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ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

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April 1, 1998

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

Dear Chairman Burton:

The majority's recent actions relating to the deposition of Marsha Scott, as discussed in March 24 and March 26 letters from her attorney, Stuart Pierson, appear to be unreasonable and potentially constitute harassment of Ms. Scott. I am writing to request an explanation of the majority's conduct in this matter.

Ms. Scott is the deputy director and chief of staff of the White House Office of Personnel. She has not been charged with any wrongdoing and has been a cooperative witness in this Committee's investigation despite this Committee's unnecessarily burdensome and duplicative inquiries to her. As Mr. Pierson's March 24 letter pointed out, Ms. Scott has already provided extensive deposition testimony to congressional investigators. She gave three days of deposition testimony before the Senate Governmental Affairs Committee in June 1997. She then came in for a deposition before this Committee on September 10, 1997. The majority on this Committee called her in for a second and a third day of depositions on February 18 and 19, 1998. Many of the questions posed to Ms. Scott by the majority staff during the House depositions covered issues about which she had already testified in the Senate.

Today, the majority staff will be conducting a fourth day of deposition of Ms. Scott. This appears to be entirely unnecessary. During her previous three days of depositions in the House, Ms. Scott answered questions from the majority staff for over 17 hours. In total, she has responded to over 25 hours of questioning from House and Senate staffers in closed-door depositions. It would seem inconceivable that there is any point besides harassment to subject Ms. Scott to additional questioning.

The majority staff has maintained that the additional deposition is needed because in her last deposition session on February 19, on the instruction of her counsel, Ms. Scott declined to answer questions on the limited issue of her conversations with White House counsel regarding the substance of a June 28, 1994, memorandum she authored. Since the February 19 deposition,

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however, Mr. Pierson has advised this Committee that Ms. Scott's conversations with White House counsel on the substance of the memo were "entirely consistent with, contained no other content and were no more extensive in substance than the testimony that Ms. Scott has given" both to the Senate and this Committee on the document. He further represented that Ms. Scott was willing to provide this Committee with an affidavit to confirm the substance of her conversations with the White House counsel about the memorandum.

Not only did the majority staff reject Mr. Pierson's offer, the majority staff has refused to agree to limit the scope of today's deposition to Ms. Scott's conversation with the White House counsel. The position of the majority staff is that the staff has the right to subject Ms. Scott to additional questioning on any topic of interest to the majority staff.

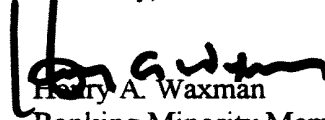
The manner in which the majority proceeded in scheduling Ms. Scott's deposition also gives cause for concern. On March 23, 1998, the majority issued a notice to all Committee members announcing a March 26 "continuing" deposition of Ms. Scott. According to Mr. Pierson, however, the majority never attempted to contact Ms. Scott to determine if this would be a convenient date. Instead, on March 23, the majority told him that Ms. Scott must appear for a deposition in three days because her testimony is "time sensitive." When the minority counsel asked the majority counsel whether the majority counsel had extended Ms. Scott the simple courtesy of consulting about a mutually convenient date, majority counsel refused to answer the minority counsel's inquiry.

On March 23, Mr. Pierson told majority counsel that March 26 was not a feasible deposition date for Ms. Scott. Without asking Mr. Pierson what other dates would be feasible, the majority issued a notice to all Committee members changing the deposition date to March 27. Ms. Scott was not available on March 27, and ultimately the deposition was rescheduled for today.

I do not understand why a witness who has already been subjected to 25 hours of staff questioning would be treated in this manner. The appearance is that the majority was attempting to make Ms. Scott appear uncooperative by placing unreasonable demands upon her.

I ask that you explain to the members of the Committee -- and to Ms. Scott -- why she is being treated in this seemingly discourteous, burdensome, and unfair manner. The Committee staff has deposed over 140 individuals, but you have called only 14 of them to testify. These statistics and the treatment of Ms. Scott suggest that the National Journal was right when it said that depositions and subpoenas are being "issued willy-nilly by curious congressional staffers." ("Infinite Jeopardy," National Journal (Mar. 14, 1998))

Sincerely,



Henry A. Waxman
Ranking Minority Member

cc: Members of the Committee on Government Reform and Oversight