few thousand, and the Farmers Home Loan Mortgage forgave over eleven BILLION dollars owed over a five year period. Something about that sounds grossly unfair and illustrates some kind of preferential treatment unworthy of the Federal government.

Finally, when are we going to hold hearings of the efforts to collect the 13 BILLION dollars in miscellaneous debt that is outstanding? How can we in good conscience say to the electorate out there that we have 13 BILLION dollars in miscellaneous debt and then spend so much time and so many taxpayer dollars on low priority White House Travel matters.

Taxpayers demand that this unreasonable, sensationalized, politically motivated wasteful attack be halted immediately. The Committee should stop engaging in activities that are costly, useless and meaningless and start focusing on the problems that will yield much needed dollars. The challenge for this very important Committee is to hold the necessary hearings and vote for the practical actions needed to collect the $55 BILLION in delinquent debt now outstanding. And there are other very real and very serious problems this Committee should address. When there is so much real work to be done, adult members of the Republican majority should stop playing childish games.

Mr. CLINGER. I thank the gentleman for his comments. The gentleman did allude to the fact of whether due process had been achieved in this case, and I would like to enter in the record a legal memorandum from the American Law Division indicating that, in fact, the minimum requirements for due process with regard to a hearing in contempt have been met. I will submit that for the record, and I would now recognize the gentlelady from Maryland, Mrs. Morella, for 5 minutes.

[The information referred to follows:]

CONGRESSIONAL RESEARCH SERVICE—THE LIBRARY OF CONGRESS,
WASHINGTON, DC 20540–7000,
May 8, 1996.

TO: Honorable Bill Clinger, Chairman, House Committee on Government Reform and Oversight

FROM: American Law Division

SUBJECT: Constitutional Necessity for Appearance Before a Committee of a Custodian of Subpoened Documents Prior to a Vote to Hold the Custodian in Contempt of Congress

On January 11, 1996, your Committee issued and served subpoenas *duces tecum* on the White House for 30 categories of documents relating to the White House Travel Office matter, returnable by January 22. Attempts at resolution of the matter have continued since that time through correspondence, meetings and telephone communications between you and members of your Staff and White House officials, in particular John Quinn, the White House Counsel, who is the official with custody and control of the pertinent documents.

On May 2, you advised Mr. Quinn that the response to the subpoenas had been unsatisfactory. You noted that a body of records was being withheld, apparently "on separation of powers or Executive Privilege" grounds, but that no privilege log had been produced specifying the particular records being withheld and particular privilege being asserted. You concluded with a notification that all documents responsive to the Committee's subpoenas were to be turned over by close of business May 8, and that for any documents not produced the President must personally make a written claim of executive privilege. Finally, you advised Mr. Quinn that you had scheduled a Committee meeting for the morning of May 9 at which time you would request a vote to hold him in contempt if the documents are not supplied.

Mr. Quinn replied by letter on May 3, acknowledging that he understood that your letter "threaten[ed] to hold me in contempt for failing to produce certain materials which essentially reflect the internal deliberations of the White House Counsel's Office." He pointed to his Office's attempt at compliance as reflected in the production of 40,000 documents over the period but noted that compliance was complicated by two shifts in the original purpose of the Committee's inquiry, which was to "investigate what actually happened in the Travel Office matter." The first shift was "to investigate the numerous investigations that were conducted of the underlying conduct," and then "to investigate how we respond to your investigation of the investigations." The White House Counsel then specifically defined the three categories of documents being withheld:

1. Documents relating to ongoing grand jury investigations by the Independent Counsel;

2. Documents created in connection with Congressional hearings concerning the Travel Office matter; and

3. Certain specific confidential internal White House Counsel office documents including "vetting" notes, staff meeting notes, certain other counsel notes, memoranda which contain pure legal analysis, and personnel records which are of the type that are protected by the Privacy Act.

The letter concluded that the materials sought "go far beyond events relating to the Travel Office matter" and "presumes to ask for . . . our internal preparation for Congressional hearings . . . , our private communication with Members and staff of this Committee, as well as our response to the Office of Independent Counsel."

You responded to Mr. Quinn's letter on May 6, informing him that your May 2 letter was intended to reject all previous White House offers of compromise. You also explained that the expansion of the Committee's investigation was the result of revelations that raised questions whether certain "actions met the standards for improper or even criminal conduct." You noted that his description of the categories of documents withheld was appreciated but that a "detailed privilege log is still requested and would have been more useful." You reiterated your demand that all subpoened documents be produced by May 8.

In a letter of response dated May 6, Mr. Quinn asked for a further opportunity to accommodate the Committee's needs and "the President's interest in protecting confidential communications." He offered to discuss making available material related to FBI and IRS inquiries.

You replied on May 7 that you would accept the proferred documents but that their acceptance would not waive full compliance with the January 11 subpoenas. You stated that you would not "accept the proposition that non-executive privileged attorney-client relationships or internal deliberative process privileges exist", but invited a written statement "of any valid executive privilege claims" . . . "or a written claim of Executive Privilege signed by the President," to be transmitted to the Committee by 8:00a.m., May 9. You did not invite Mr. Quinn to testify at that Committee meeting nor has he yet asked to be present.

You have inquired whether, on the basis of the proceedings thus far, there is a constitutional necessity for the Committee to have Mr. Quinn present at the contempt meeting to specifically refuse to comply and to have an opportunity to explain his noncompliance in order to make the proposed contempt citation legally sufficient. You also ask whether all other steps legally necessary to support a criminal proceeding under 2 U.S.C. 192 and 194 have been met. We conclude that it appears that Mr. Quinn's presence is not necessary and that your Committee will have met the prima facie requirements for sustaining a contempt.

DISCUSSION

The offense of criminal contempt of Congress under 2 U.S.C. 192, 194, is established by meeting four principal elements: (1) jurisdiction and authority; (2) legisla-

tive purpose; (3) pertinency; (4) usefulness. See, John C. Grabow Congressional Investigations: Law and Practice, Ch. 3.4(b) (1988).

1. Jurisdiction and Authority. The jurisdiction of the Government Reform and Oversight Committee is broadly defined in House Rule X, 1(g) and includes oversight of the "overall economy, efficiency and management of government operations and activities, including Federal procurement," Rule X 1, (g)(6), and the committee has the authority to issue subpoenas for testimony and documents pursuant to House Rule XI, 2 (m)(2). In this case, the activities of the Travel Office would seem to fall well within the Committee's jurisdiction and subpoenas for documents were issued and served in accordance with House and Committee rules on the appropriate custodians of the documents. Custody and control has been acknowledged by word and action.

In his May 3 letter Mr. Quinn appears to raise an objection to the fact that as your Committee's investigation progressed, its scope increased. However, the courts have not limited congressional inquiry to its initial stated scope. In *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, 509 (1975), the Supreme Court recognized that a congressional investigation may lead "up some 'blind alleys' and into non productive enterprises. To be a valid investigative inquiry there need be no predictable end result." More recently, in *Senate Select Committee on Ethics* v. *Packwood*, 845 F.Supp. 17, 20–21 (D. D.C. 1994), *stay pending appeal denied*, 114 S.Ct. 1036 (1994), the court rejected a claim of overbreadth with regard to a subpoena for a Senator's personal diaries, holding that the Committee's investigation was not limited in its investigatory scope to its original demand "even though the diaries might prove compromising in respects to the Committee has not yet foreseen."

2. Legislative Purpose. The Supreme Court has made it clear that Congress does not have to state explicitly what it intends to do as a result of an investigation. In *In re Chapman*, 166 U.S. 661, 669 (1897), the Court upheld the validity of a resolution authorizing an inquiry into charges of corruption against certain Senators despite the fact that it was silent as to what might be done when the investigation was completed.

In *McGrain* v. *Daugherty*, 273 U.S. 135 (1927), the original resolution that authorized the Senate investigation made no mention of a legislative purpose. A subsequent resolution for the attachment of a contumacious witness declared that his testimony was sought for the purpose of obtaining "information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper." The Court found that the investigation was ordered for a legitimate object. It wrote:

> The only legitimate object the Senate could have in ordering the investigation was to aid it in legislating;, and we think the subject matter was such that the presumption should be indulged that this was the real object. An express avowal of the object would have been better; but in view of the particular subject-matter was not indispensable . . . .
>
> The second resolution—the one directing the witness be attached—declares that this testimony is sought with the purpose of obtaining "information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper." This avowal of contemplated legislation is in accord with what we think is the right interpretation of the earlier resolution directing the investigation. The suggested possibility of "other action" if deemed "necessary or proper" is of course open to criticism in that there is no other action in the matter which would be within the power of the Senate. But we do not assent to the view that this indefinite and untenable suggestion invalidates the entire proceeding. The right view in our opinion is that it takes nothing from the lawful object avowed in the same resolution and rightly inferable from the earlier one. It is not as if an admissible or unlawful object were affirmatively and definitely avowed.

Moreover, when the purpose asserted is supported by reference to specific problems which in the past have been, or in the future may be, the subject of appropriate legislation, it has been held that a court cannot say that a committee of the Congress exceeds its power when it seeks information in such areas. *Shelton* v. *United States*, 404 F.2d 1292, 1297 (D.C. Cir. 1968), *cert. denied*, 393 U.S. 1024 (1969). In the past, the types of legislative activity which have justified the exercise of the power to investigate have included: the primary functions of legislating and appropriating, *Barenblatt* v. *United States*, 360 U.S. 109 (1959); the function of deciding whether or not legislation is appropriate, *Quinn* v. *United States*, 349 U.S. 155, 161 (1955); oversight of the administration of the laws by the executive branch, *McGrain* v. *Daugherty*, *supra*, 279 U.S. at 295; and the essential congressional function of informing itself in matters of national concern, *United States* v. *Rumely*, 345 U.S. 41, 43, 45 (1953); *Watkins* v. *United States*, *supra*, 354 U.S. at 200 n.3.

3. Pertinency. In determining general questions of the pertinency of inquiries to the subject matter under investigation, the courts have required only that the specific inquiries be reasonably related to the subject matter area under investigation. *Sinclair* v. *United States, supra,* 279 U.S. at 299; *Ashland Oil, Inc.* v. *F.T.C.,* 409 F.Supp. at 305. An argument that pertinence must be shown "with the degree of explicitness and clarity required by the Due Process Clause" has been held to confuse the standard applicable in those rare cases when the constitutional rights of individuals are implicated by congressional investigations with the far more common situation of the exercise of legislative oversight over the administration of the law which does not involve an individual constitutional right or prerogative. It is, of course, well established that the courts will intervene to protect constitutional rights from infringement by Congress, including its committees and members. See, *e.g., Yellin* v. *United States,* 374 U.S. 109, 143, 144 (1969); *Watkins* v. *United States, supra; United States* v. *Ballin,* 144 U.S. 1, 5 (1892). But "[w]here constitutional rights are not violated, there is no warrant to interfere with the internal procedures of Congress." *Exxon Corporation* v. *F.T.C.,* 589 F.2d 582, 590 (D.C. Cir. 1978).

4. Willfullness. Section 192 refers to witnesses who "willfully make default." The courts have long established that willfullness as used in the statute does not require the showing of a specific criminal intent, bad faith or moral turpitude. *Braden* v. *United States,* 365 U.S. 431, 437 (1961); *Barsky* v. *United States,* 167 F.2d 241, 251 (D.C. Cir. 1948). It deals only with intentional conduct. *United States* v. *Bryan,* 339 U.S. 323 (1950). The requirement is satisfied if "the refusal was deliberate and intentional and was not a mere inadvertence or an accident." *Field* v. *United States,* 167 F.2d 97, 100 (D.C. Cir. 1947), *cert. denied,* 332 U.S. 851 (1948). With particular respect to failures to produce documents called for by a subpoena *duces tecum,* default occurs upon the return date of the subpoena. *United States* v. *Bryan, supra,* 339 U.S. at 330. The correspondence reviewed above provides a substantial basis for finding that the withholding of the subpoened documents by Mr. Quinn is intentional.

Finally, with respect to the legal necessity to allow Mr. Quinn the opportunity to make an in person appearance before the Committee in order to make his refusal and give an explanation, we find no authority that establishes a due process right to such an appearance. Indeed, there is a case law to the contrary. In *Groppi* v. *Leslie,* 404 U.S. 496 (1972), the Court noted that its decisions recognizing "the power of the Houses of Congress to prevent contemptuous conduct leave little question that the Constitution imposes no general barriers to the legislative exercise of such power. 404 U.S. at 499. The acknowledged that some process is due but the nature of that process would be decided on a case-by-case basis. The Court admonished that "[c]ourts must be sensitive to the nature of a legislative contempt proceeding and 'possible burden on that proceeding' that a given procedure might entail." *Id.* at 500. The Court stated that "the panoply of procedural rights that are accorded a defendant in a criminal trial have never been thought necessary in legislative contempt proceeding." *Id.* at 501. This was brought home most clearly two years later in *United States* v. *Bryan, supra,* a case involving a subpoena for records under Section 192. The Court rejected an argument that the statute required a refusal to take place before a quorum of a committee. The Court explained that under Section 192, there is no such requirement with respect to document production and, in fact, is not an essential element of the offense.

> Respondent attempts to equate R.S. § 102 with the perjury statute considered in the *Christoffel* case by contending that it applies only to the refusal to testify or produce papers before a committee—*i.e.,* in the presence of a quorum of the committee. But the statute is not so limited. In the first place, it refers to the wilful failure by any person "to give testimony or to produce papers *upon any matter under inquiry* before . . . any committee of either House of Congress," not to the failure to testify before a congressional committee. And the fact that appearance before a committee is not an essential element of the offense is further emphasized by additional language in the statute, which, after defining wilful default in the terms set out above, continues, "or who, *having appeared,* refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, ..." (Emphasis supplied.)
>
> It is clear that R. S. § 102 is designed to punish the obstruction of inquiries in which the Houses of Congress or their committees are engaged. If it is shown that such an inquiry is, in fact, obstructed by the intentional withholding of documents, it is unimportant whether the subpoenaed person proclaims his refusal to respond before the full committee, sends a telegram to the chairman, or simply stays away from the hearing on the return day. His statements or actions are merely evidence from which a jury might infer an intent to default. A proclaimed refusal to respond, as in this case, makes that intent plain. But it

would hardly be less plain if the witness embarked on a voyage to Europe on the day before his scheduled appearance before the committee.

Of course a witness may always change his mind. A default does not mature until the return date of the subpoena, whatever the previous manifestations of intent to default. But when the Government introduced evidence in this case that respondent had been validly served with a lawful subpoena directing her to produce records within her custody and control, and that on the day set out in the subpoena she intentionally failed to comply, it made a *prima facie* case of wilful default.

339 U.S. at 329–30.

Moreover, it appears that the congressional practice with respect to appearances of senior Executive Branch officials who have received document subpoenas is not uniform. In the eight instances since 1975 in which cabinet level officials have been held in contempt by a House, a committee, or subcommittee, at least one, that of Henry Kissinger in 1975, was voted by the committee in his absence on the basis of a letter from him refusing to comply on the ground of executive privilege. See Senate Report No. 94–693, 94th Cong., 2d. Sess. (1975). Three other instances, involving Secretaries of Energy Duncan (1980) and Edwards (1981), and Attorney General William French Smith (1984), give strong indication from press reports that these individuals also did not appear. See 38 Cong. Q. 1307–08, 1352–53 (1980) (Duncan); 39 Cong. Q. 1342, 1425 (1981) (Edwards); Washington Post, Nov. 1, 1984, A–15 (Smith).

We conclude, then, that subpoenas are legally sufficient and the non-appearance of Quinn at the contempt hearing, particularly in light of the invitation to file a written explanation of his refusal, and his failure (to date) to to request a personal appearance, would not appear to violate procedural due process requirements.

MORTON ROSENBERG,
Specialist in American Public Law.

Mrs. MORELLA. Thank you, Mr. Chairman. I am really sorry that we have to have this hearing, but, indeed, it is time, in fact, long past time, that we get to the bottom of the firings of Billy Dale and the six other White House travel office staff members, and that is the purpose of today's vote.

It gives me no pleasure to be voting today to hold three individuals in contempt of Congress, but the facts are clear. Chairman Clinger issued the subpoenas on January 11, 1996. They were due on January 22, 1996. It is now May 9, 1996, and the documents are still missing. The administration has a responsibility to take congressional subpoenas seriously. I think it is so important that we have cooperation among the branches of government, and I really worry that we would be setting a dangerous precedent by allowing the administration to disregard the subpoenas. Does that mean they can just ignore Congress?

The issue should have been put to rest years ago. On June 1, 1993, Chairman Clinger, then the ranking minority member on the House Committee on Government Operations, called on the committee to investigate the firings of Billy Dale and the six other White House travel office employees. The Congressional Research Service has verified the legality of today's action.

I can only hope that today's vote will be the impetus necessary to obtain these documents and finally put an end to this saga of the seven terminated employees and their friends and families. By dragging it out, we are prolonging the agony of this event for Billy Dale and the other dedicated travel office employees who were fired. Politics cannot overshadow the real tragedy before us: The effects of the firings on the lives of the travel office employees and their families.

Indeed, any administration may choose to hire political supporters in the White House. This administration certainly could have

done that in the travel office. Furthermore, if the administration had discovered mismanagement in the travel office, they have the right and the duty to take appropriate investigative and corrective action. Nobody contests these facts. But at hearings we have heard over and over again that seven loyal civil servants were dismissed under the pretenses of criminal conduct without real evidence before a report had been completed.

We are concerned about the reasons behind the firings and the false allegations that have tarnished the careers of seven civil servants. For the sake of the travel office employees, for the sake of the American public, let us get to the bottom of this and then move on. Until these documents are produced, questions will persist, and this issue will not go away, particularly for the seven terminated employees.

The President has indicated he would sign legislation reimbursing the travel office employees for their legal fees, and yet it is held up in the Senate. I hope all of my colleagues will agree that we need closure on this issue, and unfortunately—and I mean that unfortunately today's vote seems like the only way that we can accomplish this in a timely fashion. I yield back the balance of my time, Mr. Chairman.

[The prepared statement of Hon. Constance Morella follows:]

PREPARED STATEMENT OF HON. CONSTANCE A. MORELLA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman. It is time—long past time—that we get to the bottom of the firings of Billy Dale and the six other White House Travel Office staff members, and that is the purpose of today's vote. It gives me no pleasure to be voting to hold three individuals in contempt of Congress today But the facts are clear: Chairman Clinger issued the subpoenas on January 11, 1996. They were due on January 22, 1996. It is now May 9, 1996, and documents are still missing. The Administration has the responsibility to take Congressional subpoenas seriously. Cooperation between our branches of government is critical, and I worry that we would set a dangerous precedent by allowing the Administration to disregard the subpoenas.

This issue should have been put to rest *years* ago. On June 1, 1993, Chairman Clinger, then the ranking minority member on the House Committee on Government Operations, called on the committee to investigate the firings of Billy Dale and the six other White House Travel Office employees. The Congressional Research Service has verified the legality of today's action.

I can only hope that today's vote will be the impetus necessary to obtain these documents and, finally, put an end to this saga for the seven terminated employees and their friends and families.

By dragging this out, we are prolonging the agony of this event for Billy Dale and other dedicated Travel Office employees that were fired. Politics cannot overshadow the real tragedy before us—the effects of the firings on the lives of the Travel Office employees and their families.

