

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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February 19, 1997

The Honorable Henry Waxman
Ranking Minority Member
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515

Dear Henry:

Thank you for your letter, which I received yesterday. I appreciate you sharing your concerns with me, and I would like to respond to several points.

When the Committee met to organize last week, we had a colloquy and a private conversation regarding the issuance of subpoenas. I stated that it would be my policy to notify you in advance of issuing subpoenas and consult with you on them. I further stated that in unusual circumstances, which would be very rare, it may be necessary to issue a subpoena without notifying you first, but that you would be notified as soon as possible. I emphasized that, should this occur, it would be in extremely rare circumstances. You expressed your preference for a standard of "concurrence of the minority or a committee vote" before issuing a subpoena, and your discomfort with the exception that I laid out to "prior notification." However, in the end, we shook hands and I thought the matter was resolved.

I was therefore surprised when you stated in your letter that, "The first problem occurred on February 14, when -- without a Committee vote or my concurrence -- you authorized and issued subpoenas to Webster Hubbell, Mark Middleton, Yah Lin Charles Trie, and John Huang." Since we hadn't agreed to a standard of "concurrence or a committee vote," I did not consider this a problem.

In order to put the matter in proper perspective, I must point out that our staff did discuss the subpoenas several times. The four subpoenas directed the production of documents which, with only a few exceptions, were the subject of the informal letter requests sent to the same recipients (and copied to your office) weeks ago. In addition, on February 12 we again provided your staff with copies of the letter requests along with copies of the letters from counsel for Messrs. Hubbell, Middleton, Trie and Huang stating that their clients would not voluntarily

produce the documents. While it is true that your staff was provided with final copies of the proposed subpoenas only a few hours before they were issued, the only specific objection voiced by your staff was the direction that Webster Hubbell produce all documents showing contacts he had (if any) with the Chinese Embassy. I saw nothing inappropriate with that request given Mr. Hubbell's relationship to the Lippo Group. My staff asked whether the minority needed more time to review the proposed subpoenas and was told to "go ahead" and issue them.

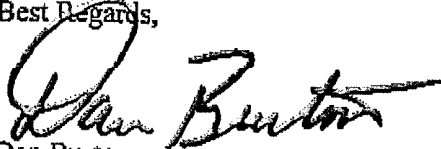
On the subject of my appearance on "Meet the Press," I would like to clarify what happened because there has been some confusion. On the program, I stated that I would be issuing 20 subpoenas in the coming week, but that I was not at liberty to discuss the details, because I had not yet consulted with you on them. I stated publicly that I would not issue the subpoenas until our staffs had an opportunity to sit down and review them. I repeated this on CNN "Late Edition." However, on Monday, the Washington Post mistakenly reported that I had issued the 20 subpoenas over the weekend. My staff director called your staff director at home on Monday afternoon to assure him that this was not the case, and that we wished to meet to discuss the subpoenas before any action was taken.

I would like to emphasize that no subpoena was issued before our staffs met Tuesday afternoon and this morning, when they had an opportunity to extensively discuss the subpoenas. In addition, I shall continue to make sure that you and your Committee staff will be kept advised of pending subpoenas, and that we will have a chance to consult on them.

Let me also state that I would like this to be a bipartisan investigation. Our staffs are currently meeting to determine if we can reach an agreement on how documents should be handled. I hope that we can come to an understanding. I should inform you that, as I have stated in the past, it is not my intention to surrender my right as Chairman to release documents if in my judgement it is necessary. As I have stated, it is not my intention to routinely release documents in a careless or haphazard manner. However, regardless of how infrequently I intend to use this power, it would be irresponsible of me to surrender it. Despite our disagreement on this issue, I hope that we can reach an overall agreement so we can move forward in a bipartisan way.

Thanks again for sharing your concerns. I hope that I have been able to alleviate at least some of them. If you would like to discuss these issues, please give me a call.

Best Regards,


Dan Burton
Chairman