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ONE HUNDRED FIFTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

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September 9, 1998

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

Dear Chairman Burton:

I am writing to express my concerns regarding the release of confidential FBI and Department of Commerce Inspector General materials by the Committee. The information was included in the deposition of Larry Wong.

On August 4, 1998, the Committee voted to release Mr. Wong's deposition, along with the depositions of Nancy Lee and Irene Wu, on August 14, 1998. The minority sought the release of these depositions in order to make publicly available the testimony of witnesses who you claimed had "extensive knowledge" and would "shed new light" on the Committee's investigation. Despite the Committee vote, the depositions were not released on August 14. On August 24, I wrote you to inquire why the depositions had not been released. On September 1 and 2, the depositions were released -- almost three weeks after the date set by the Committee vote.

Although I appreciate that the depositions were finally released, I do not understand why the Committee failed to redact confidential information that is subject to the Privacy Act and could compromise ongoing criminal investigations. While it has been standard Committee procedure for the majority to redact this type of material and other personal, confidential, or sensitive information from depositions prior to their public release, no such prudent steps were taken to remove the FBI and Commerce Department material from Mr. Wong's deposition. Furthermore, the minority was not consulted or given an opportunity to review the majority's redactions prior to the release.

The FBI information you released included memos written by FBI agents summing up information provided to the FBI from a confidential source. This material was not only included as exhibits to the deposition but sensitive portions were also read into the record and published on the majority's internet website. In a January 17, 1998, letter to you which accompanied the production of the information, FBI Assistant Director John E. Collingwood wrote that "[o]ut of

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concern for the privacy interests of those individuals mentioned in these documents and the sensitive nature of the information involved, we request that the Committee confer with us prior to publicly disseminating any of this material." To my knowledge, however, no such consultation occurred.

The Commerce Department information was also sensitive. It included a report by agents of the Inspector General's office summarizing a witness interview in an active investigation. Like the confidential FBI memos, this report was included as an exhibit to the deposition and sensitive portions were read into the record and published on the majority's internet website. On September 12, 1997, Commerce Department Inspector General Francis D. DeGeorge wrote to you to "request that none of this information be released beyond the Committee and its staff without first contacting this office, and that the staff take all reasonable precautions to protect it from inadvertent disclosure."

This is not the first time that the majority failed to make necessary redactions before releasing a deposition. For example, the Committee previously released the deposition of Dick Morris without redacting President Clinton's private fax number.

It took the majority 29 days from the date of the Committee's vote to release Mr. Wong's deposition. This was more than enough time to allow the majority to properly redact the depositions or, alternatively, to consult with the appropriate agencies and the minority on the proposed redactions. I hope that you will now redact this information from Mr. Wong's deposition, and that you will take all necessary steps to ensure that this does not happen again in the future.

Sincerely,



Henry A. Waxman  
Ranking Minority Member

cc: The Honorable Janet Reno  
The Honorable Louis J. Freeh  
Members of the Committee on Government Reform and Oversight