Any Administration may choose to hire political supporters in the White House, and this Administration certainly could have done that in the Travel Office. Furthermore, if the Administration had discovered mismanagement in the Travel Office, they had the right—and the duty—to take appropriate investigative and corrective action. No one contests these facts. But at hearings, we have heard over and over again that seven loyal civil servants were dismissed under the pretenses of criminal conduct—without real evidence—before a report had been completed. We are concerned about the reasons behind the firings and the false allegations that have tarnished the careers of seven civil servants.

For the sake of the Travel Office employees, and the sake of the American public, let's get to the bottom of this and **move on.** Until these documents are produced, questions will persist and this issue will not go away—particularly for the seven terminated employees.

The President has indicated he would sign legislation reimbursing the Travel Office employees for their legal fees, yet it is held up in the Senate. I hope all of my

colleagues will agree that we need closure on this issue. Unfortunately, today's vote seems the only way we can accomplish this in a timely fashion.

Mr. CLINGER. The gentlelady yields back the balance of her time. The ranking minority member and I have agreed that we would entertain four more opening statements on each side before opening the matter for amendment. I understand that there are some amendments that are proposed to be offered.

I would now recognize the gentleman from Pennsylvania, Mr. Kanjorski.

Mr. KANJORSKI. Thank you very much, Mr. Chairman. Mr. Chairman, I have had the experience, as chairman of a predecessor subcommittee of this House, to make a similar examination of travel of the President. Mr. Moran was on that subcommittee; and I prepared some lengthy notes of testimony.

One, at that time, the Assistant Comptroller General of the United States, Mr. Carnahan, testified under oath that they, the Bush administration, were stonewalling us. We have an interesting experience. During all that period of time, requests of all that information from the Bush administration, we received 800 documents. The Clinton White House has provided 40,000 documents.

I've been frustrated and was frustrated at that event, and I've tried to analyze whether or not this truly is an investigation or the Travel Office of the President or is something else. I have come to the conclusion it is something else.

There is a famous memorandum that I offer into the record, provided on April 23rd, to all Chairmen, the Republican leaders, and committee staff leaders.

The essence of it, on April 23rd, is to get in by April 26th all the information that you can regarding the Clinton administration, to cause some embarrassment, to do anything we can to raise a white flag.

Obviously, the Republicans have seen the ship of state, or the future ship of state, spring some holes in the last few months, and it is sinking rather rapidly, and this is an attempt at patching.

It astounds me, however, the material being gathered and the staff person working on that, that the material has to be sent to, and how far we have now gone between the branches of government and the high order of government.

It is to be sent back to the wife of a Supreme Court Justice of the United States that's in this hearing room today, monitoring this on behalf of the Gingrich revolution. That astounds me, how far the grand old party will go to assault the Constitution and the prerogatives of the House and the privileges of the presidency.

I believe this memorandum is the basis for why we are here today and, after we cite for contempt the Counsel of the President and the headlines are had tonight, there is no other interest of this committee or you, sir, as Chairman, or as a surrogate for Mr. Gingrich.

I have had the privilege to serve in the Congress of the United States in different capacities, first in the 1950's during the McCarthy era, and I remember then the grand old party, in an attempt to come to power, was willing to subvert and pervert the Constitution of the United States, and to deny individual rights to hearings

and freedoms. The McCarthy hearings and the McCarthy era repeats itself.

Then, the grand old party, 20 years later, in Watergate, violated the property rights and the political rights of Americans by falsely entering, bribing, and doing everything else that they could during that era. It eventually led to the impeachment of the President of the United States and his final resignation.

Now, the extremists and revolutionists of 1994 are at it again, to destroy the Constitution of the United States, in disregarding the protections and the prerogatives and privileges of the President for confidentiality with its staff and the privileges of Members of the Congress of the United States.

Why do we do this? Politics has become such a dire necessity for this extreme Republican Party that they will even burn the Constitution of the United States, the separation of powers of our three branches of government, and all the benefits we as Americans have had.

I don't think, Mr. Chairman, we are going to fool the American people with this hearing or with this citation of contempt. I think you will have it, because you have the majority.

But, sir, I sat in the hearing room back in 1954 on June 8th, when a famous comment was made by Judge Welsh of Boston, and I'm going to paraphrase that comment. He said: "Until this moment, Senator"—but I will say Representative—"I think I never really gauged your cruelty and your recklessness. Let us now assassinate this Constitution further. You have done enough. You have no sense of decency. At long last, have you no sense of decency?"

My friends, whether it's Chairman Clinger, Speaker Gingrich, or the extremists and revolutionaries of the Republican Party of the class of 1994, have you no sense of decency? The Constitution of the United States has protected the American people for 208 years.

Why do you insist, for pure political, short-term advantage or benefit or publicity, to restart a dead-end campaign, assault the great office of the Presidency, with its rights and privileges of confidentiality which we all recognize, and also assault the privileges of the House of Representatives in the service and now the action on this subpoena?

I hope the American people who read, sometime in the future, this hearing, will know for what purpose it was called and when it was called. And now we've brought the basis of it before the House and the American people.

The memorandum, prepared by two members of the House, for the Gingrich revolutionaries to dig up anything they can to assault the President, to restart the Dole campaign, and to send that information to the wife of a Supreme Court Justice of the United States. Have you no sense of decency?

Mr. Chairman, I ask that this memorandum, and the famous statement of Joseph N. Welsh to Senator Joseph McCarthy of June 9, 1954, be included in the record at this time, to show that it seems that the grand old party, the Republican Party, every 20 years has to lose its decency to gain some short-term political advantage.

Mr. BURTON. I object.

Mr. SCHIFF. The objection is heard. The gentleman's time has expired.

Mr. BARRETT. I object, too, Mr. Chairman.

Mr. SCHIFF [presiding]. Order in the committee, please. Mr. Clinger, the chairman, has had to go for a couple of minutes to cast a vote in another committee, and he will be back in a few moments.

As vice chairman of the committee, I am going to recognize myself for 5 minutes, but because I was next in line to be recognized for 5 minutes. I just want to make it clear I'm not taking undue advantage of temporary chairmanship here.

I want to say I'm very sorry that so many statements are being made here today on every subject except what is in front of us, which is the White House Travel Office and the documents this committee has been trying to see. I think that is the subject in front of us now.

I think the core of this request and this hearing comes down to two points, and I believe the two points, in certain ways, were made by Democratic colleagues. One of our Democratic colleagues, I believe, said, "Why shouldn't we just call ourselves the Travel Committee, because we have spent nearly 3 years now examining the Travel Office issue at the White House?"

I think that that's a good and a fair question, because this matter should have been resolved years ago. I mean, I think it's been established that the employees of the White House were treated abominably.

They were released, really, for partisan purposes in that the administration wanted to give their positions to other individuals, something they had every right to do but, unfortunately, the administration chose to try to sully their personal reputations to get that done, instead of just admitting what it is they wanted to do which, again, they could have done.

I think the administration has acknowledged that they made an error and, therefore, why doesn't the matter just end there? That is because the Congress has asked to see the documents behind all of this activity, and the Congress has been trying, through this committee particularly, for the last year-and-a-half, to try to get the documents, without success.

We did get a certain number of documents. A number of them contradicted earlier statements made by representatives of the White House to either the Congress or to agencies investigating this issue. Now we have a situation where, after 4 months of another subpoena, the White House Counsel still declines to turn over the rest of the documents.

To put it bluntly, if the White House had cooperated from the beginning with this inquiry, I believe it would have been over a long time ago and, if the bottom result is that the White House made an error and admitted that error, then the matter should be put to rest for all time, in my judgment. But, without the documents, we can't come to that conclusion.

Another distinguished Democratic colleague I thought I heard say that the chairman, Mr. Clinger, has not identified exactly what kind of documents we are looking for and exactly how they are pertinent to the White House Travel Office investigation. If we knew that, we wouldn't be here today.

The issue is the other way around. The issue is that the White House apparently acknowledges, through Mr. Quinn, it's General Counsel, that it has certain documents which are relevant to this inquiry, but refuses to turn them over to this committee, despite a subpoena submitted 4 months ago, and apparently, the reason they give is a broad claim of executive privilege.

Now, I personally, I know not every Member of Congress agrees with me, but I personally believe there is a legal doctrine of executive privilege, and I believe it can be asserted in certain circumstances, particularly, of course, involving national security. It's hard to understand how anything at the Travel Office would ever involve national security.

Mr. WAXMAN. Will the gentleman yield?

Mr. SCHIFF. I'll yield. I'm almost through, and I will yield to the gentleman. I certainly will.

But the claim of executive privilege is what is not defined. It is not identified how any documents still in possession of the White House would possibly injure the national security or have another justification for executive privilege.

So it is not our responsibility to say how the documents we are seeking would affect this investigation, because we don't know why we want the documents. It's the White House's responsibility to identify why exactly they don't give us the rest of the documents which would, I hope, finally put this matter to rest.

With that, I'm glad to yield to the gentleman from California.

Mr. WAXMAN. I thank you for yielding. Mr. Quinn wrote a letter to the chairman of this committee, and he said there are three kinds of documents he feels are inappropriate to give to this committee:

One, documents relating to the ongoing Grand Jury investigation by the Independent Counsel. This committee could go to the Independent Counsel and try to get those documents, but it is improper, they believe, for them to give it to us.

Second, documents created in connection with the hearings of this committee, their own internal memos on the hearings, and their communications with Democratic members, or even the Republican members.

Third, certain specific confidential internal documents that are purely legal analysis.

Now, it is hard for me to see how any of those documents, after they've given us 40,000 pages of documents, are going to get to the bottom of the Travel Office. This committee persists in insisting on these documents that it seems to be they have argued are not appropriate and have asserted executive privilege not to give to us.

Mr. SCHIFF. If I may reclaim my time?

Mr. WAXMAN. Surely.

Mr. SCHIFF. I want to point out first that the subpoena originally issued was a bipartisan subpoena, that I am informed that Congressman Dingell, as a chairman, has attempted to subpoena material from the White House which the White House classified as internal memos. So these are not items that have been from Janet Reno, the Attorney General of the United States.

The point is, these have not been necessarily recognized as subject to executive privilege in the past, and it appears, particularly

from documents that were, however reluctantly, turned over to us before, that there has been an attempt to stonewall this investigation.

There are references in previous documents in which staff members internally and back and forth suggest that they tried to cooperate with the White House by not being forthcoming with investigators.

Mr. CLINGER. Will the gentleman yield to me?

Mr. SCHIFF. I yield to the chairman, yes.

Mr. CLINGER. The one thing that I think we've tried to get all along, and have thus far been denied, is a specific—I mean, we've had three sort of general categories of documents discussed, but we've never had a specific list of the documents which are in play here, so it's very difficult to determine whether any claim of executive privilege is valid or not, unless we can actually know what those documents are and consider whether an executive privilege defense would lie with regard to those documents.

A general, blanket request for executive privilege, you know, just doesn't answer the question.

Mr. WAXMAN. Will the gentleman yield to me further?

Mr. SCHIFF. I yield to the gentleman from California.

Mr. WAXMAN. The White House has said they don't want to give documents that are privileged information based on the fact that the Independent Counsel has it and, therefore, you can't give out information that's been before a grand jury; second, internal legal memoranda, and their own conversations.

That's very specific, and I haven't heard any reason why this committee ought to get those documents.

Mr. SCHIFF. I have to interrupt.

Mr. WAXMAN. I do want to point out that the Attorney General, Janet Reno, has written a letter which I ask unanimous consent be part of this record, along with Mr. Quinn's letter.

It says specifically that she as the Attorney General feels this is inappropriate material.

Mr. SCHIFF. My time has expired and the gentleman's time has expired.

Mr. WAXMAN. May I have unanimous consent to put this in the record?

Mr. SCHIFF. The gentleman asks unanimous consent to put the Attorney General's letter in the record.

Mr. WAXMAN. Along with Mr. Quinn's letter.

Mr. SCHIFF. Along with Mr. Quinn's letter. Without objection, so ordered.

[The information referred to appears on pages 17 and 20.]

Mr. SCHIFF. The gentlelady from Florida, Mrs. Meek.

Mrs. MEEK. Thank you very much, Mr. Chairman. This is a very puzzling thing to me. I have heard the hearings in this committee. I remember the time we had Mr. Dale in here and his other employees of the Travel Office.

I cannot understand why a congressional committee would be making such a big deal out of Billy Dale's firing. I don't think they were interested at all in other government employees. This has shown, in my opinion, a double standard. There were 100 government employees fired from the House Post Office. Nobody said a

thing. They are now going to privatize and fire all the maids that clean up our offices. No one is saying anything about that. They fired everyone that was in the cutting room where they put our booklets and our pamphlets together. This committee or no one in the Congress has said anything about it.

But we are going to have hearings, spend a lot of government time regarding Mr. Dale and his employees. When Mr. Dale appeared before me, I said to him, "You should be fired. Anyone who knows anything about supervision and administration would fire someone who kept the money of that particular office in their own account."

So I think we are doing much ado about absolutely nothing, because we must look for things that we don't even know are there, but we want those documents, anyway.

I come from a place, Mr. Chairman, that I can recognize a fishing expedition when I see one. I served in the Florida legislature for 12 years. I've been here now almost 3 years. I cannot see anything but a fishing expedition.

It's not a search for criminal activity by members of the White House staff. That search has already been conducted by the Independent Counsel.

It is not a search for justice for the seven employees of the Travel Office who were fired. The House has already voted, 3 months ago, 350 to 43, to pay their legal expenses.

It is not a search for fraud, waste, and abuse. This is supposed to be the purpose of this committee's investigations.

One can only conclude, then, that this must be a fishing expedition, looking for, in search of, a new headline. The Republican leadership doesn't like the current headlines about the extremism of the current Republican 104th Congress, so now it wants a new headline. The new headlines that they are probably looking for is a White House cover-up.

So they are willing to fish through all documents, wherever they are, to find this cover-up, and documents have shown, with letters and memos going out, that this is true. A more accurate headline would be, "White House Counsel Risks Jail to Protect the Constitution." Why must these people—Janet Reno from my state, a peerless woman—go to jail to protect the Constitution of the United States?

In the 1950's, Mr. Chairman, people risked going to jail to protect their constitutional rights from the attempts by Senator McCarthy. I was one that gave up to go to jail in the 1960's for my constitutional rights. So I would be willing to do it again, as long as the Constitution is there to protect me. We wanted the same equal treatment as whites, so we were willing to go to jail for it. And I'm sure those maids that clean up our offices would be willing to go to jail to protect their constitutional rights.

This proceeding is a direct attack on the constitutional powers of the President. Article II, Section 2 of the Constitution authorizes the President to "require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices."

How can the President get candid written opinions if Members of Congress are going to rummage through them, as if they're at a yard sale, looking for a potentially embarrassing word or phrase?

Mr. Chairman, I ask you whether your staff could properly serve you if every document that this committee prepared would be subject to scrutiny by the White House? You are a fair man, Mr. Chairman, and I am disappointed to see you go on this fishing expedition. I just don't feel that that is a part of your psyche or your personality.

The President has said, in his letter to this committee, that this is the first request that they received in May, 1995, not 1993. This was followed by a second request in June, 1995, a third request in September, 1995, and bam, subpoenas on January 11, 1996, directly to the White House and a number of present and former White House employees.

They are far-reaching, they are broad, according to the President. They gave you 40,000 pieces of paper to look at.

I want to dismantle one myth I keep hearing around here. The American public, they're not interested in this. Everyone keeps throwing the name around of the American public.

You know, what the American public is interested in? Health care, Medicaid, jobs, the health of their children, the health of their parents. They don't know from Adam what is going on here, if we didn't stir it up. We are hoping that it reaches the top, so that this can be a big thing to hurt the President of the United States.

Well, I want to tell you something. I didn't get my job to protect any President. That's not my job here. I don't want to protect Dole. I don't want to protect Clinton. But I do want to protect the little people. You are overlooking those little people by making an example of them, spending all this money for Travel Office employees and looking over these poor people in the District that have lost their jobs for little or nothing, because someone wanted to come in with a new idea.

Thank you, Mr. Chairman. I just want this committee to know that you have proceeded in an unfair and an ungainly manner, and I hope you will reconsider.

[The prepared statement of Hon. Carrie P. Meek follows:]

PREPARED STATEMENT OF HON. CARRIE P. MEEK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I come from an area where people do a lot of fishing. I can recognize a fishing expedition when I see one. This contempt resolution looks like a fishing expedition to me.

It is *not* a search for criminal activity by members of the White House staff. That search is being conducted by the Independent Counsel.

It is *not* a search for justice for the seven employees of the Travel Office who were fired. The House has already voted three months ago, 350 to 43, to pay their legal expenses.

It is *not* a search for fraud, waste, and abuse, which is supposed to be the purpose of this Committee's investigations.

One can only conclude that this is a fishing expedition in search of a new headline. The Republican leadership doesn't like the current headlines about " Extreme Republican agenda blocked by President Clinton." So it wants a new headline.

The new headline that the Republican leadership is probably looking for is "White House Coverup." But a more accurate headline is "White House Counsel Risks Jail to Protect the Constitution."

Mr Chairman, in the 1950's people risked going to jail to protect their constitutional rights from the attempts by Senator McCarthy to probe their political beliefs.

In the 1960's and 1970's people risked going to jail to protect the constitutional principle that African-Americans should be treated the same as whites. Now the Republican leadership threatens Mr. Quinn with jail because he seeks to protect the integrity of the Office of the President.

This proceeding is a direct attack on the constitutional powers of the President. Article II section 2 of the Constitution authorizes the President to "require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." How can the President get candid written opinions if Members of Congress are going to rummage through them, looking for a potentially embarrassing word or phrase?

Mr. Chairman, I ask you whether your staff could properly serve you if every document they prepared would be subject to scrutiny by the White House. Mr. Chairman, I think I know your answer.

I urge a no vote on this resolution.

Mr. CLINGER. I think the gentlelady for her time.

Mrs. MALONEY. Will the chairman yield to a parliamentary inquiry?

Mr. CLINGER. The gentlelady will state her parliamentary inquiry.

Mrs. MALONEY. I would just like to know why you won't allow a hearing for these individuals who are being charged with the contempt of Congress resolution? At the very least, it is the way to treat someone with decency.

Mr. CLINGER. I am sorry to tell the lady that is not a legitimate parliamentary inquiry.

Mrs. MALONEY. Well, a question.

Mr. CLINGER. In response to the lady, though, I would say that we have carefully and diligently researched precedents in this matter. I have already entered into the record a legal memorandum from the Congressional Research Service discussing what are the requirements to ensure due process, and that is not a requirement that a hearing be held in that matter.

Mrs. MALONEY. Mr. Chairman, you are a fair man. Would it be fair and honest to let them explain their position before we move forward with a very serious charge of contempt of Congress?

Mr. CLINGER. I have offered Mr. Quinn an opportunity to come before the committee next week if he chooses to do so, before we proceed with this matter to the House floor, and I will honor that commitment. He has not requested it.

Mrs. MALONEY. So you will allow a hearing before you move forward with the contempt charge?

Mr. CLINGER. I have indicated to him that we would. He has not requested a hearing.

Mrs. MALONEY. I'm requesting one.

Mr. CLINGER. He indicated that he would request a hearing in a letter to me that was delivered, but it did not contain such a request, so we do not have a request for appearance before the committee.

Mrs. MALONEY. I'm requesting it, Mr. Chairman. I'm requesting it.

Mr. CLINGER. I now recognize the gentleman from Connecticut for 5 minutes.

Mrs. MALONEY. Mrs. Collins requested it, in a letter.

