September 9, 1997

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 deep dissatisfaction and frustration with the treatment of the minority subpoena requests.

On May 8 and June 10 (see enclosed letters), I wrote to you and requested 26 subpoenas. I received no response to these letters. In early July, you stopped me on two occasions and asked that I provide you with a list of minority subpoena requests. Although this was puzzling since you had never acknowledged my earlier requests, I wrote you again on July 31 and August 29 (see enclosed letters) with a list of the requested subpoenas. And again I have received no response.

On April 10, when our Committee debated and adopted rules, I urged that the minority be guaranteed an opportunity to bring its requests for subpoenas to the Committee. You argued this was unnecessary and that you would treat the minority fairly. Accordingly, the Committee adopted the rules you proposed, which provide a twenty-four hour review period for proposed subpoenas.

Given the partisan nature of your investigation, I didn't expect that the minority's subpoena requests would be treated fairly. But I at least hoped that there would be even a minimal pretense of consideration and the courtesy of a response. We have not even been given that.

Your refusal to even acknowledge the minority's requests makes a mockery of the Committee's procedures and the substance of the investigation. At this time, I consider our prior

subpoena requests denied and no longer pending. Although it is probably senseless to submit additional requests to you given the treatment we have received, the minority will continue to fulfill its obligations and submit additional subpoena requests as warranted.

I am equally troubled by the cavalier treatment of the nine minority-requested subpoenas that have been issued, only seven of which have been served. I want to make sure that you and the other Committee members know that although you signed the subpoenas on June 5, the Richard Richards subpoena was not served until August 4, 1997. The National Policy Forum subpoena was not served until July 22, 1997. These delays are inexcusable.

As yet, no documents have been received from Signet Bank, the bank which provided the loan to the National Policy Forum that was guaranteed by a Hong Kong businessman. The due date on the Signet Bank subpoena was June 25, 1997 -- over two months ago. Your staff has been very aggressive in obtaining documents from Democratic targets. I would like to know what actions have been taken to ensure that Signet Bank complies with the subpoena promptly and what steps will be taken if the Bank continues to fail to comply.

There are three outstanding issues regarding the RNC document production: we are missing documents, no production log has been provided, and the privilege log needs clarification. On August 21, my staff sent a memo to your staff regarding documents we are missing from the RNC production. To date, we have had no response from your staff.

You have repeatedly demanded that the DNC create a production log for current and past productions. See, e.g., letters from James C. Wilson to Paul C. Palmer (August 5 and July 18, 1997) and Barbara Comstock to Judah Best (July 1, 1997) . We have yet to see a production log from the RNC, although your staff director assured my staff that one had been requested. We certainly have not seen a similar exchange of letters with the RNC. The DNC is providing a production log for current productions.

The RNC claimed privilege over a number of documents. The Senate has requested a clarification of the RNC's privilege log. My staff asked your staff to join us in a similar request to the law firm representing the RNC. My staff provided your staff with a draft letter on August 22. Although your staff initially offered to send such a letter, to date we have had no response from your staff, despite repeated phone calls.

In the past, you asked that issues of this sort be worked out on the staff level. We have attempted to do that -- both in writing and in phone calls -- but have received no response from

your staff. What is unmistakably clear is that our legitimate inquiries into Republican abuses have not been treated seriously or even acknowledged.

Sincerely,

Henry A. Waxman
Ranking Minority Member

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cc: Members of the Committee on Government Reform and Oversight