Mr. SHAYS. Mr. Chairman, I object. Regular order, please.

Mr. CLINGER. Will the gentleman yield to me just for 1 second?

Mr. SHAYS. I would be happy to yield.

Mr. CLINGER. I would just point out, the point was made by the gentlelady from Florida that Janet Reno was put at risk here.

I would point out that Ms. Reno, Attorney General Reno, has complied with all of the terms and conditions of the subpoena. Therefore, there is no possibility of her being held in contempt, because she has complied with the subpoena. If Mr. Quinn would do the same, we would clearly not be holding this proceeding.

Mr. SHAYS. Will the gentleman yield?

Mr. CLINGER. I will now yield back to the gentleman.

Mr. SHAYS. Thank you, Mr. Chairman. Mr. Chairman, I have been here 8 years. I have never voted against any effort by the then majority Democrats for a subpoena and, as God is my witness, I would never oppose a motion to hold someone in contempt who didn't honor that subpoena.

I just say to the gentlelady that the problem we have is that the argument of executive privilege occurred only because we had this hearing, and maybe now, maybe they will testify, that we are taking action.

This institution has stood together when the executive branch took action and contempt of our constitutional responsibilities. This is neither a Republican or a Democrat issue. It is an issue of the authority of the House of Representatives to perform oversight over the executive branch. That is the charge of the Government Reform and Oversight Committee as the primary oversight committee in the House of Representatives.

The actions of the current White House to ignore these subpoenas, if allowed to stand without any action by this body, will set a precedent for all future Congresses, and I might add someday we will be in the minority, and you will regret that, and will inhibit all our ability to perform our constitutionally mandated role of oversight.

This White House continually has refused to turn over documents requested as far back as September, 1995. During the first 7 months of this investigation, this committee made requests for documents from the White House on an informal, voluntary basis.

When those attempts were rebuffed, Chairman Clinger still persisted to try to negotiate the release of necessary documents, frankly, I think far longer than he should have and, to me, it's proof that no good deed goes unpunished.

It was not until the soul cleansing by David Watkins suddenly appeared that we moved to issue a subpoena for his documents. Shortly thereafter, bipartisan subpoenas were issued on January 11th to the White House for all documents relating to the White House Travel Office.

Although the documents subpoenaed were due to be produced to the committee on January 22, 1996, Chairman Clinger again agreed to allow the White House to produce documents after that date. The White House has taken advantage of every consideration offered by the chairman.

The fact is that we are here today, 3 months after the documents subpoenaed were due, because the White House has refused to make documents available or even to describe the documents it has withheld for 3 months.

Now, the President refuses to allow these documents to be turned over, claiming executive privilege, and that privilege was made, that motion then, and that claim was just made the day before.

The White House has been in contempt of these subpoenas for 3 months now, and I frankly say, enough is enough. The 12th hour offer by the White House of a blanket claim of executive privilege over a quantity of documents without any definition of the documents within this claim is unprecedented and unacceptable.

This administration has stonewalled every investigation into the events leading up to and in the aftermath of the Travel Office employees' firing. It is our constitutional responsibility to make sure that the facts are brought forward.

Part of our constitutional responsibility is to serve as a check on the vast power of the executive branch. That responsibility is neither Democrat or Republican. That principal reaches across the aisle to preserve the essential checks and balances of our form of government.

With only that in mind, I ask all the members of this committee, whether Republican or Democrat or independent, to vote in favor of supporting the bipartisan subpoena of Mr. Quinn and demand that he turn over the withheld documents to this committee immediately.

Mr. Chairman, I marvel at your patience and want you to know I support this motion with all my heart and soul.

You know, we were talking about so-called "little people." There are seven people who were screwed. They were forced out of a job they had held for years and, in an attempt to cover up a political mistake, they were accused of illegalities. We are going to spend over $6,500 to pay their legal fees because of the extraordinary abuse of power of this administration.

I frankly would have walked away from this a long time ago, but the reason I can't walk away is, it is still being stonewalled. There is something here that the administration is trying to hide. I would like to know what they're trying to hide.

Mr. DAVIS. Will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Virginia.

Mr. CLINGER. The gentleman yielded to the gentleman from Virginia, Mr. Davis.

Mr. DAVIS. I thank my friend. I would like to ask, Mr. Chairman, the committee counsel, just in response to some of the questions from the other side, if they could review the precedents where, in previous Congresses, someone was held in contempt without hearings.

Mr. CLINGER. Will the counsel respond?

Mr. SABO. Thank you, Mr. Chairman. The Chairman of the full committee made reference to this case in his opening statement. It was a proceeding against Henry Kissinger in December 1975 by the Select Committee on Intelligence.

Just to review the pertinent dates of that case, on November 6th, a subpoena was voted by the committee. It was served on November 7th. The due date was November 11th. By November 14th, he was held in contempt.

So you compare that to our case, when there was only a 3-day difference between—I'm sorry—in the Kissinger case, where there was a 3-day difference between the due date and the vote of contempt, compared to 3 months.

Mr. DAVIS. Mr. Kissinger was not allowed to appear at that point?

Mr. SABO. He was not allowed to appear. That's correct.

Mrs. MALONEY. Point of information?

Mr. CLINGER. The gentleman's time has expired.

Mrs. MALONEY. Point of clarification. Point of clarification.

Mr. CLINGER. The Chair now recognizes the gentleman from Virginia, Mr. Moran, for 5 minutes.

Mr. MORAN. Mr. Chairman, I have to agree with Mrs. Meek that you are a very decent guy. You want to do the fair thing. And I have to tell you, some of my closest Republican friends sit on this committee.

But I really smell a political witch hunt here, and I'll try to explain why. For one thing, it just so happens I am physically situated here so that every time I look up, I look straight at Mrs. Clarence Thomas in that bright blue dress, and I ask myself, "What is Mrs. Clarence Thomas doing here?"

Then, I guess Paul Kanjorski clears it up with this memo that comes from the Republican leadership, saying, "We're trying to determine the agenda, so we want you all to go looking for ethical lapses on the part of the Clinton administration." And it turns out, the person they are supposed to get back to is Mrs. Clarence Thomas in room H–226 of the U.S. Capitol.

Well, so then, I'm reading this. This is the new issue of the New Yorker. It must be on the newsstands right now. And I was reading an article by Jane Mayer. It's about Mr. Fiske, because Mr. Fiske was the co-chairman of the Republican opponent's congressional campaign.

I'm reading about the fact that he still sits on this board of the Washington Legal Foundation, which is devoted to conservative activism. They get their money from the tobacco industry and other right-wing Republican causes. The Board is chaired by Frank Fahrenkopf, and he is a very nice guy, but he served as the chairman of the Republican National Committee.

Now, also, on the Washington Legal Foundation's board is Barbara Bracher, who is the Republican counsel to these hearings on Travelgate, and Bracher's fiance, Theodore Olson, who is a prominent Washington attorney and one of Star's closest friends, who represents David Hale, who we're told is one of the sleaziest characters in this whole Whitewater thing, who has leveled the only specific allegations against President Clinton.

And I just found out, there isn't any more—apparently, Barbara Bracher is the blond woman who is always whispering in the ear of the chairman there and the other members of the committee, but there isn't any more Barbara Bracher. Barbara Bracher, apparently, over the weekend, married Mr. Olson, and congratulations.

That means that the counsel to this committee is married to the person who is representing Mr. Hale, who has made the only specific charge against President Clinton in the Whitewater hearings.

You know, these kind of circles come around and around, and you wind up feeling that there's a lot of politics being played here.

Now, I know Jack Quinn. Jack Quinn is a very decent guy. I know that he would like to just give you everything that there is. He's not the kind of person that would hide anything, although I think there may be a couple people in the White House who would just as soon play political games. But Mr. Quinn is not one of them.

I think the problem is that the courts, if they were asked, would not let every document be released, because of the precedent it establishes in terms of the confidentiality of the counsel to the President and the access the public should have to any correspondence that takes place with the counsel to the President.

We ought to ask the court what their opinion is. If the court says there's no problem, even though there's a trial taking place, then my guess is that everything would be released and, if it is released, I would hope that it would all be released to the press, because what I understand is there's a lot of stuff that would cause the people who have brought the stuff forward to wince a little bit.

I think the problem is a legal one, and the precedent that it establishes, but I have to say it's not Mr. Quinn that doesn't want to release this stuff.

I would hope that this really is an honest-to-goodness attempt to get all the information out in the public record, but it really smells of something other than that.

You know, I know every administration is accused Members of the Congress in the other party of wrongdoing. I'm sure there must be some ethical lapses in the Clinton administration. I'm not sure that there are as many as occurred during the Reagan administration and I'm sure there are not as many as occurred during the Nixon administration, but there may be some.

From our standpoint, we would just as soon get it all out in the record. Maybe if we could ask the court to give us a decision on whether it's appropriate for all this information to be released by the Counsel to the President, it would facilitate its release and it would clarify what I think is the biggest obstacle to achieving your stated objectives of having all the information on the record.

Thank you.

Mr. CLINGER. I thank the gentleman. That, of course, is the objective of this proceeding, is to determine are the limits, if any, to a congressional committee's inquiry, subject to a subpoena.

I would now yield to the gentleman from New York and ask him to yield to me just for one comment.

Mr. MCHUGH. I would be happy to yield to the chairman.

Mr. CLINGER. The gentleman from New York noted that the chief investigator of this committee, Ms. Bracher, was indeed married over the weekend, and it should be pointed out that her husband wrote some legal memorandums, which Mr. Quinn presented to us yesterday, arguing that this could be pursued as a civil matter, and we rejected those arguments. So I think that, obviously, we don't have total control of my investigator.

I would now yield to the gentleman from New York.

Mr. MCHUGH. Mr. Chairman, does that mean the husband or the wife won the argument, the first argument and, I hope the last?

Mr. Chairman, I would ask unanimous consent to enter a formal, written statement for the record, that I was going to present and, without objection, I would like to have that done.

Mr. KANJORSKI. Objection.

Mr. MCHUGH. In lieu of that, I would like to make a few comments, particularly on the remarks from the gentleman from Pennsylvania. It apparently shows that being a witness to history doesn't necessarily mean you understand or learn from it.

He spoke of the impeachment of the President during Watergate. It may seem to be a somewhat trivial affair, but those of us who make our living in this business ought to understand that, whatever wrongs were done, the President was never impeached. I think we ought to note that.

Mr. KANJORSKI. Would the gentleman yield? Would the gentleman yield?

Mr. MCHUGH. No, I will not yield to the gentleman.

Mr. KANJORSKI. Mr. Nixon was impeached.

Mr. MCHUGH. I will not yield.

Mr. KANJORSKI. He resigned from office before a trial.

Mr. MCHUGH. I will not yield to the gentleman. Reclaiming my time, articles of impeachment were never brought and convicted.

The more important lesson of that history, I would suggest to the gentleman, was how it all transpired that, indeed, stonewalling, refusing to cooperate with a Congress trying to pursue its constitutionally delegated duties, and refusing to give up documents, were an enormous part of the problem, and the parallels that I would suggest the gentleman should be worried about between Watergate and this situation lie there, not whether someone was or wasn't impeached.

He also spoke repeatedly about a lack of respect of the Constitution and the law. What disturbs me there is, apparently he chooses to ignore the legal and constitutional responsibilities, oversight responsibilities, of this Congress.

We are charged, as this gentleman well knows, with looking into matters exactly such as the one that this Chairman has been trying to pursue for the past 3 years. His cavalier disregard for the constitutional and legal rights of those Travel Office employees who were fired is disappointing, at best, and other comments by others that somehow, because the Travel Office has a small budget with limited authority and should be low priority are equally disturbing.

We are talking about the basic rights of an American citizen that may have been—may have been—illegally in inappropriately trounced upon in the pursuit of a political objective. I say "may have been" because, frankly, we have been unable to come to that final conclusion because of the stonewalling of this administration.

The gentleman's concern about legal responsibilities and constitutional responsibilities ought to extend to an administration who totally ignores subpoenas, the most basic and fundamental operation of our legal structure.

And, last, may I just say to all of my friends in this room, what may have been acceptable a number of decades ago, wherein you refer to a woman as merely the object of a husband, whether it be a counsel to a full committee or the wife of a Supreme Court Justice, I would argue is not appropriate now. Those offhand referrals,

I think, serve no purpose other than to offend and send a very denigrating message to every woman in this country, and I am offended for them.

And, with that, I would yield the remainder of my time to the gentleman from Pennsylvania, Mr. Fox.

Mr. FOX. Chairman Clinger forwarded his first document request to the White House in June 1995. Had the President and the administration cooperated, the documents could have been provided last summer and the investigation completed by the fall, but that was not to be. The administration refused to cooperate fully with the committee's 1995 document requests. The White House's defiance forced this committee to send a second request in September 1995. The documents dribbled out. After 6 months after partial rolling productions, the committee issued bipartisan subpoenas.

Mr. Chairman, there is only one reason why this investigation was not completed 3 years ago: The White House refused to allow it. The matters could have been concluded. It sounds a little to me like the situation where a son kills his parents and then pleads mercy on the court because he is an orphan. Talk about self-help.

Mr. CLINGER. Will the gentleman yield?

Mr. FOX. I thank Chairman Clinger for his fairness, and I would like to yield to Mr. McIntosh.

Mr. MCINTOSH. Thank you, Mr. Fox. I want to follow up on a comment made just now by Mr. McHugh. I, too, am deeply offended by the comments from Mr. Moran. I think it is outrageous that a member would pick on the staff, whether it is Mrs. Thomas or Mrs. Olson. But even more so, I think it is offensive to every woman in this room to imply that those women are being controlled by their husbands. That is a neanderthal way of thinking in this country. Women are people in their own right, have careers in their own right, make decisions in their own right, and so I would call on Mr. Moran to apologize for those comments.

[The prepared statement of Hon. David McIntosh follows:]

PREPARED STATEMENT OF HON. DAVID M. MCINTOSH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. Chairman, It is with a heavy heart that I come here today to support contempt proceedings against high government officials in the White House. Mr. Chairman, your patient, yet persistent, pursuit of the truth in the Travel Office matter may help us one day to get to the root of this grave injustice.

Unfortunately, the White House is fighting the American people every step of the way. It is clear that the Clinton Administration has created a Culture of Secrecy. The President and his advisers are obstructing and stonewalling this Committee's investigation every step of the way.

As many of you know, I served in the Executive Branch. I strongly support the powers and prerogatives of the presidency. However, there are no grave national secrets to be protected. There are no issues of national security to be resolved.

There are only the President, his wife, and high government officials who overstepped their authority and crossed the line of decency to throw out on the street and slander good public servants for a political payoff. They wanted to help their buddies from Arkansas and Hollywood . . . and Lord knows where else . . . make a fast buck at taxpayer expense.

When I look at how the President and his men have handled the Travel Office investigation, I can't help but be reminded of Watergate. The Clinton White House has delayed and obstructed this Committee's fight for the truth. The President and his men have withheld documents. They have instructed witnesses to claim Executive Privilege to refuse to answer this Committee's questions. And they have intervened with individuals subpoenaed by this Committee.

Mr. Chairman, it is outrageous that the Clinton White House has fought so hard and so long to obstruct the public's Right to Know. The American people have a right to know the facts of the Travel Office matter. The American people have a right to know the truth—the whole truth. The White House is trying to get by with the a partial truth.

The American people deserve better than that.

The victims . . . the unjustly tarnished Travel Office employees . . . deserve better than that.

Let's not ignore the victims today. We must all remember the months and months of anguish . . . and the thousands of dollars in legal expenses . . . the Travel Office employees endured to clear their good names.

Let there be no mistake about what this is all about. Innocent Americans—dedicated public servants who worked for Democrat and Republican presidents—have seen their lives turned upside down. These people are the victims.

Mr. Chairman, this Committee must pursue the truth in the Travel Office matter. We must let the American people know what happened. We must let the American people know if the President or his wife or his men broke any laws. We must let the American people know if the Clinton Administration abused the powers of the FBI and IRS to help their Arkansas buddies

On the one hand today is the public's Right to Know. On the other hand is a White House Culture of Secrecy reminiscent of the Nixon Administration. Let us hope Travelgate isn't another Watergate. Let us hope this cover up ends soon. Let us hope we can restore the American people's faith in the presidency.

Mr. Chairman, the only way this Committee can protect the American people's Right to Know is to approve this contempt citation today.

Mr. President, tear down the stone wall. Lift the veil of secrecy. Let the American people know the truth.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC,
May 9, 1996.

Hon. Paul Kanjorski,
Hon. Jim Moran,
U.S. House of Representatives,
Washington, DC 20515.

DEAR REPRESENTATIVES KANJORSKI AND MORAN: We were shocked to hear you verbally assault staff members at today's hearing on the Travelgate affair. Rather than debating the question at hand, you have chosen to insult all congressional staff through your demeaning attacks on two hard-working staff members.

It is particularly insulting to working women in Congress, and indeed working women all across America, to question the motives of staff based upon who their spouses are. The fact that a staff member may be married to an Associate Justice of the United States Supreme Court or a former Assistant Attorney General of the United States is not at all relevant to the matter at hand.

We simply cannot understand what sort of Neanderthal-like mentality would cause members of the United States House of Representatives to stoop to such a low level as attacking hard-working staff members on such sexist grounds.

We call upon you to publicly apologize to the two staff members you publicly attacked this morning. We also call upon you to help restore the dignity of the House by publicly apologizing to all American women for your demeaning and insensitive attacks on working, married women.

It is truly a sad day when Members of Congress must resort to brutal attacks on hard-working staff members in order to divert attention from the vitally important subject at hand.

Sincerely,

DAVID MCINTOSH,
JOHN MCHUGH.

Mr. CLINGER. The gentleman's time has expired, and the chair now recognize the gentleman from Wisconsin, Mr. Barrett, for 5 minutes.

Mr. BARRETT. Thank you, Mr. Chairman. Mr. Chairman, one of the things that made this committee attractive to me was its mission of trying to uncover waste, fraud, and abuse in our government. Unfortunately, it is apparent to me that this committee has

somehow confused that mission, and rather than trying to uncover waste, fraud, and abuse in our government, it has decided that its mission is to create waste, fraud, and abuse, because it is a waste of taxpayers' resources and the time of the employees and the Members of this Congress to sit through this kangaroo-court setting in order to seek information that has been readily provided.

It is a fraud on the American public to have them be told that this is some sort of fair hearing when the chairman of this committee has acknowledged that the main figure, Mr. Quinn, will be given an opportunity to testify before this committee after this committee votes on a criminal charge. That is just mind-boggling, I think, to anybody who has any concern at all for fairness. And it is an abuse of the process that has been given us and the responsibilities given to us as a committee to hold these people in contempt without giving them the common decency and the opportunity to appear before this committee. It is simply the wrong thing to do.

Mr. Chairman, I sat through the Travelgate hearing, where we had the six or seven individuals who were fired by the White House. I thought that the White House made a mistake. I thought that it was wrong. I thought they treated these people unfairly. But two wrongs do not make a right. And just as those people were treated unfairly, this committee is now treating the three people that it wants to hold in contempt unfairly as well.

During that committee hearing, members from the other side beseeched us to try to think of these people who are standing before this committee as human beings, to look them in the eye; and I did that. I felt bad for the three gentlemen whose fathers died before their names were cleared, but at least we have the decency to hear their story. This committee does not even have the decency to have these people stand before them when you can do something that can ruin their careers by these criminal settings.

There is a Kafkaesque quality to what we are doing here today. I would call it a kangaroo court, but that is being unfair to kangaroos, because at least in a kangaroo court the kangaroos will sit there and listen to the people. I take this as a very serious undertaking. This is not just an ordinary committee hearing where we are going to come in and breeze in and breeze out, but we have 28 members on that side of the aisle who are going to vote for criminal contempt. I would say that there are a dozen of them here today.

Where are the 16 members who are going to vote for criminal contempt for these individuals? Where is their concern for the decency of these individuals? It is wrong. It is the wrong thing to do, and I think that there is a time when we have to step back and say, All right. We are mad. We are in charge here. We are the Republicans. We are mad. We know we have this directive to try to ask us to embarrass the Clinton administration. That is politics; I understand that.

But there is a time when you have to step back and say, "Wait a minute. Wait a minute. This gentleman has offered to have us look at some of these documents in camera." Has the committee acceded to that? No. They do not want to look at them in camera; they want to grill them right here in public, but not with the gentleman here to defend himself. That is fair play? That is common

decency? That is not common decency; that is an assault on this process. It is an assault on this institution, and it is an assault on the people in this country.

Mr. Chairman, I believe in this institution. I believe this institution is the greatest democratic institution in the world, and I am embarrassed today by what we are doing. Mr. Chairman, do you know what we should do? You said that Mr. Quinn would appear before this committee next week. Let us adjourn the committee until next week.

Mr. CLINGER. Will the gentleman yield on that? That is not what I said. I said that we would give him an opportunity if, in fact, he did request it.

Mr. BARRETT. Well, let us give him that opportunity. Let us be fair. Let us be fair to this gentleman. You all want to make political points? You can have a field day making political——

Mr. WAXMAN. Will the gentleman yield?

Mr. BARRETT. I would yield to the gentleman.

Mr. WAXMAN. I am very moved by what you have to say, because you are absolutely right. If the chairman of this committee is willing to let Mr. Quinn come before the committee and explain why he does not feel it is appropriate to give these documents, if then the committee feels that we ought to hold him in contempt, vote to hold him in contempt after that; but to say we are going to hold him in contempt and decide that he has committed a crime and then give him a chance to be heard, that just seems to me to strike to the very core of what is a fair proceeding. I thank the gentleman for yielding.

Mr. BARRETT. Mr. Chairman, again, I renew my request. Let us do this right. Let us do this fairly. I know you are frustrated, but we can do this right. There is no reason to hold these people in contempt without giving them an opportunity. Perhaps it is unfair to me to the 16 members on the Republican side who are not here because there is no reason for them to be here. There is not going to be any testimony, there is not going to be any questioning.

What has happened is you have given a very fine opening statement, and your members of the jury over there are going to vote guilty based on your opening statement. That is not the way that justice works in this country, Mr. Chairman; and I think that we should step back, cool off, and do this correctly.

Mrs. COLLINS OF ILLINOIS. Will the gentleman yield?

Mr. BARRETT. I would yield.

Mrs. COLLINS OF ILLINOIS. I just want to clarify the issue of Mr. Quinn requesting a hearing. It is my understanding that Mr. Quinn requested a hearing before the committee voted but received a letter that was stating that our committee was going to vote today. And I can understand why Mr. Quinn would not want to come before us after the committee voted because that is like holding a trial after the verdict. And, you know, it just makes sense that we do not do it that way, and due process is not being served. And I thank the gentleman for yielding.

Mr. CLINGER. The gentleman's time has expired. The chair now recognizes the gentleman from Virginia, Mr. Davis, for 5 minutes.

Mr. DAVIS. Thank you, Mr. Chairman. Let me just, if I can, get some facts on the table. Henry Kissinger was not offered an oppor-

tunity to appear before he was cited for contempt by a congressional committee of the majority. Attorney General William French Smith in 1984 was not offered the opportunity to appear before a contempt citation was voted for him to appear.

I might add, even Secretary of Energy Charles Duncan under Jimmy Carter, under President Carter was not offered the opportunity to appear before a contempt citation was voted from a congressional committee, and it goes on and on. Secretary Edwards, President Reagan's Secretary of the Energy, a contempt citation along party lines was voted without allowing him an opportunity to appear, so we are changing the rules.

Once again, we are talking about everything but the matter at hand. If something comes up, it is "change the subject." Today, there have been attacks on Chairman Clinger, attacks on Billy Dale I heard from the other side, attacks of a wife of a member of the Supreme Court who was a congressional employee before she married that person. She has a right to a career. This is the 1990's, but we tend to make this very personal instead of focusing on the issue at hand.

Now, what is the issue at hand? Is it just the big, bad radical Republicans that they refer to that are saying there is some kind of cover-up or stonewalling? Well, I would refer my colleagues to the chart at hand, which says, simply, the OPR said in this case, the Department of Justice, Michael Shaheen says, "We were stunned to learn of the existence of this document, since it so obviously bears directly upon the inquiry we were directed to undertake in late July and August 1993," referring to the White House. "We believe that our repeated requests to White House personnel and counsel for any information that could shed light on Mr. Foster's statement regarding the FBI clearly covered the notebook and that even a minimum level of cooperation by the White House should have resulted in its disclosure to us at the outset of our investigation," but it was not forthcoming.

The GAO, the General Accounting Office, a big, bad Republican organization—right?—noted Nancy Kingbury, the official, says, "As a practical matter, we depend on and usually receive the candor and cooperation of agency officials and other involved parties and access to all their records. In candor, I cannot say that there was quite as generous an outpouring of cooperation in this case as might have been desirable," once again, in dealing with the White House asking for documents on this.

And the chief of the Public Integrity Section over at the Department of Justice, once again, not a pawn of congressional Republicans, says, "At this point, we are not confident that the White House has produced to us all documents in its possession relating to the Thomason allegations. The White House's incomplete production greatly concerns us because the integrity of our review is entirely dependent upon securing all relevant documents."

So, once again, it is not just this committee that has been stonewalled; it has been the Department of Justice, it has been the General Accounting Office, and anybody else who has attempted to try to get the facts behind this. Let us take a look——

Mr. WAXMAN. Will the gentleman yield?

Mr. DAVIS. When I am finished my statement, if I have time, I will be happy to yield to my friend. And the White House deputy staff secretary, Todd Stearn, says, on May 27, 1993, in a memory that was produced the "Problem is that if we do any kind of report and fail to address these questions, the press jumps on you wanting to know answers, while if you give answers that are not fully honest, e.g., 'no re HRC,' you risk hugely compounding the problem by getting caught in half-truths. You run the risk of turning this into a cover-up."

I would submit that this has turned into, unfortunately, a controversy over the cover-up, whereas if the administration had been forthcoming at the very beginning, releasing these documents, this could have been all behind us before the 1994 elections or certainly earlier last year.

We are here at the latest hour because of their inability to produce documents in a timely manner upon our request. This committee, on a bipartisan vote, unanimously voted for these subpoenas. Today, now, I understand my friends on the other side doing a little defense work for the administration, not wanting to embarrass the administration. That is not our intent, either. If we could just get these documents together, we could look at them. Maybe there would be no need for further hearing. That would be my fondest hope, but how can we tell?

And we have not itemized what documents are subject to executive privilege. All we have here are a huge stack saying these are subject to executive privilege without outlining them. Some of them may fall within that category. I would hope those that do, we can sit down and work. And I think it is most gracious of our chairman in this case to offer the opportunity before we send this to the floor for a contempt citation where this thing really takes on some meat, to offer the opportunity to Jack Quinn to come up and testify before us and to meet and continue to try to work this out.

I think that this is just the beginning of a dialog, but it shows the administration we are serious we want the documents. The time for cover-up, the time for stalling, the time for turning the subject and attacking other people is over. We have a responsibility to investigate this. This goes with committees. It has been the precedent for years. We want to get to the bottom of it. When a subpoena comes out of this committee, we mean business.

Mr. TATE. Will the gentleman yield?

Mr. DAVIS. They may be able to stonewall the Justice Department, they may be able to stonewall the GAO, but when it comes to this congressional committee, looking at the precedents that we have learned from our colleagues on the other side in terms of issuing contempt citations, we are serious about it. And that is what this is about today.

I would hope that at the end of this day when we take the vote, if it is the pleasure of this committee to move ahead and to issue the citations, that we would then allow Mr. Quinn the opportunity to appear before here, and perhaps this would not need to go to the House floor. We could resolve it. We are not after Mr. Quinn. We are not after any individual in this case; we simply want the documents.

They have not been produced. They have been requested by other agencies besides this body, and I think for that reason we have a responsibility to follow through today, and I am sorry that we have been talking about the politics of this when, in fact, I think there are important principles at stake.

Mr. CLINGER. The gentleman's time has expired. The chair now recognizes for purposes of offering an amendment the gentleman from California, Mr. Waxman, after which we will recess the committee until 1:30. The gentleman from California.

Mr. WAXMAN. I have an amendment at the desk——

Mr. SCHIFF. Mr. Chairman, I reserve a point of order on the amendment.

Mr. CLINGER. A point of order is reserved on the amendment. The clerk will report the amendment.

Mr. WAXMAN. I ask for unanimous consent that the amendment be considered as read.

Mr. CLINGER. Without objection, so ordered. The gentleman is recognized for 5 minutes in support of his amendment.

[The information referred to follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. _____

OFFERED BY MR. WAXMAN

Whereas, the Committee has held no hearing on the dispute relating to the production of these records or on the production of records by John M. Quinn, David Watkins and Matthew Moore; be it

Resolved, That the Speaker not certify any report pursuant to 2 U.S.C. 192 and 194 detailing the refusal of John M. Quinn, David Watkins, or Matthew Moore to produce papers to the Committee until such time as the Committee holds a public hearing on the production of records by John M. Quinn, David Watkins, and Matthew Moore.

Mr. WAXMAN. This amendment would simply ask that this committee hold a hearing on this dispute about the documents before we take a vote to hold any of the people who are listed, to cite them for contempt of Congress.

I think it is only the fair way to proceed. Now, the gentleman from Virginia did not yield and ran out of time, but he cited documents that said that the White House did not send these papers, it did not send those papers; all of those documents were before the subpoena was issued. Now, when that subpoena was issued by this committee, it was issued on a bipartisan basis. We all supported the idea of getting this information, but the matter before us today is not to get the information; the matter before us today is to hold people in criminal contempt for failure to abide by the subpoena.

I think we ought to have an opportunity for Mr. Quinn to explain why these documents that he has specified very clear as either being in the possession of the independent counsel or their own internal conversations should not be before us. I think we ought to give him that very basic fairness.

But talking about procedures and fairness, if we go forward and do not allow a hearing, we are going to hold a man guilty before the trial. But I would like to address a question to the counsel.

Mr. Chairman, I am asking the counsel a question about the subpoenas. We are holding these four individuals in contempt for willful failure to abide by a subpoena. I do not see any indication that

Mr. Quinn was ever subpoenaed. Was a subpoena ever delivered on Mr. Quinn?

Mr. CLINGER. The counsel will respond.

Mr. SABO. Mr. Chairman, the subpoena was issued to the custodian of records. It was signed by an assistant to Mr. Quinn, and Mr. Quinn had admitted to the committee that he is in custody of these records.

Mr. WAXMAN. Well, I do not know how you could hold an individual who has never been served with a subpoena in contempt when he has not received that subpoena and has indicated service was never made upon him. I just think this is a fundamental, basic guarantee that you have to have jurisdiction over an individual in order to say he has committed a crime, a willful failure to go along with the demand upon him which has been asserted based on the subpoena.

Mr. Chairman, my colleagues, this is not an issue of the Constitution and all of the gravity that has been described; this is just a political witch hunt. This is a committee that is spending over hundreds of thousands of dollars in order to beat up on this administration. They have not found one shred of evidence that there was any wrongdoing, that there was any violation of the law in the firing of the people at the travel office.

It is unfortunate they were fired. It is unfortunate that the hundreds of people were fired by Newt Gingrich when he came to power in the House of Representatives for political reasons. But they were not fired for that alone; there was an audit of their activities by an independent auditor that said there was a mismanagement that was gross at the travel office, and they were fired when that indication that there was gross mismanagement that was occurring.

It just seems to me that what we have here is a political attempt to embarrass this administration, a clumsy one to hold responsible people at the White House, public servants, criminally liable, making them have to pay for their own attorneys' fees, maybe thousands of dollars of that as well.

It just seems to me that we have gone too far when we drag people's reputations through the mud in order to try to win an election. We issued a subpoena. We all agree to the subpoenas. We have the documents, 40,000 pages of them as a result of that subpoena. I think this committee has everything there is to know about the Travelgate matter, and now what we are doing is keeping this issue alive until after the election to try to embarrass President Clinton.

I think it is unfair. I think it is unworthy of the Congress, and it is unworthy of this committee to abuse our powers in this way. I would hope that the members would agree to this proposal and would at least let us hold a hearing. Let the man be able to come before us and explain why he thinks these documents ought not to be brought before this committee, the legal consequences of it. Let him make his case before you hold him in contempt.

This is not a subpoena to get information; this is a criminal process to say that certain people have committed crimes. I urge the members to support this basic fairness and agree to the idea that

we will hold a hearing and hold a trial before we will condemn anybody as guilty. I yield back the balance of my time.

Mr. CLINGER. The gentleman yields back the balance of his time, and the House is in the second bells. We will recess the committee until a quarter of 2.

[Recess.]

Mr. CLINGER. The Committee on Government Reform and Oversight will resume its sitting. When we recessed an hour or so ago, the pending matter was the amendment presented by Mr. Waxman, and I would now recognize myself for 5 minutes.

And I would rise in opposition to the gentleman's amendment. What we have here is a tactical strategy to avoid complying with the subpoenas of this committee. The minority of this committee is picking up where the White House Counsel's Office has left off in blocking this investigation over the past 3 years.

But I would remind all of us that these are bipartisan subpoenas and the public has a right to know after all of these investigations what is at the bottom of this. There may be nothing there, but I must say, the longer that we are blocked from receiving these documents, frankly, the more suspicious I become and the less likely I think it is that there is nothing there.

The President himself pledged 3 years ago to get to the bottom of it. This letter signed by the President to Mr. Brooks, who was then the chairman of the Committee of the Judiciary, said that the Attorney General is in the process of reviewing any matters relating to the travel office and you can be sure that the Attorney General will have the administration's full cooperation in investigating these matters which the department is to review. And we know from what has transpired since then that that was not the case. The cooperation was not forthcoming, and, in fact, the Justice Department was denied access to the very documents that we seek by this subpoena.

The White House contempt—as I say, if Republicans had shown such utter disregard for subpoenas, I would suggest that my colleagues on the other side of the aisle would have been marching down Pennsylvania Avenue, and, frankly, I would have been with them. When our former colleague and my good friend, Mike Synar, for whom I was a ranking minority member, would consider issuing subpoenas, I would immediately go to work with the administration of our party to try to work those out. And as a result we most often did work out an accommodation so that a subpoena did not have to be issued.

This amendment to have a hearing before voting on our contempt of Congress resolution is, frankly, I think a stalling tactic. I have indicated that I will provide an opportunity to Mr. Quinn and the others to respond to these issues before they are taken up on the floor if they so wish, but we have had no such request. Mr. Quinn did indicate yesterday that he would be requesting a hearing; he did not in the letter that he sent to us today.

We need to vote on contempt today because the White House and these former two staffers are in contempt. The subpoena was issued on January 9, the due date was January 22. I allowed that to go on for much longer than some of my colleagues on this side of the aisle at least felt that I should have allowed it to go on.

So the fact that we have not yet received the documents, I think they are in contempt as of this moment. Procedures invoked by the White House today under the 1982 Reagan executive privilege memorandum requesting an abeyance in these proceedings were never meant to be used on the day of a contempt proceeding. Instead, other administrations began gathering documents responsive to subpoenas on the day it was issued.

Mr. Quinn told me yesterday he had, frankly, not even begun gathering the documents to come up with a privileged log. This gathering of documents and the following of these procedures should have been completed long before today. We should have a privileged log. While the White House counsel dragged their feet for the Justice Department and said they fully complied with document requests, which they had not, they at least provided a privileged log to the Justice Department after Justice issued a subpoena.

This was the privileged log that was provided by the White House to the Justice Department claiming privilege for about some-hundred-and-some-odd documents. But we still do not have one, and I think the White House is misrepresenting that they will provide us with one. But I would like to note that they only made that offer if we agree to give up our rights to see certain documents that they refuse to identify. In other words, they will only identify the documents they want to identify on a privileged log, and we allow them to withhold the documents they do not want to identify, and that is just not responsive to this subpoena.

This has gone on long enough. I must resist the gentleman's amendment, and I would now recognize the gentlelady from Illinois for 5 minutes.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. This amendment requires the committee to hold a hearing to consider the privileged issues raised by the President before we consider any resolution of contempt. Now, this simple and reasonable request is sound legislative policy and is consistent with the requirements of the law. Like every member of this committee, I want to ensure that we receive whatever information is necessary and appropriate to our functioning.

Unfortunately, this issue has now been made complicated by the legal and constitutional questions raised by this attempt of this committee to require the President's counsel to produce potentially sensitive documents and correspondence between the White House Counsel's Office and the independent counsel and between the White House Counsel's Office and members and staff of this committee.

Now, courts have held that after the issuance of a subpoena, the issuing committee is required to carefully consider any constitutional objectives or privilege issues raised by the person subpoenaed. In this case, the President's counsel, John Quinn, has raised serious and significant constitutional issues of privilege.

The only way for the committee and for the American people to consider these issues is in a public hearing. These issues of privilege involve complex and archaic areas of the law. Many members of this committee are not lawyers. Of those that are lawyers, very few, if any, are constitutional scholars on the issues of privilege.

It makes sense in this instance to bring before the committee experts who could advise us on these issues. The chairman has referred to the fact that in 1973 the House Select Committee on Intelligence voted to recommend that former Secretary of State Kissinger be cited for contempt for failing to comply with a subpoena without the benefit of a hearing. Now, that case was not a precedent for the matter before us.

First of all, Secretary Kissinger did not want a hearing and did not request a hearing. As far as we have been able to tell, there has never been any contempt resolution without a hearing when one has been requested by the person subpoenaed.

Second, in the *Kissinger* case, the courts never had to consider the requirements for a hearing because accommodation was reached between the select committee and Secretary Kissinger when the Secretary gave an oral briefing to the committee. I only wish that this committee would be as accommodating as the Select Committee on Intelligence.

In my opinion, it was not wise for the select committee to have voted a resolution of criminal contempt against the Secretary of State in the absence of a hearing. We should not repeat the mistake of the select committee; we should learn from that.

Now, there are serious legal questions raised by this resolution in the absence of providing a hearing. In—Precedents, Volume 4, Chapter 15, Section 17, there is a brief discussion of procedures leading up to a contempt citation. There is a general recognition that such proceedings do not require a trial by the Congress. The parliamentarian gives a note in footnote seven that states: In *Gropley* v. *Leslie,* 404 U.S. 495, 1972, a decision which reviewed an action of the Wisconsin legislature but nonetheless rested on congressional precedents, the United States Supreme Court held that a witness may not be punished for a contempt unless he has been accorded due process of law in a proceeding that leads to a finding of guilt.

Although a legislative body does not have to impart all the procedural right that a court must impart, it must grant notice and an opportunity for a hearing. The Supreme Court's decision in *Gropley,* as well as other court decisions, cast down on the legality of proceeding with this very contempt resolution without a hearing.

It would be unwise to pursue contempt if there are serious legal questions as to whether the action proposed by the committee will be successful. As the judicial proceedings are destined to be unsuccessful because of weaknesses in the committee's case, we should not go forward with this resolution.

The Supreme Court decision in *United States* v. *Nixon* discusses at length the requirement that the executive branch and the legislative branch attempt to reach an accommodation before the issue of executive privilege can be addressed by the courts.

At a hearing, we could explore a variety of ways to resolve this issue short of triggering a constitutional confrontation. I have already discussed how Secretary Kissinger resolved the matter by an oral briefing. In the case of a contempt citation of EPA Administrator Ann Burford, an agreement was reached to provide for a congressional access to the EPA documents under terms intended to

protect the confidentiality of those documents that were enforcement sensitive.

These and other avenues should be explored in a hearing. In addition to legal issues, a hearing could also resolve important factual disputes. For example, the committee report asserts certain facts, while the attorneys for David Adkins and Matthew Moore assert different facts. The only way this committee can resolve these factual differences is with a hearing.

Neither this committee nor any other congressional committee should assert its legal right just for the sake of flexing its muscles to prove a point or to embarrass the President. Contempt should only occur when there is no other way to meet the committee's needs. For example, it is questionable that we need all the information called by the subpoenas to the White House Counsel's Office. They have already turned over at least 40,000 pages of documents. Based on conversations yesterday between John Quinn, Chairman Clinger, and myself, I am convinced that the committee can obtain access on a negotiated basis to other documents if the committee has sufficient time for these documents.

Let me say, too, Mr. Chairman, that I want to talk again about the Kissinger case and restate that no legal precedent since that case—it never went to court; no evidence that Kissinger wanted a hearing; it never went to the House floor, and was resolved when Mr. Kissinger, the Secretary of State, gave a briefing to committee members. And I am wondering if the chairman of this committee is willing to accept a briefing.

Any possible benefits at this time in citing John Quinn for contempt of Congress are far outweighed by the benefit of a public hearing, and I would urge the members to support this amendment of Mr. Waxman. I yield back, Mr. Chairman.

Mr. CLINGER. I thank the gentlelady, and I now recognize the gentleman from Florida for 5 minutes.

Mr. MICA. Mr. Chairman, I would like to speak in opposition of the proposed amendment. Our colleagues on this panel, this amendment requesting a hearing before the filing of the contempt resolution with the House serves absolutely no purpose except to attempt to further delay this committee's investigation and allow the White House to continue to stonewall on this matter.

We are here today because Mr. Quinn has withheld subpoenaed documents for 4 months. Mr. Quinn has willfully been in contempt of these subpoenas now for 3 full months. Chairman Clinger requested a privileged log of these withheld documents months ago. Last year, White House Counsel Abner Mikva stated it was a reasonable goal for the White House to produce a privileged log back within 5 days.

Mr. Quinn has treated this committee's subpoena as an informal request to provide the committee with portions of information of his choosing on a timetable that suited the White House damage control operation. Mr. Quinn has continued to ignore and stonewall when documents were requested that it believed were either embarrassing or showed that production of documents to other investigations was being manipulated.

Mr. Quinn's actions are not only in contempt of the subpoenas directing him to produce documents to this committee, but they are

also contemptuous of this committee's oversight responsibilities in the House of Representatives and the public's right to know the truth in this matter.

And, furthermore, citing the matter of precedence—and I am not sure if this has been entered into the record, but the Congressional Research Service and their attorney had put before them this question, and Morton Rosenberg, a specialist in American law, has replied. The subject was the constitutional necessity for appearance before a committee of custodian of subpoenaed documents prior to a vote to hold the custodian in contempt of Congress, and they cite the precedents, and the conclusion is, "And we conclude that"—and let me read it—"we conclude, then, that subpoenas are legally sufficient in the nonappearance of Quinn at the contempt hearing, particularly in light of the invitation to file a written explanation of his refusal, and his failure to date to request a personal appearance would not appear to violate procedural due process requirements." And that has his signature.

So, Mr. Chairman, I urge my colleagues to defeat this further stonewalling, this further delay, and it is time that these facts of these documents come before this committee, before the Congress, and the American people. I yield back the balance of my time.

Mr. CLINGER. The gentleman's time has expired. The chair recognizes the gentleman from New York, Mr. Towns.

Mr. TOWNS. Thank you very much, Mr. Chairman. Let me say at the outset that I support the gentleman from California's amendment, because I think it helps us to restore credibility to this committee, because I have heard some things today—and I am trying not to believe them, but I tell you that if we do not support this gentleman's amendment, I think that maybe I will have to believe them because I have heard some comments like today's contempt resolution has the smell of mean, partisan, Presidential politics. And then I heard somebody say that it has the fingerprints of the Republican leadership all over it.

The resolution sacrifices meaningful compromise to the tactics of confrontation. If the Senate Whitewater Committee can work out its document disagreements with the administration, why can't this committee do the same? For more than 2 years now, congressional committees have held hearings on the White House Travel Office, and that is a fact.

There has been a GAO investigation, an FBI investigation, and a White House investigation. The staff of this committee have conducted witness depositions almost every day for the past month and with another month of depositions scheduled. But, in the meantime, we are moving forward rather than to wait. The White House has turned over more than 40,000 pages of documents already.

Despite all of this information, the committee is about to take the reckless step of triggering a constitutional confrontation with the President over documents that have nothing at all to do with the five White House Travel Office employees without providing the administration and the committee members with even a hearing on the resolution.

So Mr. Waxman's amendment makes a whole lot of sense; and if we do not accept it, let me say that it is a sad day for America.

And let me just go on to a personal note, Mr. Chairman. You and I have had the opportunity to work on many things together. We worked on unfunded mandates together, and I tell you, we have done some major things for this Nation. And you are retiring from the Congress.

It pains me that you would end your distinguished career with a resolution which is irresponsible and does a disservice to this committee, a disservice to the Congress, and a disservice to the delicate balance between the executive and legislative branches of the Federal Government. Mr. Chairman, this is a bad, bad, bad idea; and I hope that you would look at this amendment and accept it, because I think it restores credibility to this committee, and it helps to save that distinguished career of yours. Thank you so much. I yield back.

Mr. CLINGER. I thank the gentleman for his comments, and I would just say that I really feel that what we are doing here today is upholding the prerogatives of the House to have its subpoenas honored as an equal branch of government. And I would now recognize the gentleman from New Mexico, Mr. Schiff, for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I will not take the whole 5 minutes. I think our colleague, Mr. Davis, more than illustrated the fact that there is no procedure here today that has not been followed in the Congress under the previous majority. However, I want to say I did reserve a point of order. I do think that the amendment offered is germane, and I withdraw the point of order and urge vote against the amendment. Thank you, Mr. Chairman.

Mr. CLINGER. The gentleman—I now recognize the gentleman from Texas, Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman, and I thank you for the time to speak in favor of the amendment. But just for the benefit of those of us who maybe like myself are only serving our second term, I think we might want to look at some chronological dates that—I guess it concerns me here. We are on May the 9th. In this memo that I see up here that is dated April 23, and at the bottom of it—and I did not notice it until questioning—a comment by Mr. Moran—that Virginia Thomas—and I know we are dealing with executive legislative privilege here—in context I did not realize in the context we were here today until my colleague pointed out, and I understand after my colleague mentioned in his statement Mrs. Virginia Thomas was so incensed that she chased him down the hall because of that effort.

And I know my colleagues talk about Mrs. Thomas has a career in her own right—and that is so true, but I think that is from the same group of folks that I have heard slurs using the First Lady's name in Hillary Rodham Clinton, and so I hope that feeling goes both ways and implies not only the legislative employees, but also executive employees.

Mr. MCHUGH. Will the gentleman yield?

Mr. GREEN. No, I will not yield. I tried to have someone yield a while ago so we could maybe have some congenial exchange from this, but after seeing both the memo and hearing what I am seeing today and asking the committees to do the best they can, starting on April 23 with the reporting back to Mrs. Ginni Thomas, and since she is on the staff and the majority leader and she was here

today, I think the public ought to know that who may be watching this. And I know the concern from my colleagues about her not having a separate identify, I think the polls show that where the women in America feel in the support for women's issues on the partisan basis.

But I guess it bothers me—and, again, only my second term here—to see what is happening in this committee in following this effort and using this instead of sitting down with Mr. Quinn like we tried yesterday and coming up with an agreement that we are going forward with the subpoena. It is so political, I think even in these halls where we are all politicians and we all run for office, I think it calls into question the proceedings today.

And I guess that is what worries me about the whole process, and this amendment is just an effort to say let us have a hearing and bring Mr. Quinn here to talk to us before we issue this subpoena so we can all hear from him instead of the meeting that the ranking member and the chairman had yesterday with him. And I know you have heard many times the amount of documents that the White House has provided to the committee, and there are some documents that obviously they have not that maybe they should. And I guess the whole effort on the travel office—and my colleague from Maryland talked about it—these were civil servants.

Let me remind everyone that these were not civil service employees. Just like our employees, they are subject to the political whims of the people who get elected, and those people could have been replaced by President Bush, President Reagan, or President Clinton, and to allude that they are civil servants with civil service protection, you know, that does not apply to the executive office, at least that level of jobs that they have, any more than it applies to our offices here.

And as one who typically is prepared to protect civil servants and their priorities and their ability, we also know that when you take a job in a political office, that job goes with the territory and not protected by civil service.

But I am just glad that we now know that all of the cards are out on the table, that it will be a partisan vote today on this subpoena, and maybe next week we will hear Mr. Quinn come to talk to us after the fact; and I am glad to hear that, but I guess it just hurts me to see that we are to this point when I think it probably could have been worked out even prior to this amendment from my colleague from California.

Mr. WAXMAN. Will the gentleman yield?

Mr. GREEN. I will be glad to yield to my colleagues.

Mr. WAXMAN. I just looked over and saw that sign on the wall, "Public's Right To Know." It just seems to me we are sitting here like members of the court. We have a judicial function to decide whether we want to take three people and declare that they have committed a crime. Now, we all voted for the subpoenas. We think we are entitled to the information that will allow us to do an investigation, but there are legal questions involved, and assertions of attorney/client privilege or executive privilege; these are matters that should not be taken lightly.

Mr. Quinn has offered to come in here. The chairman wants him to come in here and hear what his claims are. Instead we are being

told, "No, do not listen to him. Let us vote to declare that he is a criminal." And then we have this propaganda on the wall: "The Public's Right To Know."

I just think this is being reduced—something serious is being reduced to a cliche that is posted on the wall. You are right. This is going to be a partisan vote: The Republicans have a majority, and they are going to win. But let me tell you that whether you are a Democrat or a Republican, the majority or the minority, you should have some restraints on you; and one restraint should be the fact that we should not accuse people of crimes without at least hearing what they have to say.

I say to my Republican friends, you are going to come to regret this because I think you are doing the wrong thing. Another week or two would allow us to hear the other side of the case; and after hearing the other side of the case, if they do not have a realistic argument, then many of us may vote with you if contempt were appropriate. But to vote to bring contempt proceedings which will stain these honest employees of the government, I think is an unfair thing to do.

Mr. CLINGER. The gentleman's time has expired. I would now recognize—and I will announce that I am going to recognize the gentleman from California to speak on the amendment, and I am going to recognize the gentlelady from New York to speak on the amendment, and then I will recognize the gentleman from Indiana for purposes of a motion.

Mr. HORN. Mr. Chairman, I yield 1 minute of my time to Mr. McHugh, the gentleman from New York.

Mr. MCHUGH. Thank you. I am sorry Mr. Green saw fit not to yield to me. I understand that that is his right, but given the fact that he suggested that those who raised the question about what I feel were very demeaning comments toward to particular women here today were also the ones that have slandered Hillary Rodham Clinton. I would challenge my friend to show me one instance where I have ever slandered the First Lady, or I would challenge him to find one instance where I have ever spoken her name in this committee room, not just today. I take exception to that as well.

And also I would note that the gentleman's comment that somehow polling data shows that women support Democrats gives them lead to insult women is bizarre, at best. I yield back, and I thank the gentleman.

Mr. HORN. I thank the gentleman. Let me just make a few comments. I walked in in the middle of this argument. I was rather shocked by the degree of partisanship that I did hear. Going back to the Washington administration when the St. Clair Expedition was in trouble and Congress sought the relevant papers, President Washington, to set the precedent, said, we will turn over the papers to the Congress. And I cannot believe what I hear in some of my good friends in the minority I have never heard be so partisan.

And I will tell you that if a Republican administration did to this Congress what this administration is doing, you would find me demanding, one, issuance of subpoenas, and, two, contempt, if they treated us. All of the words I have heard today, all of the words I have heard out of the White House remind me that I am reliving

Watergate without the TV set in front of me, and I think we ought to wake up about the prerogatives of the Congress.

Now, as you know, under the law, I think it is seven members of this committee can demand various types of information out of the executive branch. We did that when we were in the minority. Mr. Clinger has been on Travelgate from about the first day that incident occurred. It was sordid then; it is sordid now. He has been stonewalled by numerous White House counsels who have come and gone. I think this is more White House counsels than any administration in history they have gone through; some probably left because they were fed up.

But this is the time to come forward with the truth. As I understand it, Mr. Clinger told Mr. Quinn that if he requested a hearing, then the chairman would hold one before the House votes. Quinn chose not to request a hearing.

What we want are the documents. You do not need 10 hearings to find the fact they have not produced the documents. What are they hiding? We ought to know. This is a question of the prerogatives of Article One of the Constitution and the Congress of the United States versus a group of people around the President who feel they can invoke executive privilege. I thought we got rid of that after the Nixon administration, and I am amazed that another administration is trying the same old game. And I yield the rest of my time to Mr. Burton of Indiana.

[The prepared statement of Hon. Stephen Horn follows:]

PREPARED STATEMENT OF HON. STEPHEN HORN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, the facts here are simple: this Committee has conducted a fair and reasonable investigation, with bipartisan cooperation; this Committee, as a part of that investigation, issued a subpoena for various White House documents; and the White House is refusing to provide those documents.

Since the White House has not claimed, much less established, that those documents are protected by executive privilege, there can be no doubt: the White House has violated the subpoena The White House leaves us no option but to hold these individuals in contempt of Congress.

Mr. Chairman, both you and I pride ourselves on our bipartisan approaches. And I appreciate the bipartisan cooperation that you have generated during this investigation. Clearly, you have gone out of your way to accommodate the interest of the Democrats, and the Independent, on this Committee, and that cooperation was reflected in the bipartisan support for this Committee's subpoena last January. When the White House ignores that subpoena, as it has done for the last three months, the White House insults not just the Republicans on this panel, but rather it insults the Republicans and the Democrats who supported that subpoena. In fact, the White House's action insults the entire House of Representatives and our rights under Article I of the Constitution. As a student and scholar of this institution, I am outraged at the culture of secrecy which exists in this White House.

I remind the White House that the public has a right to know the truth. Maybe there is nothing to this investigation. Maybe the jury that deliberated only two hours before finding Billy Dale not guilty was mistaken. Maybe the White House withheld documents from its own internal management review for good reason. Maybe the Department of Justice, a part of the executive branch headed by the President, had no real need to subpoena White House documents. Maybe the General Accounting Office was incorrect when it believed the White House withheld documents. Maybe, but I doubt it. And there is only one way to clear up this mess. The White House must end its penchant for secrecy. It must do as every prior White House did when a subpoena was issued: produce the documents or justify a claim of executive privilege. Do not ignore this Congress. We do not intend to fold under your arrogance, which denies the American people's right to know.

To those that say this matter is "old news," I say that you are wrong. The good names of Billy Dale and the other hard working former employees of the White

House Travel Office will be tarnished as long as the White House maintains this veil of secrecy over what really happened. Mr. Dale and his coworkers served this President and his predecessors faithfully and honorably, and in so doing served the American people faithfully and honorably. In return, they were fired and their good names harmed. I ask why. The American people ask why. And this White House refuses to reveal the truth.

A citation for criminal contempt is a difficult step to take. It is clear, however, that the occupants of this White House will never tell the truth about this sordid matter unless that difficult step is taken.

It is true that this matter has been investigated before. In fact, this matter has been investigated by this Committee, by the White House itself, by the General Accounting Office, and by the Justice Department and its the Office of Professional Responsibility and the Public Integrity section. Every single one of these investigations met the same response: STONEWALL. I must admit that I was stunned to find that the Department of Justice, which works directly for the President, found it necessary to issue subpoenas for White House documents. I never heard of such a lack of cooperation between the President and his own Attorney General. Is it any surprise that Congress must take a similar step?

We vote today to enforce the law. The laws do not exist to serve the ego of one Member of Congress or another. The laws exist because the American people have a fundamental right to know what their elected leaders are doing. When the White House violates the law, in this case the constitutional right of Congress to conduct oversight and the right of Billy Dale and the other fired workers to know the circumstances surrounding their firing, it is not our privilege to enforce the law—it is our responsibility. I ask those of my colleagues who may oppose this motion: what message are you sending to this and future White Houses? You originally supported the issuance of the subpoenas. Do you now say that it is OK for the White House to ignore that subpoena? Regardless of the party in control of the executive branch, consider the future of the relationship between any Congress and any President if some of you succeed in blocking the enforcement of these subpoenas today.

The original subpoenas were issued with bipartisan support. There is no doubt that this Committee has taken every possible step to accommodate the concerns of the minority and of those in the White House. The Committee is not the one dragging out this process—that fault lies with those at the White House.

For the dignity of this institution, To uphold the right of the American public to know the truth, and to bring this issue to an end, I must support this contempt citation.

Mr. BURTON. I thank the gentleman for yielding. I will just take a minute. One of our colleagues on the other side said that 40,000 documents have been sent to the committee. The fact is that those documents may or may not have been relevant to the investigation, but there are other documents that are relevant to the investigation and have not been given to the committee.

We have been stonewalled. The chairman has been stonewalled. The chairman has been much more patient than other members of this committee would have been under the same circumstances. I mean, he contacted them on May 30, 1995; June 14; September 18; and January 11. And this has been over a year ago. His patience should have run out a long time ago, so I give him credit for that.

The fact of the matter is we have been stonewalled by the White House, the chairman is doing the right thing, and I think the committee is doing the right thing passing this today.

Mr. CLINGER. The gentleman yields back?

Mr. BURTON. I yield back.

Mr. CLINGER. Thank you. Now is the time, the chair now recognize the gentlelady from New York, Mrs. Maloney, for 5 minutes.

Mrs. MALONEY. Thank you very much, Mr. Chairman. First, I would like to request that my opening statement be put in the record as read.

Mr. CLINGER. Without objection, so ordered.

Mrs. MALONEY. And, really, since this is a Presidential election year and many people on both sides have made partisan claims and many view this resolution as merely an attempt by the Republicans to embarrass a Democratic administration, a public hearing will allow everyone to hear the merits of the executive-privilege claim and decide for themselves whether or not the claim is valid. And I go back to the sign behind you: "The Public's Right To Know." Let us have a public hearing.

Now, Mr. Chairman, I would like to put this in perspective. The White House Travel Office matter started with the firing of seven employees in May 1993 which the White House has admitted was handled very insensitively, and they have apologized to everyone and anyone who would listen 3 years ago, and they continue to do so.

You have in your possession every document related to those firings. There is nothing left to look at. There was nothing in all of those documents indicating illegal or unethical behavior. In short, you hit a dry hole, and I give the chairman credit: He knows a dry hole when he sees one.

Next, the chairman decided to investigate the other investigations into the travel office, all six of the other investigations. The White House has responded fully to help him do that, and again you hit another dry hole. Now, the chairman is trying to investigate how the White House responded to his own investigations. In short, he is going to investigate the investigation into the investigation. What is this document dispute about? It is about whether the White House may have held anything back from you in this phase where you are investigating how they are actually responding to your investigation. Even here, they have given you or offered to give you everything you asked for except two main categories: Number One, White House communication to members and staff of this committee; and, Number Two, White House communication with the independent counsel, who is conducting an ongoing, grand-jury investigation.

Let us reduce this down to reality and not abstract categories. What you want in the first category is any communications between the members and staff of this committee. For example, if the committee was negotiating with the White House and the White House has sent me or anyone else a memo describing their negotiating strategy, you would like to intrude on that private communication between a Member of Congress and the White House.

My question is why the committee has the right to intrude on the confidential communications between members and the White House, and with this approach, I am getting worried about the continued viability of the speech-and-debate clause of Article 1 of the Constitution.

The second category brought back to an example: You would like the committee to have all of the communications between the White House and the special prosecutor's office, Mr. Starr's office. So why don't you just ask Mr. Starr for the information if you want it that badly?

And I feel that what is left is to make impossible demands, and if you are going to have this standard, then let us make it apply to ourselves as well. Let us have a standard, Mr. Chairman, that

all documents and communications between committee members, Members of Congress, with anyone, with the President, with his office, is made public. And I think that, likewise, your side of the aisle should make public all of your communications with the Republican leadership, with the Republican National Committee, especially the communications of your staff, your communications with the press.

I think we should have a standard where everything is made public, and we will do that from now on. I would like to go back to my office—when I go back to my office, I will probably write a statement to my staff what I think about this hearing, and it is not going to be very complimentary, and I do not expect it to be made public. But let us have a standard where everything has to be made public, then I will be glad to let you see what I think of these hearings when I wrote my memo to my staff.

Mr. CLINGER. Will the gentlelady yield?

Mrs. MALONEY. When I finish, I will gladly yield. Then I would like to come back to another point that I think is a rather important one. This is an important committee with tremendous responsibilities to look at ways to make government run better to save taxpayers money, yet in all the oversight of the White House Travel Office there has been very little attention paid on how to actually make this office run better.

I have put forward a bill that would outsource the travel office. The Democrats were not pleased with how the Republicans ran it. The Republicans are not pleased with how the Democrats ran it. Let us take a Republican idea, that of privatization, and privatize the office. Let us have a hearing on Mrs. Collins' bill and mine that looks at ways to run the office better to provide for the protection and security of the President and the press that is traveling with him but also to save taxpayers dollars and to run the office better. Yet there has not been any attention in looking at ways to manage the office better; it has just been one investigation. We have had six.

Now we are having the investigation of the investigation, and you are moving forward, and you have not even allowed a public hearing for Mr. Quinn. Mrs. Collins requested the public hearing in writing, and——

Mr. CLINGER. The gentlelady's time has expired.

Mrs. MALONEY [continuing]. Common decency really calls for the fairness of a public hearing before you move forward with a contempt vote. I think it is outrageous.

[The prepared statement of Hon. Carolyn B. Maloney follows:]

PREPARED STATEMENT OF HON. CAROLYN B. MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I am deeply saddened by today's proceedings for a number of reasons. But first and foremost because I believe they will do serious damage to the integrity and standing of this Committee, and to the whole House if this contempt resolution is passed. Mr. Chairman, I strenuously urge you to reconsider and to withdraw this resolution. Do not sacrifice the reputation of this Committee on the alter of partisan politics.

And make no mistake, political posturing is what this mark-up is all about. This is just one more shot in the developing 1996 Presidential campaign. Once again, this Committee is playing politics instead of shaping policy. In addition to the three days of hearings, and untold hours of staff time, spent on the White House Travel Office

probe, the Republican majority has held 26 days of hearings on Whitewater; 20 days on Waco; and 8 days on Ruby Ridge. All of these hearings have been held with one motive and one motive only—to embarrass a Democratic administration.

The Republican majority has spent *weeks* on blatantly political issues, yet has spent precious little time on issues of real importance to the American people—issues like Medicare, Medicaid and Welfare Reform. I would say that the Republican priorities are dangerously out of line with those of the American people.

As I have said before, if this Majority was truly interested in solving the problems at the White House Travel Office, we would be concentrating on innovative approaches to travel management in the executive branch, not on fishing expeditions into Presidential documents.

There have been allegations of financial mismanagement at the Travel Office in both Republican and Democratic administrations. What we should be focused on is how to make the Office work better for the White House and the American taxpayer. My approach has been to seek information about the functions and operation of the Travel Office with a view toward improving its efficiency and economy.

It has been the policy of the federal government since 1955 to rely on private sector sources to supply needed products and services. Government travel management today has taken a major step in that direction. The General Services Administration currently has approximately 130 travel management centers under contract with private travel agencies.

This approach could lead to better planning, greater cost savings and improved information reporting. I have introduced legislation to out-source the White House travel functions, while assuring strong supervision of its functions and accommodating the security requirements of Presidential travel and I again invite the Chairman and other Members of the Committee to cosponsor that bill.

Unfortunately, the Majority has chosen to follow the course of partisan politics instead of shaping policy. In defiance of established judicial precedent, Congressional practice and the basic tenets of due process, the Chairman has brought before us a resolution to hold current and former executive officials in contempt of Congress. He has done this without benefit of even one hearing at which these individuals would be called to present their case, so that we could make an informed judgement on the specifics of each case.

Such a move is unprecedented in the modern history of Congress. It is also a violation of the very spirit of our legal system—the Bill of Rights guarantees defendants the right to face their accusers, denied to the individuals cited in this resolution. Some of the documents in question—have been claimed subject to attorney-client privilege. Can we make a sound decision on that point without even hearing from the people involved?

Other documents under discussion are notes and memos originating from meetings between the White House and Members of Congress. This might well be a violation of the rights and privileges of the House of Representatives under the Speech and Debate Clause of the Constitution. Still other documents relate to meetings with the Independent Counsel in ongoing criminal investigations. A hearing is essential to establish the facts of these situations and to make a measured judgement.

Yet we are not to be provided with such an opportunity. This resolution is being railroaded through this Committee, as it will probably be railroaded through the House. I hope the reputation of this Committee and of the Congress recovers from this trampling of due process in the name of politics.

The final irony in this situation is that the genesis of the case, which the Majority complains about bitterly, is the unfair treatment afforded the White House Travel Office employees. For the Majority to now hold individuals in Contempt of Congress, without so much as a hearing on the issues, speaks volumes about their true concern for basic fairness.

Mr. CLINGER. The gentlelady's time has expired, and the chair now recognizes the gentleman from Indiana.

Mr. BURTON. Mr. Chairman, I move the previous question on the amendment.

Mr. CLINGER. The previous question on the amendment has been ordered. All of those in favor of moving the previous question will say "aye."

[Chorus of ayes.]

Mr. CLINGER. Opposed?

[Chorus of noes.]

Mr. CLINGER. In the opinion of the chair, the ayes have it, and the——

Mr. WAXMAN. Mr. Chairman, I request a roll call vote.

Mr. CLINGER. A roll call vote is requested. The clerk will call the roll.

The CLERK. Mr. Clinger?

Mr. CLINGER. Aye.

The CLERK. Mr. Clinger votes aye. Mr. Gilman?

[No response.]

The CLERK. Mr. Burton?

Mr. BURTON. Aye.

The CLERK. Mr. Burton votes aye. Mr. Hastert?

Mr. HASTERT. Aye.

The CLERK. Mr. Hastert votes aye. Mrs. Morella?

[No response.]

The CLERK. Mr. Shays?

[No response.]

The CLERK. Mr. Schiff?

Mr. SCHIFF. Aye.

The CLERK. Mr. Schiff votes aye. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Aye.

The CLERK. Ms. Ros-Lehtinen votes aye. Mr. Zeliff?

[No response.]

The CLERK. Mr. McHugh?

Mr. MCHUGH. Aye.

The CLERK. Mr. Zeliff?

Mr. ZELIFF. Aye.

The CLERK. Mr. Zeliff votes aye. Mr. McHugh?

Mr. MCHUGH. Aye.

The CLERK. Mr. McHugh votes aye. Mr. Horn?

Mr. HORN. Aye.

The CLERK. Mr. Horn votes aye. Mr. Mica?

Mr. MICA. Aye.

The CLERK. Mr. Mica votes aye. Mr. Blute?

Mr. BLUTE. Aye.

The CLERK. Mr. Blute votes aye. Mr. Davis?

Mr. DAVIS. Aye.

The CLERK. Mr. Davis votes aye. Mr. McIntosh?

Mr. MCINTOSH. Aye.

The CLERK. Mr. McIntosh votes aye. Mr. Fox?

Mr. FOX. Aye.

The CLERK. Mr. Fox votes aye. Mr. Tate?

Mr. TATE. Aye.

The CLERK. Mr. Tate votes aye. Mr. Chrysler?

Mr. CHRYSLER. Aye.

The CLERK. Mr. Chrysler votes aye. Mr. Gutknecht?

Mr. GUTKNECHT. Aye.

The CLERK. Mr. Gutknecht votes aye. Mr. Souder?

Mr. SOUDER. Aye.

The CLERK. Mr. Souder votes aye. Mr. Martini?

[No response.]

The CLERK. Mr. Scarborough?

Mr. SCARBOROUGH. Aye.

The CLERK. Mr. Scarborough votes aye. Mr. Shadegg?

[No response.]
The CLERK. Mr. Flanagan?
Mr. FLANAGAN. Aye.
The CLERK. Mr. Flanagan votes aye. Mr. Bass?
Mr. BASS. Aye.
The CLERK. Mr. Bass votes aye. Mr. LaTourette?
Mr. LATOURETTE. Aye.
The CLERK. Mr. LaTourette votes aye. Mr. Sanford?
Mr. SANFORD. Aye.
The CLERK. Mr. Sanford votes aye. Mr. Ehrlich?
Mr. EHRLICH. Aye.
The CLERK. Mr. Ehrlich votes aye. Mrs. Collins of Illinois?
Mrs. COLLINS OF ILLINOIS. Preferably not.
The CLERK. Mrs. Collins votes no. Mr. Waxman?
Mr. WAXMAN. No.
The CLERK. Mr. Waxman votes no. Mr. Lantos?
[No response.]
The CLERK. Mr. Wise?
[No response.]
The CLERK. Mr. Owens?
[No response.]
The CLERK. Mr. Towns?
Mr. TOWNS. No.
The CLERK. Mr. Towns votes no. Mr. Spratt?
[No response.]
The CLERK. Ms. Slaughter?
Ms. SLAUGHTER. No.
The CLERK. Ms. Slaughter votes no. Mr. Kanjorski?
Mr. KANJORSKI. No.
The CLERK. Mr. Kanjorski votes no. Mr. Condit?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Sanders?
[No response.]
The CLERK. Mrs. Thurman?
Mrs. THURMAN. No.
The CLERK. Mrs. Thurman votes no. Mrs. Maloney?
Mrs. MALONEY. No.
The CLERK. Mrs. Maloney votes no. Mr. Barrett?
Mr. BARRETT. No.
The CLERK. Mr. Barrett votes no. Miss Collins of Michigan?
Miss COLLINS OF MICHIGAN. Absolutely no.
The CLERK. Miss Collins of Michigan votes no. Ms. Norton?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mrs. Meek?
[No response.]
The CLERK. Mr. Fattah?
Mr. FATTAH. No.
The CLERK. Mr. Fattah votes no. Mr. Brewster?

[No response.]
The CLERK. Mr. Holden?
Mr. HOLDEN. No.
The CLERK. Mr. Holden votes no. Mr. Cummings?
Mr. CUMMINGS. No.
The CLERK. Mr. Cummings votes no. Mr. Gilman?
[No response.]
The CLERK. Mrs. Morella?
[No response.]
The CLERK. Mr. Shays?
Mr. SHAYS. Yes.
The CLERK. Mr. Shays votes yes. Mr. Martini?
Mr. MARTINI. Yes.
The CLERK. Mr. Martini votes yes. Mr. Shadegg?
[No response.]
The CLERK. Mr. Lantos?
[No response.]
The CLERK. Mr. Wise?
[No response.]
The CLERK. Mr. Spratt?
[No response.]
The CLERK. Mr. Condit?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Sanders?
[No response.
The CLERK. Ms. Norton?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mrs. Meek?
[No response.]
The CLERK. Mr. Brewster?
[No response.]
The CLERK. Mr. Lantos?
Mr. LANTOS. No.
The CLERK. Mr. Lantos votes no. Mr. Shadegg?
Mr. SHADEGG. Yes.
The CLERK. Mr. Shadegg votes yes. Mr. Condit?
Mr. CONDIT. No.
The CLERK. Mr. Condit votes no.
Mr. CLINGER. The clerk will report.
The CLERK. Mr. Chairman, there were 26 ayes and 15 noes.
Mr. CLINGER. And the motion is defeated. The vote now occurs on the amendment. All those in favor of the amendment, signify by saying "aye."
[Chorus of ayes.]
Mr. CLINGER. Opposed, "no"?
[Chorus of noes.]
Mr. CLINGER. In the opinion of the chair, the noes have it.
Mr. TOWNS. Mr. Chairman, a roll call vote, please.
Mr. CLINGER. A roll call vote is requested. The clerk will call the roll.

The CLERK. Mr. Clinger?
Mr. CLINGER. No.
The CLERK. Mr. Clinger votes no. Mr. Gilman?
[No response.]
The CLERK. Mr. Burton?
Mr. BURTON. Absolutely no.
The CLERK. Mr. Burton votes no. Mr. Hastert?
Mr. HASTERT. No.
The CLERK. Mr. Hastert votes no. Mrs. Morella?
[No response.]
The CLERK. Mr. Shays?
Mr. SHAYS. No.
The CLERK. Mr. Shays votes no. Mr. Schiff?
Mr. SCHIFF. No.
The CLERK. Mr. Schiff votes no. Ms. Ros-Lehtinen?
Ms. ROS-LEHTINEN. No.
The CLERK. Ms. Ros-Lehtinen votes no. Mr. Zeliff?
Mr. ZELIFF. No.
The CLERK. Mr. Zeliff votes no. Mr. McHugh?
Mr. MCHUGH. No.
The CLERK. Mr. McHugh votes no. Mr. Horn?
Mr. HORN. No.
The CLERK. Mr. Horn votes no. Mr. Mica?
Mr. MICA. No.
The CLERK. Mr. Mica votes no. Mr. Blute?
Mr. BLUTE. No.
The CLERK. Mr. Blute votes no. Mr. Davis?
Mr. DAVIS. No.
The CLERK. Mr. Davis votes no. Mr. McIntosh?
Mr. MCINTOSH. No.
The CLERK. Mr. McIntosh votes no. Mr. Fox?
Mr. FOX. No.
The CLERK. Mr. Fox votes no. Mr. Tate?
Mr. TATE. No.
The CLERK. Mr. Tate votes no. Mr. Chrysler?
Mr. CHRYSLER. No.
The CLERK. Mr. Chrysler votes no. Mr. Gutknecht?
Mr. GUTKNECHT. No.
The CLERK. Mr. Gutknecht votes no. Mr. Souder?
Mr. SOUDER. No.
The CLERK. Mr. Souder votes no. Mr. Martini?
Mr. MARTINI. No.
The CLERK. Mr. Martini votes no. Mr. Scarborough?
Mr. SCARBOROUGH. No.
The CLERK. Mr. Scarborough votes no. Mr. Shadegg?
Mr. SHADEGG. No.
The CLERK. Mr. Shadegg votes no. Mr. Flanagan?
Mr. FLANAGAN. No.
The CLERK. Mr. Flanagan votes no. Mr. Bass?
Mr. BASS. No.
The CLERK. Mr. Bass votes no. Mr. LaTourette?
Mr. LATOURETTE. No.
The CLERK. Mr. LaTourette votes no. Mr. Sanford?
Mr. SANFORD. No.

The CLERK. Mr. Sanford votes no. Mr. Ehrlich?
Mr. EHRLICH. No.
The CLERK. Mr. Ehrlich votes no. Mrs. Collins of Illinois?
Mrs. COLLINS OF ILLINOIS. Aye.
The CLERK. Mrs. Collins votes aye. Mr. Waxman?
Mr. WAXMAN. Aye.
The CLERK. Mr. Waxman votes aye. Mr. Lantos?
Mr. LANTOS. Aye.
The CLERK. Mr. Lantos votes aye. Mr. Wise?
[No response.]
The CLERK. Mr. Owens?
[No response.]
The CLERK. Mr. Towns?
Mr. TOWNS. Aye.
The CLERK. Mr. Towns votes aye. Mr. Spratt?
Mr. SPRATT. Aye.
The CLERK. Mr. Spratt votes aye. Ms. Slaughter?
Ms. SLAUGHTER. Aye.
The CLERK. Ms. Slaughter votes aye. Mr. Kanjorski?
Mr. KANJORSKI. Aye.
The CLERK. Mr. Kanjorski votes aye. Mr. Condit?
Mr. CONDIT. Aye.
The CLERK. Mrs. Condit votes aye. Mr. Peterson?
[No response.]
The CLERK. Mr. Sanders?
[No response.]
The CLERK. Mrs. Thurman?
Mrs. THURMAN. Aye.
The CLERK. Mrs. Thurman votes yes. Mrs. Maloney?
Mrs. MALONEY. Aye.
The CLERK. Mrs. Maloney votes aye. Mr. Barrett?
Mr. BARRETT. Aye.
The CLERK. Mr. Barrett votes aye. Miss Collins of Michigan?
Miss COLLINS OF MICHIGAN. Yes.
The CLERK. Miss Collins of Michigan votes yes. Ms. Norton?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mr. Green?
Mr. GREEN. Yes.
The CLERK. Mr. Green votes yes. Mrs. Meek?
[No response.]
The CLERK. Mr. Fattah?
Mr. FATTAH. Yes.
The CLERK. Mr. Fattah votes yes. Mr. Brewster?
[No response.]
The CLERK. Mr. Holden?
Mr. HOLDEN. Yes.
The CLERK. Mr. Holden votes yes. Mr. Cummings?
Mr. CUMMINGS. Yes.
The CLERK. Mr. Cummings votes yes. Mr. Gilman?
[No response.]
The CLERK. Mrs. Morella?
[No response.]

The CLERK. Mr. Wise?
[No response.]
The CLERK. Mr. Owens?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Sanders?
[No response.]
The CLERK. Ms. Norton?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mrs. Meek?
[No response.]
The CLERK. Mr. Brewster?
[No response.]
Mr. CLINGER. The clerk will report.
The CLERK. Mr. Chairman, there were 16 ayes and 26 nays.
Mr. CLINGER. Sixteen ayes and 26 nays, and the motion for the amendment is defeated. Are there further amendments to the bill, to the resolution?
Mrs. COLLINS OF ILLINOIS. Mr. Chairman?
Mr. CLINGER. The chair recognizes the gentlelady from Illinois.
Mrs. COLLINS OF ILLINOIS. I have an amendment at the desk designated as Amendment Number 2, Mr. Chairman.
Mr. CLINGER. The clerk will report the amendment.
Mr. BURTON. Mr. Chairman?
Mr. CLINGER. The gentleman from——
Mr. BURTON. Yes. I'd like to—the amendment offered by—reserve a point of order for this amendment.
Mr. CLINGER. A point of order is reserved on the——
Mr. SABO. The amendment offered by Mrs. Collins of Illinois. Whereas the dispute in question before the Committee on Government Reform and Oversight, "the Committee" involves the production of three categories of records as described in White House Counsel John M. Quinn's May 3, 1996 letter to Chairman Clinger, namely, (a), documents relating to ongoing grand-jury investigations by the independent counsel; (b), documents created in connection with congressional hearings concerning the travel office matter; and, (c), certain specific confidential internal White House Counsel Office documents, including betting notes, staff meeting notes"——
Mrs. COLLINS OF ILLINOIS. Mr. Chairman, I ask for unanimous consent that the amendment be considered as read.
Mr. CLINGER. Without objection, so ordered. The amendment will be considered as read, and the gentlelady from Illinois is recognized for 5 minutes in support of her amendment.
[The information referred to follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. _____

Offered by Mrs. Collins of Illinois

Whereas, the dispute in question before the Committee on Government Reform and Oversight ("the Committee") involves the production of three categories of

records as described in White House Counsel John M. Quinn's May 3, 1996, letter to Chairman Clinger, namely

a) Documents relating to ongoing grand jury investigations by the Independent Counsel;

b) Documents created in connection with Congressional hearings concerning the Travel Office matter; and

c) Certain specific confidential internal White House Counsel office documents including "vetting" notes, staff meeting notes, certain other counsel notes, memoranda which contain pure legal analysis, and personnel records which are of the type that are protected by the Privacy Act; be it

Resolved, That the Speaker not certify any report pursuant to 2 U.S.C. 192 and 194 detailing the refusal of John M. Quinn, David Watkins, or Matthew Moore to produce papers to the Committee until such time as the Committee

1) makes available for public inspection the following records:

a) All records of communications related to the White House Travel Office matter, including all letters, memoranda, notes of meetings, phone logs, e-mails, computer entries, video or audio tapes, calendars, press releases, diaries, telephone message slips, notes, talking points, journal entries, opinions, analyses, summaries, and disks between Members or staff of the Committee and the Independent Counsel or staff of the Independent Counsel (both Mr. Fiske and Mr. Starr) from May 19, 1993 until the present;

b) All records of communications related to the preparation for hearings by the Committee on the White House Travel Office matter, including all letters, memoranda, notes of meetings, phone logs, e-mails, computer entries, video or audio tapes, calendars, press releases, diaries, telephone message slips, notes, talking points, journal entries, opinions, analyses, summaries, and disks between staff of the Committee including Barbara Bracher and Barbara Comstock and the Chairman of the Committee, Members of the Committee, other staff of the Committee, Members or staff of the House leadership including Virginia Thomas, or any other individual assisting the Committee in the White House Travel Office matter, or any other individual including Steven Tabackman, Billy Ray Dale, any employee of the Department of Justice, the FBI, or the Independent Counsel from May 19, 1993 to the present; and

c) All records of communications related to the White House Travel Office matter, including all letters, memoranda, notes of meetings, phone logs, e-mails, computer entries, video or audio tapes, calendars, press releases, diaries, telephone message slips, notes, talking points, journal entries, opinions, analyses, summaries, and disks of Members or staff of the Committee reflecting internal deliberations of the Committee including staff notes, staff meeting notices, and other notes of the Committee or its staff, and personnel records from May 19, 1993 to the present.

Mrs. COLLINS OF ILLINOIS. Thank you. Thank you, Mr. Chairman. According to a letter from John Quinn, dated May 3, 1996, the White House has expressed a concern over privilege for three categories of documents: documents relating to ongoing grand-jury investigations by the independent counsel; documents created in connection with the congressional hearings concerning the travel office matter; and certain specific confidential internal White House Counsel's Office documents.

What this amendment does is to place the same requirements on this committee that you are placing on the administration. If you want to claim cover-up, you should be willing to live by the same terms of the subpoena that you ask of the administration. It is just as relevant to look at communications, notes, and memoranda of this committee in preparing for its hearings as the notes and memos of the counsel's office.

The breadth and scope of what this amendment calls for may look odd, but it is clearly copied from the subpoenas sent out by the chairman earlier this year. This is what was demanded of everyone in every office that received a subpoena. Let me be clear. The White House has turned over 40,000 pages of records in re-

sponse to subpoenas, including all records related to the six previous investigations, such as the GAO's, the FBI's, the Justice Department's Office of Professional Responsibility, and the criminal cases.

If there were any records still at issue related to these investigations, I would gladly join with you, Mr. Chairman, in demanding those records, but there are not any. Instead, the committee report, with no supporting facts or testimony, paints a broad conspiracy of some sort of orchestrated cover-up by the White House Counsel's office. The records this amendment would require the committee to produce would reveal whether the committee staff has engaged in improper conduct with regard to these hearings.

There is not a shred of evidence to support the reckless charges made in the report. In fact, the depositions conducted so far prove that the counsel's office did not coordinate testimony or attempt to influence witness statements. To the contrary, witness after witness has testified that they were specifically told by the counsel's office not to discuss their statements with anybody, either prior to or after their interviews with the GAO, the OPR, the FBI, or this committee.

The members of this committee, as well as the press and the public, should read these depositions to know that no new information of any significance has resulted from these depositions. If the majority of this committee believes that internal records relating to this investigation are so important, then it should also be willing to make its own internal records of this investigation public. The public has a right to know.

This is clearly germane. If the underlying issue is how people conducted themselves in preparing for this committee's hearings, then the conduct of the staff of this committee is just as relevant. Let me explain why it is relevant.

We all know the political facts at hand here. White House Counsel Jack Quinn met with you in February, Mr. Chairman, and repeatedly requested, in writing to you, to continue discussions to resolve these disputes. Mr. Chairman, you never responded. Then on April 23, 1996, you received a memo from the Republican leadership. It directed you to turn over any political dirt you had on the Clinton administration. So within days you sent out a notice to hold Quinn, Attorney General Reno, and two private individuals in contempt.

We can only assume that these events are related. The records that this amendment demands will show how the staff prepares for these hearings, just as the records you demanded from the White House relate to how they prepared for these hearings.

We all know that there has been close contact between your staff and the majority leader's staff attempting to uncover dirt on the Clinton administration. How else would you explain your letter to the inspectors general asking for records of all their investigations since January 20, 1993 to the present?

Did your staff tell you, Mr. Chairman, that an identical letter had been sent just 2 days earlier by a subcommittee chairman of a different committee. The letters, which I would be happy to make part of the record, are virtually the same, word for word. The behavior by the committee and its staff in its conduct of this inves-

tigation is just as relevant and just as germane as the internal deliberations of the White House counsel.

From the beginning of the travel office hearings last fall, the minority members of this committee have had questions about the conduct of the majority staff. We asked questions about your former chief investigator, who had previously acted as Billy Dale's supervisor at the White House and therefore may have been at least somewhat culpable of the serious financial mismanagement in the travel office. You stated at the first hearings that your investigator had no role in supervising the travel office, but testimony from the depositions may refute that statement; yet we have never had any questions answered, and this is why this amendment is important.

We have very serious questions about the contacts between the majority staff and the attorneys for Billy Dale prior to his trial, particularly in light of a letter you sent to the Attorney General concerning the case. We would like to know about those contacts and what took place; and, again, you have never answered our request. This is why this amendment is germane.

We also have questions about the orchestration of this investigation by the Republican leadership suggested by this memo. It has not gone unnoticed that the contact on the memo, Ginni Thomas, has attended our hearings and may be sitting in the audience or was sitting in the audience this morning.

If the committee believes that the White House Counsel's Office can continue to operate after making public its internal deliberations related to the investigation, then it must also believe that the committee can effectively operate after making public its own internal deliberations.

At the beginning of the 104th Congress, we passed the Congressional Accountability Act to apply laws which the public must follow to Congress. Many on the other side of the aisle argued that the——

Mr. FATTAH. Mr. Chairman, can we get some order in the hearing room?

Mr. CLINGER. The gentlelady deserves to be heard on her amendment. Would the members on both sides of the aisle desist from private conversation? The gentlelady from Illinois.

Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. At the beginning of the 104th Congress, we passed the Congressional Accountability Act to apply laws which the public must follow to Congress. Many on the other side of the aisle argued that Congress must feel the impact itself of the laws it passes. The issue this morning and today is similar. The committee should be willing to live by the unreasonable and unprecedented demands that it is making of the White House. If the members believe that making these types of records public is appropriate, then we should have no trouble releasing the committee's similar records, Mr. Chairman. And I yield back.

Mr. CLINGER. Thank you. Does the gentleman from Indiana insist upon his point of order?

Mr. BURTON. I do, Mr. Chairman. The bill deals with compliance by the executive branch with the subpoena of the committee, and the amendment is an entirely different subject that deals with the

publication of documents. And I do not think it is germane, and I insist on my point of order.

Mr. CLINGER. The Chair will rule that the amendment is not germane to the basic thrust of this bill, which is to require the production of documents, not the publication of documents. So the Chair would rule that the motion is not germane, and therefore it is not appropriate. The Chair recognizes the gentleman from Indiana.

Mr. BURTON. Mr. Chairman, I move the previous question.

Mr. CLINGER. The gentleman has moved the previous question.

Mr. WAXMAN. Point of order, Mr. Chairman.

Mr. BURTON. On the resolution.

Mr. CLINGER. The gentleman makes a point of order. Would the gentleman state his point of order?

Mr. WAXMAN. The gentleman from Indiana was recognized to assert a point of order, and then you recognize him a second time. That seems like, under the rules of the House, you should switch to the Democratic side after you've recognized a Member from the Republican side.

And what's the rush? Why do you want to cutoff debate? There are members here who want to speak on this issue, and this is an important matter, so I would hope that you wouldn't recognize him a second time, which I think is improper, and we ought to allow full discussion of this before we act.

Mr. CLINGER. You know, obviously, all Members' statement either for or against the proposal will be made part of the record, but the motion has been made.

Mr. BARRETT. Mr. Chairman, I have an amendment.

Mr. CLINGER. I'm sorry, the motion to move the previous question has been made.

Mr. BARRETT. Mr. Chairman, I have a parliamentary inquiry.

Mr. CLINGER. That is not debatable. All in favor of the motion indicate by saying aye.

Mr. FATTAH. Excuse me, we have a parliamentary inquiry.

[Chorus of ayes.]

Mr. CLINGER. Opposed, likewise.

[Chorus of noes.]

Mr. CLINGER. The motion for the previous question is agreed to.

Mr. BARRETT. Call the roll.

Mr. CLINGER. And the clerk will call the roll.

The CLERK. Mr. Clinger?

Mr. CLINGER. Aye.

The CLERK. Mr. Clinger votes aye. Mr. Gilman?

Mr. GILMAN. Aye.

The CLERK. Mr. Gilman votes aye. Mr. Burton?

Mr. BURTON. Aye.

The CLERK. Mr. Burton votes aye. Mr. Hastert?

Mr. HASTERT. Aye.

The CLERK. Mr. Hastert votes aye. Mrs. Morella?

[No response.]

The CLERK. Mr. Shays?

Mr. SHAYS. Aye.

The CLERK. Mr. Shays votes aye. Mr. Schiff?

Mr. SCHIFF. Aye.

The CLERK. Mr. Schiff votes aye. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Aye.
The CLERK. Ms. Ros-Lehtinen votes aye. Mr. Zeliff?
[No response.]
The CLERK. Mr. McHugh?
Mr. MCHUGH. Aye.
The CLERK. Mr. McHugh votes aye. Mr. Horn?
Mr. HORN. Aye.
The CLERK. Mr. Horn votes aye. Mr. Mica?
Mr. MICA. Aye.
The CLERK. Mr. Mica votes aye. Mr. Blute?
Mr. BLUTE. Aye.
The CLERK. Mr. Blute votes aye. Mr. Davis?
Mr. DAVIS. Aye.
The CLERK. Mr. Davis votes aye. Mr. McIntosh?
Mr. MCINTOSH. Aye.
The CLERK. Mr. McIntosh votes aye. Mr. Fox?
Mr. FOX. Aye.
The CLERK. Mr. Fox votes aye. Mr. Tate?
Mr. TATE. Aye.
The CLERK. Mr. Tate votes aye. Mr. Chrysler?
Mr. CHRYSLER. Aye.
The CLERK. Mr. Chrysler votes aye. Mr. Gutknecht?
Mr. GUTKNECHT. Aye.
The CLERK. Mr. Gutknecht votes aye. Mr. Souder?
Mr. SOUDER. Aye.
The CLERK. Mr. Souder votes aye. Mr. Martini?
[No response.]
The CLERK. Mr. Scarborough?
[No response.]
The CLERK. Mr. Shadegg?
Mr. SHADEGG. Aye.
The CLERK. Mr. Shadegg votes aye. Mr. Flanagan?
Mr. FLANAGAN. Aye.
The CLERK. Mr. Flanagan votes aye. Mr. Bass?
Mr. BASS. Aye.
The CLERK. Mr. Bass votes aye. Mr. LaTourette?
Mr. LATOURETTE. Aye.
The CLERK. Mr. LaTourette votes aye. Mr. Sanford?
Mr. SANFORD. Aye.
The CLERK. Mr. Sanford votes aye. Mr. Ehrlich?
Mr. EHRLICH. Aye.
The CLERK. Mr. Ehrlich votes aye. Mrs. Collins of Illinois?
Mrs. COLLINS OF ILLINOIS. No.
The CLERK. Mrs. Collins of Illinois votes no. Mr. Waxman?
Mr. WAXMAN. I vote no on this railroad.
The CLERK. Mr. Waxman votes no. Mr. Lantos?
Mr. LANTOS. No.
The CLERK. Mr. Lantos votes no. Mr. Wise?
Mr. WISE. No.
The CLERK. Mr. Wise votes no. Mr. Owens?
[No response.]
The CLERK. Mr. Towns?
Mr. TOWNS. No.
The CLERK. Mr. Towns votes no. Mr. Spratt?

The CLERK. Mr. Barrett votes no. Miss Collins of Michigan?
Miss COLLINS OF MICHIGAN. No.
The CLERK. Miss Collins of Michigan votes no. Ms. Norton?
Ms. NORTON. No.
The CLERK. Ms. Norton votes no. Mr. Moran?
[No response.]
The CLERK. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mrs. Meek?
[No response.]
The CLERK. Mr. Fattah?
Mr. FATTAH. No.
The CLERK. Mr. Fattah votes no. Mr. Brewster?
[No response.]
The CLERK. Mr. Holden?
Mr. HOLDEN. No.
The CLERK. Mr. Holden votes no. Mr. Cummings?
Mr. CUMMINGS. No.
The CLERK. Mr. Zeliff?
Mr. ZELIFF. Aye.
The CLERK. Mr. Zeliff votes aye. Mr. Scarborough?
[No response.]
The CLERK. Ms. Slaughter?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mrs. Meek?
[No response.]
The CLERK. Mr. Brewster?
[No response.]
Mr. CLINGER. The clerk will report.
Mr. CLINGER. Mr. Chairman, there are 27 ayes and 19 noes.
Mr. CLINGER. 27 ayes and 19 noes, and the previous resolution is passed.
Mr. BARRETT. I have a unanimous consent request.
Mr. CLINGER. The previous resolution and report will be reported favorably to the full House for consideration. The chair recognizes the gentlelady from Illinois.
Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. I make a unanimous consent request that today's proceedings be immediately printed and published for the public to read and, also, at least 3 days to file minority views.
Mr. BARRETT. I have a unanimous consent request.
Mr. CLINGER. Is there objection?
Mr. MICA. Objection.
Mrs. COLLINS OF ILLINOIS. Why? Why do you object?
Mr. FATTAH. Let's have a vote on it, Mr. Chairman. Let's have a vote on it.
Mr. CLINGER. The objection is heard.
Mrs. COLLINS OF ILLINOIS. The public's right to know, Mr. Chairman. Mr. Chairman, will we still have 3 days to file minority views?

The CLERK. Mr. Barrett votes no. Miss Collins of Michigan?
Miss COLLINS OF MICHIGAN. No.
The CLERK. Miss Collins of Michigan votes no. Ms. Norton?
Ms. NORTON. No.
The CLERK. Ms. Norton votes no. Mr. Moran?
[No response.]
The CLERK. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mrs. Meek?
[No response.]
The CLERK. Mr. Fattah?
Mr. FATTAH. No.
The CLERK. Mr. Fattah votes no. Mr. Brewster?
[No response.]
The CLERK. Mr. Holden?
Mr. HOLDEN. No.
The CLERK. Mr. Holden votes no. Mr. Cummings?
Mr. CUMMINGS. No.
The CLERK. Mr. Cummings votes no. Mrs. Morella?
Mrs. MORELLA. Yes.
The CLERK. Mrs. Morella votes yes. Mr. Zeliff?
Mr. ZELIFF. Aye.
The CLERK. Mr. Zeliff votes aye. Mr. Martini?
[No response.]
The CLERK. Mr. Scarborough?
[No response.]
The CLERK. Mr. Owens?
[No response.]
The CLERK. Ms. Slaughter?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mrs. Meek?
[No response.]
The CLERK. Mr. Brewster?
[No response.]
Mr. CLINGER. The clerk will report.
The CLERK. Mr. Chairman, there are 26 ayes and 18 nays.
Mr. BARRETT. Parliamentary inquiry.
Mr. CLINGER. The motion is carried.
Mr. BARRETT. Parliamentary inquiry, Mr. Chairman.
Mr. CLINGER. The vote is now to favorably approve this resolution and the accompanying report to the House for consideration. All in favor signify by saying aye.
Mr. BARRETT. Parliamentary inquiry, Mr. Chairman.
[Chorus of ayes.]
Mr. CLINGER. And opposed, no.
Mr. BARRETT. Parliamentary inquiry, Mr. Chairman.
[Chorus of noes.]
Mr. CLINGER. And the motion is carried.
Mrs. COLLINS OF ILLINOIS. Mr. Chairman. Mr. Chairman.
Mr. FATTAH. Mr. Chairman, we have a question.

Mrs. COLLINS OF ILLINOIS. The gentleman asked for a parliamentary inquiry before you started on the vote, Mr. Chairman. He's entitled to have his parliamentary inquiry responded to before the vote.

Mr. CLINGER. The gentleman will state his parliamentary inquiry.

Mr. BARRETT. Thank you, Mr. Chairman. I was trying to get recognized to offer an amendment that would require the Secretary the Treasury to pay for the attorneys' fees of these individuals if they are not found guilty of criminal contempt. Obviously, by moving the previous question, I cannot offer it.

I am asking at what point would be the appropriate time for us to consider whether this committee should recommend paying the attorneys' fees of these human beings if they are not found guilty of criminal contempt?

Mr. CLINGER. The previous question has been moved. The amendment would not be in order at this time, and I cannot advise the gentlemen as to when in the procedures that might be proper. It could possibly be on the floor of the House if and when this resolution is moved to the House.

The Clerk will call the roll.

Mr. FATTAH. Parliamentary inquiry.

The CLERK. Mr. Clinger?

Mr. CLINGER. Aye.

The CLERK. Mr. Clinger votes aye. Mr. Gilman?

Mr. GILMAN. Aye.

The CLERK. Mr. Gilman votes aye. Mr. Burton?

Mr. BURTON. Aye.

The CLERK. Mr. Burton votes aye. Mr. Hastert?

Mr. HASTERT. Aye.

The CLERK. Mr. Hastert votes aye. Mrs. Morella?

Mrs. MORELLA. Aye.

The CLERK. Mrs. Morella votes aye. Mr. Shays?

Mr. SHAYS. Aye.

The CLERK. Mr. Shays votes aye. Mr. Schiff?

Mr. SCHIFF. Aye.

The CLERK. Mr. Schiff votes aye. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Aye.

The CLERK. Ms. Ros-Lehtinen votes aye. Mr. Zeliff?

[No response.]

The CLERK. Mr. McHugh?

Mr. MCHUGH. Aye.

The CLERK. Mr. McHugh votes aye. Mr. Horn?

Mr. HORN. Aye.

The CLERK. Mr. Horn votes aye. Mr. Mica?

Mr. MICA. Aye.

The CLERK. Mr. Mica votes aye. Mr. Blute?

Mr. BLUTE. Aye.

The CLERK. Mr. Blute votes aye. Mr. Davis?

Mr. DAVIS. Aye.

The CLERK. Mr. Davis votes aye. Mr. McIntosh?

Mr. MCINTOSH. Aye.

The CLERK. Mr. McIntosh votes aye. Mr. Fox?

Mr. FOX. Aye.

The CLERK. Mr. Fox votes aye. Mr. Tate?
Mr. TATE. Aye.
The CLERK. Mr. Tate votes aye. Mr. Chrysler?
Mr. CHRYSLER. Aye.
The CLERK. Mr. Chrysler votes aye. Mr. Gutknecht?
Mr. GUTKNECHT. Aye.
The CLERK. Mr. Gutknecht votes aye. Mr. Souder?
Mr. SOUDER. Aye.
The CLERK. Mr. Souder votes aye. Mr. Martini?
Mr. MARTINI. Aye.
The CLERK. Mr. Martini votes aye. Mr. Scarborough?
[No response.]
The CLERK. Mr. Shadegg?
Mr. SHADEGG. Aye.
The CLERK. Mr. Shadegg votes aye. Mr. Flanagan?
Mr. FLANAGAN. Aye.
The CLERK. Mr. Flanagan votes aye. Mr. Bass?
Mr. BASS. Aye.
The CLERK. Mr. Bass votes aye. Mr. LaTourette?
Mr. LATOURETTE. Aye.
The CLERK. Mr. LaTourette votes aye. Mr. Sanford?
Mr. SANFORD. Aye.
The CLERK. Mr. Sanford votes aye. Mr. Ehrlich?
Mr. EHRLICH. Aye.
The CLERK. Mr. Ehrlich votes aye. Mrs. Collins of Illinois?
Mrs. COLLINS OF ILLINOIS. No way.
The CLERK. Mrs. Collins of Illinois votes no. Mr. Waxman?
Mr. WAXMAN. No.
The CLERK. Mr. Waxman votes no. Mr. Lantos?
Mr. LANTOS. No.
The CLERK. Mr. Lantos votes no. Mr. Wise?
Mr. WISE. No.
The CLERK. Mr. Wise votes no. Mr. Owens?
Mr. OWENS. No.
The CLERK. Mr. Owens votes no. Mr. Towns?
Mr. TOWNS. No.
The CLERK. Mr. Towns votes no. Mr. Spratt?
Mr. SPRATT. No.
The CLERK. Mr. Spratt votes no. Ms. Slaughter?
[No response.]
The CLERK. Mr. Kanjorski?
Mr. KANJORSKI. No.
The CLERK. Mr. Kanjorski votes no. Mr. Condit?
Mr. CONDIT. No.
The CLERK. Mr. Condit votes no. Mr. Peterson?
[No response.]
The CLERK. Mr. Sanders?
Mr. SANDERS. No.
The CLERK. Mr. Sanders votes no. Mrs. Thurman?
Mrs. THURMAN. No.
The CLERK. Mrs. Thurman votes no. Mrs. Maloney?
Mrs. MALONEY. No.
The CLERK. Mrs. Maloney votes no. Mr. Barrett?
Mr. BARRETT. No.

The CLERK. Mr. Barrett votes no. Miss Collins of Michigan?
Miss COLLINS OF MICHIGAN. No.
The CLERK. Miss Collins of Michigan votes no. Ms. Norton?
Ms. NORTON. No.
The CLERK. Ms. Norton votes no. Mr. Moran?
[No response.]
The CLERK. Mr. Green?
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mrs. Meek?
[No response.]
The CLERK. Mr. Fattah?
Mr. FATTAH. No.
The CLERK. Mr. Fattah votes no. Mr. Brewster?
[No response.]
The CLERK. Mr. Holden?
Mr. HOLDEN. No.
The CLERK. Mr. Holden votes no. Mr. Cummings?
Mr. CUMMINGS. No.
The CLERK. Mr. Zeliff?
Mr. ZELIFF. Aye.
The CLERK. Mr. Zeliff votes aye. Mr. Scarborough?
[No response.]
The CLERK. Ms. Slaughter?
[No response.]
The CLERK. Mr. Peterson?
[No response.]
The CLERK. Mr. Moran?
[No response.]
The CLERK. Mrs. Meek?
[No response.]
The CLERK. Mr. Brewster?
[No response.]
Mr. CLINGER. The clerk will report.
Mr. CLINGER. Mr. Chairman, there are 27 ayes and 19 noes.
Mr. CLINGER. 27 ayes and 19 noes, and the previous resolution is passed.
Mr. BARRETT. I have a unanimous consent request.
Mr. CLINGER. The previous resolution and report will be reported favorably to the full House for consideration. The chair recognizes the gentlelady from Illinois.
Mrs. COLLINS OF ILLINOIS. Thank you, Mr. Chairman. I make a unanimous consent request that today's proceedings be immediately printed and published for the public to read and, also, at least 3 days to file minority views.
Mr. BARRETT. I have a unanimous consent request.
Mr. CLINGER. Is there objection?
Mr. MICA. Objection.
Mrs. COLLINS OF ILLINOIS. Why? Why do you object?
Mr. FATTAH. Let's have a vote on it, Mr. Chairman. Let's have a vote on it.
Mr. CLINGER. The objection is heard.
Mrs. COLLINS OF ILLINOIS. The public's right to know, Mr. Chairman. Mr. Chairman, will we still have 3 days to file minority views?

Mr. CLINGER. We'll have 3 days to make all necessary and conforming technical changes and to file minority views.

Mr. SANDERS. Mr. Chairman.

Mr. CLINGER. The gentleman from Vermont.

Mr. SANDERS. I have a unanimous consent. I was on the floor of the House offering an amendment, unable to vote on the Waxman amendment. If I was here, I would have voted yes on the Waxman amendment.

Mr. CLINGER. Without objection.

Mr. BARRETT. I have a unanimous consent.

Mr. CLINGER. The gentleman from Wisconsin.

Mr. BARRETT. I would ask unanimous consent to have the amendment that I would have offered that requires the Secretary of the Treasury to pay from amounts in the Treasury not otherwise appropriated such as are necessary to reimburse an individual cited for contempt of Congress pursuant to H.Res. for any attorney fees and costs they incurred if they are not found guilty of such offense.

I would ask unanimous consent to have that amendment entered into the record that I would have offered.

Mr. CLINGER. Without objection, so ordered.

[The information referred to follows:]

AMENDMENT TO H. RES. _____

Offered by Mr. Barrett

IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such as are necessary to reimburse an individual cited for contempt of Congress, pursuant to H. Res _____, for any attorney fees and costs they incurred if they are not found guilty of such offense.

Mr. CLINGER. And the motion to reconsider has been tabled.

Mr. WISE. Mr. Chairman, I have a unanimous consent request.

Mr. CLINGER. The gentleman has a unanimous consent request.

Mr. WISE. Yes, I have a unanimous consent request that today's proceedings be immediately printed and published for the public to read, the reason being that it seems to me that this is such a crucial issue that it has taken all day of the committee. It's going to go to the floor. The public ought to be involved in understanding what is taking place and simply have the record to read. So that's the basis of my unanimous consent request.

Mr. CLINGER. Without objection.

Ms. NORTON. Mr. Chairman. Unanimous consent request.

Mr. CLINGER. So ordered. And with no further business before us, the committee stands adjourned.

[Whereupon, at 3 p.m., the committee was adjourned.]

[Additional material submitted for the record follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER SHAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

This institution has always stood together when the Executive Branch takes actions in contempt of our constitutional responsibilities. This is neither a Republican nor a Democratic issue. It is an issue of the authority of the House of Representatives to perform oversight over the executive branch. That is the charge of the Government Reform and Oversight Committee as the primary oversight committee in the House of Representatives. If the actions of the current White House to ignore these subpoenas are allowed to stand without any action by this body, it will set

a precedent for all future Congresses and will inhibit our ability to perform our constitutionally mandated role of oversight.

This White House continually has refused to turn over documents requested as far back as September, 1995. During the first 7 months of this investigation, this Committee made requests for documents from the White House on an informal, voluntary basis. When those attempts were rebuffed, Chairman Clinger still persisted to try to negotiate the release of necessary documents. Frankly far longer than he should have. In dealing with the White House on this matter, no good deed goes unpunished.

It was not until the "soul cleansing" memorandum by David Watkins suddenly appeared that we moved to issue a subpoena for his documents. Shortly, thereafter, bipartisan subpoenas were issued on January 11, 1996 to the White House for all documents relating to the White House Travel Office matter.

Although the documents subpoenaed were due to be produced to the Committee on January 22, 1996, Chairman Clinger again agreed to allow the White House to produce documents after that date. The White House has taken advantage of every consideration offered by the Chairman.

The fact is that we are here today, three months after the documents subpoenaed were due, because the White House has refused to make documents available or even to describe the documents it has withheld for 3 months now the President refuses to allow these documents to be turned over claiming Executive Privilege. The White House has been in contempt of these subpoenas for 3 months now. Enough is enough.

The 12th hour proffer by the White House of a blanket claim of executive privilege over a quantity of documents without any definition of the documents within this claim is unprecedented and unacceptable.

This Administration has stone-walled every investigation into the events leading up to and in the aftermath of the Travel Office employees' firing. It is our constitutional responsibility to make sure that the facts are brought forward. Part of our constitutional responsibility is to serve as a check on the vast powers of the executive branch. That responsibility is neither Democrat or Republican. That principle reaches across the aisle to preserve the essential checks and balances of our form of government.

With only that in mind, I ask that all Members of this Committee, whether Republican, Democrat, or Independent to vote in favor of supporting the bipartisan subpoena of Mr. Quinn and demand that he turn over the withheld documents to this Committee immediately. Mr. Chairman, I marvel at your patience and want you to know you have my support and vote for the motion.

Thank you.

PREPARED STATEMENT OF HON. MICHAEL P. FLANAGAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, thank you for calling this meeting today to address the failure of the White House to produce all documents relating to the dismissal of employees of the Travel Office.

Since 1993, you have been diligently trying to get to the bottom of this issue. For three years, there have been delays and stonewalling in producing documents regardless of deadlines. On January 11, 1996 this Committee issued a subpoena for the White House for all outstanding documents and to six individuals at the White House with a due date of January 22. A subpoena which had bipartisan support and was blatantly disregarded. It was not until February 1, that the White House even requested the staff to gather documents for the subpoena—over a week after the due date.

The White House has been afforded many opportunities over the past 3 months to produce the documents. The White House has not done so.

The public has a right to know not only about what happened concerning the Travel Office but also why the White House can not follow the laws of the land.

Mr. Chairman, it is imperative that this Committee receive all of the documents once and for all and end this investigation. If it takes holding people in contempt of Congress—so be it.

PREPARED STATEMENT OF HON. CHARLES F. BASS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, as we can see from their tactics, the minority is attempting to portray the committee's actions today as a rush to judgement and a partisan witch hunt motivated by election year politics.

But that is complete and utter nonsense.

For three years, this committee and Chairman Clinger have been investigating the so-called White House Travel Office affair, and for three years the White House has stonewalled the committee's efforts.

Although the President promised "full cooperation" in the investigation into the Travel Office matter in July 1993, a culture of secrecy at the White House has stymied efforts to get to the bottom of this fiasco at every turn.

The White House's refusal to hand over relevant documents and to cooperate with investigators has not only prevented this committee from conducting effective oversight over the Executive Branch, but it has denied the public's right to know what went on with respect to the firing of the seven Travel Office employees.

Mr. Chairman, we can rehash all of the events and details of the Travel Office firings—as the minority seems prepared to do—but, quite frankly, these details are irrelevant today. This afternoon, only three issues matter:

(1) Were the subpoenas issued by this committee legitimate?

(2) Were the subpoenas properly served?

And (3) were all of the documents handed over to the committee in accordance with the subpoenas?

First, the subpoenas were, indeed, legitimate. Despite the minority's accusations that the subpoenas were too broad, the fact remains that the minority had a hand in crafting the subpoenas, and they were issued with bipartisan input and support. And after careful analysis by CRS, the subpoenas were determined to be neither overly broad nor out of the ordinary.

Second, neither the White House nor the minority claims that the subpoenas were improperly served.

And finally, with respect to White House compliance with the subpoenas, the White House has failed to produce all of the documents or to provide a "privilege log" detailing which documents were to be protected by Executive Privilege.

Mr. Chairman, these are the plain facts: The subpoenas were delivered to the White House on January 11, 1996. The deadline for producing all documents to the committee was January 22, 1996. The White House failed to comply with the subpoenas by the deadline.

The committee, if it so chose, could have initiated these contempt proceedings on January 23, 1996. Nevertheless, because of the patience, flexibility and understanding of the chairman—and because the White House has been overwhelmed with document requests from congressional committees and special prosecutors investigating various Clinton administration scandals—the White House was permitted extra time.

In fact, the White House was given three extra months—more than enough time to produce the records. No one can honestly accuse this committee of moving too quickly.

Frankly, Mr. Chairman, I am amazed by the White House's behavior. For three months, the White House has cavalierly ignored these subpoenas, thus tacitly challenging, even questioning, congressional authority. Contempt of Congress is punishable by up to one year in jail. This is a serious matter, but the White House has not taken this committee seriously.

I am not surprised by the White House's reaction to the committee's actions. In the Washington Post this morning, White House spokesman Mark Fabiani desperately tried to avoid the issue at hand and assign political motivations to the chairman's course of action. He said, "When Mr. Clinger gets desperate for cameras, he manufactures a document dispute."

I understand the White House's strategy, but Chairman Clinger's character is beyond reproach. He has a reputation of being honest, thoughtful, and fair. Anyone who knows him or has worked with him knows that he is always trying to build consensus and is eager to extend a hand across party lines to find a bipartisan solution. The White House spinmeisters may be successful in painting Bill Clinger as a partisan firebrand hell-bent on ruining President Clinton, but those on this committee know the truth. In your heart of hearts, you know that Chairman Clinger has been more than patient and more than fair, and, quite frankly, the White House has taken advantage of his good nature.

Mr. Chairman. Originally, the over-arching issue was how does Congress live up to its constitutional responsibility of conducting effective oversight over the Execu-

tive Branch when the Executive Branch resists. Now the issue has become a test of the legitimacy and limits of a congressional subpoena.

In essence, if you vote today against these contempt resolutions, you are saying that subpoenas issued by Congress are nothing more than useless pieces of paper with no legitimacy and that there are no consequences to ignoring congressional subpoenas.

In my mind, this issue is quite clear. Congress, in a bipartisan manner, issued legitimate subpoenas, and these subpoenas have been ignored. These individuals stand in Contempt of Congress, and it is our duty to uphold the law and protect the prerogatives of this institution by voting in favor of these resolutions.

PREPARED STATEMENT OF HON. STEVE C. LATOURETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Like many of my colleagues, I, too believe that it is unfortunate that the issues involving the wrongful termination of the seven long-time employees of the White House Travel Office have consumed a considerable amount of this committee's time.

And while there are certainly a variety of opinions as to the whys and wherefores, sadly, the production of documents by the White House has more closely resembled Chinese water torture than it has the ordinary transfer of materials between branches of the federal government.

Just as sad is the fact that today we must consider a Resolution of Contempt of Congress for three present or former administration officials, due to their failure to provide documents properly subpoenaed.

In preparing for this morning's meeting of the committee, I reviewed the documents under discussion and found a subpoena issued on January 11th of this year, a return by the U.S. Marshal's office for the same date indicating service, and a duces tecum attachment written in plain language, which, if I understand the chairman correctly, was drafted in consultation with the Minority and modified in part at the Minority's request.

The documents required under the subpoena were due at 5 p.m. on January 22, 1996, and to date, some three months later, there has been a failure of compliance, and that failure to comply continues despite a notice one week ago of the Chair's intention to consider this resolution today. It's also pertinent to note, I believe, that although the sheer volume of documents requested is substantial, the January 11th subpoena was hardy the first inkling that these documents were of interest to this Committee, as the Chair's first letter was over three years ago.

Mr. Chairman, I believe that your restraint and patience in this matter is remarkable. As a matter of fact, if patience is a virtue, and I believe it is, your portrait that will eventually honor this room should depict you in the same company as the fabled vestal virgins of Rome, with Mrs. Clinger's approval, of course

The Congress made it a crime to withhold information demanded by Congress in 1857. The U.S. Supreme Court acknowledged 100 years later that "the informing function of Congress should be preferred even to its legislative function" *Watkins* v. *United States* 345 U.S 135, 161 (1957). The question today is simply whether the executive may disregard a proper subpoena duces tecum with impunity.

Such a result would fly in the face of established precedent and would establish a dangerous precedent—regardless of which party controls the White House. I would hope that this Committee would do today what the average county judge would have done three months ago, and, that is, issue its citation of contempt.

PREPARED STATEMENT OF HON. BARBARA-ROSE COLLINS, A REPRESENTATIVE IN CONGRESS FROM MICHIGAN

Mr. Chairman, I support the views of the ranking minority member, Congresswoman Cardiss Collins, and stand in strong opposition to the resolution before us today.

We are here this morning because Chairman Clinger has announced his intention to go forward with a contempt citation against John Quinn and others for their alleged refusal to produce documents in the Travel Office matter to this committee.

Mr. Chairman, Contempt of Congress is a very serious matter and should be dealt with accordingly when warranted. However, in this case the charges are totally unfounded.

To my knowledge, there has been no formal refusal by the parties involved to provide any document in particular. To the contrary, Mr. Quinn and others have provided this committee, upon request, over 40,000 pages of correspondence.

The administration's counsel has consistently followed through on several occasions seeking information as to how best to clarify the committee's objectives and to express the administration concerns over certain sensitive documents.

It is my understanding that Mr. Quinn wrote to Mr. Clinger on numerous occasions requesting final resolution of these privilege issues. On May 6, 1996, Mr. Quinn received a letter from Mr. Clinger rejecting all areas of concern and informed him that he would be cited for Contempt of Congress if he failed to produce "every document."

As I see it, this business meeting is nothing more than a fishing expedition at the taxpayers expense. It is the result of the majority's inability to receive mere staff notes and other internal correspondence which may give them insight into what the administration perceives to be relative issues in the Travel Office investigation.

If passed, the resolution will hold Mr. Quinn and others in Contempt of Congress without ever appearing before this congressional committee to answer to these allegations of criminal contempt. This measure is unfair and unjust.

In closing, let us not use this committee to engage in personal partisan attacks in the name of open government.

I share my colleagues views that this committee's time could be better spent holding hearings on clear instances of fraud, waste and abuse in government, instead of a blatant political witch hunt such as the one before us today.

Thank you Mr. Chairman.

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